



AGENDA
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



- 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. Proclamation Commemorating the 75th Anniversary of Menlo College
- 7:15 P.M.** 4. **COUNCIL REPORTS**
- 7:25 P.M.** 5. **PUBLIC COMMENTS** (only for items which are not on the agenda –
limit of three minutes per person)
- 7:35 P.M.** 6. **STAFF REPORTS**
- 7:45 P.M.** 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed
by Resolution No. 99-6)
- Atherton Tree Committee
- 8:00 P.M.** **CONSENT CALENDAR** (Items 8 - 16)
8. **APPROVAL OF MINUTES OF SPECIAL AND REGULAR
MEETINGS OF MAY 15, 2002**
9. **APPROVAL OF BILLS AND CLAIMS FOR MAY, 2002 IN THE
AMOUNT OF \$787,381**
10. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR MAY
2002**

11. ADOPTION OF AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE REGARDING HERITAGE TREES

Recommendation: Adopt an Ordinance amending Atherton Municipal Code Section 8.10 regarding Heritage Trees and Section 1.16, General Provisions.

12. ACCEPTANCE OF WORK HOLBROOK-PALMER PARK PLAY AREA RENOVATION, PROJECT 01-005

Recommendation: Accept the work of Holbrook-Palmer Park Play Area Renovation – Project 01-005.

13. ADOPTION OF A RESOLUTION AUTHORIZING MAYOR TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION APPLICABLE TO THE MIDDLEFIELD ROAD REHABILITATION PROJECT

Recommendation: Adopt Resolution No. 02-__ authorizing the Mayor to execute all agreements with the California Department of Transportation applicable to the Middlefield Road Rehabilitation Project.

14. ADOPTION OF A RESOLUTION 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

Recommendation: Adopt Resolution No. 02-__ 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. ADOPTION OF A RESOLUTION STATING INTENT TO CONSIDER THE VACATION OF A PUBLIC UTILITIES EASEMENT AT 57 BROAD ACRES ROAD AND SETTING A PUBLIC HEARING FOR AUGUST 21, 2002

Recommendation: Adopt Resolution No. 02-__ stating intent to consider the vacation of that certain Public Utility Easement located at 57 Broad Acres Road, and setting a public hearing for August 21, 2002.

16. APPROVAL OF POLICE TOWING CONTRACT

Recommendation: Approve a contract adding Specialty Towing to the list of approved towing companies established by the Police Department.

PUBLIC HEARING (Item 17)

8:05 P.M. 17. PUBLIC HEARING AND ADOPTION OF RESOLUTION ORDERING VACATION OF A PORTION OF MCCORMICK LANE RIGHT-OF-WAY

Recommendation: Open public hearing, hear testimony, close public hearing. After consideration, adopt Resolution No. 02-___ ordering the vacation of McCormick Lane right-of-way, with reservation of easements for bicycles, pedestrians, public utilities and sanitary sewers.

REGULAR AGENDA (Items 18 - 27)

8:15 P.M. 18. APPROVAL OF AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES FOR FISCAL YEAR 2002/03 - NEAL MARTIN AND ASSOCIATES

Recommendation: Approve amendment to agreement for professional services for FY 2002/03 for Neal Martin and Associates.

8:25 P.M. 19. APPROVAL OF PLANS AND SPECIFICATIONS AND AWARD OF CONTRACT FOR 2002 STREET RECONSTRUCTION – PHASE I, PROJECT 2001-01

Recommendation: Approve the plans and specifications for 2002 Street Reconstruction, Phase I, and award a contract for construction.

8:35 P.M. 20. DISCUSSION OF PROPOSED FISCAL YEAR 2002-03 INTEGRATED OPERATING/CAPITAL BUDGET

ADOPTION OF RESOLUTION ADOPTING FY 2002-03 BUDGET

ADOPTION OF RESOLUTION APPROVING THE FISCAL YEAR 2002-03 APPROPRIATIONS LIMIT AND CALCULATIONS

Recommendation: Consider proposed FY 2002-03 Integrated Operating/Capital Budget and adopt Resolution No. 02-___ adopting the FY 2002-03 Budget, and Resolution No. 02-___ approving the FY 2002-03 Appropriations Limit and Calculations.

- 8:55 P.M. 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**
- Recommendation:** Set a date for a public hearing for adoption of a resolution establishing a Special Tax for Municipal Services for FY 2002-03 as per Ordinance No. 520.
- 9:05 P.M. 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**
- Recommendation:** Adopt Resolution No. 02-___ 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.
- 9:15 P.M. 23. **DISCUSSION AND POSSIBLE ACTION – REVIEW OF UPDATED CITY COUNCIL RULES OF PROCEDURE**
- Recommendation:** Review City Council Rules of Procedure as revised by the City Attorney, and consider adoption.
- 9:30 P.M. 24. **UPDATE ON CITY COUNCIL GOALS AND OBJECTIVES**
- Recommendation:** Review and accept the status report on goals/objectives previously identified and prioritized.
- 9:50 P.M. 25. **APPROVAL OF LETTER REGARDING PROPOSED SKATE PARK IN FLOOD PARK, CITY OF MENLO PARK**
- Recommendation:** Authorize the Mayor to sign a letter to the City of Menlo Park regarding the position of the Atherton City Council with respect to the proposed Skate Park in Flood Park. ~~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~~

10:00 P.M. 26. **CONSIDER RESPONSE TO LETTER FROM ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) – COUNCIL POSITION ON SB 1243**

Recommendation: Authorize the Mayor to sign a letter in opposition to SB 1243, legislation which proposes a study and merger of ABAG (Association of Bay Area Governments) and MTC (Metropolitan Transportation Commission).

10:10 P.M. 27. **DISCUSSION AND DIRECTION TO STAFF – ENFORCEMENT OF CONSTRUCTION NOISE AND MATERIALS AND DELIVERY ORDINANCES**

Recommendation: Consider and give direction to staff regarding enforcement of Ordinance No. 514 pertaining to noise control, and Ordinance No. 526 regarding retrieval and delivery of construction materials.

10:20 P.M. 28. **PUBLIC COMMENTS**

10:30 P.M. 29. **ADJOURNMENT**

Agendas and staff reports may be accessed on the Town website at: www.ci.atherton.ca.us

Please contact the City Clerk's Office at 650.752.0529 with any questions

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



Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
May 15, 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
Dianne M. Fisher
William R. Conwell
Alan B. Carlson

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

2. PUBLIC COMMENTS - None

3. CLOSED SESSION – The Council adjourned to closed session at 6:05 p.m.

4. RECONVENE TO OPEN SESSION – The Council reconvened to open session at 6:55 p.m. Action was taken on the following items:

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

No action, status report only.

B. CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code Section 94957.6
Agency Negotiator: James H. Robinson, City Manager

Employee Organization: Management Employees

Direction was given to the City Manager.

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

Direction was given to the City Manager.

- D. LIABILITY CLAIM – pursuant to Government Code Section 54956.95**

Claimant: Systems Business Machines, Inc.
Agency Claimed Against: Town of Atherton

Direction was given to the City Attorney.

5. ADJOURNMENT

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Alan B. Carlson, Mayor



**Draft Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
May 15, 2002
7:00 p.m.
TOWN COUNCIL CHAMBERS**

94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Carlson called the meeting to order at 7:05 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 James Robinson and City Attorney Marc Hynes were also present.

3. **PRESENTATIONS**

Mayor Carlson presented the following proclamations and certificates:

- A. Proclamation recognizing Laurel Elementary School Crossing Guard, Carl Jones
- B. Proclamation for American Cancer Society Relay for Life, May 18 –19, 2002
- C. Certificates of Recognition for Eagle Scouts:

Chris Child	Ted Enns
Garrett Jacobs	Amarnath Santhanam
John Sutherland	Greg Vallarino
Anthony Schoch	Scott Norton
Mike Merrill	

4. **COUNCIL REPORTS**

- Council Member Conwell reported on the City/County Association of Governments meeting held last week. The Criminal Justice Council met today and heard a presentation by the San Mateo County Options Program. The San Francisco Airport Roundtable met and is working on the “Fly-quiet” Program.
- Council Member Fisher attended the Library JPA Board meeting. The Library budget has been submitted to the County, and the Library Board has authorized the two donor cities (Atherton and Woodside) to have control of their donor city monies.
- Vice Mayor Janz attended the General Assembly of the Association of Bay Area Governments (ABAG) on April 25th. The Board approved the ABAG budget and adopted a resolution opposing a bill to combine ABAG with the Metropolitan Transportation Commission. On April 26th, the Council of Cities City Selection Committee met and recommended three candidates to the State for appointment to the Coastal Commission. Vice Mayor Janz attended a workshop on May 11th sponsored by ABAG on the need for Bay Area governments to provide jobs and housing.
- Council Member McKeithen attended a San Mateo County Emergency Services meeting on April 18th. The radio microwave installation replacement project is on schedule. A countywide disaster exercise was held April 11th with emphasis on the effects a disaster would have on water service. Atherton’s annual assessment for the Council increased 15.4%, to \$2304. Council Member McKeithen announced that the next Channel Drainage District Committee meeting is scheduled for Monday, May 20th, at 8:00 a.m. She asked the City Manager to report back to the Council on the Town’s system for reporting creek spills.
- Mayor Carlson announced that this is National Police Recognition Week. He commended the Atherton Police Department for the excellent job they do for the community. Mayor Carlson and Council Member Fisher of the Facilities Committee met yesterday with a Los Altos Hills council member to discuss the use of private funds for building new municipal facilities. Mayor Carlson asked the City Manager and the Public Works Director to meet and return to the Council with a presentation on the road and drainage studies that were done last year.

5. PUBLIC COMMENTS

- Marion Oster, Atherton Heritage Association, thanked the Council and staff for providing the Council Chambers Conference Room for the Association, and for working to clean it up. She reported that she is trying to find someone to restore a 100 year old concrete bench from the Flood Estate that has been damaged. She will meet with the City Manager to determine if the bench is on city property and to determine ownership.
- John Sisson, 26 Belleau, on maintenance of the Lloyd Gates.
- Jim Dobbie – on the posting of signs on construction noise (referred to staff).
- Bob Huber - One Frederick Ave
- Charles Marsala – announced the Arts Committee concert, Jazz in the Meadow, on June 2 in Holbrook-Palmer Park.

- **John Ruggeiro, Stockbridge Avenue, announced a Town meeting to be sponsored by ACIL will be held on May 16th in Holbrook-Palmer Park.**

6. STAFF REPORTS

- **City Attorney Marc Hynes reported out on the Closed session items:**

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

No action, status report only.

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

Direction was given to the City Manager.

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

Direction was given to the City Manager.

D. LIABILITY CLAIM – pursuant to Government Code Section 54956.95

**Claimant: Systems Business Machines, Inc.
Agency Claimed Against: Town of Atherton**

Direction was given to the City Attorney.

- **City Manager Jim Robinson reported on the warrant list. He reported that animal control costs will be reduced next year to reflect actual services provided. A special Park and Recreation Commission meeting will be held on May 23rd to review the Holbrook-Palmer Park survey. He announced that Caltrain will be sending notices to Atherton homeowners' associations regarding construction activity which will take place this summer.**
- **City Clerk Sharon Barker reported that the filing dates for nomination papers for the November 5, 2002 City Council election are July 15 to August 9. If an incumbent does not file papers, the last day to file will be extended to August 14.**

Council asked staff to return to the next Council meeting with a draft letter stating the Town's concerns regarding the noise and safety implications of locating the skate park at the Flood Park site.

12. CONSIDERATION OF RECOMMENDATION OF PARK AND RECREATION COMMISSION TO PROCEED WITH SCULPTURE PROJECT IN LIBRARY READING PARK

City Manager Jim Robinson stated that the sculpture project proposed by the Arts Committee has received approval by the Park and Recreation Commission. The proposed location for the sculpture has been designated in the Library Reading Park. Fran Eastman, Chair of the Arts Committee, stated that the project is designed to allow hands-on participation by the community. An artist will direct the carving of the sculpture at the site several times a week.

MOTION – to approve the recommendation of the Park and Recreation Commission to place the sculpture in the Library Reading Park, and give appropriate direction to staff.

M/S McKeithen/Fisher

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

13. CONSIDER APPROVAL OF CONSTRUCTION OF POLICE STORAGE BUILDING

Senior Planner Lisa Costa Sanders presented the staff report for this item. The storage building project is included in the 2001/02 through 2004/05 Capital Improvement Program, and has been reviewed by the Planning Commission. Staff is asking for authorization to prepare the construction drawings necessary for a bid package. Once the plans are prepared, staff would return to the Council for approval of the plans and specifications and to authorize bids.

Chief Brennan responded to questions from the Council regarding the request for the building which is to be constructed to house police vehicles. The existing storage containers behind the Town Administrative Offices would be removed and replaced with a new 40' by 36' building.

Mr. Fennell, the neighboring property owner at 76 Fair Oaks Lane, referred to a letter he wrote to the Planning Commission requesting that the Town install a sound barrier between his property and the Town's. Mr. Fennell also expressed concerns with the cell phone tower located behind the Police Department. Staff was asked to research the safety of the tower.

MOTION – authorized staff to prepare bid specifications plans for the construction of a new police storage building behind the Town Administrative Office building.

M/S McKeithen/Janz

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

M/S Conwell/Janz

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

17. APPROVAL OF THE PURCHASE OF AN UNMARKED POLICE VEHICLE AND AUTHORIZATION TO SURPLUS FLEET VEHICLES

Police Chief Brennan answered questions on this item. The Police Department is asking to replace a vehicle that was scheduled to be replaced in July, 2002. The current vehicle sustained engine failure which requires its replacement in the current budget year.

MOTION – to approve the purchase of an unmarked police vehicle from Serramonte Ford for an amount not to exceed \$25,617, and authorize the Police Department to surplus five vehicles as listed in the staff report, and that money from the surplus vehicles go back into the Vehicle Replacement Fund.

M/S McKeithen/Fisher

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

18. DISCUSSION AND POSSIBLE ACTION - REVIEW OF UPDATED CITY COUNCIL RULES OF PROCEDURE

A revised copy of the City Council Rules of Procedure was presented for review. Discussion ensued regarding including a policy on mayoral proclamations. Other changes were recommended to make the Rules more consistent.

The Council asked the City Attorney to return to the June 19th regular meeting with revisions as discussed.

