



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
January 20, 2010
6:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Closed Session

6:00 P.M. ROLL CALL Lewis, Dobbie, Marsala, McKeithen, Carlson

6:02 P.M. PUBLIC COMMENTS

6:15 P.M. CLOSED SESSION

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING
LITIGATION (Subsection (a) of Government Code Section 54956):**

*John P. Johns v. the Town of Atherton, San Mateo County Superior Court
Case No. CIV 479972*

**B. CONFERENCE WITH LEGAL COUNSEL – PENDING
LITIGATION (Subsection (b) of Government Code Section 54956.9):
One (1) potential case:**

*Jonathan B. Buckheit v. Tony Dennis, Dean DeVlugt, The Town of
Atherton, The County of San Mateo, and Does 1-500, inclusive - U.S.
District Court for the Northern District of California, San Francisco
Division, Case No. CV 09-5000*

**C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION (Subsection (B) of Government Code Section 54956.9):
One potential case:**

Jonathan Buckheit

RECONVENE TO OPEN SESSION

Report of action taken.

6:55 P.M. ADJOURN

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 752-0500. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)



AGENDA
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
JANUARY 20, 2010
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
REGULAR MEETING

PLEASE NOTE:

Times listed on the Agenda are an approximation and not a time certain. The Council may take up items out of order. Please arrive well in advance of the time listed for any item in which you are interested.

- 7:00 P.M. 1. **PLEDGE OF ALLEGIANCE**
- 7:02 P.M. 2. **ROLL CALL** Lewis, Dobbie, Marsala, McKeithen, J. Carlson
- 7:03 P.M. 3 **PRESENTATIONS**
- LEAGUE OF CALIFORNIA CITIES PRESENTATION AND INTRODUCTION – Chuck Page**
- 7:15 P.M. 4. **PUBLIC COMMENTS** *(This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the Agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the Council from acting on items not listed on the Agenda except by special action of the City Council under specified circumstances. Speakers' time is limited to three minutes.)*
- 7:20 P.M. 5. **REPORT OUT OF CLOSED SESSION**
- 7:25 P.M. 6. **CITY MANAGER'S REPORT**
- 7:30 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed by Resolution No. 99-6)
- 7:30 P.M. **CONSENT CALENDAR** (Items 8-21)
- (Consent Calendar items are routine in nature and are generally considered in one motion and adopted by a single vote of the City Council. If discussion regarding a Consent Calendar item is desired, the member(s) of the City Council, public, and/or staff wishing to pull the item should so indicate at the time the Mayor calls for consideration of the Consent Calendar.)*
8. **APPROVAL OF DECEMBER 16, 2009 MEETING MINUTES**

Recommendation: Approve December 16, 2009 Meeting Minutes

9. APPROVAL OF BILLS AND CLAIMS FOR DECEMBER 2009 IN THE AMOUNT OF \$1,484,201

Recommendation: Approve Bills and Claims in the amount of \$1,484,201

10. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR THE MONTH ENDED DECEMBER 31, 2009

Recommendation: Accept Monthly Financial Report

11. RESCIND RESOLUTION 09-35 AND APPROVE RESOLUTION 10-01, A REVISED RESOLUTION TO INCLUDE INSERTION OF STATEMENT THAT THE COLLABORATIVE WORK TO BE UNDERTAKEN IN ACTERRA'S RESIDENTIAL HOME ENERGY AUDITING PROGRAM IS NOT A "PROJECT" AS DEFINED BY CEQA AND CHANGE THE DOLLAR AMOUNT IN THE RESOLUTION FROM \$39, 939 TO \$39,940

Report: Town Arborist Kathy Hughes Anderson

Recommendation: To rescind Resolution 09-35 and approve Resolution 10-01 to include a statement that the collaborative work to be undertaken by Acterra is "not a project" as defined by the California Environmental Quality Act (CEQA), and correct the dollar amount for Atherton's EECBG allocation from \$39,939 to \$39,940

12. ROAD IMPACT FEE REPORT FOR FY 2008-2009 (AB 1600 STATE REPORTING REQUIREMENT)

Report: Public Works Director Duncan Jones

Recommendation: Approve the Road Impact Fee Report for FY 2008-2009

13. APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF MENLO PARK FOR PARTICIPATION IN AN AMOUNT UP TO \$126,667 IN THE COST OF INSTALLING A TRAFFIC SIGNAL ON MIDDLEFIELD ROAD AT ENCINAL AVENUE

Report: Public Works Director Duncan Jones

Recommendation: Approve a Memorandum of Understanding (MOU) with the City of Menlo Park (City) for City participation in an amount up to \$126,667 in the cost of installing a traffic signal on Middlefield Road at Encinal Avenue and authorize the Mayor to execute the MOU

14. DONATION OF PUBLIC WORKS 1986 CASE LOADER/BACKHOE TO MENLO PARK FIRE PROTECTION DISTRICT

Report: Public Works Director Duncan Jones

Recommendation: Approve donation of 1986 Case loader/backhoe to Menlo Park Fire Protection District (MPFPD) for use at their rescue training center to aid them in maintaining the roadway

15. APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC.

FOR TRAFFIC ENGINEERING SERVICES FOR THE FAIR OAKS LANE TRAFFIC STUDY, IN AN AMOUNT NOT TO EXCEED \$2,950

Report: Public Works Director Duncan Jones

Recommendation: Accept the proposal and authorize the City Manager to sign a Professional Services Agreement Amendment with Kimley-Horn and Associates, Inc to provide traffic engineering services for the Fair Oaks Lane Traffic Study in an amount not exceed \$2,950

16. ACCEPTANCE OF THE FINAL PARCEL MAP AT 64 MOULTON DRIVE

Report: Deputy Planner Lisa Costa Sanders

Recommendation: Determine that the Parcel Map is in conformity with the approved Tentative Parcel Map, the requirements of Title 16 (Subdivisions) of the Atherton Municipal Code and the California Subdivision Map Act and approve the Parcel Map

17. ADOPT RESOLUTION 10-02 AUTHORIZING AN ADJUSTMENT IN MUNICIPAL CODE & VEHICLE CODE PARKING FINES

Report: Police Chief Mike Guerra

Recommendation: Adopt resolution 10-02 authorizing an \$8.00 increase to the bail amount for Municipal Code parking violations, and a 10% increase to the bail amount for Vehicle Code parking violations

18. PROCLAMATION DECLARING FEBRUARY 2010 AS BOY SCOUTS OF AMERICA 100TH ANNIVERSARY CELEBRATION.

Recommendation: Approve Proclamation Declaring February 2010 as Boy Scouts of America 100th Anniversary Celebration

19. APPROVE HOLBROOK-PALMER PARK TENNIS PROFESSIONAL AGREEMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

Report: Assistant City Manager Eileen Wilkerson

Recommendation: Approve the Holbrook-Palmer Park Tennis Professional Agreement and Authorize the City Manager to execute the Agreement

20. APPROVAL OF CITY COUNCIL COMMITTEE ASSIGNMENTS

Recommendation: Approve Council Committee assignments made by Mayor Kathy McKeithen

21. DESIGNATE APRIL 18, 2010 AS COMMUNITY CLEAN-UP DAY FOR HOLBROOK-PALMER PARK IN CONJUNCTION WITH NATIONAL EARTH DAY CEREMONIES

