



AGENDA
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

- 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.** **Cable System Audit Report – David Ramberg, Cable Franchise Manager**
- B.** **Measure A Reauthorization – San Mateo County Transportation Authority Representative Howard Goode**
- 7:30 P.M.** **4.** **COUNCIL REPORTS**
- 7:40 P.M.** **5.** **PUBLIC COMMENTS (only for items which are not on the agenda – limit of three minutes per person)**
- 7:50 P.M.** **6.** **STAFF REPORTS**
- 8:00 P.M.** **7.** **COMMUNITY ORGANIZATION ROUNDTABLE REPORT (Per Resolution No. 02-31)**
- Friends of the Atherton Library**
- 8:05 P.M.** **CONSENT CALENDAR (Items 8 – 16)**
- 8.** **APPROVAL OF MINUTES OF REGULAR AND SPECIAL MEETINGS OF NOVEMBER 19 AND DECEMBER 17, 2003**

9. **APPROVAL OF BILLS AND CLAIMS FOR DECEMBER 2003 IN THE AMOUNT OF \$735,991**
10. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR DECEMBER 2003**
11. **SECOND READING AND ADOPTION OF ORDINANCE NO. ____ AMENDING ATHERTON MUNICIPAL CODE CHAPTER 10 RELATING TO PARKING AND CHAPTER 15.40 RELATING TO CONSTRUCTION REGULATIONS**

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

Recommendation: Adopt Ordinance No. ____, amending Atherton Municipal Code Chapter 10 relating to parking and Chapter 15.40 relating to construction regulations, and waive further reading. Ratify action adopting resolution adopting Guidelines for Construction, Operation and Parking Plans.

12. **SECOND READING AND ADOPTION OF ORDINANCE NO. ____ AMENDING ATHERTON MUNICIPAL CODE SECTION 8.10 REGARDING TREE PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS**

RATIFICATION OF RESOLUTION NO. 03-29, ADOPTING TREE PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS AND ESTABLISHING A FEE FOR A CIVIL PENALTY

Recommendation: Adopt Ordinance No. ____, amending Atherton Municipal Code Section 8.10 regarding tree preservation guidelines, standards and specifications, and waive further reading. Ratify action adopting resolution approving Tree Preservation Guidelines, Standards and Specifications and establishing civil penalty fee for damage to or unpermitted removal of heritage trees.

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

Recommendation: Accept the work and authorize recordation of a notice of completion for the Elena Avenue Box Culvert project.

14. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SURVEYING SERVICES FOR 2005 STREET RECONSTRUCTION

Recommendation: Accept the proposal and authorize 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. AWARD OF CONTRACT FOR HOLBROOK-PALMER PARK RESTROOM EXPANSION PROJECT NUMBER 03-008

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

16. AWARD OF CONTRACT FOR HOLBROOK-PALMER PARK LANDSCAPE MAINTENANCE

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

REGULAR AGENDA (Items 17 – 22)

8:10 P.M. 17. MID-YEAR BUDGET REVIEW

Recommendation: After consideration, accept the Mid-Year Budget Report and approve the adjustments to estimated revenues and appropriations described within Attachment 1 to the staff report.

8:45 P.M. 18. CONSIDER ACCEPTANCE OF GRANT FROM CABLE CO-OP FOR EQUIPPING THE COUNCIL CHAMBERS FOR CABLE BROADCAST OF TOWN MEETINGS

Recommendation: Consider and provide direction to staff regarding acceptance of grant from Cable Co-op in the amount of \$50,000, and matching fund commitment.

- 9:00 P.M. 19. **CONSIDER AUTHORIZING THE ATHERTON POLICE DEPARTMENT TO SUBMIT A REQUEST FOR A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS)**

Recommendation: Consider the request of the Atherton Police Department to apply for a grant from the California Office of Traffic Safety.

- 9:15 P.M. 20. **DISCUSSION AND POSSIBLE ACTION - RECOMMENDATION FROM WASTE REDUCTION COMMITTEE REGARDING DEMOLITION SALES**

Recommendation: Consider recommendation from the Waste Reduction Committee regarding requirements for Demolition Sales, and give appropriate direction to staff.

- 9:35 P.M. 21. **CONSIDER ADOPTION OF A RESOLUTION EXTENDING A TEMPORARY NO PARKING ZONE ON OAK GROVE AVENUE**

Recommendation: Consider adoption Resolution No. 04-___, 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.

- 9:45 P.M. 22. **APPROVAL OF MAYOR'S 2004 CITY COUNCIL COMMITTEE ASSIGNMENTS**

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

Recommendation: Approve the Mayor's 2004 Council Committee assignments as stated in the Staff Report, and consider C/CAG Board's request for extension of appointment of Council representative.

- 10:00 P.M. 23. **PUBLIC COMMENTS**

- 10:10 P.M. 24. **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
Town of Atherton
CITY COUNCIL MEETING
November 19, 2003
6:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

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

1. ROLL CALL

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

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 at 6:50 p.m. The following action was taken:

- A. CONFERENCE WITH LABOR NEGOTIATOR – Labor Negotiations pursuant to Government Code Section 54957.6**
Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Local Union 856
Non-management miscellaneous employees

No action.

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

Direction was given to the City Attorney to initiate litigation re: cutting of a heritage tree without a permit.

- C. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9(a): Two cases.**

- a. Richard T. LemMon et al. v. Town of Atherton et al.**

No action.

- b. Priceless LLP v. Teamsters Local 856 et al.**

No action.

- D. LIABILITY CLAIM – pursuant to Government Code Section 54956.95**
Claimant: Helen L. Imperiale
Agency Claimed Against: Town of Atherton

The Council voted unanimously to deny the claim.

5. ADJOURN

The meeting adjourned at 6:55 p.m.

Respectfully submitted,

James R. Janz, Mayor



**Draft Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT**

November 19, 2003

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Janz called the meeting to order at 7:02 p.m.

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

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

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

- 3. PRESENTATIONS**
 - A. Recognition of Red Ribbon Week**
Mayor Janz, Lt. Glenn Nielsen and D.A.R.E. Officer Bruce Potts presented prizes to the Red Ribbon Week poster winners from local elementary schools.
 - B. Menlo Park Fire Protection District – Community Emergency Response Team (CERT) Neighborhood Program**
The Menlo Park Fire District presented information on the Community Emergency Response Team (CERT) Neighborhood Program, and the need for volunteers from the community.

- 4. COUNCIL REPORTS**

- Councilmember Conwell reported that at the San Francisco Airport Roundtable it was noted that traffic counts are up but noise complaints are down to 200 a month. C/CAG has formed a new conflict of interest/ethics committee and Mr. Conwell is the Chair of the committee. At the Criminal Justice Council meeting the value of police ridealongs was discussed. Councilmember Conwell asked the Police Department to do more to educate the residents that police ridealongs are available in Atherton.
- Mayor Janz stated that he attended a Caltrain meeting and that subject will be discussed later on the agenda. He reported on the Peninsula Gateway Corridor Study Committee, which is looking to link Highway 101 with the Dumbarton Bridge. He also attended an interesting forum, put on by a housing alliance, where a group of community leaders looked at the process of creating much needed housing in San Mateo County. The group conducted some large scale efforts with county citizens, and there was a consensus that there was a housing crisis. While the group couldn't come to a consensus on lower income housing, they supported regional approaches, and agreed that some new taxes would be necessary along with reliable watchdog mechanisms.
- Council Member Carlson stated that the Joint Finance/Building and Facilities Committee met and reviewed the issue of a property transfer tax, and asked the City Attorney to obtain an opinion from an expert specializing in this area. The committee also reviewed the intermediate range financial plan, and looked at how to deal with looming deficits on the Town's horizon. Also reviewed was false alarm revenue, which is down, and the committee decided not to recommend any changes to the Council at this time.
- Council Member Marsala announced that the Governor rescinded the vehicle license fee (VLF), and the Town will be paying attention to this as it is an important source of revenue. The Library JPA will be presenting a new agreement in December, and he reported that they are trying to settle a conflict with the Library director position so he/she knows whom to report to. The General Plan Committee met and reviewed tree preservation guidelines, discussed the legality of construction parking (Vehicle Code 22507) and establishing resident-only parking districts. City Attorney Marc Hynes explained ramifications of implementing this code. The Waste Reduction Committee met and there will be no resident fee increases this year. Recycling of organic matter and demolition sales were discussed. Council Member Marsala will meet with the Chair of the Park and Recreation Commission to discuss the parameters of a possible Joint City Council/Park and Recreation Commission meeting.
- Vice Mayor McKeithen announced that the Town has a \$200,000 credit in our account with Browning Ferris Industries (BFI), the Town's franchise waste hauler. The General Plan Committee met and came up with four issues that a construction parking subcommittee needs to address: (1) applicants have to file a parking plan; (2) parking must be on-site; (3) look at case by case exceptions; and (4) signs will need to be posted. The subcommittee is still looking into whether this is enforceable. The committee also

reviewed tree preservation guidelines and specifications. The Town's consultants BKF and H.T. Harvey met on the Atherton Channel issue regarding the red legged frog and a report was drafted on how to enhance the environment for the red legged frog. The Public Works Department reviewed the draft, and the next step is a Section 7 consultation with the Army Corp of Engineers.

5. PUBLIC COMMENTS

- John Fiber, owns a home in Atherton built in the 1870s and completed a renovation.
- Jim Dobbie, regarding construction parking.

6. STAFF REPORTS

City Manager Jim Robinson reported that the poles for the Valparaiso signal are due to arrive soon, and should be up and operational by the end of this calendar year. He attended a meeting of city managers to discuss the Measure A reauthorization which is up in 2008, and a report will be coming back to each city council in January. The measure would include 47% transit projects and 53% street projects. The effort is to look at those projects with most benefit in San Mateo County. The strategy is to have the measure on the ballot in November 2004. A report will come back to council with more specifics.

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

- A. CONFERENCE WITH LABOR NEGOTIATOR – Labor Negotiations pursuant to Government Code Section 54957.6
Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Local Union 856
Non-management miscellaneous employees

No action.

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

Direction was given to the City Attorney to initiate litigation re: cutting of a heritage tree without a permit.

- C. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9(a): Two cases.

- a. Richard T. LemMon et al. v. Town of Atherton et al.
No action.

- b. **Priceless LLP v. Teamsters Local 856 et al.**
No action.

- D. **LIABILITY CLAIM – pursuant to Government Code Section 54956.95**
Claimant: Helen L. Imperiale
Agency Claimed Against: Town of Atherton

The Council voted unanimously to deny the claim.

- 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**
No report.

CONSENT CALENDAR

Mayor Janz requested to remove Item No. 12 and move it to the end of the agenda, and to pull Item No. 13 as well, which will come back to the Council at a later date.

Council Member Carlson requested to pull Item No. 20, and Vice Mayor McKeithen requested to pull Item No. 18.

MOTION – to approve the Consent Agenda with the exception of Items 12, 18, and 20 which were placed on the Regular Agenda. Item No. 13 was not acted upon and will come back to the Council at a future meeting.

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

- 8. **APPROVED MINUTES OF REGULAR AND SPECIAL MEETING OF SEPTEMBER 17, 2003 AND SPECIAL MEETING OF OCTOBER 6, 2003**
- 9. **APPROVED BILLS AND CLAIMS FOR OCTOBER 2003 IN THE AMOUNT OF \$1,110,402**
- 10. **ACCEPTED MONTHLY FINANCIAL REPORT FOR OCTOBER 2003**
- 11. **ACCEPTED QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2003**
- 12. **Removed from Consent Agenda - APPROVAL OF AGREEMENT BETWEEN FELTON GABLES HOMEOWNERS ASSOCIATION AND TOWN OF ATHERTON TO PROVIDE FOR ACCESS TO HOLBROOK-PALMER PARK**

- 13. This item was postponed until a future meeting date – SECOND READING AND ADOPTION OF ORDINANCE RATIFYING AN ORDINANCE OF THE MENLO PARK FIRE PROTECTION DISTRICT PERTAINING TO FIRE SPRINKLER SYSTEM REQUIREMENTS**

Recommendation: Staff recommends continuation of this item. The Menlo Park Fire District has requested that this item be continued following consideration by the Cities of East Palo Alto and Menlo Park.

