



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

6:00 P.M.  **NOTE TIME**

Meeting Room
Town Administrative Offices
91 Ashfield Road, Atherton
Special Meeting

- 6:00 P.M. 1. **ROLL CALL** McKeithen, Janz, Carlson, Fisher, Conwell
- 6:05 P.M. 2. **PUBLIC COMMENTS**
- 6:10 P.M. 3. **CLOSED SESSION**
- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – significant exposure to litigation pursuant to Government Code Section 54956.9(b). One potential case.
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – initiation of litigation pursuant to Government Code Section 54956.9(c). One potential case.
- C. LIABILITY CLAIMS - pursuant to Government Code Section 54956.95
- Claimant: Mark Spencer
Agency claimed against: Town of Atherton
- Claimant: Nevin Spieker
Agency claimed against: Town of Atherton
4. **RECONVENE TO OPEN SESSION**
- Report of action taken.
5. **ADJOURN**

*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 for information*

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

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

REGULAR MEETING

- 7:00 P.M. 1. PLEDGE OF ALLEGIANCE**
- 7:03 P.M. 2. ROLL CALL McKeithen, Janz, Carlson, Fisher, Conwell**
- 7:05 P.M. 3. PRESENTATIONS/APPOINTMENTS**
- A. Proclamation for Police Chaplain Mike Ryan**
 - B. Presentations to Outgoing Council Member Dianne (Didi) M. Fisher**
 - C. Presentation to Outgoing Mayor Alan B. Carlson**
 - D. Presentation to Charles Marsala for service on Town Committees**
 - E. Appointment of two members to the Park and Recreation Commission per the recommendation of the Council Screening Committee.**
- 7:25 P.M. 4. COUNCIL REPORTS**
- 7:40 P.M. 5. INDUCTION OF NEW COUNCIL MEMBERS**
- 7:45 P.M. 6. CITY COUNCIL REORGANIZATION**
- Selection of Mayor and Vice Mayor**
- 7:55 P.M. 7. PUBLIC COMMENTS (only for items which are not on the agenda – limit of three minutes per person)**
- 8:10 P.M. 8. STAFF REPORTS**
- 8:15 P.M. 9. COMMUNITY ORGANIZATION ROUNDTABLE REPORT (Directed by Resolution No. 99-6)**

8:15 P.M. CONSENT CALENDAR (Items 10 – 17)

**10. APPROVAL OF MINUTES OF SPECIAL JOINT CITY COUNCIL/
PARK AND RECREATION COMMISSION MEETING OF
NOVEMBER 19, 2002, SPECIAL COUNCIL MEETING OF
NOVEMBER 20, 2002, AND REGULAR COUNCIL MEETING OF
NOVEMBER 20, 2002**

**11. APPROVAL OF BILLS AND CLAIMS FOR NOVEMBER 2002 IN THE
AMOUNT OF \$1, 537,496**

**12. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR
NOVEMBER 2002**

**13. ADOPTION OF ORDINANCE AMENDING TITLE 15 OF THE
ATHERTON MUNICIPAL CODE ADOPTING CURRENT BUILDING,
PLUMBING, MECHANICAL, ADMINISTRATIVE, HOUSING,
ELECTRICAL, AND ABATEMENT OF DANGEROUS BUILDINGS
CODES**

**Recommendation: Adopt Ordinance No. ____, amending Chapter 15 of the
Atherton Municipal Code adopting current Uniform Building and Safety
Codes, and waive further reading.**

**14. ADOPTION OF AN ORDINANCE AMENDING ATHERTON
MUNICIPAL CODE SECTION 3.16.080 RELATED TO PURCHASING
PROCEDURES**

**Recommendation: Adopt Ordinance No. ____, amending Chapter 3.16 of the
Atherton Municipal Code setting requirements for purchase orders, and
waive further reading.**

**15. AMENDMENT TO CONTRACT FOR SERVICES – TOWN OF
ATHERTON/STUBBS AND LEONE**

**Recommendation: Review and approve an amendment to the current
contract for services increasing hourly rates.**

16. APPROVAL OF CONTRACT FOR RETENTION OF COUNSEL

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

17. ACCEPTANCE OF ELECTRIC VEHICLE

Recommendation: Accept the donation of an electric car from Hayward Ford.

PUBLIC HEARING (Item 18)

**8:20 P.M. 18. PUBLIC HEARING – 150 VALPARAISO AVENUE, APPEAL OF
CONDITIONAL USE PERMIT DECISION BY PLANNING
COMMISSION – DRIVEWAY CONDITION**

Recommendation: Hear presentation of staff report. Open the public hearing, consider testimony, close public hearing. Consider upholding the Planning Commission decision to modify the Conditional Use Permit as stated in the staff report.

REGULAR AGENDA (Items 19 – 22)

**8:50 P.M. 19. CONSIDERATION OF LINDENWOOD HOMES ASSOCIATION
PROPOSAL TO CONSTRUCT AN ENTRANCE GATE AT OAK
GROVE AVENUE**

Recommendation: Consider the request of the Lindenwood Homes Association to construct a “Gate” at Oak Grove Avenue, and give appropriate direction to staff.

**9:15 P.M. 20. LEAGUE OF CALIFORNIA CITIES MAYORS AND COUNCIL
MEMBERS INSTITUTE**

Recommendation: Consider and possibly approve Council Member(s) attendance at the League of California Cities Mayors and Council Members Institute, January 8 – 10, 2003 in Sacramento.

**9:25 P.M. 21. DISCUSSION AND POSSIBLE ACTION – CONSIDER
DEVELOPMENT OF A POLICY FOR THE NAMING OF TOWN OF
ATHERTON BUILDINGS AND FACILITIES**

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

- 9:40 P.M. 22. DISCUSSION AND POSSIBLE ACTION – CONSIDER POSSIBLE DIRECTION TO STAFF REGARDING THE DEVELOPMENT OF A POLICY REGARDING THE PLACEMENT OF HYPERLINKS ON THE TOWN WEBSITE**

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

- 9:50 P.M. 23. PUBLIC COMMENTS**

- 10:00 P.M. 24. ADJOURNMENT**

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DRAFT MINUTES
Town of Atherton
CITY COUNCIL/PARK AND RECREATION
COMMISSION
November 19, 2002
6:30 P.M
Pavilion
Holbrook-Palmer Park, 150 Watkins Avenue
Atherton, California
Special Joint Meeting

Mayor Carlson called the meeting to order at 6:35 p.m.

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

PRESENT:

City Council

Kathy McKeithen

James R. Janz

Alan B. Carlson

Dianne M. Fisher

William R. Conwell

Park and Recreation Commission

Mike McPherson

Marion Oster

Paul Tonelli (arrived at 6:55 p.m.)

Charles Marsala

**Jeanne Wangsness
Jim Massey**

**ALSO PRESENT: Jim Robinson, City Manager
Jean Cardona, Park Program Manager**

3. PUBLIC COMMENTS

**Ken Hettman, Stockbridge
Herb Erickson, 2 Euclid
Jan Simonds, 26 Wilburn**

**Colleen Anderson, 72 Parker
Bob Huber, 1 Frederick**

Discussion ensued between those in favor of and those against devoting a portion of Holbrook-Palmer Park to a dogs off-leash area.

City Manager Robinson stated that there was a request to cancel the regularly scheduled December 4, 2002 meeting of the Park and Recreation Commission and to move the regularly scheduled January meeting to January 8, 2003, since the first Wednesday of the month in January was a holiday, New Year's Day.

MOTION (PARK AND RECREATION COMMISSION) – to move the January meeting of the Park and Recreation Commission to January 8, 2003 and to postpone the decision on canceling the December 4, 2002 meeting until the end of tonight's meeting when it is determined whether the Commission needs to meet again to further revise the Strategic Park and Recreation Plan based on Council direction.

M/S Oster/Marsala Ayes: 6 Noes: 0 Absent: 0 Abstain: 0

(Note: Since later in the meeting, the Council gave direction to the Commission to further revise the Strategic Park and Recreation Plan, it was determined that the December 4, 2002 meeting would be held.)

REGULAR AGENDA

**4. DISCUSSION AND POSSIBLE ACTION – Strategic Park and Recreation Plan.
Review, Public Comments, and Consideration of Adoption of the proposed Strategic Park and Recreation Plan by the Park and Recreation Commission and City Council.**

Park and Recreation Commission Chair Mike McPherson presented an overview of the process of how the Strategic Park and Recreation Plan was revised, and the process of public input.

Each Council Member reviewed the Draft Strategic Park and Recreation Plan and explained his or her suggestions and requests for revisions.

Mayor Carlson stated that the Park and Recreation Commission is directed to take back these Council comments, fine tune the document based on this input, and bring the Plan back to the City Council.

Significant discussion ensued between the City Council and the Park and Recreation Commission regarding the future of the Pavilion at Holbrook-Palmer Park, and whether to renovate, rebuild or otherwise upgrade the Pavilion facility.

Vice Mayor Janz stated that he would like to see an analysis of what it costs to operate the Pavilion and the revenue the Town receives from the facility.

It was determined that a menu of options for upgrades with costs attached to each should be developed, to include but not be limited to lighting, kitchen, restrooms, storage, French doors, flooring, ceiling, and “punching out the corners” of the building to expand the usable space.

Park Program Manager Cardona stated that the Town loses bookings during certain seasons since the Pavilion only seats 125 people maximum.

It was decided that City Manager Robinson and Park Program Manager Cardona would develop a list of options for upgrading the Pavilion, with costs for each option.

5. ADJOURN

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Sharon Barker, City Clerk

By:

s/Linda Kelly
Linda Kelly
Assistant to the City Manager



Draft Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
November 20, 2002
6:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road, Atherton
Special Meeting

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

1. ROLL CALL

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

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 6:10 p.m.

