



**Town of Atherton
CITY COUNCIL AGENDA
October 17, 2001**

5:30 P.M.  NOTE TIME

**Conference Room
Town Administration Building
91 Ashfield Road
Atherton, California
Special Meeting**

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

5:35 P.M. CLOSED SESSION

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

- 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 – Existing Litigation
pursuant to Government Code Section 54956.9(a):

Town of Atherton v. Thomas E. Bacon
Thomas E. Bacon v. Town of Atherton**

- D. LIABILITY CLAIM pursuant to Government Code Section
54956.95

Claimant: Makailah Perkins
Agency claimed against: Town of Atherton**

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

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)



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
October 17, 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**
- Sustainable San Mateo County – Mary Griffin
- Proclamation for Willie McCovey Day, October 25, 2001 –
Field Rededication Project - Selby Lane School
- 7:15 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 - 11)
6. **MINUTES OF SPECIAL MEETINGS OF SEPTEMBER 12, 2001 AND
SEPTEMBER 19, 2001 AND REGULAR MEETING OF
SEPTEMBER 19, 2001**
7. **APPROVAL OF BILLS AND CLAIMS FOR SEPTEMBER 11, 2001
THROUGH OCTOBER 10, 2001 IN THE AMOUNT OF \$900,705.62**
8. **MONTHLY FINANCIAL REPORT FOR SEPTEMBER 2001**
9. **ADOPTION OF ORDINANCE NO. 527 AMENDING THE
ATHERTON MUNICIPAL CODE RELATED TO ALARM FEES**

- 10. APPROVAL OF RESOLUTION STATING INTENT OF CITY COUNCIL TO VACATE A PORTION OF McCORMICK LANE RIGHT-OF-WAY, WITH RESERVATION OF EASEMENTS FOR PUBLIC ENTITIES AND SANITARY SEWERS, AND SETTING A PUBLIC HEARING FOR DECEMBER 19, 2001
- 11. SET DECEMBER 19, 2001 AT 7:00 P.M. AS THE DATE AND TIME TO HEAR AN APPEAL OF PLANNING COMMISSION DECISION ON DENIAL OF VARIANCE – 396 SELBY LANE; EXCESSIVE SIDEWALL AND ROOF HEIGHT

~~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~~

REGULAR AGENDA (Items 12 - 15)

- 7:50 P.M. 12. APPROVAL OF AMENDMENT TO AGREEMENT FOR PROFESSIONAL CITY PLANNING SERVICES FOR FISCAL YEAR 2001-2002 – NEAL MARTIN AND ASSOCIATES

Recommendation: Approve amendment to Agreement and authorize the Mayor to execute Agreement.

- 8:10 P.M. 13. INTRODUCTION AND FIRST READING OF ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 15.52 RELATED TO RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS

Recommendation: Introduce Ordinance No. ____ amending Chapter 15.52 of the Atherton Municipal Code related to Demolition and Recycling, and waive further reading.

- 8:30 P.M. 14. APPROVAL OF LETTER COMMENTING ON PHILLIPS BROOKS SCHOOL REVISED DRAFT ENVIRONMENTAL IMPACT REPORT

Recommendation: Approve letter and authorize Mayor/Chair of the Atherton Channel Drainage District to sign the letter on behalf of the District, and direct City Clerk to transmit letter to Town of Woodside.

- 8:45 P.M. 15. APPROVAL OF ASSIGNMENT OF A POLICE OFFICER TO THE SAN MATEO COUNTY RAPID ENFORCEMENT ALLIED COMPUTER TEAM (R.E.A.C.T.) TASK FORCE

Recommendation: Approve request to temporarily reassign one Officer to the R.E.A.C.T. Task Force.

9:00 P.M. 16. PUBLIC COMMENTS

9:10 P.M. 17. ADJOURN

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

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Town of Atherton
Office of the City Manager

Memorandum

For the Meeting of October 17, 2001

TO: Mayor and City Council

FROM: James H. Robinson, City Manager

SUBJECT: **INFORMATION FROM MARY GRIFFIN REGARDING BAY AREA
ALLIANCE FOR SUSTAINABLE DEVELOPMENT**

On tonight's agenda, Mary Griffin is scheduled for a presentation regarding the Bay Area Alliance for Sustainable Development. Ms. Griffin faxed a number of sample resolutions regarding this project to my office. Attached is a resolution from the Town of Woodside, for your information.

Attachment (*note: not attached to web version of packet*)

Proclamation

OF THE CITY COUNCIL OF THE TOWN OF ATHERTON

IN RECOGNITION OF

“WILLIE McCOVEY DAY”

WHEREAS, Baseball Hall of Famer Willie McCovey is serving as Honorary Chair of the Field Rededication Ceremony being held at Selby Lane School in the Town of Atherton on Thursday, October 25, 2001; and

WHEREAS, the Field Rededication Project is a partnership of the Giants Community Fund and The Good Tidings Foundation, two charitable organizations that have generously funded and managed the refurbishment of the field, an exceedingly worthwhile community project benefiting our youngsters; and

WHEREAS, the Field is used by the local schoolchildren who participate in the Redwood City Junior Giants, many of whom attend Selby Lane School; and

WHEREAS, Willie McCovey, whose illustrious Hall of Fame playing career with the San Francisco Giants spanned four decades, has so graciously given of his time and notoriety to lend prominence to the Field Dedication Ceremony, which is celebrating a renewed playing field which will greatly assist our youngsters in enjoying healthy sports activities and achieving their athletic goals and dreams.

THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the Town of Atherton, that Thursday, October 25, 2001 be declared “Willie McCovey Day” in the Town of Atherton, and may all citizens be encouraged to recognize and celebrate the accomplishments, talents, dedication, and generosity of Giants Hall of Famer Willie McCovey on this day, and furthermore, may all citizens join the Town in paying tribute to his service as Honorary Chairperson of this Field Rededication Ceremony.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Atherton to be affixed this 17th day of October, 2001.

Dianne M. Fisher, Mayor
Town of Atherton



Draft Minutes
CITY COUNCIL MEETING
September 12, 2001
6:00 P.M.
Town Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

Mayor Fisher called the meeting to order at 6:00 p.m. She called for a moment of silence in memory of those who perished in the September 11 terrorist attacks, and asked that the meeting also be adjourned in their memory.

1. ROLL CALL

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

Mayor Fisher introduced new City Manager James Robinson, and welcomed him to Atherton. City Attorney Marc Hynes was present.

2. PROCLAMATIONS

Mayor Fisher issued the following proclamations:
Constitution Week – September 16-22, 2001
Pollution Prevention Week – September 17-23, 2001

3. PUBLIC COMMENTS

City Manager James Robinson thanked the City Council for giving him the opportunity to work in the community, stated he looks forward to working with staff and the Council, and thanked the Atherton Civic Interest League and the Atherton Dames for the reception.

