



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

REGULAR MEETING

- 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. Recognition of Red Ribbon Week
- B. Menlo Park Fire Protection District – Community
Response Team (CERT) Neighborhood
- Emergency
Program
- 7:15 P.M. 4. **COUNCIL REPORTS**
- 7:55 P.M. 5. **PUBLIC COMMENTS** (only for items which are not on the
agenda –
limit of three minutes per person)
- 8:05 P.M. 6. **STAFF REPORTS**
- 8:15 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**
(Per Resolution No. 02-31)
- 8:15 P.M. **CONSENT CALENDAR** (Items 8 – 21)
8. **APPROVAL OF MINUTES OF REGULAR AND SPECIAL
MEETING OF SEPTEMBER 17, 2003 AND SPECIAL
MEETING OF OCTOBER 6, 2003**

9. **APPROVAL OF BILLS AND CLAIMS FOR OCTOBER 2003
IN THE AMOUNT OF \$1,110,402**
10. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR
OCTOBER 2003**
11. **ACCEPTANCE OF QUARTERLY INVESTMENT REPORT
FOR THE QUARTER ENDED SEPTEMBER 30, 2003**
12. **APPROVAL OF AGREEMENT BETWEEN FELTON
GABLES HOMEOWNERS ASSOCIATION AND TOWN OF
ATHERTON TO PROVIDE FOR ACCESS TO
HOLBROOK-PALMER PARK**

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

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

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

14. **APPROVAL OF TOW COMPANY CONTRACT**

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

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

Recommendation: Approve the plans and specifications and authorize advertisement for bids for the Holbrook-Palmer Park Restroom Expansion Project, Project No. 03-008.

16. **ADOPTION OF RESOLUTION 03-__ RESCINDING
RESOLUTION NO. 03-20 (CORRECTION TO EXHIBIT**

**“A”) AND AUTHORIZING HOURLY SALARY RANGES
FOR PART TIME AND TEMPORARY EMPLOYEES FOR
FISCAL YEAR 2003-04**

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

- 17. ADOPTION OF A RESOLUTION AUTHORIZING APPLICATION FOR A BICYCLE TRANSPORTATION ACCOUNT GRANT; and ADOPTION OF A RESOLUTION ADOPTING A BICYCLE TRANSPORTATION PLAN TO INCORPORATE THE SAN MATEO COUNTY COMPREHENSIVE BICYCLE ROUTE PLAN
(Note: 2 Staff Reports)**

Recommendation:

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

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

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

Recommendation: Increase appropriations for contract plan check services by \$50,000 and reduce reserves for future building inspections by an equivalent amount as recommended by the Finance Committee.

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

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

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

Recommendation: Refer to the General Plan Committee the Special Events Ordinance for review and recommendation. Specifically, it is requested that the General Plan Committee review the maximum time permitted for the life of the Special Events Permit issued and determine what specific time

constraints, if any, should be imposed on permitted events within the Town.

21. **APPROVAL TO ISSUE A REQUEST FOR PROPOSALS FOR PARK GROUNDS MAINTENANCE SERVICES FOR HOLBROOK PALMER PARK**

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

REGULAR AGENDA (Items 22 -25)

- 8:30 P.M. 22. **APPOINTMENT OF COUNCIL MEMBERS AND RESIDENT MEMBERS TO CALTRAIN CORRIDOR AD HOC COMMITTEE**

Recommendation: Consider recommendations of Council Screening Committee.

- 9:00 P.M. 23. **REPORT ON TOWN PROCESSES RELATED TO BUILDING PERMIT FOR 85 ORCHARD HILLS DRIVE, LANDSCAPE SCREENING PLAN FOR RETAINING WALL, AND RELATED SITE IMPROVEMENTS AND DEVELOPMENTS**

Recommendation: Accept report and provide direction to staff.

- 10:00 P.M. 24. **DISCUSSION OF PROPOSED CALTRAIN SERVICE REDUCTIONS**

Recommendation: accept and forward to Caltrain/Samtrans any comments received regarding the proposed reduction of Caltrain weekday service and the proposed elimination of weekend service within the Town of Atherton.

- 10:30 P.M. 25. **CONSIDER CABLE CO-OP GRANT APPLICATION TO EQUIP THE COUNCIL CHAMBERS FOR CABLE BROADCAST OF TOWN MEETINGS**

Recommendation: Consider the opportunity to submit a grant application for funding from the Cable Co-op to equip the Council Chambers for the cable broadcast of Town meetings over the government channel.

- 10:45 P.M. 26. **PUBLIC COMMENTS**

11:00 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
September 17, 2003
6:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road, Atherton
Special Meeting

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

1. 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 present.

2. PUBLIC COMMENTS

There were no public comments.

3. CLOSED SESSION

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

4. RECONVENE TO OPEN SESSION

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

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – pursuant to subdivision (c) of Government Code Section 54956.9: 4 potential cases.**

Direction was given to the City Attorney.

B. LIABILITY CLAIMS - pursuant to Government Code Section 54956.95

**Claimant: Enterprise Rent-a-Car
Agency claimed against: Town of Atherton
Direction was given to the City Attorney.**

**Claimant: Arlene Coddington
Agency claimed against: Town of Atherton
Direction was given to the City Attorney.**

**Claimant: Sean Sundland
Agency claimed against: Town of Atherton
Claim was denied by a unanimous vote of the City Council.**

5. ADJOURN

The meeting adjourned at 6:55 p.m. to Closed Session continued after the Regular Meeting.

Respectfully submitted,

James R. Janz, Mayor



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

September 17, 2003

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Janz called the meeting to order at 7:10 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 present.

3. **PRESENTATIONS**

A. Presentation by Midpeninsula Community Media Center

Executive Director Annie Nieuhaus gave a brief report on the programs and channels offered by the Media Center. She advised the Council that grant funding may be available through Cable Coop for equipment to videocast City Council meetings. Staff will prepare a letter of interest.

B. Oath of Office for Police Officer Jason Yoakum

Police Chief Robert Brennan administered the oath of office to new Police Officer
Jason Yoakum.

C. Proclamation - Constitution Week September 17 - 23

Mayor Janz declared the week of September 17 – 23 Constitution Week.

D. Proclamation - Pollution Prevention Week September 15 - 21

Mayor Janz declared the week of September 15 to 21 as Pollution Prevention Week.

Town Arborist Kathy Hughes Anderson announced a mercury thermometer exchange on Saturday, September 20 from 9:00 a.m. to 1:00 p.m. at Burgess Community Center, and a computer recycling event on Saturday, 9:00 a.m. to 2:00 p.m. at Tyco Electronics in Menlo Park.

4. COUNCIL REPORTS

- **Council Member Conwell reported that he attended the City/County Association of Governments Board meeting. The Board reviewed new state legislation. He also attended a Criminal Justice Commission meeting. The Commission was informed it has lost some state funding this year. Council Member Conwell announced that he will not attend the October City Council meeting.**
- **Council Member Carlson reported that the Finance Committee met September 4 and considered several items that are before the Council tonight. The Committee reviewed the annual Town Investment Policy, held discussion on building and planning fees, and discussed the parcel tax that expires June 2005. The Audit Committee met August 17 with the Town auditors. The Town received an unqualified opinion on its financial statements for the third consecutive year. The Audited Financial Statements will be presented at the October Council meeting.**
- **Council Member Marsala reported that he received a basic leadership certificate at the League of California Cities Conference in Sacramento. The League is planning to place a resolution on the November 2004 ballot to protect local revenues. He announced that the Screening Committee met with four applicants to the Arts Committee this past week. The Committee's recommendations for appointments are on tonight's agenda. He reported that construction parking issues were addressed at the General Plan Committee meeting September 10. Council Member Marsala reported that the Town's 80th anniversary party on September 12 was a success. He also attended the dedication of the new garden at the Library on Saturday, September 13. He commended Town Arborist Kathy Hughes Anderson for her work on the garden. He also noted that the Tennis Committee has started a website.**
- **Vice Mayor McKeithen reported on the General Plan Committee meeting where construction parking and code enforcement was addressed. The Committee has recommended that the public nuisance section of the Municipal Code be amended to address construction parking. The Committee also discussed the possibility of creating a code enforcement officer position. She asked that both of these items be**

placed on the October City Council agenda. Information on the number and type of complaints the Town has received was requested from staff by Council Member Carlson. It was agreed that the Planning Commission will address both of these items at their September 24 meeting. Vice Mayor McKeithen asked the City Manager to inform the Council when the date for the next Atherton Channel District Subcommittee will be set. She announced the next Office of Emergency Services meeting September 18, 5:30 p.m., at the County Center.

- Mayor Janz stated that he would like the Council, at the next meeting, to consider the creation of an ad hoc committee to research and address the specific impact that the proposed high speed rail would have on the Town.

5. PUBLIC COMMENTS

The following members of the audience spoke:

- Robert Simonds, Atherton, informed the Council that maintenance will be performed on the Town clock in the next few weeks.
- John Rugeiro, Atherton

6. STAFF REPORTS

- City Manager Jim Robinson reported that September 22 is the deadline for articles for the Athertonian. The Transportation Committee will meet October 14. The next meeting date for the Atherton Channel Subcommittee will be set at a later date.
- City Attorney Marc Hynes reported that Items 3C and 3D on the Closed Session were continued to after the Regular meeting. He reported out the action for Items 3A and 3B as follows:

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – pursuant to subdivision (c) of Government Code Section 54956.9: 4 potential cases.

Direction was given to the City Attorney.

B. LIABILITY CLAIMS - pursuant to Government Code Section 54956.95

Claimant: Enterprise Rent-a-Car

Agency claimed against: Town of Atherton

Direction was given to the City Attorney.

Claimant: Arlene Coddington
Agency claimed against: Town of Atherton
Direction was given to the City Attorney.

Claimant: Sean Sundland
Agency claimed against: Town of Atherton
Claim was denied by a unanimous vote of the City Council.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Doris Kellett, Atherton representative to the San Mateo County Mosquito Abatement District Board, introduced District Manager Robert Gay. Mr. Gay gave a report on the District's role in preventing West Nile Virus.

CONSENT CALENDAR

Mayor Janz stated that Item 18 would be removed from the Consent Agenda. Council Member Marsala asked that Item 8 be removed. Vice Mayor McKeithen asked that Item 19 be removed. Council Member Marsala encouraged staff, in respect to Item 20, to research matching funds for the grants.

MOTION – to approve the Consent Agenda as presented with the exception of Items 8, 18 and 19.

M/S McKeithen/Conwell

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

8. Removed from Consent Agenda

9. APPROVED BILLS AND CLAIMS FOR JULY, 2003 IN THE AMOUNT OF \$1,132,669, AND AUGUST, 2003 IN THE AMOUNT OF \$767,061

10. ACCEPTED MONTHLY FINANCIAL REPORTS FOR JULY AND AUGUST 2003

11. APPROVED ANNUAL INVESTMENT POLICY

12. ADOPTED ORDINANCE NO. 544 AMENDING ATHERTON MUNICIPAL CODE SECTION 17 REGULATING ACCESSORY STRUCTURES FOR SECOND DWELLING UNITS

Adopted Ordinance No. 544 amending Atherton Municipal Code Section 17 regulating second dwelling units, and waived further reading.

13. ADOPTED ORDINANCE NO. 545 AMENDING ATHERTON MUNICIPAL CODE SECTION 15 REGARDING ENVIRONMENTAL REVIEW

Adopted Ordinance No. 545 amending Atherton Municipal Code Section 15 regarding

the environmental review process for removal of heritage trees, and waived further reading.

14. **APPROVED SECOND READING OF ORDINANCE NO. 543 AMENDING ORDINANCE NO. 538 TO CONTINUE IN EFFECT EXISTING PROCEDURES FOR INFORMAL COMPETITIVE BID AND SMALL PURCHASES**

15. **ACCEPTED QUARTERLY INVESTMENT REPORT FOR QUARTER ENDING JUNE 30, 2003**

16. **ACCEPTED WORK AND AUTHORIZED RECORDING A NOTICE OF COMPLETION FOR ATHERTON AVENUE RECONSTRUCTION, PROJECT NO. 03-004**

Accepted the work and authorized recording of a notice of completion for the Atherton Avenue - Stern Lane to Linda Vista Avenue Reconstruction Project No. 03-004.

17. **ACCEPTED WORK AND AUTHORIZED RECORDING A NOTICE OF COMPLETION FOR HOLBROOK-PALMER PARK PARKING LOT, PROJECT NO. 03-003**

Accepted the work and authorized recording of a notice of completion for the Holbrook-Palmer Park Parking Lot Patching and Sealing Project, Project 03-003.

18. **Removed from Consent Agenda.**

19. **Removed from Consent Agenda.**

20. **ADOPTED RESOLUTION NO. 03-16 APPROVING AN AGREEMENT WITH CALTRANS FOR HIGHWAY MAINTENANCE SERVICES**

Adopted Resolution No. 03-16 approving an agreement with Caltrans to perform highway maintenance services along El Camino Real, and authorizing the Mayor to execute said agreement. Increase appropriations for Public Works contract services by \$26,800.

