



**Atherton  
CITY COUNCIL AGENDA  
September 19, 2001**

**5:30 P.M.     NOTE TIME**

**Town Council Chambers  
94 Ashfield Road  
Atherton, California  
Special Meeting**

**5:30 P.M.    ROLL CALL            McKeithen, Janz, Carlson, Fisher, Conwell**

**5:35 P.M.    CLOSED SESSION**

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

**Agency Negotiator: James H. Robinson, City Manager  
Employee Organization: Local Union 856  
Non-management miscellaneous employees**

**B.    CONFERENCE WITH LABOR NEGOTIATOR – Labor  
Negotiations pursuant to Government Code Section 54957.6**

**Agency Negotiator: James H. Robinson, City Manager  
Employee Organization: Management**

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

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

**Patricia O’Neal v. Town of Atherton**

**RECONVENE TO OPEN SESSION**

**Report of action taken.**

**ADJOURN**

 ***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)



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

**September 19, 2001**

**7:00 p.m.**

**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

- 7:00 P.M.**    1.    **ROLL CALL**    McKeithen, Janz, Carlson, Fisher, Conwell
- 7:05 P.M.**    2.    **PRESENTATIONS**
- Proclamation – Alzheimer’s Association Annual Walk, October 6, 2001  
                  Proclamation – Walk and Bike to School Day, October 2, 2001
- 7:10 P.M.**    3.    **COUNCIL REPORTS**
- 7:25 P.M.**    4.    **PUBLIC COMMENTS** (only for items which are not on the agenda –  
                  limit of three minutes per person)
- 7:35 P.M.**    5.    **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed  
                  by Resolution No. 99-6)
- 7:40 P.M.**    **CONSENT CALENDAR** (Items 6 - 17)
6.    **APPROVAL OF MINUTES OF REGULAR MEETING OF JULY 18,  
                  2001**
7.    **APPROVAL OF BILLS AND CLAIMS FOR JULY 13, 2001  
                  THROUGH SEPTEMBER 10, 2001 IN THE AMOUNT OF  
                  \$1,526,346.84**
8.    **ACCEPTANCE OF QUARTERLY INVESTMENT REPORT FOR  
                  QUARTER ENDED JUNE 30, 2001**
9.    **ADOPTION OF ORDINANCE NO. 526, AMENDING CHAPTER 15.40  
                  OF THE ATHERTON MUNICIPAL CODE RELATING TO  
                  CONSTRUCTION NOISE AND THE PICKUP OF MATERIALS AND  
                  EQUIPMENT**

10. ADOPTION OF RESOLUTION NO. 01-\_\_\_, AUTHORIZING CONTINUING APPROPRIATIONS FOR 2000/01 CARRY-OVER BUDGET ITEMS

11. ADOPTION OF RESOLUTION NO. 01-\_\_\_, AUTHORIZING SIGNATURES FOR TOWN BANK ACCOUNTS

~~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~~

17.12. ACCEPTANCE OF LOCAL LAW ENFORCEMENT BLOCK GRANT AWARD OF \$9,974.00 TO PLACE POLICE OFFICERS IN LOCAL SCHOOLS

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18.13. DECLARATION OF MISCELLANEOUS CASH AS UNCLAIMED AND AUGMENT POLICE DEPARTMENT BUDGET IN THE AMOUNT OF \$3,441.84

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14. SET PUBLIC HEARING DATE FOR THE FIRST CITY COUNCIL MEETING IN NOVEMBER FOR APPEAL OF PLANNING COMMISSION DECISION AND CONSIDERATION OF VESTING TENTATIVE MAP – 19 SARGENT LANE

15. APPROVAL OF PLANS AND SPECIFICATIONS, AND AWARD OF CONTRACT FOR HOLBROOK-PALMER PARK PLAY AREA RENOVATION PROJECT

16. APPROVAL OF GENERAL PLAN COMMITTEE REQUEST TO CONSIDER VARIOUS ITEMS: TO CONSIDER TRUCK REGULATIONS ON CITY STREETS; TIMING OF EXCAVATION AND FOUNDATION PERMITS; AND REGULATIONS REGARDING COVERING OF DIRT STOCKPILES DURING CONSTRUCTION

17. APPROVAL OF LETTER IN RESPONSE TO GRAND JURY LETTER REGARDING PET OVERPOPULATION PROGRAM

**PUBLIC HEARINGS** (Item 18)

7:45 P.M. ~~18.1~~ 18. PUBLIC HEARING AND INTRODUCTION OF ORDINANCE NO. \_\_\_, AMENDING THE ATHERTON MUNICIPAL CODE LIMITING THE AREA IN WHICH A BASEMENT CAN BE CONSTRUCTED TO THE BUILDABLE AREA OF THE LOT

**Recommendation: 1) Conduct the public hearing, 2) Introduce Ordinance No. \_\_\_ placing limitations on the construction of basements**

based on the findings outlined in the staff report, and waive further reading.

**REGULAR AGENDA** (Items 19 - 24)

8:05 P.M. 19. MONTHLY FINANCIAL REPORT FOR AUGUST 2001

Recommendation: Receive, note, and file.

8:20 P.M. ~~21,20.~~ CONSIDERATION OF DRAFT AGREEMENT BETWEEN THE TOWN OF ATHERTON AND MENLO SCHOOL REGARDING ARTS PROGRAMS

Recommendation: Review the most recent version of a draft agreement between the Town of Atherton and Menlo School concerning Arts programs, and instruct the City Attorney as to any further revisions.

8:45 P.M. ~~21,22.~~ APPROVAL OF POLICE COMMUNICATIONS CENTER REMODEL IN AN AMOUNT NOT TO EXCEED \$68,137.00

Recommendation: Authorize the grant-funded Dispatch Center remodel project not to exceed \$68,137.00 as designed by Specialized Communications Services and Police Department personnel.

8:55 P.M. 22. **INTRODUCTION AND FIRST READING OF ORDINANCE NO. \_\_\_\_ AMENDING THE ATHERTON MUNICIPAL CODE RELATED TO ALARM FEES**

Recommendation: Introduce Ordinance No. \_\_\_\_, amending Section 8.04.070 of the Atherton Municipal Code related to service charges for alarm fees, and waive further reading.

9:10 P.M. ~~23.~~ **ADOPT RESOLUTION ESTABLISHING SERVICE CHARGES FOR POLICE DEPARTMENT ALARM FEES**

Recommendation: Adopt Resolution No. 01-\_\_\_\_, establishing fees related to false alarms.

~~9:15 P.M. 23. DISCUSSION AND POSSIBLE ACTION – PRIORITIZING CAPITAL IMPROVEMENTS/STREET PROJECTS FOR FISCAL YEAR 2001/02 BUDGET~~

9:20 P.M. 24. **ACCEPTANCE OF STATUS REPORT BY CITY MANAGER OF ANNUAL REVIEW OF LITTLE LEAGUE COMPLIANCE WITH PARK LICENSE AGREEMENT**

**Recommendation: 1.) Accept status report from the City Manager regarding compliance by the Little League to the terms of the “License Agreement” between the Town of Atherton and the Menlo-Atherton Little League. 2.) Receive input from the City Council regarding the Little League’s compliance with the agreement and mitigation measures.**

**9:35 P.M. 25. PUBLIC COMMENTS (only for items which are not on the agenda – limit of three minutes per person)**

**9:45 P.M. 26. ADJOURN**

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

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**PROCLAMATION**

**OF THE CITY COUNCIL OF THE TOWN OF ATHERTON**

**IN RECOGNITION OF**

**GREATER SAN FRANCISCO BAY AREA**  
**ALZHEIMER'S ASSOCIATION ANNUAL "MEMORY WALK"**  
**SATURDAY, OCTOBER 6, 2001**

WHEREAS, Alzheimer's Disease and Related Disorders are progressively disabling neurological diseases that destroy the lives and dignity of their victims; and

WHEREAS, many local residents suffer from Alzheimer's Disease, causing severe emotional, medical and financial stress on their victims and families; and

WHEREAS, Alzheimer's cost Americans more than \$20 billion annually and affects 4 million Americans including former President Ronald Reagan; and

WHEREAS, although advancements have been made in recent years, continued involvement of health care professionals and government officials will result in even further medical progress and patient care improvements; and

WHEREAS, while Alzheimer's is the fourth most common cause of death in the United States for persons 60+ years, federal government research funding ranks 18<sup>th</sup> and should be increased; and

THEREFORE, BE IT RESOLVED, the Mayor and City Council of the Town of Atherton, County of San Mateo, California hereby support the Annual "MEMORY WALK" awareness and fund raiser event and encourage citizens and our employees to participate on Saturday, October 6, 2001 at Treasure Island in San Francisco, California.