19. SET DATE FOR CONSIDERATION OF TOWN OF ATHERTON OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2002/03

The Council agreed to set a meeting date of Monday, June 17, 2002 at 5:00 p.m. for a public hearing for consideration of the Fiscal Year 2002/03 Budget.

20. SET DATE FOR COMMUNITY ROUNDTABLE MEETING

The Council agreed to set Tuesday, September 10, 2002 at 7:00 p.m. for the annual meeting of the Community Organization Roundtable. Staff will contact the organizations and check with the Park Manager for conflicts at the Pavilion.

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

MOTION – to appoint Vice Mayor Janz to attend the San Mateo County City Selection Committee meeting on May 17, 2002, and authorize him to vote for city representatives to certain County commissions.

M/S McKeithen/Fisher

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

23. PUBLIC COMMENTS

No comments.

24. ADJOURNMENT

The meeting adjourned at 11:05 p.m.

Respectfully submitted,

Sharon Barker, City Clerk

TOWN OF ATHERTON

CLAIMS LIST

May, 2002

Payroll Checks	598 - 745	\$54,586
Electronic Transfers		228,230
A/P Checks	12653 – 12923	504,565
	TOTAL	\$787,381

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 598 through 745 (Payroll) and 12653 through 12923 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$787,381 are true and correct, and that there are funds for payment.

James H. Robinson
City Manager

The above claims, Payroll check numbers 598 through 745, Accounts Payable check numbers 12653 through 12923 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$787,381; and are hereby approved for payment.

Alan B. Carlson
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$632,844
105	Tennis Fund	3,928
201	Special Parcel Tax	
202	Transportation	41,627
203	Gas Tax Fund	
210	Road Construction Impact Fees	
401	General Capital Projects	
402	Storm Drainage	12,111
403	Atherton Channel District	
404	Park Playground Improvement	32,779
610	Vehicle Replacement	25,618
611	Computer Maint. & Replacement	1,050
612	Administrative Services	6,698
614	Workers Compensation Insurance	
715	Evans Estate	29,652
730	H-P Park Improvement	
740	Tree Committee	1,074
	TOTAL	\$787,381

Item No. 10



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JOHN P. JOHNS, FINANCE DIRECTOR
DATE: FOR THE MEETING OF JUNE 19, 2002
SUBJECT: MONTHLY FINANCIAL REPORT, MAY, 2002

RECOMMENDATION:

Receive and file Monthly Financial Report for May, 2002.

INTRODUCTION:

The attached schedules show revenues and expenditures and fund balance for all funds as of May 31, 2002.

HIGHLIGHTS

General Fund revenues and expenditures continue to track favorably with respect to the budgetary estimates prepared at the beginning of the year.

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 Eleven Months Ended May 31st, 2002

Fund	Revenue Source	2001-02 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	Property Tax	\$ 2,624,563	22,357	\$ 2,794,906	106%
	Sales and Use Tax	306,000	15,983	128,816	42%
	Other Taxes	481,133	55,145	489,405	102%
	Licenses & Permits	1,316,200	109,180	1,309,166	99%
	Fines & Forfeitures	110,000	5,833	88,590	81%
	Investment & Rental Income	358,200	44,428	325,897	91%
	Revenue from Other Agencies	484,124	24	338,082	70%
	Charges for Services	502,700	45,725	413,932	82%
	Other Revenues	12,150	205	2,182	18%
	Total General Fund Revenues	6,195,070	298,880	5,890,976	95%
	Interfund (Operating) Transfers In	450,000		-	0%
101	General Fund Total	6,645,070	298,880	5,890,976	89%
	Special Revenue Funds:				
105	Tennis	9,000	1,350	10,474	116%
201	Special Parcel Tax	1,600,000	-	1,358,609	85%
202	Transportation	270,000	19,793	186,218	69%
203	Street Improvement (Gas Tax)	200,000	13,618	139,075	70%
208	Police on the Street	-	-	23,500	100%
209	Law Enforcement	100,000	-	100,000	100%
210	Road Construction Impact Fees	450,000	35,395	394,267	88%
211	State Park Grants Fund	89,910	-	-	0%
	Total	2,718,910	70,156	2,212,143	81%
	Capital Project Funds:				
401	Capital Improvement	10,000	-	-	0%
402	Storm Drainage	10,000	-	230	2%
403	Channel Drainage District	38,000	322	38,978	103%
404	Park Playground Improvement	325,000	250	29,542	9%
405	Middlefield Road Grants	600,000	-	-	0%
406	Facilities Construction	220,000	-	-	0%
	Total	1,203,000	572	68,750	6%
	Internal Service Funds:				
610	Vehicle Replacement	243,020	-	143,020	59%
611	Information Technology	77,610	-	77,837	100%
612	Administrative Services	213,300	-	213,097	100%
614	Workers Compensation Insurance	170,000	-	35,056	21%
	Total	703,930	-	469,010	67%
Total Revenues and Transfers -- All Funds:	\$ 11,270,910	369,608	\$ 8,640,879	77%	
	Trust and Agency Funds:				
715	Evans Creative Design	53,040	16,594	97,808	31%
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%
	Total	53,040	16,594	98,808	186%
Total Revenues	11,323,950	386,202	8,739,687	77%	

TOWN OF ATHERTON
Expenditure Summary
For the Eleven Months Ended May 31st, 2002

Fund	Description	2001-02	Current Period	Year to Date	%
Department		Budget	Expenditures	Expenditures	Spent
101	General Fund				
11	City Council	\$ 21,739	\$ 1,735	\$ 21,523	99%
12	City Manager	442,708	44,061	390,368	88%
16	City Attorney	196,199	25,742	140,805	72%
18	Finance	362,598	(28,602)	369,296	102%
25	Building	713,814	77,662	746,141	105%
40	Police	3,371,582	322,418	3,001,444	89%
50	Public Works	1,632,102	180,785	1,413,022	87%
	Contingency	100,000	-	-	0%
	Total General Fund Expenditures	<u>6,840,742</u>	<u>623,801</u>	<u>6,082,599</u>	<u>89%</u>
	Interfund (Operating) Transfers Out	320,000	-	-	0%
101	General Fund Total	<u>\$ 7,160,742</u>	<u>\$ 623,801</u>	<u>\$ 6,082,599</u>	<u>85%</u>
Special Revenue Funds:					
105	Tennis	7,500	3,928	8,954	119%
201	Special Parcel Tax	1,600,000	-	286,231	18%
202	Transportation	267,950	41,627	229,020	85%
203	Street Improvement (Gas Tax)	330,700	-	233,997	71%
208	Police on the Street	-	-	-	-
209	Law Enforcement	199,424	28,113	154,641	78%
210	Road Impact Fees	450,000	-	2,845	1%
211	State Park Grants	89,910	-	-	0%
	Total	<u>2,945,484</u>	<u>73,668</u>	<u>915,688</u>	<u>31%</u>
Capital Project Funds:					
401	Capital Improvement	-	-	472	-
402	Storm Drainage	162,409	12,111	65,140	40%
403	Channel Drainage District	251,000	-	32	0%
404	Park Playground Fund	325,000	32,779	187,463	58%
405	Middlefield Road Grants	600,000	-	173	0%
	Total	<u>1,338,409</u>	<u>44,890</u>	<u>253,280</u>	<u>19%</u>
Internal Service Funds:					
610	Vehicle Replacement	106,041	53,659	133,697	126%
611	Information Technology	90,166	29,091	54,404	60%
612	Administrative Services	233,756	48,389	269,836	115%
614	Workers Compensation Insurance	135,000	-	61,691	46%
	Total	<u>564,963</u>	<u>131,139</u>	<u>519,628</u>	<u>92%</u>
Total Expenditures and Transfers -- All Funds					
		<u>\$ 12,009,598</u>	<u>\$ 873,498</u>	<u>\$ 7,771,195</u>	<u>65%</u>
Trust and Agency Funds:					
715	Evans Creative Design	54,010	3,827	65,193	121%
727	Colley Reward Fund	-	-	-	-
730	H-P Park Improvement	-	-	583	-
731	MA Little League	-	-	480	-
740	Tree Committee	-	-	302	-
	Total	<u>54,010</u>	<u>3,827</u>	<u>66,558</u>	<u>-</u>
	Total Expenditures	<u>12,063,608</u>	<u>877,325</u>	<u>7,837,753</u>	<u>65%</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2001-02
As of May 31st, 2002

Fund	Description	Beginning Fund Balance July 1, 2001	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	General Fund	5,070,783	5,890,976	-	6,082,599	4,879,160
	Special Revenue Funds:					
105	Tennis	19,496	10,474		8,954	21,016
201	Special Municipal Tax	-	1,358,609		286,231	1,072,378
202	Transportation	235,556	186,218		229,020	192,754
203	Street Improvement (Gas Tax)	257,225	139,075		233,997	162,303
208	Police on the Street	20,235	23,500		-	
209	Law Enforcement	105,350	100,000		154,641	50,709
210	Road Construction Impact Fees	378,028	394,267		2,845	769,450
211	State Park Grants Fund	-	-		-	-
	Sub Total	<u>1,015,890</u>	<u>2,212,143</u>	<u>-</u>	<u>915,688</u>	<u>2,268,610</u>
	Capital Projects Funds:					
401	Capital Improvement	432,662	-		472	432,190
402	Storm Drainage	120,286	230		65,140	55,376
403	Channel Drainage District	377,396	38,978		32	416,342
404	Park Playground Improvement	305,774	29,542		187,463	147,853
405	Middlefield Road Grants	-	-		173	(173)
406	Facilities Construction	220,000	-		-	220,000
	Sub Total	<u>1,456,118</u>	<u>68,750</u>	<u>-</u>	<u>253,280</u>	<u>1,271,588</u>
	Internal Service Fund					
610	Vehicle Replacement	147,415	143,020		133,697	156,738
611	Information Technology	19,890	77,837		54,404	43,323
612	Administrative Services	9,125	213,097		269,836	(47,614)
614	Workers Compensation Insurance	(31,794)	35,056		61,691	(58,429)
	Sub Total	<u>144,636</u>	<u>469,010</u>	<u>-</u>	<u>519,628</u>	<u>94,018</u>
	Trust and Agency Funds					
715	Evans Creative Design	110,464	97,808		98,037	110,235
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>-</u>	<u>98,037</u>	<u>183,071</u>
	Grand Total	<u>\$ 7,870,727</u>	<u>\$ 8,738,687</u>	<u>\$ -</u>	<u>\$ 7,869,232</u>	<u>\$ 8,696,447</u>

Item No. 11



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: MARC G. HYNES, CITY ATTORNEY
DATE: CITY COUNCIL MEETING OF JUNE 19, 2002
SUBJECT: HERITAGE TREE ORDINANCE

Attached for second reading and adoption is the ordinance amending the Heritage Tree regulations. The title has been revised to provide some more information regarding the changes. Corrections noted by City Councilmembers have been incorporated as well.

It is recommended that reading of the ordinance be waived, other than the title, and that it be adopted.

Respectfully,

Marc G. Hynes
Marc G. Hynes

Attachment

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING
CHAPTER 8.10 (HERITAGE TREES) AND 1.16 (GENERAL PROVISIONS)
OF THE ATHERTON MUNICIPAL CODE TO MORE CLEARLY DEFINE TREE
DAMAGE, ESTABLISH CIVIL PENALTY PROVISIONS AND TO AUTHORIZE
CITATION AUTHORITY FOR THE BUILDING OFFICIAL AND ARBORIST**

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

SECTION 1: Amendment of Code. Section 8.10.020 of the Atherton Municipal Code is hereby amended to read as follows:

"8.10.020 Definitions.

As used in this Chapter:

A. "Heritage tree" means either:

1. A tree, located in the Tree Preservation Area, or a native oak tree (*Quercus lobata*, *Quercus agrifolia* or *Quercus douglasii*) located anywhere on a lot, which has a trunk circumference of forty-eight inches or more, when measured forty-eight inches above the natural grade;

2. A tree so designated by the City Council, based upon findings that the particular tree is unique and of importance to the public due to its unusual age, appearance, location or other factors.

3. The trees listed below shall not be classified as heritage trees:

Acacia baileyana-Bailey Acacia

(*Mimosa*)

Acacia decurrens-Green Wattle

Acacia melanoxylon-Black Acacia

Ailanthus altissima-Tree of Heaven

B. "Tree preservation area" means the area outside the building area of the lot, as defined in Section 17.08.080 of this code.

C. "Damage to a heritage tree" means any action, in the judgment of the Building Official or Town Arborist, which will cause damage to its health including, by way of example, but not limited to, excess pruning, topping, cutting, girdling, poisoning, over-watering, unauthorized relocation or transportation of a tree, or trenching, excavating, altering the grade, compaction or paving near the tree."

SECTION 2: Amendment of Code. Section 8.10.030 of the Atherton Municipal Code is hereby amended to read as follows:

"8.10.030 Prohibitions and protections.

A. No person shall remove a heritage tree unless a permit has first been issued in accordance with Section 8.10.040.

B. All heritage trees must be shown and designated on every plot map that may be required by the Town in connection with any application for subdivision, variance, use

permit, or building permit. In addition, a Heritage Tree Protection and Preservation Plan may be required with each application. The Heritage Tree Protection and Preservation Plan shall be prepared by a certified arborist to assess impacts to trees; recommend mitigation to reduce impacts to a less than significant level and identify construction guidelines to be followed through all phases of a construction project.

C. It is unlawful for any person to damage or harm a heritage tree by any means whatever, including, without limitation, those actions defined in Section 8.10.020(C) above.

D. The provisions of this Chapter shall not be deemed to repeal or otherwise affect the provisions of Chapter 8.08 of this code, relating to dead or dangerous trees."

SECTION 3: Amendment of Code. Section 8.10.040 of the Atherton Municipal Code is hereby amended by revising Subsections A, D, F, and H to read as follows:

"A. The application for a heritage tree removal permit shall be filed with the Building Department on a prescribed form. The Building Department may require the applicant, at the applicant's expense, to furnish a written report from a licensed tree expert acceptable to the Building Department.

D. The application shall be heard and considered at a public meeting of the Planning Commission. Notice of the meeting shall be mailed by the Town at least ten days before the meeting, to the owners of each property described in Subsection (C)(2) of this Section.

