



Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
FEBRUARY 18, 2004
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor McKeithen called the meeting to order at 7:03 p.m.

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

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

ABSENT: **Alan B. Carlson (Excused absence)**

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

3. **PRESENTATIONS**

A. Certificate of Appreciation: Mayor McKeithen presented a Certification of Appreciation to outgoing Atherton Arts Committee Chair Jan Zones.

Mayor McKeithen then called for a moment of silence in memory of Atherton resident Bob Simonds.

4. **COUNCIL REPORTS**

- **Council Member Janz reported that the Caltrain Corridor Subcommittee met in January and sponsored a public meeting on January 27, 2004 to obtain input on proposed schedule changes. Several Subcommittee members attended a Caltrain**

Joint Powers Board public hearing on February 5 and addressed the Board on issues brought up at the January 27 Atherton meeting.

- **Council Member Marsala noted that the Library Joint Powers meeting was canceled this month. He announced that Town staff has provided a new e-mail listserv on the Town website. Residents will be able to sign up to receive notification of agendas and other news items. He reported that the Arts Committee ballet event was a great success and thanked the Arts Committee and Jan Zones for their efforts.**
- **Vice Mayor Conwell reported on the San Francisco Airport Roundtable meeting. A new runway procedure is being implemented to allow for additional landings. The City/County Association of Governments is working on a program to encourage voters to renew Measure A. Vice Mayor Conwell attended a seminar at the San Mateo Performing Arts Center on the subject of bullying in schools, and provided two videos to the Police Department on how to handle bullying. He attended a seminar on elder abuse this past month and an event honoring outgoing San Mateo County Supervisor Mike Nevin. He also attended a meeting of the Criminal Justice Commission.**
- **Mayor McKeithen reported that she attended a D.A.R.E. ceremony at Encinal School at the end of January. She also stated that the Office of Emergency Services Council met and they have a new District Coordinator. A protocol for storm emergencies is being developed and information on a new online program dealing with household hazardous waste collection was presented. Mayor McKeithen also mentioned that Public Works Director Duncan Jones is working with Menlo-Atherton High School regarding a possible study for improvements to the Oak Grove intersection. The study may be funded by leftover grant funds from the school. Finance Director John Johns was asked to report back to the Council on sales tax revenue at the next meeting.**

5. PUBLIC COMMENTS

Marion Oster, Atherton Heritage Association, gave a brief history of the Atherton Train Station.

6. STAFF REPORTS

- **City Manager Jim Robinson reminded Council of the Joint Council / Park and Recreation Commission meeting on March 2, at 7:00 p.m. in the Pavilion. Items to be addressed are: Strategic Park and Recreation Plan, a proposed Landscape Master Plan, possible reconstruction of the Tennis Courts, and improvements to the Pavilion. Council Member Marsala asked the City Manager to check with the Arts Committee for any items they would like addressed at the joint meeting.**
- **The City Manager also reminded Council that Conflict of Interest forms are due to be submitted to the City Clerk by March 19.**

- **City Manager Robinson reported on the propositions appearing on the March ballot.**
- **Public Works Director Duncan Jones informed Council that he has met with representatives of Menlo Atherton High School and the City of Menlo Park regarding mutual interests in intersections around Menlo Atherton High School. He also gave a report on traffic issues surrounding enhancements on Valparaiso Avenue. The Public Works and Police Departments are looking into placing delineators along the double stripe to discourage drivers from making left turns into Blockbuster Video.**
- **City Attorney Marc Hynes reported that no action was taken on the following items from the 6:00 p.m. Closed Session:**
 - A. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9 (a) Richard T. LemMon v. Town of Atherton**
 - B. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation pursuant to Government Code Section 54956.9(c): 1 potential case.**
 - 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

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

No report.

CONSENT CALENDAR (TOWN OF ATHERTON ITEMS 8 – 16)

Mayor McKeithen asked that Item 16 be removed and placed on next month’s agenda.

Vice Mayor Conwell announced that the City Council Screening Committee has recommended appointment of Greg Conlon to the Caltrain Corridor Subcommittee. He also noted a correction to the staff report under Item 15 regarding cost savings on the Stockbridge Patch and Overlay Project.

Council Member Janz asked that a correction be made to the minutes of the regular meeting of January 21, 2004. Under Item 17 on Page 6, he asked that the words “in future years” be added to the second paragraph regarding his comments that the Town will face financial issues beyond its control.