21. **ADOPTED RESOLUTION NO. 03-17 APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE 2002 RESOURCES BOND ACT AND RESOLUTION 03-18 APPROVING THE APPLICATION FOR GRANT FUNDS UNDER THE ROBERTI-Z'BERG-HARRIS BLOCK GRANT**

Adopted Resolution No. 03-17 approving the Town of Atherton's application for grant funds under the 2002 Resources Bond Act and Resolution No. 03-18 for the Roberti-Z'Berg-Harris Block Grant.

22. APPROVED PURCHASE OF UTILITY VEHICLE FOR HOLBROOK-PALMER PARK

Approved the purchase of a Toro Workman 3100 utility vehicle for Holbrook-Palmer Park for a total price not to exceed \$16,500.

REGULAR AGENDA

Item 18 was removed from the Consent Agenda and placed on the Regular Agenda.

18. APPOINTMENTS TO ATHERTON ARTS COMMITTEE

Council Members Marsala and Conwell of the City Council Screening Committee asked that this item be removed from the Consent Agenda. Council Member Marsala announced that four applicants were interviewed by the Screening Committee and were recommended for appointment to the Atherton Arts Committee.

MOTION – to appoint Florentina Mazzone, Valerie Gardner, Jan Zones and James Martinez to serve on the Atherton Arts Committee for indefinite terms.

M/S Marsala/Conwell

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

Items 24 and 26 were taken out of order.

24. DISCUSSION AND POSSIBLE ACTION – REPORT ON CONSTRUCTION AND LANDSCAPE SCREENING PLAN FOR RETAINING WALL AT 85 ORCHARD HILLS AND RELATED SITE IMPROVEMENTS AND DEVELOPMENT

Vice Mayor McKeithen stated that she asked for this item to be placed on the agenda because of concerns with the issuance of permits for accessory structures on the 85 Orchard Hills property. City Attorney Marc Hynes noted that this item did not require Council action in terms of the building permit for 85 Orchard Hills Drive, but that discussion of the matter might generate revisions to the zoning ordinance.

Building Official Mike Hood presented the staff report for this item. A building permit was issued in June 2002 for a retaining wall at 85 Orchard Hills Drive. The City Council subsequently heard an appeal filed by the adjoining property owner at 291 Stockbridge Avenue challenging the propriety of regulating the retaining wall as an accessory structure. The Council ruled that the permit was properly issued and referred the issue of retaining wall regulations to the General Plan Committee for review. Retaining wall regulations were later revised to limit the maximum height of a single retaining wall to 6 feet.

The Building Official stated that a modified landscape screening plan has been

submitted which places all of the screening material on the 85 Orchard Hills property. A previous agreement between the two adjoining property owners for the retaining wall screening to be planted on the 291 Stockbridge property no longer exists. In the staff report, the Building Official also responded to issues regarding the process time for the permit for a pool house constructed at 85 Orchard Hills, and the height and size of the pool house.

City Manager Jim Robinson clarified that the lower level landscape screening plan has been submitted and has been approved by Town staff. A plan for the upper level screening has also been submitted. The City Manager noted that although Eric Amadei, property owner of 291 Stockbridge, has reviewed and signed off on the lower level plan, he still may have concerns with the upper level plan.

Paul Baynton, contractor for the 85 Orchard Hills project, spoke. He described actions the property owner, Karim Maskatiya, has taken related to landscape screening since the permit for the retaining wall was issued. He informed the Council of the types of plants and trees that are included in the approved plan.

Town Arborist Kathy Hughes Anderson explained that the proposed landscaping is sufficient to screen the 11 foot wall including the 3 foot railing above the wall.

Eric Amadei, owner, 291 & 293 Stockbridge Avenue, expressed his concerns with the administrative process for the Town's approval of the retaining wall, stating that the size of the wall has a negative impact on adjoining properties. He reported that his understanding was that no accessory structures were going to be constructed above the retaining wall. He provided photographs of the site. He confirmed that he has agreed to and signed off on the landscape screening plan for the bottom level, but has only seen parts of the plan for the upper level.

Vice Mayor McKeithen expressed concerns with the permitting process in general as well as permitting procedures used specifically for the Orchard Hills project. She suggested that plans should be filed when the landscape screening agreement is submitted and that road impact fees should be required for landscape screening. Relative to the 85 Orchard Hills project, her concerns included whether adequate standards were used to place the valuation on the retaining wall project to ensure that proper fees and taxes, including business license fees, were collected. In addition, she questioned the timing of submittal of plans for the pool house, the processing time for the building permit for the pool and spa, and the construction of other structures above the wall prior to final inspection of the retaining wall. She questioned the practice of contractors signing the building permit applications as owner-builder.

Council Member Marsala suggested three issues that should be addressed by the General Plan Committee: 1) a requirement for landscape screening to be planted on the property where the construction is taking place, 2) regulations for screening on slopes, and, 3) regulations for removal of landscaping from existing structures.

At Council Member Carlson's request, Building Official Mike Hood confirmed that landscape screening plans have been approved, that his decision has not been appealed, and the time period for an appeal has expired. Council Member Carlson asked, if the Council agreed, that the City Attorney, Building Official and the City Manager review the Orchard Hills project and plans to determine if any misrepresentations have been made in the permitting process. He also asked that the City Manager and the Building Official determine if a final inspection of the work at Orchard Hills should be withheld until such review has been made. He suggested that staff return to the Council with a response to Vice Mayor McKeithen's statements.

Mayor Janz asked the City Attorney to report back with respect to non-written representations to the Town not being complied with, and whether the City Council has any recourse. It was requested that a transcript of the tapes of the July 17, 2002 public hearing concerning the appeal of the Building Official's approval of the retaining wall be reviewed by staff and the City Attorney.

It was agreed that the staff response to Vice Mayor McKeithen's comments should be made in writing. Vice Mayor McKeithen agreed to submit her points in writing to the City Manager.

City Manager Jim Robinson stated that staff will respond to the issues as soon as possible. He stated that staff will provide Mr. Amadei a copy of the approved landscape screening for the top level, and will meet with him if he desires.

It was determined that since Council Member Conwell will not be in attendance at the October regular meeting, this item will come before the Council in November.

MOTION – 1) direct staff, in conjunction with the City Attorney, to review the representations made by the owner at 85 Orchard Hills, and/or his representatives, in the permitting process for all of the permits that have been issued with respect to the project at 85 Orchard Hills. Included in the review should be representations made during the public hearing on July 2002 regarding the retaining wall. Direct the City Attorney to report back to the City Council if he finds that any misrepresentations were made during the process, either in obtaining the building permits or at the hearing on the retaining wall in July 2002, and inform the Council of the Town's remedies with respect to any of his findings. 2) Direct staff, upon receipt of the written submission of Vice Mayor McKeithen's points, to prepare a written report to the City Council with respect to staff's actions and activities for the November 2003 meeting, and in the report address separately the items that Vice Mayor McKeithen raised that are not at this time included in the Town's ordinances, such as road impact fees for landscaping projects, as well as address separately the processing issues, and in doing so, cite municipal codes and/or practices that have been uniformly adopted by the Building Department with respect to the processing of permits. 3) Pending this review, and upon the advice of legal counsel to the extent the Town has the authority, direct staff to withhold final

inspections and approval of the issued permits until such time as the reports come back and the Council has had the opportunity to consider both the reports and opinions of the City Attorney, and the reports and opinions of staff. 4) Direct staff to identify and make recommendations for solutions with respect to any loopholes in the Town's procedures. 5) Direct the City Attorney to review the landscape screening agreement process to determine if the Town can make the submittal of plans a requirement at the time the landscape screening agreement is filed. 6) Direct staff to ensure that the oleander described in the landscape screening plans for 85 Orchard Hills is the correct oleander planted along the retaining wall.

M/S Carlson/McKeithen

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

Mayor Janz called a recess at 10:55 p.m.
The Council reconvened at 11:05 p.m.

26. **CONSIDERATION OF FELTON GABLES HOMEOWNERS' ASSOCIATION REQUEST TO CONSTRUCT A GATE FOR PEDESTRIAN ACCESS FROM FELTON GABLES TO HOLBROOK-PALMER PARK**

City Manager Jim Robinson presented the staff report for this item. A request has been received from the Felton Gables Homeowners Association to construct a gate at the southwest corner of the subdivision adjoining Holbrook-Palmer Park to provide access to the Park. This item was presented to the Park and Recreation Commission at their August meeting. The Commission supported the request and recommended that the City Council approve it contingent upon there being no cost to the Town.

Michael Mimeles spoke on behalf of Felton Gables Homeowners Association, stating that 40 to 50 families out of 125 homes have expressed an interest in purchasing keys to the gate. Mr. Mimeles assured the Council that the gate would remain locked at all times and residents would be required to sign a release form prior to receiving a key. An adjacent homeowner has agreed to provide an easement to allow access to the Park from the piece of property the Association already owns.

City Attorney Marc Hynes stated that a formal agreement should be drawn up, and that the Association should provide liability insurance listing the Town as additional insured. Council Member Conwell suggested that a sunset clause be included in the agreement.

The following members of the audience spoke:

- Doug Satzger, representing Felton Gables Homeowners Association, discussed plans for the gate, stating that the Association plans to replace 80 feet of fence along park property as part of the project.
- Jeff Carlton, Felton Gables, voiced his concerns regarding possible negative impacts the proposed gate and path might have on his property which is adjacent to the path.

- **Lou Paponis, Atherton, read a letter from Howard Crittenden, Holbrook-Palmer Park Foundation, against construction of a gate.**
- **Cat Westover, Park and Recreation Commission, stated that the Commission’s recommendation for approval of the gate was in part to reduce vehicular traffic in the Park. She commented that walk-in traffic for special events could be handled by placing someone at the gate to collect fees.**
- **Marguerette Paponis, Atherton, asked that a provision be included in the agreement to ensure that keyholders are charged admission at the gate for paying events held at the Park.**

Discussion ensued regarding specific items to be included in the agreement with the Homeowners Association.

MOTION – to allow the construction of a gate, subject to the following conditions: that Felton Gables Homeowners Association obtain signed releases from keyholders, that proof of liability insurance be provided, that a 30 day notice provision (after 3 months) be included in the agreement, that monthly maintenance be to the Town’s satisfaction, that a provision be in the agreement to reflect that keyholders will be charged admission at the gate for paying events, that standard waiver and indemnity clauses be included, that the Association provide the City Attorney with the release form to become an addendum to the agreement, that the Town be provided with a list of keyholders on a quarterly basis, and that payment of attorney fees be included in the agreement.

M/S McKeithen/Janz

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

The agreement will be before the Council at the October City Council meeting.

Item 8 was removed from the Consent Agenda and placed on the Regular Agenda.

8. APPROVED MINUTES OF SPECIAL AND REGULAR COUNCIL MEETINGS OF JULY 16, 2003

Council Member Marsala asked that this item be removed from the Consent Agenda. He requested that his comments be clarified under Item 22 of the July 16, 2003 Regular City Council meeting minutes.

MOTION – to amend Item 22 of the July 16, 2003 Regular City Council meeting minutes to clarify Council Member Marsala’s comments by adding: “Council Member Marsala supported Park and Recreation Commission’s unanimous motions that \$180,000 of the \$550,000 collected from the sales of tennis keys be spent to restore the tennis courts with additional funds to be raised by the Tennis Committee”.

M/S McKeithen/Janz

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

23. PUBLIC HEARING –

CONSIDER ADOPTION OF A RESOLUTION MODIFYING FEES FOR SERVICES RELATED TO BUILDING AND PLANNING AND CONFIRMING EXISTING PRACTICE REGARDING BUILDING PERMIT VALUATIONS

Finance Director John Johns presented the staff report for this item. As a result of Fiscal Year 2003-04 budget deliberations, it was determined that an increase in certain building and planning fees are necessary. Staff has recommended changes to existing building and planning fees and implementation of certain new fees. A comparative analysis of Building Department costs and revenues by program is included in the staff report. Staff recommended that building permit fees be calculated at 100% of the levels established under Table 1-A of the 1997 Uniform Building Code, and that fees for planning related activities be established at actual costs with an initial non-refundable deposit of \$750 per application. Staff also recommended that a fee be established for after-hours construction permits and a fee to cover costs for processing school master plan reviews.

A survey of building permit fees of surrounding cities was provided to the Council. Discussion ensued related to the possibility of increasing road impact fees. City Attorney Marc Hynes stated that any new or increased fees would require a majority vote of the residents. Senior Planner Lisa Costa Sanders was asked to follow up with the surveyed cities to obtain information on how their fees were established.

Mayor Janz opened the public hearing at 12:12 a.m.
There were no comments. The public hearing was closed.

Vice Mayor McKeithen requested that the practice of the Building Department should be to require that signed contract documents be a part of the building permit file. City Manager Jim Robinson stated that language in the proposed resolution addresses that issue.

MOTION – to adopt Resolution No. 03-19, amending Resolution No. 00-13 by modifying fees for services related to building and planning and confirming existing practice regarding building permit valuations as set forth in the staff report, and providing for the new fees as set forth in the report relating to school master plan reviews and after hours construction permits.

M/S Janz/Carlson

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

25. STATUS REPORT ON THE TEMPORARY NO PARKING ZONE ON OAK GROVE AVENUE – CONSIDER CONTINUING TEMPORARY PLACEMENT OF NO PARKING SIGNS

Police Chief Brennan gave a report on the status of the temporary no parking zone on Oak Grove Avenue. He recommended that the temporary placement of the no parking

signs be continued until the completion of the current construction and repaving of the T-lot at Menlo-Atherton High School. He reported that no complaints have been received since school started.