F. At the discretion of the Planning Commission, for each heritage tree permitted to be removed the permittee may be required to plant three trees of fifteen gallon container size, or two trees of twenty-four inch box container size, or one tree of fifteen gallon container size and one tree of thirty-six inch container size. Where native heritage oak trees are allowed to be removed from within the buildable area, they shall each be replaced with one or more trees of 48 inch container size of native oak species at a location approved by the Planning Commission. The Planning Commission may also attach other reasonable conditions to ensure compliance with the intent and purpose of this Chapter.

H. It is strongly recommended that the trees listed below not be planted in the Town of Atherton:

Acacia baileyana – Bailey Acacia
Acacia decurrens – Green Wattle.
Acacia melanoxylon – Black Acacia
Ailanthus altissima – Tree of Heaven
Eucalyptus globulus – Blue Gum Eucalyptus
Pinus radiata – Monterey Pine

Except as here amended, all other provisions of Section 8.10.040 of the Atherton Municipal Code continue to remain in effect."

SECTION 4: Amendment of Code. Section 8.10.060 of the Atherton Municipal Code is hereby amended by revising Subsections A, C, and D to read as follows:

"A. Any person causing a heritage tree to be removed or damaged in violation of this Chapter shall submit a fee as determined by City Council resolution to be deposited

into a fund for the planting and maintenance of community trees, as a civil penalty in addition to the penalties as outlined in Chapter 1.20.

C. As part of a civil action brought by the Town, a court may assess against any person who commits, allows, or maintains violation of any provision of this Chapter a civil penalty in an amount not to exceed five thousand dollars per violation. Where the violation has resulted in removal of a tree, the civil penalty shall be in an amount not to exceed five thousand dollars per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. Such amount shall be payable to the Town as described in Subsection A above. Replacement value for the purposes of this Section shall be determined utilizing the most recent edition of the Guide for Plant Appraisal. 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..

D. Upon any guilty plea or judgment or conviction, in any criminal proceeding brought for the violation of this ordinance, 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.

Except as here amended, all other provisions of 8.10.060 of the Atherton Municipal Code continue to remain in effect."

SECTION 5: Amendment of Code. Chapter 1.16 of the Atherton Municipal Code is hereby amended by adding thereto a new Section 1.16.060 to read as follows:

"1.16.060 Arrest Authority of Building Official and Arborist.

Pursuant to the provisions of California Penal Code Section 836.5, the Building Official and the Town Arborist are authorized to arrest a person without a warrant where either the Building Official or the Town Arborist has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the presence of said officer or employee that is a violation of a statute or ordinance that the Building Official or the Town Arborist has the duty to enforce which includes the provisions of Chapter 8.10 (Heritage Trees.)

Except as here amended, all other provisions of Chapters 8.10 and 1.16 of the Atherton Municipal Code continue to remain in effect."

SECTION 6: 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 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 _____
ABSTAIN: COUNCILMEMBERS _____
ABSENT: COUNCILMEMBERS _____

Mayor, Town of Atherton

ATTEST:

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JUNE 19, 2002

**SUBJECT: ACCEPTANCE OF WORK – HOLBROOK PALMER PARK PLAY AREA
RENOVATION - PROJECT 01-005**

RECOMMENDATION

Pass a motion accepting work of Holbrook Palmer Park Play Area Renovation - Project 01-005.

INTRODUCTION

The Council awarded a contract to Nexgen Builders, Inc. for building the new playground at Holbrook Palmer Park. The authorized contract amount was \$243,651.00. Work under the contract has been completed, and the final contract amount is \$247,491.84.

ANALYSIS

Nexgen's work consisted of the playground itself, paths and basic landscaping. More landscaping, consisting of large field-grown trees was added to the project and contracted for separately. One of the added trees arrived in poor condition and will be replaced. Nexgen has no responsibility for this tree.

FISCAL IMPACT

Landscape Architect services, Nexgen's work, the added trees and making and installing handprint tiles made by the children of financial donors is being paid for with money raised by donations for the project. The sum of all these costs will be covered by these donations. There has been no expenditure by the Town, except for a significant amount of staff time.

CONCLUSION:

It is appropriate for the Council to accept 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
JAMES H. ROBINSON, CITY MANAGER**

FROM: CLIFFORD TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JUNE 19, 2002

**SUBJECT: RESOLUTION FOR THE CITY COUNCIL OF THE TOWN OF ATHERTON
AUTHORIZING THE MAYOR TO EXECUTE ALL MASTER
AGREEMENTS, PROGRAM SUPPLEMENTAL AGREEMENTS, FUND
EXCHANGE AGREEMENTS, FUND TRANSFER AGREEMENTS, AND
ANY AMENDMENTS THERETO WITH THE CALIFORNIA
DEPARTMENT OF TRANSPORTATION APPLICABLE TO MIDDLEFIELD
ROAD REHABILITATION PROJECT**

RECOMMENDATION

Adopt Resolution No. 02-___ authorizing the Mayor to execute all master agreements, program supplemental agreements, fund exchange agreements, fund transfer agreements, and any amendments thereto with the California Department of Transportation applicable to the Middlefield Road Rehabilitation Project.

BACKGROUND

The Town has been awarded state and federal grants, administered by CalTrans, for the Middlefield Road Rehabilitation Project. The project is now under construction and the first progress payment will be made in June. The Town expected to be eligible to start billing the State for reimbursement for grant eligible portions of the cost as soon as it started paying construction bills.

In May, we received notice from the State that a change in their procedures requires the Town to execute a program supplement agreement before receiving payments. A copy of the program supplement agreement is attached. The State requires that the person executing the agreement on

behalf of the Town be authorized by the Council to do so and recommends that the language in the attached resolution be used to provide that authorization.

ANALYSIS

There is nothing in the supplemental agreement that is different than was originally required or that affects the amount of grant money the Town will receive. The resolution is broad, rather than limited to this particular supplemental agreement, to avoid the need to go back to the Council if CalTrans comes up with another benign agreement change request.

FINANCIAL IMPACT

Adopting the resolution and signing the supplemental agreement enables the Town to receive grant funds as expected.

CONCLUSION

The resolution should be adopted.

Respectfully submitted,

Received and Approved,

Clifford Temps
Public Works Director

James Robinson
City Manager

Attachments: Program Supplement No. M-001
Resolution

RESOLUTION NO. 02-

**A RESOLUTION FOR THE CITY COUNCIL OF THE TOWN OF ATHERTON
AUTHORIZING THE MAYOR TO EXECUTE ALL MASTER AGREEMENTS,
PROGRAM SUPPLEMENTAL AGREEMENTS, FUND EXCHANGE AGREEMENTS,
FUND TRANSFER AGREEMENTS, AND ANY AMENDMENTS THERETO WITH THE
CALIFORNIA DEPARTMENT OF TRANSPORTATION APPLICABLE TO
MIDDLEFIELD ROAD REHABILITATION PROJECT**

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

WHEREAS, the Town of Atherton is eligible to receive federal and/or state funding for certain transportation projects through the California Department of Transportation; and

WHEREAS, master agreements, program supplemental agreements, fund exchange agreements, and or fund transfer agreements need to be executed with the California Department of Transportation before such funds can be claimed; and

WHEREAS, the Town wishes to authorize the Mayor to execute these agreements and any amendments thereto; and

THEREFORE BE IT RESOLVED by the City Council of the Town of Atherton that the Mayor of Atherton is authorized to execute all master agreements, program supplemental agreements, fund exchange agreements, fund transfer agreements, and any amendments thereto with the California Department of Transportation.

* * * * *

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 19th day of June, 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 to form:

Marc Hynes, City Attorney

Item No. 14



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE COUNCIL MEETING OF JUNE 19, 2002

**SUBJECT: RESOLUTION 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**

RECOMMENDATION

Adopt Resolution No. 02-__ recommending that the San Mateo County Flood Control District impose charges for funding the Fiscal Year 2002/03 Countywide National Pollution Discharge Elimination System (NPDES) General Program.

BACKGROUND

The NPDES Program requires certain permit compliance activities be undertaken on a Countywide basis. The budget for these activities in FY 2002/2003 is \$1,295,348. Each city is required to pay its proportionate share of the cost, based on a parcel charge approach. All but four cities in the County elect to pay their share of the cost by having the County collect the charge. The other four pay either from their general fund or have their own parcel tax that covers more than the County NPDES Program. Last year the fee was raised to \$5.9242 single family parcel, whether improved or vacant. The FY 2002/2003 fee is unchanged. In order to have the charge collected by the County, each year, the Town must adopt a resolution requesting the County to do so.

FISCAL IMPACT

There is no fiscal impact to the Town.

Respectfully Submitted

Reviewed/Approved

Cliff Temps
Public Works Director

James Robinson
City Manager

Attachments: Resolution

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 2002/03 COUNTY-WIDE NATIONAL
POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM**

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 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 an 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 has been submitted to the San Francisco Bay Regional Water Quality Control Board and the Management Plan has been 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 which shall include a Stormwater Management Plan for 1998 through 2003; and

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

WHEREAS, the Town of Atherton has accepted, adopted and committed to implement the San Mateo Countywide Stormwater Management Plan for 1998-2003 and the renewal application and Plan was 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

to impose charges to fund storm drainage programs such as the NPDES Program; Countywide General Program charges for Fiscal Year 2002/03 to fund a \$1,295,348 Budget are; Single Family Resident: \$5.9242/APN; Miscellaneous, Agriculture, Vacant and Condominium: \$2.9621/APN; all other land uses a base rate of \$5.9242/APN for the first 11,000 square feet plus \$0.5367 per 1,000 additional square feet of parcel area.

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

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; and

2. 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.

* * * * *

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 held on the 19th day of June, 2002, by the following vote:

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

ATTEST: Alan B. Carlson, Mayor
Town of Atherton

Sharon Barker, City Clerk

APPROVED AS TO FORM

Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JUNE 19, 2002

**SUBJECT: ADOPTION OF RESOLUTION STATING INTENT TO CONSIDER THE
VACATION OF A PUBLIC UTILITIES EASEMENT AT 57 BROAD ACRES
ROAD AND SETTING A PUBLIC HEARING FOR AUGUST 21, 2002.**

RECOMMENDATION

Adopt Resolution No. 02-___ stating intent to consider the vacation of that certain Public Utility Easement located at 57 Broad Acres Road, and setting a public hearing for August 21, 2002.

INTRODUCTION

The owners of the property at 57 Broad Acres Road have renewed the request they made in 1986 that the Public Utility Easement (PUE) crossing their land be vacated. A copy of their original request is attached. After receiving the 1986 request, the Town approved a permit for a structure to be built over the easement, but there is no record of the easement's formal vacation.

ANALYSIS

The area proposed to be vacated is shown on the attached Exhibit "B." The vacation process will include seeking a finding from the Planning Commission that the vacation is not inconsistent with the Town's General Plan and informing every utility agency serving the area of the intended vacation. Presuming that the Planning Commission can make the finding and that the utilities have no interest in preserving the easement, this matter will be brought back to the Council for a public hearing and adoption of a resolution vacating the easement. The Resolution of Intent sets the date of the hearing for August 21, 2002.

FISCAL IMPACT

Vacating the easement has no fiscal impact on the Town.

CONCLUSION:

Adoption of the resolution setting a public hearing is appropriate to bring this PUE vacation to its overdue conclusion.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps
Public Works Director

James Robinson
City Manager

EXHIBIT "A"

DESCRIPTION OF PUBLIC UTILITY EASEMENT TO BE VACATED

All of that 10' P.U.E (Public Utility Easement) lying on Lot 11 as shown on that map entitled "Broad Acres, Atherton, San Mateo County, Calif." recorded on February 28, 1945 in the office of the San Mateo County Recorder in Volume 24 of Maps at Page 36.



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: ROBERT J. BRENNAN, CHIEF OF POLICE

DATE: FOR THE COUNCIL MEETING OF JUNE 19, 2002

SUBJECT: APPROVAL OF TOW COMPANY CONTRACT

RECOMMENDATION:

Approve the contract of Specialty Towing for addition to the Atherton Police Department Tow Rotation List.

INTRODUCTION:

A representative of Specialty Towing approached the Atherton Police Department, asking that they be added to the Police Department's Rotation Tow List. The representative was given an application form, as well as a contract to review, complete, sign and return. Both of these items have been returned and reviewed by Staff, who have given initial approval for the addition of this company, pending Council approval. In addition, this company has obtained a business license with the Town, and has provided Staff with evidence of current Liability Insurance.

The Police Department currently has two openings on the Rotation Tow List, and the addition of this company would fill one of the current vacancies.

ANALYSIS:

Specialty Towing has been in business for 10 years in Redwood City. They are currently on the rotation list of the Redwood City and Menlo Park Police Departments.

This tow company will be subject to a probation period of 3 months, at which time their performance will be evaluated to determine whether their contract will be continued. Approving

the contract of Specialty Towing will allow for an additional resource to be available to the Atherton Police Department.

FISCAL IMPACT:

None.

Prepared by:

Approved:

Robert J. Brennan
Chief of Police

James Robinson
City Manager

Attachment: Contract



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 JUNE 19, 2002

**SUBJECT: PUBLIC HEARING AND ADOPTION OF A RESOLUTION ORDERING
VACATION OF A PORTION OF MC CORMICK LANE RIGHT-OF-WAY**

RECOMMENDATION

Hold a public hearing on the vacation of a portion of McCormick Lane, then adopt Resolution No. 02-__ ordering the vacation of McCormick Lane right-of-way, with reservation of easements for public utilities and sanitary sewers.

INTRODUCTION

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, has been set for a public hearing at this Council meeting. Previously, the Transportation Committee approved the vacation and the Planning Commission found the vacation to not be inconsistent with the General plan. The public hearing has been noticed by posting at three places along the area proposed to be vacated, as required by the Streets and Highways Code.

ANALYSIS

The area proposed to be vacated is shown on the attached Exhibit "B." Number 65 McCormick Lane is the only property that gets access from this section of street, and the owners of that property support the vacation. All utilities were contacted to determine if they have facilities in the area proposed for vacation, and reservations will be provided for easements to accommodate their present and future needs. These reservations are described in Exhibit "A." An easement for bicycle and pedestrian use over the entire area to be vacated is also reserved. The vacation requires a public hearing with notices posted physically on the property to be vacated. At its April 17, 2002 meeting, the Council adopted a resolution setting a public hearing on the matter.