Report: City Manager Jerry Gruber

Recommendation: Designate April 18, 2010 as a Community Clean-up day for Holbrook-Palmer Park in conjunction with National Earth Day ceremonies. Furthermore, City Council utilize this event to officially dedicate the new Conwell walking bridge and the water tower landscaping additions to the park

7:50P.M. PUBLIC HEARINGS (22)

22. ADOPT RESOLUTION 10-03 TO APPROVE MASTER FEE SCHEDULE SETTING BUILDING DEPARTMENT FEES FOR TOWN SERVICES

Report: Building Official Mike Wasmann

Recommendation: Conduct a Public Hearing and Adopt resolution 10-03 approving Master Fee Schedule for building fees for Town services

REGULAR AGENDA (Items 23-30)

8:15 P.M. 23. ADOPT REOLUTION 10-04 APPROVING MID-YEAR BUDGET ADJUSTMENTS FOR FISCAL YEAR 2009-2010

Report: Finance Director Louise Ho

Recommendation: Adopt Resolution 10-04 Approving the Mid-Year Budget Adjustments for FY 2009-10

8:30 P.M. 24. CONSIDER REFUSE AND RECYCLING COLLECTION RATES AND PROVIDE DIRECTION FOR PUBLIC REVIEW PROCESS

Report: Deputy Planner Lisa Costa Sanders

Recommendation: Review the attached collection rate options and provide direction to Staff to advertise the rate increase following scenario #3b

8:45 P.M. 25. ADOPT RESOLUTION 10-05 APPROVING ADMINISTRATIVE CITATION PROGRAM

Report: City Manager Jerome D. Gruber

Recommendation: Adopt Resolution 10-05 and waive the first reading of the administrative citation ordinance and adopt it in its current form.

9:05 P.M. 26. CONSIDERATION OF STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE, BAY AREA WATER SUPPLY AND CONSERVATION AGENCY (BAWSCA) WATER CONSERVATION IN LANDSCAPING ORDINANCE, OR REVISIONS TO CHAPTER 15.48 OF THE ATHERTON MUNICIPAL CODE

Report: Town Arborist Kathy Hughes Anderson

Recommendation: Provide direction to staff in consideration of the enactment of the Water Conservation in Landscaping Act (Assembly Bill 1881). Staff further recommends that the City Council forward the matter to the General Plan Committee for a recommendation

9:15 P.M. 27. CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) COMMENTS ON DRAFT ATHERTON HOUSING ELEMENT

Report: Deputy Planner Lisa Costa Sanders

Recommendation: Provide direction to Staff on how to proceed with responding to the HCD comments on the Draft Atherton Housing Element Update

- 9:30 P.M. 28. **ADDITIONAL REFUNDS OF ROAD IMPACT FEE-STATUS UPDATE**
Report: City Manager Jerry Gruber
Recommendation: To Be Determined
- 9:50 P.M. 29. **DIRECTION ON FORMATION OF FINANCIAL COMMITTEE FOR NEW TOWN CENTER**
Report: City Manager Jerry Gruber
Recommendation: Give direction to City Manager on composition, goals and objectives, and Council expectations for a standing ad-hoc committee for a new Town Center
- 10:00 P.M. 30. **EXPANSION OF THE FINANCE COMMITTEE**
Recommendation: Consideration of expansion of the Finance Committee
- 10:10 P.M. 31. **COUNCIL REPORTS**
- 10:15 P.M. 32. **FUTURE AGENDA ITEMS**
- 10:20 P.M. 33. **PUBLIC COMMENTS**
- 10:30 P.M. 34. **ADJOURN**

PLEASE NOTE THE FOLLOWING INFORMATION:

If you challenge a Town zoning, planning, or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any Town administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period.

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection by 5:00 p.m. the Friday before each regularly scheduled City Council meeting at the Atherton Library, 2 Dinklespiel, Station Lane, and the Town Administrative Offices, 91 Ashfield Road, Atherton, CA 94027. Additionally, agendas and staff reports may be accessed on the town website at: www.ci.atherton.ca.us

In compliance with SB 343, materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the Town Administrative Offices, 91 Ashfield Road, during normal business hours.

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Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF JANUARY 20, 2010

SUBJECT: CITY MANAGER WRITTEN REPORT

FOLLOW UP FROM DECEMBER 16 COUNCIL MEETING:

Staff has added, per Carol Flaherty's suggestion that Council look at the encroachments fees for circular driveways, to the February Council Agenda.

I met with Atherton resident Jeff Wise who is serving as liaison between Town staff and residents who are affected by both the road impact fees and the drainage criteria. A drainage criteria update has been scheduled for Monday, February 1, 2010 at 6:00pm in the Council Chambers.

Council Member Marsala requested updates and information regarding the Historical Artifacts Ordinance and the Special events Ordinance.

I've discussed the historical artifacts Ordinance with the City Attorney and have asked her to provide me with input. I will report back to Council in February.

At the regularly scheduled Planning Commission meeting on January 27th the subcommittee made up of Planning Commissioners Lively and Grindley will discuss the special events ordinance with the full Commission. Once that update is provided I will provide Council with information regarding the ordinance in February.

Council Member Lewis requested update on the Towns request to San Mateo County Office of Emergency Services (OES) for assistance with the emergency procedures for residents of Walsh Road. Chief Guerra followed up with San Mateo County OES who

sent evacuation maps to the Town. Town staff forwarded the maps to Walsh Road resident Berna Davis.

EFFORTS TO IMPROVE COMMUNICATIONS:

In light of the New Year staff is working conscientiously on implementing the following new procedures and protocols:

Following all City Council meetings the City Clerks Department will have a draft of the City Council meeting minutes at the succeeding Management team meeting to review for tasks and direction sought by City Council and/or suggestions made by members of the public. The City Manager will assign follow up to the appropriate Department Manager.

The City Clerks Department has created a “referrals list” which will consist of Council direction and request of staff. The list will include the original date of request, the Department responsible for the request, current status of request and date and conclusion of request. The referrals list will be sent to City Council the Friday before City Council meetings. This will begin on Friday, February 12, 2010.

Mayor McKeithen, through staff, has sent an email to all Town Committee and Commission members asking them if and what they would like to be kept informed of regarding any particular meeting or matter. In that regard, we would try our best to make available to them any materials which might be disseminated to Council or other committees/commissions so that we are all working off the same page and are equally enlightened.

Moreover, Mayor McKeithen would like all committee and commission members to know that their input is valued not only on their respective committees and commissions but regarding any Town matter on which they may have any particular expertise or insight -- or for that matter, interest. All should feel welcome to be heard and become further involved.

The City Clerks Department is currently keeping a running list of responses from committee and commission members. Furthermore, if any Town residents have interest in a particular item they are welcome to send their email address to the Deputy City Clerk with their topic of interest. The City Clerks department will do their best on keeping Town residents informed of current issues that affect them, through an email “blast”.

