



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT

March 19, 2003

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

- 7:00 P.M. 1. **PLEDGE OF ALLEGIANCE**
- 7:03 P.M. 2. **ROLL CALL** McKeithen, Marsala, Carlson, Janz, Conwell,
- 7:05 P.M. 3. **PRESENTATIONS**
- A. Certificate of Appreciation for Shirley Carlson for serving as Chair of
the Atherton Tree Committee.
- 7:15 P.M. 4. **COUNCIL REPORTS**
- 7:25 P.M. 5. **PUBLIC COMMENTS** (only for items which are not on the agenda –
limit of three minutes per person)
- 7:35 P.M. 6. **STAFF REPORTS**
- 7:45 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Per
Resolution No. 02-31)
- Friends of the Atherton Library
- 7:55 P.M. **CONSENT CALENDAR** (Items 8 – 15)
8. **APPROVAL OF MINUTES OF SPECIAL AND REGULAR COUNCIL
MEETINGS OF FEBRUARY 19, 2003**
9. **APPROVAL OF BILLS AND CLAIMS FOR FEBRUARY 2003 IN THE
AMOUNT OF \$589,021**

10. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR FEBRUARY 2003

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

Recommendation: Approve an agreement with Browning Ferris Industries (BFI) to provide for street sweeping services with the cost of sweeping to be treated as an Operating Cost pursuant to the Franchise Agreement with BFI.

12. AWARD OF CONTRACTS FOR 2003 STREET RECONSTRUCTION PROJECT AND STOCKBRIDGE AVENUE PATCH AND OVERLAY

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

13. APPROVAL OF PLANS AND SPECIFICATIONS FOR ATHERTON AVENUE RECONSTRUCTION AND HOLBROOK-PALMER PARK PARKING LOT PATCHING AND SEALING PROJECT

Recommendation: Approve the plans and specifications for Holbrook-Palmer Park Parking Lot Patching and Sealing, Project 03-003, and Atherton Avenue Reconstruction, Project 03-004.

14. APPROVAL OF AMENDMENT TO AGREEMENT WITH CAPORICCI AND LARSON FOR AUDIT SERVICES

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

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

Recommendation: Authorize the Mayor to execute an agreement with Liebert Cassidy Whitmore for legal services relating to labor relations.

PUBLIC HEARINGS

(Items 16 - 17)

- 8:00 P.M. 16. **PUBLIC HEARING – ORDINANCE AMENDING ATHERTON MUNICIPAL CODE SECTIONS 17.36.195 AND 17.08.070 REGULATING RETAINING WALLS AND BUILDING HEIGHT**

Recommendation: Hear presentation of staff report. Open public hearing, hear testimony, close public hearing. After consideration, introduce for adoption an ordinance amending Municipal Code Section 17.36.195 adding a height requirement for retaining walls, and amending Municipal Code Section 17.08.070, adding a requirement that decorative roof elements must be included in the maximum building height based on the findings and for the reasons stated in the staff report, and waive further reading.

- 8:15 P.M. 17. **PUBLIC HEARING – ESTABLISHMENT OF NO STOPPING ZONES ON EMILIE AVENUE, AT ST. JOSEPH’S SCHOOL**

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

ADOPTION OF A RESOLUTION ESTABLISHING NO STOPPING ZONES ON EMILIE AVENUE

Recommendation: Hear presentation of staff report. Open public hearing, hear testimony, close public hearing. Adopt a resolution finding and declaring that ordinances and resolutions adopted pursuant to the State of California Vehicle Code shall apply to Emilie Avenue between Valparaiso Avenue and Park Lane. Adopt a resolution establishing No Stopping Zones on Emilie Avenue.

REGULAR AGENDA

(Items 18 - 23)

- 8:30 P.M. 18. **CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE SECTION 12.06 REGULATING ENCROACHMENTS FOR ENTRANCE GATES WITHIN THE TOWN OF ATHERTON**

Recommendation: Introduce for adoption an ordinance amending Section 12.06 of the Atherton Municipal Code relating to encroachments allowing

for the construction of new entrance gate structures within the Town of Atherton, and waive further reading.

8:45 P.M. 19. DISCUSSION AND POSSIBLE ACTION – CONSIDER WATER TOWER PROJECT

Recommendation: Consider and possibly approve concept for interior improvements to the Water Tower to be funded by donations from the Holbrook-Palmer Recreation Park Foundation/Atherton Dames.

9:00 P.M. 20. DISCUSSION AND POSSIBLE ACTION ON THE ADOPTED CITY COUNCIL POLICY OF RESIDENT PARTICIPATION/ADVISORY STATUS TO CITY COUNCIL SUB-COMMITTEES

Recommendation: Review and consider action regarding City Council policy allowing appointment of non-voting citizen members to City Council sub-committees.

9:15 P.M. 21. APPROVAL OF REVISIONS TO BUSINESS LICENSING PROCEDURES

Recommendation: Review and accept staff recommendations to revise the procedures for administering the Business License Tax Ordinance.

9:30 P.M. 22. ADOPTION OF A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE TOWN OF ATHERTON

Recommendation: Adopt a resolution of intention to approve an amendment to the contract between the California Public Employees' Retirement System and the Town of Atherton to provide Section 21024 (Military Service Credit as Public Service) for local miscellaneous members.

9:40 P.M. 23. INTRODUCTION OF AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE TOWN OF ATHERTON

Recommendation: Introduce an Ordinance authorizing an amendment to the contract between the California Public Employees' Retirement System and the Town of Atherton to provide Section 21024 (Military Service

Credit as Public Service) for local miscellaneous members, and waive further reading.

9:45 P.M. 24. CONSIDERATION OF APPOINTMENTS OF COUNCIL MEMBERS TO THE PENINSULA DIVISION COUNCIL LIAISON COMMITTEE AND THE RAPID RESPONSE TEAM

Recommendation: Consider appointment of Council Members to League of California Cities Peninsula Division committees.

9:55 P.M. 25. DISCUSSION AND POSSIBLE ACTION – CONSIDER RECOGNITION OF FORMER PARK AND RECREATION COMMISSIONER HENRY CARTAN III

Recommendation: Accept Park and Recreation Commission recommendation for a bench to be placed in the North Meadow of Holbrook-Palmer Park in recognition of the late Henry Cartan III.

10:05 P.M. 26. PUBLIC COMMENTS

10:15 P.M. 27. 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/ATHERTON CHANNEL
DRAINAGE DISTRICT
February 19, 2003
6:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road, Atherton
Special Meeting**

Mayor Janz called the meeting to order at 6:05 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 City Council adjourned to closed session at 6:10 p.m.

4. RECONVENE TO OPEN SESSION

The Council reconvened to open session at 7:00 p.m. The following action was taken:

- A. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9 (a)**

**Stephen Chaput v. Town of Atherton
Patrick McTaggart v. Town of Atherton**

No action was taken.

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

Directions were given to the City Manager and the City Attorney.

5. ADJOURN

The meeting adjourned at 7:05 p.m.

Respectfully submitted,

James R. Janz, Mayor



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

REGULAR MEETING

Mayor Janz called the meeting to order at 7:09 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. Certificate of Appreciation - The presentation was deferred to the March regular meeting because Shirley Carlson was unable to attend this meeting.

4. COUNCIL REPORTS

- Vice Mayor McKeithen reported that the San Mateo County Emergency Services Council met January 23 and received an update on the microwave radio replacement project and a report on a county-wide terrorist chemical exercise. A committee was formed to work with the County to develop alternative water

sources in case of disaster. Vice Mayor McKeithen asked the City Manager to report back on the possible use of the well in Holbrook-Palmer Park in an emergency. The General Plan Committee met February 5 and reviewed the definition of accessory structures and retaining walls. This item will be coming before the Planning Commission. The Committee deferred action on the designation of street classifications and approved a draft ordinance regarding encroachments. The next meeting will be held on March 5. The Atherton Channel Drainage District Sub-committee will meet March 10. Prior to the meeting, a walk will be held along the Channel with the consultants and representatives of the involved agencies. The Transportation Committee will meet Monday, February 24 at 6:00 p.m. The Vice Mayor reported on a D.A.R.E. graduation ceremony she attended at Encinal School.

- Council Member Marsala reported that the Staff appreciation dinner held in January was very successful and well attended. The Library Joint Powers Authority meets Monday, February 24. He suggested that the Council consider recognizing the late Henry Cartan for his service to the Town.
- Council Member Carlson reported on the Finance and Facilities Committee meeting on February 5. The Committee reviewed the mid-year budget report, which is on this agenda.
- Council Member Conwell reported that the C/CAG Board met and conducted an annual evaluation of the manager. C/CAG is still working on renewal of Measure A. On Wednesday, March 5, C/CAG, the San Mateo Transportation Authority, and the Valley Transportation Authority will hold a public meeting in the first floor Conference Room at the Menlo Park City Offices. The topic will be the Peninsula Highway 101 corridor. The San Francisco Airport Roundtable met and elected a new chair and vice chair. The Criminal Justice Council met today and received a presentation on the Drug Rehabilitation program funded by Proposition 36.
- Mayor Janz reported that he attended a Council of Cities meeting on January 24 in Burlingame. Appointments were made to the ABAG Board and the Bay Area Air Quality Management District Board. On January 30, he attended the Peninsula League of California Cities meeting. Mayor Janz reported that at the Atherton Employee Recognition Dinner on January 31, service awards were presented to Steve Snider for 25 years of service, Tony Dennis for 10 years of service, and Antoinette Gutierrez, Henry Tam, and Christina Silagi, for 5 years of service. The Waste Reduction Committee will meet February 24 at 10:00 a.m. The Council of Cities will meet in South San Francisco on February 28. The Mayor asked the City Manager to contact the Peninsula Conflict Resolution Center to schedule a presentation for a future City Council meeting.

5. PUBLIC COMMENTS

- Marion Oster, Heritage Association, read a January, 1889 article of historical note on the future of train travel on the Peninsula.
- Rosemary Maulbetsch, 90 Lloyd Drive, on the proposed Caltrain grade separations.

6. STAFF REPORTS

- Chief Bob Brennan reported on a new visibility safety program for walkers and bicyclists, and handed out reflective armbands to the audience.
- City Manager Jim Robinson followed up on the Peninsula Corridor 2020 study, stating that Mayor Janz is the representative for the Council and Council Member Conwell is alternate. On the water issues brought up by Vice Mayor McKeithen, the City Manager stated that he has been informed by California Water Service that water could be available for residents from the Bear Gulch Reservoir in the case of a disaster.
- City Attorney Marc Hynes reported out of closed session as follows:

**B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9 (a)
Stephen Chaput v. Town of Atherton
Patrick McTaggart v. Town of Atherton**

No action was taken.