If the Council approves the vacation, the resolution ordering it will be recorded at the County. After this happens, the two property owners adjacent to the abandoned section of street will have the ability to file quiet title actions to acquire title to the portions of vacated right-of-way lying between their respective McCormick Lane frontages and the center of the former street. Any removal or change in existing improvements within the vacated area will thereafter be the responsibility of its new owners and will need to accommodate access by utilities with rights to the reservations.

FISCAL IMPACT

There is no direct fiscal impact to the Town. Removal of the short section of paved street from the Town's responsibility for maintenance will not be noticeable in the street maintenance budget.

CONCLUSION:

Adoption of the resolution vacating this portion of McCormick Lane can be done without any impact to other Town facilities or resources.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps
Public Works Director

James Robinson
City Manager

RESOLUTION NO. 02-___

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ORDERING THE VACATION OF A PORTION OF MC CORMICK 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.

WHEREAS, Notice of a Public Hearing concerning the vacation of a portion of Mc Cormick Lane right-of-way was published and posted pursuant to he requirements of Part 3, Chapter 1, Section 8300 et.seq. of the California Streets and Highways Code; and

WHEREAS, the City Council has duly conducted a Public Hearing on the 19th day of June, 2002 , and all persons interested in the proposed vacation appearing at the hearing were heard; and

WHEREAS, utility companies serving properties in the area have been notified regarding the proposed vacation and have requested the reservation of easements and imposition of conditions.

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

1. The City Council finds from all the evidence submitted, that the portion of McaCormick Lane right-of-way described and shown in Exhibits "A" and "B" is unnecessary for public use, except for use by bicycles, pedestrians, utilities and sanitary sewers for which reservations are therein described.
2. The portion of McCormick Lane right-of-way described and shown in Exhibits "A" and "B" is hereby declared vacated, except for the bicycle, pedestrian, Public Utilities and Sanitary Sewer easements described and reserved therein.
3. Said vacation is subject to the condition that private fencing 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, pedestrians, and utility workers to any utility or sanitary sewer within the vacated area for use, maintenance, replacement or repair, by the public agency or entity having authority over the utility and/or sewer.

EXHIBIT "A"
MC CORMICK LANE VACATION
LEGAL DESCRIPTION

A portion of Mc Cormick Lane shown on that certain subdivision map entitled "Villa Oaks, Atherton, San Mateo County, California, Being a Resubdivision of Lots 9, 10, and 11 of Villa Lots at Fair Oaks" Recorded February 25, 1954 in San Mateo County Records File Number 38670L, Volume 39 of Maps, Page 20.

BEGINNING at the most westerly corner of Lot 4 of said Villa Oaks, said point being a point on the northeast street right-of-way Line of Mc Cormick Lane, thence along said Mc Cormick Lane right-of-way line south 45E 40' east, 30.00 feet, thence along a curve to the right with a radius of 280.00 feet, through an angel of 9E 07' 40", a distance of 44.61 feet, thence along a curve to the left with a radius of 30.00 feet, through an angle of 79E 43' 06" a distance of 42.26 feet, thence, leaving the right-of-way line of Mc Cormick Lane and proceeding south 62E44'35" west a distance of 59.36 feet along a line parallel to and 20.00 feet northwest of the center line of Burns Avenue, to a point on the southwest street right-of-way line of Mc Cormick Lane, thence in a generally northwest direction, along the said Mc Cormick Lane right-of-way line, on a curve with a center that lies south 57E 57' 46" west 240.00 feet, with a radius of 240.00 feet, through and angle of 13E 37' 46" a distance of 57.09 feet, thence north 45E 40" west to the most northerly corner of Lot 5 of said Villa Oaks, thence leaving the southwest street right-of-way line of Mc Cormick Lane north 31E23'40" east to the point of beginning and containing 3925.59 square feet, and

RESERVING therefrom a bicycle, pedestrian and Public Utility Easement over the entire area of the parcel described above, and also

RESERVING therefrom an easement 10 feet wide for sanitary sewers lying immediately adjacent to and southeast of the line connecting the most northerly corner of Lot 5 and the most westerly corner of Lot 4 of said Villa Oaks.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF JUNE 19, 2002

**SUBJECT: AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
FOR FISCAL YEAR 2002/03 – NEAL MARTIN AND ASSOCIATES**

RECOMMENDATION:

It is recommended that the City Council approve and authorize the Mayor to execute the attached Agreement For Professional Services with Neal Martin and Associates for Fiscal Year 2002-2003. Also included within the agreement is Exhibit A (Outline of Services) and Exhibit B (FY 2002-2003 fee schedule).

BACKGROUND:

Neal Martin and Associates has provided professional planning services on a contractual basis since 1983. Planning services provided include preparation of Agendas, Staff Reports etc., for the Planning Commission and General Plan Committee. They are also actively involved in reviewing applications for CUP's, Use Permits, Variances, Subdivisions, Heritage Tree Removal Permits, Ordinance Amendments and other applications as well as taking minutes for the Planning Commission and General Plan Committee. Details of services provided by Neal Martin and Associates are contained within the attached Exhibit A of their proposed agreement.

Under the terms of the agreement it is proposed that Lisa Costa Sanders be reclassified from Senior Planner to Deputy Town Planner which more accurately reflects her role in providing most of the planning services. Neal Martin will continue to provide services for any of the more complex planning matters. As an example, Neal is currently involved in completing our draft Housing Element.

The agreement also provides for general liability insurance in the amount of \$2,000,000.

FISCAL IMPACT:

Last year's agreement did not reflect any increase in hourly rates. The proposed agreement would include a change from Senior Planner to Deputy Town Planner with a change in rate of \$75.00 to \$85.00 per hour. However, the projected annual planning costs for FY 2002-2003 reflects a reduction in overall costs. It is also anticipated that Neal Martin and Associates will assist staff in evaluating improvements in cost recovery for Planning Services. Our fee schedule is currently under review and staff will recommend that we consider creating collecting a deposit for projects to insure that project costs do not exceed staff time plan review. Staff will explore these options at our budget review scheduled for June 14, 2002.



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JUNE 19, 2002

**SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS AND AWARD OF
CONTRACT FOR 2002 STREET RECONSTRUCTION - PHASE 1 PROJECT
2001-01**

RECOMMENDATION

Approve the plans and specifications for 2002 Street Reconstruction - Phase 1 and award a contract for its construction to the low bidder (to be named at the Council meeting) for an amount no to exceed \$(to be provided at the Council meeting).

INTRODUCTION

The FY 01/02 CIP includes \$1,128,816 for reconstruction of nine streets. Staff was able to have the survey work needed to prepare plans for all these streets done. However, the delay in finding engineering help rendered it impossible to get all of the planned work out to bid in time to complete construction before the onset of the rainy season. Staff decided to focus its efforts on getting the work on three streets out to bid in time for assuring dry-weather construction. The three streets are Irving and James Avenue cul-de-sacs and Magnolia Drive, between Irving and James, and including its cul-de-sac. Their estimated construction cost is \$300,000.

ANALYSIS

The three streets selected will serve as prototypes to test the construction method selected, with the expectations that the method will minimize the time and degree to which adjacent property owners are subjected to inconvenience and that it will be cost effective. The plans call for all asphalt concrete structural sections to minimize the depth of cut. This is expected to lessen construction time, facilitate providing low slope temporary ramps so people will be able to use their driveways

more easily during construction, and to reduce the chance of digging down into expected soft material under existing pavements. The plans also call for treated wood headers along roadsides to provide some of the edge support benefit that would be furnished by much more expensive concrete gutters. Plans and specifications are available at the Town Hall counter for anyone who wants to see them.

Bids will not be opened until the day before the Council meeting. At the time this report was written, six local paving contractors have taken out plans. Staff will present a summary of the bids received and a recommendation regarding awarding a contract at the Council meeting.

FISCAL IMPACT

Funds reconstructing these streets are provided in the FY 2001/2002 Capital Improvement Budget.

CONCLUSION:

Provided the bids are in line with available funding, the contract for 2002 Street Reconstruction - Phase 1 should be awarded.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps
Public Works Director

James Robinson
City Manager

Item No. 20



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON

DATE: FOR THE MEETING OF JUNE 19, 2002

SUBJECT: CONSIDER PROPOSED FY 2002-03 INTEGRATED OPERATING AND CAPITAL BUDGET AND ADOPT A RESOLUTION APPROVING THE FY 2002-03 OPERATING AND CAPITAL BUDGET

RECOMMENDATION:

Consider the proposed FY 2002-2003 Integrated Operating and Capital Budget and adopt a Resolution approving the FY 2002-2003 Operating and Capital Budget, and a Resolution approving the FY 2002-2003 Appropriations Limit and Calculations.

BACKGROUND:

The City Council held a special meeting to consider the proposed FY 2002 -2003 Operating and Capital Budget on June 17, 2002. If the Council was unable to complete its review of the proposed budget, this item was continued to our regular meeting of June 19, 2002 for further discussion and adoption if necessary.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADOPTING THE FISCAL YEAR 2002-2003 OPERATING AND CAPITAL BUDGET

WHEREAS, the City Council of the Town of Atherton set June 17, 2002 at the Town of Atherton City Council Chambers, 94 Ashfield Road, Atherton, California, as the time and place for the public hearing on the adoption of the Fiscal Year 2002-2003 Operating and Capital Budget; and

WHEREAS, notice of said hearing was duly given by posting the time and place of said hearing at designated places in accordance with Chapter 2.08 of the Municipal Code of the Town of Atherton; and

WHEREAS, said Council held a public hearing on the Proposed Fiscal Year 2002-2003 Operating and Capital Budgets on June 17, 2002; and

WHEREAS, it appears to be in the best interest of the citizens of the Town of Atherton that the Fiscal Year 2002-2003 Operating and Capital Budgets be adopted in the format set forth in Exhibit A, attached hereto, and by reference incorporated herein; and

WHEREAS, the budgets were made available for public view at the Town Hall, 91 Ashfield Road, Atherton, California, and the Town Library, 2 Dinkelspiel Station Lane, Atherton, California.

NOW THEREFORE, BE IT RESOLVED, that the Fiscal Year 2002-2003 Operating and Capital Budgets totaling \$12,829,988, which include the General Fund Operating Budget and Reserves of \$7,476,379, Other Funds' Operating Budgets of \$1,067,467, and the Capital Budget of \$4,285,962 as set forth in Exhibit A, attached hereto and by reference incorporated herein, be adopted for Fiscal Year 2002-2003.

BE IT FURTHER RESOLVED, that the City Clerk of the Town of Atherton is hereby directed to forward a copy of said approved and adopted budget to the County Controller of San Mateo County for filing pursuant to Government Code Section 53901.

* * * * *

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 special meeting thereof held on the ___th 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 to Form

Marc Hynes, City Attorney

- I.**
- II. EXHIBIT "A"**

THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: That an Appropriation-Expenditure Budgeting System entitled Expenditure Control Budget (ECB) is hereby adopted. The system consists of:

- **Present Personnel Policies, Procedures, and Memorandum of Understanding, including salary schedules and benefits, except as hereinafter changed by resolution or ordinance of the City Council.**
- **The Expenditure Control Budget will show overall General Fund and other funds and/or departments.**
- **This system will apply to Operating and Capital Budget Expenditures as intended for use in Fiscal Year 2002-2003.**
- **All encumbered expenditures from the Fiscal Year 2001-2002 Adopted Budget shall be carried forward and re-appropriated in Fiscal Year 2002-2003. Said encumbered expenditures to be re-appropriated in Fiscal Year 2002-2003 must be initiated by the Department Heads, recommended by the Finance Director, and approved by the City Manager.**
- **Capital Project Commitments: Capital projects for which funds are appropriated in the budget year shall have those funds restricted for use for that project. Such appropriations will continue to be valid in subsequent fiscal years until the project is completed or the Council takes subsequent action to de-appropriate all or part of the funds originally restricted. If a capital project requires an additional appropriation in excess of 5% of its budget, then City Council approval shall be required.**
- **General Fund Balance: The General Fund will maintain a Reserved Balance of \$ 3.5 million to maintain the City's credit worthiness, and to adequately provide for economic uncertainties, cash flow needs, contingencies, or local disasters.**
- **The City Manager is authorized to make any transfers of Operating Budget appropriation balances between departments and/or programs whenever he deems it necessary to do so in order to carry out the service level objectives and work programs established by the City Council. The City Council will be promptly advised of transfer of operating budget appropriations.**
- **This budget system assumes existing service levels; Council approval will be required for any significant changes involving increased or decreased service levels.**
- **The Department of Finance shall be responsible for constant monitoring of the budget and shall establish and implement appropriate control mechanisms necessary for said purpose after consultation with city staff, and approval by the City Manager.**
- **A monthly financial report shall be prepared by the Finance Director for each department and/or program and/or capital project. Each Department Head shall be accountable for achieving results of his/her organization unit based upon the objectives set for each department by the City Manager and City Council, and shall be evaluated as to their performance in an annual performance appraisal conducted by the City Manager each year.**

- **Deflator:** A deflator procedure, to be administered by the City Manager, is hereby established for reducing appropriations in the event that projected revenues are reduced due to a reduction in the State subventions or other revenues that may fluctuate downward due to changes in economic conditions. For the 2002-2003 Fiscal Year, if total revenues, as estimated by the City Manager are insufficient, the amount of total Operating Budget appropriations shall be reduced as determined by the City Manager, based on his assessment of total Town needs and consultation with the City Council; no deferral of capital projects will be implemented until discussed with the City Council and staff at a duly called public meeting.