City Manager Jim Robinson stated that Menlo-Atherton High School Principal Eric Hartwig will be invited to come before the Council at the October meeting.
The Council accepted the report.

27. DISCUSSION AND POSSIBLE ACTION – LOCAL DOCUMENTARY PROPERTY TRANSFER TAX

City Attorney Marc Hynes discussed his report to the Council on the issue of whether the Town, as a general law city, can adopt a documentary transfer tax. He stated that it is his opinion that it would be possible for the Town to adopt its own documentary transfer tax by ordinance. The ordinance would require a simple majority of the voters.

Finance Director John Johns was asked to report back to the Council with information regarding the total number of properties in Town that have sold in the past year and revenue projections that such a tax would generate.

28. ACCEPTANCE OF LITTLE LEAGUE ANNUAL COMPLIANCE REPORT

City Manager Jim Robinson presented the staff report for this item. The License Agreement with Menlo-Atherton Little League provided that the City Manager and Little League conduct an annual review of use and operations of the Park improvements to ensure compliance. The City Manager reported that he has met with the Park and Recreation Commission and all Town departments and has received no complaints or concerns with Little League activities in the Park. He also stated that an invoice for maintenance costs was sent to Little League recently.

MOTION – to accept the City Manager’s status report regarding compliance by Little League to the terms of the License Agreement between the Town of Atherton and Menlo-Atherton Little League.

M/S Carlson/Janz

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

29. APPROVE LIBRARY FUND SPECIAL REVENUE DONOR FUND APPROPRIATION REQUEST

City Manager Jim Robinson reported that this item was before the Council for approval of an increase in appropriations to allow for purchases from the Library Special Revenue Fund. Subsequent to the adoption of the Fiscal Year 2003-04 Budget, the Library Joint Powers Agency has requested the purchase of certain equipment and services for improvements to the Atherton Library. The items requested are outlined in the staff report and would require an increase of \$40,000 in the Library Special

Revenue Fund appropriations.

MOTION – to approve an increase in the Library Special Revenue Fund appropriations by \$40,000 to enable the Library to purchase certain equipment and services in Fiscal Year 2003-04.

**M/S Carlson/McKeithen
0**

Ayes: 5 Noes: 0 Abstain: 0 Absent:

30. CONSIDER REQUEST FROM CITY OF MOUNTAIN VIEW REGARDING RELOCATION OF THE CALIFORNIA AIR NATIONAL GUARD 129TH RESCUE WING

Mayor Janz stated that he asked for this item to be on the agenda. The City of Mountain View has asked the City Council for support to oppose the relocation of the 129th RQW from Moffett Field to Castle Airport in Atwater, California. Mayor Janz stated that he would prepare a letter of support.

Item 19 was removed from the Consent Agenda.

19. AWARD OF CONTRACT AND APPROVAL OF SUPPLEMENTAL APPROPRIATION FOR STREET CORPORATION YARD PROJECT

Vice Mayor McKeithen asked that this item be removed from the Consent Agenda. She expressed her concerns with using funds for this project that are appropriated for street patching and overlay, and asked what happens if the contract goes over the bid amount. In response to the Vice Mayor’s question regarding where funding would come from if the contract went over the bid amount, Public Works Director Duncan Jones stated that this is a “lump sum” contract and the contractor would be expected to complete the project within that amount. He stated in addition, any funds required because of unexpected field conditions would require a reduction in the scope of the project. The City Manager noted that other unallocated funds in the Capital Improvement Fund are available. It was agreed that these funds would be used instead of street patching and overlay funds.

Finance Director Johns suggested that if additional funding is needed, staff can report back and provide Council with some options or suggestions for sources where additional funds may be derived from. The City Council concurred.

MOTION – to approve the award of contract for the Street Corporation Yard Project, Project No. 03-007, to John Plane Construction, Inc., the low bidder on the August 22, 2003 bids, for \$568,616, and increase the appropriation for the project by \$78,616 from \$490,000 to \$568,616.

M/S Carlson/Janz

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

31. PUBLIC COMMENTS

There were no public comments.

32. ADJOURNMENT

The meeting adjourned at 12:55 a.m. to a continued Closed Session.

The Council reconvened to Open Session at 1:25 a.m. The following action was taken:

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

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

**Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Non-management Part Time Employees
Direction was given to the City Manager.**

**Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Management Employees
Direction was given to the City Manager.**

**D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957
Title: City Manager
This matter was continued to a special meeting October 6, 2003.**

The meeting adjourned at 1:30 a.m.

Respectfully submitted,

Sharon Barker, City Clerk



**Draft Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
October 6, 2003
6:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road, Atherton
Special Meeting**

Mayor Janz called the meeting to order at 6:10 p.m.

- 1. ROLL CALL McKeithen, Marsala, Carlson, Janz, Conwell**

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

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

- 2. PUBLIC COMMENTS**

There were no public comments.

- 3. CLOSED SESSION – The Council adjourned to Closed Session at 6:15 p.m.**

- 4. RECONVENE TO OPEN SESSION – The Council reconvened to Open Session at 7:25 p.m. The following action was taken:**

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

Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Teamsters Local Union 856
Non-management Miscellaneous Employees
Direction was given to the City Manager

Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Non-management Part Time Employees
Direction was given to the City Manager.

- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code Section 54957
Title: City Manager
Direction was given to the City Attorney.

6. ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

James R. Janz, Mayor

TOWN OF ATHERTON

CLAIMS LIST

October, 2003

| | | |
|----------------------|---------------|--------------|
| Payroll Checks | 3038 – 3212 | \$ 70,274 |
| Electronic Transfers | | 441,041 |
| A/P Checks | 16313 – 16520 | 599,087 |
| TOTAL | | \$ 1,110,402 |

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 3038 - 3212 (payroll) and 16313 through 16520 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$1,107,901; are true and correct, and that there are funds for payment.

James H. Robinson
City Manager

The above claims, check numbers 3038 - 3212 (payroll) and 16313 through 16520 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$1,107,901; and are hereby approved for payment.

James R. Janz
Mayor, Town of Atherton

SOURCE OF FUNDS

| | | |
|-----|-------------------------------|-----------|
| 101 | General Fund | \$848,634 |
| 105 | Tennis Fund | - |
| 201 | Special Parcel Tax | 211,454 |
| 202 | Transportation | - |
| 203 | Gas Tax Fund | - |
| 210 | Road Construction Impact Fees | 9,392 |
| 211 | Park Grants Fund | 2,483 |
| 213 | Library Special Revenue Fund | 324 |
| 401 | General Capital Projects | - |
| 402 | Storm Drainage | - |
| 403 | Atherton Channel District | 118 |
| 404 | Park Playground Improvement | - |
| 406 | Facilities Construction | 21,030 |
| 610 | Vehicle Replacement | - |
| 611 | Computer Maint. & Replacement | 11,255 |
| 612 | Administrative Services | 5,691 |

| | | | |
|------------|--------------------------------|-------|-------------|
| 614 | Workers Compensation Insurance | | - |
| 715 | Evans Estate | | 21 |
| | | TOTAL | \$1,110,402 |



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JOHN P. JOHNS, FINANCE DIRECTOR
DATE: FOR THE MEETING OF NOVEMBER 19, 2003
SUBJECT: MONTHLY FINANCIAL REPORT, OCTOBER, 2003

RECOMMENDATION:

Receive and file Monthly Financial Report for October, 2003.

INTRODUCTION:

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

HIGHLIGHTS

In October, the Town received an apportionment of \$263,000 in unsecured property taxes. Additionally, the Town received \$179,000 in secured property taxes. This \$179,000 payment constituted the Town's share of excess ERAF payments made by the San Mateo County Controller during fiscal years 2001-02 and 2002-03. Included as Attachment 1 to this staff is a copy of a letter from the San Mateo County Controller describing the basis for the ERAF refund.

The \$179,000 payment was not anticipated and therefore was not included in the budgetary estimate of FY 2003-04 revenues. Hence, the \$179,000 ERAF refund revenue

should provide the Town with a margin of safety in the event revenues from other sources fail to materialize as expected.

October was one of two months during the fiscal year in which three payroll cycles were posted. Hence employee salary and benefit expenses were \$659,346 or 40 percent higher than the FY 2003-04 budgeted monthly average of \$472,211.

For the four months ended, October 31st, 2003, year to date General Fund revenues amounted to \$1,292,460 or 17% of the \$7,664,562 estimated for FY 2003-04. Expenditures amounted to \$2,329,327 or 32% of the \$7,489,609 budgeted for the first four months of the fiscal year. By comparison, for the four months ended October 31st, 2002, revenues and expenditures amounted to 20% and 27% of budgetary estimates and appropriations for FY 2002-03.

FISCAL IMPACT:

Informational only.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

Attachment 1: October 1, 2003 letter from San Mateo County Controller Tom Heuning

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

| Fund | Revenue Source | 2003-04 Estimate | Current Period Revenues | Year to Date Revenues | % Received |
|-------------|------------------------------------|-----------------------------|------------------------------------|----------------------------------|-----------------------|
| | Property Tax | \$ 3,035,934 | 449,625 | \$ 455,248 | 15% |
| | Sales and Use Tax | 200,640 | 6,077 | 37,612 | 19% |
| | Other Taxes | 882,115 | 45,694 | 90,283 | 10% |
| | Licenses & Permits | 1,541,673 | 64,641 | 453,548 | 29% |
| | Fines & Forfeitures | 70,000 | 2,977 | 18,821 | 27% |
| | Revenue from Other Agencies | 139,000 | 10,436 | 86,196 | 62% |
| | Charges for Services | 445,900 | 26,325 | 125,881 | 28% |
| | Investment & Rental Income | 347,300 | 3,057 | 18,594 | 5% |
| | Other Revenues | 3,000 | 1,618 | 6,277 | 209% |
| | Total General Fund Revenues | 6,665,562 | 610,450 | 1,292,460 | 19% |
| | Interfund (Operating) Transfers In | 1,009,871 | - | - | 0% |
| 101 | General Fund Total | 7,675,433 | 610,450 | 1,292,460 | 17% |
| | Special Revenue Funds: | | | | |
| 105 | Tennis | 9,000 | 325 | 1,425 | 16% |
| 201 | Special Parcel Tax | 1,770,000 | - | - | 0% |
| 202 | Transportation | 177,740 | 35,774 | 35,774 | 20% |
| 203 | Street Improvement (Gas Tax) | 149,309 | 24,758 | 56,165 | 38% |
| 209 | Law Enforcement | 100,000 | - | - | 0% |
| 210 | Road Construction Impact Fees | 340,000 | 4,732 | 96,419 | 28% |
| 211 | State Park Grants Fund | 93,040 | - | - | 0% |
| 213 | Library | 200,000 | - | 34,386 | 17% |
| | Total | 2,839,089 | 65,589 | 224,169 | 8% |
| | Capital Project Funds: | | | | |
| 401 | Capital Improvement | - | - | - | |
| 402 | Storm Drainage | - | - | - | |
| 403 | Channel Drainage District | 46,000 | 5,118 | 5,367 | 12% |
| 404 | Park Playground Improvement | - | - | - | 0% |
| 405 | Middlefield Road Grants | - | - | 1,514 | |
| 406 | Facilities Construction | - | - | - | |
| | Total | 46,000 | 5,118 | 6,881 | 15% |
| | Internal Service Funds: | | | | |
| 610 | Vehicle Replacement | - | - | - | |
| 611 | Information Technology | 96,043 | - | - | 0% |
| 612 | Administrative Services | 283,128 | - | - | 0% |
| 614 | Workers Compensation Insurance | - | - | - | |
| | Total | 379,171 | - | - | 0% |
| | Trust and Agency Funds: | | | | |
| 715 | Evans Creative Design | 74,000 | 20 | 9,494 | 13% |
| | Total | 74,000 | 20 | 9,494 | 13% |
| | Total Revenues | 11,013,693 | 681,177 | 1,533,004 | 14% |