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

Directions were given to the City Manager and the City Attorney.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Bob Jenkins, President of the Atherton Civic Interest League, gave a report on the role of the Atherton Civic Interest League and current activities and projects.

CONSENT CALENDAR

MOTION - to approve Items 8, 9, 10, 13, 17, and 18 on the Consent Agenda, and remove Items 11, 12, 14, 15, 16, and place them on the regular agenda.

M/S McKeithen/Conwell

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

Concerning a payment made under Item 9, Bills and Claims, Vice Mayor McKeithen asked that staff look into a possible contract with a tree maintenance company in order to obtain better pricing for tree services.

8. APPROVED MINUTES OF REGULAR COUNCIL MEETING OF JANUARY 15, 2003

9. APPROVED BILLS AND CLAIMS FOR JANUARY 2003 IN THE AMOUNT OF \$715,640

10. **ACCEPTED MONTHLY FINANCIAL REPORT FOR JANUARY 2003**
13. **APPROVED AGREEMENT FOR SERVICES WITH TENNIS PROFESSIONAL ALAN MARGOT**

Approved the contract for services of Tennis Professional, Alan Margot, effective for the period March 1, 2003 to February 28, 2005.

17. **ACCEPTED AND AUTHORIZED STAFF TO RECORD NOTICE OF COMPLETION FOR THE FOLLOWING: LIBRARY RE-ROOFING PROJECT, POLICE STORAGE SHED, HOLBROOK-PALMER PARK WATER TOWER RESTORATION**

Accepted the work performed under the contracts for the Library Re-roofing Project, Police Storage Shed, and Holbrook-Palmer Park Water Tower Restoration, and authorized recording notices of completion.

18. **APPROVED PLANS AND SPECIFICATIONS FOR 2003 STREET RECONSTRUCTION, STOCKBRIDGE AVENUE OVERLAY**

Approved the plans and specifications for 2003 Street Reconstruction, Project 03-001, and Stockbridge Avenue Patch and Overlay, Project 03-002.

REGULAR AGENDA

Items 11, 12, 14, 15, and 16 were removed from the Consent Agenda for consideration under the Regular Agenda.

11. **APPROVAL OF AGREEMENT WITH LIEBERT CASSIDY WHITMORE FOR LABOR RELATIONS SERVICES**

Council Member Carlson and Vice Mayor McKeithen asked that this item be removed from the Consent Agenda because of concerns regarding the reference to the consortium agreement between the Town and Liebert Cassidy and Whitmore. The consortium agreement is actually between San Mateo County, of which Atherton is a party, and Liebert Cassidy and Whitmore. The Council also requested that the proposed agreement require the firm to provide proof of professional liability insurance.

MOTION – to refer the changes as noted to staff and continue this item to the March meeting.

M/S Carlson/McKeithen

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

12. **ADOPTION OF A RESOLUTION ADDING THE POSITION OF SENIOR BUILDING INSPECTOR/PLAN CHECKER TO THE TOWN'S JOB CLASSIFICATION LISTING (Previously approved by the City Council as part of the Fiscal Year 2002-03 Budget.)**

Vice Mayor Member McKeithen asked that this item be placed on the regular agenda. She asked for clarification on the amount of the increase to the budget necessary to fund this position. City Manager Jim Robinson explained that the estimated cost for the remainder of this fiscal year would be \$2,300, and the amount for the entire year would be \$7,960. The amount for this position was included in the current budget. The proposed resolution places the position into the Town's classification plan.

Council Member Conwell expressed concerns with the effect this increase will place on the budget. Discussion ensued regarding the duties required of the Senior Building Inspector/Plan Checker. The position will be filled by an in-house recruitment process.

MOTION – to adopt Resolution No. 03-01 adding the position of Senior Building Inspector/Plan Checker to the Town's job classification listing and setting the salary and benefits for this position.

M/S Carlson/Janz

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

14. ACCEPTANCE OF STATE TECHNOLOGY FUNDING GRANT AWARD OF \$16,196

Vice Mayor McKeithen requested that this item be removed from the Consent Agenda. The staff report stated that supplemental expenditures, if the items come in over bid, will be funded by the General Fund. She asked that the amount to be funded by the General Fund be limited to 10% over the estimated bid.

MOTION – to accept the State Technology Funding Grant award in the amount of \$16,196, and augment the Police Department budget by that amount with the caveat that any supplemental expenditures coming from the General Fund shall not exceed 10% of the estimates stated in the staff report.

M/S McKeithen/Carlson

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

15. APPROVAL OF POLICE DEPARTMENT OFFICE OF TRAFFIC SAFETY GRANT

Vice Mayor McKeithen asked for clarification on this item. Chief Brennan explained that the officer to be funded by the Traffic Safety Grant will do general traffic work as well as work in specific areas considered high-collision rate locations. In answer to Council Member Conwell's question regarding the funding of an officer, Chief Brennan stated that the grant will fund an existing officer's position, not a new position. The first year of the grant will fund the officer and equipment, and the second year will fund 50% of the officer's compensation package. The grant would be implemented in Fiscal Year 2003-2004.

MOTION – to authorize the Police Department to submit a request to the California Office of Traffic Safety (OTS) for the purpose of funding 100% of the cost of an existing traffic officer during the first year and 50% the second year.

M/S Janz/McKeithen

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

16. APPROVED AN AMENDMENT TO CITY COUNCIL RULES AND PROCEDURES REFLECTING TIME THAT COUNCIL COMMITTEE ASSIGNMENTS ARE CONDUCTED

Council Member Conwell asked for this item to be removed from the Consent Agenda for clarification. Vice Mayor McKeithen explained that at the last meeting the Council had asked for the City Council Rules and Procedures to be amended to reflect the current practice of Council appointments being made in January.

MOTION – to approve the amendment to Section 9.1 of the City Council Rules and Procedures to reflect that, at least annually, the Mayor shall appoint Council Members to serve on various committees which require a Council representative.

M/S Janz/McKeithen

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

19. MID-YEAR BUDGET REVIEW REPORT

Finance Director John Johns presented the Mid-year Budget Review Report with an updated estimate of General Fund revenues and ending fund balance, and recommendations for further budget reductions. He reported that it is anticipated that current year General Fund revenues will fall short of budget estimates by approximately \$344,000. The General Fund balance is expected to decline by \$155,299. Due to the expected elimination of Vehicle License Fees, the deferral of state mandated reimbursements, and increases in employee benefit costs, it is anticipated that the year end General Fund balance will decline by \$807,000 and \$1.3 million in Fiscal Years 2003-04 and 2004-05 respectively. The Finance Committee will be reviewing possible local revenue sources, including franchise fees, solid waste fees, and changing ways that the Business License ordinance is administered.

Discussion ensued regarding the possible receipt of sales tax generated by auctions and other special events held at Menlo School. The Council encouraged staff to review every source of Town revenue and evaluate the fee structure for current services.

The following members of the audience spoke:

Arlin Kertz, Chair of Audit Committee, on possible undervaluing of construction costs for building permit fees.

Bob Jenkins, Audit Committee

Discussion ensued related to the methods used in establishing valuations for assessing building permit fees. The Council asked that staff agendize the issue of building permit fees for a future Finance Committee meeting.

MOTION – to accept the Mid-year Budget Report and reduce the General Fund appropriations for Fiscal Year 2002-2003 by \$211,400.

M/S Marsala/Conwell

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

20. DISCUSSION AND POSSIBLE ACTION – SCHEDULE AND CONSIDERATION OF PARCEL TAX LEVY FOR FISCAL YEAR 2003/2004

Council Member Carlson asked that this item be placed on the agenda to assure that the Council would have a timeline for the process of levying the parcel tax. City Attorney Marc Hynes presented the staff report for this item and provided direction to staff for future discussion of the maximum parcel tax levy. Finance Director John Johns stated that staff needs to have the data to the Assessor's Office the second week of July. It was agreed that this issue will be addressed during budget deliberations.

The Mayor called for a five minute break at 10:10 p.m.

The Council reconvened at 10:17 p.m.

Item 22 was taken out of order.

22. DISCUSSION AND POSSIBLE ACTION – STRATEGIC PARK AND RECREATION PLAN 2003

The Council expressed appreciation to the members of the Park and Recreation Commission for developing the Draft Strategic Park and Recreation Plan. Mike McPherson, Park and Recreation Commission Chair, answered questions regarding the Draft Plan. He reported that the Little League field has been successful and that the tennis court improvements are anticipated to increase the sale of keys. Vice Mayor McKeithen suggested several minor changes to the document, but left the final decision up to the Park and Recreation Commission.

MOTION – to accept the Draft Strategic Park and Recreation Plan for the next five years with the understanding that the Park and Recreation Commission will consider the comments made by Vice Mayor McKeithen.

M/S Marsala/Conwell

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

21. DISCUSSION AND POSSIBLE ACTION – SAFETY CODE REVISION PERTAINING TO FIRE SPRINKLER REQUIREMENTS

City Attorney Marc Hynes presented the staff report for this item. Fire Chief Paul Wilson was present and answered questions regarding the request by the Menlo Park Fire Protection District regarding fire sprinkler requirements. He stated that the District Board, at their March 18th meeting, will consider findings justifying the requested amendments to Town regulations.

The Council concurred that their recommendation would be that sprinkler systems should be required for new construction at a minimum of 0 square feet, and for remodels, at 500

square feet and above, and that only the remodeled area would be required to be sprinklered.

23. APPROVAL OF POLICY FOR THE PLACEMENT OF HYPERLINKS ON THE TOWN WEBSITE

City Attorney Marc Hynes presented the staff report for this item. He provided a proposed Town website policy that would only allow hyperlinks to be provided to other public agencies.

MOTION – to approve the policy for the placement of hyperlinks on the Town website.

M/S McKeithen/Carlson

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

24. ADOPTION OF A RESOLUTION URGING THE CALIFORNIA LEGISLATURE TO REJECT THE GOVERNOR’S PROPOSED SHIFT OF LOCAL VEHICLE LICENSE FEE REVENUES

The League of California Cities has encouraged cities to adopt a resolution urging the California legislature to enact legislation that would preserve motor vehicle fee revenue as a source of discretionary funding for local governments.

MOTION – to adopt Resolution No. 03-02, urging the California Legislature to reject the Governor’s proposed shift of local Vehicle License Fee revenues and to honor the 1998 commitment to restore the VLF.