- 14. APPROVED TOW COMPANY CONTRACT**

Approved the contract with Able Towing Co. for addition to the Atherton Police Department Tow Rotation List.

- 15. APPROVED PLANS AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR HOLBROOK-PALMER PARK RESTROOMS**

Approved the plans and specifications and authorized advertisement for bids for the Holbrook-Palmer Park Restroom Expansion Project, Project No. 03-008.

- 16. ADOPTED RESOLUTION NO. 03-22 RESCINDING RESOLUTION NO. 03-20 (CORRECTION TO EXHIBIT “A”) AND AUTHORIZING HOURLY SALARY RANGES FOR PART TIME AND TEMPORARY EMPLOYEES FOR FISCAL YEAR 2003-04**

Adopted Resolution No. 03-22 rescinding Resolution No. 03-20 (correction to Exhibit “A”) and Authorizing Hourly Salary Ranges for Part Time and Temporary Employees for Fiscal Year 2003-04, to correct an error in a calculation for an hourly salary range.

- 17. ADOPTED RESOLUTION NO. 03-23 AUTHORIZING APPLICATION FOR A BICYCLE TRANSPORTATION ACCOUNT GRANT; and ADOPTED RESOLUTION NO. 03-24 ADOPTING A BICYCLE TRANSPORTATION PLAN TO INCORPORATE THE SAN MATEO COUNTY COMPREHENSIVE BICYCLE ROUTE PLAN**

(A) Adopted Resolution No. 03-23 Authorizing Application for a Bicycle Transportation Account Grant and Committing the Required Local Match;

(B) Adopted Resolution No. 03-24 Adopting a Bicycle Transportation Plan to Incorporate the San Mateo County Comprehensive Bicycle Route Plan and to Comply with Section 891.2 of the California Streets and Highways Code.

- 19. APPROVED OF PARTICIPATION IN HOUSING ENDOWMENT AND TRUST OF SAN MATEO COUNTY**

Adopted the recommendation of the Council Finance Committee that the City Council authorize the Mayor to execute the attached Joint Exercise of Powers Agreement for the Housing Endowment and Trust of San Mateo County which would provide for participation in the San Mateo County Housing Foundation.

21. APPROVED ISSUANCE OF A REQUEST FOR PROPOSALS FOR PARK GROUNDS MAINTENANCE SERVICES FOR HOLBROOK PALMER PARK

Authorized advertisement for bids for the Holbrook-Palmer Park Grounds Maintenance contract per the recommendation of the Park and Recreation Commission.

REGULAR AGENDA

The following item was removed from the Consent Agenda.

18. APPROPRIATIONS FOR CONTRACT PLAN CHECK SERVICES FOR THE BUILDING DEPARTMENT

Finance Director John Johns presented the staff report and responded to Council questions. He stated that the department would like to augment its resources when necessary to expedite the building permit process.

MOTION – to increase appropriations for contract plan check services by \$50,000 and reduce reserves for future building inspections by an equivalent amount as recommended by the Finance Committee.

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

22. APPOINTMENT OF COUNCIL MEMBERS AND RESIDENT MEMBERS TO CALTRAIN CORRIDOR AD HOC COMMITTEE

Council Member Marsala stated that he and Council Member Conwell met as the Screening Committee this morning and they approve of those they interviewed, and would like to speak with the remaining two applicants who were not available for interviews.

MOTION – Appoint the following individuals to the Caltrain Corridor Ad-hoc Subcommittee, as recommended by the Screening Committee: Christopher Cobey, Fred Wolin, Mike McPherson, Philip Lively, Jerry Carlson, Doris Kellett, and Phil Mitchell.

M/S Marsala/Conwell Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Mayor Janz is the only Council Member on the committee now. The Council will consider adding other Council Members to the committee when committee appointments are looked at in January 2004.

24. DISCUSSION OF PROPOSED CALTRAIN SERVICE REDUCTIONS

City Manager Jim Robinson reported that the Town was informed several weeks ago that as a result of the implementation of the “Baby Bullet” train service, there would be a number of schedule changes to Atherton train service. The current proposal is to eliminate weekend service and reduce weekday stops from 30 to 19. No public hearings were held by Caltrain regarding the service reduction, just public comments meetings, where both the Mayor and City Manager expressed concerns about the process and the need for more opportunity to comment. A public hearing is now to be held January 8, 2004, and the deadline for public comments is now November 28, 2003, as it was extended. The purpose of item on this agenda is to provide an opportunity for public comment and any direction to staff. The change in schedule will impact students coming to schools in Atherton.

Mayor Janz stated that the Town was taken by surprise, as we did not know that weekend service was going to be eliminated and weekday service reduced. He stated that any public comments received this evening would be forwarded to Caltrain.

Discussion was held regarding how the elimination of weekend service will affect the Town during baseball season and festivals. Concerns with the lack of any public hearings were discussed. Vice Mayor McKeithen stated that Caltrain formerly stated that they would be happy to meet in Atherton and that the Council should insist that a public hearing be held here in Town.

Jim Dobbie, Atherton resident, stated that Caltrain does not seem very interested in comments from residents at the moment and that if there is a public hearing, we should arrange a very large turnout.

Jack Ringham, Atherton resident, presented the historical background of train service in Atherton. He stated that the train was originally geared toward commuters to San Francisco. He recommended that Caltrain and BART schedules should be coordinated, and that a joint ticketing system be developed between Caltrain and BART.

(There is one other public comment regarding this item which was taken during Agenda Item No. 23, from Robert Corona, Menlo Park.)

At 9:17 p.m., Mayor Janz called for a recess, and reconvened the meeting at 9:26 p.m.

23. REPORT ON TOWN PROCESSES RELATED TO BUILDING PERMIT FOR 85 ORCHARD HILLS DRIVE, LANDSCAPE SCREENING PLAN FOR RETAINING WALL, AND RELATED SITE IMPROVEMENTS AND DEVELOPMENTS

At the September 17, 2003 City Council meeting, at the request of Vice Mayor McKeithen, Council directed staff and City Attorney Marc Hynes to respond to questions in regard to building permits, landscape screening plans, and related site improvements for 85 Orchard Hills Drive. City Attorney Hynes stated that his responses to Vice Mayor McKeithen's questions were contained in his staff report. A written report in response to a written submission from Vice Mayor McKeithen was prepared by staff and accompanied the staff report.

Mayor Janz noted that the motion in the minutes from the September meeting reflected a total of 6 specific items in question, but that 2 of the items were not covered in the staff report – 4) staff to make recommendations to cover any loopholes in Town code or procedures, and 5) are the planted oleanders the ones described in the landscape screening plan? Town Arborist Kathy Hughes Anderson stated in response to No. 5 that she is in agreement with what was planted.

The City Attorney stated that he did not see any loopholes, but that the issue of a road impact fee based on landscape improvements can be addressed by the Council if they desire. Approximately 40 projects per year would involve only landscaping.

Council Member Carlson stated that Vice Mayor McKeithen had asked for this item to be addressed at the September Council meeting for the purpose of examining perceived irregularities in the Building Department. He noted the seriousness of this agenda item, and gave an overview of the actions taken during and subsequent to the July 17, 2002 public hearing at which the appeal regarding the construction of the retaining wall at 85 Orchard Hills Drive was heard by the Council.

Council Member Carlson then made extensive inquiries of Building Official Mike Hood related to the processes used by the Building Department in the issuance of the Orchard Hills building permits and landscape screening plans.

Vice Mayor McKeithen stated that the issues she raised are not legal issues but process issues. One of her concerns was why work on the wall was started without a landscape screening agreement.

Mayor Janz called for public comments at this time.

Robert Corona, Menlo Park, stated that he wanted to comment on Agenda Item 24 but had missed the item. Pertaining to Caltrain service reductions, he commented that there are seven stations that are slated for reduction in service on weekdays. He stated that little savings will be made by the reduction and that instead of attracting new riders, it is bound to lose customers. He uses the Menlo Park train station and the number of trains he can use to go to certain stops are limited. He stated that he hopes Atherton will join with other cities and make the Town's opinion known to the Caltrain board.

Scott Mitchell, Atherton, an architect who has been working with the Town since 1976, spoke regarding the Atherton Building Department. He stated that the Atherton Building Department is the most professional group he has ever worked with.

Mayor Janz called for a break at 11:57 p.m. The Council reconvened at 12:07 a.m.

Vice Mayor McKeithen continued the discussion of the regulations for accessory structures, and voiced her concerns with the process used for issuing the permits for 85 Orchard Hills. She requested Building Official Hood to provide her with the code section that refers to the regulation of accessory structures. Mr. Hood responded to additional questions.

Mayor Janz stated that the main questions regarding the 85 Orchard Hills project have been addressed by staff and that there have been no actionable improprieties, such as false representations by the owner, upon which the Council can act. The six questions in the motion from the September meeting have been addressed and the questions left relate to policy. The policy questions remaining are: 1) Should there be a road impact fee for landscaping, 2) Should landscaping be allowed to go in anytime in the five year period as long as it is completed by the end of the five years, 3) Should the landscape screening plan be required as part of the agreement, sometime later, or before, 4) Should Code Sections 17.50.050 and 17.50.060 concerning landscape screening agreements be revised, and 5) Should every landscape screening plan be treated separately and charged separately. Mayor Janz stated that it would be appropriate to bring these items back to Council at a later time and decide if they should be addressed by the General Plan Committee.

Council Member Carlson concurred with Mayor Janz that the Building Department had dealt in an even-handed manner with the permitting process related to 85 Orchard Hills Drive. He stated that if the Council wishes to change policies and procedures, and it is deemed appropriate by a majority vote, so be it. He stated that there are two issues, one is the issue of the irregularities, and the other is the issue of process. He stated that he would like for an item to be placed on the next agenda to address the method in which matters are placed on the agenda.

Council Member Marsala reflected on the Town Mission statement and expressed his concerns with the amount of time spent on this issue and the process for items being placed on the agenda.

Vice Mayor McKeithen stated that several items came up as a result of the Council looking at the issues including a possible road impact fee for landscape screening plans, taking a closer look at valuation and the owner/builder designation, and whether there shouldn't be agreements allowed between parties with regard to landscape on an adjacent landowner's property.

Council Member Conwell suggested that the manner in which these issues were handled could have been done better, but that some good has resulted from the discussion.

Lou Paponis spoke from the audience.

MOTION - (1) the report of the City Attorney and its attachments be accepted by the Council, (2) the City Attorney's report and attachments be made part of the minutes of tonight's meeting, (3) that with the exception of those items where the city attorney found minor errors in the process, that the Council affirmatively find that the Building Department and the Building Official engaged in no irregularities in the permitting process for 85 Orchard Hills.

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

Mayor Janz called for a break at 1:18 a.m. The meeting reconvened at 1:23 a.m.

25. CONSIDER CABLE CO-OP GRANT APPLICATION TO EQUIP THE COUNCIL CHAMBERS FOR CABLE BROADCAST OF TOWN MEETINGS

Assistant to the City Manager Linda Kelly presented the staff report.

Lou Paponis spoke from the audience in favor of cablecasting.

MOTION – to apply for the grant, and submit an accompanying letter from the Mayor that we would like to have our meetings broadcast.

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

MOTION - to defer Items 12 and 20 on agenda to the next meeting due to the lateness of the hour.

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

12. APPROVAL OF AGREEMENT BETWEEN FELTON GABLES HOMEOWNERS ASSOCIATION AND TOWN OF ATHERTON TO PROVIDE FOR ACCESS TO HOLBROOK-PALMER PARK

Recommendation: Approve an agreement with Felton Gables Homeowners Association to provide access to Holbrook-Palmer Park. (Continued from October 15, 2003 Regular Council Meeting.)

20. REFER REVIEW OF SPECIAL EVENTS ORDINANCE TO GENERAL PLAN COMMITTEE

Recommendation: Refer to the General Plan Committee the Special Events Ordinance for review and recommendation. Specifically, it is requested that the General Plan Committee review the maximum time permitted for the life of the Special Events Permit issued and determine what specific time constraints, if any, should be imposed on permitted events within the Town.

