



Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
JANUARY 21, 2004
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor McKeithen called the meeting to order at 7:09 p.m.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**

PRESENT: **James R. Janz**
 Charles E. Marsala
 Alan B. Carlson
 Kathy McKeithen
 William R. Conwell

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

3. **PRESENTATIONS**

- A. **Cable System Audit Report – David Ramberg, Cable Franchise Manager, gave an overview of the Cable Joint Powers Authority and an update of the Cable System Audit currently in progress.**

John Sisson, Atherton, spoke from the audience.

- B. **Measure A Reauthorization – San Mateo County Transportation Authority Representative Howard Goode**

Howard Goode, Deputy Executive Director of the Transportation Authority, gave a PowerPoint presentation on the Authority's outreach plans for the Measure A Reauthorization.

John Sisson, Atherton, spoke from the audience.

4. COUNCIL REPORTS

- Council Member Janz reported that the Caltrain Corridor Subcommittee met January 9 to specifically address the proposed Caltrain schedule. A public meeting, sponsored by the Subcommittee, will be held January 27, at 7:00 p.m. to obtain public input to take to the Peninsula Joint Powers Board on February 5. The February 5 meeting of the Joint Powers Board will be held at the Samtrans Building in San Carlos on February 5, 10:00 a.m. The next Subcommittee meeting will be February 3. The Audit Committee held their first quarterly meeting of this year on January 20. The Committee plans to propose a list of possible topics to the City Council for the Committee to address in 2004. Council Member Janz announced a Water Transit meeting to address ferry service that will be held on February 6 at 10:00 a.m. at the Oracle Conference Center.
- Council Member Marsala announced the Arts Committee Ballet event will be held Saturday, January 24 at the Pavilion, Holbrook-Palmer Park. Tickets for the event are available from Arts Committee members. The Library Joint Powers Authority met and the new JPA agreement should be finalized soon. The League of California Cities is working on a proposed initiative for the November ballot which will address the State take away of local revenues. Council Member Marsala also reported that he has met with the owner of the Bonsai Restaurant to discuss residents' concerns with the sign advertising it is in Atherton. Mayor McKeithen asked that the City Manager be included on any future meetings with the restaurant owner.
- Council Member Carlson reported on the Finance Committee meeting which was held on January 9. The Committee reviewed the mid-year budget report which is on this agenda. The Transportation Committee met January 13 and reviewed the Sacred Heart traffic study, received a report on the traffic signal at University and Valparaiso, and on the left turn pocket on El Camino Real at Selby Lane. The Committee also reviewed the no parking zone on Oak Grove which is on this agenda for reauthorization.
- Mayor McKeithen reported that the Transportation Committee discussed the San Mateo County Comprehensive Bicycle Plan and asked that Valparaiso Avenue be considered for grant funding and that roads other than Marsh Road be considered for bicycle routes. The County Office of Emergency Services will meet Thursday, January 22 at 5:00 p.m. in the Jury Room at the County Center.
- Vice Mayor Conwell reported that the San Francisco Airport Roundtable did not meet this month. He attended the C/CAG meeting where a report was received from the Ethics Committee. The Criminal Justice Committee met today and received a presentation by Communities Overcoming Relationship Violence. He attended the installation of Mark Church as the new Chair of the Board of Supervisors.

5. PUBLIC COMMENTS

The following members of the audience spoke:

- Eric Amadei, Atherton
- Denise Kupperman, Atherton, who will be performing volunteer work on a landscape plan for Holbrook-Palmer Park. As a result of Ms. Kupperman's comments, City Manager Jim Robinson suggested that an item be placed on the agenda of the Joint City Council/Park and Recreation Commission for discussion related to supervision of the maintenance contractor.
- John Sisson, Atherton
- John Rugeiro, Atherton
- Bob Jenkins, Atherton, regarding properties which may be in violation of the nuisance ordinance. City Attorney Marc Hynes responded that the Town is proceeding to notify some of the identified property owners.