4. RECONVENE TO OPEN SESSION

Report of action taken:

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

Instructions were given to the City Attorney.

One potential case was added after the agenda was published. No action was taken.

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

Claimant: Hartford Insurance (Dershuen Tang)

Agency claimed against: Town of Atherton

The Council unanimously voted to deny the claim.

Claimant: Mark Spencer

Agency claimed against: Town of Atherton

No action was taken.

5. ADJOURN

The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Alan B. Carlson, Mayor



Draft Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
November 20, 2002
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Carlson called the meeting to order at 7:12 p.m.

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

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

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

- 3. PRESENTATIONS**

A. Red Ribbon Week Poster Winners

Police Chief Robert Brennan introduced D.A.R.E. Officer Bruce Potts and his wife Ruth, who conducted a poster contest at St. Joseph's School. Mayor Carlson presented awards to the following contest winners:

Karly Newman	Hannah Hsieh
Kendall Levison	Natalie Krikorian

**Katie Armstrong
Robert Dunlevie
Stephanie Baladi
Samantha Levison**

**John Braskamp
Serena Gupta
Katie Sims
Austin Chadwick**

B. Mayor Carlson presented a Certificate of Appreciation to Marguerette Paponis for her service on the Atherton Arts Committee. A Certificate will be mailed to Polly Berquist who was not present to receive her Certificate for service on the Park and Recreation Commission.

4. COUNCIL REPORTS

- **Council Member Conwell reported on the Criminal Justice Commission meeting held today. A presentation was given by a representative from the County Rehabilitation Center. The City/County Association of Governments is working to hire a lobbyist to represent the area. The San Francisco Airport Roundtable met and received a report that complaint calls for aircraft noise have decreased as a result of the new “Fly Quiet” program. Council Member Conwell announced that he was elected the new Chair of the San Mateo County Criminal Justice Commission.**
 - **Council Member Fisher reported that the Library JPA did not meet this month. The General Plan Committee will meet December 11. The Finance and Facilities Committees held a joint meeting on November 6. Possible changes to the business license ordinance and concept plans for facilities improvements were discussed. Council Member Fisher reported that the D.A.R.E. helicopter landing event at St. Joseph’s School was a success.**
 - **Council Member Janz reported on the October 17 ABAG General Assembly which featured discussion of Bay Area smart growth issues. Council Member Janz will attend the ABAG Executive Board meeting Thursday, November 21 and the Council of Cities meeting on November 22. The Atherton Channel Drainage District Sub-committee met November 4.**
 - **Council Member McKeithen reported on the November 4 Atherton Channel Drainage District Sub-committee meeting. BKF, the engineers performing a survey of the Upper Channel, reported to the Sub-committee. Council Member McKeithen reported that she, along with Council Member Janz and the City Manager, met with Supervisor Rich Gordon to discuss the possible reorganization of the District with San Mateo County Flood Control District. A meeting with Cal-Trans is scheduled this week.**
 - **Mayor Carlson reported on the Joint City Council/Park and Recreation Commission meeting on November 19. The five-year Park and Recreation Strategic Plan was reviewed and will be reviewed further by the Park and Recreation Commission. He attended the Joint Finance and Facilities Committee meeting, and commended the Finance Department for establishing long range plans in anticipation of reduced revenue.**

- Mayor Carlson also reported that the Town received an appeal of the Planning Commission decision regarding the Sacred Heart driveway issue after this Council agenda was published.

The Mayor called for a motion to set a public hearing date to hear the appeal.

MOTION - to set December 18, 2002 as the date for a public hearing to hear the appeal of the Planning Commission decision in regard to the Sacred Heart driveway issue.

M/S Fisher/Conwell

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

5. PUBLIC COMMENTS

- Marion Oster, Atherton Heritage Association, gave a report on author Gertude Atherton.
- Jerry Carlson, 95 Mount Vernon Lane, reported on the ACIL meeting at which Selby Lane School issues were addressed.

6. STAFF REPORTS

City Attorney Marc Hynes reported out the following action from the closed session held at 6:00 p.m.:

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

Instructions were given to the City Attorney.

One potential case was added after the agenda was published. No action was taken.

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

Claimant: Hartford Insurance (Dershuen Tang)
Agency claimed against: Town of Atherton

The Council voted unanimously to deny the claim.

Claimant: Mark Spencer
Agency claimed against: Town of Atherton

No action was taken.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Sharon Turner, a member of the Atherton Crime Prevention Task Force, gave a brief report on the role of the Task Force. The Task Force participates in community activities and assists in publishing the Atherton Resident Handbook.

CONSENT CALENDAR

MOTION – to approve the Consent Calendar as presented.

M/S McKeithen/Janz

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

8. APPROVED MINUTES OF SPECIAL AND REGULAR MEETINGS OF OCTOBER 16, 2002

9. APPROVED BILLS AND CLAIMS FOR OCTOBER, 2002 IN THE AMOUNT OF \$671,923

10. ACCEPTED MONTHLY FINANCIAL REPORT FOR OCTOBER 2002

11. ADOPTED RESOLUTION NO. 02-31 AMENDING COMMUNITY ORGANIZATION ROUNDTABLE RESOLUTION NO. 99-6

Adopted Resolution No. 02-31 amending Resolution No. 99-6, based on direction given at the October 16, 2002 City Council meeting.

12. LIBRARY RE-ROOFING PROJECT

Approved the award of a contract to Platinum Roofing for re-roofing the Library at a cost of \$24,989.

13. ACCEPTED THE STATUS REPORT ON THE INFORMATION TECHNOLOGY AGREEMENT WITH THE CITY OF PALO ALTO

PUBLIC HEARINGS

14. PUBLIC HEARING - GENERAL PLAN AMENDMENT INCLUDING UPDATE TO HOUSING ELEMENT AND NEGATIVE DECLARATION

Town Planner Neal Martin presented the staff report for this item. The following items were before the Council: consider adoption of a resolution adopting the Housing Element Update, 2002 General Plan Proposed Revisions, and the Initial Study and Draft Negative Declaration. The Draft Housing Element has undergone review by the Atherton General Plan Committee and the Planning Commission. It has been submitted to the State Department of Housing and Community Development (HCD), however, they have

indicated that the Housing Element should be resubmitted for a more formal review. The Planner recommended that the Council proceed with the public hearing, adopt both the General Plan and the Housing Element at this time and resubmit the Housing Element to HCD for comments. If necessary, the Element could be amended by the Council upon receiving the comments from HCD.

Discussion ensued regarding the Association of Bay Area Government's role in assigning housing needs numbers according to income categories. The Town is required to plan for 107 new units meeting above moderate income requirements, 27 units in moderate income levels, 10 in low income levels, and 22 in very low income levels.

Enforcement of the housing requirements was discussed. The Planner stated that the Housing Element is updated every five years at which time the Town must provide information on how it has met housing needs.

Mayor Carlson opened the public hearing. No comments were heard. Mayor Carlson closed the public hearing.

The Council made the following comments and corrections to the proposed documents:

Draft Housing Element –

Page 15 – add a reference to define “NM & A Population Projections”.

Page 21 – add information to last sentence explaining that the Planning Consultants will monitor U.S. Census information (Planner will follow up).

Page 40 – replace “critic” with “cities” in paragraph under Section 3.246.

Page 47 – follow up to ensure that the annual budget includes a contribution to the Shelter Network.

Page 56 – Planning staff to follow up on agreements with the institutions (schools) implementing income and rental rate objectives.

General Plan –

Section 1.530 – Town desires to replace portable buildings housing certain Town activities.

Section 4.235 – insert “and” after “Holbrook Palmer Park” and a comma after “Reading Park”.

MOTION – to adopt Resolution No. 02-32 entitled “A Resolution of the City Council of the Town of Atherton adopting the Draft Housing Element (2001 update), the General Plan Proposed Revisions 2002, and the Draft Negative Declaration for the General Plan Review and Housing Element Update Projects, with the modification that the following sentence be added to Section 1.530 of the General Plan: “the Town desires to consolidate

these activities (re: housed in portable buildings) within a permanent Town building if and when feasible”, and correcting the typographical errors as noted.

M/S Janz/McKeithen

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

15. PUBLIC HEARING – ORDINANCE AMENDING TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADOPTING CURRENT BUILDING, PLUMBING, MECHANICAL, ADMINISTRATIVE, HOUSING, ELECTRICAL, AND ABATEMENT OF DANGEROUS BUILDINGS CODES

Building Official Mike Hood presented the staff report for this item. State law requires cities to adopt the current industry model building codes every three years. The State mandates adoption of the codes. Staff has recommended that the Council adopt the 2001 editions of the California Building, Electrical, Plumbing, and Mechanical Codes, and readopt the Uniform Housing Code, 1997 Edition, the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, and the Uniform Administrative Code, 1997 Edition.

Council Member Janz asked for several corrections to the proposed ordinance including a clarification to the title to state that the ordinance would repeal Ordinance 510 and all other ordinances in conflict with the new ordinance. Additionally he asked that each chapter include language that notes the 2001 Building Codes are published by the International Conference of Building Officials. Council Member McKeithen asked for several changes to make the language in the chapters consistent, including removing the administrative and enforcement sections from the electrical code chapter, and adding “subject to the additions, deletions and amendments thereto as provided in this chapter” to the end of the “Adopted” section of each chapter.

Mayor Carlson opened the public hearing. There was no comment on the proposed ordinance. The public hearing was closed.