26. PUBLIC COMMENTS

Lou Paponis spoke from the audience.

27. ADJOURNMENT

The meeting adjourned at 1:58 a.m

Respectfully submitted,

Linda Kelly, Acting City Clerk



**Draft Minutes
Town of Atherton
CITY COUNCIL
December 17, 2003
6:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting**

Mayor Janz called the meeting to order at 6:05 p.m.

ROLL CALL

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

City Manager Jim Robinson and City Attorney Marc 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.**

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

No action was taken.

ADJOURN

The meeting adjourned at 6:55 p.m.

Respectfully submitted,

James R. Janz, Mayor



**Draft Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
December 17, 2003
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California**

REGULAR MEETING

Mayor Janz called the meeting to order at 7:05 p.m.

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

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

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

- 3. PRESENTATIONS**

A. Presentation to Outgoing Mayor James R. Janz
Vice Mayor Kathy McKeithen presented Mayor Janz with a plaque in appreciation for his efforts as Mayor during the past year.

- 4. CITY COUNCIL REORGANIZATION**

Selection of Mayor and Vice Mayor:

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

Council Member Conwell nominated Vice Mayor McKeithen for the office of Mayor.

Council Member Marsala seconded the nomination.

MOTION – to close the nominations and elect Vice Mayor McKeithen to the office of Mayor.

M/S Conwell/Marsala

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

Council Member Marsala nominated Council Member Conwell for the office of Vice Mayor. Mayor McKeithen seconded the nomination.

MOTION – to close the nominations and elect Council Member Conwell for the office of Vice Mayor.

M/S Conwell/McKeithen

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

Oaths of Office were administered to Mayor McKeithen and Vice Mayor Conwell by the City Clerk. Mayor McKeithen and Vice Mayor Conwell were seated and the gavel was handed over to Mayor McKeithen.

5. COUNCIL REPORTS

- **Vice Mayor Conwell reported on the San Francisco Airport Roundtable meeting. Noise complaints are down and with the economy improving, passenger traffic has increased. A new landing procedure has been implemented to allow two aircraft to land at the same time. There was no Criminal Justice meeting this month. At their last meeting, C/CAG addressed support for Measure A and renewed the contract with their lobbyist.**
- **Council Member Carlson reported that Item 22, an update to the Town's Financial Plan, is on this agenda as a result of the Finance Committee meeting. He asked staff to address having the City Council chairs either repaired or replaced.**
- **Council Member Marsala reported that Items 21 and 23 are on the agenda as recommended by the General Plan Committee. Item 24, approving in concept changes to the San Mateo County Library Authority Joint Powers Agreement, is on the agenda at the request of the Library JPA Board. The Friends of the Library held an open house today. Council Member Marsala also announced that Menlo College has students available to the Town for volunteer internships. He also noted that on Thursday, January 29, a high speed rail forum will take place in San Jose. The Waste Reduction Committee met and considered changing demolition sales requirements. The League of California Cities is sponsoring a ballot initiative requiring the Legislature to return to voters prior to taking local monies. He reminded the Council that special note should be taken regarding the many issues that will be on the November 2004 ballot along with the parcel tax measure.**
- **Council Member Janz reported that Items 19 and 20 are on the agenda as a result of the Caltrain Corridor Subcommittee meeting on December 8. The Waste Reduction**

Committee met on December 10 and recommended the commercial organics program which is on tonight's agenda. Council Member Janz reported that he was appointed for a three-month term to the San Mateo County Housing Endowment and Trust Board at the Council of Cities meeting. This is a joint effort of the county and cities to secure housing grants and loans to foster housing within the county. He will have more information in the future.

- Mayor McKeithen reported that the Atherton Channel District Subcommittee has not met recently. Public Works Director Duncan Jones will report on the status of the studies.

6. PUBLIC COMMENTS

The following members of the audience spoke:

- Virginia Ruggiero, Atherton – regarding new businesses along El Camino Real advertising that they are in Atherton.
The Council asked the City Manager to contact Bonsai Restaurant and explain the residents' concerns.
- Janet Simonds, Atherton
- David Clark, Atherton
- John Sisson, Atherton, read a letter from Atherton resident Herman Christiansen regarding actions of the Building Department.

7. STAFF REPORTS

- City Manager Jim Robinson announced the Caltrain Corridor Subcommittee will meet January 6, at 7:00 p.m., and will also hold a community meeting on January 27 to discuss changes in weekend and other services.
- Public Works Director Duncan Jones stated that in reference to Item 15, the new stormwater plan, the C/CAG Director has requested that a modification be made to the NPDES resolution. Under Item 2 of the resolution language will be inserted allowing the Executive Director to make minor changes to the plan. In addition to the modification of the resolution, a paragraph was removed from Page B31, Paragraph 2, of the plan itself, relating to municipalities seeking to get any illicit discharge cleaned up.
- Public Works Director Jones also reported that the three steel plates in the road on Ashfield Road and Station Lane are for water, sewer and storm lines for the new corporation yard.
- Assistant to the City Manager Linda Kelly reported that the Town has received notification that it is a recipient of a Cable Coop Legacy Funding Grant. The grant amount of \$50,000 is for video equipment for cablecasting city council meetings. Matching funds are required. Staff is currently looking at cable equipment. An item will placed on the January agenda for council consideration.
- Marc – reported out of closed session as follows:

A. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation pursuant to Government Code Section 54956.9(c): Twelve potential cases.

There was no reportable action.

8. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Marion Oster, President of the Atherton Heritage Association, gave an update of the Association’s activities and explained the services the Association provides. The Heritage Room at the Council Chambers is open to the public Tuesdays from 10:00 a.m. to 12:00 p.m.

CONSENT CALENDAR

Council Member Carlson asked that Item 12 be removed from the Consent Agenda. Public Works Director Jones responded to questions on Items 14 and 15, stating that Public Works Superintendent Steve Tyler serves on the Task Force that developed the Pest Management policy. NPDES fees increase as a result of the State mandate.

MOTION – to approve the consent agenda with the exception of Item 12 which was moved to the end of the Regular Agenda.

M/S Conwell/Janz

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

9. APPROVED MINUTES OF REGULAR AND SPECIAL MEETINGS OF OCTOBER 15, 2003

10. APPROVED BILLS AND CLAIMS FOR NOVEMBER 2003 IN THE AMOUNT OF \$1,078,124

11. ACCEPTED MONTHLY FINANCIAL REPORT FOR NOVEMBER 2003

12. REFER REVIEW OF SPECIAL EVENTS ORDINANCE TO GENERAL PLAN COMMITTEE (Continued from the Meeting of November 19, 2003)

Removed from the Consent Agenda and placed at the end of the Regular Agenda.

13. APPROVED PLANS AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE HOLBROOK-PALMER PARK MAIN HOUSE ELEVATOR PROJECT

Approved the plans and specifications and authorized advertisement for bids for the Holbrook-Palmer Park Main House Elevator Project, Project No. 03-009.

14. ADOPTED RESOLUTION NO. 03-25 ADOPTING AN INTEGRATED PEST MANAGEMENT POLICY

Adopted Resolution No. 03-25 adopting the San Mateo Stormwater Pollution Prevention Program Model Integrated Pest Management Policy.

15. ADOPTED RESOLUTION NO. 03-26 TO REAPPLY FOR REISSUANCE OF THE MUNICIPAL STORMWATER NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO ACCEPT AND ADOPT THE SAN MATEO COUNTYWIDE STORMWATER MANAGEMENT PLAN FOR 2004-2009

Adopted Resolution No. 03-26 authorizing the reissuance of the NPDES permit and commit to the implementation of permit requirements through a Stormwater Management Plan.

16. ACCEPTED AND APPROVED THE FINAL MAP FOR A LOT LINE ADJUSTMENT AT 76 AND 86 TALLWOOD COURT

Accepted and approved the final map for a lot line adjustment at 76 and 86 Tallwood Court.

17. ADOPTED RESOLUTION NO. 03-27 APPROVING THE SECOND AMENDMENT TO THE FRANCHISE AGREEMENT BETWEEN THE TOWN OF ATHERTON AND BFI WASTE SYSTEMS OF NORTH AMERICA, INC.

Adopted Resolution No. 03-27 approving the Second Amendment to the Franchise Agreement and approving a 35% reduction to the rate for participation in the commercial organics program as recommended by the Atherton Waste Management Committee.

REGULAR AGENDA

18. APPROVAL OF AGREEMENT BETWEEN FELTON GABLES HOMEOWNERS ASSOCIATION AND TOWN OF ATHERTON TO PROVIDE FOR ACCESS TO HOLBROOK-PALMER PARK

City Attorney Marc Hynes presented the staff report and the draft agreement allowing the Felton Gables Homeowners Association access to Holbrook-Palmer Park. He stated that Michael Mimeles, President of the Homeowners Association, had concerns with several points regarding the revised agreement including payment of city costs relative to preparing the agreement and the amount of time that would be required to terminate the agreement.

City Manager Jim Robinson stated that he had received a call from Park and Recreation Commissioner Cat Westover reminding the Council that the Commission had approved of the access.

Mayor McKeithen also mentioned a third point the Association had brought up, that upon termination of the agreement, the Association couldn't guarantee that the gate would not be used.

The City Attorney stated "Exhibit B" in the staff report is his suggested version and that Felton Gables representatives had not commented on it.

John Rugeiro spoke from the audience.

The City Manager stated he is not aware of any complaints regarding the gates from private properties located adjacent to the Park. In response to Vice Mayor Conwell's comments, City Manager Robinson stated that the proposed gate will provide general access to the Park from the Felton Gables neighborhood and the benefit will be to have more people walk into the Park rather than drive into it. The City Attorney stated that the distinction between private gates and this gate is that the Town could build a fence along park property to stop private access.

Felton Gables representative, Mr. Mimeles, stated the two main issues involve the Association's ability to fix whatever breach there might be to avoid termination of the agreement, and the fees for preparation of the agreement. He expressed concern that they may be priced out of the project. He stated that the Association would like to provide the access with the Town's blessing and that the Association will be replacing fencing along the Park property.

Discussion ensued regarding inserting language in the agreement that the Town will give 90 days notice to the Association of any problem that needs attention in order to allow the Association time to cure it.

Discussion was also held regarding the waiving of the attorney fees. The City Manager stated if the Council chooses to waive the fees, it is more of a policy matter.

MOTION - to approve the agreement with Felton Gables Homeowners Association to provide access to Holbrook-Palmer Park, with the following changes – waive attorney fees by deleting item No. 9 of the draft agreement, insert 90 day notice and cure language in the termination provision, and delete any post-term obligations on behalf of Felton Gables Homeowners' Association other than paying for costs to secure the gate.

M/S Carlson/Janz

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

Lou Paponis spoke from the audience.

19. APPOINTMENT OF RESIDENT MEMBERS TO CALTRAIN CORRIDOR AD HOC SUBCOMMITTEE

City Manager Jim Robinson presented the staff report for this item, stating that the City Council Screening Committee interviewed and are recommending the appointments of four resident members to the Caltrain Corridor Subcommittee.

MOTION – to approve the appointment of Rosemary Maulbetsch, Malcolm Dudley, Gustavo Edylsteyn, and Jack Ringham as resident members of the Caltrain Corridor Subcommittee.

M/S Marsala/Conwell

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

20. CALTRAIN CORRIDOR AD HOC SUBCOMMITTEE UPDATE

City Manager Jim Robinson presented this update. The Subcommittee held their first meeting on December 8, 2003. This organizational meeting was attended by the resident members who were appointed at the last Council meeting as well as those who were appointed at tonight's meeting. The meeting was chaired by Council Member Janz. City Manager Jim Robinson was also in attendance. The agenda included discussion on the proposed reductions in weekday and elimination of weekend Caltrain service and an update and discussion on High Speed Rail and Grade Separations.

A community meeting is planned for Tuesday, January 27, 2004 at 7:00 p.m. to receive comments from residents regarding the proposed Caltrain changes. Staff will attempt to arrange for a Caltrain representative to attend the meeting.