Section 2: The FY 2002-2003 General Fund Operating Budget Programs are hereby adopted, establishing the following projected General Fund Revenue and General Fund Expenditures:

FY 2002-2003 GENERAL FUND REVENUE ESTIMATES & EXPENDITURE BUDGET

General Fund Revenues:

Property Tax	2,927,487
Other Tax	1,137,157
Licenses and Permits	1,407,000
Fines and Forfeitures	70,000
From Other Agencies	220,974
Current Service Charges	394,868
Use of Money and Property	352,400
Other Revenues	3,000
Total Revenues:	6,512,886

Transfers and Carry-over:

Carry-over from 2001-2002 Surplus	374,888
Capital Projects Direct Charge	150,000
Police on the Street	40,000
Transfer from Parcel Tax	554,000
Transfer from Gas Tax	100,000
Total Transfers:	1,218,888

Total Revenues and Transfers: 7,731,774

General Fund Expenditures:

City Council	21,650
City Manager	476,686
City Attorney	182,504
Finance Dept.	401,879
Building Dept.	867,699

Police Dept.	3,687,057
Public Works Dept.	1,738,904
Contingency	100,000

Total Expenditures: 7,476,379

Total Expenditures, Transfers and Reserves 7,476,379

Section 3: FY 2002-2003 all Funds Operating and Capital Budgets are hereby adopted, establishing the following revenue estimates and expenditure budgets:

Revenues & Other Resources:

GENERAL FUND	7,731,774
SPECIAL REVENUE FUNDS	
Transportation Fund	270,000
Parcel Tax Fund	1,570,000
Gas Tax Fund	200,000
Road Construction Impact Fees Fund	400,000
State COPS Fund	100,000
Tennis Program Fund	9,000
Library Special Revenue Fund	20,000
CAPITAL PROJECT FUNDS	
Capital Improvement Fund	10,000
Storm Drainage Fund	10,000
Channel Drainage District Fund	52,280
Middlefield Road Grants Fund	1,200,000
Facilities Construction Fund	22,000
INTERNAL SERVICES FUND	
Information Technology Fund	91,371
Administrative Services Fund	406,256
Workers Comp Insurance Fund	110,129
Vehicle Replacement Fund	39,400
TRUST & AGENCY FUND	
Evans Estate Fund (Art Committee)	116,900
Total Revenue & Other Resources:	12,359,111

Expenditures & Other Uses:

GENERAL FUND	7,476,379
SPECIAL REVENUE FUNDS	
Parcel Tax Fund	1,480,309
Transportation Fund	273,992
Gas Tax Fund	57,203

Road Construction Impact Fees Fund	684,294
State COPS Grant	100,000
Police on the Street	40,000
Tennis Program Fund	29,496
Library Special Revenue	22,567
CAPITAL PROJECT FUNDS	
Storm Drainage Fund	0
Channel Drainage District Fund	90,848
Middlefield Road Grants	1,299,000
Facilities Construction Fund	198,454
Capital Improvement	396,861
INTERNAL SERVICES FUND	
Information Technology Fund	100,500
Administrative Services Fund	325,334
Workers Comp Insurance Fund	125,000
Vehicle Replacement Fund	45,000
TRUST AGENCY FUND	
Evans Estate Fund (Art Committee)	84,750
Total Expenditures & Other Uses:	12,829,988

ATTACHMENT I

**TOWN OF ATHERTON
GANN LIMIT COMPUTATION
SUMMARY
2002-2003**

	<u>BUILDING/ENG.</u>	<u>PARKS</u>	<u>OTHER</u>	<u>POLICE</u>	<u>TOTAL</u>
A. COSTS REASONABLY BORNE	1,050,266	515,278	913,019	3,687,057	6,165,620
B. FEES	<u>1,289,000</u>	<u>268,600</u>	<u>10,000</u>	<u>7,400</u>	<u>1,575,000</u>
C. FEES OVER(UNDER) COSTS	238,734	(246,678)	(903,019)	(3,679,657)	(4,590,620)
D. TRANSFER TO RESERVE	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
E. AMOUNT TO TAX PROCEEDS	<u><u>238,734</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>238,734</u></u>
PROCEEDS OF TAXES	4,449,735				
AMOUNT TO TAX PROCEEDS	<u>238,734</u>				
TOTAL PROCEEDS OF TAXES	4,688,469				
APPROPRIATION SUBJECT TO LIMIT	<u>5,474,391</u>				
AMOUNT OVER / (UNDER) LIMIT	<u><u>(785,922)</u></u>				

ATTACHMENT II

TOWN OF ATHERTON
CALCULATION OF APPROPRIATION SUBJECT TO LIMIT
2002-2003

2001-2002 APPROPRIATIONS SUBJECT TO LIMIT			5,544,810
County Population Change	0.00	1.0000	
Per Capita Personal Income Change	-1.27	0.9873	
Calculation Factor		0.9873	
Annual Adjustment Increase			(70,419)
Parcel Tax Adjustment			0
Total Adjustments			(70,419)
2002-2003 APPROPRIATIONS SUBJECT TO LIMIT			5,474,391

**TOWN OF ATHERTON
CALCULATION OF PROCEEDS OF TAXES
FY 2002-2003**

ATTACHMENT III

	PROCEEDS OF TAXES	NON-PROCEEDS OF TAXES	USER FEES	TOTAL
<u>10 PROPERTY TAXES</u>				
- SECURED	2,427,493			2,427,493
- UNSECURED	297,145			297,145
- SB813 SUPPLEMENTAL	127,500			127,500
- HOPTR	31,349			31,349
- OTHER	0			20,000
<u>011 OTHER TAXES</u>				
- FRANCHISE - PG&E		115,453		115,453
- FRANCHISE - CAL WATER		53,044		53,044
- FRANCHISE - BFI		81,510		81,510
- FRANCHISE - CABLE TV & OTHER		52,000		52,000
- SALES & USE TAXES	255,000			255,000
- PUBLIC SAFETY SALES TAX		80,000		80,000
- REAL PROPERTY TRANSFER	200,000			200,000
<u>0330 LICENSES AND PERMITS</u>				
- BUSINESS LICENSES	180,000			180,000
- BUILDING PERMITS			1,100,000	1,100,000
- ENCROACHMENT PERMITS			125,000	125,000
- OTHER LICENSES & PERMITS			0	0
<u>0340 FINES AND FORFEITURES</u>				
- VEHICLE CODE FINES		45,000		45,000
- OTHER FINES AND FORFEITURES		25,000		25,000
<u>0350 USE OF MONEY AND PROPERTY</u>				
- INTEREST-GENERAL FUND		300,000		300,000
- INTEREST-TRAFFIC SAFETY				0
- PARKING REVENUE		2,400		2,400
- PROPERTY RENTAL - PLAY SCHOOL		25,000		25,000
- PROPERTY RENTAL - CELLULAR ONE		21,000		21,000
- OTHER		1,000		1,000
<u>0353 HOLBROOK-PALMER PARK</u>				
- SOCIAL FEES			160,000	160,000
- MEETING FEES			75,000	75,000
- FOOD SERVICE			0	0
- SUPERVISORY FEES			20,000	20,000
- LIABILITY INSURANCE FEE			1,600	1,600
- EQUIPMENT RENTAL			3,000	3,000
- CLASS FEES			0	0
- TENNIS CLASSES			0	0
- FOUNDATION REIMBURSEMENT		0	0	0
<u>0360 REVENUE FROM OTHER AGENCIES</u>				
- MOTOR VEHICLE LICENSE FEE	380,000			380,000

TOWN OF ATHERTON
CALCULATION OF PROCEEDS OF TAXES
FY 2002-03

	PROCEEDS OF TAXES	NON-PROCEEDS OF TAXES	USER FEES	TOTAL
<u>0370 CURRENT SERVICES</u>				
- ELECTIONS PROCESSING FEE		0		0
- DOCUMENT/RESEARCH FEE			0	0
- MICROFILM			0	0
- PHOTOCOPY FEE			10,000	10,000
- ALARM MONITORING FEE			1,000	1,000
- FALSE ALARM FINES			4,000	4,000
- VEHICLE RELEASE			2,000	2,000
- POLICE REPORT			0	0
- FINGERPRINTING FEE			0	0
- SPECIAL SERVICES - POLICE			1,400	1,400
- ZONING, PLANNING & SUBDIVISION FEES			42,000	42,000
- USE AND OCCUPANCY FEE			0	0
- APPLICATION FEE			22,000	22,000
- INSPECTION FEE			0	0
- ENGINEERING PLANNING FEE			0	0
- SALES OF DOCUMENTS			0	0
- SALES OF EQUIPMENT		1,000		1,000
- POST OFFICE		52,000		52,000
- OTHER SERVICES			0	0
- SMIP (EARTHQUAKES)			0	0
- DONATIONS - SPECIAL GIFTS		0		0
- PG&E UTILITIES		0		0
<u>0380 MISCELLANEOUS REVENUE</u>				
		3,000		3,000
<u>0390 REIMBURSEMENTS</u>				
- BOOKING FEES		16,000		16,000
- PERS EQUITY DISTRIBUTION				0
- POST		31,000		31,000
- ERAF		0		0
- OTHER		49,000		49,000
TOTAL GENERAL FUND	3,898,487	953,407	1,567,000	6,418,895
<u>OTHER</u>				
PROPERTY TAX - SPECIAL TAX	1,570,000			1,570,000
SALES TAX - TRANSPORTATION		270,000		270,000
INTEREST - TRANSPORTATION		0		0
GAS TAX - 2105		200,000		200,000
ROAD IMPACT FEES	400,000			400,000
DRAINAGE FUNDS	62,280			62,280
MIDDLEFIELD ROAD GRANTS		1,200,000		1,200,000
STATE COPS		100,000		100,000
TENNIS			9,000	9,000
				0
PARK IMPROVEMENTS		0		0
PARK GRANTS		89,910		89,910
CAPITAL IMPR.	10,000			10,000
TOTAL OTHER REVENUES	2,042,280	1,859,910	9,000	3,911,190
TOTAL REVENUES W/O INTEREST	5,940,767	2,813,317	1,576,000	10,330,085
<u>LESS EXCLUSIONS</u>				
- CAPITAL OUTLAY	1,701,451	2,584,511		4,285,962
- FEDERAL / STATE MANDATES	0		0	0
NET REVENUES	4,239,316	228,806	1,576,000	6,044,123
	70.1%	3.8%	26.1%	100.0%
<u>INTEREST</u>	210,418	11,357	78,225	300,000
TOTAL REVENUES	4,449,735	240,163	1,654,225	6,344,123

Item No. 21



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF JUNE 19, 2002

**SUBJECT: SET DATE FOR PUBLIC HEARING FOR ADOPTION OF RESOLUTION
ESTABLISHING A SPECIAL TAX FOR MUNICIPAL SERVICES FOR FY
2002-03**

RECOMMENDATION:

It is recommended that the City Council set a date for a special meeting to conduct a Public Hearing for adoption of a resolution establishing a Special Tax for Municipal Services for FY 2002-2003.

BACKGROUND:

The Town of Atherton Municipal Code requires that the Special Tax for Services be considered and approved following the adoption of the Town Budget. It also requires a 15 day notice requirement prior to consideration of a resolution establishing a Special Tax for Services. Unfortunately the July 17, 2002 City Council meeting will be two days past the County's deadline to adopt the resolution establishing a special tax. Staff would recommend that the City Council hold a special meeting prior to the established deadline and consider adoption of a resolution establishing a Special Tax for Municipal Services for FY 2002-2003.



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: SHARON BARKER, CITY CLERK

DATE: FOR THE COUNCIL MEETING OF JUNE 19, 2002

**SUBJECT: ADOPTION OF RESOLUTION PERTAINING TO THE NOVEMBER 5,
2002, GENERAL MUNICIPAL ELECTION**

RECOMMENDATION:

1) Adopt Resolution No. 02-___ calling for and giving notice of a General Municipal Election to be held on Tuesday, November 5, 2002 for three (3) members of the Atherton City Council, requesting the services of the County Registrar of Voters, requesting consolidation of elections, and requiring candidates to pay the prorated cost of publication and distribution of the Statement of Qualifications and specifying the length of the Statement, and 2) authorize the Mayor to sign the service agreement with the County Elections Officer.

INTRODUCTION:

Three terms of the Atherton City Council will expire in November, 2002. It is therefore necessary to take action to begin the General Municipal Election process. The nomination period opens Monday, July 15, 2002, and closes at 5:00 p.m. on Friday, August 9, 2002, unless an incumbent does not file. In the event an incumbent does not file by 5:00 p.m. on August 9, the filing period will be extended to 5:00 p.m. on Wednesday, August 14, 2002.

ANALYSIS:

The attached resolution calls for the election, requests the services of the County Clerk/Registrar of Voters to conduct the election, and requests consolidation of the general municipal election with the statewide election to be held on November 5, 2002. The County Clerk will verify signatures on all nomination papers submitted, monitor polling places, canvass the returns and report results of said election. The resolution also establishes a deposit requirement in the amount of \$400 for candidates wishing to file a Statement of Qualifications, and sets the length of the statements at 200 words.

The City Clerk is authorized to publish a notice of election and perform other duties as necessary in relation to the election.

FISCAL IMPACT:

An estimated cost of \$5,000 is included in the proposed Fiscal Year 2002/03 City Clerk's budget.

Respectfully submitted:

Approved by:

Sharon Barker
City Clerk

Jim Robinson
City Manager

Attachment: Resolution

RESOLUTION NO. 02-__

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE
HELD ON TUESDAY, NOVEMBER 5, 2002 FOR THE ELECTION OF CERTAIN
OFFICERS (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**

WHEREAS, under provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 5, 2002, for the election of Municipal Officers.

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

1. A general municipal election is hereby called to be held in and for the Town of Atherton on Tuesday, November 5, 2002, for the purpose of electing three (3) Council Members, each for a full term of four (4) years.
2. Pursuant to Elections Code Section 10002, the City Council hereby requests the Board of Supervisors of the County of San Mateo to make available the services of the County Clerk as County Elections Official for the purpose of performing the usual services necessary in the conduct of the consolidated general municipal election, including the provision of election supplies and voters' pamphlets.
3. Pursuant to the requirements of Section 10403 of the Elections Code, the City Council hereby requests the Board of Supervisors of the County of San Mateo to order the consolidation of the general municipal election to be conducted within the boundaries of the Town of Atherton on November 5, 2002. The City Council further consents to and orders the consolidation of the general municipal election hereby called with the elections in public districts to be held the same day. Upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened at 7:00 a.m. and closed at 8:00 p.m., ballots counted and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by the County Clerk of the County of San Mateo in accordance with the provisions of law regulating the elections so consolidated.
4. The City Clerk is hereby authorized and directed to publish a notice of the general municipal election within the time and in the manner specified in Elections Code Section 12101, and to take all steps as required by law to hold the general municipal election above.
5. Pursuant to Section 13307 of the Elections Code, each candidate may prepare a candidate's Statement of Qualifications not to exceed two hundred (200) words in length, on an appropriate form provided by the City Clerk. The City Council hereby determines to levy against each candidate who requests that a candidate's Statement of Qualifications be included in the voters' pamphlet, the actual prorated costs of printing, handling, and translating the candidates

statement. The City Clerk shall provide written notice to such effect with each set of nomination papers issued and shall collect a deposit in the amount of \$400.00 at the time the candidate's statement is filed.