**BE IT FURTHER RESOLVED**, that the City Clerk is directed to send copies of this proclamation to the Greater San Francisco Bay Area and National Alzheimer's Associations, local press, religions, National Institute of Neurological Disorders and Stroke, National Institute on Mental Health, National Institute on Aging, Veteran's Administration, President George W. Bush, Senators Feinstein and Boxer, U.S. Representative Anna Eshoo, and Governor Gray Davis.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Atherton to be affixed this 19th day of September, 2001.

\_\_\_\_\_  
**Dianne M. Fisher, Mayor**  
**Town of Atherton**

# PROCLAMATION

OF THE CITY COUNCIL OF THE TOWN OF ATHERTON

IN RECOGNITION OF

## WALK AND BIKE TO SCHOOL DAY

**WHEREAS**, Atherton’s first annual “Walk to School Day” will be held on October 2, 2001;  
and

**WHEREAS**, this event, taking place across California, will focus on the benefits of walking rather than driving to school, creating cleaner, safer, and environmentally healthier schools for children; and

**WHEREAS**, this day affords parents the opportunity to spend more time with their children, reduces car use and traffic hazards, promotes physical activity and contributes to a safer community; and

**THEREFORE**, I, Dianne M. Fisher, Mayor of the Town of Atherton, do hereby proclaim October 2, 2001 as “Walk and Bike to School Day” and encourage everyone to participate in this very worthwhile event.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the  
Town of Atherton to be affixed this 19th day of September, 2001.

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Dianne M. Fisher, Mayor  
Town of Atherton



**DRAFT Minutes**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT MEETING**

**July 18, 2001**

**7:00 p.m.**

**TOWN COUNCIL CHAMBERS**

94 Ashfield Road

Atherton, California

**REGULAR MEETING**

Mayor Fisher called the meeting to order at 7:05 p.m.

**1. ROLL CALL**

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

Acting City Manager Mike Hood and City Attorney Marc Hynes were also present.

**2. COUNCIL REPORTS**

**A. Set date for new City Manager reception. The Council tentatively set September 6, 2001 for a reception for new City Manager Jim Robinson. Mayor Fisher will follow up with the Atherton Dames to confirm the date.**

**B. Miscellaneous Reports**

- Council Member Conwell reported on the Criminal Justice meeting he attended today. They will be interviewing for new members.
- Vice Mayor Carlson reported that he and Council Member McKeithen of the Screening Committee met earlier tonight and interviewed Samira Plesman for the Arts Committee. He requested that the appointment to the Arts Committee be added to the agenda.

**MOTION – to add an item to the agenda for the appointment of an Arts Committee member.**

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

**MOTION – to appoint Samira Plesman to the Atherton Arts Committee.**

M/S – Carlson/McKeithen

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

- Vice Mayor Carlson also reported that the General Plan Committee met last week and decided to take no action on changing the noise ordinance. He asked that the City Attorney look into any enforcement mechanism for skateboard noise which may be in use by other cities. He requested that Item No. 21 on this agenda be removed and discussed after the new City Manager comes on board. He also stated that in regard to Item 20, Assembly Member Simitian had recommended funding of restoration of the Town Hall to the Department of Parks, and there would be no action required by the Council at this time.
- Council Member Janz reported that the ABAG meeting will be held on Thursday. On the agenda is a presentation by a marketing director of the 2012 Olympics to bring the Olympics to the Bay Area. Also to be discussed is the Smart Growth proposal. He will be attending the Council of Cities meeting on Friday, July 20.
  - Council Member McKeithen informed the Council that the League of Cities will hold a seminar for Council Members and Mayors in Monterey at the end of July.
  - Mayor Fisher thanked the staff for putting together the agenda and information for tonight's meeting. She reported that she met with a member of Representative Eshoo's staff today regarding available grant funding. The Transportation Committee met last week and reviewed the Cal Trans projects for median improvements at Selby Lane and El Camino Real. Improvements are being made to the lighting at various intersections in Town. There was also a presentation by the Fire Chief on signal light interrupters for emergency vehicles.

### 3. PUBLIC COMMENTS

The following members of the audience spoke:

- John Sisson, on crack sealing of streets. Public Works Director Cliff Temps explained the procedures for crack sealing.
- Gloria Berry, 230 Oak Grove Avenue, commended the current Council.

### 4. CITY MANAGER REPORT

A. Housing Element Update – Town Planner Neal Martin discussed the schedule for updating the Housing Element of the General Plan. ABAG is required by State law to assign a number for housing needs to each city and county within ABAG's jurisdiction. Atherton was assigned 166 units over the next five years, 107 above moderate income, 27 moderate income, 10 low income, and 22 very low income. The Council was given an outline of the proposed tasks necessary in order to plan for the required housing units. Meetings with the General Plan Committee are proposed, and a public hearing process will take place prior to submittal of a plan to the State Housing and Community Development Department. The plan is required to be submitted by December, 2001. The General Plan Committee will

meet in September, or sooner, to address this issue. Council Member Janz recommended that the General Plan Committee do some community outreach in addition to holding public hearings.

**5. CITY ATTORNEY REPORT**

City Attorney Marc Hynes reported that the most recently revised proposed agreement for joint Arts Programs has been sent to Pat Pannell, Menlo School, for presentation to their board. He also stated that he would provide the Council with a memo on construction ordinance citations, and a report on businesses advertising an Atherton location.

**6. COMMUNITY ORGANIZATION ROUNDTABLE REPORT – No report.**

**CONSENT CALENDAR (Items 7 - 14)**

**MOTION – to approve the Consent Calendar with the exception of Items 10, 11, and 14, and that the expenditure for the Nolte report, payment No. 6 approximately \$11,000, will come from the Drainage fund and not the Channel District Fund.**

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

**7. APPROVAL OF MINUTES**

Approved the minutes of the Regular Meeting of June 20, 2001, and the Special Meetings of June 13, June 20, and June 27, 2001.

**8. BILLS AND CLAIMS**

Approved the bills and claims for the period June 13, 2001 through July 12, 2001.

**9. RESOLUTION NO. 01-12, Appropriations Limit for Fiscal Year 2001/02**

Adopted Resolution No. 01-12 setting the Fiscal Year 2001/02 Appropriations Limit at \$5,544,810.

**12. DISPOSITION OF SURPLUS PROPERTY**

Declared certain Town property surplus as submitted in the staff report.

**13. PURCHASE OF POLICE VEHICLE FROM CURRENT BUDGET**

Approved the purchase of one patrol vehicle from Town Ford in Redwood City in the amount of \$22,680, as approved in the 2001/02 budget.



anticipating any major work in the foreseeable future that would conflict with the ceiling improvements. Estelle Hoffman said the Dames would like to retain the original and historical significance of the building as much as possible. Gene Berry spoke from the audience. The formal bid opening is Friday, July 20, 2001.

**MOTION** – to approve a Capital Improvement project to install ceiling tile in the Carriage House in Holbrook-Palmer Park, and authorize the City Manager to award the contract to the lowest responsible bidder, not to exceed \$25,000 (to be reimbursed by the Atherton Dames).

M/S Conwell/McKeithen                      Ayes: 5   Noes: 0   Abstain: 0   Absent: 0

**PUBLIC HEARINGS (Items 15 and 16)**

**15. PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 01-13 SETTING FISCAL YEAR 2001/02 PARCEL TAX RATES**

Interim Finance Director Bill Yeomans presented the proposed resolution for adoption by the City Council. He explained that the rate schedule in the agenda packet reflected the maximum rates allowed under the ordinance. An alternate rate schedule was distributed to the Council after the agenda packet was distributed with modified rates of \$650 per ½ acre to 2 acre parcels, (with the exception of the amount for private clubs, which would be charged the maximum).

Mayor Fisher opened the public hearing. Gene Berry spoke. The public hearing was closed.

**MOTION** – to adopt Resolution No. 01-13 levying the Special Parcel Tax for Fiscal Year 2001/02 with the rate schedule reflecting the \$650 rate for ½ to 2 acre parcels with a dwelling, and authorize the County of San Mateo to collect the tax as part of the regular property tax bill.

