



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

REGULAR MEETING

Mayor McKeithen called the meeting to order at 7:00 p.m.

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

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

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

3. **PRESENTATIONS**
 - A. **A Proclamation Declaring Arbor Day on April 24, 2004 was presented by Mayor McKeithen. Tree Committee Chair Denise Kupperman announced Arbor Day activities. Marion Oster announced a walk-a-thon through the Lindenwood area on May 22, sponsored by the Menlo Rotary Club. A part of the proceeds will go to the Atherton Tree Committee.**
 - B. **A Proclamation Declaring May 3 to May 9, 2004 Mosquito and Vector Control and West Nile Virus Awareness Week was presented by Mayor McKeithen.**

4. **COUNCIL REPORTS**

- **Vice Mayor Conwell announced that the San Francisco Airport Roundtable did not meet this month. He reported on a Criminal Justice Commission meeting he attended today. The Commission received a presentation on programs for people coming out of the prison system.**

- **Council Member Carlson attended a Caltrain Corridor Subcommittee meeting last night, along with Council Member Janz. He represented Atherton, along with Chief Brennan and Vice Mayor Conwell, at the Little League Opening Day activities.**
- **Council Member Marsala reported on the County Library Joint Powers meeting. The JPA will begin recruiting for a new Library Director. The Arts Committee held a “Tiffany” event recently with a presentation by the Director of the Palo Alto Tiffany store. The Arts Committee is currently planning the Big Daddy Jazz event which will be held on June 20. Council Member Marsala also reported that a bench will be dedicated to former Park and Recreation Commissioner Henry Cartan. He reported on the proposed special park district which the County is looking into. He will attend the Spring Assembly of ABAG next week.**
- **Council Member Janz reported on the Caltrain Corridor Subcommittee meeting held last night. On April 1 he attended, along with other representatives from the Subcommittee, a Caltrain Joint Powers Board meeting where the new Baby Bullet schedule was enacted. As a result of actions by the Subcommittee, the JPB implemented limited service (express) for Atherton, as well as hourly service. The JPB will review the newly created service levels in the next six months. Other issues at Subcommittee meeting included discussion on Quiet Zones, the Draft High Speed Rail EIR, and the electrification program. Council Member Janz attended a meeting last Friday on noise issues related to the use of the fields at Menlo School and Menlo College. The May 21, 2004 Council of Cities dinner meeting will be hosted by Atherton. He asked staff to look into facilities other than the Pavilion for the meeting.**
- **Mayor McKeithen reported on the Transportation Committee meeting held April 13. The Committee approved a permanent no parking zone on Oak Grove Avenue (on tonight’s agenda), and discussed local shuttle service. The Committee determined that unless the City Council decides otherwise, the shuttle service would not provide enough service for the cost. The Emergency Services Commission meets tomorrow, April 22 at 5:30 p.m. in the Jury Room, County Center. Mayor McKeithen attended readings at Laurel School recently. The Screening Committee met last week and interviewed applicants for various commission and committee vacancies. Appointments are on this agenda. The Audit Committee has met on a weekly basis to discuss issues the Town needs to address when considering the upcoming parcel tax. The Atherton Channel Drainage District Subcommittee has not met, but Public Works Director Duncan Jones and Marts Beekley recently walked the Channel with the Army Corps of Engineers and the Department of Fish and Wildlife. The District will be required to respond to Fish and Wildlife on several issues.**

5. PUBLIC COMMENTS

John Sisson, Atherton, spoke from the audience.

6. STAFF REPORTS

- **City Manager Jim Robinson reported that Assistant to the City Manager Linda Kelly is out on maternity leave. He introduced Greg Sam, who will fill in for Linda as Interim Assistant to the City Manager. He also introduced Kathi Hamilton who will serve as Interim City Clerk upon the retirement of City Clerk Sharon Barker in June.**
- **The City Manager announced that the League ballot measure on the protection of local property taxes has qualified for the November ballot.**
- **City Attorney Marc Hynes reported out from the Closed Session held at 6:00 p.m.:**

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

- 1. Richard T. LemMon v. Town of Atherton
San Mateo County Superior Court, Case No. 433473**
- 2. Teamsters Local 856 v. City of Atherton
San Mateo County Superior Court, Case No. 429950**

There was no reportable action on either item.

**B. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation
Initiation of litigation pursuant to Government Code Section 54956.9(c)
1 potential case.**

No reportable action.