6. The City Clerk is hereby authorized and directed to file a certified copy of this resolution with the Board of Supervisors of the County of San Mateo and with the County Clerk of the County of San Mateo.

* * * * *
* * * * *

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the Town of Atherton 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

Item No. 23



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF JUNE 19, 2002

SUBJECT: CITY COUNCIL RULES OF PROCEDURE

Attached is a version of the Rules of Procedure showing only in ~~strike-out~~ those items which were deleted during the discussion of the rules at the last City Council meeting. Added language discussed at the meeting is shown in **bold**. Other revisions and/or deletions which appeared in the previous attachment have all been made and appear in final form.

Your attention is invited to a new Section 4.8 regarding Proclamations. Section 12.3 contains my efforts at re-writing the provisions regarding precedence of motions.

Upon review of the Rules of Procedure as they now appear, if the Council deems it appropriate, they are recommended for adoption.

Respectfully,

Marc G. Hynes

Marc G. Hynes

Attachment

RULES OF PROCEDURE

1. Authority

As provided by California Government Code Section 36813, the City Council establishes these Rules of Procedure for the conduct of meetings. The following Rules shall be in effect upon their adoption by the City Council and until such time as they are amended or new rules adopted in the manner provided by these Rules.

2. General Rules

2.1 Public Meetings All meetings (except closed sessions as provided by State law) of the Council shall be open to the public.

2.2 Meeting Dates/Times Regular meetings will be held on the third Wednesday of each month. Adjourned regular or special meetings may be called by the Mayor or a majority of the Council. All regular meetings will convene at 7:00 p.m. unless noticed at a different time by publishing a notice and/or posting a notice ~~in at least three conspicuous places as required by Section 5.3.~~

2.3 Quorum Three members of the Council shall constitute a quorum necessary to transact business. In the event a quorum is not in attendance, those attending will be named in the minutes, and they shall adjourn the meeting to a later set time. If no one is present, the Clerk shall adjourn the meeting to a later date and post notice of that fact pursuant to Government Code Section 36811.

2.4 Compelling Attendance Members must ~~request~~ **notify** the **Presiding Officer** ~~to issue~~ for the issuance of an "excused absence" when they are unable to attend which shall be granted. The member may notify the City Manager or City Clerk if the Presiding Officer is not available and the City Manager or City Clerk will notify the Presiding Officer of the request; or it will be noted in the minutes as an unexcused absence. In the event of perpetual absence by members, the Council may adjourn from day to day to compel attendance under the penalties prescribed by law. The seat of a member with two or more consecutive unexcused absences **from regular council** meetings shall be vacated pursuant to Government Code Section 36513(b).

2.5 Minutes of Proceedings An account of all public proceedings of the City Council shall be recorded by the City Clerk and entered into official minute books of the Council. These minutes shall be available to the public following approval by the Council.

2.6 Right of Floor Any member desiring to speak shall first be recognized by the Mayor and shall, with the exception of Public Comments, confine any remarks to the subject under consideration.

2.7 Rules of Order Except in cases of conflict with these Rules, Robert's Rules of Order shall be used as a non-binding guide to govern the proceedings of this Council.

2.8 City Manager The City Manager shall attend all meetings of the Council unless excused, and in the City Manager's absence, a designee shall substitute. The City Manager may make recommendations and shall have the right to take part in all discussions of the Council, but shall have no vote.

2.9 City Attorney The City Attorney shall attend all meetings of the Council unless excused, and in the City Attorney's absence, a designee shall substitute. The City Attorney, upon request of the City Council or authorized representatives, shall give opinions, either written or oral, on questions of law and shall act as the Council's parliamentarian.

2.10 City Clerk The City Clerk shall attend all meetings of the Council unless excused, and in the City Clerk's absence, the Deputy City Clerk shall substitute. The City Clerk shall record, prepare and maintain the official record of the Council and perform other related duties as prescribed by the Council and/or City Manager.

2.11 Department Heads/Employees Department Heads/Employees, as described by the City Manager or requested by the Council, shall attend Council meetings.

3. Types of Meetings

3.1. Regular Meetings Unless otherwise designated by the Council, the Council shall meet in the City Council Chambers for all regular meetings. The regular meetings shall begin at ~~7:30~~ 7:00 p.m. on the third Wednesday of each month, unless otherwise specified by posted notice. If the meeting date should fall on a legal holiday, the Council shall meet at a time and date so designated by the Council.

3.2 Adjourned Meetings Any meeting of the City Council may be adjourned to a later date, place, and time provided no adjournment is for a longer period than the next regularly scheduled meeting.

3.3 Special Meetings Special meetings may be called by the Mayor or by a majority of the Councilmembers. The call for a special meeting must specify the day, hour, and place and shall specify the subject(s) to be considered. ~~Twenty-four~~ Twenty-four hours notice must be given prior to the meetings. Only matters specified in the notice may be discussed at special meetings. Notice shall be posted as required by law.

3.4 Closed Session Meetings Closed sessions, formerly referred to as Executive Sessions, may be held in accordance with the provisions of the Brown Act (Government Code Section 54954.5).

3.5 Study Session Minutes The Council may meet informally in Study Sessions called by the Mayor or the majority of Councilmembers. Study Sessions are open to the public and are meetings for purposes of the Brown Act. Council may not take any formal action at study session meetings. Meeting notice requirements are contained in Section 2.2.

3.6 Media Attendance All meetings (except Closed Sessions) of the City Council and Commissions shall be open to the media, and may be recorded by tape, radio, television, and photography, provided such recordings do not interfere with orderly conduct of the meetings.

4. Mayor - Duties

4.1 Mayor The Mayor is elected by members of the Council for a one-year period. ~~and shall not serve more than two consecutive one-year terms. The City Council shall meet at least annually to choose one of its members as Mayor. The selection of the Mayor and Vice Mayor shall take place at the regular November Council meeting of each year.~~ No member shall serve as Mayor for consecutive terms.

4.2 Vice Mayor The Vice Mayor shall be selected annually by a Council majority vote. No member shall serve as Vice-Mayor for consecutive terms.

4.3 Presiding Officer The Mayor, if present, shall preside. In the Mayor's absence, the Vice Mayor shall preside. In the absence of both, the Councilmembers present shall elect a temporary Presiding Officer.

4.4 Call to Order The Mayor or Vice Mayor shall call the meeting to order at the hour appointed. In the absence of both, the meeting shall be called to order by the City Clerk and those Councilmembers present shall proceed to elect a temporary Presiding Officer.

4.5 Preservation of Order The ~~Mayor~~ **Presiding Officer** shall preserve strict order and decorum, shall prevent verbal attacks on Councilmembers, staff, and/or citizens, and confine debate to the item under discussion.

4.6 Point of Order The ~~Mayor~~ **Presiding Officer** shall determine all points of order, subject to the right of any member to appeal **to the entire Council**. If an appeal is taken, the question shall be, "Shall the decision of the ~~Mayor~~ **Presiding Officer** be sustained?"

4.7 Motion to be Stated The ~~Mayor~~ **Presiding Officer** shall state all motions submitted for a vote and announce the result. A roll call vote shall be taken upon ordinance, resolution, and at the request of any member.

4.8 Mayor Proclamations. **Mayor Proclamations will be issued at the discretion of the Mayor for various purposes including:**

- A. **Recognizing individuals and organizations whose contributions and achievements have community-wide significance;**
- B. **Calling public attention to a significant community event, service or program;**

- C. Highlighting a special period of observance, celebration, or recognition for community, regional, state, or national occasions.

Mayor Proclamations do not need formal Council action or approval and individual Councilmembers can request through the Mayor that proclamations be issued. All public requests for proclamations should be directed to the City Manager or Mayor for review.

It will be at the discretion of the Mayor to determine whether it is appropriate to present the proclamation at a Council meeting.

Proclamations will be issued to recognize legitimate and significant community achievements, contributions, and occasions. These forms of recognition are not intended for partisan, commercial or narrow individual purposes which are inconsistent with the overall policies of the City Council.

5. Order/Preparation of Agenda

5.1 Order of Business

1. Call to Order, Pledge of Allegiance, Roll Call
2. Presentations
3. Council Reports
4. Public Comments
5. Staff Reports
6. Community Organization Roundtable Report
7. Consent Agenda
8. Regular Agenda/Public Hearings
9. Public comments
10. Adjournment

5.2 Agenda Preparation The agenda shall be prepared in accordance with the preparation procedure as directed by the City Manager. The agenda shall be delivered to the Mayor, Councilmembers, and Library after 5:00 p.m. on the Friday preceding the Wednesday meeting. Council materials are available for public review at the Library the Saturday, and at the City Administrative Office beginning on the Monday, before the regular Wednesday Council meeting.

5.3 Agenda Posting The City Clerk shall post an agenda at least 72 hours before a regular meeting at the following locations: (a) Atherton Town Offices, 91 Ashfield Road (lobby); (b) Atherton Branch Library, 2 Dinkelspiel Lane; (c) Atherton Train Station Bulletin Board; (d) Rosewood @ Green Oaks Bulletin Board; (e) Atherton @ Selby Lane Bulletin Board; (f) Town Council Chambers, 94 Ashfield Road. The agenda shall specify the time, date, and location of the meeting and contain a brief description and proposed action of each item of business to be transacted or discussed at the meeting.

5.4 Minutes Unless requested by Council, minutes may be approved without reading if the City Clerk previously furnished a copy to each member and the Library.

Section 5.5 Public Comments (See also Citizens' Rights, Section 6) During Public Comments, any person may address the Council, provided that the item (1) is of interest to the public and is within the subject matter jurisdiction of the Council and (2) is not otherwise on the agenda.

Section 5.6 Consent Agenda Items listed under the Consent Agenda are those items staff believes will not require Council discussion and are routine in content. Also listed under the Consent Agenda are resolutions confirming action from a previous meeting which are brought back for approval of form rather than approval of action. Items may be removed by any Councilmember for separate discussion for clarification and/or upon request by any member of the public who wishes to speak on that item.

5.7 Regular Agenda/Public Hearings Items requiring a public hearing will be noticed as required by law.

5.8 Actions Limited to Posted Agenda The City Council shall not take action on any item not appearing on the posted agenda except under the conditions permitted by Government Code Section 54954.2 (Brown Act).

6. Citizens' Rights

6.1 Addressing the Council

(1) Any person may address the Council on the following portions of the agenda:

- (a) Public Comments, as provided in Section 5.5.
- (b) Public hearings, as provided in Sections 8.1 and following.
- (c) **When** invited by the Mayor, all other portions of the agenda prior to the vote, if any, being taken.

(2) The following shall apply:

- (a) Each person addressing the Council shall step to the podium and give their name and address (optional) for the record.
- (b) A time limit may be imposed by the Council on each speaker depending on the subject matter. (Exception: See "Public Hearing Procedures" under Section 8.1 and following.)
- (c) All remarks shall be directed to the Mayor and Council as a body and not to any particular member.
- (d) No person, other than members of the Council and the person having the floor, shall be permitted to enter into the discussion.

(e) No question shall be asked of Councilmembers except through the Mayor.

6.2 Personal and Slanderous Remarks Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous may be requested by the Mayor to leave the meeting. The Mayor shall discourage demonstrations before the Council, such as applauding or "booing". Upon instructions by the Mayor, a Sergeant-at-Arms may be called for the purpose of removing any person who, in the Mayor's judgment, has violated the rules of conduct and has disrupted the meeting. The Mayor appoints a person to fulfill the responsibilities of the Sergeant-at-Arms at the beginning of each meeting if he/she deems it to be necessary.

6.3 Reading of Protests Interested persons, or their representatives, may address the Council for the reading of protests, petitions or communications relating to the matter under consideration if a majority of the Council agree that the person should be heard.

6.4 Written Communications Any citizen may submit written comments to the Council through the City Clerk or City Manager's office and request that Council receive copies in the agenda packet provided such written comments are received four business days before the scheduled Council meeting. Written comments can be filed with the City Clerk or City Manager's office up to the time of the meeting and distributed to the Council at the meeting.

6.5 Printed Materials Printed materials contained in the agenda packet will be available upon request after the meeting is adjourned. There may be a copy charge, based on the Town's current copy fee, if printing is necessary. If the action taken requires retyping, the document will be available in Town Hall the next business day, as soon as the retyping is complete.

7. Ordinances, Resolutions and Contracts

7.1 Document Preparation All ordinances and resolutions shall be approved by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council or prepared by the City Attorney on the City Attorney's own initiative.

7.2 Document Approval All ordinances, resolutions, and contracts shall, before being placed on the agenda, be approved as to form and legality by the City Attorney. Additionally, all these documents shall be reviewed by the City Manager.

7.3 Ordinance Introduction/Adoption Except as to urgency ordinances, unless a member requests a full reading, a proposed ordinance will be introduced by the reading of the title only. Ordinances introduced by first reading shall not be adopted within five days of the introduction or at other than regular Council meetings. If the ordinance carries an emergency clause, introduction and adoption may occur at the same meeting.

7.4 Majority Vote Required An affirmative vote of at least a majority of a quorum of the Council shall be necessary to adopt an ordinance. Urgency (emergency) ordinances must be adopted by the affirmative vote of at least four members of the Council. Resolutions, motions, and any other matters may be adopted by the majority present.

7.5 Ordinance Preservation Following adoption of an ordinance, the City Clerk will assign a number to the ordinance, and post according to law. The ordinance shall be filed and preserved in the City Clerk's office.

8. Procedures Regarding Public Hearings

8.1 Introduction Mayor announces subject of the public hearing.

8.2 Staff and Written Material Presentation

1. Staff summary report and other written material included in the agenda packet is received and filed. Written comments not in the agenda packet (e.g. protests, etc.) are noted for the record.
2. Written material not in the agenda packet, if any, is received and filed.
3. Staff report, if any, is presented by staff member.
4. Staff responds to Councilmember questions.
5. Mayor declares the public hearing open.

8.3 Public Comment

1. Purpose is to provide opportunity to concerned members in the audience who wish to testify in support or opposition to the matter being heard.
2. Mayor instructs members of the audience: (a) speak from the podium; (b) to give their name and address (optional) before speaking; (c) a time limit for each speaker may be designated; and (d) that repetition should be avoided.
3. The applicant/representative will normally speak first.
4. Questions by speakers will be noted prior to Council deliberation.
5. Mayor declares the public hearing closed.