M/S Janz/McKeithen                      Ayes: 5   Noes: 0   Abstain: 0   Absent: 0

**16. PUBLIC HEARING FOR AN ORDINANCE AMENDING THE ATHERTON MUNICIPAL CODE LIMITING THE AREA IN WHICH A BASEMENT CAN BE CONSTRUCTED TO THE BUILDABLE AREA OF THE LOT**

Town Planner Neal Martin presented the proposed ordinance, which has been recommended by the General Plan Committee. The proposed ordinance specifies that a basement cannot be constructed larger than the footprint of a house with the exception of areas for light wells and stairways, nor may retaining walls for driveways come within ten feet of a property line. Council Member Janz asked if there had been discussion at the General Plan Committee level for allowing modification to the driveway requirement for hillside properties. He was concerned that it might be necessary to use a retaining wall on a hillside property to put a driveway in to access a garage. Council Member McKeithen referred to the conclusion in the report that says





**23. ADJOURN TO CLOSED SESSION**

**The Council adjourned to closed session at 9:47 p.m. to discuss the following:**

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

**San Francisco Baykeeper, et al v. California State Water Resources Control Board, et al. Case No. 416800.**

**24. RECONVENE TO OPEN SESSION**

**The Council reconvened to open session at 9:58 p.m. The following action was taken: The Council, on a unanimous vote upon a motion made by Council Member Conwell and seconded by Council Member McKeithen, accepted the offer of the San Mateo County Counsel to represent the Town at no cost in the San Francisco Baykeeper, et al v. California State Water Resources Control Board, et al Case No. 416800.**

**25. ADJOURN**

**The meeting adjourned at 10:00 p.m.**

**Respectfully submitted,**

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**Sharon Barker, City Clerk**

# TOWN OF ATHERTON

Item No. 7

## CLAIMS LIST

July 11 through September 10, 2001

Payroll Checks	501032 - 501290	\$ 473,004.41
Electronic Transfers		126,882.31
A/P Checks	10811-11225	<u>926,460.12</u>
TOTAL		\$1,526,346.84

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 501032 – 501290 (Payroll) and 10811-11225 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$1,526,346.84 are true and correct, and that there are funds for payment.

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

The above claims, Payroll check numbers 501932 – 501290, Accounts Payable check numbers 10811 - 11225 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$1,526,346.84; and are hereby approved for payment.

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

### SOURCE OF FUNDS

101	General Fund	\$1,123,399.68
201	Special Parcel Tax	5,000.00
202	Transportation	28,268.26
203	Gas Tax Fund	93,183.57
210	Road Construction Impact Fees	518.75
401	General Capital Projects	18,950.00
402	Storm Drainage	0
404	Park Playground Improvement	21,566.70
610	Vehicle Replacement	0
611	Computer Maint. & Replacement	10,898.40
612	Administrative Services	141,808.70
614	Workers Compensation Insurance	61,691.38
715	Evans Estate	21,061.40
731	M-A Little League	0
730	H-P Park Improvement	0
731	Tree Committee	0
TOTAL		\$1,526.346.84



## Town of Atherton

### CITY COUNCIL STAFF REPORT

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

**FROM: BILL YEOMANS, INTERIM FINANCE DIRECTOR**

**DATE: FOR THE MEETING OF SEPTEMBER 19, 2001**

**SUBJECT: TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDING  
JUNE 30, 2001**

### RECOMMENDATION:

Note, receipt and file.

### INTRODUCTION:

This is the quarterly status report of the Town's investments in the Local Agency Investment Fund (LAIF), and the San Mateo County Investment Pool (SMCIP) for the quarter ending June 30, 2001.

### ANALYSIS

As of June 30, 2001, the Town had a total investment of **\$8,413,855.15**. The total interest earnings for the quarter ending June 30 is **\$101,808.44**. The funds are invested in the San Mateo County Investment Pool (SMCIP) and the Local Agency Investment Fund (LAIF).

**Investment at SMCIP:** The San Mateo County Investment Pool was created by and is managed by the County Treasurer. The Pool has a total portfolio of \$ 1.55 billion in market value as of June 30, 2001. The Town had an investment of **\$4,408,470.45** in the pool at the end of the quarter. The total interest earnings on the Town's investment for the quarter is **\$54,886.31**. The copies of the monthly summary report of investments for the quarter are attached herewith for Council review. The reports reflect the deposits, withdrawals and the balance of the investment. Month-end balances and net interest earnings rates are as follows:

Month	Month End Balance	Net Earnings Rate
April, 2001	4,485,222.60	5.30%
May, 2001	4,461,755.70	5.16%
June, 2001	4,408,470.45	4.78%

**Investment in LAIF:** The Local Agency Investment Fund was created by, and is managed by, the State Treasurer. The fund had a total portfolio of \$ 49.6 billion as of June, 2001. The Town had an investment of **\$4,005,384.70** invested in the fund at the end of the quarter. The total interest earnings on the Town's investment for the quarter is **\$46,922.13**. The copies of the monthly statements of investment are attached herewith for Council review. Month-end balances and the effective yields are as follows:

Month	Month End Balance	Effective Yield
April, 2001	3,404,384.70	5.76%
May, 2001	3,639,384.70	5.33%
June, 2001	4,005,384.70	4.96%

## CONCLUSION

The Town's investment portfolio is up \$1,121,842.00 from the end of the prior quarter. The yields on investment are declining. The interest income for the quarter is \$5,727.39 lower than the previous quarter. All investments are in compliance with law, regulations, and the Town's Investment Policy. Interest income continues to keep pace with or exceed budget projections. All investments are comparatively safe and liquid to meet the Town's cash flow. The projected cash available is adequate to meet obligations.

## ADDITIONAL INFORMATION

### ATTACHMENTS:

1. Monthly investment account statements from SMCIP and LAIF.

Submitted by:

Reviewed/Approved:

\_\_\_\_\_  
 Bill Yeomans  
 Interim Finance Director

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

**Item No. 9**



**Town of Atherton**

**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**

**SUBJECT: ADOPTION OF ORDINANCE 526, AMENDING CHAPTER 15.40 OF THE  
ATHERTON MUNICIPAL CODE REGULATING THE PICKUP AND  
RETRIEVAL OF CONSTRUCTION MATERIALS AND EQUIPMENT**

**RECOMMENDATION:**

Adopt Ordinance No. 526, amending Chapter 15.40, Construction regulations, of the Atherton Municipal Code regarding the retrieval of materials and equipment.

**DISCUSSION:**

This Ordinance was introduced, and first reading was held, at the regular City Council meeting on July 18, 2001. Further reading was waived. The attached Ordinance is now presented for adoption by the City Council.

**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**

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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 \_\_\_\_\_, 2001, by the following roll call vote:

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

\_\_\_\_\_

Dianne M. Fisher, Mayor  
Town of Atherton

ATTEST:

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



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: BILL YEOMANS, INTERIM FINANCE DIRECTOR**  
**DATE: FOR THE MEETING OF SEPTEMBER 19, 2001**  
**SUBJECT: CONTINUING APPROPRIATIONS FROM FISCAL YEAR 2000-01**

### RECOMMENDATION:

Adopt Resolution No. 01-\_\_\_\_, continuing appropriations from Fiscal Year 2000/01.

### INTRODUCTION:

At the end of each fiscal year all budget authorizations for that fiscal year terminate. However, there are some budgeted projects that are not yet contracted or completed at June 30. The appropriations for those projects may be carried over into the new fiscal year only by City Council action. This report proposes carrying over one project from Fiscal Year 2000-01 into Fiscal Year 2001-02 through such a continuing appropriation resolution.

### ANALYSIS:

The project is:

1. Police Machinery and Equipment from State Grant, Acc.#101-40-3511-141 \$103,000  
This money was received from the State last fiscal year, but the work for improving the counter and dispatch area has not been contracted or completed.

In the Annual Financial Report for the year ended June 30, 2001, this amount will be set aside as a designation of the General Fund balance.

Projects that have been legally obligated by a contract are automatically carried over into the new year's budget by what is called an encumbrance.

**ALTERNATIVES:**

Alternatives available to the City Council for consideration include:

- 1 Adopt the continuing appropriation resolution.
- 2 Modify the resolution.
- 3 Take no action. Without a budget the project would be dropped.

**FISCAL IMPACT:**

The Police budget of \$103,000 is offset by revenues received in the prior year that would be returned to the State if not programmed and spent.