4. CITY COUNCIL REPORTS

- Council Member Conwell announced that CCAG will meet on September 13. The Criminal Justice Commission will recognize members of the community for outstanding service in the area of criminal justice at the October

Council of Cities meeting in Half Moon Bay. Council Member Conwell will emcee the event.

- **Vice Mayor Carlson reported that the General Plan Committee met September 5th to review the draft housing element update. This item will come before the City Council in detail. He reported that the State Department of Parks and Recreation has responded to the Town's application for funds for the Town Hall project. He will be discussing this with the City Manager.**

- **Council Member McKeithen announced that the San Mateo County Office of Emergency Services has made available actions being taken by the County as a result of the terrorist attacks. She also reported on the Atherton Channel walk that she took recently along with the Mayor, Planning Commissioner Phil Lively, and City Manager James Robinson. She asked Public Works Director Cliff Temps to look into certain items regarding the Channel including obtaining a list of Atherton Channel District taxpayers.**

- **Mayor Fisher announced that the draft EIR for Phillip Brooks School is available for review.**

CONSENT AGENDA

MOTION – to approve the Consent Agenda as presented.

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

5. ACCEPTED WORK AND AUTHORIZED THE RECORDING OF NOTICES OF COMPLETION ON THE FOLLOWING PROJECTS:

- A. 2001 Pavement Patching Project No. 01-001**
- B. 2001 Crack Sealing Project No. 01-002**

6. ADOPTED RESOLUTION NO. 01-15 FOR STREET STRIPING

Adopted Resolution No. 01-15, declaring that the public interest and necessity demand immediate expenditure of public money to provide pavement markings necessary to safeguard life without complying with the competitive bidding provisions of California Public Contracting statutes, and authorized the negotiation of a contract for the 2001 Pavement Marking Project No. 01-004.

REGULAR AGENDA

- 7. PRESENTATION OF PROPOSAL FOR THE POLICE DEPARTMENT COMMUNICATIONS CENTER REMODEL AND TOUR OF EXISTING CENTER BY CONSULTANT DAN WHITE**

Police Chief Robert Brennan gave a brief overview of the requirements of the Block Grant which is proposed to fund the upgrade of the Police Department Communications Center. The Police Chief introduced Dan White, consultant with Specialized Communications Services, who was hired by the Town to design the Communications Center remodel. Mr. White gave a power point presentation and discussed the need for improving the ergonomic design of the Communications Center along with the changes necessary for new technology. Approximately \$68,000 is proposed to be spent from the Grant. At this point, a tour was taken of the current Communications Center.

CLOSED SESSION

The Council adjourned to Closed Session at 7:00 p.m.

8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

**Town of Atherton v. Thomas E. Bacon
Thomas E. Bacon v. Town of Atherton**

9. RECONVENE TO OPEN SESSION

The Council reconvened to Open Session at 7:15 p.m. Instructions were given to the City Attorney regarding the above matter of Town of Atherton v. Thomas E. Bacon and Thomas E. Bacon v. Town of Atherton.

ADJOURN

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

**Sharon Barker
City Clerk**



**Draft Minutes
CITY COUNCIL MEETING
September 19, 2001
5:30 P.M.
Meeting Room
Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting**

Mayor Fisher called the meeting to order at 5:30 p.m.

ROLL CALL

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

CLOSED SESSION

The Council adjourned to closed session at 5:35 p.m.

RECONVENE TO OPEN SESSION

The Council reconvened to open session at 6:55 p.m. The following action was taken:

- A. CONFERENCE WITH LABOR NEGOTIATOR – Labor Negotiations
pursuant to Government Code Section 54957.6
Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Local Union 856
Non-management miscellaneous employees**

Instructions were given to the City Manager.

- B. CONFERENCE WITH LABOR NEGOTIATOR – Labor Negotiations
pursuant to Government Code Section 54957.6
Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Management**

Instructions were given to the City Manager.

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

Instructions were given to the City Attorney.

- D. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9(a):
Patricia O’Neal v. Town of Atherton**

Instructions were given to the City Attorney.

ADJOURN

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Sharon Barker, City Clerk



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

September 19, 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

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

2. PRESENTATIONS

Mayor Fisher issued a proclamation recognizing the Alzheimer's Association Annual Walk, October 6, 2001.

Mayor Fisher proclaimed October 2, 2001 as Walk and Bike to School Day. Police Officer Pilar Ortiz announced that the Police Department is conducting various activities to emphasize safety for children walking and biking to school.

3. COUNCIL REPORTS

- Council Member Conwell reported on the Criminal Justice meeting where Supervisor Rose Jacob Gibson gave a presentation on the mentoring program. Four individuals or organizations who have made contributions in the criminal justice area will be recognized at the October Council of Cities meeting in Half Moon Bay. He also reported that the Waste Reduction Committee met, and the Town has now met the requirements of AB939.
- Vice Mayor Carlson reported that the General Plan Committee will hold a special meeting on September 25 to review the draft Housing Element Update. He

stated that the Committee is requesting authorization from the Council to consider several items. This will be discussed later on the agenda.

- Council Member Janz announced that the next Council of Cities dinner meeting will be held in Belmont on September 28th, at the Iron Gate Restaurant. He asked Building Official Mike Hood to return to the Council at the next meeting with a report on the length of time it takes to issue a building permit.
- Council Member McKeithen reported that the Office of Emergency Services will meet Thursday, September 20th at 5:00 p.m. in the Jury Assembly Room, Justice Center, Redwood City. She asked Public Works Director Cliff Temps to comment on the possible undermining of the roadway along the Atherton Channel at the intersection of Walsh and Reservoir Roads. He stated that the road does not show much deterioration from last year, and that Public Works will be monitoring it for problems. He said the Town does have an emergency backup plan if necessary to handle erosion.
- Mayor Fisher thanked the Dames and other individuals for sponsoring the reception for the new City Manager. She and Police Chief Brennan will attend “Operation Lockdown” on Monday, a Grand Jury forum which will discuss violence in public schools.

4. PUBLIC COMMENTS

The following members of the audience spoke:

- Henry Ilg, 86 Leon Way on the Valparaiso Road Study.
- William Awbrey, 86 Rittenhouse Avenue, on the condition of the tennis courts.
- Charles Marsala, 33 Emilie Avenue, announced the Atherton Arts Committee is sponsoring “Autumn Stars”, a family event, at Menlo Circus Club on Sunday, September 30th.
- Mayor Fisher announced the Dames Family Barbecue will be held Sunday at Holbrook-Palmer Park.
- City Manager Jim Robinson announced the following items:

The General Plan Committee will hold a Special Meeting on September 25th to address the Housing Element Update. The Planning Commission will review the Update at their meeting on October 24th. Public hearings will be held by both the Planning Commission and the City Council in January or February.

