



MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT

September 15, 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 Marsala
Alan B. Carlson
Kathy McKeithen
William R. Conwell

3. PRESENTATIONS

A. Proclamation for Fire Prevention Week October 3 - 9, 2004

Mayor McKeithen presented the Proclamation to Chief Paul Wilson, Menlo Park Fire Protection District, Declaring October 3 – 9, 2004, Fire Prevention Week.

4. COUNCIL REPORTS

- Council Member Janz reported the Caltrain Corridor Subcommittee met on September 7, 2004. Several members attended the City of Menlo Park Transportation Committee meeting on September 8, 2004, where a Caltrain presentation was given on grade separations in Menlo Park. An outcome of the meeting was a recommendation to form a subcommittee of the Menlo Park City Council, Transportation Committee, and the Planning Commission to work with Palo Alto and Atherton on a unified approach for dealing with the grade separation issues. The Housing Endowment and Regional Trust (HEART) was being supported by a Casino Night and Auction sponsored by the San Mateo County Association of Realtors on Thursday, Sept. 23, at the Green Hills Country Club in Millbrea.

- **Council Member Marsala reported the Holbrook-Palmer Recreation Park Foundation and Atherton Dames held a retreat. With a change in officers, they reviewed the Mission Statement, how to work better together, and how to promote the Park. The County Library Joint Powers Authority (JPA) met. A new administrator was named, Victoria Johnson, Director of Libraries, from the City of Sunnyvale. He attended a meeting of a group called SV2 which funded a \$150,000 grant for Selby Lane School. A fundraiser would be held next month to raise additional funds for the school. Special thanks were given to the Atherton Civil Interest League (ACIL) for sending flowers to welcome “Yes Reading” to the school. Council Member Marsala attended a 3-day seminar in Monterey. The California League of Cities was supporting Proposition 1A, a replacement for Proposition 64, which would stop the State from taking funds from local agencies and was endorsed by the Governor. More information on endorsement for and passing Proposition 1A would be forthcoming.**
- **Council Member Carlson noted he also attended the Caltrain Corridor subcommittee meeting of September 7, 2004.**
- **Vice Mayor Conwell attended the City/County Association of Governments (C/CAG) Board meeting. The Board continued its work on legislative issues and the ongoing issue of aircraft noise influence areas, particularly San Carlos airport. The San Francisco Airport Roundtable met and addressed the issue of noise abatement related to new member, Café Pacific Airlines. At the Criminal Justice Board meeting, a presentation by the Service League of San Mateo County featured programs to help people coming out of jail, to provide clothes for court appearances, and to send greetings from inmates to their children. The Town’s own Police Chief Robert Brennan was a member of the Service League.**
- **Mayor McKeithen reported the General Plan Committee met on a quarterly basis and was analyzing special events within the Town such as nonpublic school events; public school events that were not school related, i.e., auctions, the Circus Club, Tally Ho; and large groups that might potentially require a permit. Members of the public who might be interested in these issues were invited to attend upcoming meetings. The City Council was holding meetings regarding cost savings and revenue enhancements as a potential alternative to the parcel tax. Members of the public were invited to attend to offer their suggestions, thoughts, etc. The next meeting was scheduled for either September 27 or 30, 2004. Meetings with residents, the former and current principals of Menlo/Atherton High School, and members of the Board of Education from the Sequoia Union High School District were held concerning potential lighting of the football field. A resolution was forthcoming and would be announced to the public in next few days.**

5. PUBLIC COMMENTS

John Worthing, Atherton, spoke regarding the lack of enforcement of the Atherton Municipal Code as it related to overgrown landscaping on sidewalks and streets which caused safety hazards in Atherton.

Mayor McKeithen explained the process was complaint based and suggested Mr. Worthing contact the Public Works Department. After discussion on whether the process was working and suggestions for notification and enforcement, Mayor McKeithen asked the City Manager to schedule the item for the City Council Agenda of October 20, 2004.

Stephen Nachtsheim, Atherton, spoke regarding the issue.