The Subcommittee recommended that a petition be developed that would allow residents of Atherton to express their desire to retain the existing level of weekday and weekend Caltrain service. The petition would provide information to the public regarding the proposed changes and would be placed in public locations for residents to sign. The signed petitions or letters/e-mails received by the Town will be forwarded to Caltrain/Samtrans in advance of their February 5, 2004 Board meeting.

Council Member Janz explained that Item No. 3 on the proposed petition, "limited service" actually means the express train that used to service Atherton. Several changes to the petition were recommended. Staff will explore placing the petition as an insert in the Almanac.

Council Member Janz reported on the upcoming meetings. Caltrain is still in the process of revising the schedule and it is anticipated that the revised schedule will come out

sometime in January. The purpose of the public meeting on January 27 is to get people interested in attending the Caltrain hearing in February.

Jack Ringham, Caltrain Corridor Subcommittee Member, spoke regarding the approach Caltrain should use to entice more riders.

The Council directed staff to pursue placing the petition in the Almanac as soon as possible and to place an article in the Athertonian regarding the proposed schedule changes.

**21. CONSIDER INTRODUCTION FOR ADOPTION AN ORDINANCE AMENDING
ATHERTON MUNICIPAL CODE CHAPTER 10 RELATING TO PARKING AND
CHAPTER 15.40 RELATING TO CONSTRUCTION REGULATIONS**

**CONSIDER ADOPTION OF A RESOLUTION ADOPTING GUIDELINES FOR
CONSTRUCTION, OPERATION AND PARKING PLANS**

Deputy Town Planner Lisa Costa Sanders presented the staff report for this item. At the request of the Planning Commission, the City Council referred the issue of construction parking to the General Plan Committee for further study. The General Plan Committee discussed this item and formed a subcommittee to research requirements in other jurisdictions and to work with staff to develop ordinance changes and Guidelines. Staff recommends a modification to the ordinance to restrict parking and to require the submittal of a Construction, Operation and Parking Plan and the adoption of a resolution adopting Guidelines for the Plan.

Council Member Janz proposed adding language to the ordinance under Section 2 requiring construction vehicle parking to be on the same side of the street. Mayor McKeithen stated that Item 1 of the Guidelines should parallel the ordinance in authorizing the City Manager, or the City Manager's designee, to provide written permission for construction personnel parking in the public right-of-way. It was agreed that under Section 2 of the Guidelines, the Police Chief, or Police Chief's designee, would be stated as the responsible person regarding health and safety issues.

Under Item 9 of the Guidelines, it was agreed that Items b. and c. should be combined. It was also agreed that the paragraph suggested by the City Attorney in his memorandum be added to the beginning of the ordinance in order to reflect the justification of the regulations.

MOTION – to approve introduction of an ordinance amending Chapters 10 and 15 of the Atherton Municipal Code relating to construction regulations and parking as presented in the staff report with the following changes: add a recital in a “whereas” provision using the last paragraph in the City Attorney’s December 11, 2003 staff report, change language in Section 2 to reflect construction vehicle parking will be required to be on the

same side of the street, and capitalize “Building Official” in Section 4, and waive further reading.

M/S McKeithen/Carlson

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

MOTION - to adopt Resolution No. 03-28 adopting Guidelines for Construction, Operations and Parking Plans, with the modifications to the Guidelines discussed, change “Building Official” in Item No. 1 to “City Manager”, change “City Manager” in Item No. 2 to “Police Chief”, and combine Items b. and c. under Item No. 9.

M/S Janz/Carlson

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

22. ACCEPTANCE OF THREE YEAR UPDATE TO THE TOWN’S FINANCIAL PLAN

Finance Director John Johns presented this item. The Finance Committee, in March 2002, directed the City Manager and the Finance Department to prepare a three-year financial plan and to update the plan at semi-annual intervals. This update includes two versions of the plan, one assuming renewal of the parcel tax and an allocation of parcel tax proceeds consistent with FY 2003-04, and one without renewal of the parcel tax.

Council Member Carlson commented that the goal of the Finance Committee in asking for this report was to start the dialogue with residents on what the financial future of the Town is as well as to put before the community an idea of the hard choices the Council may be forced to make and what choices have already been made. He stated that it is essential that the Council consider actions to take between now and the next parcel tax election to make sure residents are aware of the financial condition of the Town. Alternatives to the parcel tax will need to be considered as well.

Mayor McKeithen asked for the status of the legal opinion regarding a property transfer tax. City Attorney Marc Hynes will follow up with the attorney.

Discussion ensued regarding the Town’s need for a revenue stream on which to rely. Increasing the term of the parcel tax was discussed as well as the timeline to be followed to put the parcel tax on the November 2004 ballot. Staff was asked to look into sending out a special edition of the Athertonian soon after the mid-year budget review is presented.

Mayor McKeithen asked the City Clerk to provide a schedule at the next meeting for putting a measure on the November 2004 ballot.

The following members of the audience spoke:

- John Ruggeiro, Atherton

- **Smith McKeithen, Atherton, commented that tonight the governor announced he would release funds to replace the Vehicle License Funds.**
- **Marion Oster, Atherton**

The Council commended Finance Director Johns on his report.

MOTION – to accept the Three-Year Financial Plan Update as presented.

M/S Carlson/Janz

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

**23. CONSIDER INTRODUCTION OF AN ORDINANCE FOR ADOPTION AMENDING
ATHERTON MUNICIPAL CODE SECTION 8.10 REGARDING TREE
PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS**

**CONSIDER ADOPTION OF A RESOLUTION APPROVING TREE PRESERVATION
GUIDELINES AND ESTABLISHING CIVIL PENALTY FEE**

Deputy Town Planner Lisa Costa Sanders presented the staff report for this item. The General Plan Committee has recommended that the Heritage Tree Ordinance be amended to include a reference to the Tree Preservation Guidelines, Standards and Specifications. Staff has proposed adoption of a resolution implementing the Tree Preservation Guidelines and establishing a civil penalty for damage to or unpermitted removal of heritage trees.

City Attorney Marc Hynes explained that a fund was established by ordinance to receive monies for civil penalties, but that the resolution was necessary to set the fee.

MOTION – 1) to approve introduction of an ordinance amending Atherton Municipal Code Section 8.10.030(B) relating to tree preservation guidelines, standards and specifications within the Town of Atherton, and waive further reading, and 2) adopt Resolution No. 03-29 approving Tree Preservation Guidelines, Standards and specifications and establishing a fee for civil penalty pursuant to Section 8.10.060 of the Atherton Municipal Code.

M/S Marsala/Conwell

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

**24. APPROVAL (IN CONCEPT) OF CHANGES TO THE SAN MATEO COUNTY
LIBRARY AUTHORITY JOINT POWERS AGREEMENT**

City Manager Jim Robinson reported that the Library Board and the Operations Committee have recommended that changes be made to the Joint Powers Authority Agreement. A Final Draft agreement will be returned to the Council for approval.

Council Member Marsala, who serves on the Library Joint Powers Board, noted that the new agreement will clarify who the Library Director will report to.

City Manager Robinson stated that Atherton will continue to get its share of “donor city” funds and that the Town has received a reimbursement of ERAF funds for the Library. The Town is also eligible for an additional \$59,000 of ERAF reimbursement.

MOTION – to approve in concept the proposed changes to the San Mateo County Library Authority Joint Powers Agreement as presented in the staff report.

M/S Marsala/Carlson

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

25. DISCUSS AND CONSIDER PROCEDURE FOR PLACEMENT OF ITEMS ON THE CITY COUNCIL AGENDA

This item was removed at the request of Council Member Carlson, who had requested that it be placed on the agenda.

Item 12 was removed from the Consent Agenda for consideration on the Regular Agenda.

12. REFER REVIEW OF SPECIAL EVENTS ORDINANCE TO GENERAL PLAN COMMITTEE (Continued from the Meeting of November 19, 2003)

Council Member Carlson asked that this item be removed from the Consent Agenda. He stated that in his opinion, this item is one that can be handled by the Council on recommendation of staff, and that it does not warrant being referred to the General Plan Committee.

Mayor McKeithen suggested that on site events at schools and country clubs should not be exempt from the ordinance and that auctions at schools should be viewed the same as any other event.

The City Manager replied that business licenses are required for auctions and that they do generate sales tax. Finance Director Johns is working on persuading vendors to report events being held in Atherton rather than at their own address.

Vice Mayor Conwell commented that some allowed events are too lengthy.

This item will be brought back to the Council with staff recommendations.

26. PUBLIC COMMENTS

There were no public comments.

27. ADJOURNMENT

The meeting adjourned at 10:38 p.m.

Respectfully submitted,

Sharon Barker, City Clerk

TOWN OF ATHERTON

CLAIMS LIST

December, 2003

Payroll Checks	3416 - 3493	\$ 40,666
Electronic Transfers		295,283
A/P Checks	16682 - 16848	400,042
	TOTAL	\$735,991

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 3416 - 3493 (payroll) and 16682 through 16848 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$735,717; are true and correct, and that there are sufficient funds for payment.

James H. Robinson
City Manager

The above claims, check numbers 3416 - 3493 (payroll) and 16682 through 16848 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$735,717; are true and correct, and are authorized for payment.

Kathy McKeithen
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$601,511
105	Tennis Fund	-
201	Special Parcel Tax	36,351
202	Transportation	-
203	Gas Tax Fund	-
210	Road Construction Impact Fees	79,679
211	Park Grants Fund	-
213	Library Special Revenue Fund	2,320
401	General Capital Projects	578
402	Storm Drainage	-
403	Atherton Channel District	2,655
404	Park Playground Improvement	-
406	Facilities Construction	6,608
610	Vehicle Replacement	-
611	Computer Maint. & Replacement	1,702
612	Administrative Services	3,065

614	Workers Compensation Insurance	-
715	Evans Estate	1,521
	TOTAL	\$735,991

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 JANUARY 21, 2004

SUBJECT: MONTHLY FINANCIAL REPORT, DECEMBER, 2003

RECOMMENDATION:

Receive the Monthly Financial Report for December, 2003.

INTRODUCTION:

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

HIGHLIGHTS

General Fund expenditures for the first six months of Fiscal Year 2003-04 have amounted to \$3,492,094 or 46% of the \$7,596,290 budgeted for the fiscal year. For the six months ending December 31, 2003, General Fund revenues have amounted to \$3,698,221 or 47% of the amount of the \$7,841,362 estimated for the year. By comparison, General Fund expenditures amounted to 48% of budgeted expenditures for the first six months of FY 2002-03. Additionally, General Fund revenues amounted to 47% of total budgeted revenues for the first six months of FY 2002-03.

In December, the Town received the first of two annual apportionments of secured property taxes. The amounts received included \$1.2 million for the General Fund, \$915,127 for the Parcel Tax Special Revenue Fund, and \$16,668 for the Atherton Channel District.

In December, the Town received its \$100,000 Supplemental Law Enforcement Services funding allocation from the County of San Mateo. Additionally, the Library Special Revenue Fund was credited with \$59,000 in additional Donor City funds. This Library Fund apportionment was Atherton's share of the excess ERAF contributions that were refunded by the San Mateo County Controller.

