



## **CITY COUNCIL AGENDA**

**September 29, 1999**

**7:00 p.m.**

**HOLBROOK-PALMER PARK**

**PAVILION**

150 Watkins Avenue

ATHERTON, CALIFORNIA

### **REGULAR COUNCIL MEETING**

1. **ROLL CALL** Carlson, Conwell, Dudley, Fisher, Chapman
2. **PRESENTATIONS/RECOGNITION**
  - A. Oath of Office: Joseph Wade, Police Officer
  - B. Presentation/Introduction: Honorable Mrs. Rose Jacobs-Gibson, County Supervisor, 4<sup>th</sup> District
  - C. Proclamation: Mrs. Kathleen Weisenberg, League of Women Voters
  - D. Proclamation: Constitution Week, September 17<sup>th</sup> – 23<sup>rd</sup>, (DAR) Daughters of the American Revolution
  - E. Proclamation: Putting Children First Day, October 2, 1999, Sue Ferren, Linkages Coordinator
  - F. Proclamation Commemorating Officer Michael Phillips
3. **COUNCIL REPORTS**
4. **PUBLIC COMMENTS** (only for items which are not on the agenda - limit of three minutes per person)
5. **CITY MANAGER'S REPORT**
6. **POLICE CHIEF'S REPORT**
7. **COMMUNITY ORGANIZATION ROUNDTABLE'S REPORT** (Directed by Resolution No. 99-6)

**CONSENT CALENDAR (Items 8 through 18)**

8. **APPROVAL OF MINUTES OF SPECIAL MEETING OF 6/9/99, REGULAR MEETING OF 6/16/99, SPECIAL MEETING OF 7/20/99, REGULAR MEETING OF 7/21/99, SPECIAL MEETING OF 8/4/99, SPECIAL MEETING OF 8/16/99, SPECIAL MEETING OF 9/9/99, AND SPECIAL MEETING OF 9/11/99.**

**Recommendation:** Approve Minutes of Special meeting of 6/9/99, Regular meeting of 6/16/99, Special Meeting of 7/20/99, Regular Meeting of 7/21/99, Special Meeting of 8/4/99, Special meeting of 8/16/99, Special meeting of 9/9/99 and Special meeting of 9/11/99.

9. **APPROVAL OF BILLS AND CLAIMS OF AUGUST, 1999**

**Recommendation:** Approve bills and claims in the amount of \$ 1,218,849.70

10. A. **DECLARATION OF SURPLUS PROPERTY**

**Recommendation:** Declare items described in Exhibit A as surplus property.

- B. **RECALL OF FORD RANGER PICKUP TRUCK FROM SURPLUS AND DECLARE CHEVROLET CAPRICE SEDAN TO SURPLUS**

**Recommendation:** Recall Ford Ranger pickup truck from surplus and declare Chevrolet surplus.

11. **ADOPTION OF ORDINANCE NO. 505, ADDING A NEW SECTION 3.16.055 TO THE ATHERTON MUNICIPAL CODE, RELATING TO LEASES**

**Recommendation:** Adopt Ordinance No. 505, titled, an Ordinance of the Town of Atherton, adding a new Section 3.16.055 to Chapter 33.16 of the Atherton Municipal Code, relating to leases and waive further reading.

12. **ADOPTION OF ORDINANCE NO. 506, ADDING CHAPTER 15.52 TO THE ATHERTON MUNICIPAL CODE, RELATING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS**

**Recommendation:** Adopt Ordinance No. 506, titled, an Ordinance of the Town of Atherton, adding a new Chapter 15.52 to the Atherton Municipal Code, relating to the recycling and diversion of construction and demolition debris and waive further reading.

**CONSENT CALENDAR- Continued.**

**13. ACCEPTANCE OF WORK AND AUTHORIZATION TO FILE NOTICE OF COMPLETION: WALSH ROAD AND RETAINING WALL PROJECT**

**Recommendation: 1) Accept the Public Works Director's certifications of the project work and the final quantities of work, including the cost for completion of the Walsh Road Retaining Wall; 2) Order that a Notice of Completion be filed by the City Clerk.**

**14. ACCEPTANCE OF WORK AND AUTHORIZATION TO FILE NOTICE OF COMPLETION ON THE 1998-99 SEAL COAT PROJECT**

**Recommendation: 1) Accept the Public Works Director's certifications of the project work and final quantities of work, including the cost for completion of the 1998-99 Seal Coat Project; 2) Order that a Notice of Completion be filed by the City Clerk.**

**15. RESOLUTION NO. 99-, AUTHORIZING EXECUTION AND FILING OF APPLICATION FOR FUNDING UNDER THE STATE TRANSPORTATION IMPROVEMENT PROGRAM OF SB45, FOR PAVEMENT REHABILITATION OF MIDDLEFIELD ROAD, BETWEEN MARSH ROAD AND ENCINAL AVE.**

**Recommendation: Adopt Resolution No. 99-, authorizing execution and filing of application for funding under the State Transportation Improvement Program of SB45 for pavement rehabilitation of Middlefield Road, between Marsh Road and Encinal Ave.**

**16. APPROVE PLANS AND SPECIFICATIONS, REDISTRIBUTE ALLOCATIONS WITHIN STORM DRAINAGE FUND OF CAPITAL IMPROVEMENT BUDGET AND AWARD OF CONTRACT FOR MISCELLANEOUS GUTTER CONSTRUCTION AND PAVEMENT REPAIR PROJECT NO. 99-011 TO J.J.R. CONSTRUCTION, INC.**