8.4 Council Deliberations

1. After the Mayor has determined that no other member of the

audience wishes to speak, the matter is returned to the City \ Council for deliberation.

2. The Council may ask questions of speakers for clarification.
3. The Council makes a motion and debates.

8.5 Council Action

1. Council may, at this time, **may re-open and** continue the ~~open~~ public hearing.

(a) This should be done if any additional information is requested (e.g. a staff report).

(b) Continuing a public hearing to a specific date does not require additional notice.

2. Council may:

(a) ~~Close the public hearing and~~ Vote on the item;

(b) Offer amendments or substitute motions **and re-open the hearing** allowing additional public comment;

(c) ~~Close the public hearing and~~ Continue the matter to a later date for a decision. (Note: no additional reports or testimony may be received after the hearing has been closed).

9. Commissions and Committees

9.1 Mayor/Council Committee At the regular meeting in December, the Mayor shall appoint Councilmembers to serve on various committees which require a Council representative.

9.2 Citizen Commissions and Committees Commissions and Committees shall be created/appointed in accordance with the Atherton Municipal Code.

9.3 Subcommittees of City Council Any subcommittee or committee of the Council shall be subject to the same rules of procedure as the City Council. Each subcommittee is comprised of two Councilmembers appointed by the Mayor, and is staffed by the appropriate staff members. The standing Council subcommittees are:

—(1) Transportation Committee, which meets quarterly, the second Tuesday on the Tuesday two weeks prior to the Council meeting, at 4:30 6:00 p.m., in Council Chambers, 94 Ashfield Road, Atherton.

(2) General Plan Committee Water Management Committee, which meets quarterly, at

- which meets
- (3) 6:00 p.m. in Council Chambers, 94 Ashfield Road, Atherton.
~~Waste Reduction and Recycling Committee Personnel Committee,~~
quarterly each February, May, August _____ and November
on the first Wednesday of the month at 4:30 p.m., _____ City Manager's Office,
in the Administrative Offices, 91 Ashfield Road,
 Atherton.
 - (4) Budget and Finance Committee, which meets on an as-
needed basis each February, May, _____ August and
~~November, on the second Wednesday of the month at _____ 8:15 a.m., City~~
~~Manager's Office, in the Administrative Offices, 91 Ashfield~~
 Road, Atherton.
 - (5) Atherton Channel Drainage District Committee, which meets on
an as-needed basis in the Council Chambers, 94 Ashfield
Road, Atherton.
 - (6) Buildings and Facilities Committee which meets on an as-
needed basis in the Administrative Offices,
91 Ashfield Road., Atherton.
 - (7) Screening Committee which meets on an as-needed basis in
the Administrative Offices, 91 Ashfield Road., Atherton.

← Formatted: Bullets and Numbering

← Formatted: Bullets and Numbering

10. Suspension and Amendment of These Rules

- 10.1 Suspension Any provision of these rules not already governed by the City **Atherton Municipal** Code may be temporarily suspended by a majority vote by the Council.
- 10.2 Amendment These rules may be amended by additions or deletions or new rules adopted by a majority vote of the Council provided the proposed amendment or new rules are introduced into the record at a prior Council meeting.

11. Miscellaneous Rules

- 11.1 Roll Call Votes Upon demand by any Councilmember, made before the "Nays" are called for, a roll call vote shall be taken on the motion before the Council. The Mayor's name shall be called last with other members' names called at random by the City Clerk. Members shall not give explanations for their vote during roll call.
- 11.2 Silence During a collective vote ("Ayes", "Nays" or "Abstain"), silence by any member denotes an affirmative vote.
- 11.3 Continuance of an Item

1. **Continuance by a Councilmember:** Any Councilmember may, with the consent of the Council, continue an item (not subject to a deadline) to the next agreed upon meeting. If the Councilmember will not be in attendance at the meeting, the Councilmember's request to continue an item should be personally conveyed to the Mayor or City Manager prior to the meeting.
2. **Continuances Requested by Someone Not a Councilmember:** Anyone may request a continuance of an item by the Council. A request for a ~~subsequent~~ continuance may be granted by vote of the Council only if it finds that (1) the need for the continuance was beyond the control of the person requesting it, and (2) the need for the continuance arose after (a) the date of the notice of public hearing was published if the item is subject to a public hearing, or (b) the time the Council agenda was posted for items not subject to a public hearing.

11.4 **Personal Privilege** The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which the integrity, character, or motives of the Councilmember is in **question**, or where the welfare of the Council is concerned. The Councilmember may not interrupt the speaker, however, until recognized by the Mayor

11.5 **Protests** Any member shall have the right to enter into public record reasons for dissent or **protest** against any action carried by the majority.

11.6 **Motion to Reconsider** A motion to reconsider any action taken by the Council may be made in accordance with the following:

1. The motion must be made by a member of the prevailing side, although it may be seconded by any Councilmember.
2. The motion must be made prior to the adjournment of the meeting at which the original action was taken.
3. The motion is debatable and has precedence over a pending motion.

12. **Rules of Debate**

12.1 **Mayor as Presiding Officer** The Mayor may move, second, and debate from the Chair, and shall not be deprived of any rights and privileges of a Councilmember.

12.2 **Appeals** Any ruling of the Mayor may be appealed at the request of a Councilmember. The Mayor shall call for a roll call vote to determine if the ruling is upheld.

12.3 **Precedence of Motions** When a motion is before the Council, no **other** motion shall be ~~entertained~~ **addressed** except for the

following:

- Motion to Amend
- Motion to Postpone
- Motion to Table

1. **A Motion to Amend may be debated on the subject of the amendment. An amendment which modifies the motion to amend is proper. If the intent of the Motion to Amend is changed by the amendment, a substitute Motion to Amend should be made. Amendments are voted on first. Upon the completion of these votes, the original motion as amended is voted upon. A motion may be amended more than once. Each amendment to a motion is voted on separately. There shall be only one motion to amend on the floor at any one time.**
2. **A Motion to Postpone. Adoption of a Motion to Postpone ends discussion of the matter which is postponed. A Motion to Postpone an item to a definite time is debatable. The motion also may be amended. Debate and the subject of the amendment must relate to the propriety of postponement and/or the time set for the postponement.**
3. **A Motion to Table results in temporarily passing by the item which is the subject of the motion. An item which has been tabled may be returned to the agenda at any time before the adjournment of the next regular meeting. If the item has not been taken from the table by that time, the item is deemed rejected.**

~~Motion to Amend (debatable only as it relates to the amendment): An amendment which modifies the motion is in order, however, a substitute motion is in order if the intent is changed. Amendments are voted on first, main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There shall only be one amending motion on the floor at any one time.~~

~~Motion to Postpone: If such a motion is adopted, the principal question is lost. Motion to postpone to a definite time is subject to debate and amendment as it relates to propriety of the postponement and time set.~~

~~--Motion to Table (Undebatable and not subject to amendment): The purpose of a motion to table is to temporarily bypass the item. If a motion to table is adopted, subject to applicable agenda requirements, the item may be taken from the table at any time prior to the adjournment of~~

~~the next regular meeting. If the item is not taken from the table in the time specified, the business of the item is killed.~~

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF JUNE 19, 2002

SUBJECT: UPDATE ON ESTABLISHED CITY COUNCIL GOALS

RECOMMENDATION:

It is recommended that the City Council review and accept the status report on goals/objectives previously identified and prioritized.

BACKGROUND:

The City Council had previously been asked to prioritize potential goals and objectives identified by Council Members and staff. The attached list represents the composite ranking by the City Council of identified goals/objectives. Those objectives that received a highest composite score were identified as top priorities. Listed below is each identified goal/objective and the progress to date. Staff has also identified any additional action required by the City Council in order to accomplish these goals.

1. ESTABLISH A STRATEGY FOR THE ATHERTON CHANNEL - UPGRADE, REPAIRS AND LONG TERM MAINTENANCE .

The City Council has established an Atherton Drainage Channel Subcommittee of the City Council comprised of Vice Mayor Janz and Council Member Kathy McKeithen. The Committee has been holding monthly meetings since March of 2002. The Committee has toured the Atherton Drainage Channel and reviewed minutes and previous actions of the Atherton Drainage Channel to date. The Committee has also attempted to identify and review any funding sources, and has held meetings with Supervisor Rich Gordon and other County staff regarding the Atherton Drainage Channel. Staff has also identified several projects along the Channel and included them within the draft four year Capital Improvement Program.

The next meeting of the Atherton Drainage Channel Meeting will be held on July 1, 2002.

2. ESTABLISH OBJECTIVES AND IDENTIFY FUNDING SOURCES FOR EL CAMINO REAL AND OTHER LOCAL DRAINAGE IMPROVEMENTS.

It was suggested that this goal be separated from the Atherton Drainage Channel Subcommittee. Staff will be meeting with Caltrans to discuss any cooperative approach to dealing with drainage issues identified with El Camino Real and adjoining streets.

3. COMPLETE VALPARAISO STUDY AND IMPLEMENT APPROPRIATE RECOMMENDATIONS:

Two public meetings were held this spring to receive input from both Atherton and Menlo Park residents regarding the study of traffic/pedestrian issues along Valparaiso. Members of the Council Transportation Committee attended these meetings and reported to the whole Council on citizen comments and concerns. In addition, a consultant (DKS) was hired and will complete a draft report in July 2002. Sacred Heart School is conducting its own internal traffic/circulation study and plans to submit a report to the Atherton Planning Commission in September. The Atherton Transportation/Traffic Committee will review the results of the Valparaiso study this summer.

4. HOUSING ELEMENT

A Draft Housing Element was submitted November 9, 2002. Comments were received on January 11, 2002 from Kathy Creswell of HCD. Staff and Vice Mayor Jim Janz met with Cathy Creswell and Paul Dirksen of HCD to obtain direction concerning preparation of a response to HCD's comments. Neal Martin has since prepared responses to the HCD comments to be included in the Draft Housing Element Plan. In May Neal Martin submitted comments to Paul Dirksen of HCD for his informal review prior to proceeding with the Planning Commission and City Council hearing process. It is anticipated that there will be a General Plan Committee review in late July with the Public Hearing process to begin in August of 2002. If all proceeds as scheduled we expect adoption to occur at the November or December City Council Meeting.

5. DEVELOP A LONG TERM FINANCIAL PLAN

The Finance and Facilities Council Committee is currently reviewing the next steps for developing a Long Term Financial Plan. The Committee has been instrumental in working with the Finance Director and City Manager in developing Financial projections which will be included within the draft budget for Fiscal Year 2002-2003. Financial projections include estimates through the FY 2004-2005. Also included within the Draft Budget is a Capital Improvement Program that has focused on Streets, Drainage, and Facilities needs over the next four years.

In the longer term the Town of Atherton will need to evaluate the Town's reliance on the Parcel Tax to support operations and maintain an on-going capital improvements program to

ensure the rehabilitation and preservation of our infrastructure. Our Town's streets, drainage and park facilities/buildings are our greatest assets.

6. REVIEW AND REVISE STRATEGIC PARK AND RECREATION PLAN

The Town of Atherton just completed a survey of its residents regarding Holbrook-Palmer Park. The Park and Recreation Commission has met several times to review the results of the survey and has presented its general conclusions to the City Council. Their comments as summarized by the Commission include the following

- A. There is a general satisfaction with the Park as it is now configured, maintained and operated.
- B. There is considerable resistance to additional facilities in the Park, particularly if they are at the expense of open space.
- C. There is support for additional community-wide events in the Park, such as theatrical, musical, artistic or speakers of public interest. (The June 2 event, Jazz in the Meadow, is an excellent example of this type of event.)
- D. Additional restroom facilities are supported.
- E. A fix-up of the tennis courts, with utilization by the residents at either a nominal fee or for free, seems to have support.

With the results of the Survey now available, the Park and Recreation Commission has begun the process of evaluating the existing Strategic Plan. The Park and Recreation Commission will consider the Strategic Plan at its meeting in July. As stated in their comments to the City Council, " the Park and Recreation Commission intends to utilize the results of this survey, the findings of its August 30, 2001 report to the City Council, and additional sources of public input to produce a new five year Strategic Plan for the Park. The Commission hopes to present that plan to the Council in the Fall of 2002."

7. ESTABLISH STRATEGY FOR MAINTAINING THE FULL STAFFING OF THE POLICE DEPARTMENT THAT CURRENTLY EXISTS:

The Police Chief has worked on the development of the following strategies to maintain full staffing in the Police Department:

- A. Developed a Recruitment Brochure which discusses the attributes of the Town, and additional specialty positions that we can offer as a small agency.
- B. A team of 4 police personnel were sent to San Diego for the annual Community Policing Training.
- C. New police motorcycles were purchased with input from the Traffic Team on the make and model of the new bikes.
- D. Each fiscal year, all full-time employees are asked to develop two goals and strategies to work on in addition to their typical duties. Officers choose things such as education in

the elementary schools, specific schools and training, or organization of an area in the Police Department.

- E. By opening up specialty assignments such as Bike Patrol, Vehicle Theft Task Force, Narcotics Task Force, Acting Sergeant, School Resource Officer, R.E.A.C.T. Task Force, and Evidence Technicians for civilian personnel, motivation, work product and the ability to get along with others have increased dramatically over the last 2 years.
- F. Contagious disease and exposure control is a serious factor of police work. To show the officers we take an interest in their health and well-being, 10 officers have been through the one year long series of Hepatitis B shots.
- G. Annual department meetings are conducted for all personnel; two sessions of 16-hour in-house training are required for all police personnel; a department photograph hangs in the front lobby.
- H. The Chief has an open door policy and is accessible to all police personnel to speak about any issue. To keep abreast of all police matters, the Chief on occasion works nightshift, patrols the streets, and attends briefings.

8. COMPLETE A NEEDS ASSESSMENT FOR TOWN FACILITIES:

It is suggested that as a part of the Strategic Plan development, the Park and Recreation Commission should evaluate facilities and recommend any improvements to Park facilities. The Draft CIP includes numerous improvements within Holbrook-Palmer Park. These projects were discussed with and approved by the Park and Recreation Commission. Other projects may be identified through the development of a strategic plan.

Proposed Town Facilities projects within the Draft CIP plan for FY 2002-2003 include the following.