The Council was asked to consider holding a special meeting on October 10th to continue items from today’s earlier closed session. The Council agreed to meet on October 10th at 8:30 a.m.

The regular City Council meeting scheduled for November 21st is the day before Thanksgiving. The Council cancelled the November 21st meeting and scheduled a special meeting for Tuesday, November 6th.

~~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~~
12. ACCEPTED LOCAL LAW ENFORCEMENT BLOCK GRANT AWARD OF \$9,974.00 TO PLACE POLICE OFFICERS IN LOCAL SCHOOLS

~~18.~~13. DECLARED MISCELLANEOUS CASH AS UNCLAIMED AND AUGMENTED 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. APPROVED PLANS AND SPECIFICATIONS, AND AWARDED CONTRACT TO NEXGEN BUILDERS IN THE AMOUNT OF \$234,651.00 FOR HOLBROOK-PALMER PARK PLAY AREA RENOVATION PROJECT 01-005

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

PUBLIC HEARINGS

~~19.~~18. PUBLIC HEARING OF AN ORDINANCE AMENDING THE ATHERTON MUNICIPAL CODE LIMITING THE AREA IN WHICH A BASEMENT CAN BE CONSTRUCTED TO THE BUILDABLE AREA OF THE LOT

Building Official Mike Hood introduced this item, which has been approved by the Planning Commission. Discussion ensued regarding basements being built under accessory structures. Council Member McKeithen expressed concerns that under the proposed ordinance, Heritage trees may still not be protected. She stated the need for a professional tree specialist to advise the Town on preparing an ordinance which would protect Heritage trees. Vice Mayor Carlson noted that residents of the Gates Community had expressed concerns that basements being allowed within ten feet of the property line, such as basements under accessory structures, may damage Heritage trees on neighboring properties. Council Member Janz stated that regarding Section 1 of the proposed ordinance, it was not his intention that the provision for no basements being allowed to extend outside the footprint of the main building or accessory structure except for stairways and light wells, be allowed by a conditional use permit. He suggested moving the second sentence in the paragraph under Section 1 to the end of the paragraph. Council Member Conwell asked if there is a limitation on the depth of a basement at the current time. Building Official Mike Hood stated there is not. Mayor Fisher recommended that this issue be sent back to the General Plan Committee for review of the allowable depths of basements and the protection of Heritage trees.

Mayor Fisher opened the public hearing. There were no public comments. The public hearing was closed.

MOTION - Send the proposed ordinance back to staff to review the issues of 1) limitations on the depth of basements, 2) basements constructed under accessory structures, and 3) protection of Heritage trees.

M/S Carlson/Conwell Ayes: 2 (Conwell, Carlson) Noes: 3 (Janz, McKeithen, Fisher) Abstain: 0 Absent: 0

MOTION FAILED.

MOTION – Refer the proposed ordinance limiting the area in which a basement may be constructed back to the General Plan Committee to discuss the issues of 1) total allowable basement depths, 2) basements constructed under accessory structures, and 3) the issue of protecting Heritage trees that are in an area where the building or structure may be located but which may impact a Heritage tree nearby.

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

REGULAR AGENDA

19. MONTHLY FINANCIAL REPORT FOR AUGUST 2001

Interim Finance Director Bill Yeomans presented the monthly financial report for the month of August 2001. The format for this report is similar to the budget document. This will be an established report put on the consent calendar at each future regular City Council meeting. He discussed revenues and expenditures reflected in the report. Finance will provide fund balance reports when the final audit reports are completed. Council Member McKeithen asked to have a commentary on each report describing any unusual situations.

~~21~~20. CONSIDERATION OF DRAFT AGREEMENT BETWEEN THE TOWN OF ATHERTON AND MENLO SCHOOL REGARDING ARTS PROGRAMS

City Attorney Marc Hynes explained that a clean copy of the agreement was not included in the packet. He stated that Menlo School Board will be considering this item and will return their comments to him. Arts Committee Chair Fran Eastman asked the Council to expedite this issue. Council concurred to address the agreement at the October 10 special City Council meeting.

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

This item would approve funding for the proposed Police Department Communications Center remodel using grant funds from the California Law

A corrected copy of the proposed resolution establishing service charges for alarm fees was handed out.

MOTION - Adopt Resolution No. 01-18, relating to charges for public services, which amends Resolution 00-13, to establish a service charge of \$100 for each false alarm in any fiscal year as authorized by subsection C of section 8.04.070 of the Atherton Municipal Code. Section 3 of Resolution No. 01-18 to read “The foregoing fees shall be effective upon the effective date of Ordinance No. 527 and shall be applicable to all applications filed after that date.”

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

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

24. ACCEPTANCE OF STATUS REPORT BY CITY MANAGER OF ANNUAL REVIEW OF LITTLE LEAGUE COMPLIANCE WITH PARK LICENSE AGREEMENT

City Manager Jim Robinson presented this item as a status report, stating that this item will go back to the Park and Recreation Commission for their approval.

Council McKeithen asked if the Town is responsible for maintaining sprinklers or just notifying Little League of maintenance needs. The City Manager stated that required maintenance is to be reimbursed by Little League.

The following member of the audience spoke:

Robert Simonds, 26 Wilburn, President of Holbrook-Palmer Park Foundation

MOTION – to approve the City Manager’s staff report as presented, on the annual review of compliance with the Little League agreement.

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

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

Council Member Janz requested that this item be removed from the Consent Agenda and considered under the regular agenda. It was his feeling that the General Plan Committee should have the ability to consider matters without getting approval of the City Council. Council Member Carlson expressed concerns that the General Plan Committee may address issues and incur costs without Council authorization.

MOTION – to authorize the General Plan Committee, utilizing city staff, to review Item 1, truck regulations on city streets, and Item 2, timing of excavations and foundation permits; and to authorize the review of Item 3, regulations regarding covering of dirt stockpiles during construction, without causing any expense or staff time.

M/S Carlson/McKeithen

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

25. PUBLIC COMMENTS

There were no public comments.

26. ADJOURN

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Sharon Barker, City Clerk

TOWN OF ATHERTON
 CLAIMS LIST
 September 11 through October 10, 2001

Payroll Checks	501291 – 501422	\$ 239,637.72
Electronic Transfers		61,027.36
A/P Checks	11227-11413	<u>600,040.54</u>
TOTAL		\$ 900,705.62

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 501291 – 501422 (Payroll) and 11227-11413 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$900,705.62 are true and correct, and that there are funds for payment.

 James H. Robinson
 City Manager

The above claims, Payroll check numbers 501291 – 501422, Accounts Payable check numbers 11227 - 11413 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$900,705.62; and are hereby approved for payment.

 Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$302,882.69
201	Special Parcel Tax	0
202	Transportation	104,364.84
203	Gas Tax Fund	140,816.43
210	Road Construction Impact Fees	2,845.00
401	General Capital Projects	0
402	Storm Drainage	5,000.00
404	Park Playground Improvement	1,212.09
610	Vehicle Replacement	22,532.00
611	Computer Maint. & Replacement	1,211.50
612	Administrative Services	3,016.56
614	Workers Compensation Insurance	0
715	Evans Estate	2,843.88
731	M-A Little League	0

730	H-P Park Improvement	582.75
731	Tree Committee	13,092.80
	TOTAL	\$600,040.54



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 OCTOBER 17, 2001

SUBJECT: MONTHLY FINANCIAL REPORT, SEPTEMBER 2001

RECOMMENDATION:

Receive and file Monthly Financial Report for September 2001.

INTRODUCTION:

The attached schedules show all revenues and expenditures to the end of September for Fiscal Year 2001-2002 (FY02).

ANALYSIS:

These reports provide an opportunity for Council to see the current financial status of all funds. They also provide staff a forum to discuss any indications that the actuals are better or worse than the original budget.

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. With three months (25%) of the year completed, the Town has actually received 15% of General Fund estimated

revenues. Building Permits (32%) and Park Program Fees (44%) are ahead of schedule, reflecting seasonal summer activity. Sales and Use Tax (14%) and Fines (12%) are lower than anticipated.

Expenditures are within expected levels (16%) except

1. The City Council at 53% of budget includes several annual membership payments paid in July and August.
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 47% pays SMCCIG (\$61,691).

The Atherton Audit Committee will meet with the independent auditor on Tuesday October 30 to review a draft of the annual financial report for the year ended June 30. The final report will be distributed to the City Council in November.

FISCAL IMPACT:

Informational only.

Prepared by:

Approved by:

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 OCTOBER 17, 2001

**SUBJECT: ADOPTION OF ORDINANCE 527, AMENDING SECTION 8.04.070 OF THE
ATHERTON MUNICIPAL CODE RELATING TO SERVICE CHARGES
FOR FALSE ALARMS**

RECOMMENDATION:

Adopt Ordinance No. 527, amending Section 8.04.070 of the Atherton Municipal Code relating to service charges for false alarms.

DISCUSSION:

This Ordinance was introduced, and first reading was held, at the regular City Council meeting on September 19, 2001. Further reading was waived. The attached Ordinance is now presented for adoption by the City Council.

ORDINANCE NO. 527

**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**

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 fiscal 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.

* * * * *

I hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the Town of Atherton held on the 19th day of September, 2001, and was adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the 17th day of October, 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: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF OCTOBER 17, 2001

**SUBJECT: ADOPTION OF RESOLUTION STATING INTENT TO CONSIDER THE
VACATION OF A PORTION OF McCORMICK LANE RIGHT-OF-WAY,
WITH RESERVATION OF EASEMENTS FOR PUBLIC UTILITIES AND
SANITARY SEWERS, AND SETTING A PUBLIC HEARING FOR
DECEMBER 19, 2001**

RECOMMENDATION:

Adopt a resolution stating intent to consider the vacation of a portion of McCormick lane right-of-way, with reservation of easements for public utilities and sanitary sewers, and setting a public hearing for December 19, 2001.

INTRODUCTION:

Over two years ago, the Transportation Committee and the Planning Commission reviewed the request from the owner of 65 McCormick Lane to vacate 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. The Transportation Committee approved the vacation and the Planning Commission found the vacation to not be inconsistent with the General Plan. The former Public Works Director left Town employment before the vacation was presented to the Council for final action. This oversight was recently brought to staff's attention, and the processes is being resumed where it left off.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON STATING ITS INTENT TO CONSIDER THE VACATION OF A PORTION OF MCCORMICK LANE RIGHT-OF-WAY, WITH RESERVATION OF EASEMENTS FOR PUBLIC UTILITIES AND SANITARY SEWERS, AND SETTING A PUBLIC HEARING FOR DECEMBER 19, 2001

WHEREAS, the Town of Atherton has received a request from the owners of the property at 65 McCormick Lane to vacate a portion of McCormick Lane right-of-way adjacent to their property, pursuant to Part 3, Chapter 1, Section 8300 et.seq. of the California Streets and Highways Code; and

WHEREAS, the exact location and description of the portion of road right-of-way proposed to be vacated is described and shown in Exhibits "A" and "B" attached hereto; and

WHEREAS, said California Streets and Highways Code requires public hearing to hear evidence to determine if the portion of street right-of-way proposed for vacation is unnecessary for present or prospective public use,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Town of Atherton that: The City Council intends to consider the vacation of a portion of McCormick Lane right-of-way, with reservation of easements for public utilities and sanitary sewers and will conduct a public hearing on this matter at its regular meeting, commencing at 7:00 p.m. on Wednesday, December 19, 2001, to be held at the City Council Chambers located at 94 Ashfield Road in Atherton California.

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 17th day of October, 2001, by the following vote:

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

ATTEST:

Dianne Fisher, Mayor
Town of Atherton

Sharon Barker, City Clerk

EXHIBIT "A"
MCCORMICK LANE VACATION
LEGAL DESCRIPTION

A portion of McCormick 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 McCormick Lane, thence along said McCormick 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 angle 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 McCormick 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 McCormick Lane, thence in a generally northwest direction, along the said McCormick 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 an 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 McCormick Lane north 31E23'40" east to the point of beginning and containing 3925.59 square feet, and

RESERVING therefrom a 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
CITY MANAGER JAMES H. ROBINSON**

FROM: MICHAEL A. HOOD, BUILDING OFFICIAL

DATE: FOR THE MEETING OF OCTOBER 17, 2001

**SUBJECT: APPEAL OF PLANNING COMMISSION DECISION
DENIAL OF VARIANCE; 396 SELBY LANE;
EXCESSIVE SIDEWALL AND ROOF HEIGHT**

RECOMMENDATION:

That the City Council set Wednesday, December 19, 2001 at 7:00 p.m. as the meeting date to hear an appeal of a Planning Commission decision.

ANALYSIS:

On September 26, 2001, the Planning Commission denied a variance application for the expansion of a non-conforming sidewalk and a non-conforming roof height for a property at 396 Selby Lane.

Per the provisions of Chapter 17.64 of the Atherton Municipal Code an appeal was filed within the required 10 days following a decision of the Planning Commission. The next regular City Council meeting would be Tuesday, November 6, 2001; however, the appellant has requested a postponement until the December 19, 2001 meeting.

Written material from the appellant will be presented to the City Council prior to the appeal hearing. A copy of the Atherton Municipal Code regarding appeals is attached for your information.

