



**AGENDA**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**

**July 17, 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**
- A. Letter of Recognition of Heroism by Sean Devlin**  
**B. Certificate of Appreciation – Alice Marston, Arts Committee**
- 7:15 P.M.**     **4.     COUNCIL REPORTS**
- 7:25 P.M.**     **5.     PUBLIC COMMENTS (only for items which are not on the agenda –  
limit of three minutes per person)**
- 7:35 P.M.**     **6.     STAFF REPORTS**
- 7:45 P.M.**     **7.     PRESENTATION**
- Drug Awareness Resistance Education (D.A.R.E.) - Officer Bruce Potts**
- 8:00 P.M.**     **CONSENT CALENDAR (Items 8 - 18)**
- 8.     APPROVAL OF MINUTES OF SPECIAL MEETINGS OF JUNE 17,  
2002 AND JUNE 19, 2002, AND REGULAR MEETING OF JUNE 19,  
2002**
- 9.     APPROVAL OF BILLS AND CLAIMS FOR JUNE, 2002 IN THE  
AMOUNT OF \$636,846**
- 10.   ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR JUNE  
2002**

**11. AUTHORIZATION TO ISSUE PURCHASE ORDER TO NORTH CENTRAL SERVICE COOPERATIVE FOR TWO SHARP BRAND PHOTOCOPY MACHINES AND ENTER INTO MAINTENANCE AGREEMENT WITH PINNACLE DOCUMENT SYSTEMS FOR SAID MACHINES**

**Recommendation:** Authorize the issuance of a purchase order for two Sharp brand photocopy machines from the North Central Service Cooperative and authorize entering into a maintenance agreement for said machines with Pinnacle Document Systems. Funding is included in the adopted FY 2002-2003 Budget.

**12. APPROVAL OF SIDE LETTER TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF ATHERTON AND THE ATHERTON POLICE OFFICERS' ASSOCIATION FOR THE PERIOD JULY 1, 2000 THROUGH JUNE 30, 2005**

**Recommendation:** Adopt a Side Letter to the Memorandum of Understanding between the Town of Atherton and the Atherton Police Officers' Association for the period of July 1, 2000 through June 30, 2005 regarding a holiday pay issue.

**13. ADOPTION OF A RESOLUTION AUTHORIZING HOURLY SALARY RANGES FOR PART-TIME AND TEMPORARY EMPLOYEES FOR FISCAL YEAR 2002-03**

**Recommendation:** Adopt Resolution No. 02-\_\_ authorizing hourly salary ranges for part-time and temporary employees for Fiscal Year 2002-03, effective for the payroll period beginning July 7, 2002.

**14. ADOPTION OF A RESOLUTION AMENDING THE TOWN OF ATHERTON CONFLICT OF INTEREST CODE FOR DESIGNATED EMPLOYEES**

**Recommendation:** Adopt Resolution No. 02-\_\_ amending the Town's Conflict of Interest Code to add additional positions as described in the resolution.

**15. ADOPTION OF A RESOLUTION RECOMMENDING THAT SAN MATEO COUNTY FLOOD CONTROL DISTRICT IMPOSE CHARGES FOR FUNDING THE 2002-03 COUNTY-WIDE NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM GENERAL PROGRAM**

**ADOPTION OF A RESOLUTION IMPOSING ADDITIONAL CHARGES**

**APPROVAL OF AN AGREEMENT FOR SAID PROGRAM REGARDING CHARGES**

**Recommendation: Adopt the two proposed resolutions and approve the agreement regarding charges for funding the National Pollutant Discharge and Elimination System Program for the County of San Mateo, and authorize the Mayor the sign the agreement.**

**16. ACCEPTANCE OF WORK AND AUTHORIZATION TO RECORD NOTICE OF COMPLETION – MIDDLEFIELD ROAD PATCHING PROJECT NO. 02-001**

**Recommendation: Accept the work and authorize the recording of the notice of completion for Middlefield Road Patching Project No. 02-001.**

**17. APPROVAL OF PLANS AND SPECIFICATIONS FOR WEST MIDDLEFIELD ROAD OVERLAY PROJECT NO. 02-003**

**Recommendation: Approve the plans and specifications for West Middlefield Road Overlay Project No. 02-003.**

**18. APPROVAL OF PLANS AND SPECIFICATIONS FOR POLICE GARAGE STORAGE BUILDING AND FENCE– PROJECT NO. 02-004**

**Recommendation: Approve the plans and specifications for the Police Garage Storage Building and Fence, Project No. 02-004.**

**PUBLIC HEARING (Item No. 19)**

**8:05 P.M. 19. PUBLIC HEARING –APPEAL OF BUILDING OFFICIAL DECISION REGARDING ISSUANCE OF BUILDING PERMIT FOR A RETAINING WALL AT 85 ORCHARD HILLS DRIVE**

**Recommendation: Open public hearing, hear testimony, close public hearing. Consider appeal of Building Official decision.**

**REGULAR AGENDA (Items 20 - 24)**

**8:25 P.M. 20. CONSIDERATION OF POSSIBLE ACTION OF A REQUEST FOR REIMBURSEMENT OF PERMIT FEE FOR DEAD OR DANGEROUS TREE**

**Recommendation: Consider the request of Douglas M. Heller for reimbursement of a \$250.00 tree removal permit, and give direction to staff.**

8:40 P.M. 21. DISCUSSION AND POSSIBLE ACTION RE: ATHERTON CHANNEL DRAINAGE DISTRICT – LIABILITY INSURANCE, WATER TESTING, EASEMENTS

**Recommendation:** Consider issues related to water testing (E.O.A. proposal), easements, liability insurance, and give direction to staff.

9:10 P.M. 22. INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 5.20 OF THE ATHERTON MUNICIPAL CODE – REVISIONS OF SECTION 5.20.010 REGARDING PERMITS

**Recommendation:** Consider an Ordinance amending regulations pertaining to soliciting activities and introduce the ordinance for first reading.

9:20 P.M. 23. INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 15.40 OF THE ATHERTON MUNICIPAL CODE – CONSTRUCTION REGULATIONS

**Recommendation:** Consider an Ordinance amending Chapter 15.40 regarding demolition sales, operations of vehicles and required signs and penalties for violation, and introduce the ordinance for first reading.

9:45 P.M. 24. ACCEPTANCE OF STATUS REPORT BY CITY MANAGER OF ANNUAL REVIEW OF LITTLE LEAGUE COMPLIANCE WITH PARK LICENSE AGREEMENT

**Recommendation:** Accept the status report from the City Manager regarding compliance by the Little League to the terms of the “License Agreement”, receive input from the City Council regarding Little League’s compliance with the agreement and mitigation measures, and direct the City Manager to meet with the President of Little League to ensure compliance with the agreement and conduct an annual review.

10:00 P.M. 25. PUBLIC COMMENTS

10:15 P.M. 26. ADJOURNMENT

*Agendas and staff reports may be accessed on the Town website at: [www.ci.atherton.ca.us](http://www.ci.atherton.ca.us)*

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

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



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

**June 17, 2002**

**5:00 P.M.**

**Town Council Chambers**  
**94 Ashfield Road, Atherton**

**Special Meeting**

Mayor Carlson called the meeting to order at 5:05 p.m.

**1. ROLL CALL**

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

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

**2. PUBLIC COMMENTS**

There were no public comments.

**3. PUBLIC HEARING - PROPOSED FISCAL YEAR 2002-03 INTEGRATED OPERATING/CAPITAL BUDGET**

Mayor Carlson opened the public hearing for discussion of the proposed Fiscal Year 2002-2003 Operating and Capital Budget.

City Manager Jim Robinson presented the proposed Fiscal Year 2002-03 Budget, stating that the focus in developing the budget was on streets, drainage, and facilities. The Budget is balanced and is committed to funding capital improvements. Changes to the proposed budget since its printing were incorporated in a memo from the City Manager and presented at this meeting with amended resolutions. An expenditure and revenue summary and an overview of the proposed Capital Improvement Program were presented to the Council. The City Manager recommended not filling any vacancies that may occur in FY 2002-03 until he and the Finance Director are able to develop recommendations regarding how to bring revenues into balance with expenditures.





**Draft Minutes**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**June 19, 2002**  
**6:00 P.M.**  
**Meeting Room**  
**Town Administrative Offices**  
**91 Ashfield Road, Atherton**  
**Special Meeting**

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

**1. ROLL CALL**

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

**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 – The Council reconvened to open session at 7:05 p.m. The following actions were taken:**

**A. CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code Section 94957.6. Agency Negotiator: James H. Robinson, City Manager  
Employee Organization: Management Employees**

Instructions were given to the City Manager.

**B. CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code Section 94957.6. Agency Negotiator: James H. Robinson, City Manager  
Employee Organization: Part Time Employees**

Instructions were given to the City Manager.

**C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION -  
pursuant to Government Code Section 54957. Title: City Manager**

**No action was taken.**

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

**No action was taken.**

**E. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation pursuant  
to Government Code Section 54956.9(b). One potential case.**

**No action was taken.**

**F. LIABILITY CLAIM – pursuant to Government Code Section  
54956.95  
Claimant: Jodie Crossman  
Agency claimed against: Town of Atherton**

**The Council unanimously denied the claim.**

**5. ADJOURN**

**The meeting adjourned at 7:05 p.m.**

**Respectfully submitted,**

**Alan B. Carlson  
Alan B. Carlson, Mayor**



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

**June 19, 2002**

**7:00 p.m.**

**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

**Mayor Carlson called the meeting to order at 7:14 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. Mayor Carlson presented a proclamation to Menlo College President James Waddell in recognition of the 75<sup>th</sup> anniversary of the College.**

**4. COUNCIL REPORTS**

- Council Member Conwell reported on the San Francisco Airport Roundtable meeting he attended where the status of the proposed reconfiguration of runways was discussed. The Criminal Justice Council met today and elected a new chair and vice chair.**
- Council Member Fisher reported that the Library JPA is continuing to work with the County on their agreement. The Library donor funds have been received by the Town. The Valparaiso Corridor Traffic Study will be discussed at the Transportation Commission meeting on July 9th.**
- Vice Mayor Janz reported that an item is on tonight's agenda regarding SB 1243. The Council of Cities meeting was attended by Vice Mayor Janz and Council**

Member Conwell several weeks ago where the proposed San Francisco Airport expansion was addressed.

- Council Member McKeithen reported on issues addressed at the last Atherton Channel Drainage District Committee meeting. She asked that an item be put on the next Council agenda to address Channel issues including water testing, easements, and insurance. The Emergency Services Council meets tomorrow at 5:30 p.m. in the Jury Room at County Center.
- Mayor Carlson reported that the Finance Committee met several times to discuss the budget prior to its adoption at the Special Council meeting on Monday, June 17<sup>th</sup>. He thanked the Finance Committee and staff for their work on the budget. Staff and residents who participated in producing the Resident Handbook were also commended. Mayor Carlson reported on the Community Youth awards given for projects which help the community. He attended two D.A.R.E. graduation ceremonies and commended Officer Bruce Potts who conducts the D.A.R.E. program. The City Manager and Chief of Police were asked to return to the next meeting with a report on the County Crime Lab which the county is proposing to build.