M/S Marsala/Janz

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

25. PUBLIC COMMENTS

There were no public comments.

26. ADJOURNMENT

The meeting adjourned at 11:12 p.m.

Respectfully submitted,

Sharon Barker, City Clerk

TOWN OF ATHERTON
CLAIMS LIST
February, 2003

Payroll Checks	1918 - 1996	\$ 47,051
Electronic Transfers		277,152
A/P Checks	14770 – 14956	264,818
TOTAL		\$ 589,021

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 1918 through 1996 (Payroll) and 14770 through 14956 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$589,021 are true and correct, and that there are funds for payment.

James H. Robinson
City Manager

The above claims, Payroll check numbers 1918 through 1996, Accounts Payable check numbers 14770 through 14956 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$589,021; and are hereby approved for payment.

Jim Janz
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$542,732
105	Tennis Fund	2,564
201	Special Parcel Tax	1,000
202	Transportation	431
203	Gas Tax Fund	-
210	Road Construction Impact Fees	-
213	Library Special Revenue Fund	19,991
401	General Capital Projects	1,664
402	Storm Drainage	-
403	Atherton Channel District	14,914
404	Park Playground Improvement	-
405	Middlefield Road Rehab.	-
406	Facilities Construction	-
610	Vehicle Replacement	-
611	Computer Maint. & Replacement	1,429
612	Administrative Services	1,800
614	Workers Compensation Insurance	-
715	Evans Estate	2,497
730	H-P Park Improvement	-
740	Tree Committee	-
TOTAL		\$589,021



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P. JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF MARCH 19, 2003

SUBJECT: MONTHLY FINANCIAL REPORT, FEBRUARY, 2003

RECOMMENDATION:

Receive and file Monthly Financial Report for February, 2003.

INTRODUCTION:

The attached schedules show revenues and expenditures and fund balance for all funds as of February 28, 2003.

HIGHLIGHTS

In February, General Fund appropriations were reduced by \$211,400 pursuant to the recommendations contained in the mid-year budget review report. The attached schedules reflect the reduced appropriations and revenue estimates that were contained in the mid-year report.

In February the Town received its share of the supplemental law enforcement services. These funds amounted to \$100,000 and were deposited into the supplemental law enforcement services fund. Additionally, the town received \$444,000 in federal reimbursements for the Middlefield road rehabilitation project.

FISCAL IMPACT:

Informational only.

Prepared by:

Approved by:

John P. Johns

James H. Robinson

TOWN OF ATHERTON
Expenditure Summary
For the Month Ended February 28th, 2003

Fund	Description Department	2002-03 Budget	Current Period Expenditures	Year to Date Expenditures	% Spent
101	General Fund				
	11 City Council	\$ 21,623	\$ 2,681	15,994	74%
	12 City Manager	472,961	41,978	317,445	67%
	16 City Attorney	185,734	11,435	86,953	47%
	18 Finance	381,727	19,120	243,625	64%
	25 Building	860,798	51,988	550,230	64%
	40 Police	3,569,831	269,156	2,245,563	63%
	50 Public Works	1,588,713	113,425	1,092,322	69%
	Contingency	<u>100,000</u>	<u>-</u>	<u>-</u>	<u>0%</u>
	Total General Fund Expenditures	<u>7,181,387</u>	<u>509,783</u>	<u>4,552,132</u>	<u>63%</u>
	Interfund (Operating) Transfers Out	<u>-</u>	<u>-</u>	<u>-</u>	<u>0%</u>
101	General Fund Total	<u>\$ 7,181,387</u>	<u>\$ 509,783</u>	<u>\$ 4,552,132</u>	<u>63%</u>
Special Revenue Funds:					
105	Tennis	29,946	2,564	2,923	10%
201	Special Parcel Tax	1,480,309	1,000	953,098	64%
202	Transportation	273,992	431	112,898	41%
203	Street Improvement (Gas Tax)	155,319	-	54,308	35%
208	Police on the Street	40,000	-	20,000	50%
209	Law Enforcement	100,000	-	100,000	100%
210	Road Impact Fees	684,294	-	19,003	3%
211	State Park Grants	89,259	-	-	0%
213	Library Fund	<u>25,384</u>	<u>19,991</u>	<u>38,741</u>	<u>153%</u>
	Total	<u>2,878,503</u>	<u>23,986</u>	<u>1,300,971</u>	<u>45%</u>
Capital Project Funds:					
401	Capital Improvement	396,861	1,664	99,715	0%
402	Storm Drainage	-	-	63,037	0%
403	Channel Drainage District	90,848	14,914	32,309	0%
404	Park Playground Fund	-	-	31,664	-
405	Middlefield Road Grants	1,299,000	-	933,265	72%
406	Facilities Construction	<u>198,454</u>	<u>-</u>	<u>87,360</u>	<u>0%</u>
	Total	<u>1,985,163</u>	<u>16,578</u>	<u>1,247,350</u>	<u>63%</u>
Internal Service Funds:					
610	Vehicle Replacement	45,000	-	-	0%
611	Information Technology	100,500	1,429	48,669	48%
612	Administrative Services	325,335	8,527	207,626	64%
614	Workers Compensation Insurance	<u>95,000</u>	<u>-</u>	<u>40,782</u>	<u>43%</u>
	Total	<u>565,835</u>	<u>9,956</u>	<u>297,077</u>	<u>53%</u>
Trust and Agency Funds:					
715	Evans Creative Design	84,750	1,929	45,150	53%
730	H-P Park Improvement	-	-	-	0%
731	MA Little League	-	-	-	0%
740	Tree Committee	<u>730</u>	<u>-</u>	<u>2,665</u>	<u>365%</u>
	Total	<u>85,480</u>	<u>1,929</u>	<u>47,815</u>	<u>56%</u>
	Total Expenditures	<u>12,696,368</u>	<u>562,232</u>	<u>7,445,345</u>	<u>59%</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2002-03
February 28th, 2003

Fund	Description	Beginning Fund Balance July 1, 2002	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	General Fund	5,194,187	3,660,929	422,000	4,552,132	4,724,984
	Special Revenue Funds:					
105	Tennis	21,926	3,960		2,923	22,963
201	Special Municipal Tax	847,820	955,029		953,098	849,751
202	Transportation	26,779	112,090		112,898	25,971
203	Street Improvement (Gas Tax)	85,697	98,168		54,308	129,557
208	Police on the Street	44,434	-		20,000	24,434
209	Law Enforcement	9,121	100,997		100,000	10,118
210	Road Construction Impact Fees	646,417	226,860		19,003	854,274
213	Library Special Revenue Fund	400,000	-		38,741	361,259
	Sub Total	<u>2,082,194</u>	<u>1,497,104</u>	-	<u>1,300,971</u>	<u>2,278,327</u>
	Capital Projects Funds:					
401	Capital Improvement	446,802	84,722		99,715	431,809
402	Storm Drainage	56,786	13,956		63,037	7,705
403	Channel Drainage District	445,509	24,275		32,309	437,475
404	Park Playground Improvement	58,417	2,205		31,664	28,958
405	Middlefield Road Grants	(173)	1,200,982		933,265	267,544
406	Facilities Construction	447,477	4		-	447,481
	Sub Total	<u>1,454,818</u>	<u>1,326,144</u>	-	<u>1,159,990</u>	<u>1,620,972</u>
	Internal Service Fund					
610	Vehicle Replacement	357,952	19,703		-	377,655
611	Information Technology	54,979	45,687		48,669	51,997
612	Administrative Services	6,143	118,129		207,626	(83,354)
614	Workers Compensation Insurance	(51,490)	40,782		40,782	(51,490)
	Sub Total	<u>367,584</u>	<u>224,301</u>	-	<u>297,077</u>	<u>294,808</u>
	Trust and Agency Funds					
715	Evans Creative Design	116,028	39,267		45,150	110,145
730	H-P Park Improvement	5,851	-		-	5,851
731	MA Little League	4,821	-		-	4,821
740	Tree Committee	226	-		-	226
	Sub Total	<u>126,926</u>	<u>39,267</u>	-	<u>45,150</u>	<u>121,043</u>
	Grand Total	<u>\$ 9,225,709</u>	<u>\$ 6,747,745</u>	<u>\$ 422,000</u>	<u>\$ 7,355,320</u>	<u>\$ 9,040,134</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2002-03
February 28th, 2003

Fund	Description	Beginning Fund Balance July 1, 2002	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	General Fund	5,194,187	3,660,929	422,000	4,552,132	4,724,984
	Special Revenue Funds:					
105	Tennis	21,926	3,960		2,923	22,963
201	Special Municipal Tax	847,820	955,029		953,098	849,751
202	Transportation	26,779	112,090		112,898	25,971
203	Street Improvement (Gas Tax)	85,697	98,168		54,308	129,557
208	Police on the Street	44,434	-		20,000	24,434
209	Law Enforcement	9,121	100,997		119,634	(9,516)
210	Road Construction Impact Fees	646,417	226,860		19,003	854,274
213	Library Special Revenue Fund	400,000	-		38,741	361,259
	Sub Total	<u>2,082,194</u>	<u>1,497,104</u>	<u>-</u>	<u>1,320,605</u>	<u>2,258,693</u>
	Capital Projects Funds:					
401	Capital Improvement	446,802	84,722		99,715	431,809
402	Storm Drainage	56,786	13,956		63,037	7,705
403	Channel Drainage District	445,509	24,275		32,309	437,475
404	Park Playground Improvement	58,417	2,205		31,664	28,958
405	Middlefield Road Grants	(173)	1,200,982		933,265	267,544
406	Facilities Construction	447,477	4		-	447,481
	Sub Total	<u>1,454,818</u>	<u>1,326,144</u>	<u>-</u>	<u>1,159,990</u>	<u>1,620,972</u>
	Internal Service Fund					
610	Vehicle Replacement	357,952	19,703		-	377,655
611	Information Technology	54,979	45,687		48,669	51,997
612	Administrative Services	6,143	118,129		207,626	(83,354)
614	Workers Compensation Insurance	(51,490)	40,782		40,782	(51,490)
	Sub Total	<u>367,584</u>	<u>224,301</u>	<u>-</u>	<u>297,077</u>	<u>294,808</u>
	Trust and Agency Funds					
715	Evans Creative Design	116,028	39,267		45,150	110,145
730	H-P Park Improvement	5,851	-		-	5,851
731	MA Little League	4,821	-		-	4,821
740	Tree Committee	226	-		-	226
	Sub Total	<u>126,926</u>	<u>39,267</u>	<u>-</u>	<u>45,150</u>	<u>121,043</u>
	Grand Total	<u>\$ 9,225,709</u>	<u>\$ 6,747,745</u>	<u>\$ 422,000</u>	<u>\$ 7,374,954</u>	<u>\$ 9,020,500</u>



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MARCH 19, 2003

SUBJECT: AGREEMENT WITH BFI PROVIDING FOR STREET SWEEPING SERVICES

RECOMMENDATION:

Approve an agreement with Browning Ferris Industries to provide for street sweeping services with the cost of sweeping to be treated as an Operating Cost pursuant to the Franchise Agreement with BFI.