6. STAFF REPORTS

- **City Attorney Marc Hynes reported out of the 6 p.m. Closed Session as follows:**

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to subdivision (a) of Government Code Section 54956.9:

- (1) **Town of Atherton v. Ranadive**
San Mateo County Superior Court, Case No. 440523
- (2) **Teamsters Local 856 v. City of Atherton**
San Mateo County Superior Court, Case No. 429950
- (3) **Reyes v. Snyder**
San Mateo County Superior Court, Case No. 429132
- (4) **People v. William Morris**
San Mateo County Superior Court, Case No. SM334835
- (5) **People v. Joan Morris**
San Mateo County Superior Court, Case No. SM334836

No reportable action was taken on the five items. Direction was given to the City Attorney.

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION -- Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9

Four (4) potential cases.

No reportable action taken.

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION -- pursuant to Government Code Section 54957

Title: City Attorney

- **City Manager Jim Robinson asked the Council for date preferences to schedule the next City Council Special meeting. After discussion, the meeting was scheduled for September 27, 2004, at 6 p.m.**
- **Police Chief Bob Brennan reported on recent mountain lion sightings. Staff was working with experts, training would be provided to Town Police Department**

personnel, and the annual Town Meeting would provide information/education regarding mountain lions. Citizens of Menlo Park, Woodside, and Portola Valley would be invited to attend, and the meeting was scheduled in November.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT (Directed by Resolution No. 99-6)

Victoria Manor Homeowners' Association

Laura Boat, Atherton, represented the Victoria Manor Homeowners' Association and reported on the Association's programs, projects, and events.

CONSENT CALENDAR (Items 8 - 15)

MOTION - to approve Items 8 – 15 on the Consent Agenda as presented with minor corrections to Item Nos. 10, 11, and 14.

M/S Conwell/Carlson

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

- 8. APPROVED THE MINUTES OF SPECIAL CLOSED SESSION AND REGULAR MEETINGS OF JULY 21, 2004; SPECIAL MEETINGS OF JULY 22 AND JULY 27, 2004; AND SPECIAL CLOSED SESSION AND SPECIAL MEETINGS OF AUGUST 24, 2004**
- 9. APPROVED BILLS AND CLAIMS FOR JULY AND AUGUST 2004 IN THE AMOUNT OF \$1,650,467**
- 10. ACCEPTED MONTHLY FINANCIAL REPORT FOR JULY 2004**
- 11. ACCEPTED MONTHLY FINANCIAL REPORT FOR AUGUST 2004**
- 12. ACCEPTED QUARTERLY INVESTMENT REPORT FOR THE FOURTH QUARTER OF FISCAL YEAR 2003-04**
- 13. APPROVED FISCAL YEAR 2004-05 INVESTMENT POLICY**
- 14. ADOPTED RESOLUTIONS NO. 04-17 AND 04-18 AUTHORIZING APPLICATION FOR A RECREATIONAL TRAILS PROGRAM GRANT AND A HABITAT CONSERVATION FUND PROGRAM GRANT FOR THE HOLBROOK-PALMER PARK TRAIL AND BRIDGE AND COMMITTING THE REQUIRED LOCAL MATCH**

Adopted Resolution No. 04-17 authorizing staff to submit an application for a Recreational Trails Program (RTP) grant and Resolution No. 04-18 for a Habitat Conservation Fund Program (HCFP) grant for the Holbrook-Palmer Park Trail and Bridge and committing the required local match of 20% (RTP) and 50% (HCFP).

15. APPROVED AMENDMENT TO CENTERLINE MARKING LIST

Approved an amendment to the Centerline Marking List to include a single stripe on DeBell Drive from Middlefield Road through the frontage of 11 DeBell Drive.

PUBLIC HEARINGS (Item Nos. 16, 17)

16. APPEAL OF THE DECISION OF THE BUILDING OFFICIAL REGARDING 439 WALSH ROAD AND USE OF THE HETCH-HETCHY PROPERTY AS A SIDEYARD

Building Official Mike Hood presented the staff report. In 1950, the City and County of San Francisco secured a portion of the subject property for the Hetch-Hetchy Corridor for an underground pipe system. Several properties in the Walsh Road and Reservoir Road areas were affected. Based on limited evidence and past practice, the request by Mr. and Mrs. Mottesi to use the Hetch-Hetchy property as a sideyard was denied. Mr. Bob Flury, Bob Flury Design Group, researched Town records for any precedents to support the application. In 1975, the Town Council approved a three-lot subdivision allowing one of the lots, 420 Walsh Road, to use “surface rights” of the Hetch-Hetchy parcel in order to qualify as a legal lot for square footage and setback requirements. A second application on the same property in 1980 was approved for a rear-yard setback based on the assumption that “...the San Francisco property surface rights are sufficient to allow the San Francisco parcel to be used for side yard setbacks just as the San Francisco property can be used for total acreage requirements...” City Attorney Marc Hynes advised the appropriate process was an appeal of the Building Official’s decision which brought the item before the City Council.