## 5. PUBLIC COMMENTS

Chun Lee from Falun Gong spoke.

## 6. STAFF REPORTS

- City Manager Jim Robinson reported that the Philips Brooks School item is being considered tonight by the Woodside Planning Commission. Staff has reviewed the staff report and will keep the Council apprised. Copies of the Fiscal Year 2002-03 Budget, adopted by the City Council on Monday, June 17, 2002, are available in the Town offices.
- Public Works Director Cliff Temps reported on a pavement conditions survey which is being done on a trial basis using software provided by a company for a nominal monthly fee.
- City Attorney Marc Hynes reported on a Supreme Court decision holding the permitting of door to door solicitation to be impermissible. He will return to the Council with an amendment to the Atherton Municipal Code to reflect the decision. As a result of another case which decided that the NPDES fee is a property user fee covered by Proposition 218, an emergency meeting is being called of all San Mateo County city attorneys on Friday. He recommended that the Council go ahead and take action on the NPDES item on tonight's agenda. He reported out of the closed session as follows:

### A. CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code Section 94957.6

Agency Negotiator: James H. Robinson, City Manager

Employee Organization: Management Employees

Instructions were given to the City Manager.

- B. CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code Section 94957.6**  
**Agency Negotiator: James H. Robinson, City Manager**  
**Employee Organization: Part Time Employees**

Instructions were given to the City Manager.

- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION -**  
**pursuant to Government Code Section 54957**  
**Title: City Manager**

No action taken.

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

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

No action taken.

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

No action taken.

- F. LIABILITY CLAIM – pursuant to Government Code Section 54956.95**  
**Claimant: Jodie Crossman**  
**Agency claimed against: Town of Atherton**

Council unanimously denied the claim.

**7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

Shirley Carlson gave a report from the Atherton Tree Committee.

**CONSENT CALENDAR**

**MOTION – to approve the Consent Agenda as presented.**

**M/S McKeithen/Fisher**

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

**8. APPROVED MINUTES OF SPECIAL AND REGULAR MEETINGS OF MAY 15, 2002**

9. **APPROVED BILLS AND CLAIMS FOR MAY, 2002 IN THE AMOUNT OF \$787,381**
10. **ACCEPTED MONTHLY FINANCIAL REPORT FOR MAY 2002**
11. **ADOPTED ORDINANCE NO. 533 AMENDING ATHERTON MUNICIPAL CODE SECTION 8.10 REGARDING HERITAGE TREES AND SECTION 1.16, GENERAL PROVISIONS**
12. **ACCEPTED THE WORK FOR HOLBROOK-PALMER PARK PLAY AREA RENOVATION, PROJECT 01-005**
13. **ADOPTED RESOLUTION NO. 02-16 AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION APPLICABLE TO THE MIDDLEFIELD ROAD REHABILITATION PROJECT**
14. **ADOPTED RESOLUTION NO. 02-17 RECOMMENDING THAT THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT IMPOSE CHARGES FOR FUNDING THE 2002/03 COUNTYWIDE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM**
15. **ADOPTED RESOLUTION NO. 02-18 STATING INTENT TO CONSIDER THE VACATION OF A PUBLIC UTILITIES EASEMENT AT 57 BROAD ACRES ROAD AND SET A PUBLIC HEARING FOR AUGUST 21, 2002**
16. **APPROVED A POLICE TOWING CONTRACT WITH SPECIALTY TOWING COMPANY**

#### **PUBLIC HEARING**

17. **PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 02-19 ORDERING VACATION OF A PORTION OF MCCORMICK LANE RIGHT-OF-WAY**

**This public hearing was set by the City Council at the May 15, 2002 regular meeting for the vacation of the section of McCormick Lane street right-of-way between Burns Avenue and the barricade across McCormick Lane that separates Villa Oaks and Mariana Park Subdivisions. Public Works Director Cliff Temps reported that the residents of 65 McCormick Lane who requested the vacation, have presented a petition to the Council from neighbors who are in support of the action.**

**Mayor Carlson opened the public hearing at 8:20 p.m. The following members of the audience spoke:**

**Regis Anderson, 65 McCormick Lane, in favor of the vacation.**

**Richard Novak, 70 McCormick Lane**

**Dr. Barrett Anderson, 65 McCormick Lane, in favor of the vacation.**

A letter was e-mailed from Gloria Darke, 49 McCormick Lane, who is supportive of the vacation, but has concerns about liability she may have relevant to a strip of property she owns that connects with the portion of land being vacated.

Mayor Carlson closed the public hearing at 8:35 p.m.

Liability issues were discussed. Vice Mayor Janz requested that several corrections be made to the resolution and that Paragraph 3 of the resolution be amended to read: "Said vacation is subject to the condition that *improvements* or landscaping of all or any portion of the area being vacated shall be constructed or installed in such a way as to permit reasonable access by bicyclists *and* pedestrians, and *by* utility workers...".

MOTION – to adopt Resolution No. 02-19 ordering the vacation of a portion of McCormick Lane right-of-way, with reservation of easements for bicycles, pedestrians, public utilities and sanitary sewers, said portion and easement reservations being more particularly described in Exhibits "A" and "B" attached hereto and made a part hereof, with minor corrections and with changes to Paragraph 3 as requested.

M/S Janz/Fisher

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

Vice Mayor Janz requested that staff pursue with the property owner the question of acquiring a public access easement across the Darke property.

## REGULAR AGENDA

### 18. APPROVAL OF AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES FOR FISCAL YEAR 2002/03 - NEAL MARTIN AND ASSOCIATES

City Manager Jim Robinson stated that the only change proposed in the agreement for professional services from Neal Martin and Associates is recognition of the title of Deputy Town Planner with a \$10.00 per hour salary adjustment for Lisa Costa Sanders.

MOTION - to approve the agreement with Neal Martin and Associates for the Fiscal Year 2002-03 and authorize the Mayor to execute the agreement.

M/S Fisher/Janz

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

The following item was taken out of order.

### 27. DISCUSSION AND DIRECTION TO STAFF – ENFORCEMENT OF CONSTRUCTION NOISE AND MATERIALS AND DELIVERY ORDINANCES

Mayor Carlson asked that this item be put on the agenda. Police Chief Robert Brennan was asked to give a statistical overview of enforcement of the Ordinances related to construction noise and delivery, and retrieval of construction materials. He

reported on the number of written citations given, filed and convicted for the last three months.

Discussion ensued on what enforcement strategy would be most effective. Both civil and criminal penalties were discussed. City Attorney Marc Hynes discussed the cost of taking these cases to court, and how the Town can recover the costs.

Building Official Mike Hood informed the Council of the process the Building Department uses to notify contractors of times that construction is allowed under the ordinance. The Council asked that the Building Department require signage at construction sites which would inform workers of legal construction times.

The following members of the audience spoke:

Bob Huber, One Frederick Avenue  
James Dobbie, 124 James Avenue  
Sandy Kaye, 88 Shearer Drive  
John Rugeiro, Stockbridge Avenue

The Council gave direction to the City Attorney to return to the next meeting with a proposal for an ordinance amendment outlining changes as discussed. The Council also requested that the City Attorney meet with the police officers to educate them on enforcement of the ordinances.

**19. APPROVAL OF PLANS AND SPECIFICATIONS AND AWARD OF CONTRACT FOR 2002 STREET RECONSTRUCTION – PHASE I, PROJECT 2001-01**

Public Works Director Cliff Temps presented this item. Ten bids were received for reconstruction of three streets, Irving and James Avenue cul-de-sacs, and Magnolia Drive, between Irving and James, and including its cul-de-sac. He recommended the award of the contract go to low bidder, Bortolotto and Co., Inc.

**MOTION – to approve the plans and specifications and award a contract for construction of the 2002 Street Reconstruction – Phase I, Project 02-002, to Bortolotto and Co., Inc. in an amount not to exceed \$187,592.57.**

M/S McKeithen/Fisher

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

(Item No. 19 was reconsidered later in the meeting after Item No. 26.)

**20. DISCUSSION OF PROPOSED FISCAL YEAR 2002-03 INTEGRATED OPERATING/CAPITAL BUDGET**

This item was removed from the agenda since the budget was adopted at a special meeting on June 17, 2002.

**21. CONSIDER SETTING A DATE FOR A PUBLIC HEARING TO ADOPT A RESOLUTION ESTABLISHING A SPECIAL TAX FOR MUNICIPAL SERVICES FOR THE FISCAL YEAR 2002/03**

**Ordinance No. 520 requires that the Special Tax for Municipal Services be set by resolution following the adoption of the Town budget. Since the County's deadline for receiving the resolution is July 15, 2002, it is necessary to set a special meeting for consideration of the resolution.**

**MOTION – to set a date for a special meeting on July 9, 2002 at 8:00 a.m. to adopt a resolution establishing a Special Tax for Municipal Services.**

**M/S Fisher/Conwell Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

**22. ADOPTION OF RESOLUTION CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2002 FOR THE ELECTION OF THREE MEMBERS OF THE CITY COUNCIL, REQUESTING THE SERVICES OF THE REGISTRAR OF VOTERS, REQUESTING CONSOLIDATION OF ELECTIONS, AND REQUIRING PAYMENT OF PRORATED COSTS OF CANDIDATES' STATEMENTS**

**MOTION – to adopt Resolution No. 02-20 calling for a General Municipal Election to be held on Tuesday, November 5, 2002 for three members of the City Council, requesting the services of the Registrar of Voters, requesting consolidation of elections, and requiring payment of prorated costs of candidates' statements, and authorize the Mayor to sign the service agreement with the County Elections Officer.**

**M/S Fisher/McKeithen Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

**23. DISCUSSION AND POSSIBLE ACTION – REVIEW OF UPDATED CITY COUNCIL RULES OF PROCEDURE**

**City Attorney Marc Hynes provided the Council with an updated version of the City Council Rules of Procedure. Council Member McKeithen asked for changes to Section 12.3.1, on page 11, removing the words “to amend” in the second and third sentences. She also noted the need to correct several typographical errors.**

**MOTION – to approve the updated City Council Rules of Procedure as amended.**

**M/S McKeithen/Fisher Ayes: 5 Noes: 0 Absent: 0 Abstain: 0**

**24. UPDATE ON CITY COUNCIL GOALS AND OBJECTIVES**

City Manager Jim Robinson gave a status report on the progress to date of the goals and objectives established by the Council.

MOTION – to accept the report on the goals and objectives as presented in the staff report.