C. LIABILITY CLAIM - Government Code Section 54956.95

**Claimant: Maryann Bloomquist
Agency Claimed Against: Town of Atherton**

The Council unanimously denied the claim.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Atherton Civic Interest League President Bob Jenkins presented a six month Progress Report. He announced the 57th annual Town meeting which will be held on May 6. Jerry Carlson gave a brief report on the formation of the Selby Lane School Education Foundation. A carnival sponsored by the Foundation will be held May 1, 11:30 a.m. to 4:30 p.m. at the School.

CONSENT CALENDAR

Mayor McKeithen thanked Denise Kupperman and Joan Dolan for their offer to develop a Park Landscape Master Plan and announced the Charette which will be held on May 1. The

City Manager noted a correction to Item 11 on the agenda face. The bid amount should read \$90,069.90.

It was requested that Item 13 be removed from the Consent Agenda and placed on the Regular Agenda.

MOTION – to approve the items on the Consent Agenda with the exception of Item 13 which was placed on the Regular Agenda.

M/S Janz/Conwell

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

8. **APPROVED MINUTES OF SPECIAL MEETINGS OF MARCH 2, 2004 AND MARCH 17, 2004 AND REGULAR MEETING OF MARCH 17, 2004**
9. **APPROVED BILLS AND CLAIMS FOR MARCH 2004 IN THE AMOUNT OF \$733,294**
10. **ACCEPTED MONTHLY FINANCIAL REPORT FOR MARCH 2004**
11. **AWARDED CONTRACT FOR THE HOLBROOK-PALMER PARK MAIN HOUSE WHEELCHAIR LIFT PROJECT NO. 03-009**

Awarded the contract for the Holbrook-Palmer Park, Main House Wheelchair Lift Project, Project No. 03-009, to George Bianchi Construction, Inc., low bidder on the April 14, 2004 bids, in the amount of \$90,068.90, and rejected the bid from River City Construction due to bid irregularities.

12. **APPROVED THE AGREEMENT FOR LANDSCAPE DESIGN SERVICES BETWEEN THE TOWN OF ATHERTON AND JOAN K. DOLAN / DENISE KUPPERMAN FOR PREPARATION OF A LANDSCAPE MASTER PLAN FOR HOLBROOK-PALMER PARK**

Authorized the Mayor to execute an agreement with Joan K. Dolan and Denise Kupperman to provide landscape design services for the preparation of a Landscape Master Plan for Holbrook-Palmer Park.

13. ***Removed from Consent Agenda, See Regular Agenda.***
APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE PATCH, SEAL, AND OVERLAY PROJECT
14. **APPROVED PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE 2005 STREET RECONSTRUCTION PROJECT**

Approved the plans and specifications and authorized advertisement for bids for the 2005 Street Reconstruction Project, Project No. 03-011.

Mayor McKeithen announced the recommendations of the Screening Committee for filling vacancies on various commissions and committees.

MOTION – to accept the recommendation of the Screening Committee to appoint the following residents:

**Planning Commission: Kristi Waldron
(Four year terms) James Dobbie**

**General Plan Committee: Phil Lively
(Two year term)**

**Park and Recreation Commission: Shirley Carlson (reappointment)
(Four year term)**

**Audit Committee: Mason Brutschy
(Three year terms) Michael Barsotti
Dr. Sam Goodman**

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

18. REPORT FROM ATHERTON AUDIT COMMITTEE ON THE OPTIONS RELATED TO A PARCEL TAX REAUTHORIZATION MEASURE

Marc Hebert, Atherton Audit Committee Chair, presented a report on the options related to a parcel tax reauthorization measure. He stated that the Audit Committee, at the direction of the City Council, has taken on this special project to review the options made available to the City Council at the February 18, 2004 meeting. The objectives of the report included: 1) assess whether the Finance Department’s projections made in a report to the Council were reliable in view of the assumptions made and the analytic techniques employed, 2) evaluate at what level and duration a parcel tax reauthorization should be proposed on the November ballot, and 3) suggest certain cost savings and communication techniques and strategies that the Council should consider employing in providing information to the community. Chair Hebert explained that the report was approved by the Audit Committee on a 4 to 1 vote, with one member abstaining from the process.

The Committee recommended that the parcel tax be increased at 50% of the level that the Finance Department determined is necessary to maintain current service levels. The recommendation would mean an average increase of 22% to the current parcel tax.

Finance Director John Johns discussed possible methods of capturing additional revenues by changing administrative procedures utilized to collect business licenses. It was agreed that the Town’s fee structure should be examined on a regular basis.

The various assumptions used by the Audit Committee within the report were discussed including the County's reappraisal of property for tax purposes.