Proposal for Public Information Strategy, Protocol and Training

To assist the Town in more effective communications with the community-at-large, including media, the following a proposal was sent to the Town which included activities associated with developing a public information strategy, protocol and training:

Due-Diligence Meeting

Public Information Strategy and Protocol
Questions and Answers (Q&A)/Press Release and/or Statement Template
Media Training

FOLLOW UP - JANUARY 11TH COUNCIL STRATEGIC PLAN WORKSHOP:

Staff met with City Council to discuss the following strategic planning items:

Refund of Road Impact Fees

- a) Consideration of extending the refund of previously paid road impact fees beyond those authorized by City Council in December 2009

Council Communications and Public Information Policies

- a) Town Philosophy/Position
- b) Transparency
- c) Engaging Community Interest
- d) Council/Staff communications with Media and Public
- e) Possible Revisions to Council Rules of Procedures

Town Finance and Revenues

- a) Discussion of Financial Restricted/Unrestricted
- b) Reserves
- c) Revenue Opportunities

Future of Holbrook-Palmer Park

- a) Discuss Oliver H. Palmer Will
 - 1.) How it relates to future park activities
- b) Amount of Revenue Budgeted for FY2009-10
- c) Amount of Revenue Generated over FY2009-10
- d) What to do with the Park
- e) Park & Recreation Commission role
- f) Classification Study

New Town Center

- a) Future

**FOLLOW UP – JANUARY 12TH MID-YEAR BUDGET ADJUSTMENTS
COUNCIL MEETING:**

Staff met with City Council to review the mid-year budget adjustments for fiscal year 2009/10. See item 23 on tonight's regular agenda.

FINANCE DEPARTMENT PROJECTS AND UPDATES:

Finance is continuing to work on Springbrook implementation. With a new chart of accounts, brand new payroll setup, and day-to-day operation, the “go-live” date has been changed to middle of March 2010.

The next big thing for Finance is the kick-off of FY 2010-2011 budget preparation. A budget calendar is forth coming.

Finance Department is preparing the year-end tax reporting. W-2s and 1099s are due to employees and vendors by end of January 2010.

Finance is also working on several payroll clean-up projects.

PUBLIC WORKS PROJECT UPDATES:

- Safe Routes To School (SR2S) Las Lomitas – Phase 1 complete, Phase 2 designed and ready for bid. Phase 1 did not use all the available grant funds, so phase 2 was developed with the school to make additional improvements to the pedestrian access at the front of the school.
- Safe Routes to School (SR2S) Encinal – preparing a joint application for ARRA (Economic Stimulus Phase 2 funds for the projects developed during the SR2S study.
- Park Pedestrian Bridge Gates – gate locking hardware is on backorder, this is the single remaining item for completion of the bridge project. The landscaping design is underway. Staff has verified that , since the bridge did not use all the funds available under the grant, that the landscaping can use the remaining grant funds. First landscape steering group meeting held at the site.
- Upper Atherton Channel – design is complete, including geotechnical borings at the Gupta bank. Drawings and permit application being prepared. Target permit approval this spring with summer construction.
- Tennis Court Fence – bids have been received and purchase order is in process.
- Encinal Traffic Signal – design contract approved, MOU signed by Menlo Park and on January Council agenda. Construction will be during summer school break.
- Fletcher/Ridgeview Drainage and Reconstruction – Redesign completed and submitted for review. Design modification requested to accommodate utility conflict. Utility meeting scheduled for 1/19/10.
- Polhemus Drainage – the project is complete, and has now passed the test of the first storms.

- Street Reconstruction 7 – includes Park Lane, Polhemus Avenue and the right turn lane from Alejandra to El Camino Real. Survey is underway. Construction slated to begin this spring. Utility meeting scheduled for 1/19/10.
- Park Irrigation project – laid out project and met with project support group to review and modify layout. Resolving issue of well location to avoid driving heavy well rig on unpaved areas.
- Water Tower Lawn – the project is complete now that the donated trees have been planted.
- Hoover/Valparaiso Crosswalk – discussed at Transportation Committee. Tasked with reducing fee with specific scope changes and working with a member to approach Menlo School for possible assistance.
- Holbrook sign – met with County to discuss constraints (major concern that rerouted traffic would cause worse problem elsewhere, i.e., Spring Street) and explore alternatives (considering narrowing Marsh Road before Fair Oaks Avenue. Adding “Neighborhood Street” signs), as well as partial solutions Town has already tried or evaluated (extend right turn lane, revise signal timing, etc.). County will evaluate proposals.
- Sidewalks – all Town sidewalks, including at City Hall, have been evaluated and corrected (by shaving off high spots), funded by ABAG safety grant.
- Park parking study – evaluating alternative concepts to increase parking in the park.
- Park storage – preparing concept design for storage area at Main House, to be compared to concept for storage at Pavilion.

POLICE DEPARTMENT:

The beginning of the year is the time when personnel are rotated from one position to another. Sgt. Joe Wade transferred from Investigations to Patrol, and Officer Tony Dennis transferred from Patrol to Investigations to begin his rotation as a Detective. In addition, Reserve Officer Rick Enberg started as a full-time Police Officer following his retirement from the U.S. Army.

Thanks to the efforts of Sgt. Sherman Hall, PD has initiated an informational resource for the community, Town Council, staff, and the media that will serve to increase the ability of people to learn about significant police activity. On a daily basis, APD Dispatchers will be publishing our daily public information Media Bulletin in a “blog” format” to the following site: <http://athertonpolice.wordpress.com>. This site is accessible to the public and there is no cost to the Town for having this site.

This will be in addition to the normal faxing of the Press Log to media outlets.

BUILDING DEPARTMENT:

Staff has been working with CRW representatives for implementation of Phase One of the Master Fee Schedule for Planning and Public Works Department. Implementation target date is January 18th. Phase Two for Building Department Fee Schedule will most likely take place at the end of February.

The majority of Business License refunds have been completed with a small amount still in the process waiting for more requested information from the applicants.

Two staff members will be attending CRW training in April. One staff member will be attending a two day course for System Administrative training and the other will be attending a three day course on Report Writing.

Attached (pages 7 through 14) is a summary of Building Department activity for the 2009 calendar year.

PLANNING DEPARTMENT:

The Planning Commission will consider changes to the Special Events Guidelines for non-school related outdoor use hours at its January 27, 2010 meeting.