M/S McKeithen/Fisher

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

**25. APPROVAL OF LETTER REGARDING PROPOSED SKATE PARK IN FLOOD PARK, CITY OF MENLO PARK**

As requested by the Council at the last regular meeting, City Manager Jim Robinson presented a draft letter to be sent to the City of Menlo Park regarding the Council's concerns with the proposal to build a skate park in Flood Park. He recommended that staff check with Menlo Park to see if they are going to proceed with the project. The Council asked for a minor change in the draft letter and directed staff to send the letter only if the City of Menlo Park is going to proceed with the project.~~15.~~

~~ADOPTION OF RESOLUTION NO. 01\_\_\_, INTENT TO ABANDON PORTION OF McCORMICK LANE~~

~~16. ADOPTION OF RESOLUTION NO. 01\_\_\_, INTENT TO ABANDON PORTION OF FAXON ROAD~~

MOTION – authorize the Mayor to sign a letter to the City of Menlo Park as amended if Menlo Park is going to proceed with the Skate Park project in Flood Park.

M/S Fisher/Conwell

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

**26. CONSIDER RESPONSE TO LETTER FROM ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) – COUNCIL POSITION ON SB 1243**

A letter has been received from the Association of Bay Area Governments (ABAG) asking cities to send a letter to the Assembly Local Government Committee opposing SB 1243. SB 1243 proposes to merge ABAG with the Metropolitan Transportation Commission.

MOTION – to authorize the Mayor to sign a letter in opposition to SB 1243, and send it to the Assembly Local Government Committee.

M/S Fisher/Janz

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

**19. Mayor Carlson asked to reconsider Item No. 19 on the agenda: Approval of plans and specifications and award of contract for 2002 Street Reconstruction – Phase I, Project 02-002. The project includes reconstruction of the street on which Mayor Carlson resides.**

MOTION - to reconsider Item No. 19 on the agenda.

**M/S Carlson/Fisher**

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

**MOTION – to approve the plans and specifications and award a contract for construction of the 2002 Street Reconstruction – Phase I, Project 02-002, to Bortolotto and Co., Inc. in an amount not to exceed \$187,592.57.**

**M/S Fisher/McKeithen**

**Ayes: 4 Noes: 0 Absent: 0 Abstain:1 (Carlson)**

**28. PUBLIC COMMENTS**

**The City Manager will report at the next meeting on the sound barrier wall and the safety of the cell phone tower. He will also report on the Cal Train electrification project.**

**The City Manager stated he will keep the Council apprised of the status of the Menlo Park grade separation study.**

**29. ADJOURNMENT**

**The meeting adjourned at 10:45 p.m.**

**Respectfully submitted,**

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**Sharon Barker, City Clerk**

**TOWN OF ATHERTON**

**CLAIMS LIST**

June, 2002

Payroll Checks	827 - 919	\$52,887
Electronic Transfers		248,725
A/P Checks	12952 - 17897	335,234
	<b>TOTAL</b>	<b>\$636,846</b>

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 827 through 919 (Payroll) and 12952 through 17897 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$636,846 are true and correct, and that there are funds for payment.

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James H. Robinson  
City Manager

The above claims, Payroll check numbers 827 through 919, Accounts Payable check numbers 12952 through 17897 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$636,846; and are hereby approved for payment.

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Alan Carlson  
Mayor, Town of Atherton

**SOURCE OF FUNDS**

101	General Fund	\$549,247
105	Tennis Fund	111
201	Special Parcel Tax	
202	Transportation	28,310
203	Gas Tax Fund	
210	Road Construction Impact Fees	125
401	General Capital Projects	
402	Storm Drainage	14,229
403	Atherton Channel District	
404	Park Playground Improvement	27,825
610	Vehicle Replacement	
611	Computer Maint. & Replacement	6,075
612	Administrative Services	2,157
614	Workers Compensation Insurance	
715	Evans Estate	8,768
730	H-P Park Improvement	
740	Tree Committee	
	<b>TOTAL</b>	<b>\$636,846</b>



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: JOHN P. JOHNS, FINANCE DIRECTOR**  
**DATE: FOR THE MEETING OF WEDNESDAY JULY 17, 2002**  
**SUBJECT: MONTHLY FINANCIAL REPORT, JUNE, 2002**

#### **RECOMMENDATION:**

Receive and file Monthly Financial Report for June, 2002.

#### **INTRODUCTION:**

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

#### **HIGHLIGHTS**

To date General Fund revenues and other sources of funds have exceeded expenditures and other uses of funds by \$71,000. Accordingly the General Fund balance has increased from \$5,070,783 to \$5,141,505. This represents a favorable variance of \$145,833 from the year-end fund balance projection prepared as part of the FY 2002-03 budget.

It should be noted that the tabulation of expenditures do not include year-accruals and adjusting entries, nor have been they been subject to the review of the Town's independent auditors.

#### **FISCAL IMPACT:**

Informational only.  
Prepared by:

Approved by:

---

John P. Johns  
Finance Director

---

James H. Robinson  
City Manager

**TOWN OF ATHERTON**  
**Revenue Summary**  
**For the Twelve Months ended June 30th, 2002**

<b>Fund</b>	<b>Revenue Source</b>	<b>2001-02 Estimate</b>	<b>Current Period Revenues</b>	<b>Year to Date Revenues</b>	<b>% Received</b>
	Property Tax	\$ 2,624,563	95,972	\$ 3,064,699	117%
	Sales and Use Tax	306,000	18,256	147,072	48%
	Other Taxes	481,133	28,704	518,134	108%
	Licenses & Permits	1,316,200	196,884	1,506,074	114%
	Fines & Forfeitures	110,000	10,007	101,834	93%
	Investment & Rental Income	358,200	(23,714)	304,372	85%
	Revenue from Other Agencies	484,124	47,833	385,955	80%
	Charges for Services	502,700	21,534	440,229	88%
	Other Revenues	12,150	5,213	7,480	62%
	<b>Total General Fund Revenues</b>	<b>6,195,070</b>	<b>400,689</b>	<b>6,475,849</b>	<b>105%</b>
	Interfund (Operating) Transfers In	450,000	454,940	454,940	101%
<b>101</b>	<b>General Fund Total</b>	<b>6,645,070</b>	<b>855,629</b>	<b>6,930,789</b>	<b>104%</b>
	<b>Special Revenue Funds:</b>				
105	Tennis	9,000	1,400	11,874	132%
201	Special Parcel Tax	1,600,000	59,643	1,530,446	96%
202	Transportation	270,000	23,227	209,445	78%
203	Street Improvement (Gas Tax)	200,000	15,128	154,203	77%
208	Police on the Street	-	1,254	24,754	100%
209	Law Enforcement	100,000	4,751	104,751	105%
210	Road Construction Impact Fees	450,000	126,967	521,234	116%
211	State Park Grants Fund	89,910	-	-	0%
213	Library	-	400,000	400,000	
	<b>Sub Total</b>	<b>2,718,910</b>	<b>632,370</b>	<b>2,956,707</b>	<b>109%</b>
	<b>Capital Project Funds:</b>				
401	Capital Improvement	10,000	18,119	18,119	181%
402	Storm Drainage	10,000	5,047	5,277	53%
403	Channel Drainage District	38,000	20,260	59,237	156%
404	Park Playground Improvement	325,000	12,473	42,015	13%
405	Middlefield Road Grants	600,000	-	-	0%
406	Facilities Construction	220,000	229,269	229,269	104%
	<b>Sub Total</b>	<b>1,203,000</b>	<b>285,168</b>	<b>353,917</b>	<b>29%</b>
	<b>Internal Service Funds:</b>				
610	Vehicle Replacement	243,020	106,693	249,713	103%
611	Information Technology	77,610	1,479	79,316	102%
612	Administrative Services	213,300	(4,363)	208,734	98%
614	Workers Compensation Insurance	170,000	-	35,056	21%
	<b>Sub Total</b>	<b>703,930</b>	<b>103,809</b>	<b>572,819</b>	<b>81%</b>
		<b>\$ 11,270,910</b>	<b>1,876,976</b>	<b>\$ 10,814,232</b>	<b>96%</b>
	<b>Trust and Agency Funds:</b>				
715	Evans Creative Design	53,040	16,594	97,808	184%
720	Library Extension	-	-	-	0%
727	Colley Trust Fund	-	-	1,000	100%
730	H-P Park Improvement	-	-	-	0%
731	MA Little League	-	-	-	0%
740	Tree Committee	-	-	-	0%
	<b>Sub Total</b>	<b>53,040</b>	<b>16,594</b>	<b>98,808</b>	<b>186%</b>
	<b>Total Revenues</b>	<b>11,323,950</b>	<b>1,893,570</b>	<b>10,913,040</b>	<b>96%</b>

**TOWN OF ATHERTON**  
**Expenditure Summary**  
**For the Twelve Months Ended June 30th, 2002**

<b>Fund</b>	<b>Description</b>	<b>2001-02</b>	<b>Current Period</b>	<b>Year to Date</b>	<b>%</b>
	<b>Department</b>	<b>Budget</b>	<b>Expenditures</b>	<b>Expenditures</b>	<b>Spent</b>
101	General Fund				
	11 City Council	\$ 21,739	\$ (934)	20,589	95%
	12 City Manager	442,708	29,374	419,653	95%
	16 City Attorney	196,199	9,438	150,244	77%
	18 Finance	362,598	26,625	342,910	95%
	25 Building	713,814	66,577	812,717	114%
	40 Police	3,371,582	251,339	3,252,783	96%
	50 Public Works	1,632,102	128,148	1,541,171	94%
	Contingency	100,000	-	-	0%
	Total General Fund Expenditures	<u>6,840,742</u>	<u>510,567</u>	<u>6,540,067</u>	<u>96%</u>
	Interfund (Operating) Transfers Out	320,000	320,000	320,000	100%
101	<b>General Fund Total</b>	<u><b>\$ 7,160,742</b></u>	<u><b>\$ 830,567</b></u>	<u><b>\$ 6,860,067</b></u>	<u><b>96%</b></u>
<b>Special Revenue Funds:</b>					
105	Tennis	7,500	111	9,065	121%
201	Special Parcel Tax	1,600,000	350,000	636,231	40%
202	Transportation	267,950	28,310	257,330	96%
203	Street Improvement (Gas Tax)	330,700	100,000	333,997	101%
208	Police on the Street	-	-	-	
209	Law Enforcement	199,424	33,797	188,438	94%
210	Road Impact Fees	450,000	-	2,845	1%
211	State Park Grants	89,910	-	-	0%
	Total	<u>2,945,484</u>	<u>512,218</u>	<u>1,427,906</u>	<u>48%</u>
<b>Capital Project Funds:</b>					
401	Capital Improvement	-	-	472	
402	Storm Drainage	162,409	5,049	70,189	43%
403	Channel Drainage District	251,000	-	32	0%
404	Park Playground Fund	325,000	27,825	215,288	66%
405	Middlefield Road Grants	600,000	-	173	0%
	Total	<u>1,338,409</u>	<u>32,874</u>	<u>286,154</u>	<u>21%</u>
<b>Internal Service Funds:</b>					
610	Vehicle Replacement	106,041	-	133,697	126%
611	Information Technology	90,166	9,538	63,942	71%
612	Administrative Services	233,756	(60,501)	209,335	90%
614	Workers Compensation Insurance	135,000	56,800	118,491	88%
	Total	<u>564,963</u>	<u>5,837</u>	<u>525,465</u>	<u>93%</u>
	<b>Total</b>	<u><b>\$ 12,009,598</b></u>	<u><b>\$ 1,381,496</b></u>	<u><b>\$ 9,099,592</b></u>	<u><b>76%</b></u>
<b>Trust and Agency Funds:</b>					
715	Evans Creative Design	54,010	13,443	107,738	199%
727	Colley Reward Fund	-	67,582	67,852	
730	H-P Park Improvement	-	-	583	
731	MA Little League	-	-	480	
740	Tree Committee	-	-	1,376	
	Total	<u>54,010</u>	<u>81,025</u>	<u>178,029</u>	
	<b>Total Expenditures</b>	<u><b>12,063,608</b></u>	<u><b>1,462,521</b></u>	<u><b>9,277,621</b></u>	<u><b>77%</b></u>