INTRODUCTION:

This is a proposal to expand the Town's street sweeping effort and to absorb the cost in the BFI balancing fund. Currently the only mechanical sweeping performed in the Town is on Marsh Road. The County sweeps the Town's area as an extension of sweeping their part of the road. Sweeping is done once a week. This is often more frequently than needed. The County charges the Town on an hourly basis that amounts to about \$4,000 a year.

The Town's lack of mechanical sweeping in other areas gives rise to problems which include:

- Debris strewn bike lanes on Alameda de las Pulgas and Middlefield Road, particularly after storms.
- Concentrations of leaves and debris being washed to and plugging drain inlets in Lloyd Park, where there are curbs, and in other areas where there are concrete gutters.
- Time consuming hand sweeping intersections and other areas where dirt and debris builds up quickly, due to heavy traffic.

There is another bullet that we've been dodging: the requirement of our NPDES, or Clean Water Act, permit to intercept leaves and other debris before it enters our storm drain system. We haven't been called to task on this (yet) because the Town is small, and we've maintained that, because we don't have curbs,

we don't get leaves and street debris in our storm drains.

The first attachment to this report is a spreadsheet listing the streets that the Maintenance Crew has identified as having most of the debris and leaf problems that could be addressed by sweeping. It is recommended that these streets be swept twice a month during the wet season and once a month the rest of the year. This complies with NPDES permit standards. BFI has indicated that they would charge \$822 per round to sweep the streets listed, if they can do it on Saturday, per the attached e-mail from Gino Gasparini. Assuming the sweeping was done twice a month for 5 months, once a month for 7 months and that there would be two extra sweepings, after heavy, early season storms, the annual cost would be \$15,618. This works out to about 52 cents per solid waste account per month.

ANALYSIS:

In analyzing this proposal, there are four questions that need to be addressed:

1. Should the Town expand its sweeping effort to include the streets and frequencies recommend by the street crew? Staff believes the answer is yes for the following reasons:
 - The litter strewn condition of the Town's bike paths after storms could cause accidents for which the Town could be held liable.
 - 90% of the crew's time spent getting ready for and keeping things flowing during storms relates to clearing leaves from drainage inlets. These efforts could be reduced significantly if leaves were swept up before they reached inlets.
 - The Town should be making a greater effort to prevent pollution of creek and bay waters by intercepting and removing leaves and debris before they get into the storm drain and creek systems.
2. Should the Town allow sweeping from roughly 9 a.m. to 3 p.m. on Saturdays? Staff believes the answer is yes, because:
 - Many cities sweep during the late night and early morning hours to minimize interference of traffic with sweeping. In Atherton we discourage activities at night that make noise. Saturday morning traffic is generally lighter than on week days, and sweeping would be least disruptive from both noise and traffic interference standpoints on Saturdays.
 - The noise generated by a street sweeper will usually fall below 50 dBA by the time it travels the distance to a normal Atherton building setback, and it passes quickly as the sweeper moves on.
 - A street sweeper is technically a motor vehicle, which makes it exempt from the Town's Noise Ordinance.
 - BFI is available only on Saturdays to sweep. The sweepers they have are busy in other cities during the week, and the cost of buying another sweeper so they could sweep

Atherton on week days would make the cost prohibitive for them.

3. Should the Town use BFI or some other service provider for sweeping? Staff recommends that the answer is BFI, because:

- BFI's quote calculates to be \$51/mile. The County's charge for sweeping Marsh Road works out to \$225/mile. Larger cities, with their own sweepers report costs on the order of \$60 to \$80/mile, and most contract sweepers charge \$90 to \$110/mile.
- BFI's price takes advantage of the fact they already own the sweeping equipment, and, if they are permitted to use it in Atherton when it isn't being used somewhere else, they can give the Town an excellent price.

4. If the Council agrees that BFI should be used to provide the expanded sweeping program recommended by staff, the last question is, should the cost be absorbed as part of the cost of providing solid waste service or identified as a separate item on solid waste bills?

In the packet there is a recent League of California Cities survey of how cities pay for street sweeping. Cities that had sweeping costs in their storm water charges before Proposition 218 have tended to keep them there. Most others either collect a fee as part of their solid waste billing, or absorb it as a hidden cost in that billing.

Since Atherton is now running a surplus in its BFI balancing account of nearly \$300,000, it would be easiest to simply contract with BFI to include street sweeping as part of the cost of solid waste collection.

SOLID WASTE REDUCTION COMMITTEE RECOMMENDATION:

The Solid Waste Reduction Committee reviewed this proposal at its last meeting and voted to recommend that the Council approve the expanded sweeping program, implemented by BFI and to be paid for from the BFI balancing account.

FISCAL IMPACT:

The cost of the sweeping program could be paid for by solid waste rate payers, and the Town would save the approximately \$4,000 per year it is now paying the County for sweeping.

CONCLUSION:

The pickup and disposal of leaves and street debris by sweeping is a solid waste function and is appropriately paid for by solid waste rate payers.

Respectfully submitted

Reviewed/Approved

Cliff Temps

James

Robinson

Public Works Director

City Manager

ATTACHMENTS:

Atherton Sweeping Locations

E-mail from Gino Gasparini

Memo to Public Works Officers re: Incorporating Street Sweeping Charges on Trash Collection
Bills

Agreement

**AGREEMENT
FOR STREET SWEEPING SERVICES**

THIS AGREEMENT, dated for reference March 19, 2003, is made by and between the TOWN OF ATHERTON, a municipal corporation ("Agency") and BFI WASTE SYSTEMS OF NORTH AMERICA, INC., a Delaware corporation ("BFI"):

Recitals

- A. Agency and BFI are parties to an Agreement for Solid Waste Collection Services for a term commencing January 1, 2001 ("Franchise Agreement");
- B. Agency has requested BFI to provide street sweeping services in addition to and as an additional service to the services provided in the Franchise Agreement;
- C. BFI is willing to provide such additional services on the terms and conditions provided herein.

NOW THEREFORE, it is agreed as follows:

1. **SERVICES.** BFI shall provide street-sweeping services on selected public streets within the municipal limits of AGENCY. The frequency of service, day and time of service, identification of public streets, and the commencement date for such services hereunder shall be set forth on Exhibit A and a list of Atherton Sweeping Locations attached thereto.
2. **TERM.** The term of this agreement shall be from month to month, and shall continue until one party notifies the other party, in writing, at least sixty (60) days in advance, that such party elects to terminate this agreement
3. **COMPENSATION.** BFI shall be compensated at the rate of Eight Hundred Twenty-two Dollars (\$822.00) per service day based on the streets shown on the Atherton Sweeping Locations List, and said compensation shall be adjusted as mutually agreed in concert with mutually agreed to changes in the List. Compensation hereunder shall be deemed an Operating Cost pursuant to the Franchise Agreement.

At the commencement of the second (2nd) year, and on each twelve month anniversary thereafter ("Adjustment Date"), the compensation payable to BFI hereunder shall be adjusted to reflect the changes in the costs of providing this service.

4. **OTHER PROVISIONS.** Except to the extent inconsistent herewith, the provisions relating to insurance, indemnification, and notices set forth in the Franchise Agreement shall apply to services performed hereunder.

IN WITNESS WHEREOF, Agency and BFI have executed this Agreement as of the date and year written below.

TOWN OF ATHERTON

By _____

Its _____

Date: _____

BFI WASTE SYSTEMS OF NORTH AMERICAN, INC

By: _____

Its: _____

Date: _____

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney

Exhibit A

Agency: TOWN OF ATHERTON

BFI: BFI WASTE SYSTEMS

Street sweeping service:

Frequency: Once per month (minimum);
Twice per month during winter, at the election of the Agency;

Day and Time: To be determined;

Identification
of Public Streets: See map (or Atherton Sweeping Location List) attached hereto.

Commencement date: To be determined;



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MARCH 19, 2003

**SUBJECT: AWARD OF CONTRACTS
2003 STREET RECONSTRUCTION
STOCKBRIDGE PATCH AND OVERLAY**

RECOMMENDATION:

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

INTRODUCTION:

The 2003 Street Reconstruction Project consists of rebuilding the streets originally scheduled for reconstruction this year plus a section of James Avenue that is programmed for rebuilding in Fiscal Year 03/04. The former include San Benito Avenue, Bassett Lane, Lane Place, Lowery Drive and both the cul-de-sac and through segments of Lilac Drive. These streets have Pavement Condition Indexes (PCIs) ranging from 16 to 28 out of a possible 100. Spencer Lane, with a PCI of 17, was originally intended to be included. It was left out after discovering that the street right-of-way was never dedicated to the Town. Only 5 of the 9 abutting property owners responded positively to a poll to determine if everyone would be willing to dedicate road easements. The segment of James Avenue that is included lies between Magnolia and the most westerly intersection of James and Greenoaks and has a PCI of 31.

The Stockbridge Avenue Patch and Overlay Project starts at Alameda de las Pulgas and ends at Selby Lane. Plans and specifications for both projects are available for inspection at the Town Hall document desk.

ANALYSIS:

Fifteen bids were received for 2003 Street Reconstruction. They ranged from \$431,701.05 to \$689,416.41. The first and second bidders were below the Engineer's Estimate of \$458,461.

Fourteen bids were received for Stockbridge Patch and Overlay. They ranged from \$197,197.97 to \$270,124.00. Six bids were below the Engineer's Estimate of \$219,740.

FISCAL IMPACT:

\$972,583 from Parcel Tax and Road Impact funds is budgeted for streets in the 2003 Street Reconstruction Project. \$321,276 from Measure A and Traffic Congestion Relief funds is budgeted for the Stockbridge project. The prices received for these projects will allow significant street project additions to be made in the last 2 years of the 4-year CIP

CONCLUSION:

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

Respectfully submitted

Reviewed/Approved

Cliff Temps

James

Robinson

Public Works Director

City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MARCH 19, 2003

**SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS
ATHERTON AVENUE RECONSTRUCTION
HOLBROOK-PALMER PARK PARKING LOT PATCHING
AND SEALING**

RECOMMENDATION:

Approve the plans and specifications for Holbrook-Palmer Park Parking Lot Patching and Sealing, Project 03-003, and Atherton Avenue Reconstruction, Project 03-004.