Vice Mayor Conwell requested that dollar amounts be attached to the revenue enhancements and cost reductions proposed in the Audit Committee report.

Mayor McKeithen asked staff to produce a list of all cost containments, including those funded by grants, that were enacted in the last four years.

Discussion was held regarding how the Council will work through the process of placing the parcel tax on the ballot. It was agreed that this is the first step in the process and that a more detailed review will need to take place. Council Member Carlson suggested that a special joint study session be held with the City Council and the Audit committee to work on the process. He stated the need to develop a dollar amount for the parcel tax as well as a plan to accompany the dollar amount.

Mayor McKeithen asked for public comments. John Rugeiro, Arlan Kertz and Jerry Carlson spoke from the audience.

The City Manager reported on the Menlo Park Fire Protection District proposal to have a special assessment mailed ballot as opposed to a parcel tax on in November.

A Special Meeting for a Study Session was set for Wednesday, May 12 at 6:00 p.m. in the Council Chambers.

19. DISCUSSION AND POSSIBLE ACTION RELATED TO NOISE ISSUES / FIELD ACTIVITIES AT MENLO COLLEGE AND MENLO SCHOOL

City Manager Jim Robinson presented the staff report for this item. Staff members and Council Member Janz met with two residents of Brittany Meadows and representatives from Menlo College to discuss noise issues related to athletic events held at Menlo College and Menlo School. The primary concern was related to noise emanating from the batting cages and noise occurring during football practice. He reported that some progress had been made as a result of the meeting. Another meeting will be held April 27 at 10:00 a.m. at Menlo College with representatives of Menlo College, Menlo School, adjoining neighbors, the City Manager and Police Lieutenant. He reported that some progress had been made and that the College agreed to cooperate.

Mayor McKeithen called for a short break at 9:45 p.m. The Council reconvened at 9:55 p.m.

20. DISCUSSION AND POSSIBLE ACTION REGARDING DISPOSITION OF HOLBROOK-PALMER PARK CHILDREN'S PLAYGROUND CAPITAL PROJECT FUNDS

Finance Director John Johns presented the staff report for this item. In May 2001, Ms. Michelle Dollinger and other residents raised funds to build a new children's

playground at Holbrook-Palmer Park. Construction was completed in June 2003 but the remaining funds were held in reserve pending disposition of additional minor modifications to the playground. The staff report contained a table representing funds received that were in excess of the project expenses as well as three options for disbursement of the remaining funds.

In response to Vice Mayor Conwell, Finance Director Johns stated there was no written contract between the Town and the project donors. City Manager Jim Robinson stated that a letter had been received by the Town from Michelle Dollinger regarding disposition of funds she had provided as seed money to get the project started. It was stated that there had been a verbal agreement between the former Interim City Manager and Michelle Dollinger to reimburse Ms. Dollinger once the project was completed.

The City Manager stated that letters were sent to five or six people who donated later on asking them if they minded if surplus funds went toward maintenance of the Playground equipment. The Town has not received any responses.

City Attorney Marc Hynes stated that questions to be considered include were there any legal conditions on the gift and if so, have the conditions been met?

Council Member Janz read a letter from former council member Didi Fisher regarding the funds received from Michelle Dollinger.

Michelle Dollinger, Atherton, spoke from the audience. She read a letter addressed to the City Council. She stated there was no agreement to provide maintenance costs with the surplus project monies.

Allison Ross, Atherton, spoke from the audience.

Council Member Carlson suggested having the City Attorney secure documentation to support the unwritten understanding.

Dave Dollinger, Atherton, spoke from the audience.

MOTION – to approve a refund to Michelle Dollinger in the amount of \$29,493, subject to the Town receiving a statement of conditional grant from Ms. Dollinger that meets with the City Attorney’s requirements. Upon receipt of the approved statement, the City Manager would be authorized to release the funds.

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

21. CONSIDERATION OF GRANT REQUEST FROM SUSTAINABLE SAN MATEO COUNTY

City Manager Jim Robinson presented the staff report for this item. Sustainable San Mateo County is a non-profit public benefit public corporation seeking funding to help

support production of an annual report entitled “Indicators for a Sustainable San Mateo County”. The Town has received a request for a grant in the amount of \$1,500 to assist in the project.

The Council agreed to take no action.

22. PUBLIC COMMENTS

There were no public comments.

23. ADJOURNMENT

The meeting adjourned at 10:54 p.m.

Respectfully submitted,

**s/Sharon Barker
Sharon Barker, City Clerk**