City Attorney Hynes stated Hetch-Hetchy owned a fee interest in the property; however, certain surface rights had been granted back to the property owner which allowed the land occupied by the Hetch-Hetchy right-of-way to be used as part of the overall lot size. The surface rights that were allowed were intended not to interfere with the pipeline operation, i.e., construction of driveways, fences that go crosswise, plantings but no trees, and no structures.

Council Member Carlson believed the issue should be resolved for all the properties and suggested an amendment of the Zoning Ordinance with respect to the affected parcels, defined by location, next to the Hetch-Hetchy easement.

City Attorney Hynes clarified the City and County of San Francisco reserved certain surface rights that allowed such things as ingress and egress, to cut any and all existing fences and to install gates, and to protect pipes and other structures or improvements. Council discussion continued on the best method for a long-term solution. The consensus was to rule on the appeal and send the item to the Planning Commission for consideration of an amendment to the Zoning Ordinance.

Mr. Marcelo Mottes, appellant, thanked Council for its time. He noted precedents did exist and were supported by a 30-year policy. Documents approving his property noted that the setback should be from the end of the easement. The process had been costly for what seemed an easy solution.

MOTION – to approve use of the Hetch-Hetchy property as a sideyard regarding the property at 439 Walsh Road and to grant the appeal.

M/S McKeithen/Conwell

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

MOTION: to refer properties on Walsh Road and Reservoir Road to the Planning Commission for consideration of an amendment to the Zoning Ordinance related to use of the Hetch-Hetchy property as a sideyard; to be returned to the City Council at the meeting of October 20, 2004; and to be placed on the Consent Calendar.

M/S McKeithen/Janz

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

John Aiken, 91 Reservoir Road, Atherton, asked for clarification on the referral process and thanked Council for its response and helpfulness.

Steve Nachtsheim, 420 Walsh Road, commented on an encroachment issue when his home was originally built.

17. APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO DENY A HERITAGE TREE REMOVAL PERMIT AT 266 PARK LANE

Deputy City Planner Lisa Costa Sanders presented the staff report. The original request before the Planning Commission was for the removal of five Heritage Oak trees in order for the applicant to construct a new residence with basement, a detached pool house, pool, tennis court, guesthouse, and detached garages. The Planning Commission approved removal of two trees and, thereby, denied the removal of three Heritage Oak trees. Mr. Vivek Ranadive, the property owner, was appealing the decision. Based on advice of City Attorney Mark Hynes, the Council needed to consider the removal request of all five trees and not just the three trees denied by the Planning Commission.

Staff responded to Council questions. One concern was whether Council would be disregarding its own ordinance if it approved the removal of a protected tree. City Attorney Hynes stated Council had the power to exercise its discretion to approve removal of the trees based on the site plan giving the maximum protection to neighboring properties. Kathy Hughes Anderson, Town Arborist, noted the property had been empty for a number of years, there were a number of smaller trees, and trees No. 68 and No. 69 were older, more mature trees that had been there for at least 100 years; the whole property was a grove of Oak trees.

Judy Citron, Project Manager, made a presentation using overheads and noted the property was 3+ acres with a proposed 8,500 square foot main residence, pool, pool

house, tennis court, guesthouse, and garage. She summarized the project and stated the request was for a permit to remove five Heritage Oak trees in the buildable area. Mitigation plans included planting 17, 24" box size Live Oaks; 12, 36" box size Live Oaks; 5, 48" box Live Oaks; and 12 significant other types of trees. The property actually had the zoning capacity for multiple homes with the potential for more harm to the trees, increased traffic, and years of construction. The trees proposed for removal were Nos. 9, 70, 68, 69, and 46. According to John McClenahan, Arborist, the trees were in varying degrees of health and had limited lifespan expectancy.