MOTION – to approve the Consent Agenda as amended with the exception of Item 16 which will be placed on the March Regular City Council agenda.

M/S Conwell/Janz

Ayes: 4 Noes: 0 Absent: 1 (Carlson) Abstain: 0

8. APPROVED MINUTES OF REGULAR AND SPECIAL MEETINGS OF JANUARY 21, 2004 AS AMENDED

9. APPROVED BILLS AND CLAIMS FOR JANUARY 2004 IN THE AMOUNT OF \$678,095

10. ACCEPTED MONTHLY FINANCIAL REPORT FOR JANUARY 2004

11. ACCEPTED INVESTMENT REPORT FOR QUARTER ENDED DECEMBER 31, 2003

12. APPROVED REJECTION OF BIDS FOR THE HOLBROOK-PALMER PARK MAIN HOUSE ELEVATOR PROJECT NO. 03-009

Rejected all bids for the Holbrook-Palmer Park Main House Elevator Project, Project No. 03-009, and authorized redesign of the project.

13. APPROVED POLICE VEHICLE PURCHASE

Approved the purchase of a new unmarked police vehicle not to exceed the total purchase price of \$20,000 to be funded from the Vehicle Replacement Fund.

14. APPROVED RECOMMENDATION OF CITY COUNCIL SCREENING COMMITTEE TO APPOINT A MEMBER TO THE CALTRAIN CORRIDOR AD HOC SUBCOMMITTEE

Accepted the recommendation of the City Council Screening Committee to appoint Greg Conlon to the Caltrain Corridor Subcommittee for an indefinite term.

15. ACCEPTED WORK AND AUTHORIZED RECORDING OF A NOTICE OF COMPLETION FOR THE STOCKBRIDGE AVENUE PATCH AND OVERLAY PROJECT

Accepted the work and authorized staff to record a Notice of Completion for the Stockbridge Avenue Patch and Overlay Project No. 03-002.

16. ADOPTION OF A RESOLUTION APPROVING AN AMENDMENT TO THE FRANCHISE AGREEMENT BETWEEN THE TOWN OF ATHERTON AND BFI WASTE SYSTEMS OF NORTH AMERICA, INC.

Removed from Consent Agenda. Will be placed on March 17, 2004 Agenda.

CONSENT CALENDAR (ATHERTON CHANNEL DRAINAGE DISTRICT ITEM NO. 17)

- 17. ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ATHERTON CHANNEL DRAINAGE DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE UPPER ATHERTON CHANNEL STABILIZATION PROJECT.**

MOTION – adopted Resolution No. 04-01 of the Board of Directors of the Atherton Channel Drainage District adopting a Mitigated Negative Declaration for the Upper Atherton Channel Stabilization Project.

M/S Conwell/Marsala

Ayes: 4 Noes: 0 Absent: 1 (Carlson) Abstain: 0

REGULAR AGENDA (Items 18 – 24)

- 18. CONSIDER REQUEST FROM MIDPENINSULA REGIONAL OPEN SPACE DISTRICT TO ADOPT A RESOLUTION SUPPORTING AND ENDORSING THE PROPOSED EXTENSION OF THE DISTRICT’S BOUNDARIES**

The Midpeninsula Regional Open Space District requested that the City Council adopt a resolution in support of their Coastal Protection Program. Mary Davey, President of the Midpeninsula Regional Open Space District, was present and introduced General Manager Craig Litton who provided a Powerpoint presentation outlining the District’s plans to extend its boundaries to provide services to preserve and manage open space on lands west of Skyline Boulevard.

The following members of the audience spoke:

Jerry Carlson, Atherton

Bob Jenkins, Atherton

Council Member Janz stated the program has a broad base of support and is a good idea.

MOTION – to adopt a resolution supporting and endorsing the Midpeninsula Regional Open Space District’s Coastal Protection Program to extend its boundaries to include a portion of the San Mateo County Coast.

M/S Janz/McKeithen

Ayes: 4 Noes: 0 Absent: 1 (Carlson) Abstain: 0

- 19. CONSIDER REQUEST FROM TENNIS COMMITTEE TO DISTRIBUTE LETTER OF SOLICITATION OF DONATIONS**

The current parcel tax authorization will expire June 30, 2005. Options for consideration provided in the Staff Report included: 1) increasing the average parcel tax levy from the current level of \$717 per parcel to \$1,110 per parcel in order to maintain the current level of investment in infrastructure and ongoing operations, 2) renewing the parcel tax at the amounts currently authorized, or 3) increasing the parcel tax levy by an average of \$196 per parcel or 50% of what is required to sustain current operations and implementing reductions to the Town's operating and capital budgets of \$500,000 annually.