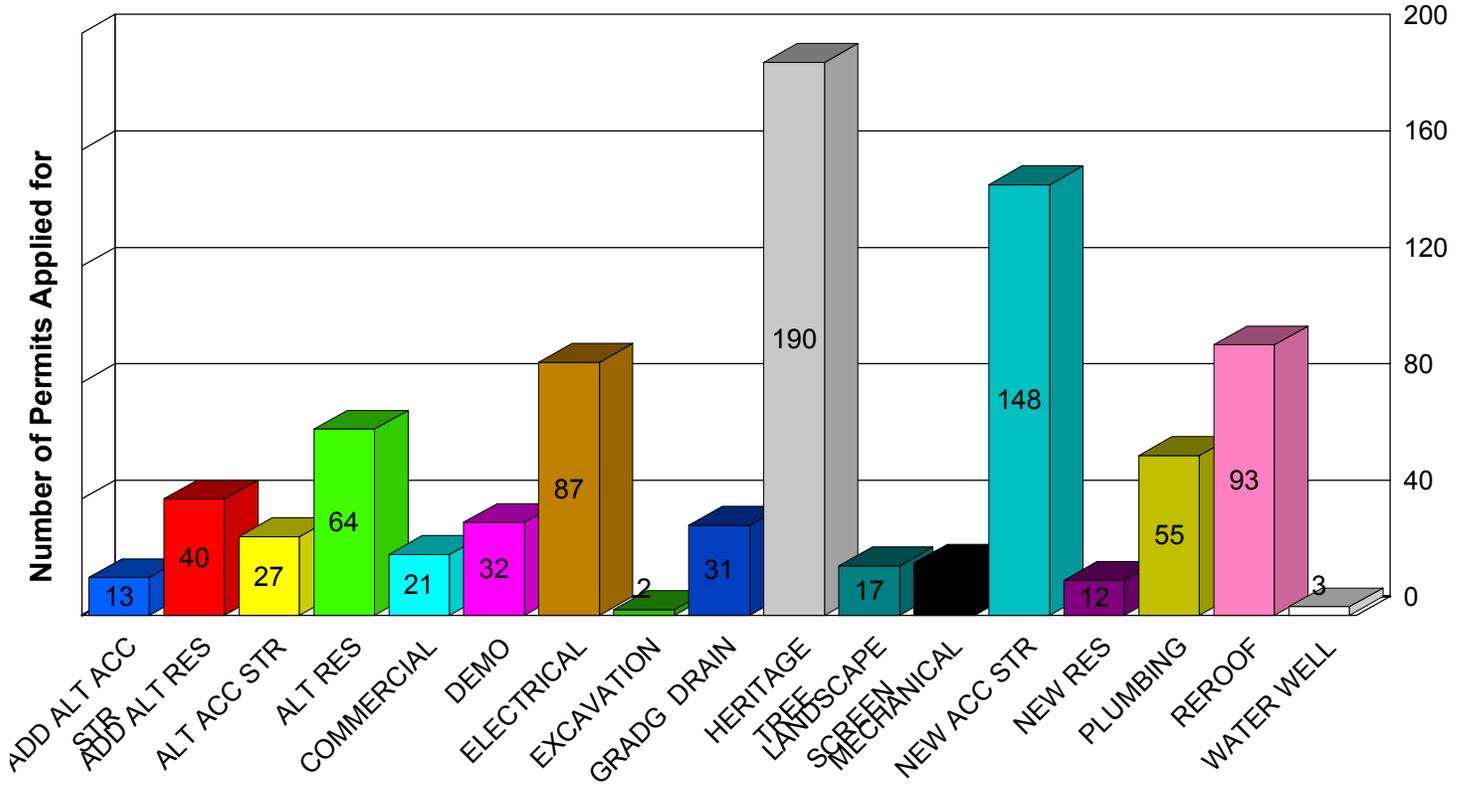
The Housing Element item is on this agenda – see Item

The City Council referred the topic of allowing multiple electrical meters on properties to the General Plan Committee. Staff contacted PG&E to better understand their process. PG&E is sending staff their tariff (operating rules they work under as approved by the PUC). Staff will review the tariff and discuss this item further at the February 3, 2010 General Plan Committee meeting.

FUTURE MEETINGS:

- **Monday, February 1st Drainage Criteria staff/resident workshop**

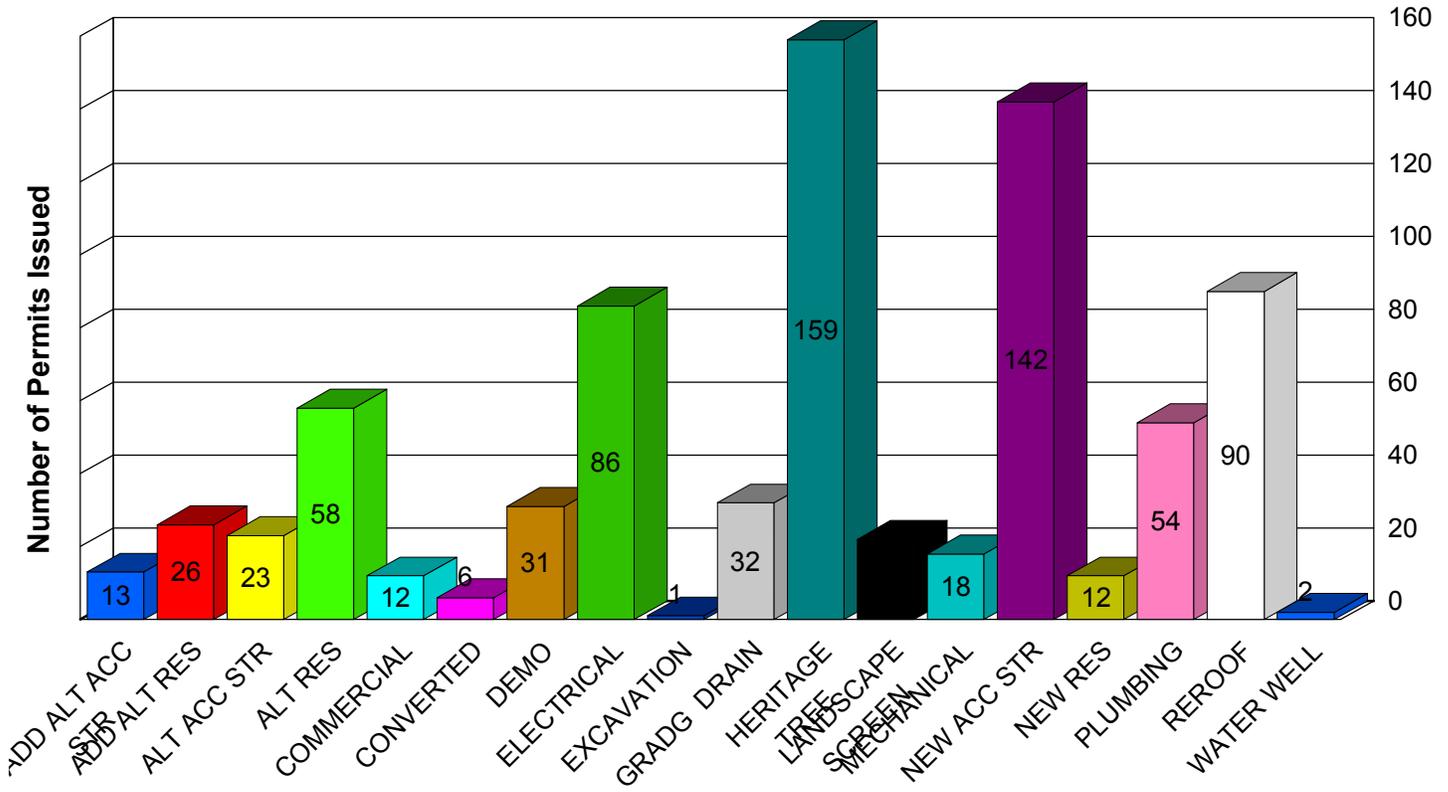
Town of Atherton
PERMITS Applied for by Type
For the Period 1/1/2009 thru 12/31/2009



Total Permits Applied For: 853

CHART10

Town of Atherton
PERMITS Issued by Type
For the Period 1/1/2009 thru 12/31/2009



Total Permits Issued: 787

CHART20

Town of Atherton
Inspection Totals Completed by Inspector
For the Period 1/1/2009 thru 12/31/2009

JOSEPH AIELLO

**FINAL	624
2nd FLOOR FRAMING	2
ADMN-COMPL INVEST	1
BARRIERS	7
BASEMENT WALL DBL I	25
CHIMNEY	1
COMBUSTION AIR	1
COMPLETE FRAMING	1
DBL SIDED SHEAR WAL	8
DEMOLITION	25
DOWN SPOUTS	2
DRY WALL	155
DUCTS	6
ELECTRIC SERVICE	54
ENGINEER LETTER	30
ENGR LTR / STR FRAM	6
EXCAVATION	21
EXTERIOR LATH	90
EXTERIOR SHEATHING	61
FENCE / POOL COVER	5
FIRE INVESTIGATION	1
FLOOR JOISTS	29
FLUES	9
FOOTINGS	192
FORMS	170
FRAMING	142
GAS TEST	68
GRAD & DRAINAGE	99
GRADE BEAMS	82
GRADING	1
HEIGHT VERIFICATION	8