FISCAL IMPACT:

None

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

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

Fund	Revenue Source	2003-04 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	Property Tax	\$ 3,035,934	1,200,719	\$ 1,792,676	59%
	Sales and Use Tax	200,640	20,201	76,613	38%
	Other Taxes	882,115	45,372	196,698	22%
	Licenses & Permits	1,541,673	107,293	667,157	43%
	Fines & Forfeitures	70,000	10,330	34,786	50%
	Revenue from Other Agencies	139,000	2,560	93,070	67%
	Charges for Services	472,700	13,147	160,041	34%
	Investment & Rental Income	347,300	10,073	92,398	27%
	Other Revenues	3,000	363	10,302	343%
	Total General Fund Revenues	6,692,362	1,410,058	3,123,741	47%
	Interfund (Operating) Transfers In	1,149,000	574,480	574,480	50%
101	General Fund Total	7,841,362	1,984,538	3,698,221	47%
	Special Revenue Funds:				
105	Tennis	9,000	-	2,425	27%
201	Special Parcel Tax	1,770,000	915,127	915,127	52%
202	Transportation	177,740	14,861	85,310	48%
203	Street Improvement (Gas Tax)	149,309	22,302	94,239	63%
209	Law Enforcement	100,000	100,416	100,416	100%
210	Road Construction Impact Fees	340,000	38,416	160,008	47%
211	State Park Grants Fund	93,040	-	-	0%
213	Library	200,000	59,109	92,550	46%
	Total	2,839,089	1,150,231	1,450,075	51%
	Capital Project Funds:				
401	Capital Improvement	-	-	-	
402	Storm Drainage	-	-	-	
403	Channel Drainage District	46,000	16,848	24,159	53%
404	Park Playground Improvement	-	-	-	0%
405	Middlefield Road Grants	-	-	1,514	
406	Facilities Construction	-	-	-	
	Total	46,000	16,848	25,673	56%
	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	-	5,436	5,436	
	Total	379,171	5,436	100,229	26%
	Trust and Agency Funds:				
715	Evans Creative Design	74,000	20	9,494	13%
	Total	74,000	20	9,494	13%
	Total Revenues	11,179,622	3,157,073	5,283,692	47%

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

Fund	Description	2003-04	Current Period	Year to Date	%
	Department	Budget	Expenditures	Expenditures	Spent
101	General Fund				
	11 City Council	\$ 20,174	\$ 3,844	8,997	45%
	12 City Manager	497,895	37,254	261,556	53%
	16 City Attorney	175,551	7,864	51,284	29%
	18 Finance	434,137	27,224	180,955	42%
	25 Building	952,873	47,267	379,370	40%
	40 Police	3,629,233	299,917	1,847,964	51%
	50 Public Works	1,786,427	94,478	759,005	42%
	Contingency	100,000	2,963	2,963	3%
	Total General Fund Expenditures	<u>7,596,290</u>	<u>520,811</u>	<u>3,492,094</u>	<u>46%</u>
	Interfund (Operating) Transfers Out	-	-	-	0%
101	General Fund Total	<u>\$ 7,596,290</u>	<u>\$ 520,811</u>	<u>\$ 3,492,094</u>	<u>46%</u>
Special Revenue Funds:					
105	Tennis	22,936	2,548	9,138	40%
201	Special Parcel Tax	1,986,917	472,290	909,223	46%
202	Transportation	177,740	97,378	102,539	58%
203	Street Improvement (Gas Tax)	180,080	13,400	37,107	21%
209	Law Enforcement	100,000	8,219	55,311	55%
210	Road Impact Fees	588,682	93,119	170,220	29%
211	State Park Grants	81,660	-	2,483	3%
213	Library Fund	<u>15,720</u>	<u>11,870</u>	<u>26,001</u>	<u>165%</u>
	Total	<u>3,153,735</u>	<u>698,824</u>	<u>1,312,022</u>	<u>42%</u>
Capital Project Funds:					
401	Capital Improvement	284,451	9,684	38,015	13%
402	Storm Drainage	25,713	-	-	0%
403	Channel Drainage District	411,554	17,008	39,283	10%
404	Park Playground Fund	-	-	446	-
405	Middlefield Road Grants	-	-	-	-
406	Facilities Construction	<u>287,267</u>	<u>10,608</u>	<u>38,492</u>	<u>13%</u>
	Total	<u>1,008,985</u>	<u>37,300</u>	<u>116,236</u>	<u>12%</u>
Internal Service Funds:					
610	Vehicle Replacement	10,000	-	37,397	374%
611	Information Technology	107,500	1,702	23,448	22%
612	Administrative Services	328,151	15,926	169,950	52%
614	Workers Compensation Insurance	-	-	-	-
	Total	<u>445,651</u>	<u>17,628</u>	<u>230,795</u>	<u>52%</u>
Trust and Agency Funds:					
715	Evans Creative Design	<u>62,100</u>	<u>1,521</u>	<u>13,901</u>	<u>22%</u>
	Total	<u>62,100</u>	<u>1,521</u>	<u>13,901</u>	<u>22%</u>
	Total Expenditures	<u>12,266,761</u>	<u>1,276,084</u>	<u>5,165,048</u>	<u>42%</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2003-04
As of December 31st, 2003

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	3,123,741	574,480	3,492,094	5,490,760
	Special Revenue Funds:					
105	Tennis	10,543	2,425		9,138	3,830
201	Special Municipal Tax	895,443	915,127		909,223	901,347
202	Transportation	14,728	85,310		102,539	(2,501)
203	Street Improvement (Gas Tax)	126,605	94,239		37,107	183,737
209	Law Enforcement	22,911	100,416		55,311	68,016
210	Road Construction Impact Fees	650,346	160,008		170,220	640,134
213	Library Special Revenue Fund	723,832	-		26,001	697,831
	Sub Total	<u>2,444,408</u>	<u>1,357,525</u>	<u>-</u>	<u>1,309,539</u>	<u>2,492,394</u>
	Capital Projects Funds:					
401	Capital Improvement	358,152	-		38,015	320,137
402	Storm Drainage	48,225	-		-	48,225
403	Channel Drainage District	405,865	24,159		39,283	390,741
404	Park Playground Improvement	28,958	-		446	28,512
405	Middlefield Road Grants	-	1,514		-	1,514
406	Facilities Construction	274,654	-		-	274,654
	Sub Total	<u>1,115,854</u>	<u>25,673</u>	<u>-</u>	<u>77,744</u>	<u>1,063,783</u>
	Internal Service Fund					
610	Vehicle Replacement	402,633	-		37,397	365,236
611	Information Technology	78,723	30,782		23,448	86,057
612	Administrative Services	134,052	64,011		169,950	28,113
614	Workers Compensation Insurance	-	5,436		-	5,436
	Sub Total	<u>615,408</u>	<u>100,229</u>	<u>-</u>	<u>230,795</u>	<u>484,842</u>
	Trust and Agency Funds					
715	Evans Creative Design	<u>116,028</u>	<u>9,494</u>		<u>13,901</u>	<u>111,621</u>
	Sub Total	<u>116,028</u>	<u>9,494</u>	<u>-</u>	<u>13,901</u>	<u>111,621</u>
	Grand Total	<u>\$ 9,576,331</u>	<u>\$ 4,616,662</u>	<u>\$ 574,480</u>	<u>\$ 5,124,073</u>	<u>\$ 9,643,400</u>



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF JANUARY 21, 2004

**SUBJECT: ORDINANCE AMENDING ATHERTON MUNICIPAL CODE
CHAPTER 10.16 RELATING TO PARKING AND CHAPTER 15.40
RELATING TO CONSTRUCTION REGULATIONS –
RATIFICATION OF RESOLUTION**

Recommendation. Adopt an ordinance amending Chapter 10.16 of the Atherton Municipal Code relating to parking and Chapter 15.40 relating to construction regulations. Ratify action adopting resolution establishing parking regulations.

Background. At the regular meeting of December 17, 2003, the City Council introduced an ordinance amending Chapter 10.16 of the Atherton Municipal Code relating to parking and Chapter 15.40 relating to construction regulations. At the time of introduction of the ordinance, a resolution approving parking regulations was adopted.

At this second reading of the ordinance, upon an affirmative vote of a majority of the City Council, the ordinance will be adopted. For housekeeping purposes, the resolution approving the parking regulations should be ratified.

Fiscal Impact. None.

Respectfully,

s/Marc G. Hynes

Attachment

RESOLUTION NO. 03-28

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADOPTING GUIDELINES FOR CONSTRUCTION, OPERATION AND PARKING PLANS

WHEREAS, the Atherton City Council has amended Section 15.40.152 of the Atherton Municipal Code to require that a Construction Operation and Parking Plan be submitted prior to the submittal of plans for building plan check for any construction project within the Town of Atherton, and

WHEREAS, the Atherton City Council has amended Section 15.40.152 of the Atherton Municipal Code to require that such Construction Operation and Parking Plan be prepared in accordance with guidelines to be adopted by Resolution of the City Council and made a part of the public file, and

WHEREAS, the Atherton City Council hereby determines that the adoption of these Guidelines is Categorically Exempt from the California Environmental Quality Act pursuant to Section 15305, Minor Alteration in Land Use Limitations.

NOW THEREFORE BE IT RESOLVED, that the City Council of the Town of Atherton hereby adopts the Guidelines for Construction, Operations and Parking Plans 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 17th day of December, 2003, by the following vote:

<i>AYES</i>	<i>5</i>	<i>COUNCILMEMBERS: Janz, Marsala, Carlson, Conwell, McKeithen</i>
<i>NOES</i>	<i>0</i>	<i>COUNCILMEMBERS:</i>
<i>ABSENT</i>	<i>0</i>	<i>COUNCILMEMBERS:</i>
<i>ABSTAIN</i>	<i>0</i>	<i>COUNCILMEMBERS:</i>

Kathy McKeithen, MAYOR

ATTEST

TOWN OF ATHERTON

Sharon Barker, City Clerk

APPROVED AS TO FORM

CITY COUNCIL ADOPTED
Guidelines for Construction, Operations and Parking Plans

The following guidelines have been adopted by City Council Resolution in compliance with Chapter 15.40 of the Atherton Municipal Code requiring the submittal of a Construction Operation and Parking Plan.

Prior to acceptance of plans for building plan check, the applicant for a building permit shall submit a Construction Operation and Parking Plan (COP Plan) for review and approval by the Building Official. The Plan shall be made a part of the public file. At a minimum, the Construction Operation and Parking Plan shall contain the elements listed below:

- 1. Parking Area for Construction Personnel.** All construction parking shall be located on-site or within the public right-of-way, only in front of the construction site and on the same side of the street as the construction site. The COP Plan shall provide a sufficient area to accommodate the number of construction personnel anticipated to be working on the project. The construction parking area shall be located outside of any tree protection fencing area. The construction parking area shall be rocked, with a rocked access drive. All construction personnel shall park in the construction parking area when at the job site. The City Manager or City Manager's designee may provide written permission for construction personnel parking in the public right-of-way only during such times as finish landscaping or other similar circumstance prevent use of the on-site construction parking area and further provided that the parking is located and conducted in a safe manner and affords a minimum disruption to the neighbors and neighborhood.
- 2. No Parking Signs.** At the discretion of the Police Chief or Police Chief's designee, to protect health and safety, or in the event the contractor fails to properly implement the COP plan, the Police Chief or Police Chief's designee may require the contractor to post signs on and along streets at 100 foot intervals for a distance of 500 feet on both sides of the street from the construction project notifying that parking is prohibited except for residents and their guests as authorized by the California Vehicle Code Section 22507. The contractor shall pay for the cost of the signs.
- 3. Construction Trailer.** If a construction trailer is proposed, it shall be located completely on the private property at least 10 feet from any side or rear property line, at least 40 feet from the front property line for properties located in the R1-B zone and at least 20 feet from the front property line for properties located in the R1-A zone.
- 4. Debris Box.** Any debris box used in conjunction with the construction shall be placed completely on the private property. The debris box shall be accessible from a paved or rocked access road.
- 5. Deliveries and Truck Traffic.** A temporary construction driveway shall be installed consisting of base rock or alternate material approved by the Building Official, beginning at the edge of pavement and extending a minimum of 100 feet into the property in order to reduce dust and mud

tracking. Signs, delineators and flag personnel shall be available on-site, if necessary. If an existing paved driveway is maintained during construction, a temporary access will not be required. The applicant may propose, or the Building Official may require temporary construction fencing to restrict additional access points.