Discussion centered on whether moving the house back 15 feet would save the trees. The site plan before Council was slightly different than what was presented at the Planning Commission. The house had been tilted slightly in order to possibly save tree No. 70. In actuality, because of a tree's root structure, the home should be moved a foot for every inch of diameter of the tree.

Mayor McKeithen opened the Public Hearing. The following testimony was heard:

Vivek Ranadive, appellant and property owner at 266 Park Lane
Jon Jang, Project Architect
John Hanna, 525 University Avenue, Palo Alto, Attorney, appellant
Bill Heller, 234 Park Lane, in favor of appeal
John Carter, James Avenue, in favor of appeal
John Worthing, 98 Euclid Avenue, in favor of appeal
Muret Sonmez, Camino Por Los Arboles, in favor of appeal
Peggy Beaver, 270 Park Lane, in favor of appeal
Suzanne Mohan, 64 Selby Lane, in favor of appeal
John Mathon, 61 Lane Place, in favor of appeal
Mr. Hanna, Attorney, appellant

Mayor McKeithen asked the property owner whether he was willing to 1) preserve tree No. 70 if he was given permission to remove the other four Heritage Oak trees; 2) not only plant 34 trees, but also agree to maintain them in perpetuity with a deed restriction unless the Town arborist stated they were diseased; 3) modify and maintain a satisfactory tree protection zone for the driveway; 4) abide by the report of John McClenahan for preservation of all Heritage and all other Oaks trees; 5) protect tree No. 7 if John McClenahan and Kathy Hughes Anderson determined the root structure was sound.

Council Member Carlson believed the Town ordinance was not meant to be a strict prohibition against removal of a Heritage tree, but rather to ensure a mitigation plan was in place to improve the lot. The plan was reasonable, the property owner had done everything possible to preserve the environment and to undertake significant mitigation measures, and Council Member Carlson was willing to approve removal of all five Heritage Oak trees.

Council Member Marsala took a global perspective in that the lot could have been subdivided. The flexibility for building in Atherton brought people here which

affected property values. Given the mitigation measures by the property owner, the Town needed to put its trust in its residents and allow the property owner to move forward. Council Member Marsala was not in favor of imposing conditions on the property owner.

Discussion ensued regarding whether conditions should be placed on the property owner. Mayor McKeithen believed the most important condition was the mitigation of the 34 Live Oaks to provide adequate screening and needed to be made more permanent. City Attorney Hynes clarified Council had authority to impose conditions. Additionally, a Landscape Maintenance Agreement was required which indicated the landscaping would be maintained. After further discussion, Council determined the Landscape Maintenance Agreement should be recorded.

Council Member Janz had trust in the property owner's intent. However, he also had trust in the Planning Commission's findings that removal of the trees would be contrary to the purpose and intent of the Atherton General Plan. Nevertheless, he was impressed by the overall design and the additional effort to save at least one more tree. He favored the removal of four of the five Heritage Oak trees, preserving tree No. 70; preserving tree No. 7, if possible; and ensuring the Landscape Maintenance Agreement was recorded.

City Attorney Hynes stated Atherton Municipal Code Section 17.50.050 required that the Landscape Screening Agreement be recorded and direction could be given to record the Landscape Maintenance Agreement as well.

Vice Mayor Conwell favored approving the removal of four Heritage Oak trees and preserving tree No. 70, if possible. He believed there was a good-faith effort on the part of the property owner to comply with the conditions.

Mayor McKeithen closed the Public Hearing.