MOTION – to approve the amendment of Chapter 15 of the Atherton Municipal Code, repealing Ordinance 510, and all other ordinances in conflict with the ordinance so introduced, and adopt the most recent editions of the 2001 California Codes for the building, electrical, plumbing and mechanical, and readopt Uniform Housing Code 1997 edition, Uniform Code for the Abatement of Dangerous Buildings 1997 edition, and the Uniform Administrative Code, 1997 edition, such ordinance being subject to amendments and modifications made at this meeting, and further move to waive further reading.

M/S Janz/McKeithen

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

REGULAR AGENDA

16. PROPOSED REVISION TO ATHERTON MUNICIPAL CODE SECTION 3.16.080 RELATED TO PURCHASING PROCEDURES

Finance Director John P. Johns presented the staff report for this item. Currently, the Municipal Code requires that purchases in the amount of \$250 or more shall be made only by a purchase order, or a written contract which has been approved by the City Manager. It is staff's recommendation to raise the threshold for which purchase orders are required from \$250 to \$750. Finance Director Johns stated that raising the threshold would reduce the level of administrative effort required to administer the purchasing ordinance without negatively impacting budgetary controls. The Town auditors concurred with the proposal.

The Council expressed concerns with loosening current requirements, and asked the Finance Director if it would be possible to track how the new purchase order module, which provides on-line requisitioning, is working, and return to the Council with a report in six months.

MOTION – to introduce the ordinance amending Chapter 3.16 of the Atherton Municipal Code setting the requirements for purchase orders, adding a sunset provision that the purchase order limit will revert back to \$250 in six months if the item does not return to the City Council.

M/S Fisher/Janz

Ayes: 4 Noes: 1 (McKeithen) Absent: 0 Abstain: 0

17. APPOINTMENT OF A REPRESENTATIVE FROM THE CITY COUNCIL TO ATTEND AND VOTE AT A CITY SELECTION COMMITTEE SPECIAL MEETING TO BE HELD NOVEMBER 22, 2002

Council Member Conwell stated that the vote will not take place at the November City Selection Committee meeting. The Council took no action.

18. CONSIDERATION OF DRAFT STRATEGIC PARK AND RECREATION PLAN

Discussion on this item was deferred until after the Park and Recreation Commission considers it at their December 4 meeting.

19. PUBLIC COMMENTS

None.

20. ADJOURNMENT

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Sharon Barker, City Clerk



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: SHARON BARKER, CITY CLERK

DATE: FOR THE MEETING OF DECEMBER 18, 2002

SUBJECT: PARK AND RECREATION COMMISSION APPOINTMENTS

RECOMMENDATION:

Approve the recommendations of the Screening Committee to appoint Shirley Carlson and Catherine Westover to fill the vacancies on the Atherton Park and Recreation Commission. These terms will expire April 30, 2004.

ANALYSIS:

Two vacancies on the Park and Recreation Commission occurred with the resignations of Charles Marsala and Polly Berquist. The positions were advertised, and three excellent applications were received, making the selection process extremely difficult for the City Council Screening Committee. Vice Mayor Janz and Council Member Fisher, who serve on the Screening Committee, interviewed the three applicants and after much deliberation, recommended that the residents listed above be appointed to fill the available unexpired terms. The Screening Committee is hopeful that such qualified residents will be interested in applying in the spring when there will be more openings available.

Respectfully submitted by:

Reviewed/Approved by:

Sharon Barker
City Clerk

James Robinson
City Manager

TOWN OF ATHERTON

Item No. 11

CLAIMS LIST

September, 2002

Payroll Checks	1446 - 1608	\$ 75,788
Electronic Transfers		431,227
A/P Checks	14125 - 14355	1,030,481
TOTAL		\$ 1,537,496

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 1446 through 1608 (Payroll) and 14125 through 14355 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$1,537,496 are true and correct, and that there are funds for payment.

James H. Robinson
City Manager

The above claims, Payroll check numbers 1446 through 1608, Accounts Payable check numbers 14125 through 14355 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$1,537,496; and are hereby approved for payment.

Alan Carlson
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$773,892
105	Tennis Fund	-
201	Special Parcel Tax	79,798
202	Transportation	35,010
203	Gas Tax Fund	-
210	Road Construction Impact Fees	-
213	Library Special Revenue Fund	-
401	General Capital Projects	263
402	Storm Drainage	-
403	Atherton Channel District	-
404	Park Playground Improvement	-
405	Middlefield Road Rehab.	621,862
406	Facilities Construction	-
610	Vehicle Replacement	-
611	Computer Maint. & Replacement	6,318
612	Administrative Services	3,833
614	Workers Compensation Insurance	-
715	Evans Estate	4,987
730	H-P Park Improvement	-
740	Tree Committee	1,700

TOTAL

\$1,537,496 |

Item No. 12



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P. JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF DECEMBER 18, 2002

SUBJECT: MONTHLY FINANCIAL REPORT, NOVEMBER, 2002

RECOMMENDATION:

Receive the Monthly Financial Report for November, 2002.

INTRODUCTION:

The attached schedules show revenues and expenditures and fund balance for all funds as of November 30, 2002.

HIGHLIGHTS:

The schedule of estimated General Fund revenues and available appropriations have been reduced by \$256,000 and \$97,000 respectively to reflect the budgetary adjustments authorized by Council in October. With 42 percent of the year elapsed, year-to-date expenditures represent approximately 37 percent of available appropriations. Hence, expenditures continue to track favorably with available appropriations, despite the \$97,000 reduction in appropriations. As part of our mid-year budget report we will examine the source of the favorable variances in expenditures and as appropriate recommend further reductions in department appropriations.

In November a second progress payment in the amount of \$621,000 was made to the contractor for work on the Middlefield Road reconstruction, \$297,000 of which was drawn from the Middlefield Road Grant Fund and the remaining \$324,000 from the Parcel Tax Fund.

Workers Compensation Insurance Fund expenditures for the month of November amounted to a negative \$23,944. This adjustment represented a reversal of long-term disability and life insurance premium payment that had been incorrectly charged to the Administrative Services Fund. (The expense and corresponding liability had already been recorded within the General Fund.)

FISCAL IMPACT:

None

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

TOWN OF ATHERTON
Revenue Summary
For the Month ended November 30th, 2002

Fund	Revenue Source	2002-03 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	Property Tax	\$ 2,927,487	131,689	\$ 406,398	14%
	Sales and Use Tax	255,000	11,200	70,337	28%
	Other Taxes	882,158	44,723	225,044	26%
	Licenses & Permits	1,407,000	9,107	523,986	37%
	Fines & Forfeitures	70,000	5,711	28,681	41%
	Revenue from Other Agencies	394,868	(20,403)	90,319	23%
	Charges for Services	352,400	24,317	219,550	62%
	Investment & Rental Income	220,974	2,892	108,913	49%
	Other Revenues	3,000	542	13,439	448%
	Total General Fund Revenues	6,512,887	209,778	1,686,667	26%
	Interfund (Operating) Transfers In	694,000	-	-	0%
101	General Fund Total	7,206,887	209,778	1,686,667	23%
	Special Revenue Funds:				
105	Tennis	9,000	5	1,360	15%
201	Special Parcel Tax	1,570,000	-	6	0%
202	Transportation	270,000	21,150	73,496	27%
203	Street Improvement (Gas Tax)	200,000	-	55,214	28%
208	Police on the Street	-	-	-	100%
209	Law Enforcement	100,000	-	21	0%
210	Road Construction Impact Fees	400,000	1,940	129,742	32%
211	State Park Grants Fund	89,259	-	-	0%
213	Library	20,000	-	80,148	
	Total	2,638,259	23,095	339,987	13%
	Capital Project Funds:				
401	Capital Improvement	10,000	-	84,722	847%
402	Storm Drainage	10,000	-	5,276	53%
403	Channel Drainage District	52,280	1,885	5,826	11%
404	Park Playground Improvement	-	-	2,205	0%
405	Middlefield Road Grants	1,200,000	-	-	0%
406	Facilities Construction	22,000	-	4	0%
	Total	1,294,280	1,885	98,033	8%
	Internal Service Funds:				
610	Vehicle Replacement	39,400	-	-	0%
611	Information Technology	91,371	-	-	0%
612	Administrative Services	406,256	-	-	0%
614	Workers Compensation Insurance	80,129	40,782	40,782	51%
	Total	617,156	40,782	40,782	7%
Total Revenues and Transfers -- All Funds		\$ 11,756,582	275,540	\$ 2,165,469	18%
	Trust and Agency Funds:				
715	Evans Creative Design	116,900	4,479	20,174	17%
730	H-P Park Improvement	-	-	-	0%
731	MA Little League	-	-	-	0%
740	Tree Committee	-	-	1,426	
	Total	116,900	4,479	21,600	18%
Total Revenues		11,873,482	280,019	2,187,069	18%