INTRODUCTION:

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

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

ANALYSIS:

Both the patching work in the park and the reconstruction on Atherton Avenue and its cul-de-sacs will involve the same method that was used on Magnolia and James and Irving cul-de-sacs last year. The old pavement and material below is removed using a milling machine that loads directly into trucks that haul the material away. On the cul-de-sacs, treated wood headers will be installed to control street alignment and elevation and to provide support for the pavement edge. The through section of Atherton Avenue already has concrete gutters which perform the same function. The area between the headers or gutters will be filled with asphalt concrete, placed and compacted in 3 to 5 layers. The end results will be streets that look very much like they were before any work was done.

FISCAL IMPACT:

Both of these projects were budgeted for design in FY 02/03 and construction in FY 03/04. Construction is being moved up to take advantage of a valley in the road construction cost price curve. Timing is such that the first payment for work the Atherton Avenue project will be made in June, with the bulk of payments made in July and August. The first and only progress payment for the parking lot work won't be due until July. Park parking lot work is funded by money left in the Capital Improvement Fund 401 and Atherton Avenue work is funded from Parcel Tax and Road Impact funds.

CONCLUSION:

The plans for these two projects are consistent with the Capital Improvement Program and should be approved.

Respectfully submitted

Reviewed/Approved

Cliff Temps
Public Works Director

James Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF MARCH 19, 2003

**SUBJECT: AMENDMENT TO AGREEMENT WITH CAPORICCI & LARSON FOR
AUDIT SERVICES**

RECOMMENDATION:

That the Council approve an amendment to its agreement for auditing services with Caporicci & Larson extending the term of the contract for Fiscal Years 2002-03 and 2003-04.

DISCUSSION:

In response to a February 2000 request for proposal, the auditing firm of Caporicci & Larson submitted a proposal to perform auditing services for the Town of Atherton for a period of three years with an option to renew the contract for an additional two years. The auditors' proposed fee for performing the annual audit for Fiscal Years 2002-03 and 2003-04 amounted to \$20,245 per year, an increase of \$180 from the \$20,065 fee quoted for the FY 2001-02 audit.

In June of 2000, the City Council approved the selection of Caporicci & Larson and authorized staff to execute a contract with the firm for a period of three years. However, the Council did not elect to include the two-year option for extending the contract as proposed by the auditors.

During the past three years, the auditors have performed their services in a satisfactory manner. Additionally, the auditors in an October 10, 2002 letter to the Finance Director, have reaffirmed their commitment to offer auditing services at the fees quoted in their original proposal.

In evaluating alternatives for the upcoming fiscal year, staff considered issuing a new RFP for auditing services. However, given the satisfactory performance of the auditors during the past three years and the capabilities of Caporicci and Larson staff currently assigned to the engagement, staff believes that it would be in the best interests of the Town to extend the agreement for audit services for an additional two years. Staff has also consulted with the Audit Committee on this issue. The Audit Committee concurs with staff's recommendation to extend the contract for auditing services for an additional two years.

FISCAL IMPACT

Retaining the firm of Caporicci and Larson to perform the annual audit for Fiscal Years 2002-03 and 2003-04 will require an appropriation \$20,245 each year.

Prepared by:

Approved by:

John P. Johns, CPA
Finance Director

Jim Robinson
City Manager

Attachment 1: Amendment to Agreement with Caporicci & Larson for audit services

Amendment to Agreement for Auditor Services

Amendment to Agreement for Auditor Services dated May 26, 2000, by and between the Town of Atherton, a municipal corporation ("Town") and CAPORICCI & LARSON, LLP, a professional limited liability partnership ("Auditor").

Recitals:

Whereas, the City Council of Town has retained Auditor to provide audit services for fiscal years ending June 30, 2000; June 30, 2002 and June 30, 2003; and

Whereas, Town's request for proposal for auditing services and Auditor's response called for a three year contract with two on-year extensions; and

Whereas, Auditor has performed satisfactorily during the three year term of the contract; and

Whereas, Auditor has reaffirmed its commitment to provide auditing services at the rates quoted within the original proposal; and the parties desire to extend the agreement;

Now, therefore, be it resolved for and in consideration of mutual promises herein and incorporated by reference Town and Auditor agree to an extension and modification of their May 26, 2000, agreement as follows:

I. Paragraph 2 "Time of Completion" of the May 26, 2000, agreement is hereby amended to read as follows:

"2. Time of Completion

All work to be performed by Auditor hereunder shall be completed by September 2003 and 2004 unless extended in writing by Town."

II. Paragraph 5 "Fee: Maximum Payment" of the May 26, 2000, agreement is hereby amended to read as follows:

"5. Fee: Maximum Payment

The total cost for services provided by Auditor shall not exceed:

Fiscal Year 2002-03	\$20,245.00
Fiscal Year 2003-04	\$20,245.00".

III. Paragraph 6 "Changes and/or Extra Work" of the May 26, 2000, agreement is hereby amended to read as follows:

"6. Changes and/or Extra Work

Only the Finance Director and City Manager of Town may authorize extra and/or changed work. Auditor expressly recognizes that other Town personnel are without authorization to either order extra and/or change work or to waive contract requirements. The failure of Auditor to secure the Finance Director's or City Manager's authorization for such extra and/or changed work shall constitute a waiver of any unauthorized

work, and Auditor thereafter shall not be entitled to any compensation whatsoever for the performance of such work. In the event Auditor and Town agree that extra and/or changed work is required, a Supplemental Agreement providing for extra compensation shall be negotiated between Town and Auditor. Such Supplemental Agreement shall be executed by the Auditor and be approved by the necessary Town officials."

IV. Except as amended here, all other terms and provisions of the Agreement between the parties dated May 26, 2000, shall continue to remain in effect.

Caporicci & Larson, LLP (Auditor)

Town of Atherton (Town)

By _____

By _____

City Manager

Its: _____

Dated: _____, 2003.

Dated: _____, 2003.

ATTEST:

City Clerk

Approved as to Form:

City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: LINDA KELLY, ASSISTANT TO THE CITY MANAGER

DATE: FOR THE MEETING OF MARCH 19, 2003

SUBJECT: AGREEMENT FOR LABOR RELATIONS LEGAL SERVICES WITH LIEBERT CASSIDY WHITMORE

RECOMMENDATION

Authorize the Mayor to execute the attached agreement with Liebert Cassidy Whitmore for legal services relating to labor relations.

INTRODUCTION:

At the City Council meeting of February 19, 2003, the City Council requested that the firm of Liebert Cassidy Whitmore provide proof of malpractice insurance. Attached is a Certificate of Liability Insurance provided by the firm which shows proof of Lawyer's Professional Insurance. According to the firm's Accounting Department, this is commonly known as malpractice insurance. Also attached for the City Council's information is a copy of the current agreement between the Town and Liebert Cassidy Whitmore for Special Services (San Mateo County Employment Relations Consortium).

Since 1991, the Town has been contracting with Liebert Cassidy Whitmore (formerly Whitmore, Johnson & Bolanos, which superceded Whitmore, Kay & Stevens) for advice and consultation regarding legal matters related to employee relations, labor relations, union negotiations, and general personnel issues. The agreement for 2003 is hereby presented for City Council consideration and approval in compliance with the Town's Municipal Code.

BACKGROUND:

Due to the small size of Atherton's staffing resources in the area of personnel, and due to the need for specialized advice on labor laws and employee relations, the Town has traditionally contracted with a labor relations firm. Staff recommends that the Town continue retaining the firm of Liebert Cassidy Whitmore since some of the firm's attorneys have past experience with the Town's labor relations issues. This history and understanding is very helpful to personnel staff in making decisions and for policy matters that arise in the area of human resources.

Town staff is judicious in its use of Liebert Cassidy Whitmore labor relations services, and only consults with their attorneys when the matter cannot be resolved in another way or if advice cannot be obtained through other means. Due the changing nature of labor relations laws, and due to issues may arise from time to time throughout the year, it is not always possible to predict with accuracy the amount of labor relations advice that will be utilized in any given fiscal year.

Staff asked for and received a copy of the firm's general liability insurance in the amount of \$2 million. (See attachment)

FISCAL IMPACT:

The attached agreement is effective January 1, 2003. The rate of Cynthia O'Neill, the attorney who primarily responds to Town staff inquiries, will remain at its current \$225.00 per hour, effective January 1, 2003 through June 30, 2003, since the Town is part of the San Mateo County Employee Relations Consortium and benefits from the Consortium's negotiated rate.

Since the Consortium agreement ends on June 30, 2003, the attached Liebert Cassidy Whitmore agreement contains a clause which would allow the Town to take advantage of the new Consortium rate as of July 1, 2003 (to be negotiated at a later date by the Consortium), or to be billed at Cynthia O'Neill's new rate of \$240.00 per hour (whichever is lower) beginning July 1, 2003. Note that the Consortium agreement is on a fiscal year basis and the Liebert Cassidy Whitmore Special Services Agreement is on a calendar year basis.

In Fiscal Year 2001-02, the Town expended \$10,465 on labor relations services from Liebert Cassidy Whitmore. For the current Fiscal Year, 2002-03, it is projected that the Town will expend approximately \$10,000 by Fiscal Year end.

Prepared by:

Approved by:

Linda Kelly
Assistant to the City Manager

James H. Robinson
City Manager

Attachments

AGREEMENT FOR SPECIAL SERVICES

This Agreement is entered into between the law firm of LIEBERT CASSIDY WHITMORE, A Professional Corporation (“Attorney”), and TOWN OF ATHERTON, (“Town”).

1. Conditions

This Agreement will not take effect, and Attorney will have no obligation to provide services, until Town returns a properly signed and executed copy of this Agreement.

2. Attorney’s Services

Attorney agrees to provide Town with consulting, representational and legal services pertaining to employment relations matters, including representation in negotiations and in administrative and Town proceedings, as requested by the Town or otherwise required by law.

3. Fees, Costs, Expenses

Town agrees to pay Attorney the sums billed monthly for time spent by Attorney in providing the services and for reasonable travel time.