Respectfully submitted:

Reviewed/Approved:

Michael A. Hood, Building Official

James H. Robinson, City Manager

Item No. 12



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: LISA COSTA SANDERS, SENIOR PLANNER

DATE: FOR THE MEETING OF OCTOBER 17, 2001

**SUBJECT: CONTRACT RENEWAL FOR PROFESSIONAL CITY PLANNING
SERVICES – NEAL MARTIN AND ASSOCIATES**

RECOMMENDATION:

Approve the contract renewal with Neal Martin & Associates for Professional City Planning Services for the Fiscal Year 2001-02, and authorize the Mayor to execute the Agreement.

ANALYSIS:

Neal Martin & Associates is requesting the renewal of its Agreement for Professional Services with the Town of Atherton for Fiscal Year 2001-02. Neal Martin & Associates has been providing planning services for the Town of Atherton for almost ten years. The contract renewal is requesting the same terms and conditions as the agreement approved in 1996, and proposes to maintain the same rate schedule as was approved by the City Council last fiscal year.

FISCAL IMPACT:

No changes are proposed in the current rate schedule.

Prepared by:

Approved by:

/s/ Lisa Costa Sanders
Lisa Costa Sanders, Senior Planner

James H. Robinson, City Manager

**AMENDMENT FOR AGREEMENT FOR
PROFESSIONAL SERVICES FOR
FISCAL YEAR 2001-2002**

THIS AGREEMENT made and entered into this ___ day of ____ 2001, by and between the Town of Atherton hereinafter called "Town" and Neal Martin & Associates hereinafter referred to as the "Consultant."

RECITALS

WHEREAS, an Agreement for professional services was entered into on the 28th day of June 1996, by the Town and Consultant and subsequently amended and extended annually since then.

WHEREAS, the Town and Consultant desire to continue the Agreement through the next fiscal year.

WHEREAS, the Consultant wishes to amend Exhibit B of the Agreement setting forth the consultant's fee schedule.

AGREEMENT

- A. The Town and Consultant agree to extend the June 28, 1996 Agreement between the Town and Consultant for fiscal year 2001-2002 upon the same terms and conditions as set forth in the original agreement with Exhibit B setting forth the fiscal year 2001-2002, Consultant's fee Schedule.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first written by their respective officers duly authorized in that behalf.

TOWN OF ATHERTON:

DATE: _____

APPROVED AS TO FORM

DATE: _____

CONSULTANT:

DATE: _____

EXHIBIT B

NEAL MARTIN & ASSOCIATES

FY 2001-2002 FEE SCHEDULE

Principal Planner	\$130.00 per hour
Senior Planner	\$ 75.00 per hour
Associate Planner	\$ 65.00 per hour
Assistant Planner	\$ 50.00 per hour
Drafter	\$ 40.00 per hour
Word Processor	\$ 37.00 per hour
Mileage	\$.31 per mile
Expenses	Cost + 15%



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: MICHAEL A. HOOD, BUILDING OFFICIAL

DATE: FOR THE MEETING OF OCTOBER 17, 2001

**SUBJECT: AMENDMENTS TO ORDINANCE NO. 506;
RELATING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND
DEMOLITION DEBRIS; INTRODUCTION AND FIRST READING**

RECOMMENDATION:

Introduce and hold first reading of an Ordinance amending Atherton Municipal Code Chapter 15.52 (amending Ordinance No. 506), Recycling and Diversion of Debris from Construction and Demolition.

INTRODUCTION:

Ordinance 506, Recycling and Diversion of Debris from Construction and Demolition, was adopted by the City Council on September 29, 1999. The Town of Atherton Waste Reduction Committee has recommended several minor changes to this ordinance. Attached is a revised copy of Ordinance No. 506, and a clean copy of the proposed Ordinance for consideration.

ANALYSIS:

In 1995 the State of California mandated a 50% reduction in the waste-stream going to landfills by January 1, 2000. On September 29, 1999 the Town of Atherton adopted Ordinance 506 and implemented a new program that regulated the practice of disposing of construction and demolition debris that had previously been going to those landfills. The program has lead to a dramatic reduction in the landfill waste-stream and, therefore, the Town of Atherton is in compliance with the state mandate.

The Town of Atherton Waste Reduction Committee, which prepared Ordinance 506, has reviewed the program after approximately two years of operation. The following are recommended changes in the Ordinance that would allow the program to operate more efficiently and more closely reflect actual practice.

FISCAL IMPACT:

The cost related to the Recycling and Diversion of Construction and Demolition Debris program is paid for by demolition permit fees.

Prepared by:

Approved by:

Michael A. Hood
Building Official

James H. Robinson
City Manager

Note: Revised copy of Ordinance not included in web version of packet; only clean copy of proposed Ordinance

ORDINANCE NO.

**AN ORDINANCE OF THE TOWN OF ATHERTON
AMENDING CHAPTER 15.52 OF THE
ATHERTON MUNICIPAL CODE,
RELATING TO RECYCLING AND DIVERSION OF
CONSTRUCTION AND DEMOLITION DEBRIS**

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

Section 1. Chapter 15.52 of the Atherton Municipal Code is hereby amended to read as follows:

**Chapter 15.52
RECYCLING AND DIVERSION OF DEBRIS FROM
CONSTRUCTION AND DEMOLITION**

Sections:

- 15.52.010 Findings and Purpose**
- 15.52.020 Definitions**
- 15.52.030 Deconstruction and Salvage and Recovery**
- 15.52.040 Diversion Requirements**
- 15.52.050 Information Required Before Issuance of Permit**
- 15.52.060 Deposit Required**
- 15.52.070 Administrative Fee**
- 15.52.080 On Site Practices**
- 15.52.090 Reporting**
- 15.52.100 Violation a Public Nuisance**
- 15.52.110 Penalties**
- 15.52.120 Exemption from Diversion Requirements**
- 15.52.130 Designation of Approved Mixed C&D Recycling Facility**

15.52.10 Findings and Purpose

The City Council of the Town of Atherton hereby finds and determines that the Town is committed to protecting the public health, safety, welfare and environment; that in order to meet these goals it is necessary that the Town promote the reduction of solid waste and reduce the stream of solid waste going to land fills; that under California law as embodied in the California Waste Management Act (California Public Resources Code Sections 40000 et seq.), Atherton is required to prepare, adopt and implement source reduction and recycling elements to reach reduction goals, and is required to make substantial reductions in the volume of waste materials going to landfill, under the threat of penalties of \$10,000 per day; that debris from demolition and construction of buildings represents a large portion of the volume presently coming from Atherton, and that much of said debris is particularly suitable for recycling; that Atherton's commitment to the reduction of waste and to compliance with state law requires the establishment of programs for recycling and salvaging construction and demolition materials; the City Council recognizes that requiring demolition and construction debris to be recycled and reused may in some respects add modestly to the cost of demolition and in other respects may make possible some cost recovery and cost reduction; and that it is necessary in order to protect the public health, safety and welfare that the following regulations be adopted.