TOWN OF ATHERTON
Expenditure Summary
For the Month Ended November 30th, 2002

Fund	Description	2002-03	Current Period	Year to Date	%
Department		Budget	Expenditures	Expenditures	Spent
101	General Fund				
	11 City Council	\$ 21,623	\$ 1,332	7,802	36%
	12 City Manager	475,959	50,204	178,857	38%
	16 City Attorney	195,734	18,977	49,994	26%
	18 Finance	394,460	37,754	154,784	39%
	25 Building	864,252	93,240	315,492	37%
	40 Police	3,615,402	330,002	1,323,802	37%
	50 Public Works	1,725,357	194,989	708,415	41%
	Contingency	100,000	-	-	0%
	Total General Fund Expenditures	<u>7,392,787</u>	<u>726,498</u>	<u>2,739,146</u>	<u>37%</u>
	Interfund (Operating) Transfers Out	-	-	-	0%
101	General Fund Total	<u>\$ 7,392,787</u>	<u>\$ 726,498</u>	<u>\$ 2,739,146</u>	<u>37%</u>
Special Revenue Funds:					
105	Tennis	29,946	-	-	0%
201	Special Parcel Tax	1,480,309	404,376	552,619	37%
202	Transportation	273,992	35,010	99,726	36%
203	Street Improvement (Gas Tax)	155,319	-	-	0%
208	Police on the Street	40,000	-	-	
209	Law Enforcement	100,000	8,083	100,000	100%
210	Road Impact Fees	684,294	-	-	0%
211	State Park Grants	89,259	-	-	0%
213	Library Fund	25,384	9,833	9,833	39%
	Total	<u>2,878,503</u>	<u>457,302</u>	<u>762,178</u>	<u>26%</u>
Capital Project Funds:					
401	Capital Improvement	396,861	263	1,631	0%
402	Storm Drainage	-	-	63,037	0%
403	Channel Drainage District	90,848	-	-	0%
404	Park Playground Fund	-	-	31,664	100%
405	Middlefield Road Grants	1,299,000	297,152	1,299,000	100%
406	Facilities Construction	198,454	132	520	0%
	Total	<u>1,985,163</u>	<u>297,547</u>	<u>1,395,852</u>	<u>70%</u>
Internal Service Funds:					
610	Vehicle Replacement	45,000	-	-	0%
611	Information Technology	100,500	6,318	6,346	6%
612	Administrative Services	325,335	13,148	145,534	45%
614	Workers Compensation Insurance	95,000	(23,944)	40,782	43%
	Total	<u>565,835</u>	<u>(4,478)</u>	<u>192,662</u>	<u>34%</u>
Trust and Agency Funds:					
715	Evans Creative Design	84,750	4,087	38,436	45%
730	H-P Park Improvement	-	-	-	
731	MA Little League	-	-	-	
740	Tree Committee	730	1,700	1,700	
	Total	<u>85,480</u>	<u>5,787</u>	<u>40,136</u>	
	Total Expenditures	<u>12,907,768</u>	<u>1,482,656</u>	<u>5,129,974</u>	<u>40%</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2002-03
As of November 30th, 2002

Fund	Description	Beginning Fund Balance July 1, 2002	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	General Fund	5,194,187	1,686,667	-	2,739,146	4,141,708
	Special Revenue Funds:					
105	Tennis	21,926	1,360		-	23,286
201	Special Municipal Tax	847,820	6		552,619	295,207
202	Transportation	26,779	73,496		99,726	549
203	Street Improvement (Gas Tax)	85,697	55,214		-	140,911
208	Police on the Street	44,434	-		-	44,434
209	Law Enforcement	9,121	21		100,000	(90,858)
210	Road Construction Impact Fees	646,417	129,742		-	776,159
213	Library Special Revenue Fund	400,000	-		9,833	390,167
	Sub Total	<u>2,082,194</u>	<u>259,839</u>	<u>-</u>	<u>762,178</u>	<u>1,579,855</u>
	Capital Projects Funds:					
401	Capital Improvement	446,802	84,722		1,631	529,893
402	Storm Drainage	56,786	5,276		63,037	(975)
403	Channel Drainage District	445,509	5,826		-	451,335
404	Park Playground Improvement	58,417	2,205		31,664	28,958
405	Middlefield Road Grants	(173)	-		1,299,000	(1,299,173)
406	Facilities Construction	447,477	4		-	447,481
	Sub Total	<u>1,454,818</u>	<u>98,033</u>	<u>-</u>	<u>1,395,332</u>	<u>157,519</u>
	Internal Service Fund					
610	Vehicle Replacement	357,952	-		-	357,952
611	Information Technology	54,979	-		6,346	48,633
612	Administrative Services	6,143	-		145,534	(139,391)
614	Workers Compensation Insurance	(51,490)	40,782		40,782	(51,490)
	Sub Total	<u>367,584</u>	<u>40,782</u>	<u>-</u>	<u>192,662</u>	<u>215,704</u>
	Trust and Agency Funds					
715	Evans Creative Design	116,028	20,174		38,436	97,766
730	H-P Park Improvement	5,851	-		-	5,851
731	MA Little League	4,821	-		-	4,821
740	Tree Committee	226	-		-	226
	Sub Total	<u>126,926</u>	<u>20,174</u>	<u>-</u>	<u>38,436</u>	<u>108,664</u>
	Grand Total	<u>\$ 9,225,709</u>	<u>\$ 2,105,495</u>	<u>\$ -</u>	<u>\$ 5,127,754</u>	<u>\$ 6,203,450</u>



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: FOR THE MEETING OF DECEMBER 18, 2002

SUBJECT: ORDINANCE AMENDING TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADOPTING CURRENT UNIFORM BUILDING AND SAFETY CODES

RECOMMENDATION: It is recommended that the City Council waive further reading and adopt an ordinance amending Title 15 of the Atherton Municipal Code which will, in turn, adopt current building, plumbing, mechanical, administrative, housing, electrical and abatement of dangerous buildings codes.

BACKGROUND: The City Council has previously introduced an ordinance which will bring into effect current uniform building and safety codes which will be set out in Title 15 of the Atherton Municipal Code. The ordinance may be adopted by a majority vote of the Council.

FISCAL IMPACT: None.

Respectfully,

Marc G. Hynes, City Attorney

MGH:cwb

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF ATHERTON
AMENDING TITLE 15 OF THE ATHERTON MUNICIPAL CODE,
REPEALING ORDINANCE 510, AND ALL OTHER
ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND
ADOPTING CURRENT BUILDING, PLUMBING, MECHANICAL,
ADMINISTRATIVE, HOUSING, ELECTRICAL, AND ABATEMENT OF
DANGEROUS BUILDINGS CODES

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

Section 1. Chapter 15.04 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.04 is added to read as follows:

Chapter 15.04

BUILDING CODE

Sections:

- 15.04.010** **Adopted.**
- 15.04.020** **Permit and license requirements.**
- 15.04.025** **Permit Fees.**
- 15.04.030** **Fee Disposition.**
- 15.04.040** **Cash Deposits – Early Utility Hookups**
- 15.04.045** **Cash Deposits – Road Damage.**

15.04.010 **Adopted.**

That a certain document, one copy of which is on file in the office of the City Clerk of the Town, being marked and designated as the "2001 California Building Code," published by the International Conference of Building Officials, is adopted as the Building Code of the Town for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the Town; control of excavation and grading; providing for the issuance of permits and collection of fees therefore; providing penalties for violation of such code; and each and all of the regulations, provisions, penalties of such 2001 California Building Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.04.020 **Permit and license requirements.**

No building permit shall be issued to any contractor unless that contractor holds a business license duly issued by the Town. The Town may refuse to grant a final inspection of a structure until such time as all subcontractors and contractors working on the structure have obtained all necessary permits and licenses from the Town.

15.04.025 Permit Fees

Permit fees are as established and amended by resolution of the City Council.

15.04.030 Fee-Disposition.

A fee of 0.010 percent of estimated construction cost, or fifty cents, whichever is higher, shall be added to all building permit fees (not including electrical and plumbing permit fees). The fee shall be distributed as follows; 0.007 percent, or fifty cents, whichever is higher, to the state to the Strong Motion Instrumentation Special Fund, and 0.003 percent, where collected, to the Town as a processing fee. A fee of 0.018 percent of estimated construction cost, or fifty cents, whichever is higher, shall be added to all nonresidential building permit fees (not including electrical and plumbing permit fees). Said fee shall be distributed as follows: 0.015 percent, or fifty cents, whichever is higher, to the state to the Strong Motion Instrumentation Special Fund; and 0.003 percent, where collected, to the Town as a processing fee.

15.04.040 Cash Deposit – Early Utility Hookup.

Every person who makes application for a temporary certificate of occupancy or makes application to receive gas and electrical service prior to the final inspection shall post a deposit or cash bond of five thousand dollars. The deposit or cash bond shall be returned after a satisfactory final inspection is made. Any costs related to work performed by Town staff to effect compliance with the intent of this section shall be deducted from this deposit.

15.04.045 Cash Deposit – Road Damage.

Every person who makes application for an excavation permit in excess of 500 cubic yards and where the excavated material is to be hauled on the public roads shall post a deposit or cash bond of five thousand dollars. The deposit or cash bond shall be returned after a satisfactory final inspection is made, and where no road damage has occurred. Any costs related to work performed by Town staff to effect repair of damaged roads shall be deducted from this deposit.

Section 2. Chapter 15.08 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.08 is added to read as follows:

Chapter 15.08

ELECTRICAL CODE

Sections:

15.08.010 Adopted.

15.08.020 Permit Fees.

15.08.010 Adopted.

That certain document, one copy of which is on file in the office of the City Clerk of the Town, being marked and designated as the "2001 California Electrical Code," published by the International Conference of Building Officials, is adopted as the Electrical Code of the Town for the purpose of providing for the issuance of permits for the installation or alteration of electrical systems, and the collection of fees for the same, defining certain terms, establishing minimum regulations for the installation or alterations or additions or repairs of electrical systems and the inspection thereof, providing penalties for its violation; and each and all of the regulations, provisions, penalties, conditions and terms of such 2001 California Electrical Code, are referred to, adopted and made part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.08.020 Permit Fees

Permit fees are as established and amended by resolution of the City Council.