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

| Fund | Description Department | 2003-04 Budget | Current Period Expenditures | Year to Date Expenditures | % Spent |
|--------------------------------|-------------------------------------|----------------------------|--|--------------------------------------|--------------------|
| 101 | General Fund | | | | |
| | 11 City Council | \$ 20,174 | \$ 1,224 | 4,869 | 24% |
| | 12 City Manager | 497,895 | 54,941 | 175,626 | 35% |
| | 16 City Attorney | 175,551 | 2,424 | 26,647 | 15% |
| | 18 Finance | 434,137 | 39,187 | 123,221 | 28% |
| | 25 Building | 902,873 | 65,463 | 233,737 | 26% |
| | 40 Police | 3,629,233 | 399,110 | 1,213,639 | 33% |
| | 50 Public Works | 1,759,627 | 191,085 | 552,229 | 31% |
| | Contingency | 100,000 | - | - | 0% |
| | Total General Fund Expenditures | <u>7,519,490</u> | <u>753,434</u> | <u>2,329,968</u> | <u>31%</u> |
| | Interfund (Operating) Transfers Out | - | - | - | 0% |
| 101 | General Fund Total | <u>\$ 7,519,490</u> | <u>\$ 753,434</u> | <u>\$ 2,329,968</u> | <u>31%</u> |
| Special Revenue Funds: | | | | | |
| 105 | Tennis | 22,936 | 1,075 | 2,826 | 12% |
| 201 | Special Parcel Tax | 1,986,917 | 211,454 | 342,825 | 17% |
| 202 | Transportation | 177,740 | - | - | 0% |
| 203 | Street Improvement (Gas Tax) | 180,080 | - | 23,107 | 13% |
| 209 | Law Enforcement | 100,000 | 12,144 | 38,873 | 39% |
| 210 | Road Impact Fees | 588,682 | 483 | 483 | 0% |
| 211 | State Park Grants | 81,660 | 2,483 | 2,483 | 3% |
| 213 | Library Fund | 15,720 | 324 | 13,881 | 88% |
| | Total | <u>3,153,735</u> | <u>227,963</u> | <u>424,478</u> | <u>13%</u> |
| Capital Project Funds: | | | | | |
| 401 | Capital Improvement | 284,451 | - | 26,081 | 0% |
| 402 | Storm Drainage | 25,713 | - | 2,309 | 0% |
| 403 | Channel Drainage District | 411,554 | 118 | 8,081 | 0% |
| 404 | Park Playground Fund | - | - | 446 | - |
| 405 | Middlefield Road Grants | - | - | - | - |
| 406 | Facilities Construction | 287,267 | 21,030 | 30,841 | 0% |
| | Total | <u>1,008,985</u> | <u>21,148</u> | <u>67,758</u> | <u>7%</u> |
| Internal Service Funds: | | | | | |
| 610 | Vehicle Replacement | 10,000 | - | 23,214 | 232% |
| 611 | Information Technology | 107,500 | 11,255 | 16,599 | 15% |
| 612 | Administrative Services | 328,151 | 16,738 | 143,015 | 44% |
| 614 | Workers Compensation Insurance | - | - | - | - |
| | Total | <u>445,651</u> | <u>27,993</u> | <u>182,828</u> | <u>41%</u> |
| Trust and Agency Funds: | | | | | |
| 715 | Evans Creative Design | 62,100 | 21 | 12,216 | 20% |
| | Total | <u>62,100</u> | <u>21</u> | <u>12,216</u> | <u>20%</u> |
| | Total Expenditures | <u>12,189,961</u> | <u>1,030,559</u> | <u>3,017,248</u> | <u>25%</u> |

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

| Fund | Description | Beginning Fund Balance July 1, 2003 | Revenues to Date | Transfers to Date | Expenditures To Date | Ending Fund Balance to Date |
|-------------|--------------------------------|--|-----------------------------|------------------------------|---------------------------------|--|
| 101 | General Fund | 5,284,633 | 1,292,460 | - | 2,329,968 | 4,247,125 |
| | Special Revenue Funds: | | | | | |
| 105 | Tennis | 10,543 | 1,425 | | 2,826 | 9,142 |
| 201 | Special Municipal Tax | 895,443 | - | | 342,825 | 552,618 |
| 202 | Transportation | 14,728 | 35,774 | | - | 50,502 |
| 203 | Street Improvement (Gas Tax) | 126,605 | 56,165 | | 23,107 | 159,663 |
| 209 | Law Enforcement | 22,911 | - | | 38,873 | (15,962) |
| 210 | Road Construction Impact Fees | 650,346 | 96,419 | | 483 | 746,282 |
| 213 | Library Special Revenue Fund | 723,832 | - | | 13,881 | 709,951 |
| | Sub Total | <u>2,444,408</u> | <u>189,783</u> | <u>-</u> | <u>421,995</u> | <u>2,212,196</u> |
| | Capital Projects Funds: | | | | | |
| 401 | Capital Improvement | 358,152 | - | | 26,081 | 332,071 |
| 402 | Storm Drainage | 48,225 | - | | 2,309 | 45,916 |
| 403 | Channel Drainage District | 405,865 | 5,367 | | 8,081 | 403,151 |
| 404 | Park Playground Improvement | 28,958 | - | | 446 | 28,512 |
| 405 | Middlefield Road Grants | - | 1,514 | | - | 1,514 |
| 406 | Facilities Construction | 274,654 | - | | - | 274,654 |
| | Sub Total | <u>1,115,854</u> | <u>6,881</u> | <u>-</u> | <u>36,917</u> | <u>1,085,818</u> |
| | Internal Service Fund | | | | | |
| 610 | Vehicle Replacement | 402,633 | - | | 23,214 | 379,419 |
| 611 | Information Technology | 78,723 | - | | 16,599 | 62,124 |
| 612 | Administrative Services | 134,052 | - | | 143,015 | (8,963) |
| 614 | Workers Compensation Insurance | - | - | | - | - |
| | Sub Total | <u>615,408</u> | <u>-</u> | <u>-</u> | <u>182,828</u> | <u>432,580</u> |
| | Trust and Agency Funds | | | | | |
| 715 | Evans Creative Design | 116,028 | 9,494 | | 12,216 | 113,306 |
| | Sub Total | <u>116,028</u> | <u>9,494</u> | <u>-</u> | <u>12,216</u> | <u>113,306</u> |
| | Grand Total | <u>\$ 9,576,331</u> | <u>\$ 1,498,618</u> | <u>\$ -</u> | <u>\$ 2,983,924</u> | <u>\$ 8,091,025</u> |



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JOHN P. JOHNS, FINANCE DIRECTOR
DATE: FOR THE MEETING OF NOVEMBER 20, 2003
SUBJECT: QUARTERLY INVESTMENT REPORT, SEPTEMBER, 2003

RECOMMENDATION:

Note, receipt and file.

INTRODUCTION:

This is the quarterly status report of the Town's investments in the Local Agency Investment Fund (LAIF) and the San Mateo County Investment Pool (SMCIP) for the quarter ending September 30, 2003.

DISCUSSION

As of September 30, 2003, the Town had a total investment of **\$ 8,558,990**. The total interest earning for the quarter ending September 30, 2003 amounted to **\$60,929**. The funds are invested in the San Mateo County Investment Pool (SMCIP) and the Local Agency Investment Fund (LAIF).

During the first quarter of 2003, the reported effective yield of the LAIF amounted to 1.63 percent. This compares to an average net earnings reported by the San Mateo County Investment Pool of 3.07 percent.

Investment at SMCIP: San Mateo County Investment Pool is created and managed by the County Treasurer. As of June 30th, the County's investment pool carried investments with a total par value of \$2.024 billion and an average duration to maturity of 2.2 years. The Town's investment with the San Mateo County Investment Pool as of September 30th amounted to \$5,565,834 or 65% percent of the town's total investment holdings.

Attachment 1 to this staff report provides a summary of the composition of the San Mateo county investment pool according to investment vehicle.

Investment in LAIF: Local Agency Investment Fund (LAIF) is created and managed by the California State Treasurer. As of August 31, 2003 (the most recent date for which the Treasurer has published data on the composition of its investment porfolio), LAIF had total assets of \$51.4 billion and an average duration to maturity of 221 days. The Town's investment with LAIF as of September 30, 2003 amounted to \$2,993,155 or 35 percent of the total funds invested.

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

FISCAL IMPACT:

Informational only.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

ATTACHMENTS:

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

Office of the County Treasurer



LEE BUFFINGTON
TAX COLLECTOR - TREASURER

COUNTY OF SAN MATEO

CHARLES M. TOVSTEIN
ASSISTANT TREASURER

555 COUNTY CENTER • REDWOOD CITY • CALIFORNIA 94063 TELEPHONE: (650) 363-4880

DATE: October 10, 2003
TO: San Mateo County Pool Participants
FROM: Lee Buffington, Tax Collector-Treasurer
SUBJECT: Monthly Investment Reports

Gross earnings for the month of September 30, 2003 were 3.21% and for the quarter ended September 30, 2003 were 3.22%. The current average maturity of the portfolio is 2.4 years with an average duration of 2.2 years. The portfolio continues to hold no derivative products.

San Mateo County Pool fulfills Government Code Section 53646, which states its ability to meet its expenditure requirements for the next six months.

I certify these reports are in compliance with the investment policy dated January 2003. If you have any questions regarding any of these reports, please call Charles Tovstein or myself at (650) 363 - 4580.

Lee Buffington
Tax Collector-Treasurer

**COUNTY OF SAN MATEO
ESTIMATED SUMMARY OF POOL EARNINGS
SEPTEMBER 2003**

| | <u>09/30/03 Par Value</u> | <u>Gross Earnings</u> | | | | | | |
|--|-------------------------------|---------------------------|----------------------------------|--------------|----------------------------------|--------------|----------------------------------|--------------|
| <u>Fixed Income Investments</u> | | | | | | | | |
| U S Treasury Notes | \$390,000,000 | \$878,270 | | | | | | |
| Corporate Notes | \$353,000,000 | \$1,145,634 | | | | | | |
| Asset Backed Securities | \$37,539,757 | \$57,096 | | | | | | |
| Federal Agencies | \$420,000,000 | \$1,126,158 | | | | | | |
| Floating Rate Securities | \$165,000,000 | \$123,068 | | | | | | |
| <u>Short Term Investments</u> | | | | | | | | |
| U S Treasury Notes | 50,000,000 | \$92,213 | | | | | | |
| Corporate Notes | \$57,500,000 | \$254,706 | | | | | | |
| Federal Agencies | \$506,000,000 | \$292,472 | | | | | | |
| Commercial Paper | \$7,600,000 | \$1,522 | | | | | | |
| LAIF | \$37,000,000 | \$48,525 | | | | | | |
| SUBTOTAL - ACCRUED INCOME | \$2,023,639,757 | \$4,019,664 | | | | | | |
| <u>Realized Gain/Loss & Interest Received</u> | | | | | | | | |
| Repurchase Agreements | | \$144,885 | | | | | | |
| Corporate Notes | | \$47,275 | | | | | | |
| Floating Rate Securities | | \$71,339 | | | | | | |
| Asset Backed Securities | | \$30,887 | | | | | | |
| Federal Agencies | | \$897,523 | | | | | | |
| Commercial Paper | | \$7,588 | | | | | | |
| Teeter Pool Loan | | \$80,984 | | | | | | |
| Securities Lending Income | | \$188,398 | | | | | | |
| GROSS POOL RATE/EARNINGS* | 3.21% | \$5,488,542 | | | | | | |
| <table border="0" style="width: 100%;"> <tr> <td>POOL 1 NET EARNINGS RATE*</td> <td style="text-align: right;">2.97%</td> </tr> <tr> <td>POOL 2 NET EARNINGS RATE*</td> <td style="text-align: right;">3.05%</td> </tr> <tr> <td>POOL 3 NET EARNINGS RATE*</td> <td style="text-align: right;">3.09%</td> </tr> </table> | | | POOL 1 NET EARNINGS RATE* | 2.97% | POOL 2 NET EARNINGS RATE* | 3.05% | POOL 3 NET EARNINGS RATE* | 3.09% |
| POOL 1 NET EARNINGS RATE* | 2.97% | | | | | | | |
| POOL 2 NET EARNINGS RATE* | 3.05% | | | | | | | |
| POOL 3 NET EARNINGS RATE* | 3.09% | | | | | | | |

* - Earnings %'s are based on SEPTEMBER 2003 Average Daily Balance
Pool 1 & 2 rates include banking charges

SAN MATEO COUNTY TREASURER'S OFFICE
 FIXED INCOME DISTRIBUTION - SETTLED TRADES
SAN MATEO COUNTY POOL
 June 30, 2003

Summary Information

| Totals | | Weighted Averages | |
|------------------|------------------|--------------------------|-------|
| Par Value | 2,191,791,783 | Average YTM | 2.2 |
| Market Value | 2,255,784,494.11 | Average Maturity (yrs) | 2.4 |
| Total Cost | 2,198,069,485.80 | Average Coupon (%) | 2.622 |
| Net Gain/Loss | 57,715,008.31 | Average Duration | 2.2 |
| Annual Income | 56,423,538.19 | Average Moody Rating | Aa1 |
| Accrued Interest | 13,467,866.98 | Average S&P Rating | AA+ |
| Number of Issues | 125 | | |

Distribution by Maturity

| Maturity | Number | Mkt Value | % Bond Holdings | Average Y T M | Average Coupon | Average Duration |
|-----------------|---------------|------------------|------------------------|----------------------|-----------------------|-------------------------|
| Under 1 Yr | 30 | 714,455,709.34 | 31.7 | 2.3 | 0.867 % | 0.1 |
| 1 Yr - 3 Yrs | 49 | 696,797,850.87 | 30.9 | 1.7 | 3.075 % | 1.9 |
| 3 Yrs - 5 Yrs | 39 | 769,982,270.70 | 34.1 | 2.6 | 3.621 % | 3.9 |
| 5 Yrs - 7 Yrs | 2 | 11,373,697.92 | 0.5 | 2.8 | 5.188 % | 4.7 |
| 7 Yrs - 10 Yrs | 5 | 63,174,965.28 | 2.8 | 4.4 | 4.959 % | 7.4 |