Prepared by:

Approved by:

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Bill Yeomans  
Interim Finance Director

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James H. Robinson  
City Manager





**Town of Atherton**

**CITY COUNCIL STAFF REPORT**

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

**FROM: BILL YEOMANS, INTERIM FINANCE DIRECTOR**

**DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**

**SUBJECT: ADOPTION OF RESOLUTION FOR SIGNATURE AUTHORITY FOR  
COMERICA BANK**

**RECOMMENDATION:**

Adopt Resolution No. 01- \_\_\_\_, approving signature authority for certain individuals affiliated with the Town of Atherton.

**INTRODUCTION:**

This Resolution provides signature authority for Town bank accounts with Comerica Bank.

**ANALYSIS**

Comerica Bank requires a resolution from the City Council authorizing signatories on the bank accounts. The Mayor, the City Manager, and the Finance Director are the only individuals authorized to sign on the General Account and the Payroll Account, or to make transfers from those accounts. This resolution will be accompanied by signature cards for Dianne Fisher, James H. Robinson, and William Yeomans, which will be placed in the Bank records for verification.

**ATTACHMENTS:**

- 1. Resolution

Submitted by:

Reviewed/Approved:

\_\_\_\_\_  
Bill Yeomans  
Interim Finance Director

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

**RESOLUTION NO. 01- \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
APPROVING SIGNATURE AUTHORITY FOR CERTAIN INDIVIDUALS  
AFFILIATED WITH THE TOWN OF ATHERTON**

**WHEREAS**, the City Council of the Town of Atherton has previously authorized the establishment of certain bank accounts at the Comerica Bank, Menlo Park branch; and

**WHEREAS**, the City Council has previously adopted a policy of requiring at least two authorized signatures on all checks issued by the Town Treasury; and

**WHEREAS**, the City Council wishes to designate those persons authorized to sign checks on behalf of the Town.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the Town of Atherton approves using two stamped signatures on Town payroll checks only, and authorizes the following individuals to sign all checks drawn on the Treasury of the Town of Atherton:

the Mayor of the Town of Atherton  
James H. Robinson, City Manager  
the Finance Director

**BE IT FURTHER RESOLVED** that the City Clerk be and hereby is directed to notify officials of the Comerica Bank, Menlo Park branch, of the name of that member of the City Council selected to be Mayor as that office is filled from time to time, and the name of the Finance Director when that office is filled;

**BE IT FURTHER RESOLVED** that two of the Mayor, City Manager, and Finance Director are hereby authorized to enter into any agreement with Comerica Bank relating to the transfer of funds from and/or to the account or accounts of the Town of Atherton by means of telephonic, electronic, oral, or written instruction, and to designate from time to time who is authorized and empowered to order or confirm such transfers in accordance with such agreements or to otherwise act in accordance with such agreements; and

**BE IT FURTHER RESOLVED**, that all previous authorizations to sign checks on behalf of the Town of Atherton are hereby rescinded.

\* \* \* \* \*

*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 September, 2001, by the following vote:*

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

ATTEST:

\_\_\_\_\_  
Dianne M. Fisher, MAYOR  
TOWN OF ATHERTON

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

**Item No. 12**



Town of Atherton

**CITY COUNCIL STAFF REPORT**

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

**FROM: ROBERT J. BRENNAN, CHIEF OF POLICE**

**DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**

**SUBJECT: ACCEPTANCE OF LLEBG GRANT AWARD OF \$9,974.00**

**RECOMMENDATION:**

Accept the federally funded Local Law Enforcement Block Grant (LLEBG) award of \$9,974.00 designed to place police officers in local schools.

**INTRODUCTION:**

The Town of Atherton Police Department has again been awarded the LLEBG grant award, this year in the amount of \$9,974.00. The grant award is designed to place police officers in local schools on an overtime basis in addition to their regular duties. The cash match amount required to accompany this grant is \$1,963.00. It is the intention of the Police Department to meet this cash award requirement through the existing overtime budget. No additional funds are being requested to augment the payment of overtime.

**ANALYSIS:**

The Town of Atherton has many schools within its boundaries which serve children from many neighboring jurisdictions as well as the Town of Atherton. It is estimated that over 6,000 students, faculty, and staff attend school in Atherton every school day, and the schools represent the most calls for service for the Police Department.

A School Resource Officer started at Menlo Atherton High School this month. The vast majority of the SRO's responsibilities will be with the over 2000 people who visit that campus on a daily basis. It is the intention of this grant award to allow other police officers an opportunity to interact with

the students in the remaining schools while compensated on an overtime basis, and to assist the Menlo Atherton High School SRO as needed.

Programs tentatively planned for the children include presentations and visitations to the campuses by police officers. Programs include: 9-1-1 for Kids, drug and alcohol education, PTA and other parent group presentations, Halloween safety, etc.

This grant will provide approximately 280 hours of police officer time on the school campuses. The Detective Sergeant responsible for the schools will oversee this program.

**FISCAL IMPACT:**

No additional funds or augmentations are requested. The required cash match amounts will be funded through the existing 2001/2002 Police Department overtime budget.

Prepared by:

Approved:

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Robert J. Brennan  
Chief of Police

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James Robinson  
City Manager

Item No. 13



Town of Atherton

**CITY COUNCIL STAFF REPORT**

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

**FROM: ROBERT J. BRENNAN, CHIEF OF POLICE**

**DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**

**SUBJECT: DECLARATION OF MISCELLANEOUS CASH AS UNCLAIMED.  
AUGMENT POLICE DEPARTMENT BUDGET IN THE AMOUNT OF  
\$3441.84.**

**RECOMMENDATION:**

Declare the found and unclaimed cash as outlined in Appendix A, as unclaimed. Approve the augmentation of the Police Department Budget in the amount of \$3441.84.

**INTRODUCTION:**

The Town of Atherton Police Department recently conducted an audit of its evidence room that included the collection of evidence, found property, and property retained for safekeeping. Included in that audit was a detailed examination of collected cash. Records reflected that \$3441.84 in cash was under the control of the Police Department from criminal cases, found property, and other related cases. The property has been held for different lengths of time depending on the circumstances under which it was collected. Two employees, including one from the management level, inspected each and every cash deposit to the property room and found that all of the \$3441.84 was indeed accounted for.

**ANALYSIS:**

Every attempt to locate the owners of this miscellaneous cash has been exhausted, and all legal requirements to maintain the cash have passed. Whether the cash was collected as found property or as evidence, the evidence officer has exhausted all remedies to return the cash. All criminal

cases in which the cash was collected as evidence in a criminal proceeding have been adjudicated. There is no need to retain the cash as outlined in Appendix A any longer.

It is requested that the Council authorize the City Manager, or his designee, to deposit the \$3441.84 in cash into the Town's General Fund and subsequently augment the Police Department budget by that amount. Specifically, into the Patrol Program (40-141-3514 Office Machines and Furniture). Portions of this augmentation will be used to purchase shelving for the evidence room, a safe or similar lockable container that will solely be used for the collection of cash, and the installation of an alarm system.

**FISCAL IMPACT:**

None.

Prepared by:

Approved:

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Robert J. Brennan  
Chief of Police

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James Robinson  
City Manager

Attachment: Cash Listing



Town of Atherton

**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: NEAL MARTIN, CITY PLANNER**  
**DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**  
**SUBJECT: SETTING DATE OF PUBLIC HEARING FOR APPEAL AND  
CONSIDERATION OF VESTING TENTATIVE MAP - 19 SARGENT LANE**

**RECOMMENDATION:**

It is recommended that the City Council set the date of public hearing for consideration of the Planning Commission recommendation and appeal concerning the proposed Vesting Tentative Map for 19 Sargent Lane for the first Council meeting in November.

**BACKGROUND:**

The Planning Commission at its August 22, 2001 meeting held a public hearing and recommended City Council approval of a Vesting Tentative Map for a four-lot subdivision at 19 Sargent Lane. The Atherton Municipal Code and the California Subdivision Map Act require that the City Council set a public hearing date to consider the Planning Commission recommendation at its first regular meeting following the Planning Commission decision. That public hearing is required to be held within thirty days of the meeting at which the City Council sets the hearing. The applicant may, however, waive the time limits established in the law.

In this case, the applicant has sent a letter to the City Council requesting that the time limits be waived and that the hearing be set for the first Council meeting in November 2001.

It should also be noted that the Planning Commission recommendation was appealed by neighbors of the subject property. The hearing on both the appeal and the Planning Commission recommendation should be held concurrently.