Section 3. Chapter 15.12 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.12 is added to read as follows:

Chapter 15.12

PLUMBING CODE

Sections:

15.12.010 Adopted.

15.12.020 Permit Fees.

15.12.010 Adopted.

That certain document, one copy of which is on file in the office of the City Clerk of the Town, being marked and designated as the "2001 California Plumbing Code," published by the International Conference of Building Officials, is adopted as the Plumbing Code of the Town, requiring a permit for the installation or alteration of plumbing and drainage systems; defining certain terms; establishing minimum regulations for the installation or alteration or addition or repairs of plumbing and drainage systems and the inspection thereof, providing penalties for its violation; and each and all of the regulations, provisions, penalties, conditions and terms of the 2001 California Plumbing Code are referred to, adopted and made a part of this chapter, as if fully set out in this chapter, subject to the amendments, deletions, and additions thereto, as provided in this chapter.

15.12.020 Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 4. Chapter 15.16 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.16 is added to read as follows:

Chapter 15.16

MECHANICAL CODE

Sections:

15.16.010 Adopted.

15.16.020 Permit Fees.

15.16.010 Adopted.

That certain document, one copy of which is on file in the office of the City Clerk of the Town, being marked and designated as the "2001 California Mechanical Code," published by the International Conference of Building Officials, is adopted as the Mechanical Code of the Town in order to provide complete requirements for the installation and maintenance of heating, ventilating, cooling and refrigeration systems; and each and all of the regulations, provisions, and penalties of such 2001 California Mechanical Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.16.020 Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 5. Chapter 15.20 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.20 is added to read as follows:

Chapter 15.20

ADMINISTRATIVE CODE

Sections:

15.20.010 Adopted.

15.20.020 Permit Fees.

15.20.010 Adopted.

That certain document, one copy of which is on file in the office of the City Clerk of the Town, being marked and designated as the "Uniform Administrative Code, 1997 Edition," published by the International Conference of Building Officials, is adopted for the purpose of providing for the administration and enforcement of the technical codes adopted by the Town; and each and all of the regulations, provisions, and penalties of such Uniform Administrative Code, 1997 Edition, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.20.20 Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 6. Chapter 15.24 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.24 is added to read as follows:

Chapter 15.24

HOUSING CODE

Sections:

15.24.010 Adopted.

15.24.020 Permit Fees.

15.24.010 Adopted.

That certain document, one copy of which is on file in the office of the City Clerk of the Town, being marked and designated as the "Uniform Housing Code, 1997 Edition," published by the International Conference of Building Officials, is adopted as the Housing Code of the Town to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within the Town; and each and all of the regulations, provisions, and penalties of such Uniform Housing Code, 1997 Edition, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.24.020 Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 7. Chapter 15.28 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.28 is added to read as follows:

Chapter 15.28

DANGEROUS BUILDING CODE

Sections:

15.28.010 Adopted

15.28.020 Permit Fees.

15.28.010 Adopted

That certain document, one copy of which is on file in the office of the City Clerk of the Town, being marked and designated as the "Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition," published by the International Conference of Building Officials, is adopted by the City Council of the Town, for the purpose of providing a just, equitable and practicable method, to be cumulative with and in addition to, any other remedy provided by the Building Code, Housing Code, or otherwise available at law, whereby buildings or structures which, from any cause, endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished; and each and all of the regulations, provisions, penalties of such Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.28.020 Permit Fees

Permit fees are as established and amended by resolution of the City Council.

Section 8. Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.

Section 9. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 10. This Ordinance shall be posted in at least three public places within the Town of Atherton and shall be effective from and after thirty (30) days following its adoption.

* * * * *

I hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the Town of Atherton held on November 20, 2002, and was adopted by said City Council at a regular meeting held on _____, 2002 by the following roll call vote:

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

MAYOR

ATTEST:

SHARON BARKER, CITY CLERK

APPROVED AS TO FORM:

MARC G. HYNES, CITY ATTORNEY



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: FOR THE MEETING OF DECEMBER 18, 2002

SUBJECT: ADOPTION OF ORDINANCE AMENDING ATHERTON MUNICIPAL CODE SECTION 3.16.080 PURCHASING PROCEDURES

RECOMMENDATION: Waive further reading and adopt ordinance amending the Town's Municipal Code, Section 3.16.080 relating to requirements for purchase orders.

BACKGROUND: At its regular meeting on November 20, 2002, the City Council introduced an ordinance amending Section 3.16.080 setting requirements for purchase orders. At that time, the City Council also determined that the amendment should be subject to a sunset provision in six months absent further action by the City Council to maintain the amendment.

The attached ordinance has been prepared with language to establish a 6-month sunset clause. The ordinance will be automatically repealed and of no further force and effect unless the City Council should take action to retain the amendment.

The City Council may adopt the ordinance by majority vote.

FISCAL IMPACT: There is a possibility for some savings in administrative costs.

Respectfully,

Marc G. Hynes, City Attorney

MGH:cwb
Attachment

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING CHAPTER 3.16 OF THE ATHERTON MUNICIPAL CODE
SETTING REQUIREMENTS FOR PURCHASE ORDERS**

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

SECTION 1: Amendment of Code. Chapter 3.16 of the Atherton Municipal Code is hereby amended to revise Section 3.16.080 "Purchase orders" to read as follows:

"3.16.080 Purchase orders.

Procurement of supplies, services and equipment over seven hundred fifty dollars shall be made only by purchase order, or by written contract approved by the city manager.

Contract purchase orders: Contract purchase orders shall be issued for supplies, services or equipment when the vendor has submitted a price quotation to hold pricing for a specified length of time; or a contract has been approved by the city council through formal bid procedures. Requisitions will not be required for payments if a contract exists."

SECTION 2: Amendment of Code. Chapter 3.16 of the Atherton Municipal Code is hereby amended to revise Section 3.16.100.A relating to small purchases to read as follows:

"3.16.100. Informal competitive bid and small purchases.

Any purchase not exceeding the amount established for formal bid procedures in Section 3.16.150 shall be made in accordance with the informal bid and small purchase procedures authorized in this section. Purchase requirements shall not be artificially divided so as to avoid compliance with any provision of this section.

A. Small Purchases (up to \$750). Purchase of supplies, service or equipment in this category can be obtained by soliciting a single vendor of choice. No requisitions or purchase orders are required."

All other provisions of Section 3.16.100 except as amended here continue to remain in effect.

SECTION 3: Continued effect of Chapter 3.16. Except as amended by this ordinance, all other provisions of Chapter 3.16 of the Atherton Municipal Code continue to remain in effect.

SECTION 4: The City Council hereby declares that it would have passed this Ordinance word by word, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any word, sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 5: This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption. This ordinance shall automatically be repealed and shall be of no further force and effect on and after the 181st day following its effective date unless the City Council shall take further action.

Introduced at a regular meeting of the City Council of the Town of Atherton on November 20, 2002.

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the _____ day of December, 2002, by the following vote:

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

Mayor, Town of Atherton

ATTEST:

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF DECEMBER 18, 2002

SUBJECT: AMENDMENT TO CONTRACT FOR SERVICES
TOWN OF ATHERTON/STUBBS & LEONE

RECOMMENDATION: It is recommended that the City Council review and approve an amendment to the referenced contract for services. If adopted, the amendment will increase the rates being charged from the present \$150.00 per hour to \$175.00 per hour for attorney time, and from \$135.00 per hour to \$150.00 per hour for paralegal time.

BACKGROUND: The Town has retained the firm of Stubbs & Leone for representation in connection with the lawsuit filed by former employees Stephen Chaput and Patrick McTaggart. The firm presently is defending the Town in that lawsuit filed in the federal courts, U. S. District Court, Northern District of California entitled Patrick McTaggart, Stephen Chaput v. Town of Atherton.

The Stubbs & Leone firm has now represented the Town for a period of 19 months. The firm has requested an increase in its rates for services from the present rate of \$150 per hour for attorney time and \$135 per hour for paralegal time to \$175 per hour for attorney time and \$150 for paralegal time. I believe this proposal is reasonable and recommend that an amendment to the contract be approved which will bring these new rates into effect.

FISCAL IMPACT: The Town will incur additional costs for legal representation as a result of the fee increase. I believe the request is well within the range of charges which should be expected for the quality of work which has been and is being performed by the firm of Stubbs & Leone.

Respectfully,

Marc G. Hynes, City Attorney

MGH:cwb
Attachment

FIRST AMENDMENT TO

AGREEMENT BETWEEN ATTORNEY AND CLIENT

This First Amendment to the Agreement between Stubbs & Leone, a Professional Law corporation, (Law corporation) and the Town of Atherton (Client) dated April 27, 2001 is hereby amended effective January 1, 2003.

For valuable consideration, receipt of which is hereby acknowledged, the parties hereby agree to amend the Agreement Between Attorney and Client dated April 27, 2001, by revising Paragraph 10 Hourly Rate to read as follows:

- (2) The amount of services rendered as follows:
 - (a) For services rendered by any partner of the Law Corporation, the sum of One Hundred Seventy-Five Dollars (\$175.00) per hour;
 - (b) For services rendered by associate attorneys, the hourly rate of One Hundred Fifty Dollars (\$150.00) per hour.

Except as here amended, all other terms and provisions of the Agreement between the parties dated April 27, 2001, shall continue to remain in effect.

The foregoing amendment was approved at a regular meeting of the City Council of the Town of Atherton on December 18, 2002.

Town of Atherton
(Client)

Dated: December _____, 2002.

By: _____
Mayor

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: FOR THE MEETING OF DECEMBER 18, 2002

**SUBJECT: RETENTION OF COUNSEL
MR. LANCE BAYER**

RECOMMENDATION:: It is recommended that the City Council authorize the City Manager to execute an agreement with the City of Palo Alto so that Mr. Bayer will be available to provide legal services in the case of conflicts encountered by the City Attorney.

BACKGROUND: Enforcement of the Town's municipal code is performed by the City Attorney. Occasionally, instances may arise where, for example, because of previous client representation, the City Attorney is unable to represent the Town. Mr. Bayer, who has had extensive experience in prosecuting code enforcement violations for, among others, the cities of Mountain View and Palo Alto, is available to provide services in such conflict situations.