Discussion was held regarding the development of a process for placing the parcel tax measure on the November ballot as well as methods of providing educational information to Town residents. The League of California Cities sponsored ballot measure and effects it may have on next year's budget were discussed. Finance Director Johns stated that the Governor has indicated additional ERAF funds may be shifted from local government. He stated that calculations in the staff report allow for either an increased shift in ERAF or the possibility that the Motor Vehicle License fees will not be continued.

Mayor McKeithen suggested that the Audit Committee be charged with working on a program to inform the residents of the need for the parcel tax. Council Member Janz agreed, stating that the Finance Subcommittee meets with the Audit Committee and that a brainstorming session would be a good idea for a first step in the process.

Vice Mayor Conwell stated his concerns with going out more than four years with the parcel tax.

The following members of the audience spoke:

John Sisson, Atherton
Jerry Carlson, Atherton
Ernie Kirchner, Atherton
John Rugeiro, Atherton

It was agreed that a special meeting will be called by the Audit Committee prior to the March City Council meeting. Mayor McKeithen outlined the following schedule:

1. March (second week of the month) - Audit Committee special meeting
2. March 17, 2004 – Audit Committee will report back to the City Council.
3. April – pamphlet to be developed and provided to residents, article in Spring Athertonian
4. May – possible special City Council meeting prior to publishing the Notice of Election

22. CONSIDERATION OF AN AMENDMENT TO THE SPECIAL EVENTS ORDINANCE TO RESTRICT THE LENGTH OF TIME SPECIAL EVENTS ARE ALLOWED TO OCCUR WITHIN THE TOWN OF ATHERTON

City Manager Jim Robinson presented the staff report for this item. The current ordinance does not provide for any restriction or limitation on the number of days that Special Events can occur. Current practice has been for Town staff to provide certain services to mitigate impacts on local neighborhoods where Special Events are being held. Several permits have been issued for events such as House Tours with a period of three to five weeks duration.

In response to Mayor McKeithen, the City Manager stated that most permits are issued for events lasting one day or weekend.

Discussion ensued regarding the exemption for schools and country clubs. Council Member Janz noted that the General Plan Committee had spent time on the ordinance many years ago and that it would be appropriate to refer the issue back to General Plan if the exemptions of schools and country clubs is being considered.

The Council agreed to refer the Special Events Ordinance to the General Plan Committee for consideration of possible amendments including additional costs

incurred by the Town, the definition of a Special Event, the length of events, and exemptions of schools, country clubs.

23. DISCUSSION AND POSSIBLE ACTION REGARDING CODE ENFORCEMENT REPORTING PROCESS

Mayor McKeithen discussed this issue, stating that Staff was asked to develop a protocol for receiving and following up on complaints and code enforcement issues.

City Manager Jim Robinson noted that other departments are maintaining informal daily logs of calls received, and that many code enforcement calls are received by the Police Dispatch and referred to the appropriate departments. Staff developed a form that could be used online to track code enforcement issues in the Town's current database system. The City Manager suggested considering utilizing the form on a three month trial basis in the City Manager's Office and the Building Department.

The Council suggested that several changes be made to the proposed form and directed staff to begin the process. The City Manager stated that no additional funds would need to be appropriated to put the system online.

24. CONSIDER REQUEST FROM CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) REGARDING MEASURE A

City Manager Jim Robinson presented the staff report for this item. The Council has been asked by C/CAG to take action to allow the City Council C/CAG representative,

Vice Mayor Bill Conwell, to vote on the Transportation Draft Expenditure Plan for Measure A at the next C/CAG meeting. The Transportation Draft Expenditure Plan along with a list of projects was provided with the Staff Report.

MOTION – to authorize the City Council C/CAG representative to vote in favor of the proposed Measure A Continuation Draft Transportation Expenditure Plan.

M/S Conwell/McKeithen

Ayes: 4 Noes: 0 Absent: 1 (Carlson) Abstain: 0

25. PUBLIC COMMENTS

The following members of the audience spoke:

Ernie Kirchner, Atherton

John Rugeiro, Atherton

26. ADJOURNMENT

The meeting adjourned at 10:12 p.m.

Respectfully submitted,

s/Sharon Barker

Sharon Barker, City Clerk