Distribution by Coupon

| Coupon % | Number | Mkt Value | % Bond Holdings | Average Y T M | Average Coupon | Average Duration |
|-----------------|---------------|------------------|------------------------|----------------------|-----------------------|-------------------------|
| Under 1% | 10 | 550,333,836.40 | 24.4 | 2.5 | 0.000 % | 0.0 |
| 1% - 3% | 37 | 764,108,528.13 | 33.9 | 1.9 | 2.235 % | 2.8 |
| 3% - 5% | 41 | 606,134,628.80 | 26.9 | 2.3 | 3.842 % | 3.0 |
| 5% - 7% | 36 | 324,033,070.44 | 14.4 | 2.4 | 5.587 % | 3.0 |
| 7% - 10% | 1 | 11,174,430.34 | 0.5 | 1.8 | 7.750 % | 1.8 |

Distribution by Duration

| Duration | Number | Mkt Value | % Bond Holdings | Average Y T M | Average Coupon | Average Duration |
|-----------------|---------------|------------------|------------------------|----------------------|-----------------------|-------------------------|
| Under 1 | 30 | 714,455,709.34 | 31.7 | 2.3 | 0.867 % | 0.1 |
| 1 - 3 | 57 | 764,912,321.44 | 33.9 | 1.8 | 3.173 % | 2.0 |
| 3 - 5 | 33 | 713,241,498.05 | 31.6 | 2.5 | 3.592 % | 4.0 |

COUNTY OF SAN MATEO
ESTIMATED SUMMARY OF POOL EARNINGS
FOR THE FIRST QUARTER ENDED SEPTEMBER 30, 2003

| | 09/30/03 <u>Par Value</u> | <u>Gross Earnings</u> |
|---|------------------------------|---------------------------|
| <u>Fixed Income Investments</u> | | |
| U S Treasury Notes | \$390,000,000 | \$2,586,608 |
| Corporate Notes | \$353,000,000 | \$2,956,590 |
| Asset Backed Securities | \$37,539,757 | \$57,216 |
| Federal Agencies | \$420,000,000 | \$2,683,697 |
| Floating Rate Securities | \$165,000,000 | \$209,639 |
| | | |
| <u>Short Term Investments</u> | | |
| U S Treasury Notes | \$50,000,000 | \$190,574 |
| Corporate Notes | \$57,500,000 | \$631,236 |
| Federal Agencies | \$506,000,000 | \$685,890 |
| Commercial Paper | \$7,600,000 | \$1,522 |
| LAIF | \$37,000,000 | \$156,972 |
| | | |
| SUBTOTAL - ACCRUED INCOME | \$2,023,639,757 | \$10,159,944 |
| | | |
| <u>Realized Gain/Loss & Interest Received</u> | | |
| Repurchase Agreements | | \$794,078 |
| U S Treasury Notes | | \$1,267,399 |
| Corporate Notes | | \$888,740 |
| Asset Backed Securities | | \$220,113 |
| Federal Agencies | | \$3,088,188 |
| Floating Rate Securities | | \$393,703 |
| Commercial Paper | | \$55,543 |
| LAIF | | \$2,607 |
| | | |
| Teeter Pool Loan | | \$248,349 |
| | | |
| Securities Lending Income | | \$188,398 |
| | | |
| GROSS POOL RATE/EARNINGS* | 3.22% | \$17,307,063 |

| <u>POOL BREAKDOWN</u> | <u>Pool 1</u> | <u>Pool 2</u> | <u>Pool 3</u> | <u>TOTAL</u> |
|-----------------------|---------------|---------------|---------------|---------------|
| Average Balance | 261,614,664 | 423,649,056 | 1,450,300,323 | 2,135,564,044 |
| Gross Earnings | 2,120,181 | 3,433,342 | 11,753,541 | 17,307,063 |
| Admin Fees | (82,201) | (133,114) | (455,695) | (671,011) |
| Bank Fees | (83,411) | (55,608) | | (139,019) |
| Net Earnings | 1,954,568 | 3,244,620 | 11,297,845 | 16,497,033 |
| Net Earnings % | 2.97% | 3.05% | 3.10% | 3.07% |

Earnings %'s are based on Q1 03-04 average daily balance of investment pools.
Pool 1 and Pool 2 are charged with bank fees associated with their disbursement/depository activity.

POOLED MONEY INVESTMENT ACCOUNT
SUMMARY OF INVESTMENT DATA
A COMPARISON OF AUGUST 2003 WITH AUGUST 2002
(DOLLARS IN THOUSANDS)

| | AUGUST 2003 | AUGUST 2002 | CHANGE |
|---|---------------|---------------|---------------|
| Average Daily Portfolio | \$ 52,329,425 | \$ 45,650,742 | \$ +6,678,683 |
| Accrued Earnings | \$ 72,327 | \$ 100,568 | -28,241 |
| Effective Yield | 1.632 | 2.594 | -0.962 |
| Average Life-Month End (In Days) | 221 | 199 | +22 |
| Total Security Transactions | | | |
| Amount | \$ 17,732,213 | \$ 18,333,588 | \$ -601,375 |
| Number | 400 | 413 | -13 |
| Total Time Deposit Transactions | | | |
| Amount | \$ 2,750,100 | \$ 2,579,695 | \$ +170,405 |
| Number | 137 | 157 | -20 |
| Average Workday Investment Activity | \$ 975,348 | \$ 950,604 | \$ +24,744 |
| Prescribed Demand Account Balances | | | |
| For Services | \$ 1,053,666 | \$ 600,897 | \$ +452,769 |
| For Uncollected Funds | \$ 155,331 | \$ 150,001 | \$ +5,330 |

**PHILIP ANGELIDES
TREASURER
STATE OF CALIFORNIA**

**INVESTMENT DIVISION SELECTED INVESTMENT DATA
ANALYSIS OF THE POOLED MONEY INVESTMENT ACCOUNT PORTFOLIO
(000 OMITTED)**

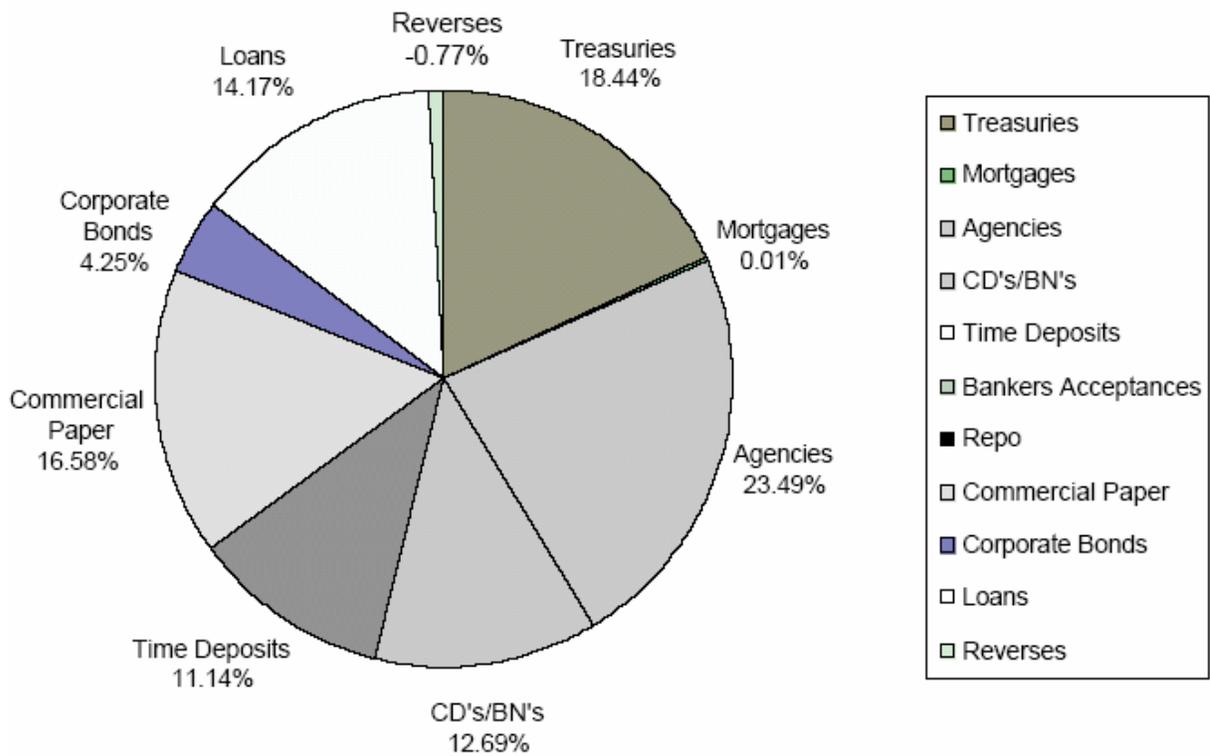
| | | August 31, 2003 | | |
|-------------------------------|---------------|---------------------------------|--|--|
| <u>TYPE OF SECURITY</u> | <u>AMOUNT</u> | <u>PERCENT OF PORTFOLIO</u> | <u>DIFFERENCE IN PERCENT OF PORTFOLIO FROM PRIOR MONTH</u> | |
| Government | | | | |
| Bills | \$ 1,393,854 | 2.71 | +0.02 | |
| Bonds | 0 | 0.00 | 0.00 | |
| Notes | 8,091,514 | 15.73 | -0.34 | |
| Strips | 0 | 0.00 | 0.00 | |
| Total Government | \$ 9,485,368 | 18.44 | -0.32 | |
| Federal Agency Coupons | \$ 4,652,580 | 9.05 | -0.34 | |
| Certificates of Deposit | 6,230,032 | 12.11 | +0.01 | |
| Bank Notes | 299,990 | 0.58 | +0.39 | |
| Bankers' Acceptances | 0 | 0.00 | 0.00 | |
| Repurchases | 0 | 0.00 | -0.33 | |
| Federal Agency Discount Notes | 7,425,669 | 14.44 | -1.58 | |
| Time Deposits | 5,728,595 | 11.14 | +0.11 | |
| GNMAs | 551 | 0.00 | 0.00 | |
| Commercial Paper | 8,527,533 | 16.58 | -2.18 | |
| FHLMC | 4,555 | 0.01 | 0.00 | |
| Corporate Bonds | 2,183,278 | 4.25 | +0.01 | |
| Pooled Loans | 5,485,109 | 10.67 | +0.72 | |
| GF Loans | 1,798,600 | 3.50 | +3.50 | |
| Reversed Repurchases | -397,750 | -0.77 | -0.01 | |
| Total (All Types) | \$ 51,424,110 | 100.00 | | |

INVESTMENT ACTIVITY

| | AUGUST 2003 | | JULY 2003 | |
|--------------------------------------|---------------|---------------|---------------|---------------|
| | <u>NUMBER</u> | <u>AMOUNT</u> | <u>NUMBER</u> | <u>AMOUNT</u> |
| Pooled Money | 400 | \$ 17,732,213 | 580 | \$ 25,739,019 |
| Other | 15 | 99,815 | 16 | 904,341 |
| Time Deposits | 137 | 2,750,100 | 139 | 3,722,190 |
| Totals | 552 | \$ 20,582,128 | 735 | \$ 30,365,550 |
| PMIA Monthly Average Effective Yield | 1.632 | | 1.653 | |
| Year to Date Yield Last Day of Month | 1.642 | | 1.653 | |

**Pooled Money Investment Account
Portfolio Composition
\$51.4 Billion**

08/31/03





Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF NOVEMBER 19, 2003

**SUBJECT: ACCESS AGREEMENT HOLBROOK-PALMER PARK
FELTON GABLES HOMEOWNERS ASSOCIATION**

RECOMMENDATION

Consider revised agreement between the Town and the Felton Gables Homeowners Association. If revisions are appropriate, direct execution of the agreement by the City Manager on behalf of the Town and invoicing Felton Gables Homeowners Association for costs related to preparation of the agreement.

BACKGROUND

Attached is the revised agreement which was sent to Mr. Michael Mimeles, President of the Felton Gables Homeowners Association, on November 5, 2003. The cover letter proposes that indemnification language in Exhibit B track the indemnification provisions of the agreement itself. A copy of the cover letter is also enclosed.

Exhibits A and B envision attachments to the agreement and are described in a letter dated October 6, 2003, to the Felton Gable Homeowners Association. A copy of that letter is attached.

A proposed Exhibit A, the diagram showing the gate itself, is attached.

Felton Gables has not produced an Exhibit B as described in my letters. A form of Exhibit B which I have prepared is attached.

Costs to date based upon my time in preparing the agreement, exhibits and revisions equals 5.35 hours at \$145/hour = \$775.75.

FISCAL IMPACT

The City Council has directed that all costs of preparing the agreement be borne by the Felton Gables Homeowners Association.

Respectfully,

MGH:cwb

Attachments:

Agreement 11/04/03 draft

November 4, 2003 letter

October 6, 2003 letter

Exhibit A

Exhibit B

MARC G. HYNES



Town of Atherton

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

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

RECOMMENDATION

Defer consideration of the second reading of the Automatic Fire Sprinkler Ordinance, per the request of the Menlo Park Fire Protection District.

BACKGROUND

At the meeting of October 15, 2003, the City Council held first reading of an ordinance ratifying Ordinance No. 28 of the Menlo Park Fire Protection District amending District Fire Prevention Code pertaining to automatic fire sprinkler system requirements.