Mr. Bayer is employed on a half-time basis with the City of Palo Alto. He is available for conflicts representation through a contract with the City. Mr. Bayer will perform code enforcement work at the same hourly rate as is presently paid to the City Attorney, that is \$145.00 per hour. It is recommended that a contract for services between the Town and the City of Palo Alto be entered into in order to enable the Town to use the services of Mr. Lance Bayer for purposes of enforcing the Town's municipal code.

FISCAL IMPACT: Costs for legal services will remain the same as under the present contract with the Town Attorney.

Respectfully,

Marc G. Hynes, City Attorney

AGREEMENT BETWEEN TOWN OF ATHERTON
AND THE CITY OF PALO ALTO

This Agreement is entered into this _____ day of _____ 2002, by and between the Town of Atherton, a General Law City, and CITY OF PALO ALTO, a Chartered City.

It is agreed between the Town of Atherton and CITY OF PALO ALTO, as follows:

1. SERVICES TO BE PERFORMED. In consideration of the payments hereinafter set forth, CITY OF PALO ALTO shall provide legal services and related administrative support on an “as needed” basis as described in the scope of services attached to this Agreement and incorporated herein as “Attachment A.” These services shall be performed by appropriately licensed and duly qualified staff of the City Attorney’s Office of the City of Palo Alto. CITY OF PALO ALTO shall ensure compliance with all state, federal and local laws or rules applicable to performance of the work required under this agreement, including required membership in the State Bar of California and local federal courts.
2. PAYMENTS. In consideration of the services rendered in accordance with all terms, conditions and specifications set forth herein, the Town of Atherton shall make monthly payments to CITY OF PALO ALTO in the amount of \$ 145.00 per hour for services provided by attorneys and in the amount of \$ none _____ for services provided by clerical and support staff. In no event shall total payment for services under this agreement exceed \$ 145.00 .
3. TERM OF AGREEMENT. This agreement shall cover the period beginning December 18, 2002 and ending December 18, 2003.
4. RELATIONSHIP OF THE PARTIES. CITY OF PALO ALTO agrees and __ understands that the services provided under this agreement are performed as an independent contractor and not as an employee of the Town of Atherton and that CITY OF PALO ALTO employees acquire none of the rights, privileges, powers or advantages of Town of Atherton employees. The Town of Atherton designates the City Attorney or his/her designee as the party responsible for assigning duties and responsibilities to CITY OF PALO ALTO employees under the terms and conditions of this Agreement.
5. NON-ASSIGNABILITY. CITY OF PALO ALTO shall not assign this agreement or any portion thereof to a third party.
6. TERMINATION OF AGREEMENT. The Town of Atherton may, at any time from execution of this agreement, terminate this agreement, in whole or in part, for the convenience of the Town of Atherton, by giving written notice specifying the effective date and scope of such termination. Termination shall be effective on a date not less than thirty days from notice.

7. RETENTION OF RECORDS. CITY OF PALO ALTO shall maintain all records related to this agreement for no less than three years after the Town of Atherton makes final payment or after termination of this contract and all other pending matters are closed. All records shall be subject to examination and/or audit by agents of the Town of Atherton.

8. INDEMNIFICATION. CITY OF PALO ALTO agrees to protect, indemnify, defend and hold harmless Town of Atherton, its elected and appointed officers, employees and agents, from any and all demands, claims, or liability of any nature, including death or injury to any person, property damage or any other loss, caused by or arising out of CITY OF PALO ALTO's, its officers', agents', consultants' or employees' negligent acts, errors, or omissions, or willful misconduct, or conduct for which applicable law may impose strict liability on CITY OF PALO ALTO in the performance of or failure to perform its obligations under this Agreement.

The parties, having read all the forgoing, and having fully understood and agreed to the terms and conditions of this agreement, execute this agreement by signing below.

TOWN OF ATHERTON

CITY OF PALO ALTO
a Chartered City

By: _____
City Manager

By: _____

Dated: _____

Dated: _____

APPROVED AS TO FORM:

City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: ROBERT J. BRENNAN, CHIEF OF POLICE

DATE: FOR THE MEETING OF DECEMBER 18, 2002

**SUBJECT: DONATION OF ELECTRIC CAR FROM HAYWARD
FORD**

RECOMMENDATION:

Accept the donation of an electric car valued at \$6,900 from Hayward Ford.

INTRODUCTION:

The Ford Motor Company has designated a number of 2002 THINK vehicles for donation to schools and local law enforcement agencies. Through Hayward Ford, the Atherton Police Department has been identified as an agency qualified to receive a car.

ANALYSIS:

The Atherton Police Department is always looking for alternative ways to serve the community and the THINK vehicle provides us with a different platform to do so. The THINK vehicle will provide mobility at a very reasonable cost and the vehicle's unique design will increase community contacts.

It is anticipated that this electric vehicle will be used by the School Resource Officers, the Community Service Officer, and as a general use vehicle. Its open-air design will certainly make it a highly visible addition to our fleet.

The THINK vehicle is a street legal and licensed motor vehicle. It has a maximum speed of 29 miles per hour. It's narrow design and quiet operation makes it an ideal vehicle to patrol school campuses, playing fields and parking lots. Additionally, patrol officers can use this uniquely quiet vehicle during nighttime hours the next time we suffer a rash of residential or automobile burglaries, or for any operation that requires quiet surveillance techniques. It will be available to Town staff for errands and as a shuttle to Holbrook-Palmer Park.

Many local law enforcement agencies have already received their THINK vehicles, including the cities of Redwood City, San Carlos and Belmont. Those agencies have marked their vehicles with police stars and other patrol car marking, and even emergency lights and sirens. This in an option we will explore.

FISCAL IMPACT:

None to assume ownership of the vehicle. The Police Department must tow the vehicle from Hayward Ford to APD which will cost approximately \$150.00. The cost to charge the batteries is unknown but should be negligible. Ford Motor Company reports that routine maintenance is less than that of a combustion engine. Should the Police Department desire to add police stars, marking, and emergency equipment to the vehicle, the expenses will be assigned to our existing operating budget.

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: NEAL MARTIN, TOWN PLANNER and LISA COSTA SANDERS, DEPUTY TOWN PLANNER

DATE: FOR THE CITY COUNCIL MEETING OF DECEMBER 18, 2002

**SUBJECT: 150 VALPARAISO (APN 070-390-010)
APPEAL OF CONDITIONAL USE PERMIT DECISION BY PLANNING COMMISSION - DRIVEWAY CONDITION**

RECOMMENDATION:

Staff recommends that the City Council conduct the public hearing and uphold the Planning Commission decision to modify the Conditional Use Permit approved in 1998 for the sports pavilion, eliminating the conditions relating to a new driveway at 150 Valparaiso Avenue, adding new conditions regarding traffic operations and requiring that Sacred Heart Schools retain the driveway location on its Master Plan based on the following findings for the reasons outlined in this staff report and subject to the draft Conditional Use Permit conditions:

1. The physical and operational changes made by Sacred Heart to the St. Joseph's/Montessori School drop-off and pick-up area have been successful in reducing congestion on Emilie Avenue and at the Emilie Avenue/Valparaiso Avenue intersection.
2. Recent commitments have been made by the Atherton and Menlo Park City Councils to construct a traffic signal at the intersection of Valparaiso and University, which will create gaps in Valparaiso traffic that will make it easier for Emilie traffic to turn on and off of Valparaiso.
3. Observations made by DKS Associates, Traffic Consultants for both the Valparaiso Corridor Study and the Sacred Heart Master Plan Update and Hexagon Transportation Consultants, that making another driveway connection to Valparaiso could cause further deterioration in the traffic flow on Valparaiso.
4. The objective or standard to be used in determining the adequacy of traffic volume reduction on Emilie Avenue shall be that contained in the OpTrans report dated January 19, 1998, that is approximately 40

percent of all trips entering and leaving the school site or approximately 316 morning peak hour trips and 200 afternoon peak hour trips from Emilie.

5. Traffic counts by DKS Associates in October 2002 demonstrate that traffic entering and leaving the St. Joseph's/Montessori School portion of the site from Emilie Avenue during the morning peak hour has been reduced by 41 percent. This reduction is greater than the standard as stated in finding # 4 above, however, afternoon peak hour trips have been reduced by 19 percent.

INTRODUCTION

The City Council, at their October 16, 2002 meeting, requested the Planning Commission review the condition relating to a new driveway contained in the Sports Pavilion Conditional Use Permit for St. Joseph's Schools. The background on the project is as follows:

In December, 1997, Sacred Heart Schools applied for a Conditional Use Permit to allow the construction of a new sports pavilion at the St. Joseph's campus. The application also included the construction of a driveway from Valparaiso to the Montessori building and closing the driveway from Emilie Avenue to the Montessori building. The "Sacred Heart Schools Access Study" was prepared by OpTrans on January 19, 1998. The study relied on traffic counts prepared by Patterson Associates in 1994. RKH, Civil and Transportation Engineering reviewed the Sacred Heart Academy Access Plan prepared by OpTrans. Their report contained several recommendations with respect to this new driveway. Neal Martin and Associates prepared an Initial Study and Mitigated Negative Declaration for the proposed project (including driveway). A letter was received from the Transportation Manager for the City of Menlo Park opposing the new driveway. On February 25, 1998, the Planning Commission reviewed the application and voted to approve the negative declaration, approve the Conditional Use Permit and deny the driveway. The conditions relating the driveway in the Conditional Use Permit are as follows:

1. Construction shall be in compliance with the plans dated October 22, 1998. Any substantive changes to the plan shall be reviewed by the Planning Commission.
2. All other present and future improvements to the property shall comply with the PFS Zoning provisions and other applicable ordinances.
3. The applicant shall follow San Mateo County storm water pollution prevention (STOPP) recommended "construction materials handling and disposal" and "construction practices" and prohibit the occurrence of any non-storm water discharges into the storm drain system.
4. The applicant shall cause actions or plan changes listed below with respect to the new driveway entrance at Valparaiso Avenue. All actions and plan changes shall be subject to the satisfaction of the Director of Public Works/City Engineer.
 - a. Further study for the need and location of the driveway at Valparaiso Avenue shall be conducted involving the community, school, traffic engineer and the City of Menlo Park.
 - b. Construct a new 10-foot wide left turn lane on eastbound Valparaiso at the new driveway with a storage length of 100 feet and a bay taper of not less than 60 feet.