**TOWN OF ATHERTON**  
**Budget Summary**  
**Fiscal Year 2001-02**  
**As of June 30th, 2002**

Fund	Description	Beginning Fund Balance July 1, 2001	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	<b>General Fund</b>	5,070,783	6,475,849	134,940	6,540,067	5,141,505
	<b>Special Revenue Funds:</b>					
105	Tennis	19,496	11,874		9,065	22,305
201	Special Municipal Tax	-	1,530,446		636,231	894,215
202	Transportation	235,556	209,445		257,330	187,671
203	Street Improvement (Gas Tax)	257,225	154,203		333,997	77,431
208	Police on the Street	20,235	24,754		-	44,989
209	Law Enforcement	105,350	104,751		188,438	21,663
210	Road Construction Impact Fees	378,028	521,234		2,845	896,417
211	State Park Grants Fund	-	-		-	-
	Sub Total	<u>1,015,890</u>	<u>2,556,707</u>	-	<u>1,427,906</u>	<u>2,144,691</u>
	<b>Capital Projects Funds:</b>					
401	Capital Improvement	432,662	18,119		472	450,309
402	Storm Drainage	120,286	5,277		70,189	55,374
403	Channel Drainage District	377,396	59,237		32	436,601
404	Park Playground Improvement	305,774	42,015		215,288	132,501
405	Middlefield Road Grants	-	-		173	(173)
406	Facilities Construction	220,000	229,269		-	449,269
	Sub Total	<u>1,456,118</u>	<u>353,917</u>	-	<u>286,154</u>	<u>1,523,881</u>
	<b>Internal Service Fund</b>					
610	Vehicle Replacement	147,415	249,713		133,697	263,431
611	Information Technology	19,890	79,316		63,942	35,264
612	Administrative Services	9,125	208,734		209,335	8,524
614	Workers Compensation Insurance	(31,794)	35,056		118,491	(115,229)
	Sub Total	<u>144,636</u>	<u>572,819</u>	-	<u>525,465</u>	<u>191,990</u>
	<b>Trust and Agency Funds</b>					
715	Evans Creative Design	110,464	97,808		107,738	100,534
727	Colley Reward Fund	66,931	-		-	66,931
730	H-P Park Improvement	6,339	-		-	6,339
731	MA Little League	(1,571)	-		-	(1,571)
740	Tree Committee	1,137	-		-	1,137
	Sub Total	<u>183,300</u>	<u>97,808</u>	-	<u>107,738</u>	<u>173,370</u>
	<b>Grand Total</b>	<u>\$ 7,870,727</u>	<u>\$ 10,057,100</u>	<u>\$ 134,940</u>	<u>\$ 8,887,330</u>	<u>\$ 9,175,437</u>





## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

**FROM: LINDA KELLY, ASSISTANT TO THE CITY MANAGER**

**DATE: FOR THE MEETING OF JULY 17, 2002**

**SUBJECT: AUTHORIZATION TO ISSUE PURCHASE ORDER TO NORTH CENTRAL  
SERVICE COOPERATIVE FOR TWO SHARP BRAND PHOTOCOPY  
MACHINES AND ENTER INTO MAINTENANCE AGREEMENT WITH  
PINNACLE DOCUMENT SYSTEMS FOR SAID MACHINES**

### **RECOMMENDATION**

It is recommended that the City Council authorize the issuance of a purchase order for two Sharp brand photocopier machines from the North Central Service Cooperative and authorize entering into a maintenance agreement for said machines with Pinnacle Document Systems.

### **BACKGROUND**

The 2002-03 Fiscal Year Budget which was adopted by the City Council on July 17, 2002 included an appropriation of \$34,500 for the purchase of two new photocopier machines. One machine is to be located in the Town Administrative Offices, and is a replacement machine for the Administration photocopier machine which has come to the end of its five-year lease. The other machine is a new photocopier to be utilized by the Public Works and Building Departments (Permit Center Modular Building). One small table top copier is currently located in the Permit Center, but it is meant for small jobs and is not a high-volume piece of equipment. By locating this new 45-page per minute machine on-site at the Public Works and Building Departments, staff in those departments will realize greater efficiency in not having to take photocopier jobs to the Administration Building. Customers to the Permit Center also will not experience "downtime" waiting for large copy jobs to be completed at the Administrative Offices building.

Among the new features of these digital photocopy machines is the ability to “network” them, or connect to the Town’s existing computer network. This connection will enable staff to utilize the machines as computer printers as well as traditional photocopiers, increasing the flexibility and value of the machines to everyday Town staff needs. Furthermore, the large machine (65 pages per minute) to be located in the Administrative Offices will have a built-in hole-punch feature which will eliminate the need for staff to order 3-hole punch paper for City Council packets. This will result in a savings over time since 3-hole punch paper is more costly than regular copy paper. In addition, the 45-page per minute machine can also be used as a scanner, which will increase the usage of the machine for other office functions in the Public Works and Building Departments.

In order to streamline the purchasing process and take advantage of other governmental agencies’ cooperative bidding agreements, staff utilized Section 3.16.110 of the Atherton Municipal Code, which exempts purchases from the formal bidding process when “participating in state and county cooperative contracts or utilizing other municipal government’s competitive bids.”

Staff contacted vendors who had existing cooperative government pricing contracts. Staff received responses from three vendors, met with these vendors, and visited the showrooms to evaluate the demonstration models. The pricing received was as follows:

Vendor	Model	Price	Annual Maintenance Agreement Cost*
Minolta Business Solutions (Minolta Brand Photocopiers)	45 page per minute	\$11,627.00	\$1,045.56
	65 page per minute	\$22,191.00	\$2,782.56
Konica Business Technologies (Konica Brand Photocopiers)	35 page per minute	\$11,011.00	\$792.00
	65 page per minute	\$19,668.00	\$2,412.00
Pinnacle Document Systems (Sharp Brand Photocopiers)	45 page per minute	\$8,495.00	\$750.00
	65 page per minute	\$17,217.00	\$2,064.00

\*Based on 5,000 copies per month for the 45 page per minute model and 20,000 copies per month for the 65 page per minute model.

Since Pinnacle Document Systems submitted the lowest price, staff contacted several references for this vendor, and all were very favorable regarding equipment and service. Therefore, staff is recommending that the Town purchase the two budgeted photocopiers and annual maintenance agreement through Pinnacle Document Systems.

Pinnacle Document Systems is offering the government and non-profit agency pricing through the North Central Service Cooperative (NCSC). The NCSC is a Joint Powers Authority (JPA) formed in the State of Minnesota for the purposes of establishing a purchasing mechanism for cities, counties, school districts, and other political subdivisions of any State in the United States to benefit from volume discounts. The Town of Atherton is not required to join the JPA in order to take

advantage of this special pricing. The City of Daly City recently purchased equipment through the NCSC and reported a positive experience with no problems.

As the attached letter from the NCSC states, NCSC has entered into an exclusive national agreement with Sharp Electronics Corporation (SEC) as a result of a national competitive bidding process. As the bid-awarded exclusive national vendor, SEC has established a program that offers some of the lowest prices in the country. The NCSC handles the purchase of equipment; Pinnacle Document Systems is the local SEC vendor and will deliver the equipment and handle the maintenance agreement.

City Attorney Marc Hynes has reviewed and approved the proposed maintenance agreement and the NCSC purchasing system proposal.

**FISCAL IMPACT**

A total of \$34,500 was authorized for this purchase in the FY 2002-03 Budget. Pinnacle Document Systems' bid totals \$30,647 (including sales tax on the equipment), or \$3,853 less than the budgeted amount.

**CONCLUSION**

In order that the Town may realize the price savings available through the NCSC, it is recommended that the City Council authorize the issuance of a purchase order for two Sharp Brand photocopier machines from the North Central Service Cooperative and authorize entering into a maintenance agreement for said machines with Pinnacle Document Systems.

Prepared by:

Approved by:

\_\_\_\_\_  
Linda Kelly  
Assistant to the City Manager

\_\_\_\_\_  
James H. Robinson  
City Manager

Attachments: Copier Quotations from Pinnacle Document Systems  
Letter from NCSC  
Maintenance Agreement with Pinnacle Document Systems



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JAMES H. ROBINSON, CITY MANAGER**

**DATE: FOR THE MEETING OF JULY 17, 2002**

**SUBJECT: ADOPTION OF SIDE LETTER TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF ATHERTON AND THE ATHERTON POLICE OFFICERS' ASSOCIATION FOR THE PERIOD JULY 1, 2000 THROUGH JUNE 30, 2005 REGARDING HOLIDAY PAY**

### **RECOMMENDATION**

It is recommended that the City Council adopt the attached Side Letter to the Memorandum of Understanding between the Town of Atherton and the Atherton Police Officers' Association for the period of July 1, 2000 through June 30, 2005 regarding a holiday pay issue.

### **DISCUSSION**

In 1996, the Atherton Police Officers' Association and the Town agreed to change the work schedule in from an 8- hour day to a 12-hour work day. At that time, the following was agreed upon: a) employees who did not work on a designated holiday would accrue 8 hours of holiday time; b) employees would accrue vacation and sick time as if they had worked an 8-hour day; and c) employees who worked 12 hours on a designated holiday would receive, in addition to regular pay, either 12 hours of holiday time accrual or 12 hours pay.

On November 20, 2000, the Atherton Police Officers' Association filed a "Holiday Pay Grievance" which contended that those employees who worked 12 hours on a designated holiday were only accruing 8 hours of holiday time.

The City Manager has met with representatives of the Atherton Police Officers' Association, and the following change to the Memorandum of Understanding has been negotiated and agreed upon:

(added language in shaded text and language removed in lined out text)

“Section 14: Holidays

The Town’s designated holidays are as follows:

- January 1
- February 12
- Third Monday in February
- Last Monday of May
- July 4
- First Monday of September
- Second Monday of October
- November 11
- Thanksgiving Day
- December 25

A personal holiday as determined by the employee subject to approval of the Chief of Police or his/her designee.