- 6. Sanitary Facilities.** The temporary sanitary facilities shall be placed out of the views of neighboring properties as much as possible. The facilities shall be accessed from a paved or rocked road or driveway. The sanitary facilities shall not be located in the public right-of-way and shall be located at least 10 feet from any side or rear property line, at least 40 feet from the front property line for properties located in the R1-B zone and at least 20 feet from the front property line for properties located in the R1-A zone.
- 7. Clean-up Area.** When on-site cleaning of equipment is required for concrete forms and trucks, paint brushes, plastering tools and other similar equipment, a cleanup area shall be specified on the COP plan and posted with a sign. This area shall not be located beneath any tree canopy or in any proposed planting area. Runoff from the clean-up area shall be contained and the waste material disposed of using “Best Management Practices” acceptable to the Regional Water Quality Control Board.
- 8. Construction Materials Storage.** An area shall be designated on-site for the storage of construction materials. The storage area shall not be located within the drip lines of any trees.
- 9. Notes to be Included on Construction Operation and Parking Plans.** The following notes shall be included on all Construction Operation and Parking Plans:
 - a.** Construction, deliveries and servicing of any item (i.e., debris box, sanitary sewer facilities, etc) on the site shall only permitted Monday through Friday, 8:00 AM to 5:00 PM.
 - b.** No work of any nature, including but not limited to hauling or heavy equipment shall be permitted on Saturdays, Sundays or Holidays.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING CHAPTERS 10 AND 15 OF THE ATHERTON MUNICIPAL CODE
RELATING TO CONSTRUCTION REGULATIONS AND PARKING WITHIN THE TOWN
OF ATHERTON**

WHEREAS, the City Council of the Town of Atherton finds: That the Atherton General Plan has as its land use goal preservation of the Town's character as a scenic, rural, thickly wooded residential area with abundant open space. One of the objectives to obtain this goal is to retain the high quality of maintenance and living environment existing in the town's residential neighborhoods. The circulation element goal is a circulation system that is compatible with the needs of the various land uses planned within the Town. Objectives to achieve this goal include minimizing the encroachment of the circulation network on the residential and open space uses which prevail throughout most of the community. All streets in the town area to be preserved as scenic routes. Scenic roadway policies have been adopted which provide that on-street and visible off-street parking of vehicles and other means of transportation shall be carefully controlled. Over the last several years, the Town has experienced a significant increase in residential construction and re-construction projects. Many of these projects last for years and involve a large number of workers who park their vehicles on the streets adjacent to and near construction sites. In order to preserve the character of the Town and the quality of life as mandated by the General Plan, the City Council finds that it is necessary and appropriate to adopt regulations on the parking of vehicles involved in construction projects. Authority pursuant to California Vehicle Code Section 22507 should be exercised where necessary to avoid traffic congestion on the Town's streets, protect adjacent landscaping, and otherwise protect the public health, safety and general welfare of town residents serviced by those streets.

NOW, THEREFORE, the City Council of the Town of Atherton does ordain as follows:

SECTION 1: Section 10.16.040 of the Atherton Municipal Code is hereby added to read as follows:

10.16.040 No person shall stop, stand, park or leave standing any vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer or traffic sign, or signal

- A. *In any area where the Town has indicated that parking is prohibited by appropriate signs or markings.*
- B. *In any area where the City Manager or designee has determined that the parking or stopping of a vehicle would constitute a traffic hazard or would congest traffic or damage landscaping and improvements in the right of way, or would endanger life or property, when such area is indicated by no parking signs or markings.*

SECTION 2: Section 15.40.040 of the Atherton Municipal Code is hereby amended to read as follows:

15.40.040 Construction vehicle parking.

~~Where possible, the city manager or city manager's designee may require~~ On site parking *or parking within the public right-of-way only in front of the construction site, on the same side of the street* for construction vehicles *shall be required* to avoid congestion and damage to landscaping and improvements in the right-of-way *except when authorized in writing by the City Manager or the City Manager's designee or when authorized by the guidelines adopted pursuant to these regulations.* (Ord. 498 § 3, 1998)

SECTION 3: Section 15.40.110(B) and (D) of the Atherton Municipal Code is hereby amended to read as follows:

15.40.110 Definitions.

B. "Delivery" means delivery of building materials or equipment to any construction project *and items related to the construction project.*

D. "Pickup" means pickup or retrieval of building materials or equipment from any construction project *and items related to the construction project.*

SECTION 4: Section 15.40.152 is hereby added to the Atherton Municipal Code to read as follows:

15.40.152 Construction, operation, and parking plan.

Prior to submitting plans for building plan check, the owner of any property located within the Town for any construction project on said property shall submit a construction, operation, and parking plan (COP Plan) for review and approval by the Building Official. The construction, operation, and parking plan shall be prepared in accordance with guidelines to be adopted by Resolution of the City Council and made a part of the public file.

SECTION 5: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions on this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

SECTION 6: 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 17th day of December, 2003

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the ___ day of _____, 2004, 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 COUNCILMEMBERS

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF JANUARY 21, 2004

**SUBJECT: ORDINANCE AMENDING ATHERTON MUNICIPAL CODE
SECTION 8.10 REGARDING TREE PRESERVATION GUIDELINES,
STANDARDS AND SPECIFICATIONS – RATIFICATION OF
RESOLUTION**

Recommendation: Adopt an ordinance amending Chapter 8.10 of the Atherton Municipal Code regarding tree preservation guidelines, standards and specifications. Ratify action adopting resolution approving tree preservation guidelines, standards and specifications and establishing civil penalty fee for damage to or un-permitted removal of heritage trees.

Background: At the regular meeting of December 17, 2003, the City Council introduced an ordinance amending Chapter 8.10 of the Atherton Municipal Code to authorize development of preservation guidelines, standards and specifications for heritage trees. At the time of introduction of the ordinance, a resolution approving the guidelines, standards and specifications as well as establishing a civil penalty fee in the amount of \$5,000.00 was adopted.

At this second reading of the ordinance, upon an affirmative vote of a majority of the City Council, the ordinance will be adopted. For housekeeping purposes, the resolution approving the guidelines, standards and specifications should be ratified.

Fiscal Impact: None.

Respectfully,

s/Marc G. Hynes

Attachment

RESOLUTION NO. 03-29

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING
TREE PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS AND
ESTABLISHING A FEE FOR CIVIL PENALTY
PURSUANT TO SECTION 8.10.060 (A) OF THE ATHERTON MUNICIPAL CODE**

WHEREAS, the City Council has considered tree preservation guidelines, standards and specifications prepared by the Atherton Tree Committee and reviewed by the General Plan Committee; and

WHEREAS, the City Council desires to set a fee which will be assessed as a civil penalty upon any person causing a heritage tree to be removed or damaged in violation of Chapter 8.10 of the Atherton Municipal Code and as more particularly described in Section 8.10.060(A);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Town of Atherton that

1. The City Council hereby adopts the tree preservation guidelines, standards and specifications appearing as Attachment 2 to the report of the Deputy Town Planner for the City Council meeting of December 17, 2003, and incorporated here by this reference; and

2. It is further resolved that a fee in the amount of \$5,000.00 to be deposited into a fund for the planting and maintenance of community trees is hereby established as a civil penalty pursuant to the provisions of Section 8.10.060(A) of the Atherton Municipal Code.

* * * * *

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 this 17th day of December, 2003, by the following vote:

AYES: 5 COUNCILMEMBERS: Janz, Marsala, Carlson, Conwell, McKeithen
NOES: 0 COUNCILMEMBERS:
ABSENT: 0 COUNCILMEMBERS:
ABSTAIN: 0 COUNCILMEMBERS:

ATTEST:

Kathy McKeithen, MAYOR
TOWN OF ATHERTON

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING THE ATHERTON MUNICIPAL CODE 8.10.030(B) RELATING TO TREE
PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS WITHIN THE
TOWN OF ATHERTON**

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

SECTION 1: Section 8.10.030(B) of the Atherton Municipal Code is hereby amended to read as follows:

8.10.030 Prohibitions and protections

“B. All heritage trees must be shown and designated on every plot map that may be required by the town in connection with any application for subdivision, variance, use permit, or building permit. In addition, a heritage tree protection and preservation plan may be required with each application. The heritage tree protection and preservation plan shall be prepared by a certified arborist to assess impacts to trees, recommend mitigation to reduce impacts to a less than significant level and identify construction guidelines to be followed through all phases of a construction project. *Detailed standards and specifications for the implementation of a heritage tree protection and preservation plan can be found in the Town’s current Tree Preservation Guidelines, Standards and Specifications.*”

SECTION 2: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

SECTION 3: 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 17th day of December, 2003.

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the ___ day of _____, 2004, 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: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JANUARY 21, 2004

SUBJECT: AWARD OF CONTRACT FOR HOLBROOK-PALMER PARK, RESTROOM EXPANSION PROJECT NUMBER 03-008

RECOMMENDATION:

Award the contract for Holbrook-Palmer Park, Restroom Expansion Project, Project Number 03-008 to Tinney Construction, the low bidder on the January 13, 2004 bids, in the amount of \$44,900.00.

INTRODUCTION:

The Holbrook-Palmer Park 2003 Survey identified the need for additional restroom facilities 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. Extension of the current outdoor restrooms near the playground facility was identified as the most cost effective and also offered a central location to best serve the most park users, and was included in the FY 2003-04 Capital Improvement Program.

ANALYSIS:

The Town of Atherton issued a request for sealed bids for the Holbrook-Palmer Park Restroom Expansion Project. The bids were opened on January 13, 2004. The results were as follows:

<u>Firm</u>	<u>Amount</u>
Tinney Construction	44,900
Eternal Construction	48,600
R.C. Benson & Sons	86,379

John Plane Construction	93,325
Hipsher Construction	94,245
Charles Pruitt Construction	111,156

A total of six bids were received for the subject project and the low bidder was Tinney Construction of Redwood City. A reference check was conducted and it was determined that they are a reputable contractor in good standing.

FISCAL IMPACT:

Bids were received for the project on January 13, 2004. Tinney Construction was the low bidder at \$44,900.00. This bid was 5% below the engineer's estimate prepared by Public Works, the designer of the project, of \$47,500.00. The low bid is 10 % above the project budget estimate of \$40,000.00 budgeted for the project in the FY 2003-04. The Finance Director has indicated that funds are available within the Capital Improvement Fund without impacting other projects in FY 2003-04 or FY 2004-05.

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

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JANUARY 21, 2004

SUBJECT: AWARD OF CONTRACT FOR HOLBROOK-PALMER PARK LANDSCAPE MAINTENANCE

RECOMMENDATION:

Award a two-year contract for Holbrook-Palmer Park Landscape Maintenance to Jensen Landscaping, the low bidder, for \$2,225 per month, and authorize the Mayor to execute the agreement.

INTRODUCTION:

Prior to the retirement of the former Park Maintenance Supervisor, park landscape maintenance had been performed primarily by permanent and temporary employees of the Town. When the Park Maintenance Supervisor retired, the Public Works Department elected to extend the scope of the landscape maintenance firm used by the Town to maintain the Town Hall and adjacent facilities to include selected park maintenance activities.

In the judgment of the Public Works Department, above action resulted in an improved level of maintenance at a reduced cost. Accordingly, the Public Works Department recommended to the Park and Recreation Commission to substitute one permanent Parks Maintenance Worker position with a contract landscaping firm. This item was considered and approved by the Park and Recreation Commission at their January 7, 2004 regularly scheduled meeting.

The Park and Recreation Commission recommended that the City Council approve hiring a contractor for a two-year contract at the amount bid for the work.

ANALYSIS:

The Town of Atherton issued a request for sealed bids for park maintenance services. These bids were opened on Tuesday, January 13, 2003. The results were as follows:

<u>Firm</u>	<u>Monthly</u>	<u>Annual</u>
Jensen Landscaping	\$2,225.00	\$26,700.00
Commercial Environmental Landscaping	\$2,249.00	\$26,988.00
Trugreen Landcare	\$2,810.00	\$33,720.00
Coast Landscape	\$3,186.00	\$38,232.00
Forester & Kroeger	\$4,083.34	\$49,000.08

Each firm was required to submit a statement of qualifications indicating the experience and training of their supervisors and advisors, the equipment they own that will be available for use on our work and references relating to work that is similar in size and nature to ours. Jensen Landscaping's supporting materials were thoroughly checked and found to be suitable.

FISCAL IMPACT:

Using a contractor, instead of hiring a permanent park maintenance worker to perform park maintenance functions will require the Town to transfer \$13,350 in appropriations for salaries and benefits to contract services.