The range of hourly rates for Attorney time is from One Hundred Sixty to Two Hundred Sixty Dollars (\$160.00 - \$260.00) and Ninety-Five to One Hundred Ten Dollars (\$95.00 - \$110.00) per hour for time of paraprofessional staff. Cynthia O’Neill’s rate will remain \$225 per hour until June 30, 2003. After June 30, 2003, Cynthia O’Neill’s rate will be the rate listed in a consortium services contract for the period July 1, 2003- June 30, 2004 between the Town and Attorney, if any, or \$240 per hour, whichever rate is lower. Attorney reviews its hourly rates on an annual basis. Attorneys and paraprofessional staff bill their time in minimum units of one-tenth of an hour. Communications advice (telephone, voice-mail, e-mail) is billed in a minimum increment of three-tenths (.30) of an hour.

Town agrees to reimburse Attorney for necessary costs and expenses incurred by Attorney on behalf of Town. Attorney bills photocopying charges at Fifteen Cents (\$.15) per page and facsimile charges at One Dollar (\$1.00) per page. A Public Agency Fee Schedule is attached to this Agreement.

Payment by Town against monthly billings is due upon receipt of statements, and is considered delinquent if payment is not received within thirty (30) days of the date of the invoice.

4. **Assignment**

This Agreement is not assignable without the written consent of Town.

5. **Independent Contractor**

It is understood and agreed that Attorney, while engaged in performing the terms of this Agreement is an independent contractor and not an employee of Town.

6. **Term**

This Agreement is effective January 1, 2003, ongoing and may be modified by mutual agreement of the parties. This agreement shall be terminable by either party upon thirty (30) days written notice.

LIEBERT CASSIDY WHITMORE
A Professional Corporation

TOWN OF ATHERTON

By _____

By _____

Date _____

Date _____

Town of Atherton

Approved as to form:

Marc Hynes
City Attorney

I. PUBLIC AGENCY FEE SCHEDULE

(Hourly Rates)

Partners	\$225.00 - \$260.00
Associates	\$160.00 - \$200.00
Of Counsel	\$225.00 - \$240.00
Graduate Legal Assistants	\$110.00
Law Clerks	\$95.00
Paralegals	\$95.00

II. COST SCHEDULE

1. Photocopies	\$ 0.15 per copy
2. Facsimile Transmittal	\$ 1.00 per page



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

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

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

RECOMMENDATION

Staff recommends that the City Council conduct the public hearing and introduce the attached Ordinance based on the following finding for the reasons outlined in this staff report:

1. The proposed amendment is required to achieve the objectives of the Zoning Plan and the General Plan.

INTRODUCTION

The City Council, hearing an appeal of the decision of the Building Official to grant a permit for a 11' tall retaining wall with a 3' tall guard rail, requested the General Plan Committee study the issue of retaining wall heights. The General Plan Committee first discussed this item at their October 9, 2002 meeting and again at their February 5, 2003 meeting. The Planning Commission at their February 26, 2003 meeting recommended the attached Ordinance to the City Council for adoption.

The attached Ordinance amends section 17.36.195, adding a height requirement for retaining walls and amends section 17.08.070, adding a requirement that any decorative roof elements must be included in the maximum building height.

ANALYSIS

The Planning Commission recommends the following changes to the Atherton Municipal Code

regarding retaining walls and building height:

- Retaining Walls – modify the retaining wall requirements, section 17.36.195 of the Atherton Municipal Code as follows;

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

The Planning Commission reviewed the wording as recommended by the General Plan Committee and made some further modifications as outlined above. Planning Commissioners wanted the retaining wall height limit to apply to retaining walls that are located above grade and not limit the height of retaining walls necessary for basements and underground driveways. In addition, the Commission expressed concern that the safety railing could be solid wall construction (similar to the retaining wall construction material). The Commission recommends that the safety fence be of non-opaque material and be substantially open to light and air. This will require safety railings to be an open railing and not a solid wall or fence material.

- Building Height – modify the definition of building height, section 17.08.070 of the Atherton Municipal Code as follows;

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

If an applicant wishes to include decorative elements such as railings on the roof, the height of the main building would be calculated at the top of these decorative elements. This keeps the maximum height of the main building at 30’.

CONCLUSION:

It is Planning Staff’s professional opinion that the proposed Ordinance Amendment is consistent with the General Plan and will achieve the desired results of establishing clear height limits for buildings and retaining walls.

ALTERNATIVES:

Alternatives were discussed at General Plan Committee and Planning Commission meetings.

FISCAL IMPACT:

Costs associated with the implementation of the ordinance will be borne by applicants.

ENVIRONMENTAL IMPACT:

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Sections 15305, Class 5 which permits minor alterations in land use limitations which do not result in any changes in land use or density.

FORMAL MOTION:

I move that the City Council adopt the Ordinance Amendment based on the finding listed in the staff report for the reasons listed in the staff report.

Lisa Costa Sanders, Deputy Town Planner

James Robinson, City Manager

Attachments:

1. Draft Ordinance
2. Planning Commission February 26, 2003 Meeting Minutes
3. Municipal Code Chapter 17.36 and 17.08

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

* * * * *

Introduced this ___ day of _____, 2003.

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

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

—

James R. Janz, MAYOR
Town of Atherton

ATTEST:

Sharon Barker,
City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney

Finding:

1. The proposed amendment is required to achieve the objectives of the Zoning Plan and the General Plan.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MARCH 19, 2003

SUBJECT: ESTABLISHMENT OF NO STOPPING ZONES ON EMILIE AVENUE, AT ST JOSEPH'S SCHOOL

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

RESOLUTION ESTABLISHING NO STOPPING ZONES ON EMILIE AVENUE

RECOMMENDATIONS:

1. Hold a public hearing regarding the adoption of a resolution finding and declaring that ordinances and resolutions adopted pursuant to the State of California Vehicle Code shall apply to Emilie Avenue between Valparaiso Avenue and Park Lane and then adopt the resolution.
2. Adopt a resolution establishing No Stopping Zones on Emilie Avenue

INTRODUCTION:

One thing that all parties involved in discussions concerning traffic issues that relate to Emilie Avenue and St. Joseph's School seem to agree on is the need to prohibit parking on Emilie Avenue. The Transportation Committee reviewed this at its February 24th meeting and voted to recommend to the full Council that NO STOPPING zones be created on both sides of Emilie Avenue, between Valparaiso and MacBain and continuing on the northwest side of Emilie, to

Park. The area in front of the school's office, where there is a paved area for parking, should be exempted from the NO STOPPING restriction.

ANALYSIS:

The things that have made it impossible to enforce the presently posted NO STOPPING area near MacBain, and the no parking signs recently posted by the school, are that Emilie Avenue is possibly a private street and none of the parking restriction signing has been backed by Town ordinance or resolution.

The status of the Emilie right-of-way isn't clear. The school has furnished a deed showing that it dedicated some road to the County in 1904. It isn't easily determined from the deed that that road is Emilie Avenue. There are two ways around this obstacle to enactment of enforceable parking restrictions: adopt the first resolution attached to this report, or receive dedication or rededication of a road easement from the school. Representatives of the school have indicated their willingness to recommend to the school board that it quit claim an easement for road purposes to the Town. The earliest this could occur is sometime after the March Council meeting. In order to proceed with application of parking restrictions as soon as possible, staff and the Transportation Committee are recommending that the former approach be employed. The resolution is worded in a way that makes it self destruct if the school goes through with the dedication.

The second resolution enacts the parking restrictions. The restrictions become effective as soon as NO STOPPING signs are installed. These signs must be placed at both ends of the areas affected and not more than 100 feet apart between the ends. Approximately 26 signs will be needed.

FISCAL IMPACT:

Materials will cost approximately \$50 per sign, and it will take the Town's street crew about three days to install the signs needed. These costs will be absorbed in the operating budget.

CONCLUSION:

Prohibiting parking on this block of Emilie is something everyone seems to want, and the Town has the means to do it.

Respectfully submitted

Cliff Temps
Public Works Director

ATTACHMENTS:

Resolutions

Reviewed/Approved

James Robinson
City Manager

RESOLUTION 03-__

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

WHEREAS, Emilie Avenue, between Valparaiso Avenue and Park Lane, in the Town of Atherton, State of California may be privately owned and maintained; and

WHEREAS, said Emilie Avenue is generally held open for use by the public for vehicular travel; and

WHEREAS, said Emilie Avenue is so connected with Valparaiso Avenue and Park Lane, which are public roads, that the public can not determine that it is not a public road; and

WHEREAS, the apparent owner of Emilie Avenue, between Valparaiso Avenue and Park Lane, the Academy of Sacred Heart, now known as Sacred Heart Schools, Atherton, a California Corporation may grant to the Town of Atherton, by quit claim deed, an easement for public street purposes over said Emilie Avenue; and

WHEREAS, a public hearing was held by the Atherton City Council on March 19, 2003, following notice of the said hearing delivered to Academy of Sacred Heart, now known as Sacred Heart Schools, Atherton, a California Corporation at least ten days in advance of said hearing,

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

- 1. The City Council finds and declares that Emilie Avenue, between Valparaiso Avenue and Park Lane is generally held open for use by the public for vehicular travel and is so connected with Valparaiso Avenue and Park Lane, which are public roads, that the public can not determine that it is not a public road, and therefore ordinances and resolutions adopted pursuant to the State of California Vehicle Code shall apply to Emilie Avenue; and**
- 2. This resolution shall take effect upon adoption and shall continue to be in effect until receipt, acceptance and recordation of a quit claim deed from Academy of Sacred Heart, now known as Sacred Heart Schools, Atherton, a California Corporation for that portion of Emilie Avenue between Valparaiso Avenue and Park Lane, at which time this resolution shall become null and void and of no further force and effect.**

* * * * *

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 _____, 2003, by the following vote:

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

ATTEST:

James R. Janz, MAYOR
TOWN OF ATHERTON

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney

RESOLUTION 03-__

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ESTABLISHING NO STOPPING ZONES ON EMILIE AVENUE**

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

No Stopping zones, per Section 22507 of the California Vehicle Code, are hereby established on Emilie Avenue, at the following locations:

On the northeast side of Emilie Avenue, from Valparaiso Avenue to MacBain Avenue.

On the southwest side of Emilie Avenue, from Valparaiso Avenue to a point on the southwest side of Emilie Avenue which lies 250 feet southeast of an extension of the centerline of MacBain Avenue

On the southwest side of Emilie Avenue, from a point on the southwest side of Emilie Avenue which lies 180 feet southeast of an extension of the centerline of MacBain Avenue to Park Avenue

* * * * *

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 _____, 2003, by the following vote:

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

ATTEST:

James R. Janz, 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
FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER
DATE: FOR THE CITY COUNCIL MEETING OF MARCH 19, 2003
SUBJECT: ENCROACHMENT ORDINANCE

RECOMMENDATION

Staff recommends that the City Council introduce the attached Ordinance amending Section 12.06 of the Atherton Municipal Code based on the following finding and for the reasons outlined in the staff report:

2. The proposed amendment is required to achieve the objectives of the Zoning Plan and the General Plan.

INTRODUCTION:

This item arose out of interest from the Lindenwood Homes Association to construct another entrance gate in Town. The new gate would be paid for by individual donor(s), and then donated to the Town, with maintenance responsibility by the Lindenwood Homes Association. In reviewing the encroachment ordinance, Staff noted that the existing gates and any potential new gates are in conflict with the current encroachment ordinance requirements.