Town of Atherton
Inspection Totals Completed by Inspector
For the Period 1/1/2009 thru 12/31/2009

HOLD DOWN BOLTS	108
HOLD DOWNS	34
INSULATION	60
INTERIOR LATH	78
OTHER	120
OTHER ENERGY	1
OTHER ROOFS	20
OTHER STRUCTURAL	60
OVERFLOW OUTLET	1
PANEL	11
PARTIAL TEAR OFF	3
PERC TRENCH	1
PHOTOVOLTAIC EQUIP	2
PIERS	130
POOL LIGHT POTTING	26
PRE-DECK	22
PRE-GUNITE	43
ROOF NAIL	94
ROOF NAILING	19
ROUGH ELECTRIC	198
ROUGH FRAMING	130
ROUGH GAS	6
ROUGH MECHANICAL	159
ROUGH PLUMBING	184
ROUGH WIRING	5
SETBACK VERIFICATION	24
SEWER	76
SEWER EJECTOR	2
SHEAR WALL	77
SHOWER PAN	70
SLAB STEEL	164

Town of Atherton
Inspection Totals Completed by Inspector
For the Period 1/1/2009 thru 12/31/2009

SOIL ENGINEER LETTER	24
SPRINKLER ROUGHS	1
STRUCT INVESTIGATION	1
SUBFLOOR SHEAR NAIL	22
SURVEY LTR	30
TEAR OFF	71
TEAR-OFF	16
TEMP ELECTRIC	22
TEMPORARY OCCUPAN	13
TOPOUT	70
UFER	49
UNDER FLOOR	33
UNDERFLOOR	8
UNDERFLOOR INSUL	8
UNDERGROUND	107
UNDERGROUND GAS	62
UNDER-SLAB	37
VENTS	7
WATER HEATER	1
WATER SERVICE	48

TOTAL INSPECTIONS for JOSEPH AIELLO: 4,484

KENNETH HUO

**FINAL	6
BASE	1
BASEMENT WALL DBL I	1
DRY WALL	3
EXTERIOR LATH	2
EXTERIOR SHEATHING	1
FOOTINGS	2
FORMS	3
FRAMING	6
GRAD & DRAINAGE	2

Town of Atherton
Inspection Totals Completed by Inspector
For the Period 1/1/2009 thru 12/31/2009

GRADE BEAMS	1
HOLD DOWN BOLTS	1
INSULATION	1
INTERIOR LATH	2
OTHER STRUCTURAL	1
PARTIAL TEAR OFF	1
PERC TRENCH	1
PRE-DECK	1
PRE-GUNITE	2
ROOF NAIL	1
ROUGH ELECTRIC	3
ROUGH PLUMBING	3
ROUGH WIRING	3
SEWER	1
SLAB STEEL	3
TEAR OFF	1
TEAR-OFF	3
UNDERGROUND	2
UNDERGROUND GAS	2
UNDER-SLAB	2

TOTAL INSPECTIONS for KENNETH HUO: 62

KEVIN CITTADINI

**FINAL	21
BASEMENT WALL DBL I	1
DEMOLITION	2
DRY WALL	4
DUCTS	1
ELECTRIC SERVICE	1
ENGINEER LETTER	1
EXTERIOR LATH	3
EXTERIOR SHEATHING	4

Town of Atherton
Inspection Totals Completed by Inspector
For the Period 1/1/2009 thru 12/31/2009

FLOOR JOISTS	1
FOOTINGS	6
FORMS	4
FRAMING	2
GAS TEST	2
GRADE BEAMS	3
GRADING	2
HOLD DOWN BOLTS	1
HOLD DOWNS	1
INTERIOR LATH	3
OTHER	3
OTHER ROOFS	2
OTHER STRUCTURAL	1
PERC TRENCH	3
PIERS	4
PRE-GUNITE	3
ROOF NAIL	4
ROOF NAILING	2
ROUGH ELECTRIC	3
ROUGH FRAMING	4
ROUGH PLUMBING	3
SEWER	1
SHEAR WALL	3
SHOWER PAN	3
SLAB STEEL	7
SOIL ENGINEER LETTER	1
SUBFLOOR SHEAR NAIL	1
TEAR OFF	8
TEAR-OFF	2
TEMP ELECTRIC	1
UFER	1

Town of Atherton
Inspection Totals Completed by Inspector
For the Period 1/1/2009 thru 12/31/2009

UNDER FLOOR	3
UNDERFLOOR INSUL	1
UNDERGROUND	2
UNDERGROUND GAS	1
UNDER-SLAB	2
WATER SERVICE	1

TOTAL INSPECTIONS for KEVIN CITTADINI: 133

MIKE WASMANN

**FINAL	5
DEMOLITION	1
EXTERIOR LATH	1
FLUES	1
FRAMING	2
HOLD DOWN BOLTS	1
OTHER	1
PARTIAL TEAR OFF	1
PIERS	1
ROUGH GAS	1
ROUGH PLUMBING	1
SEWER	1
SHEAR WALL	1
TEAR OFF	2
TEMP ELECTRIC	1
TREE PROTECTION	1

TOTAL INSPECTIONS for MIKE WASMANN: 22

TOTAL INSPECTIONS COMPLETED: 4,701



DRAFT MINUTES

Town of Atherton CITY COUNCIL ATHERTON CHANNEL DRAINAGE DISTRICT DECEMBER 16, 2009

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor McKeithen called the meeting to order at 7:05 p.m.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Dobbie, Marsala, McKeithen, J. Carlson
- 3A. **CITY COUNCIL REORGANIZATION**

SELECTION OF MAYOR AND VICE MAYOR

Deputy City Clerk Theresa DellaSanta opened the nominations for the Office of Mayor.

Mayor Carlson nominated Vice Mayor McKeithen for the Office of Mayor. Council Member Dobbie seconded the nomination.

Deputy City Clerk DellaSanta asked for any other nominations from the floor.

MOTION to close the nominations and elect Vice Mayor McKeithen as Mayor. The motion passed.

Ayes: 5 Opposed: 0

Deputy City Clerk DellaSanta opened the nominations for the Office of Vice Mayor.

Council Member Lewis nominated Council Member Marsala for the Office of Vice Mayor. Council Member Marsala seconded the nomination.

Deputy City Clerk Theresa DellaSanta asked for any other nominations from the floor. Vice Mayor McKeithen nominated Council Member Dobbie for Office of Vice Mayor. Council Member Carlson seconded the nomination.

MOTION to close the nominations and elect Council Member Marsala as Vice Mayor. The motion failed.

Ayes: 2 Lewis, Marsala Opposed: 0

**MOTION to close the nominations and elect Council Member Dobbie as Vice Mayor.
The motion passed.**

Ayes: 3 Carlson, Dobbie, McKeithen Opposed: 0

OATH OF OFFICE - Mayor and Vice Mayor

Deputy City Clerk DellaSanta administered the Oath of Office to Mayor Kathy McKeithen and Vice Mayor Jim Dobbie.