It is therefore recommended that the City Council set the date of hearing for the appeal and Planning Commission recommendation concerning the proposed Vesting Tentative Parcel Map at 19 Sargent Lane for the first Council meeting in November 2001.

/s/Neal J. Martin  
Neal J. Martin, City Planner



**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 CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**

**SUBJECT: HOLBROOK-PALMER PARK PLAY AREA RENOVATION PROJECT NO.  
01-005 - APPROVAL OF PLANS AND SPECIFICATIONS AND AWARD OF  
CONTRACT**

**RECOMMENDATION**

1.) Approve the contract plans and specifications for construction of Holbrook-Palmer Park Play Area Renovation, Project 01-005, and award the contract for its construction to Nexgen Builders, Inc. in the amount of \$234,651.00. 2.) Authorize the Mayor to execute the contract between Nexgen Builders, Inc. and the Town of Atherton in a form reviewed and approved by the City Attorney.

**INTRODUCTION**

The Council approved design layout of the new playground in Holbrook Palmer Park in early summer. The contract plans reflect that design and contain construction details. A copy is available at the front counter in Town Hall for inspection. The work was advertized for bid last month.

**ANALYSIS**

Three bids for the work were received. They are listed below:

Nexgen Builders, Inc., located in San Carlos	\$234,651.00
Community Playgrounds, located in Novato	\$258,800.00
Lone Star Landscape, Inc., located in San Martin	\$279,000.00

The Landscape Architect who prepared the plans did not provide an estimate, but staff estimated the cost to be somewhere between \$200,000 and \$300,000. Nexgen Builders, Inc's contractor's license status and references have been checked and found to be in order.

**FISCAL IMPACT**

The project is being funded by donations which already total approximately \$325,000. There will be no construction cost impact to the Town. The new play structure area will be larger than the one it replaces, contain landscaping, and is expected to attract more use than the old structure. There will be an increase in the amount of maintenance required, but not enough to significantly affect budget requirements.

The donor group is considering adding trees and improving picnic facilities near the play structure with funds that will be left over. Any such improvements would go through the same approval process as the play structure.

**CONCLUSION:**

The low bid received for the work provides good value to the Town, and the contract for construction of Holbrook-Palmer Park Play Area Renovation, Project 01-005 should be awarded.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps  
Public Works Director

James Robinson  
City Manager



Town of Atherton

**CITY COUNCIL STAFF REPORT**

**TO: THE HONORABLE MAYOR AND COUNCIL MEMBERS**  
**FROM: NEAL J. MARTIN, CITY PLANNER**  
**DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**  
**SUBJECT: GENERAL PLAN COMMITTEE REQUEST TO CONSIDER VARIOUS ITEMS**

At the September 5, 2001 General Plan Committee meeting, the Committee members requested authorization from the City Council to discuss and possibly make recommendations concerning items listed below.

1. To discuss the limitations on trucks using Atherton local and through streets and possibly restricting the size and length of trucks on such streets.
2. To discuss the current practice of issuing excavation and foundation permits prior to issuance of the main building permit
3. To discuss possible regulations regarding the covering of dirt stockpiles during construction.

In addition, the Planning Commission at its August 22, 2001 meeting, requested that the Municipal Code be amended to require adjacent neighbor notification for Front/Rear Lot Line Re-designations.

**RECOMMENDATION:**

It is recommended that the City Council authorize the General Plan Committee to discuss these items. It is further recommended that the Council request opinions and information from the Police Chief, City Attorney, and Building Official regarding the ability of the Town to regulate these issues.

/s/Neal J. Martin  
Neal J. Martin, City Planner



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: MARC G. HYNES, CITY ATTORNEY**  
**DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**  
**SUBJECT: RESPONSE TO GRAND JURY LETTER REGARDING PET OVERPOPULATION PROGRAM**

### **RECOMMENDATION:**

Approve and authorize a letter from the Town of Atherton to respond to the letter from the San Mateo County Grand Jury regarding the Pet Overpopulation Program.

### **INTRODUCTION:**

Attached is a copy of the June 27, 2001 letter from the Superior Court, San Mateo County, concerning the Grand Jury report on "Pet Overpopulation." The letter states that comments to it are due no later than September 25, 2001. The recipient is to be Judge Quentin L. Kopp.

### **ANALYSIS:**

A form of response observing the format mandated by the Grand Jury letter is also attached. The "findings" of the Grand Jury or Pet Overpopulation Report with which the Town has the option of either agreeing to or disagreeing wholly or partially with are:

- A Pet Overpopulation program (POP) be adopted by all cities throughout San Mateo County.
- POP promotes public safety, protects pets from disease, and encourages responsible pet ownership
- POP addresses the most significant pet population issues with two major approaches, spaying and neutering of dogs and cats and stricter licensing for breeding dogs and cats. POP also requires cat vaccination and licensing.
- Cat licensing will include return of lost animals to pet owners and reduce risk of rabies and balances the monetary support from cat owners with the cost of supporting them.

- POP addresses overpopulation through increased responsibility of pet owners. Cities that do not participate in POP do not require licensing and vaccination of cats. Cats do not recognize jurisdictional boundaries. Though state law requires rabies vaccination of dogs – it does not require licensing or vaccination of cats, now the most frequently reported domestic rabid animals in the United States.
- POP will improve the quality of life for cats and dogs and their owners by protecting pets against rabies infection and re-uniting lost pets with their owners.
- There have been no recently reported cases of rabies in San Mateo County.
- The uniform application of POP would ensure all pet owners share in the responsibility of the county's animal control programs.

Two main issues are: should Atherton residents contribute to the county animal control program through cat license fees and should the Atherton Municipal Code be amended by adding further regulations in this regard. I do not recommend that further animal regulations be adopted here.

**FISCAL IMPACT:**

None.

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Marc G. Hynes, City Attorney



**Town of Atherton**

**DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**  
**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: NEAL J. MARTIN, CITY PLANNER**  
**SUBJECT: CITY COUNCIL REFERRAL TO PLANNING COMMISSION-PROPOSED BASEMENT ORDINANCE AMENDMENTS**

The City Council held a public hearing on July 18, 2001 regarding the Planning Commission recommendation for amendments to the Basement Ordinance. The Council discussed the proposed amendments and noted two areas of concern:

1. Council Member Janz noted his concern that it might be necessary to use a retaining wall on a hillside property to construct a driveway to access a below grade garage. He suggested that perhaps the Ordinance could include language to allow an exception for such retaining walls through the Conditional Use Permit process.
2. Council Member McKeithen noted the conclusion in the report that stated "existing limitations to the basement area and retaining walls for driveways would leave sufficient area for landscape retention in the tree preservation area." She was concerned that there was no explanation for the basis of that conclusion and requested the issue be studied further, perhaps obtaining an opinion from an expert if necessary.

The Council then referred the proposed Ordinance back to the Planning Commission to address these issues. They also indicated that the Planning Commission had the discretion to send the Ordinance back to the General Plan Committee if desired.

**Concerns Related to Driveway Access in Hillside Areas**

The Building Official and City Planner have discussed this issue and concur that there could be instances where flexibility is necessary for the location of a retaining wall to allow driveway construction. For example, an uphill lot with a below grade garage in the buildable area might require

a retaining wall across the front yard setback within 10' of the front property line. There might also be instances where such a retaining wall could be within 10' of the side property line. As suggested by Council Member Janz, perhaps the flexibility desired could be accomplished by allowing exceptions upon issuance of a Conditional Use Permit for basements and retaining walls in hillside areas. Draft language is suggested below.

In addition, Staff suggests that the limitation on retaining walls for driveways be within 10' of the side and rear property line, but not the front property line in order to allow for access from the street.

#### 17.36.190 Basements

Basements shall not exceed two feet in height above the surrounding average natural grade. Basements shall not extend outside the footprint of the main building or accessory structure, with the exception of areas for stairways and light wells, which shall be limited to the main building area. No retaining wall for driveways shall be located within 10' of a side or rear property line. Exceptions to the requirements of this section for hillside properties (where the average cross-slope is greater than twenty percent as determined under Section 16.24.050) may be permitted upon issuance of a conditional use permit.