Fire Chief Paul Wilson has since requested that the second reading and adoption of the Automatic Fire Sprinkler Ordinance be postponed until the City Councils of East Palo Alto and Menlo Park have had the opportunity to consider the ordinance. (See attached letter) The Fire Chief will be in contact with the Town with a future recommended date to hold the second reading and adoption of the ordinance.



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: ROBERT J. BRENNAN, CHIEF OF POLICE

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

SUBJECT: APPROVAL OF TOW COMPANY CONTRACT

RECOMMENDATION:

The City Council approves the contract of Able Towing Co. for addition to the Atherton Police Department Tow Rotation List.

INTRODUCTION:

A representative of Able Towing Co. approached the Atherton Police Department, asking that they be added to the Police Department's Rotation Tow List. The representative was given an application form, as well as a contract to review and sign. Both of these items have been returned and reviewed by Staff, who have given initial approval for the addition of this company, pending Council approval. In addition, this company will obtain a business license with the Town, and will provide Staff with evidence of current Liability and Workers Compensation Insurance upon contract approval. The Police Department currently has one opening on the Rotation Tow List, and the addition of this company would fill the current vacancy.

ANALYSIS:

Able Towing Co. has been in business for 18 years in Redwood City. They are currently on the rotation lists of the California Highway Patrol, Redwood City PD, San Carlos PD, Foster City PD and San Mateo PD.

This tow company will be subject to a probation period of 3 months, at which time their performance will be evaluated to determine whether their contract will be continued. Approving the contract of Able Towing Co. will allow for an additional resource to be available to the Atherton Police Department.

FISCAL IMPACT:

None.

Prepared by:

Approved:

Robert J. Brennan
Chief of Police

James Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

**SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS AND
AUTHORIZATION TO ADVERTISE HOLBROOK-PALMER
PARK RESTROOM EXPANSION PROJECT**

RECOMMENDATION:

Pass a motion to approve the plans and specifications and authorize advertisement for bids for the Holbrook-Palmer Park Restroom Expansion Project, Project No. 03-008.

INTRODUCTION:

The adopted Capital Improvement Program includes funds for constructing expanded restroom facilities at the children's playground in Holbrook-Palmer Park. The need for this expansion resulted from requests from park users.

ANALYSIS:

The restroom facilities at the children's playground in Holbrook-Palmer Park have a single stall in the women's side, and a single stall and a single urinal in the men's side. A minimum of two stalls is needed for the women's side, but three would be optimal. An additional stall on the men's side would be desirable, but not essential. Otherwise the facilities are in excellent condition.

Staff evaluated several alternatives for expanding the facilities, including replacement with a larger building, addition of another similar building, expansion of the existing building, and addition of another building to expand the women's facilities. Both replacement with a larger building and addition of another similar building were too

expensive for the budget. The other alternatives may be competitive in price, so staff recommends optional bids to determine which is less costly.

Bid Option A will modify the existing building to add an additional stall to each side, increasing the women's side to two stalls and the men's side to two stalls and one urinal. Bid Option B will add a new building adjacent to the women's side, adding two women's stalls and a sink. The new building would match the siding and roof of the existing building, and use the sewer pump and connections of the existing building.

The engineer's estimate is based on Option A. Option B is estimated to be slightly more expensive than Option A, but was included because Option B may result in a lower bid, depending on the bid environment at the time of the bid. The project will be recommended for award to the lowest bid for either option.

The park restroom expansion project is budgeted for construction in FY 2003-04. Staff prepared the design for the project. The Holbrook-Palmer Park Restroom Expansion Project plans and specifications are ready to be advertised for construction.

FISCAL IMPACT:

The Engineer's Estimate for the Holbrook-Palmer Park Restroom Expansion Project is \$45,000. The current budget has \$40,000 from the Capital Improvements funds budgeted for the project in FY 2003-04. The remaining \$5,000, if necessary, would be from the Capital Improvement Fund (401).

The project is scheduled to receive bids in January and award the contract at the January 21, 2004 City Council meeting.

CONCLUSION:

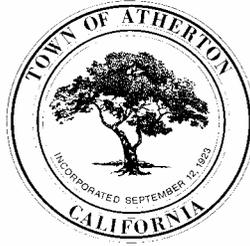
The plans for this project are consistent with the Capital Improvement Program and should be approved.

Prepared By:

Approved:

Duncan L. Jones, PE
Public Works Director

James Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: LINDA KELLY, ASSISTANT TO THE CITY MANAGER

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

**SUBJECT: ADOPTION OF A RESOLUTION RESCINDING RESOLUTION
NO. 03-20 (CORRECTING EXHIBIT A) AND AUTHORIZING
HOURLY SALARY RANGES FOR PART-TIME AND
TEMPORARY EMPLOYEES FOR FISCAL YEAR 2003-04**

RECOMMENDATION

It is recommended that the City Council adopt the proposed resolution rescinding Resolution No. 03-20 (correcting Exhibit A) and authorizing hourly salary ranges for part-time and temporary employees for Fiscal Year 2003-04, effective July 1, 2003.

BACKGROUND

At the City Council meeting of October 15, 2003, the City Council adopted Resolution No. 03-20, which set the hourly salary ranges for part-time and temporary employees for Fiscal Year 2003-04.

Subsequent to the adoption of the resolution, staff noticed a calculation error on Exhibit A. Step A of the Part-Time Recreation Assistant salary range was listed as \$12.91 per hour, but should have been listed as \$13.72 per hour. The attached resolution corrects this error by rescinding Resolution No. 03-20 and restating the part-time and temporary employee hourly salary ranges.

FISCAL IMPACT

The fiscal impact of this resolution is the same as was stated in the Staff Report for this item for the October 15, 2003 meeting, approximately \$6,000 for FY 2003-04 for the part-time and temporary employees currently employed by the Town. The potential increase was budgeted and sufficient funds exist in departmental budgets to cover the increased cost.

CONCLUSION

In order for the Council to take official action authorizing the new hourly salary ranges and correcting the miscalculation, it is recommended that the City Council adopt the attached Resolution.

Prepared by:

Approved by:

Linda Kelly
Assistant to the City Manager

James H. Robinson
City Manager

Attachment: Proposed Resolution

RESOLUTION NO. 03-__

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
RESCINDING RESOLUTION NO. 03-20 (CORRECTING EXHIBIT "A") AND
AUTHORIZING HOURLY SALARY RANGES FOR PART-TIME AND
TEMPORARY EMPLOYEES FOR FISCAL YEAR 2003-04**

The City Council of the Town of Atherton hereby resolves as follows:

WHEREAS, Resolution No. 03-20 was adopted by the City Council on October 15, 2003, and staff subsequently discovered that a correction to Exhibit A was in order; and

WHEREAS, the City Council has determined that it is in the best interests of the Town to bring uniformity to the salaries of Part-time and Temporary employees in the form of a resolution; and

WHEREAS, Attachment A to this Resolution specifies the hourly salary ranges for Part-time and Temporary employees for the Fiscal Year 2003-04.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the Town of Atherton that the hourly salary ranges for Part-time and Temporary employees of the Town of Atherton shall be as stated in Attachment A.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the ___ day of _____, 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 Hynes, City Attorney

**TOWN OF ATHERTON
PART-TIME AND TEMPORARY EMPLOYEES
HOURLY SALARY RANGES
FISCAL YEAR 2003-04**

| Position | Step A | Step B | Step C | Step D |
|--|---------------|---------------|---------------|---------------|
| Per Diem Police Dispatcher | \$29.72 | 31.46 | 33.21 | 34.96 |
| Reserve Police Officer – Level 1* | \$25.82 | 27.34 | 28.86 | 30.38 |
| Administrative Assistant to the Police Chief | \$23.61 | 25.00 | 26.39 | 27.78 |
| Part-Time Maintenance Worker | \$15.67 | 16.60 | 17.52 | 18.44 |
| Part-Time Recreation Assistant | \$13.72 | 14.53 | 15.33 | 16.14 |
| Part-Time Post Office Counter Assistant | \$17.36 | 18.38 | 19.40 | 20.42 |
| Temporary Employee** (open range; no steps) | \$10.00 | | | \$60.00 |

*Note: Reserve Police Officer – Level 2 is an unpaid volunteer position.

*Temporary Employee: No change in range from 2002-03; no positions filled with this title at this time.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

SUBJECT: ADOPTION OF A RESOLUTION AUTHORIZING APPLICATION FOR A BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT AND COMMITTING THE REQUIRED LOCAL MATCH

RECOMMENDATION:

Adopt a resolution authorizing staff to submit an application for a Bicycle Transportation Account (BTA) grant and committing the required ten percent local match.

INTRODUCTION:

In September, the State of California Department of Transportation (Caltrans) issued a call for projects to be funded by the BTA. The BTA program provides State funds for projects that improve safety and convenience for bicycle commuters. Project applications are due by December 1, 2003. \$7.2 million is available for projects statewide in the 2004/05 fiscal year.

The Transportation Subcommittee considered this program at their October 14, 2003 meeting. The Subcommittee recommended that applications be submitted for upgrading the bicycle lanes on Valparaiso Avenue and Alameda de las Pulgas.

In order to submit an application for a project, the following is required:

1. A Bicycle Transportation Plan, adopted by resolution and approved by MTC. Local jurisdictions may adopt the San Mateo County Comprehensive Bicycle Route Plan if the provisions of California Streets and Highways Code Section 891.2(a)-(k) are included.

2. A resolution certifying the availability of the required 10 percent local share of the total project cost. This project will be constructed next year, so the City Council can commit to providing the local share in next years budget. We will know if the grant is awarded before next year's budget is prepared.
3. Documentation of completed environmental clearance. Bicycle lanes are categorically exempt under California Environmental Quality Act (CEQA) guidelines. An environmental clearance document is being prepared by staff and can be approved at staff level for categorical exemptions.

Applications for BTA funding are evaluated by a Caltrans BTA Evaluation Committee and rated according to set criteria. Those projects that rate the highest will receive funding up to the \$7.2 million in funding available statewide.

ANALYSIS:

The projects recommended for the BTA application consist of slurry sealing, with some digouts, on Valparaiso Avenue and Alameda de las Pulgas to remove surface irregularities in the bicycle lane and permit re-striping with thermoplastic according to current Caltrans standards. In addition, the new bicycle route signing recommended by the San Mateo County Comprehensive Bicycle Route Plan will be added to each bicycle route within the Town of Atherton. In many cases this will replace existing signing, but some routes will have signs added. For example, El Camino Real will have "Share the Road" signs added at the Town limits.

The City of Menlo Park has agreed to jointly apply for BTA funds so that Valparaiso Avenue can be completed as a single project. BTA applications from cooperating jurisdictions tend to receive higher scores in the competition for funding.

FISCAL IMPACT:

The estimate for the bicycle lane projects within the Town of Atherton is \$100,000, including design, construction, inspection and contingency. The planned FY 2004-05 CIP has \$200,000 for patching, sealing and overlaying streets, so allocating \$10,000 of this budget will leverage \$100,000 worth of construction. The BTA application will be for \$90,000. The City of Menlo Park will pay the local share of their portion of the project.

CONCLUSION:

These projects will improve the safety and convenience for bicycle commuters using the streets of Atherton, and will benefit the streets by improving their surface, at a very small cost to the Town. Adopting the San Mateo County Comprehensive Bicycle Route Plan will enable the Town to seek additional funding in future years.

Prepared By:

Approved:

Duncan L. Jones
Public Works Director

James Robinson
City Manager

Attachments:

Resolution

Bikeway System Map

North-South Bikeway Signing Project

North-South Bikeway (Southern Section) Project

BTA Letter

RESOLUTION 03-

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AUTHORIZING APPLICATION FOR A BICYCLE
TRANSPORTATION ACCOUNT (BTA) GRANT AND COMMITTING
THE REQUIRED LOCAL MATCH

WHEREAS, the City Council of the Town of Atherton has reviewed the prioritized bicycle project list contained in the San Mateo County Comprehensive Bicycle Route Plan and the recommendations of the Transportation Subcommittee, and does formally accept it as indicative of the needs of Atherton; and,

WHEREAS, the City Council does approve submittal of an application to Caltrans for 2004/05 Bicycle Transportation Account (BTA) funds for the proposed projects recommended by the Transportation Subcommittee; and,

WHEREAS, Staff has prepared this Resolution for City Council approval to fulfill the requirements of the 2004/05 Bicycle Transportation Account (BTA) application that the governing body approve of the recommended projects;

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

1. The Director of the Department of Public Works submit an application to the California Department of Transportation (Caltrans) for 2004-2005 Bicycle Transportation Account (BTA) funds for a proposed projects on Valparaiso Avenue and Alameda de las Pulgas for funding in the amount of \$90,000.
2. The Town of Atherton commits to the availability of \$10,000 local match and commits to complete the project if the grant funds are awarded.