15.52.020 Definitions

For purposes of this chapter the following definitions apply:

A. "Contractor" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to buildings or accessory structures in Atherton.

B. "Covered Project" means any project affected by the diversion requirements of this Ordinance. Covered projects shall include all new construction permits, all demolition permits, all full residential reroofing projects, and any addition or alteration of a residence that has an estimated cost above \$50,000 and/or an estimated generation of ten tons of C&D debris. Covered projects shall not include permits for accessory structures, drainage, electrical, encroachment, excavation, foundation, grading, mechanical, plumbing, screening, tree removal, pools, or additions and alterations with an estimated cost of less than \$50,000.

C. "Demolition and Construction Debris" means:

1. Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project.
2. **Clean cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project.**
3. **Non-construction and demolition debris wood scraps.**

4. **De-minimis amounts of other non hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the industry.**
 5. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

- D. "Designated Recyclable and Reusable Materials" means:
 1. **Masonry building materials including all products generally used in construction including, but not limited to asphalt, concrete, rock, stone and brick.**
 2. Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.
 3. Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use.
 4. **Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences.**
 5. Roofing Materials including wood shingles as well as asphalt, stone and slate based roofing material.
 6. Salvageable Materials includes all salvageable materials and structures Including, but not limited to wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.

- E. "Mixed C&D Recycling Facility" means: a facility that accepts mixed construction and demolition debris for the purpose of manually and/or mechanically sorting the material into recyclable components for the purpose of recycling a portion of the total material entering the facility.

- F. "Approved Mixed C&D Recycling Facility" means: a facility which has been identified by the Building Official as having diversion rates, reporting mechanisms, and sorting systems which have the highest potential for helping the Town achieve its diversion goals and policies.

15.52.030 Deconstruction and Salvage and Recovery

Every structure planned for demolition shall be made available for deconstruction, salvage and recovery prior to demolition. No demolition shall commence until a period of 10 working days has elapsed from the date of issuance of the demolition permit, in order to facilitate de-construction, salvage and recovery prior to demolition. It shall be the responsibility of the owner, the general contractor and all subcontractors to recover the maximum feasible amount of salvageable designated recyclable and reusable materials prior to demolition. Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall qualify to be counted in meeting the diversion requirements of this chapter. Recovered or salvaged materials may be given or sold on the premises, or may be

removed to reuse warehouse facilities for storage or sale. Title to recyclable materials forwarded to the operator of recycling facilities or of a landfill that is under contract to the cities in southern San Mateo County will transfer to the service provider upon departure of materials from the site.

15.52.040 Diversion Requirements

It is required that at least the following specified percentages of the waste tonnage of demolition and construction debris generated from the following categories of covered projects shall be diverted from land fills by using recycling, reuse and diversion programs:

Demolition:

Sixty percent (60%) of total waste tonnage including source-separated dirt, concrete, brick, cinderblock and/or asphalt, and twenty-five percent (25%) of waste tonnage excluding source-separated dirt, concrete, brick, cinderblock and/or asphalt. For example, if total tonnage generated is one hundred (100) tons, the total diverted tonnage shall be at least sixty (60) tons. Of this amount, the total tonnage diverted through materials excluding soil, concrete and asphalt shall be at least twenty-five (25) tons.

Full residential Reroofing projects:

Fifty percent (50%) of waste tonnage.

New Construction :

Sixty percent (60%) of waste tonnage.

Alteration and Additions:

Fifty (50%) percent of total waste tonnage including source-separated dirt, concrete, asphalt, brick and cinderblock and twenty-five percent of waste excluding source-separated dirt, concrete, asphalt, brick and cinderblock.

Per Section 15.52.020B, diversion requirements shall not apply to permits for accessory structures, drainage, electrical, encroachment, excavation, foundation, grading, mechanical, plumbing, screening, tree removal, pools, or additions and alterations with a value of less than \$50,000 and/or additions and alteration projects generating less than ten tons.

Separate calculations and reports will be required for the demolition and for the construction portion of projects involving both demolition and construction.

15.52.050 Information Required Before Issuance of Permit

Every applicant shall submit a properly completed "Recycling and Waste Reduction Plan", on a form as prescribed by the Building Official

. The form shall contain an accurate estimate of the tonnage or other specified units of construction and/or demolition debris to be generated from construction and demolition on the site. Approval of the form as complete and accurate shall be a condition precedent to issuance of any building or demolition permit.

15.52.060 Deposit Required

As a condition precedent to issuance of any permit that involves the production of solid waste destined to be delivered to a landfill and is identified as a covered project needing to comply with the diversion requirements of this Ordinance, the applicant shall post a cash deposit in the amount of fifty dollars (\$50.00) for each estimated ton of construction and/or demolition debris to be recycled, but not less than One thousand dollars (\$1,000.00) for all covered projects except residential reroofing projects, which shall be required to post a cash deposit of five hundred dollars (\$500). The deposit or cash bond shall be returned, without interest, in total or in proportion, upon proof to the satisfaction of the building official, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and /or construction project have been diverted from landfills and have been recycled or reused. If a lesser percentage of tons or cubic yards than required is diverted, a proportionate share of the deposit will be returned. The deposit shall be forfeited entirely if there is a failure to comply with the requirements of this chapter.

15.52.070 Administrative Fee

As a condition precedent to issuance of any permit for a covered project that involves the production of solid waste destined to be delivered to a landfill, the applicant shall pay to the Town a cash fee sufficient to compensate the Town for all expenses incurred in administering the permit. The amount of this fee shall be determined in accordance with the then current resolution of the City Council.

15.52.080 On Site Practices

During the term of the covered project, the contractor shall recycle or divert the required percentages of materials, and keep records thereof in tonnage or in other measurements approved by the Building Official that can be converted to tonnage. The Building Official will evaluate and monitor each project to gauge the percentage of materials recycled, salvaged and disposed from the project. The required diversion of a minimum of the required percentages of the demolition and construction debris will be measured separately with respect to the demolition segment and the construction segment of a project where both demolition and construction are involved. To the maximum extent feasible on-site separation of scrap wood and clean green waste in a designated debris box or boxes shall be arranged, in order to permit chipping and mulching for soil enhancement or land cover purposes. In order to protect chipping and grinding machinery, metal and other materials which cannot be chipped or ground shall not be placed in such boxes. On-site separation shall be undertaken for wallboard to the extent feasible on new construction.