**Recommendation: 1) Approve the plans and specifications for the miscellaneous gutter construction and pavement repair project; 2) Redistribute allocations within the Storm Drainage Capital Improvement Fund; 3) Authorize the bid award to J.J.R. Construction, Inc. in the amount of \$180,298; 4) Authorize the City Manager to execute the contract between the Town of Atherton and J.J.R. Construction Inc.**

**17. APPROVAL OF RESOLUTION NO. 99-, A RESOLUTION OF THE TOWN OF ATHERTON APPROVING APPROPRIATIONS LIMIT AND CALCULATIONS FOR FISCAL YEAR 1999-2000**

**Recommendation: Approve Resolution No. 99-\_\_\_\_\_, approving limit and calculations for Fiscal Year 1999-2000.**

**CONSENT CALENDAR – Continued.**

- 18. SET PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING TITLE 15 OF THE ATHERTON MUNICIPAL CODE, REPEALING ORDINANCE NO. 488 AND ALL OTHERS IN CONFLICT THEREWITH AND ADOPTING CURRENT BUILDING, PLUMBING, MECHANICAL, ADMINISTRATIVE, HOUSING, ELECTRICAL, AND ABATEMENT OF DANGEROUS BUILDING CODES.**

**Recommendation: Set October 20, 1999, at 7:00 p.m. as the date and time for introducing an Ordinance amending Title 15 of the Atherton Municipal Code, repealing Ordinance 488, and all other Ordinances in conflict therewith; adopting current building, plumbing, mechanical, administrative, housing, abatement of dangerous buildings, and electrical codes.**

**PUBLIC HEARINGS (Items 19 through 20 )**

- 19. PUBLIC HEARING -TENTATIVE PARCEL MAP – 53 EUCLID AVE (APN 070-022-740) - TENTATIVE PARCEL MAP TO ALLOW THE SUBDIVISION OF ONE TWO-ACRE PARCEL INTO TWO ONE-ACRE PARCELS, ATHERTON MUNICIPAL CODE SECTION 16.16**

**Recommendation: Open public hearing; hear testimony; close public hearing; adopt findings one through ten outlined in the staff report; uphold the Planning Commission’s recommendation and approve the Tentative Parcel Map.**

- 20. PUBLIC HEARING - FIRST READING AND INTRODUCTION OF ORDINANCE NO.\_\_\_\_\_, AMENDING ATHERTON MUNICIPAL CODE SECTION 17.50 AS RELATED TO LANDSCAPE SCREENING**

**Recommendation: Open public hearing; hear testimony; close public hearing; introduce Ordinance No.\_\_\_\_\_, amending Atherton Municipal Code Section 17.50 as related to landscape screening.**

**REGULAR AGENDA (Items 21 through 26)**

- 21. FIRST READING AND INTRODUCTION OF NOISE ORDINANCE NO. \_\_\_\_\_, AMENDING CHAPTER 8.16 OF THE ATHERTON MUNICIPAL CODE REGULATING NOISE CONTROL; CONTINUED FROM JULY 21, 1999 CITY COUNCIL MEETING**

**Recommendation: That the City Council introduce the Ordinance Amendment regulating noise control; this item was continued from the July 21, 1999 City Council meeting for re-introduction, and waive further reading.**

**REGULAR AGENDA – Continued.**

- 22. AUDIT REPORT MAZE AND ASSOCIATES; PAYMENT TO FORMER FINANCE DIRECTOR**

**Recommendation: Accept and file.**

- 23. REPAIR OR REPLACEMENT OF ONE POLICE MOTORCYCLE.**

**Recommendation: Approve repair or replacement of one police motorcycle.**

- 24. DISCUSSION AND POSSIBLE ACTION ON NEGOTIATED RESIGNATION AGREEMENT – CITY MANAGER.**

**Recommendation: Discuss possible negotiated resignation of City Manager and terms of agreement; approve agreement.**

- 25. DISCUSSION AND POSSIBLE ACTION TO ENGAGE SERVICES OF EXECUTIVE SEARCH FIRM FOR POSITION OF CITY MANAGER.**

**Recommendation: Discuss possible engagement of services of executive search firm to fill position of City Manager; retain services as appropriate.**

- 26. APPOINTMENT TO THE ATHERTON ARTS COMMITTEE: Mindy Perez-Rubio**

**Recommendation: Appoint Mindy Perez-Rubio to the Atherton Arts Committee.**

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- 27. ATHERTON CHANNEL DRAINAGE DISTRICT**

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- 28. AMICUS BRIEF: None**

- 29. CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

**Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Three potential cases.**

**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

**Initiation of litigation pursuant to subdivision (c) of Government Code Section 54967.9: Two potential cases.**

**C. LIABILITY CLAIMS Pursuant to Government Code Section 54956.95:**

**1. Claimant: Scott Munns**

**Agency claimed against: Town of Atherton**

**2. Claimant: Carolyn Oliver**

**Agency claimed against: Town of Atherton**

**3. Claimant: Charles E. Davey**

**Agency claimed against: Town of Atherton**

**30. RECONVENE TO OPEN SESSION**

**Report of action taken in closed session.**

**31. ADJOURN**

**DISORDERLY CONDUCT**

**Any member or other person using loud or boisterous language at any meeting, or interrupting the proceedings, and who refuses to be seated or keep quiet when ordered to do so by the Mayor or the Vice Mayor will be asked to leave. It shall be the duty of the Chief of Police or his/her designee, upon order of the presiding officer, to eject any such member or person from the meeting room.**

Dated and Posted 9/24/99