* * * * *

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 19th day of November, 2003, by the following vote:

| | |
|-----------------|------------------------|
| <i>AYES:</i> | <i>COUNCILMEMBERS:</i> |
| <i>NOES:</i> | <i>COUNCILMEMBERS:</i> |
| <i>ABSENT:</i> | <i>COUNCILMEMBERS:</i> |
| <i>ABSTAIN:</i> | <i>COUNCILMEMBERS:</i> |

ATTEST:

James R. Janz, Mayor
TOWN OF ATHERTON

Sharon Barker, City Clerk

APPROVED AS TO FORM:

/s/ Marc G. Hynes
Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

SUBJECT: APPROVING A RESOLUTION ADOPTING A BICYCLE TRANSPORTATION PLAN TO INCORPORATE THE SAN MATEO COUNTY COMPREHENSIVE BICYCLE ROUTE PLAN AND TO COMPLY WITH SECTION 891.2 OF THE CALIFORNIA STREETS AND HIGHWAY CODE

RECOMMENDATION:

It is recommended that the City Council approve the attached resolution adopting the Bicycle Transportation Plan with an addendum making the findings required by Section 891.2 of the California Streets and Highways Code.

INTRODUCTION:

Public Works staff will apply for bicycle project funding from the Bicycle Transportation Account (BTA) in December. To remain eligible for this funding, the Town must adopt a Bicycle Transportation Plan. This requirement can be met by adopting the San Mateo County plan and findings contained in Street and Highways Code Section 891.2.

ANALYSIS:

The Town of Atherton Public Works Department, in their continuing effort to secure outside funding for Town projects, will apply for a grant from Caltrans under the Bicycle Transportation Account program. This program requires that applicant jurisdictions have an adopted Bicycle Transportation Plan. CCAG advises that this requirement can be met by adopting the San Mateo County Comprehensive Bicycle Route Plan with an addendum that addresses elements (a) through (k) of Section 891.2 of the California Streets and Highways Code specific to the Town of Atherton. These elements are

contained in the attached Bicycle Route Plan Addendum to the San Mateo County Comprehensive Bicycle Route Plan to comply with Section 891.2 of the Streets and Highway Code. The County Plan was adopted by CCAG on June 8, 2000.

FISCAL IMPACT:

The Town of Atherton will apply for \$90,000 in BTA funding for the Valparaiso Avenue and Alameda de las Pulgas Projects. Continued eligibility for this funding is contingent on adoption of a Bicycle Transportation Plan. The due date for BTA applications is December 1, 2003.

CONCLUSION:

Adoption of Bicycle Transportation Plan incorporating the County Plan will be beneficial to the Town of Atherton by becoming eligible for current and future funding opportunities. The Bicycle Transportation Plan also represents the commitment made by the Town in our response to the Civil Grand Jury to support bicycle safety in San Mateo County. Adopting this plan, together with seeking grant funding for bicycle projects, completes the steps the Town committed to take to implement the Grand Jury's recommendations.

Prepared By:

Approved:

Duncan L. Jones, PE
Public Works Director

James Robinson
City Manager

Attachments:

1. Resolution
2. Bicycle Transportation Plan Addendum to the San Mateo County Comprehensive Bicycle Route Plan to Comply with Section 891.2 of the Streets and Highway Code

RESOLUTION 03-

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ADOPTING A BICYCLE TRANSPORTATION PLAN TO
INCORPORATE THE SAN MATEO COUNTY COMPREHENSIVE
BICYCLE ROUTE PLAN AND TO COMPLY WITH SECTION 891.2
OF THE CALIFORNIA STREETS AND HIGHWAY CODE

WHEREAS, the Town of Atherton desires to apply to Caltrans for 2004/05 Bicycle Transportation Account (BTA) funds for proposed projects on December 1, 2003; and,

WHEREAS, Staff has prepared this Resolution for City Council approval to fulfill the requirements of the Bicycle Transportation Account (BTA) application that the governing body adopt a Bicycle Transportation Plan; and,

WHEREAS, the City Council has made the required findings to address elements (a) through (k) of Section 891.2 of the California Streets and Highways Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby adopt said Bicycle Transportation Plan consisting of the San Mateo County Comprehensive Bicycle Route Plan with an Addendum to Address Elements (a) through (k) of Section 891.2 of the California Streets and Highways Code specific to the Town of Atherton and does hereby order the Public Works Director to implement said plan.

* * * * *

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 19th day of November, 2003, by the following vote:

| | |
|-----------------|------------------------|
| <i>AYES:</i> | <i>COUNCILMEMBERS:</i> |
| <i>NOES:</i> | <i>COUNCILMEMBERS:</i> |
| <i>ABSENT:</i> | <i>COUNCILMEMBERS:</i> |
| <i>ABSTAIN:</i> | <i>COUNCILMEMBERS:</i> |

ATTEST:

James R. Janz, MAYOR
TOWN OF ATHERTON

Sharon Barker, City Clerk

APPROVED AS TO FORM:

/s/ Marc G. Hynes
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 NOVEMBER 20, 2003

SUBJECT: APPROPRIATIONS FOR CONTRACT PLAN CHECK SERVICES

RECOMMENDATION:

Increase appropriations for contract plan check services by \$50,000 and reduce reserves for future building inspections by an equivalent amount.

DISCUSSION

In adopting the FY 2003-04 budget, the Council directed staff to reduce appropriations for contract plan check services from the recommended level of \$88,000 to \$38,000. Additionally, the Council directed that the reduction in appropriation be used as a reserve for future building inspection. In September, the Council approved an increase in Building Department fees of approximately 15 percent. The fee increase was intended to provide assurance that the Building Department would achieve its cost recovery and reserve requirements in FY 2003-04.

In light of the Council's action to reduce funding for contract plan check resources, the Building Official has, for the first four months of FY 2003-04 performed all plan checks in-house. In order to expedite the processing of plan checks to within the Building Department's standard processing timeline, the Building Official has requested that appropriations for contract plan check services be restored to the \$88,000 level originally recommended by staff.

Should the Council approve the Building Official's request, it is the recommendation of the Finance Director to use the \$50,000 appropriated as a reserve to fund this appropriation increase.

City Staff has met with the Finance Committee regarding this matter. The Finance Committee concurs with the recommendation of staff.

FISCAL IMPACT:

Approval of staff's recommendation will require an increase in general fund appropriations in the amount of \$50,000. Reserves for future building inspection would be used as a source of funding for this increase in appropriations.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager



Town of Atherton

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

SUBJECT: APPROVAL OF PARTICIPATION IN HOUSING ENDOWMENT AND TRUST OF SAN MATEO COUNTY

RECOMMENDATION

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

BACKGROUND

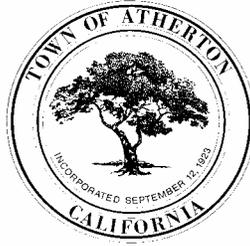
The City Council at its October meeting received a request from Supervisor Rich Gordon to consider support and participation by the Town of Atherton in the recently created Housing Endowment and Trust of San Mateo County. The City Council thanked Supervisor Gordon for his presentation and referred the request to the Council Finance Committee for consideration and recommendation to the City Council.

The Goal of the Housing Endowment and Trust is to raise and distribute funds to serve its goal of increasing the number of permanently affordable housing units in the County. The Housing Endowment trust is intended to be a public/private partnership. The JPA Board would be comprised of 21 members with 9 representatives from the cities and 2 from the County. At large directors would hold 10 seats on the board.

Attached is a list of FAQ's (Frequently Asked Questions) that address many of the issues regarding goals, governance and the commitment from the participants. Also attached is a copy of the JPA agreement.

FISCAL IMPACT

Funding will be required from each participating agency to cover the cost of operating the JPA. It is anticipated that initially the cost to each agency would be minimal and based on population (estimated at \$2.00 per capita). The JPA agreement also states that “it is expressly agreed and understood that the Board has no authority to bind any governing board of any Member Agency to make the recommended contribution, appropriation and/or commitment and that this decision rests solely with each governing body.” Members may also withdraw on one year’s notice to the JPA.



Town of Atherton

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

**SUBJECT: REFER REVIEW OF SPECIAL EVENTS ORDINANCE TO
GENERAL PLAN COMMITTEE**

RECOMMENDATION

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

BACKGROUND

Currently, Ordinance No. 499 establishes a permit process for Special Events conducted within the Town of Atherton “to insure the comfort, safety, and general welfare of the Town of Atherton citizens by controlling the number of Special Events and the impacts of said Events on the community and by providing a simplified permit process.” It is also the intent of the ordinance to “protect the residents from excessive noise, traffic and other intrusions upon their privacy.”

The Ordinance requires a Special Event Permit for Processions, Motion Picture filming, House Tours, Fundraisers, Auctions, Antiques Shows, Concerts, and other similar activities. However, a Special Event Permit is not required for on-site events at Schools and Country Clubs.

Although the Ordinance allows the Town to impose “any reasonable conditions to insure the event will have a minimal impact on the community,” the ordinance does not address any specific constraint on the length of these special events. Although most events are usually of a one day or weekend variety, occasionally the Town will receive requests for permits that will cover much longer periods of time. The current ordinance is silent on the length of permitted events.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

**SUBJECT: AUTHORIZATION TO ADVERTISE HOLBROOK-PALMER
PARK GROUNDS MAINTENANCE CONTRACT**

RECOMMENDATION:

Pass a motion to authorize advertisement for bids for the Holbrook-Palmer Park Grounds Maintenance contract per the recommendation of the Park and Recreation Commission.

INTRODUCTION:

The need for this project resulted from retirement of the Parks Maintenance Supervisor. A six month trial of replacing Town staff with a contract landscaping company was initiated June 1, 2003. This trial period was under the supervision of Public Works Superintendent Steve Tyler and also monitored by the Park and Recreation Commission.

ANALYSIS:

Our longtime Park Supervisor, Joe Mercer, retired from Town service on May 31, 2003. The Town was faced with the task of replacing this needed full time staff position. However, it was recommended by the City Manager that, due to municipal budgeting shortfalls, alternatives to replacement of Town staff be explored.

Following a review of alternatives, staff determined that we would experiment with contract landscape services with our existing landscape contractor under a contract change order to do some limited park maintenance on a weekly basis as follows:

- Mow all turf areas.

- Mow the Little League fields 2 times per week (through June).
- Edge all turf areas along both hard and soft surfaces a minimum of 1 time per month.
- Blow all hardscaped areas (except tennis courts) once per week
- Prune small trees/shrubs per landscape supervisors instructions 1 time per year (in 6 months, half of shrubs were to be pruned).

On June 1, 2003, the Town began this trial. The reason for this trial was to ascertain the benefits of using the funds currently paid to a Town staffer for required maintenance versus what a private contractor could offer for the same funds (or less).

A walkthrough of the park was performed by the Park and Recreation Commission and Town staff on October 1, 2003. It was noted that, although there were still some areas for improvement, the park grounds looked better than they had in the previous 6 months.

The lawn maintenance, especially the intensive edging, was the real standout of work that had not been performed routinely in the past. Park staff also noted that mowing that had previously been performed early in the week (Mondays or Tuesdays) due to staffing commitments was now able to be performed on Fridays, leaving the park with a crisp look for the weekends. Blowing off of the hardscape areas was also done on Fridays assisting the Towns staff in preparing for the weekend weddings and other events, which was also a big plus.

All personnel hired to work in the park undergo a background check performed by the County of San Mateo Sheriffs Department and wear clothing identifying them as landscape contract personnel at all times in the park.

The Holbrook-Palmer Park Grounds Maintenance Contract plans and specifications will be ready to be advertised for bid in December.

FISCAL IMPACT:

The estimate for the Holbrook-Palmer Park Grounds Maintenance contract is \$60,000.00 per year. The project is scheduled to receive bids in December and award the contract beginning January 1, 2004 at the December City Council meeting.

CONCLUSION:

The plans for this project are consistent with the funds currently available to run the park if transferred from staff salaries to contract payments and should be approved.

Prepared By:

Approved:

Duncan L. Jones, PE

James Robinson

Public Works Director

City Manager



Town of Atherton

MEMORANDUM

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

FROM: LINDA KELLY, ASSISTANT TO THE CITY MANAGER

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

**SUBJECT: CONSIDER APPOINTMENT OF COUNCIL MEMBERS AND
RESIDENT MEMBERS TO CALTRAIN CORRIDOR AD HOC
COMMITTEE**

RECOMMENDATION

Consider recommendations of Council Screening Committee for appointments to the Caltrain Corridor Ad Hoc Committee.

BACKGROUND

At the City Council meeting of October 15, 2003, the City Council created an Ad Hoc Caltrain Corridor Committee, to consist of two Council Members and up to 10 residents of the Town. The purpose of the committee is to serve in an advisory capacity to the City Council to research and address the impact of High Speed Rail and other rail improvements may have on the Town of Atherton. The deadline for submittals of letters of interest is Monday, November 17, 2003 at 5:00 p.m.

Advertisements were posted on the Town's website, bulletin boards, in the *Almanac*, and were mailed to residents who live along the corridor.

As of Friday, November 14, 2003, the Town received six letters of interest from residents who are interested in serving on the Caltrain Corridor Committee.

The Council Screening Committee was to have met prior to tonight's Council meeting, and will provide recommendations to the City Council for appointments.