Since \$36,500 had been appropriated for the park maintenance worker position that will remain vacant during the second half of Fiscal Year 2003-04, the Public Works Department will realize a net savings of \$23,250 for the remainder of the 03/04 Fiscal Year. That amount will double for the 04/05 Fiscal Year. The Public Works Department recommends that such savings be utilized for part-time work during the remainder of FY 2003-04 to perform various park maintenance that has been deferred during the past several years. The Finance Director concurs with this recommendation.

Prepared By:

Approved:

s/Duncan L. Jones

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

FROM: JOHN P JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF JANUARY 21, 2004

SUBJECT: MID-YEAR BUDGET REVIEW REPORT

INTRODUCTION

This report provides mid-year projections of General Fund revenues, expenditures and other financing sources and uses as well as a comparison of such projections with the budget adopted by Council in June of 2003.

Our mid-year projection of General Fund revenues, operating transfers and carry-over funding is \$7,924,382, or \$27,220 more than the estimate of \$7,897,162 that was adopted in the FY 2003-04 budget. Our mid-year projection for General Fund expenditures and other financing uses is \$7,681,817, or \$114,473 less than the \$7,796,290 that has been appropriated by Council. Accordingly, our mid-year projection indicates that the General Fund will end the year with carry-over funding available for subsequent year appropriations in the amount of \$141,693 or 1.8 percent of total appropriations.

This report also includes a description of adjustments to the Town's special revenue and capital projects funds where variances are expected to occur from the adopted budget. In summary, we have identified the following variances:

- Increased revenues for the Parcel Tax Fund and Library Fund amounting to \$88,000 and \$71,000 respectively;
- Increased appropriation requirements for the Road Fund and Library Fund in the amounts of \$77,000 and \$12,000 respectively; and,
- Emergency repairs for the Atherton Channel in the amount of \$10,000 which can be accommodated with available appropriations from the Channel District.

GENERAL FUND SUMMARY

At the beginning of FY 2003-04 the Council adopted a General Fund budget that consisted of \$7,897,162 in revenues and other financing sources and \$7,769,490 in expenditures and other financing uses. Subsequent to the adoption of the budget, the Council authorized the following budgetary adjustments:

- Increased the Public Works Department budget by \$26,800 to cover the additional costs associated with maintaining the El Camino Real and increased estimated charges for services revenue by an equivalent amount pursuant to a contract modification with Caltrans; and,
- Increased appropriations for contract plan check services in the amount of \$50,000 and reduced reserves for future building inspections by \$50,000.

The net effect of the above budgetary adjustments was to increase General Fund expenditures and other financing uses by \$26,800 to \$7,796,290.

Based upon an analysis of year-to-date revenues and expenditures, seasonal trends in the timing of such revenues and expenditures, discussions with department heads and other information that has come to our attention, we estimate that the General Fund will realize a budgetary carryover in the amount of \$141,693 or 1.8 percent of the General Fund budget for FY 2003-04.

The following table provides a summary-level comparison of budgeted revenues expenditures and other financing sources and uses adopted at the beginning of FY 2003-04 and subsequently amended by Council with our mid-year projection.

	FY 2003-04 Adjusted Budget	FY 2003-04 Projection as of 12/31/03	Projected Variance Favorable (Unfavorable)
Prior Year Carryover	\$82,600	\$170,968	\$88,368
Revenues	6,665,562	6,604,414	(61,148)
Operating Transfers	1,149,000	1,149,000	-
Subtotal Financing Sources	7,897,162	7,924,382	27,220
Expenditures	7,596,290	7,481,817	114,473
Reserves	200,000	200,000	-
Subtotal Financing Uses	7,796,290	7,681,817	114,473
Revenues and Other Financing Sources Over (Under) Expenditures and	\$100,872	\$242,565	\$141,693

other Financing Uses			
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GENERAL FUND REVENUES

General Fund revenues are projected to amount to \$7,753,414 or \$61,148 less than was projected at the beginning of the fiscal year. However, as indicated in the preceding table, this unfavorable variance in revenues is more than offset by a carryover surplus from FY 2002-03 in the amount of \$88,368. Hence, when taking into account the higher than expected budgetary carryover from the previous fiscal year, total available sources of funding are projected to be \$27,220 higher than anticipated.

The following table provides an analysis of revenues estimates adopted by Council at the beginning of the year subsequently modified by Council with revenues projected at mid-year.

**TOWN OF ATHERTON
FY 2003-04 MID-YEAR PROJECTION OF
GENERAL FUND REVENUES**

Revenue Category	Budgeted Revenues FY 2003-04	FY 2003-04 Projection as of 12/31/03	Projected Variance Favorable (Unfavorable)
Property Taxes	\$3,035,934	\$3,205,983	\$ 170,049
Sales Taxes	200,640	151,029	(49,611)
Other Taxes	882,115	755,615	(126,500)
Permits & Licenses	1,541,673	1,541,673	-
Fines & Forfeitures	70,000	58,802	(11,198)
From Other Agencies	139,000	141,878	2,878
Service Charges	445,900	409,478	(36,422)
Use of Money & Property	347,300	330,017	(17,283)
Other Revenues	3,000	9,939	6,939
<i>Subtotal Revenues</i>	<i>\$6,665,562</i>	<i>\$6,604,414</i>	<i>\$(61,148)</i>
Operating Transfers In	1,149,000	1,149,000	-
Prior Year Carryover	82,600	170,968	88,368
<i>Subtotal Other Financing Sources</i>	<i>\$1,231,600</i>	<i>\$1,319,968</i>	<i>88,368</i>
Total Financing Sources	\$7,897,162	\$7,924,382	\$27,220

The following is a description of some of the variances we are projecting at mid-year:

- Secured property taxes will be \$180,000 higher than budgeted as a result of the San Mateo County Controller's one-time distribution of excess ERAF payments.
- Supplemental property taxes will be \$24,000 lower than expected due to a decline in residential real estate sales volume during the first half of calendar year 2003.

- Motor vehicle license fees will be \$125,000 lower than budgeted as a result of the elimination of the backfill apportionments for the first three months of the fiscal year.
- Local sales taxes will be \$42,611 lower than budgeted due to an unanticipated decline in taxable sales within the boundaries of Atherton.
- Use of money and property will amount to \$16,000 less than expected as a result of lower than expected yields on investments.
- Facility rental fees from Holbrook Palmer Park will amount to \$24,000 less than budgeted as a result of a decline in reservations for weddings, corporate parties and other events.

It should be noted that the variances identified above do not represent a complete itemization of revenue variances that we project based upon our budgetary analysis. For a complete analysis of proposed revenue adjustments, please refer to the Schedule of Proposed Budgetary Adjustments which is presented as Attachment 1 to this report.

GENERAL FUND EXPENDITURES

The following table provides a comparative analysis of FY 2003-04 General Fund appropriations and projected General Fund expenditures at mid-year for each appropriation category.

**TOWN OF ATHERTON
FY 2003-04 MID-YEAR PROJECTION OF
GENERAL FUND EXPENDITURES**

Expenditure Category	FY 2003-04 Adjusted Budget	Year To Date Expenditures	Mid-Year Projection	Variance Favorable (Unfavorable)
Salaries and Benefits	\$5,693,327	\$2,798,750	\$5,657,300	\$36,027
Contract Services	924,222	386,379	924,222	-
Supplies and Materials	175,019	65,217	175,019	-
General Expenses	261,978	108,529	261,978	-
Rents & Leases	30,250	11,323	22,646	7,604
Facility & Equipment	96,085	49,540	99,080	(2,995)
Contingent Accounts	100,000	2,963	26,163	73,837
Reimbursements	315,409	157,705	315,409	-
Reserves	200,000	-	200,000	-
Total Financing Uses	\$7,796,290	\$3,580,406	\$7,681,817	\$114,473

The preceding table identifies \$26,163 in charges to the \$100,000 appropriation for operating contingencies in FY 2003-04. These charges represent expenditures incurred in the current year but not budgeted. These items are as follows:

- A \$9,000 repair of a median on El Camino Real as a result of a traffic accident. (A claim for reimbursement is currently pending with ABAG plan insurance group.);
- Charges for sharing in the costs of operating the County Sheriff's Office Crime lab estimated to amount to \$6,000;
- An \$8,200 for a town-wide traffic speed study and analysis to enable the Police Department to use radar in support of its traffic enforcement activities;
- Waste discharge fees assessed by the State of California Regional Water Quality Control Board in the amount of \$2,900.

SPECIAL REVENUE AND CAPITAL PROJECTS FUNDS

We expect the following variances to occur in the following special revenue and capital projects funds:

The **Parcel Tax Special Revenue Fund** will realize \$88,000 in additional revenues. This favorable variance is due to the fact that a higher number of parcels were subject to an increase in the maximum parcel tax levy than had been anticipated. Additionally, a number of public utility and school properties were identified by the Finance Department that had escaped assessment in previous years. The Parcel Tax fund will also realize \$40,000 in budgetary savings as a result of the disposition of a claim related to the Middlefield Road reconstruction.

The **Road Construction Fund** will require additional current year appropriations in the amount of \$77,000 to absorb the additional corporation yard construction costs approved by Council during the October City Council meeting. (Increasing appropriations for the corporation yard remodel project can be accomplished without impacting the amount of resources available for street reconstruction in future years as a result of the additional resources supplied by the Parcel Tax.)

Emergency repairs to the Atherton Channel in the amount of \$10,000 were necessary in September 2003. The repairs consisted of grouting and sealing of a portion of the cement wall at number 10 Cowell Lane to prevent further erosion. Since rehabilitation of the Atherton Channel District is not scheduled to begin until the latter part of the Fiscal Year, the **Atherton Channel District Fund** has the ability to absorb this unanticipated expense without affecting the timing of the channel rehabilitation project.

The **Library Special Revenue Fund** realized an additional \$59,000 in secured property tax revenue as a result of the Controller's distribution of excess ERAF withholdings to special districts. Additionally, the Library special revenue fund was used to account for approximately \$12,000 in donations and expenses associated with the Derringer Memorial Garden.

RECOMMENDATIONS:

We recommend the Council:

Accept the mid-year budget review report and approve the adjustments to estimated revenues and appropriations described within Attachment 1 to this report.

Prepared by:

Approved by:

John P. Johns, CPA
Finance Director

Jim Robinson
City Manager

**Attachment 1: Schedule of Recommended Budgetary Adjustments
(available at Town Administrative Offices, 91 Ashfield Road, Atherton)**



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: LINDA KELLY, ASSISTANT TO THE CITY MANAGER

DATE: FOR THE MEETING OF JANUARY 21, 2004

**SUBJECT: CONSIDER ACCEPTANCE OF GRANT FROM CABLE CO-OP FOR
EQUIPPING THE COUNCIL CHAMBERS FOR CABLE BROADCAST OF
TOWN MEETINGS**

RECOMMENDATION

It is recommended that the City Council consider the acceptance of a \$50,000 grant from Cable Co-op for equipping the Council Chambers for cable broadcast of Town meetings, and provide direction regarding the matching fund commitment.

BACKGROUND

At the City Council meeting of November 19, 2003, the City Council considered the application of the Town to Cable Co-op for funding for cablecasting Council meetings over the local government access channel. At that meeting, the City Council voted to apply for the grant, and submit an accompanying letter from the Mayor stating that the Town would like to have our meetings cable broadcast.

Staff was informed on December 11, 2003 that the Town was awarded a grant in the amount of \$50,000, contingent upon the Town appropriating or raising matching funds. Cable Co-op received a total of 220 proposals and Atherton was one of only 26 recipients which split the \$4 million in Cable Co-op legacy funding.

Subsequently, it was clarified by the Cable Co-op Board that the matching funds required are a minimum of \$20,000, and the Town has until the end of 2004 to furnish the matching funds.

The grant (\$50,000) plus the required minimal matching funds (\$20,000) equal \$70,000. The original grant amount sought was \$190,000. Staff recently sought bids from cable equipment vendors regarding the type of cable equipment system that could be installed for \$70,000.