~~Employees who are required to work on a holiday shall be entitled to a compensatory day off or time and one-half (1.5) pay in lieu of a compensatory day off.~~

Employees who are required to work eight or more hours on a designated holiday shall be entitled to either 12 hours credit to their holiday time accrual, or 12 hours pay, in addition to regular pay. Employees who are required to work on a designated holiday for less than eight hours shall be entitled to the number of holiday hours worked in the form of either a credit to their holiday time accrued for the number of holiday hours worked or as holiday pay for the number of hours worked. Employees who do not work on a holiday, shall be entitled to 8 hours of holiday pay only.”

In June 2002, the Atherton Police Officers Association (APOA) informed the City Manager that the attached proposed Side Letter on Holiday Pay had received enough votes from the APOA members to consider the proposal accepted by the APOA.

**FISCAL IMPACT**

The estimated cost of the retroactive pay from January 1, 2000 for the employees who would be covered by this side letter agreement is \$27,666. This amount represents the maximum liability if all covered employees subsequently “cashed out” the amount of hours added to their holiday pay pool as a result of the side letter agreement.

The estimated ongoing cost per fiscal year to implement the new holiday pay agreement is up to approximately \$12,000. This amount can be less based on the number of employees who take the holiday pay in salary as opposed to those who opt to take it as credit for holiday time accrual (to be used for time off at a later date).

## **CONCLUSION**

In order to resolve the grievance, it is recommended that the City Council approve the attached side letter to the MOU and authorize the deposit of outstanding holiday pay hours to the affected employees' payroll accounts.

Attachment: Side Letter to the Memorandum of Understanding

**SIDE LETTER TO THE  
MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF ATHERTON AND  
THE ATHERTON POLICE OFFICERS' ASSOCIATION FOR THE PERIOD JULY 1, 2000  
THROUGH JUNE 30, 2005**

WHEREAS, the POA and the Town agreed to change the work schedule in 1996 from an 8-hour day to a 12-hour work day, provided that: a) employees who did not work on a designated holiday would accrue 8 hours of holiday time; b) employees would accrue vacation and sick time as if they had worked an 8-hour day; and c) employees who worked 12 hours on a designated holiday would receive, in addition to regular pay, either 12 hours of holiday time accrual or 12 hours pay;

WHEREAS, "Section 14: Holidays" in the July 1, 2000 through June 30, 2005 Memorandum of Understanding (MOU) provides in part that: "Employees who are required to work on a holiday shall be entitled to a compensatory day off or time and one-half (1.5) pay in lieu of a compensatory day off;

WHEREAS, the POA filed a "Holiday Pay Grievance" on November 21, 2000 which contended that those who worked 12 hours on a designated holiday were only accruing 8 hours of holiday time;

WHEREAS, the POA and the Town have negotiated a resolution to the grievance as follows:

**A. Retroactive Resolution:**

1. The Town agrees to retroactively make up the difference between holiday hours accrued and received, on the terms described in section B below, for the period between January 1, 2000 and the date that this Side Letter is adopted by the City Council, but only upon the following conditions:

a. Eligible employee: The employee's classification is one that is represented by the APOA and the employee is still employed with the Atherton Police Department as of the date that the City Council adopts this Side Letter.

b. The retroactive credit (hours) for holiday pay shall be deposited into each eligible employee's holiday hour pool, and is not offered on a cash-out basis. However, nothing in this Side Letter shall prevent an eligible employee from thereafter applying for a cash-out of accrued compensatory time as provided for in the MOU and applicable Town policies and procedures.

**B. Prospective Resolution:**

1. "Section 14: Holidays" in the July 1, 2000 through June 30, 2005 MOU is amended, effective only as of the date this Side Letter is adopted by the City Council and thereafter, as to

those who are employed in the Atherton Police Department on the date that this Side Letter is adopted by the City Council or thereafter:

The Town's designated holidays are as follows:

- January 1
- February 12
- Third Monday in February
- Last Monday of May
- July 4
- First Monday of September
- Second Monday of October
- November 11
- Thanksgiving Day
- December 25

A personal holiday as determined by the employee subject to approval of the Chief of Police or his/her designee.

Employees who are required to work eight or more hours on a designated holiday shall be entitled to either 12 hours credit to their holiday time accrual, or 12 hours pay, in addition to regular pay. Employees who are required to work on a designated holiday for less than eight hours shall be entitled to the number of holiday hours worked in the form of either a credit to their holiday time accrued for the number of holiday hours worked or as holiday pay for the number of hours worked. Employees who do not work on a holiday, shall be entitled to 8 hours of holiday pay only.

\_\_\_\_\_  
APOA Representative

\_\_\_\_\_  
Mayor, Town of Atherton

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved as to form:

\_\_\_\_\_  
City Attorney

Approved by the City Council on \_\_\_\_\_



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

**FROM: LINDA KELLY, ASSISTANT TO THE CITY MANAGER**

**DATE: FOR THE MEETING OF JULY 17, 2002**

**SUBJECT: ADOPTION OF RESOLUTION AUTHORIZING HOURLY SALARY  
RANGES FOR PART-TIME AND TEMPORARY EMPLOYEES FOR  
FISCAL YEAR 2002-03**

### **RECOMMENDATION**

It is recommended that the City Council adopt the proposed resolution authorizing hourly salary ranges for part-time and temporary employees for Fiscal Year 2002-03, effective for the payroll period beginning July 7, 2002.

### **BACKGROUND**

For many years, the Town has utilized part-time employees in a number of capacities throughout the organization to fill temporary, seasonal or permanent positions that require less than a full-time employee. The salaries for these positions were traditionally set by the City Manager or Department Head and were based on either market conditions or the need of the Town for specific levels of talent. In addition, many existing part-time and temporary positions have not seen a salary increase in several years and thus, it has become more difficult for the Town to attract and retain the best qualified part-time employees.

Proposed is a resolution which would set part-time employee hourly salary ranges for Fiscal Year 2002-03. It is recommended that these rates become effective as of the first payroll period which begins after July 1, 2002, which would be the payroll period beginning July 7, 2002. These hourly rates were set by either utilizing comparator positions in other agencies or setting salaries as a percentage of existing full-time positions. The resolution has been reviewed and approved by the Town's labor relations counsel, Liebert Cassidy Whitmore, and City Attorney Marc Hynes.

The positions covered by this resolution are: Per Diem Police Dispatcher, Reserve Officer – Level 1, Administrative Assistant to the Police Chief, Part-Time Maintenance Worker, Part-Time Recreation Assistant, and Temporary Employee. The “Temporary Employee” class is a new classification that would be used in the infrequent situations when the Town may need to hire a temporary employee to fill a vacancy or for a special project. The range is wide to allow for flexibility in hiring. Typical examples of temporary employees would be a college intern; office support staff to fill a temporary vacancy; a professional-level employee with technical skills to work on a special project or fill a temporary vacancy; or bringing a retired public employee on staff to fill a vacant department head position while a recruitment is ongoing.

The City Manager and Assistant to the City Manager invited the part-time and temporary employees to a meeting in order to “meet and confer” regarding this matter and to answer any questions that the employees may have. This meeting was held on July 10, 2002 and no employees attended the meeting.

**FISCAL IMPACT**

It has been determined that implementing the proposed increases would cost the Town approximately \$5,500 for FY 2002-03 for the part-time and temporary employees currently employed by the Town. The potential increase was budgeted and sufficient funds exist in departmental budgets to cover the increased cost.

**CONCLUSION**

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

Prepared by:

Approved by:

\_\_\_\_\_  
Linda Kelly  
Assistant to the City Manager

\_\_\_\_\_  
James H. Robinson  
City Manager

Attachment: Proposed Resolution

**RESOLUTION NO. 02-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADOPTING HOURLY SALARY RANGES FOR PART-TIME AND TEMPORARY EMPLOYEES FOR FISCAL YEAR 2002-03**

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

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

**WHEREAS**, Attachment A to this Resolution specifies the hourly salary ranges for Part-time and Temporary employees for the Fiscal Year 2002-03.

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

\* \* \* \* \*

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the \_\_\_ day of \_\_\_\_\_, 2002, by the following vote.*

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

\_\_\_\_\_  
Alan B. Carlson, Mayor  
Town of Atherton

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc Hynes, City Attorney

**TOWN OF ATHERTON  
PART-TIME AND TEMPORARY EMPLOYEES  
HOURLY SALARY RANGES  
FISCAL YEAR 2002-03**

<b>Position</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>
Per Diem Police Dispatcher	\$27.97	29.61	31.26	32.90
Reserve Police Officer – Level 1*	\$24.16	25.58	27.00	28.42
Administrative Assistant to the Police Chief	\$23.13	24.49	25.85	27.21
Part-Time Maintenance Worker	\$15.35	16.25	17.16	18.06
Part-Time Recreation Assistant	\$13.44	14.23	15.02	15.81
Temporary Employee (open range; no steps)	\$10.00			\$60.00

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



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: CITY COUNCIL MEETING OF JULY 17, 2002**

**SUBJECT: RESOLUTION AMENDING CONFLICT OF INTEREST CODE**

### **RECOMMENDATION:**

Adopt Resolution Amending the Town's Conflict of Interest Code to add additional positions as described in the Resolution.

### **BACKGROUND:**

In 1991, the Town adopted a standard form of conflict of interest code which has been approved by the State of California. The Political Reform Act requires a bi-annual review of every city's conflict of interest code followed by a report to the Fair Political Practices Commission confirming the review and advising of any changes.

In conducting the review of the Town's Conflict of Interest Code, it was determined that additional positions should be added. These positions are described in the attached Resolution and include:

Assistant Finance Director  
Building Official/Planning Administrator  
Town Planner  
Deputy Town Planner  
Associate Engineer  
Town Arborist/Public Works Specialist

The attached Resolution amends the Town's Conflict of Interest Code by changing Exhibit " A ". This is the attachment to the Conflict of Interest Code which designates the positions subject to the code and describes the disclosure categories for those positions.

**FISCAL IMPACT:**

None.

Respectfully,

Marc G. Hynes  
Marc G. Hynes

Attachment

RESOLUTION NO. ~~020~~-\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING THE CONFLICT OF INTEREST CODE  
FOR DESIGNATED EMPLOYEES**

**WHEREAS**, the City Council of the Town of Atherton did adopt a Conflict of Interest Code, Resolution 91-6, on the 19th day of June, 1991; and

**WHEREAS**, the City Council has previously amended said Conflict of Interest Code to reflect additional designated positions by Resolution No. 94-8 on the 23rd day of March, 1994; and Resolution No. 00-26 on the 20<sup>th</sup> day of September, 2000; and

**WHEREAS**, it is now necessary to amend said Conflict of Interest Code to reflect additional designated positions as follows:

- Assistant Finance Director
- Building Official/Planning Administrator
- Town Planner
- Deputy Town Planner
- Associate Engineer
- Town Arborist/Public Works Specialist

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the Town of Atherton that the amendment as described shall appear as Appendix "A" to the Town of Atherton Conflict of Interest Code along with the designated positions previously described and as amended by Resolution No. 94-8 and No. 00-26 and this Resolution. Except as amended, all other terms and provisions of the Conflict of Interest Code shall continue to remain in effect.