#### Concerns Related to Heritage Tree Preservation

As Staff recalls, the conclusion that existing limitations on the basement area and retaining walls for driveways should leave sufficient area for landscape retention in the tree preservation area was based on a discussion that concluded by limiting the basement area to the footprint of the house, with exceptions for stairways and light wells. This limitation would leave the amount of area available for trees and landscaping substantially increased. Prior to the moratorium, basement retaining walls could extend as close as 5' from a property line. Theoretically, in the extreme, this would have allowed a basement to occupy 91 percent of a typical one-acre lot. By limiting the basement to the footprint of the main building and accessory structures the theoretical basement size is limited to 24 percent of the typical one-acre site. This would retain at least 76 percent of the site for landscaping and hardscape. Therefore, the conclusion that the proposed limitations would allow sufficient area for landscape retention in the tree preservation area seems appropriate.

Other concerns have been mentioned regarding the location of retaining walls in proximity to heritage trees, particularly those trees located in the tree preservation area, but near the buildable area. Concern has been expressed about potential damage to heritage tree roots by excavation, trenching and other construction activities. Staff believes these concerns would be more properly addressed in the Tree Preservation Ordinance where such issues can be reviewed in the context of tree preservation policies.

#### Planning Commission Review

On August 22, 2001 the Planning Commission considered the Staff recommendation and recommended that the proposed amendments and conclusion stated in the staff report be transmitted to the City Council.

#### Recommendation

It is recommended that the City Council adopt of the revised language for Section 17.36.190- Basements, stated above.

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Neal J. Martin, City Planner

**Attachments:**

1. Excerpt from Atherton City Council Minutes July 18, 2001
2. Municipal Code Chapter Section 17.36.190
3. Draft Planning Commission Minutes, August 22, 2001
4. Draft Ordinance



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Dianne M. Fisher  
Mayor, Town of Atherton

ATTEST

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Sharon Barker, City Clerk



## Town of Atherton

### CITY COUNCIL STAFF REPORT

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

**FROM: BILL YEOMANS, INTERIM FINANCE DIRECTOR**

**DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**

**SUBJECT: MONTHLY FINANCIAL REPORT FOR AUGUST, 2001**

#### RECOMMENDATION:

Receive and file Monthly Financial Report for August, 2001.

#### INTRODUCTION:

The attached schedules show all revenues and expenditures to the end of August for fiscal year 2001-2002 (FY02), that is for the months of July and August, 2001.

#### ANALYSIS:

These reports provide an opportunity for the City Council to see the current financial status of all funds. They also provide staff a forum to discuss any indications that the actuals are more/less than the adopted budget estimates.

#### Format

Since this is the first monthly report you have received in this form, this memo will describe the report. The formats for the Revenue Summary and the Expenditure Summary are based on the Financial Summaries in the Adopted Budget.

1. The Revenue Summary shows each fund by number and title in the first column, with further detailed breakdown of revenue sources within the General Fund. The second column provides the budget estimate from the Adopted Budget document. The third column shows the actual revenues for those funds and sources during the two months covered. The last two columns are

calculations made for comparison purposes: the “Estimate times 2/12” multiplies the budget estimate by two months out of the twelve in the year to provide a rough benchmark for the actuals; the “% Received” calculates the actual (column 3) divided by the total budget (column 2).

2. The Expenditure Summary is similar, with all funds in the first column, and the General Fund broken down by department. The Budget, Actual, and Comparison columns use the same procedures as the revenues.

#### Analysis of Results

For Atherton, as in most cities, revenues run behind expenditures for the first half of the year as the property tax and special parcel tax collections occur in December and April.

1. In August the Town received Assessed Valuation (AV) figures from the County for Fiscal Year 2001-2002, which are the basis for Town property taxes, our largest revenue source at roughly \$2,200,000 for FY00-01. The increase over FY 2000-01 is about 27%, which is greater than the 19% estimated in the budget by 8%! This should translate into about \$160,000 in Secured Property Tax (after ERAF is taken out) and with Unsecured Property Tax growing over the estimate as well, the total increase could be about \$200,000. The AV reflects property values as of January 1, 2001, near the peak of the recent real estate boom. With real estate values dropping over the past six months, we should realize that AV growth (and the related property tax growth) will be much smaller in future years, with the possibility of actual declines about three years ahead.
2. July is the annual renewal period for business licenses. In two months the Town has collected only 37% of the estimated \$180,000, so a downward revision may be in order.

Expenditures are within expected levels (17%) except:

1. The City Council at 53% of budget includes several annual membership payments paid in July and August to C/CAG (\$5,914), San Mateo City (\$2,625), the County Airport Roundtable (\$1,500), and ABAG (\$1,340).
2. Insurance deposits are paid at the start of the fiscal year increasing expenditures in two funds: Administrative Services at 55% pays ABAG for liability insurance (\$96,970); Workers Compensation at 46% pays SMCCIG (\$61,691).

The year-end audit process will provide audited numbers for balances in all funds. That process is proceeding on schedule despite some accounting difficulties last year, and we plan to have audited fund balances for all funds by your November meeting.

Prepared by:

Approved by:

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Bill Yeomans  
Interim Finance Director

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James H. Robinson  
City Manager

**Item No. 20**



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF SEPTEMBER 19, 2001**

**SUBJECT: DRAFT AGREEMENT BETWEEN TOWN OF ATHERTON AND MENLO SCHOOL REGARDING ARTS PROGRAMS**

### **RECOMMENDATION:**

It is recommended that the City Council review the most recent version of a draft agreement between the Town of Atherton and Menlo School concerning Arts programs and instruct the City Attorney as to any further revisions.

### **ANALYSIS:**

The City Council previously considered a form of agreement between the Town and Menlo School which, if approved, would create a joint commission for the purpose of providing an ongoing arts and education program using facilities located at Menlo School. The most recent draft of this agreement was prepared following a meeting between me, Pat Pannel of Menlo School, and Fran Eastman of the Atherton Arts Committee. For ease of review, two copies of the agreement are enclosed. In one, additions to previous drafts are shown in bold print. Deletions are shown by strikeout. A clean version of the agreement is also provided.

### **FISCAL IMPACT:**

Seed money is to be provided by the Town in the amount of \$500.00.

**AGREEMENT BETWEEN THE TOWN OF ATHERTON AND MENLO SCHOOL  
FOR THE USE OF THE SCHOOL FACILITIES FOR ARTS RELATED  
FUNCTIONS**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2001, by and between TOWN OF ATHERTON, a municipal corporation of the State of California (hereinafter "TOWN"), and MENLO SCHOOL (hereinafter "SCHOOL").

**WITNESSETH:**

**WHEREAS**, Section 10900 et. seq. of the California Education Code authorizes public agencies to enter into agreements for the purpose of organizing, promoting and conducting programs of community arts and recreation; and

**WHEREAS**, TOWN and SCHOOL desire to organize, promote and conduct such programs within the general area served by both entities by entering into an agreement for arts related programs of all types for educational purposes, and consistent with the goals and philosophy of the SCHOOL, that would serve the Atherton community and other neighboring communities; and

**WHEREAS**, TOWN and SCHOOL have a desire to establish an ongoing relationship in coordination of such Programs at the SCHOOL's facilities; and

**WHEREAS**, this Agreement will serve the public interest, health, and general welfare of the residents of Atherton and surrounding areas; and

**WHEREAS**, this Agreement will also provide for TOWN usage of the outside facilities of the SCHOOL; and

**WHEREAS**, TOWN and SCHOOL desire to continue the arrangements made under this Agreement indefinitely;

**NOW, THEREFORE**, in consideration of the promises, mutual terms, covenants and conditions contained in this Agreement, the parties agree as follows:

**SECTION 1. JOINT COMMITTEE.** TOWN AND SCHOOL shall form an oversight COMMITTEE (hereinafter "COMMITTEE") comprised of three members from each entity. Unless otherwise determined by Town's City Council, Town's representatives shall be chosen by the Atherton Arts Committee. The function of this COMMITTEE is to approve the events covered by this agreement and to coordinate these events with the appropriate SCHOOL officials. The COMMITTEE should also undertake the following:

- (a) Schedule and reserve SCHOOL facilities ("Facilities") to individuals and groups for their use, at such times when these Facilities are available. The SCHOOL has complete authority to control use of the Facilities. Menlo School and Menlo College are parties to an operating agreement which requires each to indemnify the other against claims for personal injury, bodily injury, death and property damage in or about the property over which SCHOOL has control and as detailed in Section 4.9.1 of the agreement between SCHOOL and college dated July 1, 1994. The COMMITTEE shall be solely responsible for the coordination and scheduling of requests for the reservation and use of the Facilities, which shall be accomplished in accordance with SCHOOL's usage policies, which appear in SCHOOL's usage agreement, Exhibit "A", attached here and incorporated by this reference.
- (b) Collect all event and tuition fees for the Facilities from the individuals or groups using them, as set forth by the COMMITTEE. Any other arrangements shall be at the discretion of the COMMITTEE. The COMMITTEE will utilize all fees, after any payments due to SCHOOL for direct costs, for the advertising and underwriting of future arts events, it being understood that COMMITTEE will have no authority to commit to events which may generate costs in excess of funds then available to the COMMITTEE.
- (c) Issue a completed Usage Agreement to each individual or group user, in the form contained in Exhibit "A". The SCHOOL reserves the right to conduct background checks pursuant to the California Education Code 44237.