- A. Completion of the Main House Elevator/lift
- B. Wedding/Play Path Landscape Screen
- C. Pavilion Exterior Renovation
- D. Carriage House Exterior Renovation
- E. Park Restroom Expansion (Adjoining existing restrooms near playground)
- F. Tennis Court Pavement Upgrading
- G. Water Tower Structural and Exterior Renovation (Partially funded by Town, balance by Foundation)
- H. Parking Lot Patching and Sealing (at Holbrook-Palmer Park)

Other Facilities Projects within the Draft Capital Improvement Program for FY 2002-2003 include the following:

- A. Town Hall Entry and Restroom Improvements
- B. Post Office Ergonomic Improvements
- C. Town Home Repairs

- D. Library Roof and HVAC Improvements (Funded totally by Library Donor Funds).
- E. Street Corporation Yard Remodel.
- F. Police Equipment Storage Building

The Facilities Committee and staff are also reviewing the long term space needs for Administration, Police, and Building /Planning and Public Works. At this point in time work will be done in-house but it is possible that the Facilities Committee would need some assistance to develop a schematic plan and complete a preliminary space analysis. Facilities Funds have been allocated within the draft CIP to complete these tasks.

9. MAINTENANCE AND POSSIBLE IMPROVEMENTS TO TOWN HOME AND LANDSCAPING.

Some minor improvements have been identified for the Town Home. Funds have been included in the draft CIP to complete some of these deferred maintenance items within the Town Home.

10. ESTABLISH A POLICY FOR TOWN-WIDE STREET STRIPING IMPROVEMENTS

The Transportation and Traffic Committee have previously discussed the need for a comprehensive street striping plan for all public streets within the Town of Atherton. A plan is being developed by staff and will be presented to the Transportation/Traffic at their meeting in July for consideration and possible approval.

OTHER PROJECTS IDENTIFIED AND THEIR STATUS:

- 11. GENERAL PLAN (REVIEW AND UPDATE IN PROGRESS)
- 12. UPDATE ATHERTON RESIDENT HANDBOOK (COMPLETED AND MAILED)
- 13. REVIEW AND REVISE COMMISSION AND COMMITTEE MEMBER HANDBOOK (DEFERRED)
- 14. REVIEW AND REVISE CITY COUNCIL RULES AND PROCEDURES (COMPLETED)
- 15. DEVELOP A STRATEGIC PLAN FOR THE TOWN'S COMPUTER AND INFO TECH NEEDS (IN PROGRESS)



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF JUNE 19, 2002

SUBJECT: APPROVAL OF LETTER REGARDING PROPOSED SKATE PARK IN FLOOD PARK, CITY OF MENLO PARK

RECOMMENDATION

It is recommended that the City Council review and authorize the Mayor to sign the attached draft letter to the City of Menlo Park regarding the position of the Atherton City Council with respect to the proposed Skate Park in Flood Park.

BACKGROUND

At the City Council meeting of May 15th, the City Council considered a staff report on the proposal to build a Skate Park in Flood Park, which is in the City of Menlo Park. On May 11th, Menlo Park held a public meeting in Flood Park regarding the proposal. Several Atherton residents attended the meeting and voiced their concerns with the potential noise and traffic impacts. The City of Menlo Park has indicated that they are still in the preliminary stages of discussion on this project. The project, if approved, would require a Joint Use Agreement between Menlo Park and the County of San Mateo since the Park is in the City of Menlo Park but is operated by the County. Menlo Park staff have indicated that they are meeting with the County on June 19th. Information provided by Menlo Park as a result of that meeting will be presented to the Council at tonight's meeting.

At the City Council meeting of May 15th, the City Council directed staff to return with a draft letter to Menlo Park on this issue, stating the City Council's position on the Skate Park, with a copy of the letter to the County. Staff has prepared the attached draft letter for Council's review.



**Alan B. Carlson, Mayor
Town of Atherton**

**91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 688-6528**

June 20, 2002

Mayor Stephen M. Schmidt
and Members of the City Council
City of Menlo Park
701 Laurel Street
Menlo Park, California 94025

SUBJECT: Proposal to Build a Skate Park in Flood Park

Dear Mayor Schmidt and Members of the City Council:

At its June 19, 2002 meeting, the Atherton City Council approved the following position regarding the proposal by the City of Menlo Park to construct a Skate Park in Flood Park:

- Residents in the Lindenwood area have expressed that the potential for additional noise generated by this activity is a concern. Potential noise could not only be generated by the act of skateboarding and/or skating at the park, but also by the additional park patrons attracted to this recreation.
- We would support a more central location for a skate park within Menlo Park which would be closer to public transit. Such a location would appear to attract more youth, many of whom utilize public transit for recreational activities. We suggest that alternate park locations be considered, which could be more convenient for the potential patrons of this recreational amenity.
- Additional vehicles traveling to and from the park could create more of a traffic hazard on Bay Road. Another safety concern is for the skate park patrons, the majority of whom are youth, who may not have access to a vehicle and may choose to use their skateboards and/or skates to travel from their home, school, or public transit stop to the park. This could mean more youth pedestrian traffic on the busy thoroughfare of Bay Road.

We would like to request that the Town of Atherton be kept informed of any further developments on this proposal, including meetings, public hearings, and other forums related to the progress of the skate park proposal.

City of Menlo Park Skate Park Proposal
June 20, 2002
Page 2

Thank you for your consideration. We look forward to working with you and your staff on this proposal. We are also copying this letter to the San Mateo County Board of Supervisors, since it is our understanding that this park is operated by the County.

The Atherton City Council may be contacted through Jim Robinson, Atherton City Manager, at 752-0500.

Sincerely,

Alan B. Carlson
Mayor

cc: San Mateo County Board of Supervisors

ORDINANCE NO. 514

**AN URGENCY ORDINANCE OF THE TOWN OF ATHERTON ADDING
REGULATIONS PERTAINING TO CONSTRUCTION ACTIVITIES IN
CHAPTER 15.40 OF THE ATHERTON MUNICIPAL CODE
AND AMENDING CHAPTER 8.16 OF THE ATHERTON MUNICIPAL CODE
PERTAINING TO NOISE CONTROL**

The City Council of the Town of Atherton, California, makes the following findings and declarations:

WHEREAS, the Atherton General Plan seeks to maintain the Town of Atherton as "a rural residential area" and it is the policy of the Town to protect the peace, health and safety of its citizens from the adverse effects of the business of construction and/or remodeling of existing properties in the Town of Atherton and particularly to provide respite and relief on a regular basis from the dirt, congestion, litter, noise, vibrations, and air pollution which have been experienced from said construction activities, it being recognized that regulation of these activities is especially difficult on weekends and Holidays during which time Town Building Inspectors are not normally available to monitor such activities, and

WHEREAS, the City Council desires to exercise its police power in order to secure to the residents of the Town of Atherton an opportunity to enjoy weekends and Holidays as a time of relative quiet, seclusion, and clean air so as to make the area a sanctuary for its people, and

WHEREAS, the City Council further finds that the increasing intensity of the business of construction and remodeling of properties in the Town has resulted in significant disruption to the residents of the Town, including, but not limited to, their inability to enter and leave their own properties and enjoy the use of their properties because of commercial traffic related to construction activities particularly on weekends, as well as daily, adverse impacts on air quality from idling engines of delivery vehicles being unloaded at construction sites. Accordingly, the City Council finds that the public health, safety and welfare require the immediate enactment of regulations regulating construction activities as described;

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

SECTION 1.

Chapter 15.40 of the Atherton Municipal Code is hereby amended by adding thereto the following new sections 15.40.100 through 15.40.160 to read as follows:

"Sections:

- 15.40.100 Site Regulations - Community Impacts - Purpose.**
- 15.40.110 Definitions.**
- 15.40.120 Time Limits.**
- 15.40.130 Dirt - Debris - Litter.**
- 15.40.140 Operation of Vehicles - Deliveries.**
- 15.40.150 Regulations of Traffic.**
- 15.40.160 Violations.**

15.40.100 Site Regulations - Community Impacts - Purpose.

The purpose of this Ordinance is to protect the peace, health and safety of the citizens of the Town and to secure those persons on a regular basis, including weekends and holidays, a reasonable degree of relief from traffic congestion, dirt, litter and air pollution resulting from construction activities and the delivery of construction supplies and materials as defined below.

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.
- B. "Delivery" means delivery of building materials or equipment to any construction project.
- C. "Holidays" shall mean and include those days declared as legal Holidays by the Governor of the State of California and as set forth in Government Code section 6700 with the exception of subsections(d), (f), (j), (k), (n) and (o) and further including the fourth Thursday in November.
- D. "Vehicle" means any device by which any person or property may be propelled, moved or drawn upon a highway or street or private property.

15.40.120 Time Limits.

- (a) Except as otherwise provided in this Chapter, construction and delivery shall be prohibited on any property within the Town of Atherton between the hours of 5 p.m. in the evening and 8 a.m. of the following day, Monday through Friday.
- (b) Construction and delivery shall be prohibited on any property within the Town of Atherton on Saturday, Sunday and any holiday.
- (c) Residents/Property Owners when they are personally undertaking construction activities to maintain or improve their property on Saturdays, Sundays or Holidays between the hours of 10 a.m.

and 5 p.m. are exempted from the foregoing prohibitions. Such activities are restricted to the use of hand and power tools only.

(d) Emergency construction required for the immediate protection of persons and property including, but not limited to, plumbing, electrical and roof repairs is exempt from the foregoing prohibitions

15.40.130 Dirt - Debris - Litter.

It shall be the responsibility of the owner of any property located within the Town of Atherton for any construction project on any property within the Town to maintain all adjacent public and private property clean and free of dirt, debris and litter resulting from construction activities upon the Owner's property.

15.40.140 Operation of Vehicles - Deliveries.

Vehicles engaged in the delivery of supplies and materials to construction projects shall be unloaded on the construction site whenever possible. The engines of delivery vehicles shall be shut off upon arriving at the site and shall remain shut off during the time materials are being unloaded from the vehicle unless the operation of the engine is required to unload the vehicle.

15.40.150 Regulation of Traffic

It shall be the responsibility of the owner of any property located within the Town of Atherton for any construction project on any property within the Town to keep adjacent roads and streets open for travel by the public, adjacent property owner, their visitors and guests at all reasonable times. For purposes of this ordinance, blockage of a street or road exceeding (5) five minutes shall be considered to be a violation of this provision

15.40.160 Violations

A violation of this ordinance is a misdemeanor and shall be punished as provided in Section 1.20.040.

SECTION 2.

Chapter 8.16 of the Town of Atherton Municipal Code is hereby amended by revising Section 8.16.050 thereof to read as follows:

"8.16.050 Special provisions and exceptions.

The basic noise regulation specified in Section 8.16.030 may be exceeded without permit in any instances listed below. At all other times, noise from illicit activities shall not exceed the basic noise regulation established in Section 8.16.030:

A. Construction.

1. Construction and delivery are exempt from the basic noise regulation during the times and on the days when construction activities are allowed pursuant to the terms and provisions of Chapter 15.40.

2. Residents/Property Owners when personally operating equipment are exempt from the basic noise regulation when they are personally undertaking construction activities to maintain or improve their property on Saturdays, Sundays, or holidays between the hours of 10:00 a.m. and 5:00 p.m. Such activities are restricted to the use of hand and power tools only.

3. At all times loud and raucous noise emanating from any construction or delivery site, whether in the form of broadcast or amplified music or any other form, which is audible on any property other than the property from which it emanates, is prohibited.

Except as amended, all other terms and provisions of Section 18.16.050 continue to remain in effect.

SECTION 3.

The City Council finds and declares that the public peace, safety and welfare require adoption of this ordinance as an urgency measure based upon the findings set out in the recitals which are incorporated here in full by this reference.

SECTION 4.

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 5.

This ordinance shall be posted on the official bulletin boards of the Town of Atherton and shall take effect and be in force as an urgency ordinance immediately upon its adoption, however, the provisions shall not be operative until July 15, 2000.

* * * * *

The foregoing ordinance was introduced and adopted as an urgency ordinance at a special meeting of the City Council of the Town of Atherton held on June 27, 2000, and adopted at a regular

meeting of the City Council of the Town of Atherton held on July 19, 2000, by the following roll vote, to wit:

AYES: 4 COUNCILMEMBERS: Carlson, Conwell, Fisher, Chapman

NOES: 0 COUNCILMEMBERS:

ABSENT: 1 COUNCILMEMBERS: Dudley

ABSTAIN: 0 COUNCILMEMBERS:

/s/Nanette F. Chapman
Nanette F. Chapman
Mayor

ATTEST:

/s/ Sharon Barker
Sharon Barker, City Clerk

ORDINANCE NO. 526

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING CHAPTER 15.40, CONSTRUCTION REGULATIONS, OF THE ATHERTON
MUNICIPAL CODE
REGARDING RETRIEVAL OF MATERIALS AND EQUIPMENT**

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

SECTION 1: Section 15.40.110 of the Atherton Municipal Code as amended to add a new subparagraph (D) entitled "Pickup" and to renumber existing paragraph D as Paragraph E:

D. "Pickup" means pickup or retrieval of building materials or equipment from any construction project.

SECTION 2: Subsection 15.40.120 Time Limits is hereby amended to read as follows:

"15.40.120 Time limits.

"A. Except as otherwise provided in this chapter, construction, pickup and delivery shall be prohibited on any property within the town between the hours of five p.m. in the evening and eight a.m. of the following day, Monday through Friday.

SECTION 3: Subsection 15.40.120 Time Limits is hereby amended to read as follows:

"15.40.120 Time limits.

"B. Construction, pickup and delivery shall be prohibited on any property within the town on Saturday, Sunday and any holiday.

SECTION 4. Subsection 15.40.140 Operation of vehicles - Deliveries is hereby amended to read as follows:

"15.40.140 Operation of vehicles –Pickups and Deliveries.

Vehicles engaged in the delivery or pickup of supplies, equipment and materials to construction projects shall be loaded and unloaded on the construction site whenever possible. The engines of delivery and pickup vehicles shall be shut off upon arriving at the site and shall remain shut off during the time supplies, materials and 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 5: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions 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 5: This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days following its passage and adoption.

* * * * *
* * * * *

I hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the Town of Atherton held on July 18, 2001, and was adopted by said City Council at a regular meeting held on September 19, 2001, by the following roll call vote:

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

Dianne M. Fisher, Mayor
Town of Atherton

ATTEST:

Sharon Barker, City Clerk