6. STAFF REPORTS

- City Manager Jim Robinson announced that tickets are still available for the Arts Committee Ballet Event on Saturday, January 24, at Holbrook-Palmer Park.
- Police Chief Bob Brennan announced that the Police Department is providing gun locks to the public free of charge, and handed them out to the audience. The locks are funded by a program sponsored by the State Department of Justice. He also stated that the Police Department is stepping up enforcement of the Valparaiso No Left Turn into Blockbuster Video.
- City Attorney Marc Hynes reported out from the Closed Session as follows:
 - A. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation pursuant to Government Code Section 54956.9(c): 1 potential case.

No reportable action.
 - B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9 (a)
Teamsters Local No. 856 v. City of Atherton

No reportable action.

- C. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6**

**Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Teamsters Local Union 856
Non-management Miscellaneous Employees**

Directions were given to the City Manager.

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

**Claimant: Pacific Gas and Electric Company
Agency Claimed Against: Town of Atherton**

**Claimant: Jeff Reyes
Agency Claimed Against: Town of Atherton**

**Claimant: Diane G. Snyder
Agency Claimed Against: Town of Atherton**

No reportable action on Liability Claims.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Chair Joan Sanders, gave a report on the activities and programs of the Friends of the Atherton Library. A special Valentine's Day event will be held February 13 and Free Family movie nights will start in February.

CONSENT CALENDAR

MOTION – to approve the Consent Agenda as presented.

M/S Conwell/Janz

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

- 8. APPROVED MINUTES OF REGULAR AND SPECIAL MEETINGS OF NOVEMBER 19 AND DECEMBER 17, 2003**
- 9. APPROVED BILLS AND CLAIMS FOR DECEMBER 2003 IN THE AMOUNT OF \$735,991**
- 10. ACCEPTED MONTHLY FINANCIAL REPORT FOR DECEMBER 2003**

11. **ADOPTED ORDINANCE NO. 546 AMENDING ATHERTON MUNICIPAL CODE CHAPTER 10 RELATING TO PARKING AND CHAPTER 15.40 RELATING TO CONSTRUCTION REGULATIONS**

APPROVED RATIFICATION OF ACTION ADOPTING RESOLUTION NO. 03-28, ADOPTING GUIDELINES FOR CONSTRUCTION, OPERATION AND PARKING PLANS

12. **ADOPTED ORDINANCE NO. 547 AMENDING ATHERTON MUNICIPAL CODE SECTION 8.10 REGARDING TREE PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS**

APPROVED RATIFICATION OF ACTION ADOPTING RESOLUTION NO. 03-29, ADOPTING TREE PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS AND ESTABLISHING A FEE FOR A CIVIL PENALTY FOR DAMAGE TO OR UNPERMITTED REMOVAL OF HERITAGE TREES

13. **ACCEPTED WORK AND APPROVED AUTHORIZATION TO RECORD A NOTICE OF COMPLETION FOR THE ELENA AVENUE BOX CULVERT PROJECT 03-007**

14. **APPROVED A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SURVEYING SERVICES FOR 2005 STREET RECONSTRUCTION**

Accepted the proposal and authorized the Mayor to execute a Professional Services Agreement with Triad/Holmes Associates to provide surveying services for the 2005 Streets Reconstruction Project in an amount not to exceed \$21,464, plus a 10% contingency for a total authorization of \$23,610.

15. **AWARDED A CONTRACT FOR HOLBROOK-PALMER PARK RESTROOM EXPANSION PROJECT NUMBER 03-008**

Awarded the contract for Holbrook-Palmer Park Restroom Expansion Project to Tinney Construction in the amount of \$44,900.

16. **AWARDED A CONTRACT FOR HOLBROOK-PALMER PARK LANDSCAPE MAINTENANCE**

Awarded the contract for Holbrook-Palmer Park Landscape Maintenance to Jensen Landscaping in the amount of \$2,225 per month and authorized the Mayor to execute a contract in a form to be approved by the City Attorney.