ANALYSIS:

The City Council, at their December 18, 2002 meeting, requested that the General Plan Committee review the encroachment ordinance with regards to the existing entrance gate structures located in the public rights-of-way and the potential for additional entrance gate structures. The attached memo was prepared by City Attorney Marc Hynes to introduce the item to the Council.

The Council should keep in mind the fact that there are more entrance gates in Town, outside of the Lindenwood area. The General Plan Committee at their February 5, 2003 meeting, recommended the following language be added to the encroachment ordinance:

Section 12.06.100(H)

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

This addition to the encroachment ordinance would allow for the construction of new entrance gates in Town upon approval by the City Council.

CONCLUSION:

It is Planning Staff's opinion that the proposed Ordinance Amendment is consistent with the General Plan.

ALTERNATIVES:

If the Council does not adopt the Ordinance, the current requirements would stay in effect, and additional gate structures would not be permitted under the current requirements.

FISCAL IMPACT:

Costs associated with the implementation of the ordinance will be borne by the Town

ENVIRONMENTAL IMPACT:

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Sections 15305, Class 5 which permits minor alterations in land use limitations which do not result in any changes in land use or density.

FORMAL MOTION:

I move introduction of the Ordinance amending Chapter 12.06 of the Atherton Municipal Code regulating encroachments for entrance gates within the Town of Atherton based on the finding listed in the staff report, and waive further readings.

Lisa Costa Sanders, Deputy Town Planner

James R. Robinson, City Manager

Attachments:

4. Draft Encroachment Ordinance
5. Letter from City Attorney to City Council dated December 12, 2002
6. General Plan Committee February 5, 2003 Meeting Minutes
7. Municipal Code Chapter 12.06

ORDINANCE NO. ____
AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING THE ATHERTON MUNICIPAL CODE REGULATING
ENCROACHMENTS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN THE TOWN
OF ATHERTON

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

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

12.06.100(H)

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

SECTION 2: 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 ____ day of _____, 2003

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

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

James R. Janz, MAYOR
Town of Atherton

ATTEST:

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney

ATKINSON ● FARASYN, LLP
ATTORNEYS AT LAW

LEONARD J. SIEGAL
HAROLD S. TOPPEL
STEVEN G. BAIRD
MARC G. HYNES

660 WEST DANA STREET
P.O. BOX 279
MOUNTAIN VIEW, CALIFORNIA
94042
TELEPHONE (650) 967-6941
FACSIMILE (650) 967-1395

J.M. ATKINSON (1892-
1982)
L.M. FARASYN (1915-
1979)

MEMORANDUM

TO: Honorable Mayor and City Councilmembers, Town of Atherton

FROM: Marc G. Hynes, City Attorney

RE: Lindenwood Gate
Chapter 12.06, Atherton Municipal Code

DATE: December 12, 2002

Chapter 12.06 of the Atherton Municipal Code as it presently appears was adopted by Ordinance 503 in 1999. The ordinance generally requires encroachment permits to maintain, among other things, any building or structure upon any easement, right-of-way or parcel of land dedicated to the Town or owned by the Town. Section 12.06.100 sets out the standards for any such encroachments. A copy of section 12.06.100 is attached for your review.

There are presently 3 entryway gates to the Lindenwood neighborhood. As they stand, these structures do not comply with provisions of Section 12.06.100. One way in which to rectify this situation is to provide for these and any future entrance structures by treating them specifically in the ordinance.

There is a precedent for this type of treatment. Encroachments of mail boxes, gate entry keypads, and intercom devices are permitted, notwithstanding other restrictions of Section 12.06.100 provided they are located at least six feet from the edge of the improved right-of-way. Existing trees and shrubs and landscaping are allowed to remain, despite non-conformity with the provisions of the encroachment ordinance's standards, so long as the encroachment is not increased. If the City Manager or designee determines the encroachment to be hazardous, or to pose a physical obstruction, it shall be subject to abatement.

One way in which the existing Lindenwood gates could be recognized and some standards set for any additional such features would be by adding a sub-section to Section

12.06.100 in between the one authorizing encroachments for mail boxes and that recognizing non-conforming trees, shrubs and landscaping. The section would read as follows:

"Encroachments for entrance gate structures delineating the Lindenwood neighborhood subject to terms and conditions of a permit approved by the City Manager or designee. Further, if such encroachments are subsequently determined by the City Manager, or designee, to be hazardous or to pose a physical obstruction, said structure shall be subject to abatement and removal as a public nuisance as determined by the City Manager, or designee, to be in the interests of the public health, safety and general welfare."

A timeline for the consideration and introduction of the ordinance would proceed substantially as follows:

December 18, 2002: Discuss the proposal with the City Council and receive direction.

January 8, 2003. Review with the General Plan Committee the necessity of modifying the existing encroachment ordinance.

February 19, 2003 City Council considers the introduction of an ordinance modifying the encroachment ordinance.

March 19, 2002 City Council considers adoption of ordinance.

Respectfully,

Marc G. Hynes

MGH:cwb

**GENERAL PLAN COMMITTEE
DRAFT MINUTES**

**TOWN OF ATHERTON
February 5, 2003 6:00 p.m.
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

ROLL CALL:

**PRESENT: Phil Lively
Kathy McKeithen
Charles Marsala
Rose Hau
Joan Sanders
Jim Dobbie
Sandy Kaye
Vivian Kral**

Lisa Costa Sanders, Deputy Town Planner and Mike Hood, Building Official were also present.

REGULAR AGENDA

Encroachment Ordinance

Committee members reviewed the recommended changes to the encroachment ordinance to legalize existing entrance gates and allow additional entrance gates in the public right-of-way. Committee members recommended that the permit authority should be with the City Council rather than the City Manager.

M/S Marsala/Kral to recommend the changes to the Encroachment Ordinance to the City Council.

ADJOURN

The Chair adjourned the meeting at 7:25 p.m. The next meeting is scheduled for April 2, 2003 at 6:00 p.m.

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF MARCH 19, 2003

SUBJECT: DISCUSSION AND POSSIBLE ACTION – CONSIDERATION OF WATER TOWER PROJECT

RECOMMENDATION

That the City Council consider the Water Tower restoration proposal from the Holbrook-Palmer Recreation Park Foundation/Atherton Dames and consider support for this project.

BACKGROUND:

The Holbrook Palmer Park Foundation/Atherton Dames submitted a proposal to the Park and Recreation Commission for the renovation of the interior of the existing Water Tower in Holbrook-Palmer Park. (See attached schematic) The proposal was approved with the expectation that final plans for the restoration be returned to the Park and Recreation Commission and approvals would be sought from the Planning Commission and City Council.

The Atherton Dames are currently in the process of soliciting contributions for this restoration project through various community based events, such as the Celebrity Chef Champagne Reception scheduled for March 21, 2003 and the Kitchen Tour scheduled for April 4, 2003. The Foundation/Dames is seeking City Council approval of this project to recognize, support and assist in their fund-raising efforts. Obviously, the extent of the proposed improvements will be determined by the total funds collected. Representatives of the Foundation/Dames will be present at the Council meeting to present this proposal and answer any questions.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF MARCH 19, 2003

SUBJECT: CONSIDERATION AND POSSIBLE ACTION ON THE ADOPTED CITY COUNCIL POLICY OF RESIDENT PARTICIPATION/ADVISORY STATUS TO CITY COUNCIL SUB-COMMITTEES

RECOMMENDATION

It is recommended that the City Council revisit their previous action to allow appointment of non-voting citizen members to City Council sub-committees. The specific action would be to determine how or if selection would occur if there is not Council sub-committee consensus on applicants to be selected. Any modification or action by the City Council should ultimately be included within the adopted City Council Rules and Procedures adopted on June 19, 2002.

BACKGROUND:

The City Council, at its meeting of April 2002, adopted a motion "that the City Council Members on City Council appointed committees be empowered to appoint non-voting resident advisors, without getting approval of the whole City Council, or going through the Screening Committee, whose terms would last for one year concurrent with Council Members' terms on the committee." The discretion of appointing the non-voting resident advisors was left solely to the Council Members serving on the sub-committee.

The current policy for selection of resident advisors does not provide any process for selecting resident advisors if the Council Members serving on the sub-committee cannot concur on those to be appointed from the list of resident applicants. It is recommended that the Council consider a process that would address how or if resident advisors are appointed to the sub-committee if sub-committee Council Members do not concur. Any amendments should be incorporated into the Council's rules and procedures. Alternatives could include:

1. Not appoint resident advisors if agreement cannot be reached.
2. Defer the selection of the citizen advisors to the City Council selection committee.
3. Defer the selection of the citizen advisors to the entire City Council.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF MARCH 19, 2003

SUBJECT: PROPOSED REVISIONS TO THE BUSINESS LICENSING PROCEDURES.

RECOMMENDATION:

Approve the revisions proposed herein to the manner in which the Town administers its business license tax ordinance. These revisions are intended to provide for greater assurance that:

- Enterprises conducting business within the geographical limits of the Town pay their full and fair share of the business tax burden; and,
- Town staff is able to administer and enforce the business license ordinance more efficiently and effectively.

DISCUSSION:

During the period of August through December of 2002, the Finance Department initiated a review of the business license ordinance and of the procedures used to collect business license taxes due and payable to the Town. This review was initiated to determine why business license revenues have declined during the past two years despite a significant increase in the primary driver of business licenses, residential construction, remodeling and repair. Although the number of permits issued by the Building Department has increased from 287 in FY 1998 to 1,098 in FY 2002, business license revenue has declined by nearly 50 percent during that same interval (from \$225,000 in FY 1998 to \$116,000 in FY 2002).

In attempting to understand the reasons for the decline in business license tax revenue, the Finance Department:

- Reviewed the business license ordinance and changes made thereto during the past several years;
- Performed analytic reviews on various databases which provide an indication of:
 - The amount of business license revenue that the Town should be collecting given current economic trends; and,
 - The degree of success the Town has achieved in capturing available business license revenue.
- Canvassed selected neighborhoods at random intervals within the Town to identify the quantity and characteristics of businesses that perform work within the Town and to identify whether such businesses are properly licensed; and,
- Analyzed the procedures used by staff to administer and enforce the ordinance with the objective of identifying opportunities for improvement.