- (d) Provide SCHOOL and TOWN on or before February 1 and August 1 of each year with a financial report which describes the revenues the COMMITTEE has collected from programs under this Agreement during the immediately previous six months period, January through June, or July through December, as the case may be.
- (e) Refer to SCHOOL, for comment, any dispute pertaining to any allegation of unlawful authorization, denial, or conditional authorization of use of Facilities of SCHOOL. The COMMITTEE shall have the authority and power to resolve any such dispute.
- (f) The COMMITTEE will reimburse the SCHOOL for all direct expenses connected with the above-mentioned programs that are in excess of any regular direct expenses of the SCHOOL.
- (g) TOWN and SCHOOL both agree to deposit \$500 into the bank account described in (b) above after execution of this Agreement, to be used as seed money by the COMMITTEE.
- (h) All events will be conducted in compliance with all TOWN and other governmental regulations.
  - (i) Both the TOWN and the SCHOOL give their approval to the COMMITTEE to seek grants to underwrite any expenses in connection with these events. The COMMITTEE will have no authority to commit to events, which may generate costs in excess of funds then available to the COMMITTEE.

**SECTION 2. DUTIES OF SCHOOL.** SCHOOL shall undertake the following obligations under this Agreement:

- (a) Provide and maintain the Facilities, as described in Exhibit "B" attached here and incorporated by this reference, for the COMMITTEE to schedule and reserve for arts-related uses.
- (b) Will make reasonable efforts to reserve Facilities at times desired by COMMITTEE consistent with SCHOOL activities.
- (c) Provide an appropriate number of copies of the required policies and fee schedules or other items necessary for issuance to users if such issuance is required by SCHOOL policy.

**SECTION 3. AMENDMENT OF EXHIBITS.** The Head of SCHOOL and the City Manager of TOWN shall have the power to amend Exhibits "A" and "B" on behalf of the parties by written instrument containing both of their signatures with their respective governing body's approval.

During the times the COMMITTEE is entitled to the use of such Facilities, the public shall have the right to use off-street parking areas on the grounds of the SCHOOL within which the Facility is located and shall have reasonable access through SCHOOL grounds to the Facility being used.

**SECTION 4. DUTY OF SCHOOL TO HOLD TOWN HARMLESS.**

- (a) SCHOOL shall save and hold harmless TOWN, its officers, employees and agents from, and defend them against any and all liability, costs, attorneys' fees, or expenses (hereinafter, "liability") incurred by TOWN, its officers, employees, or agents, on account of any lawsuit, judgment, or claim of any kind arising out of or connected with TOWN's performance of this Agreement, except where such liability arises out of the negligence of TOWN, its officers, employees or agents.
- (b) SCHOOL shall save and hold harmless TOWN, and its contractors from any claims or causes of action for injury to persons or damage to property which may arise by reason of any dangerous or defective condition of SCHOOL or Menlo College property, except where such liability arises out of the negligence of TOWN, its officers, employees or agents.

**SECTION 5. DUTY OF SCHOOL TO INSURE.** SCHOOL has in force, and during the term of this Agreement shall maintain in force, at SCHOOL'S expense, a combined, single-limit liability insurance policy in the amount of not less than two million dollars (\$2,000,000), with the TOWN, its officers, employees and agents as named, as additional insureds under such liability policy, with respect to the hold harmless provisions of Section 5.4 above.

**SECTION 6. DUTY OF TOWN TO HOLD SCHOOL HARMLESS.** TOWN shall save and hold harmless SCHOOL and until the effective date of separation of SCHOOL and Menlo College, Menlo College, their officers, employees and agents from, and defend them against, any and all liability, costs, attorneys' fees, or expenses (hereinafter "liability") incurred by SCHOOL, Menlo College, their officers, employees, or agents on account of any lawsuit, judgment, or claim of any kind arising out of or connected with TOWN's performance of this Agreement, except where such liability arises out of the negligence of SCHOOL, Menlo College, their officers, employees and agents.



any right of action herein for any cause whatever. No modification of this Agreement shall be effective unless and until such modification is evidenced in writing signed by all parties. The provisions of Exhibits "A" and "B" may be amended as provided in Paragraph 3 above.

**SECTION 17. ALL PROVISIONS OF AGREEMENT ARE CONDITIONS.** All provisions of this Agreement are expressly made conditions.

IN WITNESS WHEREOF, TOWN and SCHOOL have executed this Agreement on the date first above written.

Town of Atherton  
("TOWN"), by

Menlo School  
("SCHOOL"), by

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Head of School

**Attachments:**

Exhibit "A" - Facility Use Agreement and Permit  
Exhibit "B" - SCHOOL Facilities

9/12/01

Item No. 21



Town of Atherton

**CITY COUNCIL STAFF REPORT**

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

**FROM: ROBERT J. BRENNAN, CHIEF OF POLICE**

**DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**

**SUBJECT: AUTHORIZE DISPATCH CENTER REMODEL NOT  
TO EXCEED \$68,137.00**

**RECOMMENDATION:**

Authorize the grant funded Dispatch Center remodel project not to exceed \$68,137.00 as designed by Specialized Communications Services and Police Department personnel.

**INTRODUCTION:**

The Town of Atherton Police Department has recently been awarded two technology grants that have already been accepted by the Town Council. One of the grants, the California Law Enforcement Equipment Grant (\$102,601.00), is part of the State COPS funding program funded by the State budget surplus. The grant must be spent on "technology related purposes that enhance law enforcement".

Department staff has identified the Atherton Dispatch Center as being in critical need of updating and wishes to use no more than \$68,137.00 of the grant funding (without cash matching requirements) to make the necessary improvements. It is the intent of this staff report to obtain Council approval to formally approve the project as designed by Specialized Communications Services (project manager).

**ANALYSIS:**

The Atherton Police Dispatch Center has never received a thorough remodeling. Over the years furniture and equipment has been added to accommodate improved technology, but these additions have been “piecemealed” together, and it shows. Electrical connections supporting 911 systems and emergency telephones are run off extension cords and power strips. Monitors, computers, keyboards and other necessary equipment have been jammed into the limited space and no consideration has been made to provide a comfortable work environment for this center that is staffed 24 hours a day, seven days a week, 24 hours a day. The dispatchers must move into other rooms to access computers and files, leaving the 911 answering station without staffing.

The goal of this project is to develop a modern dispatch center capable of managing the most technologically advanced emergency communications equipment provided by the State of California at no local expense. An additional goal is providing the dispatchers who work in this space twelve hours a day with a comfortable and efficient work environment that is also aesthetically pleasing to look at by those who visit the front lobby of the police department.

Daniel White, the owner and operator of Specialized Communications Services, has worked in and around public safety for over 30 years. He serves as project manager for the design and works closely with dispatchers, communications managers, risk managers, vendors and utility providers to design the project. Mr. White is recognized as the local expert in this field. His list of local projects includes the remodeling of the Mountain View, Millbrae, Burlingame, San Carlos, San Rafael and San Jose State University Police dispatch centers.

Included in Mr. White’s project is the following scope of work:

- > Space needs analysis
- > Designing console furniture
- > Accessing ADA requirements
- > Review specifications and requirements for 911 and computer aided dispatch equipment
- > Preparing and monitoring bids for the subsequent remodel
- > Overview of installation and working with vendors to correct any deficiencies.

Council attended a special session on September 12, 2001 regarding the dispatch center remodel, which included a tour of the existing dispatch center and a presentation from Mr. White. Mr. White, authorized by Council as the sole source vendor in March of this year, has completed the project design in cooperation with police managers and communications dispatchers. He has identified his subcontractors and is prepared to start the project with Council authorization.