- c. The new driveway entrance and exit lanes shall be aligned with Arbor Road in Menlo Park. The design shall be acceptable to the Director of Public Works/City Engineer and constructed or bonded for prior to the issuance of an occupancy permit for the new gymnasium.
- d. The driveway shall have a corner sight distance of at least 300 feet in both directions. This can be provided at the time the improvement plans are submitted to the Town for review and approval.
- e. The new driveway intersection on Valparaiso Avenue shall be lighted.

The Transportation Committee discussed the location of the driveway at their January 11, 2000 meeting. The Committee voted to accept in concept the new driveway entrance/exit at St. Joseph's School with a left hand turn lane into it from eastbound Valparaiso Avenue unless Staff reports an alternative solution at the next Transportation Committee Meeting that is acceptable to more parties and the Committee. The City Council, at their September 20, 2000 meeting approved a more precise location for the new Valparaiso Avenue driveway serving the Montessori School. The Council adopted alternative plan B-2, modified, which aligns the driveway with Arbor Road, provides for both left and right-hand turns onto Valparaiso, and completely blocks the spur to Emilie Avenue.

At the request of the Cities of Menlo Park and Atherton, DKS Associates was commissioned to complete a traffic study of the Valparaiso corridor. The draft study was completed on May 9, 2002. In the Recommendations Section, DKS made several comments concerning the Emilie Avenue/Valparaiso Avenue area. First they noted that the potential solution to alleviate traffic congestion in that area would be to provide additional access to the Sacred Heart campus via a new driveway off of Valparaiso Avenue. They stated that if a driveway were to be built, it should be opposite Arbor Road. They noted that the overall purpose of the new driveway would be to alleviate traffic congestion and to reduce the number of vehicles on Emilie Avenue. The driveway would provide additional storage of vehicles on the Sacred Heart Campus but would also entail removal of trees and landscaping on the campus. DKS noted several alternatives to constructing a new driveway including a traffic signal at Emilie/Valparaiso, construction of a circular driveway on Valparaiso with an entrance near Emilie and an exit across from Arbor Road. They noted that Sacred Heart Schools was currently considering options to reduce traffic on Emilie including changes to the Emilie driveway configuration, additional parking and vehicle stacking areas and carpooling. They noted that if Sacred Heart is successful in reducing school generated trips, overall traffic circulation in the area would be expected to improve, thus reducing the need for an additional driveway on Valparaiso.

That study was reviewed by the City Councils of Menlo Park and Atherton on September 25, 2002. The City Councils agreed to implement recommendations from the DKS study including; a new lighted signal at Valparaiso and University, and improvements at the El Camino Real and Valparaiso intersection (Blockbuster). Based on this meeting, the Transportation Committee asked the City Council to request the Planning Commission review the condition relating to the driveway as contained in the sports pavilion conditional use permit. On October 16, 2002, the City Council voted to request the Planning Commission review the condition relating to the driveway as contained in the sports pavilion conditional use permit.

Prior to the start of the 2002/2003 school year (August, 2002), Sacred Heart Schools implemented modifications to the Emilie Avenue on campus circulation, drop off stacking and parking lot and instituted a carpooling program.

Sacred Heart submitted a request for an update to their Master Plan and Conditional Use Permit requests for a new track and tennis courts on August 9, 2002. This request was continued at the request of Sacred Heart to the December 4, 2002 Planning Commission to allow for further re-design. The proposed update to the Master Plan shows a driveway from the Montessori parking lot to Valparaiso opposite Arbor Road. This driveway is in essentially the same location as indicated on the plans reviewed by the Planning Commission in 1998. It should be noted that the proposed driveway would require the removal of a minimum of 6 and a maximum of 8 heritage trees.

On November 7, 2002 the Planning Commission held a public hearing to review the condition relating to the driveway as contained in the Sports Pavilion Conditional Use Permit as requested by the City Council. At the conclusion of that hearing the Commission adopted the findings enumerated in the Staff report and approved the modifications to the Conditional Use Permit, withholding the driveway condition at 150 Valparaiso Avenue and adding other conditions all as listed below.

1. The Montessori/Valparaiso Avenue access driveway shall continue to be shown on Sacred Heart Master Plan, with no connection to Emilie Avenue. Construction approval shall be withheld.
2. All other present and future improvements to the property shall comply with the PFS Zoning provisions and other applicable ordinances.
3. The applicant shall follow San Mateo County storm water pollution prevention (STOPP) recommended “construction materials handling and disposal” and “construction practices” and prohibit the occurrence of any non-storm water discharges into the storm drain system.
4. The applicant shall continue implementing measures designed to reduce traffic congestion and conflicts on Emilie Avenue including:
 - a. Maintenance and use of the on-site stacking area adjacent to St. Joseph’s School substantially in accordance with the plans entitled Layout Plan, dated August 6, 2002 prepared by the Beals Group, attached to and made a part of the Conditional Use Permit approved by the Town of Atherton. Any modification or expansion of that facility shall be presented for approval from the Planning Commission prior to its implementation.
 - b. Maintenance and use of the existing entry and exit points to the on-site stacking area substantially in accordance with the plans cited in Measure 4a above.
 - c. Continued commitment of staff to monitor and direct traffic using the on-site stacking area.
 - d. Continue assigning specific time windows to school families for delivery and pick-up of students.

- e. Continue use of Park Lane entrance for drop off and pick-up of middle school students grades 6 through 8 who do not have siblings in other SHS schools.
 - f. Continue the carpooling program established during the Fall 2002 term.
5. Sacred Heart Schools shall be required as a part of its annual Master Plan update to provide the Planning Commission with an annual traffic survey documenting all Sacred Heart campus entrances. The frequency of the traffic survey documentation may be changed by a vote of the Planning Commission. The Monitoring study shall be consistent with prior studies so comparisons can be made. The scope of work for the study shall be reviewed by the City Engineer and City Planner prior to beginning the survey work
 6. The Planning Commission recommends the City Council approve “no parking” signs along the full length of Emilie from Valparaiso to Park on the west side and from Valparaiso to MacBain on the east side of Emilie.

On November 18, 2002 a number of residents in the vicinity submitted an appeal of the Atherton Planning Commission decision stating that the Planning Commission’s findings and decision in approving a modification to the Conditional Use Permit were founded on error and/or omission of the central facts and conditions relevant to the amount of traffic on the residential street, Emilie Avenue, in and around the entrances to Sacred Heart Schools including the intersection of Emilie and Valparaiso Avenues. In summary, it is alleged that the Planning Commission erred by:

1. Relying on inadequate congestion and traffic flow data.
2. Relying on temporary “car stacking” solutions that are not enforceable by the Town.
3. Lacking sufficient evidence that a new driveway would cause additional traffic on Menlo Park streets.
4. Inadequately considering new congestion that might be created due to back up of eastbound traffic from the new signal light that University Avenue and Valparaiso Avenue.
5. Lacking consideration that Sacred Heart Schools is willing to construct the driveway at *issue*.

ANALYSIS:

As stated in the 1998 Conditional Use Permit Application by Sacred Heart, “The primary focus of the Sacred Heart Master Planning effort has been the implementation of improvements to better serve its students while minimizing any impacts to adjacent residential neighbors.” The new driveway proposed in 1998 between the Montessori School and Valparaiso Avenue was planned to help achieve that objective. However, as observed by DKS Associates in the Draft Valparaiso Corridor Study, there are other options available to accomplish the objective. At the start of the 2002/2003 school year Sacred Heart implemented several physical and operational modifications to its entrances along Emilie Avenue and Park Lane. These included reconfiguring the parking lot adjacent to St. Joseph’s School to provide for on-site pick-up and drop-off traffic, commitment of Staff to monitor and direct traffic entering and leaving the site, assignment of times for parents to pick-up and drop-off children, reversal of entry and exit points to the stacking area thereby reducing conflicts and congestion, encouraging carpooling, and allowing middle school students to be dropped off and picked up at the Park Lane entrance.

Traffic impacts to neighbors can be measured in terms of congestion, volumes and safety. The following deals with an analysis of each of these factors.

Congestion

For several years residential neighbors have been complaining to the Town about congestion on Emilie Avenue due to student drop-off and pick-up. DKS Associates commented in their analysis of issues of concern, that congestion can be attributed to traffic generated by Sacred Heart School entrances on Emilie Avenue. Some traffic congestion can also be linked to the operation of the nearby University/Valparaiso intersection.