Based upon these activities we noted the following observations:

- Contractors and subcontractors performing remodeling, construction and repair of residences account for the large majority of business activity subject to taxation within the Town. In fact 84 percent of the businesses subject to the ordinance fall within these two categories. (The remaining 16 percent consist of maintenance companies, real estate firms, and home occupations.) However, given the transitory nature of construction work, it is difficult to verify whether general contractors and their subcontractors are adhering to the requirements of the business license ordinance without an extensive canvassing of the Town at periodic intervals. At present, the Town does not have sufficient resources to perform such canvassing.
- To compensate for the absence of an extensive canvassing program, general contractors are required to identify all of their subcontractors and to ensure that their subcontractors have a current business license, prior scheduling a final inspection with the Building Department. However, given the duration of residential construction projects in Atherton, two or more years may elapse between the time a subcontractor is employed by a general contractor and the time the general contractor identifies the subcontractor for licensing purposes. Additionally, the Town does not have a mechanism whereby it can verify that the accounting of subcontractors that a general contractor has made at the end of a construction job is in fact complete.
- In FY 2001, the business license ordinance was revised to provide for the expiration and renewal of all business licenses at the beginning of each fiscal year. Prior to this revision, business licenses were subject to expiration and renewal 12 months following their issuance. This change in practice was intended to provide for greater efficiency in processing renewals. However, the ordinance change had the unanticipated effect of concentrating the

licensing of as many as 2,400 businesses during the months of June and July, a period in which the Finance Department workload is at its peak as it implements the adopted budget and prepares for the annual audit.

- The business license ordinance provides for a penalty of ten percent per month, not to exceed 100 percent of the annual business license tax as a delinquency penalty. Since business license fees range from \$50 to \$250 depending upon the nature of the business, there is little in the way of a financial deterrent to keep vendors from operating in Atherton without a business license.

To provide for greater compliance with the business license ordinance, staff proposes to change the manner in which business license fees are calculated for construction contractors. These changes are described in the attached sample letter to general contractors and are summarized as follows:

- Rather than requiring individual subcontractors to obtain a business license, business licenses issued to general contractors would cover a general contractor and the subcontractors under the employ of the general contractor.
- Business license fees for contractors would consist of two components, the license fee due and payable by the general contractor and license fees that attributable to the subcontractors employed by the general contractor.
- The amount of business license fees due and payable by general contractors would be established so that they do not exceed the amount that could be expected to be have been paid by the general contractor and its subcontractors had these entities been licensed separately.
- In the event that an applicant, whether a developer or homeowner, has not identified a contractor who will perform residential construction, repair or rehabilitation, responsibility for paying a business license fees would be fixed with the applicant itself for all projects in excess of \$50,000. This change would effectively preclude property owners or developers from benefiting by failing to identify the name of the contractor under their employ.

The advantages of the changes described above include:

- A significant reduction in the number of business licenses which must be issued each year, thereby reducing clerical workload;
- Improved compliance with the business license ordinance and enhanced revenues; and,
- A more equitable distribution of the business license tax ordinance resulting from the establishment of an objective and verifiable method of levying business license taxes.

It should also be noted that the City Attorney has reviewed these business license administrative changes. The City Attorney has concluded that such changes can be accomplished within the framework of the current business license ordinance. Hence, no changes to the municipal code would be necessary to implement such administrative changes.

The following table provides a summary anticipated effect of the proposed changes on the number of businesses subject to the business license ordinance, expected compliance rates and revenues.

	Existing	Post B/L Administrative Change
<i>Estimated Number of Businesses Subject to Business License Tax</i>	2,439	455
<i>Estimated Compliance Rate</i>	33%	95%
<i>Estimated Revenues</i>	\$ 140,000	\$ 290,000
<i>Average Revenues Per Licensee</i>	\$ 177	\$ 673
<i>General Contractors</i>	250	1,071
<i>Subcontractors</i>	150	-
<i>Other</i>	188	188

FISCAL IMPACT:

By implementing the administrative changes described herein, it is estimated that the Town will realize an additional \$150,000 in business license revenue. Such revenues will result from an improved ability to collect business license taxes that are due and payable to the Town.

Attachment A: Sample letter to contractors

Prepared by:

Approved by:

John P. Johns, CPA
Finance Director

Jim 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 MARCH 19, 2003

SUBJECT: ADOPTION OF RESOLUTION APPROVING AMENDMENT TO PERS CONTRACT, MISCELLANEOUS EMPLOYEES

RECOMMENDATION

Adopt Resolution No. 03-_____ approving an amendment to the contract between the California Public Employees' Retirement System PERS and the Town of Atherton to provide for the purchase of military service credit for miscellaneous employees.

DISCUSSION

In Fiscal Year 2002-03, the Council adopted Resolution Number 02-29 concerning the salaries and benefits afforded management employees. This resolution included a provision to allow miscellaneous employees to purchase PERS service credit for time served in the United States armed forces. Under current regulations, employees may purchase one year of service credit for each year of time served in the military up to a maximum of four years. The entire cost of service credit purchase is borne by the employee electing to purchase military service credit. However, public employees may only purchase such service credit if the contract between PERS and the public agency employing the individual contains a provision for military service credit purchase.

Since the Town of Atherton's contract does not contain a provision for the purchase of military service credit, the Town must adopt a contract amendment at this time in order to conform to its management resolution.

To initiate the change in the Town's contract with PERS, two actions of Council are required. The first is to approve an ordinance authorizing an amendment to the contract and to waive further reading. (This action is the subject of a separate staff report). The second is to adopt a resolution of intention to approve an amendment to the contract. The proposed resolution and sample contract are incorporated within this staff report as attachments 1 and 2.

Prepared by:

Approved by:

John P. Johns, CPA
Finance Director

Jim Robinson
City Manager

Attachment 2: Resolution No. 03-____ approving an amendment to the contract between the
Town of Atherton and PERS.

Attachment 3: Contract Amendment

RESOLUTION NO. 03-___

**RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
TOWN OF ATHERTON**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21024 (Military Service Credit as Public Service) for local miscellaneous members.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as "Exhibit" and by this reference made a part hereof.

By: _____
James R. Janz, Mayor
Town of Atherton

Date adopted and approved

* * * * *

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 __th day of _____, 2003, by the following vote:

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

James R. Janz, Mayor
Town of Atherton

ATTEST:

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF MARCH 19, 2003

SUBJECT ORDINANCE AUTHORIZING AN AMENDMENT TO PERS CONTRACT, MISCELLANEOUS EMPLOYEES

RECOMMENDATION

Introduce an Ordinance authorizing an amendment to the contract between the California Public Employees' Retirement System (PERS) and the Town of Atherton, and waive further reading.

DISCUSSION

In Fiscal Year 2002-03, the Council adopted Resolution Number 02-29 concerning the salaries and benefits afforded management employees. This resolution included a provision to allow miscellaneous employees to purchase PERS service credit for time served in the United States armed forces. Under current regulations, employees may purchase one year of service credit for each year of time served in the military up to a maximum of four years. The entire cost of service credit purchase is borne by the employee electing to purchase military service credit. However public employees may only purchase such service credit if the contract between PERS and the public agency employing the individual contains a provision for military service credit purchase.

Since the Town of Atherton's contract does not contain a provision for the purchase of military service credit, the Town must adopt a contract amendment at this time in order to conform to its management resolution.

Included as attachment 1 to this staff report is the proposed ordinance

Prepared by:

Approved by:

John P. Johns, CPA
Finance Director

Jim Robinson
City Manager

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

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN
THE CITY COUNCIL OF THE TOWN OF ATHERTON AND THE
BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC
EMPLOYEE'S RETIREMENT SYSTEM

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

SECTION 1: That an amendment to the contract between the City Council of the Town of Atherton and the Board of Administration, California Public Employee's Retirement System, is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION 2: The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3: This Ordinance shall be posted in at least three public places according to law within the Town of Atherton and shall take effect and be in force from and after 30 days after its passage and adoption.

* * * * *

I hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the Town of Atherton held on _____, 2003 and was thereafter, at a regular meeting held _____, 2003 passed and adopted by the following vote:

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

James R. Janz, Mayor
Town of Atherton

ATTEST:

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF MARCH 19, 2003

SUBJECT: CONSIDERATION OF APPOINTMENTS OF COUNCIL MEMBERS TO THE PENINSULA DIVISION COUNCIL LIAISON COMMITTEE AND THE RAPID RESPONSE TEAM

RECOMMENDATION

Consider appointment of Council Members to League of California Cities Peninsula Division committees.

BACKGROUND:

In correspondence from Rebecca Elliot, Peninsula Division (see attached), the League of California Cities is proposing the establishment of Rapid Response Teams (RRT) and Division Council Liaisons within the Peninsula Division of the League.

The idea of the RRT is to have as many Council Members from the Peninsula Division as are interested to serve in an "as needed" role to respond to lobbying needs of the League. These Council Members would receive e-mails from the League and notices of rallies in Sacramento, and would be called upon to travel to Sacramento when needed to support the League's lobbying efforts.

The Peninsula Division Council Liaisons would provide a Grassroots Network Activities report to their City Councils, and they would be encouraged to attend the Division's quarterly dinner meetings and other activities. They are looking for three to five elected officials in each county to serve in this capacity.

If the concepts of the Rapid Response Team and the Peninsula Division Council Liaisons are supported by the City Council, it is suggested at this time that the Council consider appointment of Council Members to these two committees.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF MARCH 19, 2003

SUBJECT: CONSIDERATION AND POSSIBLE APPROVAL OF PARK AND RECREATION COMMISSION RECOMMENDATION FOR RECOGNITION OF HENRY CARTAN III

RECOMMENDATION

It is recommended that the City Council accept the recommendation of the Park and Recreation Commission to recognize the late Henry Cartan III, former member of the Atherton Park and Recreation Commission. The Commission unanimously recommended that a park bench be placed in the North Meadow of the Holbrook-Palmer Park in his memory.

BACKGROUND:

At a previous meeting of the City Council, on February 19, 2003, it was suggested that the City Council consider some form of recognition for Henry Cartan III for all of his many efforts on behalf of Holbrook-Palmer Park. The suggestion was referred to the Park and Recreation Commission and the Commission recommended that a bench be placed in recognition of Mr. Cartan, in the North Meadow of Holbrook-Palmer Park.