This month, staff was able to procure two informal quotes from vendors for a very basic cable system for \$65,000 to \$75,000.

The grant is to be used to “purchase video equipment, install it in the council chamber, and connect to the Midpeninsula Community Media Center to allow transmission of the signal onto the cable television system.” **Staffing** to operate the equipment at each meeting to be broadcast is **not** supported by the grant monies. It is proposed that a volunteer be recruited for this purpose, such as someone with an interest in learning about video broadcasting. The College of San Mateo, for instance, has a video/film program, and a student from that college might be interested in the opportunity for community service credits. If this project moves forward, staff would explore volunteer recruitment opportunities.

FISCAL IMPACT

If the City Council decides to transfer the \$20,000 in required matching funds from existing budgetary resources, the fiscal impact to the Town would be \$20,000. If staff is directed to commence fundraising for the \$20,000, the fiscal impact to the Town could be none.

If the Town does not move forward with this project, or is unable to provide or raise at least \$20,000 in matching funds by the end of 2004, the \$50,000 must be returned to Cable Co-op.

CONCLUSION

It is recommended that the City Council (1) accept or decline the \$50,000 grant from Cable Co-op for equipping the Council Chambers for cable broadcast of Town meetings, and (2) if accepted, provide direction to staff regarding the raising or expenditure of the required matching funds of \$20,000.

In order for the Town to deposit the \$50,000 check from Cable Co-op, the City Manager is required to sign the Cable Co-op Legacy Grants Grant Agreement.

Prepared by:

Approved by:

Linda Kelly
Assistant to the City Manager

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: ROBERT J. BRENNAN, CHIEF OF POLICE

DATE: FOR THE MEETING OF JANUARY 21, 2004

SUBJECT: OFFICE OF TRAFFIC SAFETY GRANT

RECOMMENDATION:

Authorize the Police Department to submit a request for a grant to the California Office of Traffic Safety (OTS), for the purpose of rebating 100% of the total cost of an existing officer during the first year and 50% during the second year of a two-year grant.

INTRODUCTION:

The Town of Atherton Police Department currently has two officers assigned full-time to the Traffic Division. These officers are involved in general traffic enforcement, but are not dedicated to working specific areas that are considered high-collision rate locations. The officers are often also used to augment patrol. If we are awarded the grant, we agree to dedicate one existing officer to these identified problem areas. That officer's salary and other expenses are paid for by the State.

ANALYSIS:

If an OTS grant were obtained, one of these existing traffic officers would be assigned to the grant, and would focus on high-collision rate areas, and also community education. These grants

are generally for a two-year period, with the first year being fully funded by OTS (officer and equipment), and the second year funded 50% by the Town of Atherton.

CONCLUSION:

The Police Department feels that submitting this grant, and hopefully its ultimate approval by OTS, will allow for dedicated enforcement in the areas (specifically Middlefield Road, Marsh Road, and El Camino Real) where statistically, collision rates have been high.

FISCAL IMPACT:

The total amount of this two-year reimbursement grant is \$233,106.46. The first year of the grant provides funding for 100% of the salary, benefit and equipment costs of a traffic safety officer. This would include the purchase of a police motorcycle, radar speed trailer, and all related equipment. During the second year of the grant, the OTS would fund 50% of the salary and benefit costs of a traffic safety officer. During the third year, the Town would be obligated to cover the entire cost of the additional traffic safety officer. If the Grant were to be approved and awarded, The Town's fiscal responsibility in the second year and third years would be in the amounts of approximately \$56,589.06 and \$113,178 respectively.

Prepared by:

Approved:

Robert J. Brennan
Chief of Police

James H. 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 21, 2004

**SUBJECT: DISCUSSION AND POSSIBLE ACTION
RECOMMENDATION FROM WASTE REDUCTION COMMITTEE
REGARDING DEMOLITION SALES**

ANALYSIS:

When a building is demolished in the Town of Atherton, the building materials are either recycled or reused. If the materials are to be recycled, the material is typically transported to a recycle center, ground up and converted to new products. If the building materials are to be reused, the materials are carefully removed from the building and sold or given to someone who will use those materials in a new building. Reused materials include cabinets, doors, windows, flooring, and light fixtures.

A demolition contractor made a presentation to the Atherton Waste Reduction Committee and requested that he be allowed to conduct weekend demolition sales. The contractor would invite the public to the site and sell the reusable building materials directly to the customer. This would be advantageous to the contractor because the materials would not have to be transported to a warehouse and this would also probably result in more materials being ultimately reused rather than hauled away and ground up.

Although section 16.070 B of the Atherton Municipal Code gives the Police Chief the authority to issue a permit for an event such as a weekend demolition sale, the current practice is to not do this.

The Municipal Code restricts construction activity to weekdays from 8:00 a.m. to 5:00 p.m. and a demolition sale is considered construction activity.

The Waste Reduction Committee thinks the idea of allowing weekend demolition sales has merit and has recommended that the issue be brought to the City Council for discussion and direction to staff. Items of discussion should include:

1. Parking of customers
2. Removal of materials on the week-end
3. Days and Hours of operation
4. Signage

Staff has prepared the following ordinance language for the purpose of discussion. Bold type indicates added wording:

8.52.20 Special event regulations and requirements.

A. Permit Required.

No qualified non-profit organization shall conduct a special event for any of the following listed activities without first having obtained from the town a special event permit therefor duly issued and in current force and effect:

1. Processions such as walks, bicycle rides, skate-a-thons and similar activities (but not including races);
2. House tours open for three days or less;
3. Other similar activities;
4. **Weekend demolition sales lasting no more than two consecutive days.**

B. Permit Application Requirements.

The building and zoning official may require any of the following materials to be submitted;

1. Completed application (application form supplied by the town) submitted to the town at least two months prior to the event;
2. Detailed description of the event;
3. Contact person available prior to and during the event
4. Application fee (as set forth by resolution of the city council);
5. One composite assessors map with a circle showing all properties contiguous to the subject property/route, and those properties greatly affected by the event;
6. Copies of the assessors roll pages listing said owners of the aforementioned property as shown on the latest equalized assessment roll;
7. Plain No. 10 envelopes, stamped, addressed to each owner, in order by parcel owner;
8. Notices suitable for area-wide posting describing the event.

C. Permit Issuance and Conditions.

The building and zoning official may issue a special event permit when in the opinion of the building and zoning official the event meets all of the requirements of this code and the Atherton general plan. If there is a possibility that the event will not be in conformance with either this code or the Atherton general plan the application shall be denied. The applicant may then apply to the planning commission for a conditional use permit under the provisions of Chapter 17.52. If a special event permit is issued by the building and zoning official, said official may impose any

reasonable conditions to insure the event will have a minimal impact on the community. Said conditions may include, but are not limited to, any of the following:

1. Parking plan approved by the Atherton police department;
2. Adequate arrangements to prevent:
 - a. Violation of Chapter 8.16, Noise Control
During a weekend demolition sale, only materials from the interior of the structure may be removed and only with the use of small, battery powered tools.
 - b. Violation of Chapter 8.20, Nuisances,
 - c. Amplified sound,
 - d. Violation of any traffic laws,
 - e. Violation of any other section of this code;
3. Posting of docents at key/dangerous locations;
4. Event, including setup and teardown will be done during daylight hours;
5. Signs on public property shall be kept to a minimum and shall not be displayed for longer than one hour prior to or after the end of the event;
6. A hold harmless agreement, holding the town, its employees and agents harmless and certificate of insurance, naming the town as additional insured, in amounts determined sufficient by the city attorney;
7. Other materials or mitigation measures deemed necessary by the building and zoning official.

Respectfully submitted:

Michael A. Hood
Building Official

Reviewed/Approved:

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF JANUARY 21, 2004

SUBJECT: CONSIDER ADOPTION OF A RESOLUTION EXTENDING NO PARKING ZONE FOR OAK GROVE AVENUE

RECOMMENDATION:

It is recommended that the City Council adopt a Resolution extending the No Parking Zone for both sides of Oak Grove Avenue between the Oak Grove Cul-de-sac and Edge Road on Monday through Friday between the hours of 7:30 a.m. and 3:00 p.m. The Oak Grove No Parking would be in effect through June 30, 2004, or until the construction and the T-lot are completed, whichever occurs first.

BACKGROUND:

The Atherton Transportation Committee met this past week and recommended that the No Parking restrictions on Oak Grove Avenue continue through the end of this current school year. As you recall, the City Council in May of 2003, adopted a Resolution establishing temporary No Parking restrictions 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 Town placed temporary No Parking signs in this location which proved to be a successful deterrent to student parking. The Transportation Committee is recommending that this No Parking restriction continue through June 30, 2004, or until the construction and the T-lot are completed, which ever occurs first. The Transportation Committee also recommended that the Town continue with temporary signs rather than permanent signs at this time.

It was also suggested that a survey be conducted with Oak Grove Avenue and adjoining street residents as to their preference between permanent or temporary No Parking Signs. To assist in

that survey, it was recommended that Town staff identify the approximate location of permanent signs by placing stakes in those areas. At some time during the parking restriction period it was suggested that a trial period be conducted where temporary signs would be removed with the caveat that the temporary signs be replaced immediately if student cars would return to the area.

RESOLUTION 04-__

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ESTABLISHING A TEMPORARY NO PARKING ZONE ON BOTH SIDES OF OAK GROVE AVENUE BETWEEN OAK GROVE AVENUE CUL-DE-SAC AND EDGE ROAD, ON MONDAY THROUGH FRIDAY BETWEEN THE HOURS OF 7:30 AM AND 3:00 PM THROUGH JUNE 30, 2004, OR UNTIL THE SCHOOL CONSTRUCTION AND THE T-LOT ARE COMPLETED

WHEREAS, a temporary No Parking Zone was previously established by City Council Resolution No. 03-09 for the period May 22, 2003 to June 13, 2003; and

WHEREAS, the Atherton Transportation Subcommittee, after consideration, has recommended that the No Parking restrictions on Oak Grove Avenue continue upon adoption of this resolution through June 30, 2004, or until the construction at Menlo-Atherton High School and the T-lot are completed, whichever occurs first; and

WHEREAS, the Atherton Transportation Subcommittee also recommends that the Town continue to place temporary signs establishing the No Parking Zone.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Town of Atherton that:

A No Parking Zone, per Section 22507 of the California Vehicle Code, is hereby established on both sides of Oak Grove Avenue, from Oak Grove Avenue Cul-de-sac to Edge Road, effective upon adoption of this resolution and continuing until June 30, 2004, or until the school construction and the T-lot are completed, whichever occurs first.

* * * * *

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 this __ day of _____, 2004, by the following vote:

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

ATTEST:

Kathy McKeithen, Mayor
TOWN OF ATHERTON

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
CITY MANAGER, JAMES ROBINSON

FROM: SHARON BARKER, CITY CLERK

DATE: FOR THE MEETING OF JANUARY 21, 2004

SUBJECT: CITY COUNCIL COMMITTEE ASSIGNMENTS
C/CAG LENGTH OF APPOINTMENT REQUEST

RECOMMENDATION:

Approve the 2004 Council Committee assignments made by Mayor McKeithen (attached to this staff report), and consider the request from the City/County Association of Governments (C/CAG) to appoint the representative from the Atherton City Council for a minimum of three consecutive years.

BACKGROUND/ANALYSIS:

Section 9 of the City Council Rules of Procedure provides for the annual appointment by the Mayor of Council Members to various committees. There are currently seven standing sub-committees, one ad hoc subcommittee (Caltrain Corridor Subcommittee) 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.

C/CAG Appointment:

C/CAG Chairperson Deborah Wilder sent a letter in November (see attached) requesting that the Mayor consider making the appointment or reappointment of the Town's representative to the C/CAG Board of Directors for a minimum of three years. The C/CAG Board has adopted a resolution (also attached) supporting multi year terms of two to four years in order to "maximize the effectiveness of the representation of each agency". The Council may wish to consider this request at this time.

Respectfully submitted by:

Reviewed/Approved by:

Sharon Barker
City Clerk

James Robinson
City Manager

Attachments: Committee Assignments List
C/CAG letter and resolution