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: City Attorney
RE: Report on Town Processes related to Building Permit for
85 Orchard Hills Drive, Landscape Screening Plan for Retaining Wall,
and Related Site Improvements and Development
DATE: November 14, 2003

At the City Council meeting on September 17, 2003, the City Attorney was given the following:

DIRECTIONS:

1. Review, in conjunction with City Staff, representations made by the owner at 85 Orchard Hills and/or his representatives in obtaining all permits related to the construction and landscape screening for a retaining wall at 85 Orchard Hills and related site improvements and development. This included, specifically, representations made at the July 17, 2002 appeal of the Building Official's decision regarding issuance of a building permit for the retaining wall at 85 Orchard Hills Drive. The City Attorney was to report whether any misrepresentations were made during the process of obtaining the building permits or at the hearing on July 17, 2002. In the event of any misrepresentations, the Council is to be informed of the Town's remedies.

2. Report on the process for approval of landscaping projects citing to municipal ordinances and/or practices which have been adopted by the Building Department. In particular, should landscape screening plans be filed at the time the landscape screening agreement is entered into? Should road impact fees be charged for landscaping projects?

3. Advise if final inspections under permits which had been issued be withheld until such time as the foregoing reports are provided to the City Council and the Council has had an opportunity to consider both

the reports and opinions of the City Attorney, along with the reports and opinions of City Staff.

Honorable Mayor and City Councilmembers
Report on Town Processes – 85 Orchard Hills Drive

November 14, 2003
Page Two

RESPONSE:

1. I find no misrepresentations by applicant and his agent in the process of obtaining permits for the retaining wall, landscaping and related site improvements and development at 85 Orchard Hills Drive. This matter is discussed in more detail in the report below.

2. Landscape screening is governed by the provisions of Chapter 17.50 of the Atherton Municipal Code. As discussed and found at the hearing on July 17, 2002, the applicant had not signed the landscape screening agreement to complete the building application process. The day after the hearing, a landscape screening agreement was signed. It is attached as Exhibit C. The absence of any exhibits to the landscape screening agreement follows Town practice and the municipal code provisions as explained in more detail below.

3. There is no authority for withholding final inspections under permits which have been issued pending review of this report and that of the City Staff.

ANALYSIS:

A written report prepared by the City Staff regarding the construction and landscape screening plan for the retaining wall at 85 Orchard Hills Drive and related site improvements and development accompanies this memorandum. The Staff Report was written to respond to a written submission from Vice-Mayor McKeithen. The Staff responses appear in **bold type** to issues raised in the written comments prepared by Vice-Mayor McKeithen. The report is marked as Exhibit A.

At the hearing on July 17, 2002, the owner of 85 Orchard Hills Drive, Mr. Haram Maskatyia and his property manager Ismail Baron spoke and presented a computer-enhanced photograph showing a completed retaining wall screened by multi-colored landscaping. (See 07-17-02 transcript of hearing, attached as Exhibit B, pages. 13-17.) Mr. Maskatyia stated that: "we will show you photographs, and you will see it looks beautiful, even from Stockbridge. Although Mr. Baron initially responded "yes" to a question as to whether the rendering of the retaining wall was an adequate representation of how the retaining wall would look, the landscaping was described as a concept which was going to be presented.

Mr. Paul Baynton (Exhibit B, page 17) described a photograph showing three redwood trees which were proposed to remain. Mr. Baynton said that the trees screened the balconies that the property owner had on the back side of his property and this was

important to the property owner for his own privacy. Mr. Baynton said that there were no plans for removing all of these trees which were under the size which would otherwise have made them heritage trees. Mr. Baynton said that the property owner was interested in screening, had no intention of looking over to the adjacent neighbor's property, and would do the best job he could on landscaping the wall making it very colorful and beautiful with oleanders.

Honorable Mayor and City Councilmembers
Report on Town Processes - 85 Orchard Hills Drive

November 14, 2003
Page Three

The three redwood trees were later removed during the construction of the project. Because the trees were not heritage trees, no permit was required for removal. Since no landscaping plan had been presented or approved which showed these trees prior to their removal, no revision of a landscape plan was required. There is no evidence that at the time representations were made regarding the trees, that the property owner or his representatives intended anything other than to keep them for privacy and screening of the 85 Orchard Hills Drive property as well as neighboring properties. Even if the continued existence of the trees had been misrepresented, it was not a part of the decision of the City Council. The principal issue before the council was to determine the appeal of the interpretation by the Building Official that the retaining wall was an accessory structure. The appeal claimed that the retaining wall was 14 feet high; that existing trees were not shown in the plans; that there were heritage trees affected by the erection of the retaining wall; that the issue should be reviewed by the Planning Commission or Town Arborists; and that no proposed landscape screening was provided after the landscaping was taken out.

The Staff recommended denial of the appeal on the basis that there had been no errors, omissions, or abuse of discretion by the Building Official. Reasons for the staff recommendation were that the retaining wall was within the height limits authorized for accessory structures (11 feet); there were not any heritage trees at issue; and because accessory structures proceed as matters of right in connection with single-family dwellings, there was nothing to go before the Planning Commission for a conditional use permit.

In the course of the hearing it was determined that no landscape screening agreement had been signed prior to issuance of the permit for the retaining wall as required by Section 17.50.050 of the Atherton Municipal Code.

Section 17.50.050 entitled "Submittals required for planning applications and building permit applications" reads:

"A landscape screening agreement shall be signed by the applicant and shall be submitted to the town before any planning or building application is deemed complete. The

landscape screening agreement shall be recorded with the county recorder."

Section 17.50.060 of the Atherton Municipal Code entitled "Installation requirements" reads:

"Prior to the final inspection or issuance of a certificate of occupancy (unless delay is authorized by the building official) all required landscape screening shall be installed in conformance with the approved plans. In the case of phased building construction, the building official may permit phased

Honorable Mayor and City Councilmembers
Report on Town Processes 85 Orchard Hills Drive

November 14, 2003
Page Four

installation of landscape screening. If the required landscaping is not installed prior to the final inspection then an agreement in writing, approved as to form by the city attorney, and a minimum five thousand dollar deposit, and stating that all required landscaping shall be installed within six months, shall be executed by the applicant and submitted to the town before approval of the final inspection or issuance of the certificate of occupancy."

Exhibit C is the landscape screening agreement. The question has been asked as to whether the landscape screening agreement should incorporate the landscape screening plans as exhibits. As explained in the Staff Report, because landscape screening plans are often times revised prior to actual installation of the landscaping, there is no requirement for a landscape screening plan to be produced as an exhibit at the time of the signing of the landscape screening agreement. The landscape screening agreement commits the applicant to install all required landscape screening prior to final inspection or issuance of a certificate of occupancy. The agreement also obliges the owner to maintain all required plantings "as shown on the approved plans" in healthy growing condition and whenever necessary to replace it to provide continued conformance with approved plans. The term "approved plans" appears in Section 17.50.060 which requires installation of landscape screening prior to final inspection. Previous interpretation of the Town code and the practice of the building department has been to require approved plans prior to installation of landscape screening but not at the time the landscape screening agreement is signed. Because landscape screening plans are often revised before installation of landscaping, the need to amend the landscape screening agreement as the attached landscape plan exhibits are amended is avoided.

The Town has a road impact fee to provide for roadway maintenance and repair related to damages caused by construction activity. The fee was established in

September, 2000, with the adoption of Resolution No. 00-27. The resolution requires that road impact fees be collected at the time of issuance of a building permit. A road impact fee of 0.5 percent (one-half percent) of the project valuation shall be paid for all construction projects. To the extent a landscape screening value is provided at the time of the building permit, this amount is then included in the calculation of the existing road impact fee. To the extent a landscaping project is conducted without a building permit, this type of construction activity escapes road impact fee assessment. The City Council has the authority to amend the resolution by adding a fee for any such unaddressed projects. The road impact fee is a development fee and as such is exempt from the requirements of Proposition 218 (Article XIII D Section 1(b).)

Finally, it is my recommendation that there be no withholding of final inspection pending review and receipt of this report. The applicant has undertaken work following receipt of the building permits. The applicant has incurred material expense on the strength of the permits which have been issued. While accepting the application as final prior to receiving a copy of the signed landscaping agreement was an error by Town Staff, this matter was not deemed sufficient

Honorable Mayor and City Councilmembers
Report on Town Processes - 85 Orchard Hills Drive

November 14, 2003
Page Five

basis for any action against the permits at the hearing on July 17, 2002. The day following the hearing, the signed agreement was presented and the applicant proceeded to complete his project. There is nothing in the materials presented with this report which would justify withholding final inspection of the permit.

Respectfully,

MGH:cwb

MARC G. HYNES

Attachments:

- Exhibit A – Responses to Councilmember McKeithen
- Exhibit B – Transcript of July, 2002 hearing
- Exhibit C – Landscape Screening Agreement



Town of Atherton

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

SUBJECT: DISCUSSION OF PROPOSED CALTRAIN SERVICE REDUCTIONS

RECOMMENDATION

It is recommended that the City Council accept and forward to Caltrain/Samtrans any comments received regarding the proposed reduction of Caltrain weekday service and the proposed elimination of weekend service within the Town of Atherton.

BACKGROUND

As a result of the introduction of the Baby Bullet service this Spring and a "desire to establish service levels at stations based on ridership activity," Caltrain has proposed drastic changes in service to the Atherton Station. Caltrain proposes to reduce weekday stops from 30 to 19 and elimination of weekend service entirely. Proposed schedules were posted on the Caltrain website and the public was asked to respond to the proposed changes and/or attend one of the 6 public comments meetings being held by Caltrain/Samtrans. Comments were requested by November 7, 2003.

The Mayor and City Manager attended the public comment meeting held by Caltrain in San Carlos. It was requested that the Town be given additional time to respond to such drastic changes in levels of service and suggested a public meeting be held in the Town of Atherton. Attached is a copy of the letter from the Mayor as well as e-mails from residents who have submitted additional comments regarding reduction and elimination of service.

Recently Town staff read on the Caltrain website that comments would be accepted through November 28, 2003. Caltrain has also recently indicated that mid -December a revised timetable will be available for comment through the January 8th public hearing.



Town of Atherton

MEMORANDUM

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

FROM: LINDA KELLY, ASSISTANT TO THE CITY MANAGER

DATE: FOR THE MEETING OF NOVEMBER 19, 2003

**SUBJECT: CONSIDER CABLE CO-OP GRANT APPLICATION TO EQUIP
THE COUNCIL CHAMBERS FOR CABLE BROADCAST OF
TOWN MEETINGS**

RECOMMENDATION

Consider the opportunity to submit a grant application for funding from the Cable Co-op to equip the Council Chambers for the cable broadcast of Town meetings over the government channel, and provide direction to staff regarding proceeding with the grant application.

BACKGROUND

At the September Council meeting, Annie Niehaus, Executive Director of the Midpeninsula Community Media Center, made the Town aware of an opportunity to apply for funding available from the Cable Co-op. Cable Co-op has \$4,000,000 available currently for government and non-profit groups to apply for, which is to fund projects that are related to the legacy of Cable Co-op, e.g. telecommunications, connectivity and video projects. The funds are the result of the sale of the assets of Cable Co-op to AT&T Broadband, which has since been acquired by Comcast, and represent the sum total of unclaimed funds of former Cable Co-op subscribers who were owed a refund and cannot be found or contacted.

Last month, the Town submitted a Statement of Intent to Submit a Grant Proposal for acquiring funding for the necessary equipment to cablecast Town meetings held in the

Council Chamber. The Statement of Intent was one of 40 out of 200 Statements of Intent that were chosen to proceed further in the process.

Staff's Statement of Intent included an approximate grant request of \$235,100. This amount was based on a preliminary estimate from the Midpeninsula Community Media Center. Staff has since contacted a professional video equipment and installation vendor (who worked on the video installations for Palo Alto and Menlo Park) and the estimate of funding needs is now closer to \$100,000.

At his request, staff met with Stanley Smith, a Board Member of Cable Co-op, to review the Town's proposal. Staff was provided with guidance that was to assist us in preparing a grant application that would meet with a positive response from the Cable Co-op Board. The important issues that were presented at this meeting were:

1. The Cable Co-op Board is not in favor of providing funding for staffing. This issue was discussed with the video vendor, and due to the relative ease of operation of the proposed equipment, it was proposed that the Town use an unpaid intern or community volunteer to operate the video equipment, after appropriate training. Staff would also be trained as a back-up.
2. The Cable Co-op Board would like to have a commitment from the City Council that if the funds were granted, the Town is committed to supporting a live cable broadcast of the City Council meetings. Ideally they would like to see a Council vote or a letter from the Mayor attached to the grant proposal, expressing such a Town commitment.
3. The Cable Co-op Board is also very interested in cities producing an internet/web broadcast of its Council meetings. The Midpeninsula Community Media Center is preparing a grant proposal to fund the web broadcasting of Council meetings for all cities in the JPA service area: Atherton, East Palo Alto, Menlo Park, and Palo Alto. If this web broadcasting grant were approved, Atherton would be expected to allow a live web broadcast of its Council meetings through the Town's website.

Attached is a copy of the Town's original Statement of Intent to Submit a Grant Proposal.

The Grant Proposal, not to exceed 10 pages, is still in development, and is due to the Cable Co-op on Thursday, November 20, 2003.

Staff is seeking direction on whether to proceed with the grant application, given the additional information provided above regarding the process and the preferences of the Cable Co-op Board.

Prepared by:

Approved by:

Linda Kelly
Assistant to the City Manager

James H. Robinson
City Manager

Attachments: Statement of Intent
Cable Co-op Legacy Request for Proposals – Instructions to applicants