\* \* \* \* \*  
\* \* \* \* \*

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the)\_\_\_ day of \_\_\_\_\_, 2002, by the following vote:*

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

\_\_\_\_\_  
Alan B. Carlson, Mayor  
TOWN OF ATHERTON

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc G. Hynes, City Attorney

APPENDIX "A"

TOWN OF ATHERTON  
CONFLICT OF INTEREST CODE

LIST OF DESIGNATED POSITIONS

~~Department: Administration and Police~~

Date: \_\_\_\_\_, 2002~~September 20, 2000~~

JOB TITLE

DISCLOSURE CATEGORY

~~Accountant~~

~~Assistant Finance Director~~ 1

Assistant to the City Manager 1

Building Official/~~Planning Administrator~~ 1

Chief of Police 1

City Clerk 1

~~City/Town Planner~~ 1

~~Deputy Town Planner~~ 1

Consultants\* 1\*

Finance Assistant 1

Park Program Manager 1

Police Lieutenant 1

Public Works Director/City Engineer 1

~~Associate Engineer~~ 1

Public Works Superintendent 1

Public Works Supervisors (2) 1

~~Town Arborist/Public Works Specialist~~ 1

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: CITY COUNCIL MEETING OF JULY 17, 2002**

**SUBJECT: RESOLUTIONS RECOMMENDING THAT SAN MATEO COUNTY FLOOD CONTROL DISTRICT IMPOSE CHARGES FOR FUNDING THE 2002-2003 COUNTY-WIDE NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM GENERAL PROGRAM/  
RESOLUTION IMPOSING ADDITIONAL CHARGES/  
AGREEMENT FOR SAID PROGRAM REGARDING CHARGES/  
RESOLUTION 02-17 TO BE RESCINDED**

#### **Recommendation:**

It is recommended that the Council adopt the two resolutions attached to this memorandum and approve the agreement regarding charges for funding the National Pollutant Discharge and Elimination System Program for the County of San Mateo and authorizing the Mayor to sign that agreement on behalf of the Town.

#### **Background:**

At its regular meeting on June 19, 2002, the City Council adopted Resolution No. 02-17. That Resolution requested the San Mateo County Board of Supervisors acting as the governing board of the San Mateo County Flood Control District, to impose those charges necessary to fund the county-wide National Pollutant Discharge Elimination System General Program. The Town has previously adopted and committed to implement the San Mateo County Storm Water Management Plan for 1998-2003 and has previously requested the Board of Supervisors to impose charges necessary to fund the program. Resolution No. 02-17 is being rescinded and will be replaced by the two resolutions attached. The purpose for utilizing two resolutions is to recognize the distinction between charges first approved by ordinance of the San Mateo County Flood Control District in 1995. These are basic charges described in the first Resolution. The second Resolution imposes additional annual charges.

Basic charges are in an amount of \$3.44 per single-family residential parcels; \$1.72 for agricultural, vacant, condominium and "miscellaneous" parcels. All other land use parcels are charged a base rate of \$3.44 for the first 11,000 square feet and an additional \$0.3127 for each 1,000 additional square feet of parcel area. The additional charges impose an additional \$2.4842 for a single-family residential parcel; \$1.2421 for agricultural, vacant, condominium and miscellaneous parcels; \$2.4842 for all other land use parcels for the first 11,000 square feet plus an additional \$0.2240 for each additional 1,000 square feet of parcel area.

The agreement proceeds in accordance with the Joint Powers Agreement continuing the establishment of the City/County Association of Governments ("C/CAG."). C/CAG has the responsibility of implementing county-wide, state-mandated plans such as the San Mateo County-wide Storm Water Management Plan. Under the agreement, each member of the JPA contributes its pro-rata share of revenues to the annual budget. This includes amounts needed to obtain required permits under the National Pollutant Discharge and Elimination System and to implement the NPDES program.

In recognition of this pro-rata participation, the agreement confirms that in the event the District is obliged to refund any amounts which it has collected on behalf of the Town, relative to the NPDES program, the Town will indemnify and save the district harmless from all amounts collected by the district on the Town's behalf.

**Fiscal Impact:**

Approval of the Resolutions will result in the continued collection of funds required to operate the county-wide NPDES General Program. Costs associated with commitments under the agreement are not presently known, but would be determined based upon charges which had been collected and required to be refunded plus the Town's pro-rata share of any attorneys fees related to litigation regarding the refund.

Respectfully,

Marc G. Hynes  
MARC G. HYNES

**RESOLUTION NO. 02-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
RECOMMENDING THAT THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT  
IMPOSE CHARGES FOR FUNDING THE 2002-2003 COUNTYWIDE NATIONAL  
POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PROGRAM AND  
RESCINDING RESOLUTION NO. 02-17**

**WHEREAS**, the Environmental Protection Agency, under amendments to the 1987 Federal Clean Water Act, imposed regulations that mandate local governments to control and reduce the amount of storm water pollutant runoff into receiving waters; and

**WHEREAS**, under the authority of the California Porter-Cologne Water Quality Act, the State Water Resources Control Board has delegated authority to its regional boards to invoke permitting requirements upon counties and cities; and

**WHEREAS**, in July 1991, the San Francisco Bay Regional Water Quality Control Board notified San Mateo County of the requirement to submit a National Pollutant Discharge Elimination System (NPDES) Permit application by November 30, 1992; and

**WHEREAS**, in furtherance of the NPDES Permit process, San Mateo County, in conjunction with all incorporated cities in San Mateo County, has prepared a San Mateo Countywide Stormwater Management Plan which has a General Program as a fundamental component of the Management Plan; and

**WHEREAS**, the San Mateo Countywide Stormwater Management Plan was submitted to the San Francisco Bay Regional Water Quality Control Board and the Management Plan was approved by the Board and made part of the NPDES Waste Discharge Permit CA 0029921, issued September 13, 1993 and remaining in effect through June 30, 1998, and

**WHEREAS**, the San Mateo Countywide Stormwater Management Plan and NPDES Waste Discharge Permit CA 0029921 required that San Mateo County submit a renewal application by March 31, 1998, including a Stormwater Management Plan for 1998 through 2003; and

**WHEREAS**, the San Mateo County NPDES Technical Advisory Committee prepared the San Mateo Countywide Stormwater Management Plan for 1998-2003; and

**WHEREAS**, the Town of Atherton accepted, adopted and committed to implement the San Mateo Countywide Stormwater Management Plan for 1998-2003 and the renewal application and the Plan were submitted to the San Francisco Regional Water Quality Control Board on March 18, 1998; and

**WHEREAS**, the San Francisco Bay Regional Water Quality Control Board, after Public Hearing, approved the Renewed NPDES Permit effective July 21, 1999 and which expires July 20, 2004; and

**WHEREAS**, the San Mateo County Flood Control District Act, as amended by the State Legislature in 1992 (Assembly Bill 2635), authorized the San Mateo County Flood Control District (“District”) to impose charges to fund storm drainage programs such as the NPDES Program; and

**WHEREAS**, in 1995, District adopted, by ordinance, charges (“Basic Charges”) to fund the Countywide General Program at the following rates: Single Family Resident: \$3.44/APN; Miscellaneous, Agriculture, Vacant and Condominium: \$1.72/APN; all other land uses a base rate of \$3.44/APN for the first 11,000 square feet plus \$0.3127 per 1,000 additional square feet of parcel area; and

**WHEREAS**, District has requested all cities to indicate, by resolution, whether they wish to have District collect the Basic Charges on behalf of the city to fund a portion of the \$1,295,348 Budget for FY 2002-2003; and

**WHEREAS**, the charges are in the nature of a sewer service charge in that they are intended to fund a federally mandated program the purpose of which is to create waste treatment management planning processes to reduce the amount of pollutants in discharges from property into municipal storm sewer systems which, in turn, discharge into the waters of the United States.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the Town of Atherton as follows:

- 1. The Town of Atherton respectfully requests the San Mateo County Board of Supervisors, acting as the governing board of the San Mateo County Flood Control District, to impose those charges necessary to fund the Countywide NPDES General Program.**
2. The Town of Atherton respectfully requests that all properties within the territorial limits of the City be charged the annual charges in accordance with said charges stated above.
3. The City Clerk is hereby directed to forward a copy of this Resolution to the San Mateo County Board of Supervisors and to the NPDES Coordinator of C/CAG.
4. Resolution No. 02-17 is hereby rescinded.

\* \* \* \* \*

I hereby certify that the foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council held on the \_\_\_\_\_ day of July, 2002, by the following vote:

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

ABSTAIN: COUNCILMEMBERS:

---

Alan B. Carlson, Mayor  
TOWN OF ATHERTON

ATTEST:

---

Sharon Barker, City Clerk

APPROVED AS TO FORM:

---

Marc G. Hynes, City Attorney

**RESOLUTION NO. 02-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF  
ATHERTON RECOMMENDING THAT THE SAN MATEO COUNTY  
FLOOD CONTROL DISTRICT IMPOSE ADDITIONAL CHARGES FOR  
FUNDING THE EXPANDED SCOPE OF WORK FOR THE 2002-2003  
COUNTYWIDE NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM GENERAL PROGRAM AND REPEALING  
RESOLUTION NO. 02-17**

**WHEREAS**, the Environmental Protection Agency, under amendments to the 1987 Federal Clean Water Act, imposed regulations that mandate local governments to control and reduce the amount of stormwater pollutant runoff into receiving waters; and

**WHEREAS**, under the authority of the California Porter-Cologne Water Quality Act, the State Water Resources Control Board has delegated authority to its regional boards to invoke permitting requirements upon counties and cities; and

**WHEREAS**, in July 1991, the San Francisco Bay Regional Water Quality Control Board notified San Mateo County of the requirement to submit a National Pollutant Discharge Elimination System (NPDES) Permit Application by November 30, 1992; and

**WHEREAS**, in furtherance of the NPDES Permit Process, San Mateo County, in conjunction with all incorporated cities in San Mateo County, has prepared a San Mateo Countywide Stormwater Management Plan, which has a General Program as a fundamental component of the Management Plan; and

**WHEREAS**, the San Mateo Countywide Stormwater Management Plan was submitted to the San Francisco Bay Regional Water Quality Control Board and the Management Plan was approved by the Board and made part of the NPDES Waste Discharge Permit CA 0029921, issued September 13, 1993 and remaining in effect through June 30, 1998; and

**WHEREAS**, the San Mateo Countywide Stormwater Management Plan and NPDES Waste Discharge Permit CA 0029921 required that San Mateo County submit a renewal application by March 31, 1998, including a Stormwater Management Plan for 1998 through 2003; and

**WHEREAS**, The San Mateo County NPDES Technical Advisory Committee prepared the San Mateo Countywide Stormwater Management Plan for 1998-2003; and