With the help of DKS Associates, Sacred Heart modified the physical and operational conditions in Fall 2002 in an effort to reduce congestion on Emilie. The success of that effort was evaluated by Hexagon Associates and reported in a letter dated October 11, 2002. "Hexagon did not make observations of traffic conditions prior to the St. Joseph's parking lot improvements. However, from statements made in the *Valparaiso Corridor Study*, we can infer that cars were parked or queued on Emilie during drop-off and pick-up times. The conditions that we observed were very efficient and orderly. This can be attributed to the large amount of on-site vehicle queuing area that has been added in front of St. Joseph's and the work of the staff at directing traffic. We observed no queuing on Emilie and very little parking. There were some cars parked along Emilie at school pick-up time in the afternoon, but these cars did not block the road or disrupt traffic flow. It appears that the parents or guardians picking up children are "well-trained" in where to park and how to circulate through the lot. Compared to many schools that we have studied, this pick-up/drop-off operation is among the best."

The Atherton Police Department and City Engineer have also observed the modified conditions and operation and conclude that it functions efficiently and orderly. Most observers conclude that the congestion problem has been substantially improved.

Traffic Volumes

Several traffic counts have been made in the vicinity of Sacred Heart Schools in an attempt to quantify volumes on adjacent streets and access ways. Where possible the most recent counts were taken at the same locations as older counts in order to replicate the counts. The most relevant counts were taken at:

- Valparaiso Avenue 300 feet west of Emilie (24 hour machine counts)
- Emilie Avenue 50 feet north of Valparaiso (24 machine counts)
- Emilie Avenue southerly St. Joseph's access driveways (peak hour manual counts)
- Emilie Avenue north St. Joseph's circular access driveway (peak hour manual counts)
- Park Lane Sacred Heart entrance (peak hour manual counts)
- Valparaiso Avenue Sacred Heart main driveway (peak hour manual counts)

The tables below provide comparative data about the counts

SUMMARY: MORNING PEAK HOUR TRIPS

	Patterson March 1994	DKS March 2002	DKS October 2002
Emilie- St. Joseph's South	399	144	324
Emilie- St. Joseph's Circle North	392	341	141
Park Lane	24	121	170
Elena- North	52	93	N/A
Elena – South	99	150	N/A
Valparaiso Main	140	157	230
Totals	1106	1006	

SUMMARY: AFTERNOON PEAK HOUR TRIPS

	Patterson March 1994	DKS March 2002	DKS October 2002
Emilie- St. Joseph's South	342	364	328
Emilie- St. Joseph's Circle North	132	68	55
Park Lane	23	87	95
Elena- North	5	39	N/A
Elena – South	74	59	N/A
Valparaiso Main	141	133	163
Totals	717	750	

The generally accepted standards used to measure the success of efforts to reduce traffic volumes on Emilie Avenue was derived from the OpTrans study of 1998. “Based on the residence location of existing students and the available routes, it is anticipated that the following share of existing trips to the campus will

be rerouted to the new access driveway:

- 90 percent of all Montessori School Students (or 15 percent of all trips)
- 70 percent of all St. Joseph's School students arriving/leaving via Valparaiso west of the new entrance (or 23 percent of all trips)
- 5 percent of all St. Joseph's School students arriving/leaving via Valparaiso east of the new entrance (or about 2 percent of all trips)

In total, approximately 40 percent of all trips now accessing the site via Emilie will be diverted to the new access driveway. This represents a reduction of approximately 316 morning peak hour trips and 200 afternoon peak hour trips from Emilie.”

New Driveway Effect on Valparaiso Avenue

Both DKS Associates and Hexagon Transportation Consultants have noted that the addition of a new driveway onto Valparaiso could have disadvantages. DKS stated in their April 10, 2002 letter to Dr. Joseph Ciancaglini, Head of Sacred Heart Schools, “The new intersection would result in additional turning movements on and off Valparaiso which would result in queues.” Hexagon stated in their October 11, 2002 to Neal Martin “The driveway opposite Arbor could encourage the use of Arbor Road, which would be undesirable, and it would introduce a point of additional potential turning movement conflicts. In our opinion, the benefits of the driveway are insufficient to outweigh these concerns.”

Safety

Accident records were secured from the Atherton Police Department for Emilie Avenue at Valparaiso for the years 1998 through October 2002. Only five accidents occurred on Emilie over the period. The accident history does not appear to point to a significant safety problem in the area.

CONCLUSION:

It is Planning Staff's professional opinion that the evidence demonstrates congestion on Emilie has been substantially reduced, the traffic volume on Emilie has been reduced by over 40 percent when compared to 1994 levels, and that there has been a reduction of 326 morning peak hour trips and 91 afternoon peak hour trips. Therefore the objective of reducing congestion and reducing vehicle trips on Emilie has been met. Further, the Town's traffic consultants, City Engineer and Police Chief are of the opinion that the Valparaiso/Montessori School Driveway is no longer necessary or desirable. The Staff's conclusion is that the original condition related to further study of the need for and location of the driveway has been met and the conditions related to a driveway in the original Conditional Use Permit should be deleted.

An Initial Study and Draft Negative Declaration was prepared and circulated for public review prior to reconsideration of the Conditional Use Permit by the Planning Commission. That environmental document contains recommended mitigation measures for an alternative deleting any Montessori/Valparaiso driveway. Those mitigation measures have been incorporated as recommended conditions in the Draft Revised Conditional Use Permit Certificate.

ALTERNATIVES:

The City Council could take the alternative actions listed below:

1. Retain the conditions as contained in the original Use Permit.
2. Require that the School install a driveway essentially as approved by the City Council on September 20, 2000.
3. Require that the School install a driveway in a different configuration.

FISCAL IMPACT:

The General Fund (Building Division) is charged with the cost of processing of this application. An appeal fee was paid for by the appellant.

ENVIRONMENTAL IMPACT:

An Initial Study and Draft Negative Declaration were prepared for the Sacred Heart Master Plan Project which includes a driveway component. That environmental document was circulated at least 21 days prior to November 7, 2002 in accordance with the California Environmental Quality Act. The City Council is required to consider the environmental document as part of its deliberations on this project.

FORMAL MOTION:

I move that the City Council take the following actions related to the appeal of the Planning Commission decision concerning a proposed driveway at 150 Valparaiso:

1. Adopt the Draft Initial Study and Negative Declaration prepared for the Sacred Heart Schools Track, Tennis Court Construction and Internal Driveway Location Project- Revised dated August 30, 2002 and declare that they have considered that document in its deliberations concerning this matter.
2. Make the findings enumerated in the Staff report for the reasons noted in the Staff report.
3. Deny the appeal and uphold the decision of the Planning Commission to approve the modification to the Conditional Use Permit withholding the driveway condition and adding other conditions as stated in the Draft Conditional Use Permit Certificate.

Neal Martin, Town Planner

Attachments:

1. Draft Conditional Use Permit Certificate
2. Letter of Appeal
3. Volume I Background/History of Sacred Heart Schools Montessori/St. Joseph's Driveway
4. Volume II Background/History of Sacred Heart Schools Montessori/St. Joseph's Driveway
5. Volume III Background/History of Sacred Heart Schools Montessori/St. Joseph's Driveway



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JIM ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF DECEMBER 18, 2002

SUBJECT: CONSIDERATION OF A PROPOSAL BY LINDENWOOD HOMES ASSOCIATION TO CONSTRUCT AN ENTRANCE GATE AT OAK GROVE AVENUE

RECOMMENDATION:

It is recommended that the City Council consider the request of the Lindenwood Homes Association to construct a "Gate" at Oak Grove in a similar manner as the gate that was completed at Frederick Avenue, and give appropriate direction to staff.

BACKGROUND:

The City Council, in January of 1994, approved construction of the Frederick Avenue Gate Columns. The work was funded by contributions from Lindenwood residents at a cost of approximately \$35,000. The Town of Atherton advertised for bids, administered the construction process, and accepted the improvements as complete in August of 1994. The Lindenwood Homes Association accepted responsibility for maintenance.

At this time, the Lindenwood Homes Association is requesting that the Town consider participating again in the construction of a "Gate" at Oak Grove which will be designed to architecturally blend with the existing gates at James and Linden Avenues. The Association is requesting that the Oak Grove gate be constructed in the same arrangement that was utilized in the construction of the Fredrick Gate. (see attached letter from Alicia Seebold, President of the Lindenwood Homes Association).

Staff has met with Bob Huber of the Lindenwood Homes Association and discussed the process and schedule for consideration and approval of the Oak Grove Gate. This would include approval by the

Planning Commission, General Plan Committee, and ultimately the City Council. The City Attorney has advised that approval of such a gate would require an amendment to the existing encroachment ordinance since the gates do not comply with the current ordinance. The Attorney (see attached memo) has determined that this situation could be rectified by treating the Gates specifically within the ordinance.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JIM ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF DECEMBER 18, 2002

SUBJECT: LEAGUE OF CALIFORNIA CITIES MAYORS AND COUNCIL MEMBERS INSTITUTE

RECOMMENDATION:

Consider and possibly approve Council Member(s) attendance at the League of California Cities Mayors and Council Members Institute January 8-10 in Sacramento.

BACKGROUND :

Each year following elections, the League of California Cities sponsors a Mayors and Council Members Institute. The purpose of the Institute is to provide an orientation for newly elected council members dealing with the duties and limitations of the office. Topics include Ethics and the Public Trust, Conflicts of Interest, the Open Meeting Laws, the Brown Act, Working with Staff, Land Use Issues, Budgets and Working with the Media. This orientation is invaluable to new council members or a refresher for council veterans.

The League Institute program is being held in Sacramento, California January 8 -10, 2003. The cost for attendance is \$400.00 for registration plus any travel expenses. If the City Council wishes to attend, there are funds budgeted in the existing FY 2002-2003 Council travel and meetings budget.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JIM ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF DECEMBER 18, 2002

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

RECOMMENDATION:

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

BACKGROUND:

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

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



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: FOR THE MEETING OF DECEMBER 18, 2002

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

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

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

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

FISCAL IMPACT: Unknown.

Respectfully,

MARC G. HYNES