15.52.090 Reporting

Within sixty (60) days following the completion of any covered project, the contractor shall, as a condition precedent to final inspection and to issuance of any certificate of occupancy, submit documentation to the Building Official which proves compliance with the requirements of Section 15.52.040. Separate reports shall be required for the demolition and new construction phases of a covered project. The documentation shall consist of a final completed "Recycling and Waste Reduction Report" showing actual data of tonnage of materials recycled and diverted, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether materials generated from the site have been or are to be recycled, reused, salvaged or otherwise disposed of. If a project involves both demolition and construction, the report and documentation for the demolition project must be submitted and approved by the Building Official before issuance of a building permit for the construction project. In the alternative, the permittee may submit a letter stating that no waste or recyclable materials were generated from the project, in which case this statement shall be subject to verification by the Building Official. Any deposit posted pursuant to Section 15.52.060 shall be forfeited if the permittee does not meet the timely reporting requirements of this section.

As required, the Building Official shall prepare a report that describes the number and type of permit issued; the number and type of projects covered by diversion requirements; the amount of deposit received; and the total tonnage generated and diverted from completed projects.

15.52.100 Violation a Public Nuisance

Each violation of the provisions of this chapter shall constitute a public nuisance and be subject to abatement as such, pursuant to the provisions of Chapter 8.20 of this Code. The costs of abatement of any such nuisance shall be a lien upon the property involved.

15.52.110 Penalties

Each violation of the provisions of this chapter shall constitute a misdemeanor, and shall be punishable by imprisonment in the county jail for not to exceed six (6) months, or by fine not exceeding one thousand dollars (\$1,000.00), or by both such fine and imprisonment. Each day that a violation continues shall be deemed a new and separate offense. ~~Section 2. — Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.~~

~~Section 3. — If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.~~

~~Section 4. This Ordinance shall be posted in at least three public places within the Town of Atherton and shall be effective from and after thirty (30) days following its adoption.~~

15.52.120 Exemption from Diversion Requirements

A permit applicant may apply to the Building Official for an exemption to the diversion requirements of this Ordinance at the time of the submittal of the Recycling and Waste Reduction Plan. The Recycling and Waste Reduction Plan must still be filled out, with data indicating what diversion percentage the applicant considers feasible. In addition, a Waiver Request Form must be completed that indicates the reasons the applicant is requesting an exemption from the diversion requirements. Exemptions will be considered based on contamination by hazardous materials and low recyclability of specific materials.

15.52.130 Designation of Approved Mixed C&D Recycling Facility

The Building Official may identify individual facilities as an Approved Mixed C&D Recycling Facility and require contractors working on projects covered by the diversion requirements of this Ordinance to deliver non-source-separated construction and demolition materials to these facilities for the purpose of helping to increase Town diversion rates and achievement of AB939 goals.

Section 2. Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 4. This Ordinance shall be posted in at least three public places within the Town of Atherton and shall be effective from and after thirty (30) days following its adoption.

* * * * *

I hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the Town of Atherton held on October 17, 2001, and was adopted by said City Council at a regular meeting held on _____, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

Dianne M. Fisher, Mayor
Town of Atherton

ATTEST:

Sharon Barker, City Clerk
Town of Atherton



Town of Atherton

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

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF OCTOBER 17, 2001

**SUBJECT: APPROVAL OF LETTER COMMENTING ON PHILIPS BROOKS SCHOOL
REVISED DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)**

RECOMMENDATION

Approve the letter commenting on the Philips Brooks School Revised Draft EIR and authorize the Mayor to sign it on behalf of the Atherton Channel District Board.

INTRODUCTION

The Town of Woodside is processing an application and revised draft EIR for developing a new campus for Phillips Brooks School on 94 acres west of and adjacent to Interstate 280. The property lies within the Atherton Channel District and drains into the upper end of the Channel. Development of the property for school purposes will have the potential for adverse construction impacts, including erosion and depositing sediment into Channel waters, and will increase the quantity of runoff from the property. A previous proposal, based on a different design for the school, was the subject of an earlier EIR. The project has been redesigned to lessen its impacts, and the revised draft EIR addresses the impacts of the new design. The draft EIR is currently being circulated, and the deadline for submittal of written comments is October 19, 2001.



**Town of Atherton
Atherton Channel Drainage District
Office of the City Council and District Board
91 Ashfield Road
Atherton, California 94027**

October 17, 2001

David Rizk, Planning Director
Town of Woodside
2955 Woodside Road
Woodside, CA 94062

Subject: Revised Draft Environmental Impact Report
Phillips Brooks School Project
Comments, Due Date October 19, 2001

Dear Mr. Rizk:

Below you will find the comments of the Town of Atherton City Council, acting in its capacity as the governing Board of the Atherton Channel Drainage District. These comments were reviewed and approved at the regular meeting of the Council and Board held on October 17, 2001.

General:

The project site is within the boundaries of the Atherton Channel Drainage District, and the proper name of the stream consistently referred to in the Draft Environmental Impact Report as Atherton Creek is Atherton Channel.

Section 3.5 Proposed Project Construction Schedule

The completion of the dam and construction phase erosion control measures are of great significance in preventing potentially serious downstream impacts and should be included in the project schedule.

Section 3.6.2 Other Required Approvals

No mention is made of approval for watershed alteration and drainage measures required from the Atherton Channel Drainage District, in which the project is located, and which has responsibility for operating and maintaining the Atherton Channel.

Impact 7-5

Discussion states “Based on the current project plans, no increase in the rate of runoff entering the creek would be expected and the increase in volume of runoff entering this reach of the creek due to project-related increases in impervious surface would not be expected to have an adverse impact on the downstream (creek, lower pond, wetland meadows) habitat.” This statement is not true because any increase in the total volume of runoff will increase the volume of material eroded from an erodible channel.

Mitigation 9-6

This mitigation addresses increased channel erosion and sedimentation and calls for formulation and implementation of detailed project drainage and erosion and sedimentation control plans and establishing a schedule for periodic inspection and servicing erosion and sedimentation control measures that meet the satisfaction of Woodside Town Geologist and Town Engineer. The plans and schedule should also be subject to review and approval of the Atherton Channel Drainage District Engineer, to assure they adequately protect the District’s facilities. The District Engineer should also have the right to inspect the installation and adequacy of these facilities and their maintenance and to report deficiencies to the Woodside Town Engineer, when corrective action or additional measures are needed.

Mitigation 9-6, Discussion item b,

Discussion of the erosion and sediment control plan appears to be focused on trapping eroded material. There is no mention of erosion prevention measures such as covering erodible slopes with fiber blankets, intercepting flow from above erodible slopes and directing it around slope areas, etc. At least as much emphasis should be placed on preventing erosion at its source as is placed on trapping eroded material.

10.1.5 Downstream Drainage and Flood Conditions

A more complete description of downstream conditions should include the following information:

Most of the open sections of the Atherton Channel are lined with blown concrete or concrete sack rip rap or have a poured concrete bottom.