**WHEREAS**, the Town of Atherton accepted, adopted and committed to implement the San Mateo Countywide Stormwater Management Plan for 1998-2003 and the renewal application and the Plan were submitted to the San Francisco Regional Water Quality Control Board on March 18, 1998; and

**WHEREAS**, the San Francisco Bay Regional Water Quality Control Board, after Public Hearing, approved the Renewed NPDES Permit effective July 21, 1999 and which expires July 20, 2004; and

**WHEREAS**, the San Francisco Bay Regional Water Quality Control Board (RWQCB) has imposed additional requirements on the NPDES General Program beyond those required in the current Renewed NPDES Permit; and

**WHEREAS**, the San Mateo County Flood Control District Act, as amended by the State Legislature in 1992 (Assembly Bill 2635), authorized the San Mateo County Flood Control District (“District”) to impose charges to fund storm drainage programs such as the NPDES Program; and

**WHEREAS**, in 1995, the District adopted a basic NPDES charge to fund the Countywide General Program; and

**WHEREAS**, in order to meet expanded requirements of the NPDES General Program, the District adopted and imposed additional annual charges that, when added to the previously adopted Basic Charges, will be necessary to fund the Program; and

**WHEREAS**, District has requested all cities to indicate, by resolution, whether they wish to have District collect the additional charges on behalf of the city to fund a portion of the \$1,295,348 Budget for Fiscal Year 2002-2003 at the following rates: Single Family Resident: \$2.4842/APN; Miscellaneous, Agriculture, Vacant and Condominium: \$1.2421/APN; all other land uses a base rate of \$2.4842/APN for the first 11,000 square feet plus \$0.2240 per 1,000 additional square feet of parcel area; and

**WHEREAS**, the charges are in the nature of a sewer service charge in that they are intended to fund a federally mandated program the purpose of which is to create waste treatment management planning processes to reduce the amount of pollutants in discharges from property into municipal storm sewer systems which, in turn, discharge into the waters of the United States.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the Town of Atherton as follows:

1. The Town of Atherton approves the expanded Scope of Work imposed on the NPDES General Program and respectfully requests the San Mateo County Board of Supervisors, acting as the governing board of the San Mateo County Flood Control District, to impose those additional charges necessary to fund the County-wide NPDES General Program; and

2. The Town of Atherton requests that all properties within the territorial limits of said City be charged the additional annual charges in accordance with said additional charges stated above; and

3. The City Clerk is hereby directed to forward a copy of this Resolution to the San Mateo County Board of Supervisors and to the NPDES Coordinator of C/CAG.

4. Resolution No. 02-17 is hereby rescinded and declared to be of no further force or effect.

\* \* \* \* \*

I hereby certify that the foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council held on the \_\_\_\_\_ day of July, 2002, by the following vote:

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

\_\_\_\_\_  
Alan B. Carlson, 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  
CITY MANAGER, JAMES ROBINSON**

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF JULY 17, 2002**

**SUBJECT: ACCEPTANCE OF WORK AND AUTHORIZATION TO RECORD NOTICE  
OF COMPLETION – MIDDLEFIELD ROAD PATCHING PROJECT 02-001**

### **RECOMMENDATION**

Accept the work and authorize recording a notice of completion for Middlefield Road Patching Project No 02.001.

### **INTRODUCTION**

The Council awarded a contract to G Bartolotto Company for Middlefield Road pavement patching, between Fair Oaks and the northwest city limit line. Work under the contract has been completed.

### **ANALYSIS**

The final contract amount for the work is \$48,417.76. Patching will be followed by an asphalt concrete overlay, tapering shoulder slopes with base rock and drainage improvements, under a separate contract.

### **FISCAL IMPACT**

Funding for the project was provided from parcel tax under the FY 01-02 budget.

### **CONCLUSION:**

It is appropriate for the Council to accept the work and authorize recording a Notice of Completion at this time.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps  
Public Works Director

James Robinson  
City Manager



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF JULY 17, 2002**

**SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS FOR WEST  
MIDDLEFIELD ROAD OVERLAY PROJECT 02-003**

### **RECOMMENDATION**

Approve the plans and specifications for West Middlefield Road Overlay Project No. 02-003.

### **INTRODUCTION**

The Council directed that pavement rehabilitation work on Middlefield Road be extended from the end of the current grant project, 100 feet north of Fair Oaks Lane, to the northwest City limit. This work was not included in the grant project because it wasn't known at the time the grant was applied for that there would be sufficient Town funds to provide 50% in matching money, and because the distress in this area was less severe than in the grant area. Passage of the parcel tax has provided funding to rehabilitate this section of road, and the work is being undertaken in two phases: patching, which was completed last month, and resurfacing, which is covered by this West Middlefield Road Overlay Project.

### **ANALYSIS**

The project consists of overlaying the existing pavement with a 3-inch thick asphalt concrete overlay reinforced with paving fabric, eliminating edge of pavement drop-offs by filling shoulders with base rock tapers, replacing the deep valley gutter at Jennings Lane with twin 6-inch diameter, shallow drain pipes, and restriping the new pavement surface with centerlines and bicycle stripes that will match the striping in the grant project. Bids will be opened on August 6, and contract award is expected on August 21, 2002. A copy of the plans and specifications is available at the Town Hall reception area for Council review.

### **FISCAL IMPACT**

The project, which is estimated to cost between \$75,000 and \$85,000, will be funded with parcel tax and gas tax funds.

**CONCLUSION:**

It is appropriate for the Council to approve plans and specifications for the work.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps  
Public Works Director

James Robinson  
City Manager



## Town of Atherton

### CITY COUNCIL STAFF REPORT

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

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF JULY 17, 2002**

**SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS FOR POLICE GARAGE  
STORAGE BUILDING AND FENCE - PROJECT 02-004**

### RECOMMENDATION

Approve the plans and specifications for the Police Garage Storage Building, Project No. 02-004.

### INTRODUCTION

The budget provides \$75,000 to construct a garage storage building for the Police Department in the area presently occupied by the metal storage container and DARE car shed. The storage container and shed will be removed as part of the project. The new facility will be used for evidence storage, a home for the DARE car, and as an enclosed shelter for the motorcycle fleet.

### ANALYSIS

The building will be single story, 40' x 36', covered with wood siding and a composition shingle roof that matches the roof on the Administration/Police building. Its design has been reviewed and approved by the Planning Commission, and the Planning Commission's approval was reviewed and approved by the Council. At the time of the Council's approval, there were outstanding issues regarding fencing and buffering between the new building and the rear yard of the property at 76 Fair Oaks Lane. After two meetings between staff and the property owner, these issues have been resolved. A new fence will be built on the Town's side of the line between the two properties, and the area between the new fence and new building will be fenced, with access only from the Fair Oaks Lane side. This is to discourage the Town's use of this area for storage. The area will be dug out and filled with drain rock, to the extent possible while avoiding pine tree roots, and used to retain runoff from the new building's roof. A set of the plans is available in the Town Hall reception area for review.

**FISCAL IMPACT**

The project is budgeted to be funded with facility construction funds.

**CONCLUSION:**

It is appropriate for the Council to approve plans and specifications for the work.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps  
Public Works Director

James Robinson  
City Manager



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JAMES H. ROBINSON, CITY MANAGER**

**DATE: CITY COUNCIL MEETING JULY 17, 2002**

**SUBJECT: APPEAL OF BUILDING OFFICIAL DECISION  
ISSUANCE OF BUILDING PERMIT FOR A RETAINING WALL AT 85  
ORCHARD HILLS DRIVE**

### **RECOMMENDATION:**

That the City Council hear the appeal and uphold the decision of the Building Official and determine that the Building Official acted within his authority to interpret and apply the rules of the Atherton Municipal Code regarding building permit matters.

### **ANALYSIS:**

On June 25, 2002 a building permit was issued for a retaining wall to be located at 85 Orchard Hills. The retaining wall was to be eleven feet high with a three foot high guardrail located at the top. The retaining wall was to be approximately 200 feet long and located 10 feet from and parallel to the rear property line.

On June 26, 2002 Mr. Eric Amadei, the owner of the property to the rear, known as 291 Stockbridge Avenue, filed an appeal and paid the appropriate fees. Mr. Amadei alleges that there are heritage trees in the vicinity of the proposed construction and that those trees are not shown on the construction drawings. Further, Mr. Amadei alleges that the proposed retaining wall is subject to Planning Commission review.

On June 26, 2002, Building Official Mike Hood met with the contractor on the site of 85 Orchard Hills and measured all large trees in the vicinity of the proposed construction. The largest tree was 45 inches in circumference when measured 48 inches above the

ground. The next largest tree was 42 inches in circumference. The definition of a heritage tree in the Atherton Municipal Code is a tree that is greater than 48 inches in circumference when measured 48 inches above the ground. Therefore, no heritage trees exist within the vicinity of the proposed construction. Regardless, the property owner plans to preserve and maintain these trees.

Although Planning Commission review is not required, the general rules that apply to retaining walls are as follows:

1. If located at the property line, a retaining wall is regulated like a fence, that is, limited to 6 feet in height.
2. If located 10 feet or more from the property line, a retaining wall is regulated like an accessory structure and limited to 11 feet in height with a maximum of a 4 foot high guard railing at the top.

Landscape screening requirements have been discussed with the retaining wall applicant and a landscape screening plan will be required prior to the pouring of the retaining wall. Generally, the retaining wall applicant is proposing trees and scrubs at the base of the retaining wall and ivy to cover the wall itself.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JAMES H. ROBINSON, CITY MANAGER**

**DATE: FOR THE MEETING OF JULY 17, 2002**

**SUBJECT: CONSIDERATION AND POSSIBLE ACTION OF A REQUEST FOR REIMBURSEMENT OF PERMIT FEE FOR DEAD OR DANGEROUS TREE**

### **RECOMMENDATION**

It is recommended that the City Council consider the request of Douglas M. Heller for reimbursement of a \$250.00 tree removal permit, and give direction to staff.

### **BACKGROUND**

The Town of Atherton received the attached letter from Douglas M. Heller requesting a refund of the \$250.00 permit fee paid for the removal of a "dangerous 200 year old live oak tree." Mr. Heller claims that the fee is an unnecessary expense.

The Town of Atherton previously charged a \$250.00 fee to issue a permit for the removal of a dead or dangerous tree. An amended fee resolution was adopted February 13, 2002 which established a \$100.00 fee to issue a permit for the removal of a dead or dangerous tree. Currently, the adopted Fee Resolution does not provide any discretion to staff to waive or reimburse fees. Mr. Heller is aware of this and has requested that the City Council consider his request for reimbursement.