REGULAR AGENDA

17. MID-YEAR BUDGET REVIEW

Finance Director John Johns presented the Mid-year Budget Report. The report provided mid-year projections of General Fund revenues, expenditures and other financing sources and uses. The report also provided a comparison of projections with the adopted FY 2003-04 budget and a schedule of recommended budget adjustments.

Discussion was held regarding the assessment of the special parcel tax on the residential units at Menlo College. The Council directed staff to request payment for prior years' parcel taxes which were not assessed by the Town.

Mayor McKeithen asked the Finance Director to report back on the reason for the difference between the sales tax estimate and actual revenue.

Council Member Janz complimented Finance Director Johns on his report and stated that although the mid-year budget report is favorable, the Town will still be facing financial issues in future years beyond its control.

Motion – to accept the Mid-year Budget Review Report, and approve the adjustments to estimated revenues and appropriations as presented in Attachment 1 of the staff report.

M/S Conwell/Marsala

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

18. CONSIDER ACCEPTANCE OF GRANT FROM CABLE CO-OP FOR EQUIPPING THE COUNCIL CHAMBERS FOR CABLE BROADCAST OF TOWN MEETINGS

The staff report for this item was prepared by Linda Kelly, Assistant to the City Manager. The City Council, at the November 19, 2003 meeting, authorized staff to submit an application for a grant from Cable Co-op for funding for cablecasting City Council meetings. Staff subsequently received notification that the Town had been awarded a grant in the amount of \$50,000, and that the grant requires matching funds at a minimum amount of \$20,000.

Vice Mayor Conwell expressed concerns with the cost of maintaining the equipment and with depending on volunteer help to operate the cablecasting equipment.

The Council concurred that at this time the Town should not commit funds for the required match to the grant.

MOTION – to respectfully decline the grant from Cable Co-op.

M/S Carlson/Conwell

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

19. CONSIDER AUTHORIZING THE ATHERTON POLICE DEPARTMENT TO SUBMIT A REQUEST FOR A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS)

Police Chief Bob Brennan presented the staff report for this item. The Police Department has requested authorization to apply for a grant from the California Office of Traffic Safety (OTS). If awarded, the grant would provide funding for dedicated traffic enforcement in areas that have been designated as having high collision rates. Police Chief Brennan noted that the Town has not received a traffic grant for the last two years and may be at a better advantage to receive a grant this year because the accident rate has increased.

Finance Director Johns contacted OTS to confirm that if the financial position of the Town worsened, the Police Department would be allowed to reduce a position, but would be required to retain the traffic officer position. An administrative charge will be applied to the grant if received.

Council Member Carlson stated the Finance Committee had reviewed this item and agreed to recommend application for the grant.

In response to Vice Mayor Conwell's question, Police Chief Brennan confirmed that the grant will fund one of the current police officers and will not require the Town to add an additional position. Council Member Janz noted that although the Town would be committed to keeping traffic safety officer for 3 years, the officer is still a patrol officer and will be acting in that capacity as well.

MOTION – to authorize the Atherton Police Department to submit a request for a grant from the California Office of Traffic Safety.

M/S Janz/Conwell

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

**20. DISCUSSION AND POSSIBLE ACTION - RECOMMENDATION FROM WASTE REDUCTION COMMITTEE REGARDING DEMOLITION SALES
MOTION**

The staff report for this item was presented by Building Official Mike Hood. The Atherton Waste Reduction Committee received a request from a demolition contractor to consider allowing weekend demolition sales. The Municipal Code currently restricts construction activity to weekdays from 8:00 a.m. to 5:00 p.m. Demolition sales are considered construction activity. The Waste Reduction Committee considered the request and has recommended that this issue be brought before the City Council for consideration. Building Official Hood reported that there are approximately 50 demolitions per year in the Town of Atherton.