MOTION – to adopt the draft Town of Atherton City Council Heritage Tree Removal Permit that states:

THIS IS TO CERTIFY THAT the Atherton City Council at a regular meeting thereof, held on Wednesday, September 15, 2004, did grant a Heritage Tree Permit to Vivek Ranadive pursuant to Atherton Municipal Code Chapter 8.10 of the Atherton Municipal Code to permit the removal of four heritage trees at 266 Park Lane (Assessor's Parcel Number 070-341-030). The Permit was approved subject to the following conditions:

- 1. Heritage tree removal shall be limited to Oak trees #46, #68, #69, and #9, as indicated on the Site Plan included in the Arborist report prepared by John McClenahan, McClenahan Consulting, LLC, Inc., dated August 2, 2004. Any substantive changes to the plans shall be reviewed by the Planning Commission**

2. Replacement planting shall be a minimum of thirty-four Oak trees to the satisfaction of the Town Arborist and Building Official. The applicant shall obtain approval for a Landscape Screening Plan, pursuant to Chapter 17.50 of the Atherton Municipal Code. Such approved Landscape Screening Plan and the Maintenance Agreement shall be filed in the San Mateo County Recorder's Office upon approval.
3. The location of the proposed driveway shall be modified so as to maintain a Tree Protection zone around trees #56, #57, #58, #59, and #60 to the satisfaction of the Town Arborist and Building Official.
4. The recommendations in the arborist report prepared by John McClenahan, McClenahan Consulting, LLC, Inc., dated August 2, 2004, shall be implemented for the preservation of all heritage trees and all Oak trees on site.
5. Tree #7, as noted in the Atherton Town Arborists's report dated August 17, 2004, shall be assessed by Mr. McClenahan and the Town Arborist to determine whether it is viable. If it is deemed viable then Mr. Ranadive shall agree to terms to protect it to the best of his ability.

M/S McKeithen/Janz

Council Member Carlson proposed an amendment as follows:

AMENDMENT TO MOTION – to change the wording of Condition No. 2 to read:

Replacement planting shall be a minimum of thirty-four Oak trees to the satisfaction of the Town Arborist and Building Official. The applicant shall obtain approval for a Landscape Screening Plan, including the minimum thirty-four Oak trees, pursuant to Chapter 17.50 of the Atherton Municipal Code. Such approved Landscape Screening Plan and the Maintenance Agreement shall be filed in the San Mateo County Recorder's Office upon approval.

Additionally, to return the wording of Condition No. 4 to that originally drafted by the Planning Commission:

The recommendations in the Arborist report prepared by John McClenahan, McClenahan Consulting, LLC, Inc. dated August 2, 2004, shall be implemented for the preservation of all other Heritage trees on site.

AMENDMENT Carlson/Marsala Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

MAIN MOTION McKeithen/Janz Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Mayor McKeithen called for a recess at 10:15 p.m. The meeting reconvened at 10:30

REGULAR AGENDA (Item Nos. 18 - 19)

18. CONSIDER ADOPTION OF AN ORDINANCE RATIFYING THE MENLO PARK FIRE PROTECTION DISTRICT FIRE SPRINKLER SYSTEM REQUIREMENTS
(This item was deferred from the City Council Meeting of July 21, 2004.)

Building Official Mike Hood noted the item had been continued from July 21, 2004. After Council approved Town of Atherton Ordinance No. 548 ratifying Menlo Park Fire Protection District Ordinance No. 28, the District made substantial changes and adopted a new Ordinance No. 29. Council was being asked to consider the adoption of a new Town ordinance to ratify the District's Ordinance No. 29 and to repeal Town of Atherton Ordinance No. 548. As it would apply to Atherton, the new ordinance was virtually unchanged.

Mayor McKeithen queried what was different and what facts might change Council's direction for not approving the ordinance. Previously, Council was concerned with potential problems such as accidental activation causing more damage than a fire, the fact that there were not many fire-related deaths or damage in Atherton, and the cost of the sprinkler system.

Chief Paul Wilson, Menlo Park Fire Protection District, stated the new ordinance included adding sprinklers for any new construction of 1,000 square feet or larger; any remodels that exceeded 2,500 square feet, not including kitchen remodels, repairs to roofs, or revisions to bathrooms; any additions of 2,500 square feet or larger involving more than 50% of the floor space; and new basement construction that exceeded 250 square feet. Council was asked to ratify the ordinance.

Mayor McKeithen had a concern for the cost and stated Atherton residents did not want to be forced into installing sprinklers in their homes. Chief Wilson noted that residents were required to protect trees, to build seismic conditions, to install electric ground fault interrupters, etc., and sprinklers were a life-safety issue, built-in fire protection for the future.

Council Member Marsala asked whether Council had the ability to place a limit on the cost.