Council Member Lewis said she had the pleasure of working both locally and regionally with former Mayor Carlson during her first year on Council. Lewis added that she would like to have had former Mayor Carlson continue as Mayor because he has represented Atherton with very high professionalism, integrity and dignity. Lewis concluded that Carlson has been a role model for future Mayors and thanked him for his tenure as Mayor.

Council Member Marsala added that former Mayor Carlson was very active with the League of California Cities and attended numerous meetings which have put the Town in a good position to help the Town advocate construction of High Speed Rail the right way. Marsala said that he has enjoyed working with Carlson and thanked him for his work.

Mayor McKeithen read a proclamation to former Mayor Carlson for his service and dedication during his term as Atherton Mayor.

Mayor McKeithen stated her goals and priorities for the Town during her tenure as Mayor. McKeithen said she would like to see greater efficiency so people will like to attend Council meetings, cover matters thoroughly, stay on topic, be prepared and explain findings to the public. McKeithen said she will aim for transparency in the Town and hopes the public will get more involved in discussions with Council and staff and listen and learn from each other.

MESSAGE FROM OUTGOING MAYOR

Former Mayor Carlson said it has been a genuine learning experience during his tenure as Mayor. Carlson said he appreciates the passage of the parcel tax and feels it buys some time for Council to get a hold of their long term financial goals. Carlson thanked Council, staff, family and Town residents for their confidence and support during his term as Mayor.

3B. PRESENTATIONS

PROCLAMATION TO RETIRED POLICE CHIEF GLENN NIELSEN

Mayor McKeithen read a proclamation to retired Police Chief Glenn Nielsen.

**OATH OF OFFICE – Police Chief Mike Guerra
Sergeant Sherman Hall**

Deputy City Clerk DellaSanta administered the oath of office for Police Chief Mike Guerra and Sergeant Sherman Hall.

CERTIFICATE OF APPRECIATION TO JEFFREY N. PETIT FOR LEGAL SERVICES TO THE ATHERTON ARTS COMMITTEE

Mayor Kathy McKeithen read the certificate of appreciation to Jeffrey N. Petit.

LEAGUE OF CALIFORNIA CITIES LEADERSHIP IN ACTION AWARD TO COUNCIL MEMBER CHARLES MARSALA

City Manager Jerry Gruber gave background on the League of California Cities Leadership Award which is intended to be a means by which mayors and council members can enhance their effectiveness as elected officials. Council Member Marsala was one of three elected officials statewide who completed the third and final level of the Mayors and Councilmembers Academy – the Leadership in Action level.

Barbara Pierce, League of California Cities representative, said that there are 2500 Mayors and Council Members in the State of California and since 1997 only 59 have completed all three levels. Pierce said that Council Member Marsala has joined a very elite group of dedicated public officials. Pierce congratulated Council Member Marsala and presented him with his leadership award and thanked him for his dedication to the State and his community.

4. PUBLIC COMMENTS

Heyward Robinson, Menlo Park Council Member, congratulated Council Member Carlson for his work as Mayor during the past year. Robinson said there is a lot of common interest between Menlo Park and Atherton, particularly High Speed Rail and hopes the Cities can unite and work together on several different projects. Robinson congratulated Mayor McKeithen and Vice Mayor Dobbie in their new positions.

John Ruggeiro, Atherton resident, on behalf of the Atherton Civic Interest League (ACIL) commended the new Mayor and Vice Mayor, the former Mayor, new Police Chief and former Police Chief and hopes that everyone succeeds in their new positions.

Loren Gruner, Atherton resident, applauded the Town for looking at the issues of speed on Fair Oaks Lane and Public Works Director Duncan Jones for putting together an informative public workshop on the issue.

Carol Flaherty, Atherton resident, stated that she felt at the November Council meeting that residents may have been confused when they thought the encroachment permit was part of the Building Department fees and as a result nobody commented. Flaherty said that when you have a circular driveway the fee that was passed would double to approximately \$2,600 to connect your driveway to the street. Flaherty requested Council look at the encroachment permit when they revisit the fee schedule.

5. REPORT OUT OF CLOSED SESSION

Atherton resident Jon Buckheit and Atherton resident Melinda Tevis spoke under public comment.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subsection (a) of Government Code Section 54956):

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – pursuant to Government Code Section 54957(b)(1)

Title: *City Attorney*

**C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Subsection (b) of Government Code Section 54956.9):
One (1) potential case:**

Jonathan Buckheit –Claim No. GL060595

City Attorney Wynne Furth reported that there was no reportable action from the Regular Closed Session and that the Closed Session is continued until later that evening.

6. CITY MANAGER’S REPORT

Council Member Marsala asked for an update on the Hoover crosswalk. Public Works Director Duncan Jones said he met with Menlo Park officials to review the scope of work from the Towns consultant and the project is moving forward.

Council Member Marsala asked for an update on the non-school event guidelines and the historical artifacts ordinance. City Manager Gruber said he will provide a status update to Council by next week.

Council Member Marsala asked if there has been any research on the recent discussions about second meters. City Manager Gruber said he will add it to the list of discussion items for the strategic workshop.

Council Member Lewis asked for update on the Walsh Road resident’s evacuation plan from the Office of Emergency Services. City Manager Gruber will provide that to Council.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

● **Census Coordinator Margot Grant – San Mateo County**

Margot Grant, San Mateo County Census Coordinator, gave a Power Point presentation on the importance of participation in the 2010 census count. [A copy of the presentation is available in the City Clerks office].

REGULAR AGENDA (Items 8-10)

ITEMS CONTINUED FROM REGULAR NOVEMBER 18, 2009 COUNCIL MEETING

8. DRAINAGE CRITERIA UPDATE

Report: Public Works Director Duncan Jones

Recommendation: Receive information and give direction to staff for future actions to update the Drainage Criteria and to modify the Grading, Erosion and Sediment Control ordinance

(Staff will recommend Council continue this item to a Public Workshop)

City Manager Gruber stated that staff recommends holding a public forum workshop in order to allow residents to discuss the drainage criteria with Town staff.

Mayor McKeithen recommended compromising on a date that is good for staff and the residents. She suggested that residents put their thoughts and comments in writing so staff can be prepared to respond. McKeithen concluded that some residents may want to bring their Attorneys for input as well.

Council Member Marsala suggested returning to the previous maintenance agreement that was in place before 2007 which had less constrictive requirements. Marsala felt that by reverting back to the previous maintenance agreement the Town would have time to research and understand the new criteria and at the same time returning to the previous maintenance agreement would be fair to the residents.

Council Member Carlson was in favor of holding a public workshop and requested that staff be clear on what is required for the drainage system.

Council Member Dobbie supported a public workshop and felt that staff should solicit questions before the meeting in order to be further prepared at the workshop.

Council Member Lewis felt that the drainage criteria needs further public input and supported Marsala's idea of reverting back to the maintenance agreement in place before the change in 2007. Council Member Lewis suggested making revisions to the study that was done a few years back and at the same time possibly putting utilities underground and looking at the future of Atherton by investing in infrastructure.

MOTION by Lewis to rescind the current maintenance agreement and revert back to the previous agreement in place before September 2007. The motion was not seconded.

Mayor McKeithen opened up for public comment.

John Rugeiro, Atherton resident, said that this is as much a Caltrans problem as it is the Town and Caltrans should be contacted and involved.