Council Member Janz stated that there are tremendous recycling and reuse benefits associated with having demolition sales on weekends. He stated that signage and days and hours of operation could be addressed as well as parking issues for weekend sales.

Mayor McKeithen expressed concern that with increased construction in Town, demolition will probably increase as well. She disagreed with the idea of weekend demolition sales because of noise and congestion issues, and expressed concerns with diminishing the current code. She also stated that demolition sales should not be included under the Special Events Ordinance as these are for profit activities. Council Member Carlson agreed with the Mayor's comments.

Council Member Marsala stated that the Waste Reduction Committee had spent time reviewing the matter and had suggested using the Special Events Ordinance as a guideline for handling noise issues related to weekend demolition sales. The Waste Reduction Committee felt that by requiring notification of neighbors, many of the noise and parking issues could be avoided.

Eric Amadei, Atherton, spoke from the audience.

MOTION – to accept the report from the Waste Reduction Committee and take no action on the matter.

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

21. CONSIDER ADOPTION OF A RESOLUTION EXTENDING A TEMPORARY NO PARKING ZONE ON OAK GROVE AVENUE

City Manager Jim Robinson presented the staff report for this item. The City Council, at the May, 2003 meeting, adopted a resolution establishing a temporary No Parking Zone along both sides of Oak Grove Avenue between the Oak Grove Avenue Cul-de-sac and Edge Road between the hours of 7:30 a.m. and 3:00 p.m. from May 22, 2003 to June 13, 2003. The temporary No Parking restrictions proved to be an effective deterrent to the student parking in the area. The Atherton Transportation Committee reviewed this item and recommended that the No Parking restrictions on Oak Grove Avenue continue through the end of the current school year. The Committee also suggested that a survey of the residents in the area be conducted to determine their preference between permanent and temporary signage.

Mayor McKeithen stated that the Committee also recommended removing the temporary signs on a trial basis after the new parking lot is completed and immediately replacing them if student parking resumes in the area.

MOTION – to adopt Resolution No. 04-01 extending the No Parking Zone for both sides of Oak Grove Avenue between the Oak Grove Cul-de-sac and Edge Road Mondays

through Fridays, between the hours of 7:30 a.m. and 3:00 p.m. through June 30, 2004, or until the school construction and the T-Lot Parking Lot are completed.

M/S Conwell/Carlson

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

22. APPROVAL OF MAYOR'S 2004 CITY COUNCIL COMMITTEE ASSIGNMENTS

Mayor McKeithen presented the 2004 City Council Committee Assignments, stating that there would be one change from the list attached with the staff report: Council Member Janz will serve on the Finance Subcommittee and Council Member Marsala will serve on the Buildings and Facilities Subcommittee.

MOTION – to approve the Mayor's 2004 City Council Committee Assignments.

M/S Conwell/Marsala

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

CONSIDER REQUEST FROM CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) TO EXTEND THE TERM OF APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE C/CAG BOARD

The City/County Association of Governments (C/CAG) has requested that member agencies extend the term of appointment of C/CAG Board representatives in order to provide some continuity on the Board.

Vice Mayor Conwell stated that extending the terms would not be effective and would not be enforceable.

The Council concurred that they would take no action on this matter. Mayor McKeithen asked that staff contact C/CAG and relay this information.

23. PUBLIC COMMENTS

City Manager Jim Robinson noted that different chairs had been provided for the Council to try out at this meeting. Council directed staff to obtain prices for new Council chairs.

The City Manager noted that an election calendar for the parcel tax measure for the November 2004 election had been provided to the Council. The schedule provides a timeline for action required by the Council. Council requested that an item be placed on the next agenda for discussion of the parcel tax.

The City Manager was asked to meet with the Park and Recreation Commission and determine a date for the Joint City Council/Park and Recreation Commission meeting.

24. ADJOURNMENT

The meeting adjourned at 9:40 p.m.

Respectfully submitted,

s/Sharon Barker
Sharon Barker, City Clerk