City Attorney Marc Hynes said an ordinance could be developed with threshold amounts; however, the danger was bids could be obtained to circumvent the intent of the ordinance.

Vice Mayor Conwell said based on his experience, he could not justify mandating that residents install fire sprinklers.

Kristie Waldren, Atherton, Architect, spoke in support of ratifying the ordinance.

Council discussion continued on the pros and cons of installing fire sprinklers, i.e., cost benefits, statistics related to Atherton, etc.

Council Member Carlson believed the issue was one of health and safety. He would vote in favor of ratification because the expense was minimal, the opposition was minimal, and saving even one person's life was worth the cost.

Council Member Marsala experienced a close call in his own home, believed Council was responsible for the Town's safety, and favored ratifying the ordinance.

Council Member Janz said the issue was whether the cost was worth the benefit. The problem was he tended to agree the cost was not an onerous burden; however, he was concerned about requiring sprinklers for significant remodels. He favored the requirement on new structures and remained unsure for remodels.

Mayor McKeithen did not want to mandate fire sprinklers when only 5 percent of residents had chosen to install them. She believed people should strongly consider fire sprinklers and be encouraged to install them.

MOTION – to approve an ordinance ratifying Menlo Park Fire Protection District Ordinance No. 29 with the following change: For new construction only: Condition 1) New building construction that exceeds 1,000 square feet; and Condition 2) New basement construction that exceeds 250 square feet; and repealing Town of Atherton Ordinance No. 548.

M/S Marsala/Carlson

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

19. DISCUSSION OF UTILITY UNDERGROUNDING FOR EMILIE AVENUE AND FREDERICK AVENUE

Public Works Director Duncan Jones reported there were requests from residents of Emilie Avenue and Frederick Avenue to underground utilities on those streets. Pacific Gas & Electric (PG&E) maintained an allocation of approximately \$727,391 for the Town to underground overhead electrical facilities, and the Town received an additional \$58,000 per year. According to PG&E's Rule 20A, funds could be used if either street qualified under one of four requirements of the tariff. However, the 1,000 feet of Emilie Avenue would cost approximately \$350,000 and use approximately five years of Rule 20A allocations. Staff was recommending that Council evaluate all possible undergrounding alternatives within the Town and defer commitment to any specific project.

Elizabeth Lewis, 1 Emilie Avenue, Atherton, made the original request at the July 21, 2004, Council meeting. She believed Emilie Avenue qualified under Rule 20A Requirements No. 2 and No. 3.

Council discussion ensued regarding the amount of funds required to underground particular streets, the amount of years to accumulate funds, and how to determine which streets were selected. Council Member Janz suggested creating a Utility Undergrounding District to determine whether undergrounding was a priority for residents. Mayor McKeithen said a basic analysis was needed to determine which

streets needed undergrounding, a prioritization of need, cost, and meeting Rule 20A requirements.

MOTION – to return the item to staff for appropriate recommendations for prioritizing streets for undergrounding.

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

City Manager Robinson suggested incorporating the analysis in the upcoming development of the 4-year Capital Improvement Program (CIP).

20. CONSIDERATION OF ELIMINATION OF ATHERTON CALTRAIN STATION PARKING LOT FEE

Council Member Carlson reported a recommendation he advanced at the Caltrain Corridor Subcommittee meeting to encourage ridership from the Atherton station was to eliminate the parking fee. The parking fee was minimal, .50, and eliminating it would represent to Caltrain an effort to encourage train use.

Mayor McKeithen suggested a 6-month trial and to report back to Council at the conclusion of the trial.

MOTION – to eliminate the .50 parking fee at the Atherton Caltrain Station for a 6-month trial period and report back to Council at the conclusion of the trial.

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

21. PUBLIC COMMENTS

Mayor McKeithen, regarding 266 Park Lane, asked that the recording of the Landscape Screening and Maintenance Agreements be reinstated. City Attorney Marc Hynes clarified the current ordinance stated only the Landscape Agreement should be recorded.

22. ADJOURNMENT

Mayor McKeithen adjourned the meeting at 11:35 p.m.

Respectfully submitted,

Linda Kelly, Acting City Clerk

**Minutes Prepared By:
Kathi Hamilton**