Jon Venverloh, Atherton resident, said it is fair to characterize the current drainage requirements as a miniature Public Works project and it lays a high burden on private home owners.

Kimberley Sweidy, Atherton resident, said she is concerned that there is no guarantee on Town work. Sweidy said the Town should either be responsible for their actions or not. Sweidy supported the idea of beautifying Atherton as an ultimate goal and putting utilities underground. Sweidy said she would volunteer her time to work together with a Drainage task force.

Carol Flaherty, Atherton resident, supported the idea of a public workshop and written comments in advance of the meeting. Flaherty spoke of the drainage criteria as it relates to her own personal situations.

Loren Gruber, Atherton resident, supported a public workshop and felt that Council should take part to better understand the requirements. Gruner concluded that different areas in Town should have different requirements.

Joe Comartin, Atherton resident, said there are a lot of unreasonable notions in the maintenance agreement.

Denise Kupperman, Atherton resident, said that a public workshop is a great idea and staff should be prepared to have information and suggestions readily available at the workshop. Kupperman said to look at County, State, and Federal requirements, the history of the drainage criteria, and the requirements of Woodside and Portola Valley.

Jeff Wise, Atherton resident, said there are a lot of problems with the ordinance itself, he felt that the immediate concern is the maintenance agreement. Wise supported eliminating the maintenance agreement as currently written and revise the maintenance agreement to only what is required by the current ordinance.

Kelly Freese, Atherton resident, suggested Council consider all residents who have been subject to these erroneous requirements instead of considering claims only from here forward.

Mayor McKeithen closed public comment.

Public Works Director Jones said he supports a workshop to inform residents of the requirements and to listen to their concerns. Jones said before 2007 there were no criteria in place and the criterion was put into place to make it more uniform. Jones encouraged residents to bring their architects to the public workshop.

Council Member Marsala asked why so many residents have left the Building Department misinformed about the criteria. Public Works Director Jones said he has had little discussions with architects and has started asking the engineers to talk to the architects about alternatives which would cost less and be more environmentally sound.

Council Member Marsala asked if trees are being killed by the design if the drainage criteria. Public Works Director Jones said most of the systems are designed to avoid impact on trees.

Council Member Marsala asked approximately how long it will take before this issue is resolved. Public Works Director Jones said a workshop can be held shortly after the first of the year. He said there is an annotated version of the criteria that says where the criteria came from and that will be updated based on the new permit which became effective October 14, 2009 and lowered the threshold from 10,000 to 2,500 which is lower than expected. Jones said various other criteria in the new permit will be reinstated in the drainage criteria and provided to the residents either at the workshop or to a potential task force.

Council Member Dobbie said rescinding something at this time with lack of full knowledge is not appropriate and he supports a public workshop and the creation of a task force.

Council Member Carlson said he supports a public workshop with maximum public input.

Mayor McKeithen said she is hopeful that people put their comments in writing whether they attend or not and if they wish to join a task force they can do so to stay actively involved in the issue.

Council Member Lewis said the maintenance agreement is overreaching, erroneous, and should be removed.

City Attorney Wynne Furth said the drainage criteria were adopted under a procedure established by ordinance and can only be amended by resolution which was not brought to Council. Furth did not recommend rescinding the agreement at this time. Furth said it is possible to go back to residents who signed the current agreement and offer them a new one if one is adopted by the Town.

MOTION by Marsala, second by Lewis to request a Resolution at the January meeting to rescind the Ordinance put into place in 2007 and revert back to what was in place before that and research a fair maintenance agreement. The motion failed.

Ayes: 2 Nays: 3 (McKeithen, Dobbie, Carlson) Abstain: 0 Absent: 0

MOTION by McKeithen, second by Carlson to consult with the public and hold a workshop sometime toward the end of January 2010. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

9. COUNCIL OF CITIES DECEMBER MEETING – COUNCIL GUIDANCE ON VOTING MATTERS

Report: City Manager Jerome D. Gruber

Recommendation: Council to give guidance direction to San Mateo County Council of Cities representative on voting matters at the December 18, 2009 annual holiday dinner

Council Member Carlson said that the Mayor is the official representative of the Council of Cities on voting matters and if the Mayor can not attend a form provided by the City Selection Committee should be completed designating a delegate. Carlson said the SamTrans Board seat is a very important position as well as the Transportation Authority. He felt Burlingame Council Member Terry Nagel would make a great candidate. Carlson concluded that Council Member Lewis has applied for the HEART Board which he fully supports.

Council Member Lewis said she supports Burlingame Council Member Terry Nagel for the open seat on the Transportation Authority as well as Burlingame Council Member Jerry Deal or Menlo Park Council Member Heyward Robinson. Lewis concluded that she supports Hillsborough Council Member Christine Krolik to the City Selection Committee.

Mayor McKeithen said she would not be in Town and designated Mayor Carlson as the voting delegate at the Council of Cities meeting December 18, 2009 meeting.

Mayor Carlson said the Council of Cities dinners are hosted by San Mateo County Cities and Atherton has not held one since 2006. He suggested Mayor McKeithen choose a date to host a dinner in 2010.

10. APPROVAL OF RESOLUTION RESCINDING RESOLUTION 05-34 AND DIRECTING REFUND OF FEES PAID ON OR AFTER AUGUST 20, 2009

Report: City Attorney Wynne Furth

Recommendation: Adopt Resolution 09-50 Rescinding Resolution No. 05-34 (Establishing a Road Impact Fee) and Directing Refund of Fees Paid on or after August 20, 2009

City Attorney Wynne Furth said the road impact fee seeks to address the problem that heavier equipment used on construction projects in Atherton has an impact on the life span of roads. The Town started charging the fee in 2000 to help offset the increased cost of maintaining the Town's streets. The fees have been used exclusively to maintain the Town's road, but the fee is of questionable legality. Furth said the Town is authorized by one set of rules to charge impact fees to address the increased burdens on public infrastructure that arises from new construction, however there is another statute that says fees should not be charged for the use of public roads. Furth concluded that that because the law is uncertain staff recommends repeal of the resolution and refunds of fees paid in the last 90 days and protests made within 90 days of payment of the fee.

Council Member Marsala said there was a 40% increase in 2007 without ever having done a study and he supports rescinding the resolution as a compromise.

Carol Flaherty, Atherton resident, spoke of her documented correspondence and attendance the last two years with staff and Council regarding a road impact fee study. Flaherty said she never received any response on whether she will receive her road impact fee back. Flaherty said it is not right to limit refunds for the last 90 days because it is not fair to those who paid it before then. Flaherty concluded by asking Council to do the right thing.

Joe Comartin, Atherton resident, voiced his support toward Carol Flaherty's words and feels it is unethical to treat the residents this way. Comartin said it looks like the Town is reluctant to take action until faced with lawsuits.

Jon Venverloh, Atherton resident, said it is very important to maintain trust in government and so often governments abuse their power because they can but it doesn't mean they should. He asked how it is fair and ethical to limit refunds to people who paid the fee within the last 90 days.

Loren Gruner, Atherton resident, said this is a tough situation and encouraged Council to fix the problem and avoid costly lawsuits.

Jeff Wise, Atherton resident, said that by limiting refunds to those paid in the last 90 days or those who pay under protest, given the recent history of the Town and its fees, would suggest that it would be prudent for all of us to only pay fees under protest. Wise supported transparency and working together to make a better Town.