### **FISCAL IMPACT**

The reimbursement of one \$250.00 fee would obviously have a minimal impact. The question is the precedent set and how the Town of Atherton would respond for other requests for reimbursements of fees previously established by the Town. For the 2001 calendar year the Town of Atherton issued some 161 Tree Removal Permits. At that time the fee was \$250.00 for the first tree and \$150.00 for the second tree. The amended fee currently in place is \$100.00 for the first tree and \$50.00 for the second tree.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JAMES H. ROBINSON, CITY MANAGER**

**DATE: FOR THE MEETING OF JULY 17, 2002**

**SUBJECT: DISCUSSION RE: ATHERTON CHANNEL DRAINAGE DISTRICT –  
LIABILITY INSURANCE, WATER TESTING, EASEMENTS**

### **RECOMMENDATION**

Consider specific issues related to the Atherton Drainage Channel and give direction to staff.

### **BACKGROUND :**

At its meeting held July 1, 2002, the Atherton Drainage Channel Council Subcommittee requested that several issues be referred to the Atherton Drainage Channel District Board for consideration and possible action. Issues included Liability Insurance Coverage, a proposal from EOA to conduct Water Quality Reconnaissance of the Atherton Channel, and issues related to easements along the Atherton Drainage Channel. The following is attached to help facilitate this discussion:

1. A memo from the City Clerk outlining the existing Liability coverage for the District which is part of the same liability insurance for the Town of Atherton. Both the Town and the District are self insured up to \$5 million with an excess insurance pool coverage of up to \$10 million.
2. A proposal from EOA to conduct water testing in the amount of \$34,700. This would appear to be a significant expense and any issues related to water quality could be referred to the Regional Water Quality Control Board.
3. A Creek Practice Survey outlining how other communities are dealing with creek issues including easements, maintenance, inspections, homeowner responsibilities and encroachment permits. In addition, Marc Hynes will be available to discuss issues related to easements along the Atherton Drainage Channel.



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: CITY COUNCIL MEETING OF JULY 17, 2002**

**SUBJECT: AMENDMENT TO CHAPTER 5.20 OF THE ATHERTON MUNICIPAL CODE – REVISIONS OF SECTION 5.20.010 REGARDING PERMITS**

#### Recommendation.

It is recommended that the Council consider the attached Ordinance amending regulations pertaining to soliciting activities and introduce the ordinance for first reading.

#### Background.

The attached ordinance amends Section 5.20.010 of the Atherton Municipal Code by deleting from Section 5.20.010 certain activities including soliciting information; soliciting donations of clothing, goods, wares, merchandise, or any other thing for charitable organizations or for charitable purposes; and soliciting "for any other purpose or purposes at all." The reason for deletion of this language is to bring Town regulations into compliance with standards which have recently been announced by the United States Supreme Court in the case of Watchtower Bible and Tract Society of New York, Inc., et al. v. Village of Stratton, et al. (June 17, 2002). In that case, the Court held that city ordinances requiring a permit prior to engaging in door-to-door advocacy as it applies to religious proselytizing, anonymous political speech and the distribution of handbills related thereto was invalid on First Amendment grounds. The revision proposed to Section 5.20.010 is intended to ensure conformance of Atherton's regulations with the supreme Court's decision.

#### Fiscal Impact.

None.

Respectfully,

Marc G. Hynes  
MARC G. HYNES

Attachment

**ORDINANCE NO.**

**AN ORDINANCE OF THE TOWN OF ATHERTON AMENDING CHAPTER 5.20 OF THE ATHERTON MUNICIPAL CODE BY REVISING SECTION 5.20.010 PERTAINING TO PERMITS REQUIRED FOR SOLICITING**

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

**SECTION 1. Amendment of Code.**

Section 5.20.010 of the Atherton Municipal Code is hereby amended to read as follows:

**"Section 5.20.010 Permit -- Required.**

It is unlawful for any person or persons to enter in or upon any private residence, apartment or premises in the town for the purpose of soliciting or canvassing the owner or occupants thereof for orders for goods, wares, merchandise or services of any character or description, or for the purpose of offering to give or furnish any goods, wares, merchandise or services to any such owner or occupant in order to induce or invite any such order or orders, or for the purpose of soliciting subscriptions for books, newspapers, periodicals, magazines, or any other thing, or donations of money unless such person or persons shall have first applied for and received from the chief of police of the town a permit so to do.

**SECTION 2. Continued Effect of Chapter 5.20.**

Except as amended by this ordinance, all other provisions of Chapter 5.20 of the Atherton Municipal Code shall continue to remain in effect.

**SECTION 3. Validity.**

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

**SECTION 4. Posting.**

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

\* \* \* \* \*

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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

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

\_\_\_\_\_

Alan B. Carlson, Mayor  
TOWN OF ATHERTON

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Marc G. Hynes, City Attorney



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: CITY COUNCIL MEETING OF JULY 17, 2002**

**SUBJECT: AMENDMENT TO CHAPTER 15.40 OF THE ATHERTON MUNICIPAL CODE –CONSTRUCTION REGULATIONS**

#### **Recommendation:**

It is recommended that the ordinance amending Chapter 15.40 regarding demolition sales, operations of vehicles and required signs and penalties for violation be considered and introduced for first reading.

#### **Background:**

Based upon comments received regarding the operation of the Town's rules regarding construction, revisions to Section 15.40.110 (Definitions); Section 15.40.140 (Operation of Vehicles – Pick-Ups and Deliveries); Section 15.40.160 Violations and a new Section 15.40.155 regarding Posting of Signs have been prepared for consideration by the Council. They are set out in Sections 1 through 4 of the attached ordinance.

#### **Fiscal Impact.**

None.

Respectfully,

*Marc G. Hynes*  
MARC G. HYNES

MGH:cwb

Attachment

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING CHAPTER 15.40 OF THE ATHERTON MUNICIPAL CODE,  
CONSTRUCTION REGULATIONS, REGARDING DEMOLITION SALES, OPERATIONS  
OF VEHICLES, REQUIRED SIGNS AND PENALTIES FOR VIOLATION**

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

**SECTION 1.**

Section 15.40.110 of the Atherton Municipal Code is amended to revise Subparagraph A to read as follows:

**"15.40.110 Definitions.**

As used in this chapter:

A. Except as otherwise provided in this chapter, "Construction" means the act or process of building, including, but not limited to landscape installation, site preparation, alteration, repair, remodeling, assembly, erection, or similar action, of buildings, structures, pavement, flat work and other works including the use of power equipment in connection with activities therewith. Site preparation includes demolition and the removal of materials in connection with the demolition and/or removal of materials including landscape plantings, by any means including "demolition sales" or invitations to the public to retrieve and remove any material from the site."

**SECTION 2.**

Section 15.40.140 of the Atherton Municipal Code is hereby amended to read as follows:

**"15.40.140 Operation of Vehicles – Pick-Ups and Deliveries.**

Vehicles engaged in the delivery or pick-up of supplies and materials to or from construction projects shall be loaded or unloaded on the construction site whenever possible. Vehicles are not to arrive at the construction site before the hour of 8:00 a.m. and must depart the construction site no later than 5:00 p.m. The engines of delivery and pick-up vehicles shall be shut off upon arriving at the site and shall remain shut off during the time supplies, materials, or equipment are being loaded onto or unloaded from the vehicle unless the operation of the engine is required to load or unload the vehicle."

**SECTION 3.**

Section 15.40.155 is hereby added to the Atherton Municipal Code to read as follows:

**"15.40.155 Posting of Signs.**

Signs advising of the provisions of this Chapter and prepared by the Town shall be purchased from the Town by the person acquiring any building permit or engaging in construction as defined above. Signs shall be posted at locations and in the manner prescribed by the City Manager or designee."

**SECTION 4.**

Section 15.40.160 of the Atherton Municipal Code is hereby amended to read as follows:

**"15.40.160 Violations.**

A. A violation of this ordinance is a misdemeanor and shall be punished as provided in Section 1.20.040. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of violation of any provision in this Chapter. In a civil action brought pursuant to this Chapter in which the Town prevails, the court may award to the Town all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.

B. As part of a civil action brought by the Town, a court may assess against any person who commits, allows, or maintains a violation of any provision of this Chapter a civil penalty in an amount not to exceed five thousand dollars per violation.

C. Upon any guilty plea or judgment or conviction, in any criminal proceeding brought for the violation of this ordinance, where the defendant is entitled by law to probation, then the court may require the payment to the Town of the costs and expenses as described above and the code provision incorporated by reference as one of the conditions of such probation."

**SECTION 5.**

Except as added and amended, all other terms and provisions of Chapter 15.40 continue to remain in effect.

**SECTION 6.**

The City Council hereby declares it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions are severable and, if for any reason any 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 7.**

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

\* \* \* \* \*

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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

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

\_\_\_\_\_  
Alan B. Carlson, Mayor  
TOWN OF ATHERTON

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc G. Hynes, City Attorney



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JAMES H. ROBINSON, CITY MANAGER**

**DATE: FOR THE CITY COUNCIL MEETING OF JULY 17, 2002**

**SUBJECT: ACCEPTANCE OF STATUS REPORT BY CITY MANAGER OF ANNUAL REVIEW OF LITTLE LEAGUE COMPLIANCE WITH PARK LICENSE AGREEMENT**

### **RECOMMENDATION:**

1.) Accept status report from the City Manager regarding compliance by the Little League to the terms of the "License Agreement" between the Town of Atherton and the Menlo-Atherton Little League. 2.) Receive input from City Council regarding the Little League's compliance with the agreement and mitigation measures. 3.) Direct the City Manager to meet with the President of the Little League to ensure compliance with the attached agreement and conduct an annual review.

### **BACKGROUND:**

In August of 2000 the Town of Atherton entered into a license agreement with the Menlo-Atherton Little League Inc. The intent of the agreement was to grant a license to the Little League to permit the construction and operation of a Little League ball field on a portion of the Holbrook-Palmer Park during a period of late February through June. The agreement (see attached) also provided for reimbursement of certain maintenance costs, restrictions for hours and days of use, contributions for restroom facilities, and restrictions on outfield fencing and the removal of the backstop fencing and players seating area at the end of the Season.

The agreement also provided that the City Manager and Little League would conduct an annual review of use and operation of the Park improvements to ensure that the Little League was in compliance. It also provided that, prior to this meeting, the City Manager would seek input from both the City Council and Park and Recreation Commission on compliance with the agreement.

The City Manager met with the Park and Recreation Commission July 10, 2002 to solicit comments on compliance with the agreement and mitigation measures adopted for the project. No comments were received, however, the Commission complimented the Little League for removal of the backstop in a timely manner.

The City Manager also contacted all City departments regarding issues of noise, parking, conflicts with other park activities, compliance with the License agreement and mitigation measures, etc. to determine if any complaints were filed in relation to the use of the field by the Little League. I did not receive any confirmation of complaints from staff, nor were any noted in the Police Log during the entire season. It was also noted that the Town did not receive any complaints about the use of the field area following the prescribed Little League season.

**CONCLUSION:**

As noted above, it would appear that the Menlo-Atherton Little League has complied with all of the terms of the license agreement for the Holbrook-Palmer Park Little League Baseball Field, with the Town of Atherton, subject to review and comment by the City Council.