The remainder of the grant funding has been expended or is committed to be expended on police portable radios, pursuit “stop sticks” and a thermal imager.

**FISCAL IMPACT:**

None. There are no cash matching requirements with this grant. Funding from this grant has already been deposited into the General Fund.

Prepared by:

Approved:

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Robert J. Brennan  
Chief of Police

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James Robinson  
City Manager



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**

**SUBJECT: REVISION TO ORDINANCE RELATING TO SERVICE CHARGES FOR FALSE ALARMS/RESOLUTION ESTABLISHING FEES**

### **RECOMMENDATION:**

It is recommended that the City Council adopt an ordinance amending Section 8.04.070 of the Atherton Municipal Code and to adopt a resolution establishing fees related to false alarms.

### **INTRODUCTION/ANALYSIS:**

The Town presently establishes service charges for each alarm system connected directly to the Police Department's Communications Center. A service charge is imposed for false alarms. A report from the Police Department shows that the actual cost to the Town for responding to false alarms supports an increase in charges to the amount of \$100.00. This charge is imposed for each false alarm after the first false alarm in any fiscal year. Previously, service charges were imposed for responses to false alarms in any calendar year. Inasmuch as the Town's fees and charges are ordinarily reviewed on a fiscal year basis, the Town's code and implementing resolution are now amended to impose the service charge on a fiscal year basis.

### **FISCAL IMPACT:**

Increase in revenues to the Town to offset costs for responses to false alarms.

Respectfully,

---

Marc G. Hynes, City Attorney

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING SECTION 8.04.070 OF THE ATHERTON MUNICIPAL CODE  
RELATING TO SERVICE CHARGES FOR FALSE ALARMS**

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

**SECTION 1:** Section 8.04.070 of the Atherton Municipal Code is hereby amended by revising Section C. to read as follows:

8.04.070 C. Each alarm system shall be allowed one false alarm without service charge during each fiscal year from July 1st through June 30th. The alarm owner shall pay a service charge in an amount established by resolution of the city council for each subsequent false alarm during the calendar year.

**SECTION 2:** In all other respects, Section 8.04.070 as amended shall continue to remain in effect.

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

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

\* \* \* \* \*

Introduced this 19th day of September, 2001.

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2001, by the following vote:

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

\_\_\_\_\_  
Dianne M. Fisher  
Mayor, Town of Atherton

ATTEST:

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



**Town of Atherton**

**CITY COUNCIL STAFF REPORT**

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

**FROM: ROBERT J. BRENNAN, POLICE CHIEF**

**DATE: FOR THE COUNCIL MEETING OF SEPTEMBER 19, 2001**

**SUBJECT: RESOLUTION ADOPTING POLICE DEPARTMENT ALARM FEES**

**RECOMMENDATION:**

Approve Resolution No. 01-\_\_\_, pertaining to Police Department alarm fees.

**INTRODUCTION:**

Starting with the June 13, 2000 City Council Meeting, then interim City Manager Ralph Freedman, discussed the alternatives to charging "direct connect" alarm subscribers a annual fee of \$300.00 per year for service. Alternatives ranged from a \$60 per alarmed residence annually to a range of monitory assessments for false alarms. During the June 20, 2001 City Council meeting, and after some discussion on the matter, a motion was made by Council Member McKeithen, "to eliminate the current alarm fees, and to charge only for false alarms as follows: on a fiscal year basis-one free alarm to be allowed, thereafter a charge of \$100.00 per false alarm.

The motion was carried unanimously.

**ANALYSIS:**

For many years the Police Department has charged a \$50.00 fee for each false alarm after the first false alarm for non-direct connect residents, and recently given direct connect subscribers three false alarms before the assessment of a fifty dollar false alarm fee. The Police Department provides many services without additional costs to the citizens of Atherton. It is recognized that false alarm responses are a drain on police services and are not a measure of productive time. In developing recommendations for individual fees and services, the following items should be considered before

setting a fee to be additionally charged to each resident whether they be direct or non-direct connect.

- The time and expense of providing the service.
- Maintaining reasonable relationships between fees for different services requiring similar efforts.
- What other agencies in the county charge for similar services.
- Producing total revenues from all fees that match the total cost of service provided.

The last item is an interpretation for fee justification. Based on the estimation of the dispatcher's time involved in answering and communicating with at least two sworn officers to any single event, which in most cases can be for a 20 minute duration. By the time it would take to document each call for invoicing and recovery, the \$100.00 false alarm fee would be justifiable under the current structure for fee recovery.

In a survey of other agency fees for false alarms, it was found that agencies would charge \$50 after the third false alarm occurred and increase the fees each time after. These fees ranged from \$150 on the fourth, up to \$500 for the sixth, and up. These charges included those agencies that maintain an alarm permit provision.

**FISCAL IMPACT:**

Adoption of the recommended fees will make our response to **false** alarms a true cost recovery program for unnecessary police services, while instilling an incentive for proper alarm procedure for residences.

Prepared by:

Approved by:

\_\_\_\_\_  
Robert J. Brennan  
Police Chief

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

**RESOLUTION NO. 01-\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF  
ATHERTON RELATING TO CHARGES FOR PUBLIC SERVICES**

**WHEREAS**, the City Council of the Town of Atherton finds it necessary to recover at least some of the costs of special and extraordinary services rendered by the various departments of the Town, and

**WHEREAS**, at the direction of the City Council, the Police Department of the Town has conducted in-depth studies to determine the actual cost to the Town of providing various special services rendered by that department and particularly related to costs of responding to false alarms in accordance with the provisions of Section 8.04.070 of the Atherton Municipal Code, and

**WHEREAS**, the City Council has received a report from the Police Department showing that, in each case, the present fees charged are not adequate to recover even a relatively small portion of the costs of the services rendered, and

**WHEREAS**, said report supports the City Council's determination that new fees which would be fair and would be adequate to recover a portion of said costs, but which would not, in any instance, exceed the actual costs of rendering such special services be considered,

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

1. The City Council hereby finds and determines that the following established charges are reasonable and necessary for the specified services, and that the cost to the Town of providing such services equals or exceeds, in every instance, the charges hereby established.

2. Resolution No. 00-13 is amended to revise paragraph 2.C. relating to Police Department Fees to read as set forth below:

"C. Police Department Fees:

(i) A service charge of \$25.00 per month for each alarm system connected directly to the Police Department's Communications Center

(ii) A service charge of \$100.00 for each false alarm after the first false alarm in any fiscal year as authorized by subsection C of section 8.04.070 of the Atherton Municipal Code."

3. The foregoing fees shall be effective immediately, and shall be applicable to all applications filed after the adoption of this resolution.

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

**AND BE IT FURTHER RESOLVED**, that except as amended all other provisions of Resolution No. 00-13 continue to remain in effect.

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

*I HEREBY CERTIFY that the foregoing Resolution was regularly introduced and adopted at a regular meeting of the City Council of the Town of Atherton held on September 19, 2001, by the following roll call vote:*

Ayes:	Councilmembers:
Noes:	Councilmembers:
Absent:	Councilmembers:
Abstain:	Councilmembers:

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Dianne M. Fisher, Mayor  
Town of Atherton

ATTEST:

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Sharon Barker, City Clerk



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 19, 2001**

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

### **RECOMMENDATION:**

1.) Accept status report from the City Manager regarding compliance by the Little League to the terms of the "License Agreement" between the Town of Atherton and the Menlo-Atherton Little League. 2.) Receive input from City Council regarding the Little Leagues compliance with the agreement and Mitigation measures.

### **BACKGROUND:**

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

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

To facilitate the City Council's review of compliance, the City Manager has reviewed the terms of the agreement and evaluated the compliance by the Menlo-Atherton Little League. To date the Little League would appear to have complied with both the letter and the intent of the agreement subject to review and comment by both the City Council and Parks and Recreation Commission. Following a review by the City Manager, it appears that the Little League has complied with all conditions including #3, #4, #5, #6, and #7 dealing with periods of use, contribution of \$500.00 for restroom facilities, contribution of \$2,000.00 for a security deposit to insure maintenance contribution obligations, outfield fencing was not installed, and the backstop and players seating area fencing has been removed and stored. Staff has also provided the Little League with the maintenance obligation expenses as required in Article V. of the agreement. Public Works determined these expenses were \$3,868.14 which covered the additional costs for mowing, fertilizing, edging and sprinkler repair. This summary of expenses was presented to the Little League and reimbursement will be received this week.

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

**CONCLUSION:**

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