A section of the Atherton Channel, between the San Francisco Water Department transmission line and Reservoir Road has an unprotected bottom and failing or no protection on its sides. This section is particularly venerable to erosion caused by any increase in the volume of flow in the Channel.

10.3.4 Runoff Volume and Flow Detention

No calculations are presented to substantiate the statement “.....increases in runoff volume at the site drainage outlet into Atherton Creek would be reduced under the current (revised) project drainage plan to rates below existing conditions for 2-, 5-, 10-, 25-, 50- and 100-year storm events, representing a beneficial (less than significant) impact.” The estimated 1 to 1.5 acre feet of additional runoff during a 4" rainfall needs to be translated into the added volume of runoff in a typical wet season, and the potential that volume has for eroding susceptible reaches of the Atherton Channel needs to be determined and mitigated.

Mitigations 10-3, 10-6 and 10-10

The Atherton Channel Drainage District Engineer should be included in the review and approval process for pond embankments, foundation and spillway design, seismic stability and operation and maintenance. The District Engineer should also be included in erosion and sediment control plan review, approval and monitoring.

Mitigation 10-6

Standards and criteria should be established for providing periodic inspection, maintenance and silt removal from permanent erosion and sediment control measures, and a recorded covenant that is enforceable separately by the Town of Woodside and the Atherton Channel Drainage District should be imposed to assure ongoing proper functioning of the measures.

10.3.8 Cumulative Impacts

The conclusion “.... there would be no cumulative drainage impact associated with the revised drainage plan,” is not true. It is stated in section 10.3.4 that there will be an increase in total runoff as a result of the project. This increase in runoff will increase erosion in susceptible reaches of the Atherton Channel, downstream from the project.

We request that the Town and Atherton Channel Drainage District be kept informed of the processing of this proposal and that we be provided with copies of the final EIR, Woodside staff reports, notices of meetings and proposed conditions of approval, far enough in advance of hearings and intended actions, to allow the Town/District to prepare and present additional comments.

Sincerely,

Dianne M. Fisher
Mayor, Town of Atherton
Chairman, Atherton Channel Drainage District Board

Item No. 15



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: ROBERT BRENNAN, POLICE CHIEF

DATE: FOR THE MEETING OF OCTOBER 17, 2001

**SUBJECT: ASSIGNMENT OF AN OFFICER TO THE RAPID ENFORCEMENT
ALLIED COMPUTER TEAM (R.E.A.C.T.) TASK FORCE**

RECOMMENDATION:

Approve the Police Department's request to temporarily assign one Officer to the San Mateo County R.E.A.C.T. Task Force.

INTRODUCTION:

During the last year, the Police Department has made a significant effort to attract and retain quality employees by providing a positive, constructive environment that provides challenges and opportunities for all employees. This change has resulted in a Police Department that continues to be at full staffing with a lower than normal attrition rate. With the passing of the Parcel Tax funding one position, and the receipt of a State grant funding one front line Police Officer, these have allowed the Police Department to provide enhanced services to the residents of Atherton. In the past, Atherton has lost many tenured employees to other law enforcement agencies due to the real or perceived perception of the lack of opportunity for career development or advancement. This perception has been reinforced with the hiring of lateral Supervisors and Management Staff as vacancies occur.

By contributing to the Countywide law enforcement efforts, exposure to our Officers to the complexities and varieties of crime fighting techniques that in normal circumstances would take many years before gaining any expertise in a given area, if at all. Some of the

opportunities presented to us for participation have not convinced me that they would provide a balance of direct benefit to the Town while providing any career development opportunity for the employee. Since so much of today's crimes have become regional, I do believe that the Rapid Enforcement Allied Computer Team (REACT) does meet the qualifications of opportunity and benefit. The types of crimes outlined in the analysis portion of this report are equal opportunity crimes that will affect the citizens of Atherton in both their personal and professional lives. The Police Department has a duty to provide the best law enforcement and protective measures possible within its scope of services to both reduce crime and the fear of crime.

ANALYSIS:

REACT is a Task Force that is comprised of sixteen Law Enforcement and Prosecutorial agencies covering a 5 county area. The mission of REACT is to reduce the incidence of high technology crime through the apprehension of the professional organizers of large-scale criminal activities. In the next year, REACT will establish a satellite office within San Mateo County. The Multi-Agency High Tech Task Force will be comprised of Municipal, County, State and Federal Law Enforcement Officials and will receive equipment and supplies through State grants. The objective of the task force will be to reduce the incidence of high technology crime in the San Mateo County area by attacking the problem throughout the greater Bay Area.

The Task Force will develop a partnership between Law Enforcement and private business to provide streamlined communication and essential resources that enhance the Task Force's ability to conduct thorough, successful investigations. The Task Force will offer the following services:

➤ **Thefts**

Major computer and component thefts, burglaries, robberies, and cargo thefts from hi-tech manufacturers, businesses and government agencies.

➤ **Identity Thefts**

Large-scale identity theft where the majority of the fraud involved the Internet, network access or other sophisticated computer technology.

➤ **Trademark Violations**

Counterfeiting of computer software and computer components, including large-scale conspiracies associated with these types of crimes.

➤ **On-line Crimes**

Internet crimes such as network intrusions, financial crime data destruction and large-scale auction fraud.

➤ **Technical Support/Computer Forensics**

Investigators can provide technical expertise and assistance in preparing search warrants, seizing computers as evidence, defeating passwords, examining files, analyzing or copying data. The unit will be equipped with a working computer lab capable of handling priority examination requests.

➤ **Training Program**

The Task Force Investigators will assist in the preparation and training of the County line Officers and Investigators in high-tech courses.

The position of High Tech Investigator will be staffed by one of the two Council approved over-hire positions. With the current staffing levels being 2 Sergeants and 6 Officers covering Day Watch, and 2 Sergeants and 4 Officers covering Night Watch, these levels of staffing provide us with the opportunity to make a significant contribution to the countywide effort. We will still have the other additional position to cover vacation and other planned or unplanned events without additional overtime costs.

Although a regional effort is being made in regards to high tech crime and related criminal activity, the Officer will be selected by our own internal process and recommended to the Task Force for this two-year assignment within the San Mateo County satellite.

Fiscal Impact:

Due to the nature of the training involved in this assignment, we are being asked to make a two-year commitment of one full-time employee (FTE). This will be accomplished using the current staffing levels approved by Council for the Police Department. A vehicle currently in the fleet would be provided to the person assigned. Additional maintenance and fuel costs would be anticipated, but would be absorbed within the constraints of the current budget.

The salary for a top step Officer is approximately \$66,000. The task force will reimburse the Town of Atherton \$50,000 of salary each year, 100% of any overtime and 100% of any cost related to training per year. The Police Department will realize a \$100,000 saving in the regular salaries over the two-year period.

Prepared by:

Approved by:

Robert Brennan, Police Chief

James H. Robinson, City Manager