Denise Kupperman, Atherton resident, said she paid an off-haul fee and somehow was never notified that it was rescinded and that some people received refunds and some did not. Kupperman said to have not been advised is wrong.

David Macadoo, Menlo School, said Menlo School paid a significant amount on an active project for a road impact fee and when he became aware that the fee was questionable nine months later he submitted a letter of refund. Macadoo said he would feel distressed to find out that he did not make a timely protest.

Jeff Wise said he would be open to running a task force of residents who would work with the Town to fix this problem.

Mayor McKeithen closed public comment.

Mayor McKeithen asked City Attorney Furth how this situation differs from business license refunds and road excavation refunds. Furth said the law that governs the business license refund tax is for one year. The rules that apply to impact fees were adopted in a long series of negotiations between property developers and local governments to deal with infrastructure problems. Furth said the legislation that emerged said that when permits were issued there would be only a 90 day period to protest them and if you did not protest then the city or county knows with certainty it can use the money, but only for purposes for which it was collected.

City Attorney Furth stated that the Town collected approximately \$5,170,000 in road impact fees, while expenditures totaled \$4,740,000. Furth concluded that the recommendation on refunds was made to Council based on the refund laws; if Council wishes to take other factors into consideration then a further concern would be the Towns fiscal situation and ability to make refunds.

City Attorney Furth said when a town adopts a road impact fee it is required to do a series of studies which shows the impact on roads as result of construction. Furth said that was done in 2000 by DKS associates and again in 2005 by Kimley-Horn Associates. However the fee was calculated using building permit fees as a factor and when the Town increased the Building fees at a later date that indirectly increased the road impact fee without doing a nexus study.

Council Member Marsala felt that this should be taken up with two motions; one by rescinding the road impact fee and one by setting an appropriate time frame limit in refunding the fees. Marsala stated the possibility of refunding back to 2007 when there was a 40% increase as a compromise.

MOTION by Marsala, second by Lewis to Adopt Resolution 09-50 Rescinding Resolution No. 05-34 Establishing a Road Impact Fee and Directing Refund of Fees Paid on or after September 18, 2009. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

MOTION by Marsala, second by McKeithen to study the best method for the length of time to refund the road impact fees at the January 11, 2010 strategic planning workshop and for staff to engage the community before January 11, 2010 for their input and ideas.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

Mayor McKeithen suggested that Jeff Wise work with the City Manager in soliciting comments from residents impacted by the road impact fee.

Council Member Lewis requested that staff gather how much has been collected in road impact fees since the 2007 fee increase.

Vice Mayor Dobbie said so many people are talking about fairness and it is obvious that large trucks do more damage then small cars. He felt that some citizens' are subsidizing road repairs that are caused by large trucks that are mainly hired by builders and developers. Dobbie concluded that fairness would conclude the people who are doing the damage should pay for it.

CONSENT CALENDAR (Items 11-25)

Council Member Lewis had a comment on Item 11 and Item 15.

11. APPROVAL OF NOVEMBER 18, 2009 MEETING MINUTES

Recommendation: Approve November 18, 2009 Meeting Minutes

Council Member Lewis said the minutes reflect that Atherton Dames representative Denise Kupperman said that there was a clause in the Park that says the Park is to be self sufficient. Council Member Lewis clarified that the Park Will does not state that; rather it says that Atherton shall at its own cost and expense maintain property suitable for a high class recreational park.

12. APPROVAL OF BILLS AND CLAIMS FOR NOVEMBER 2009 IN THE AMOUNT OF \$1,114,702

Recommendation: Approve Bills and Claims in the amount of \$1,114,702

13. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR THE MONTH ENDED NOVEMBER 30, 2009

Recommendation: Accept Monthly Financial Report

14. TREASURER'S REPORT FOR THE FIRST QUARTER ENDED SEPTEMBER 30, 2009

Report: Finance Director Louise Ho

Recommendation: Accept the Treasurer's Report for the First Quarter Ended September 30, 2009

15. APPROVE A CONSULTANT SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR TRAFFIC ENGINEERING DESIGN SERVICES FOR THE ENCINAL/MIDDLEFIELD TRAFFIC SIGNAL PROJECT, IN AN AMOUNT NOT TO EXCEED \$64,350 PLUS A TEN PERCENT CONTINGENCY, FOR A TOTAL AUTHORIZATION OF \$70,785

Report: Public Works Director Duncan Jones

Recommendation: Accept the proposal and authorize the City Manager to sign a Consultant Services Agreement with Kimley-Horn and Associates, Inc. to provide traffic engineering design services for the Encinal/Middlefield Traffic Signal Project in an amount not exceed \$64,350, plus a 10% contingency, for a total authorization of \$70,785

Council Member Lewis asked if the study being conducted by Kimley Horn and Associates on the light at Encinal and Middlefield is being funded at all by Menlo Park. Public Works Director Jones said Menlo Park approved an MOU with the Town the previous night.

Council Member Lewis asked if the light will help with traffic problems at intersections at Linden and Watkins and James at Middlefield. Public Works Director Jones said he has discussed this with the traffic engineers who will equip the traffic signals with the same GPS capabilities at the other three signals and time this signal so there are gaps to assist people to get out of Linden and Watkins and James at Middlefield.

16. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE THE FLETCHER RIDGEVIEW DRAINAGE AND STREET PROJECT NUMBER 08-010

Report: Public Works Director Duncan Jones

Recommendation: Approve the plans and specifications and authorize advertisement for bids for the Fletcher Ridgeview Drainage and Street Project, Project No. 08-010

17. **AWARD OF CONTRACT TO NORTHERN CALIFORNIA FENCE FOR THE TENNIS COURT FENCE FABRIC REPLACEMENT PROJECT NUMBER 09-013 IN AN AMOUNT NOT TO EXCEED \$22,900 PLUS A TEN PERCENT CONSTRUCTION CONTINGENCY, FOR A TOTAL AUTHORIZATION OF \$25,190.00**
Report: Public Works Director Duncan Jones
Recommendation: Award the contract for the tennis court fence fabric replacement, project number 09-013 to Northern California Fence, the low bidder, for \$22,900.00, with a 10% construction contingency of \$2,290.00, for a total authorization of \$25,190.00; and to authorize the City Manager to sign the contract on behalf of the Town
18. **APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MARK THOMAS & COMPANY, INC. FOR SURVEYING SERVICES FOR THE STREET RECONSTRUCTION PHASE 7 PROJECT, IN AN AMOUNT NOT TO EXCEED \$68,190 PLUS A TEN PERCENT CONTINGENCY, FOR A TOTAL AUTHORIZATION OF \$75,009**
Report: Public Works Director Duncan Jones
Recommendation: Accept the proposal and authorize the City Manager to sign a Professional Services Agreement with Mark Thomas & Company, Inc. to provide Surveying services for the Street Reconstruction Phase 7 Project in an amount not exceed \$68,190, plus a 10% contingency, for a total authorization of \$75,009
19. **ADOPTION OF RESOLUTION ACCEPTING THE 2009/2010 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS) GRANT**
Report: Police Chief Mike Guerra
Recommendation: Adopt resolution 09-51 accepting the recommended expenditures of the remaining balance of FY 2009-10 Supplemental Law Enforcement Services Fund (SLESF), Citizen's Option for Public Safety (COPS) Grant in the amount of \$106,468.19 in accordance with state requirements
20. **RESULTS OF ATHERTON'S GOVERNMENT OPERATIONS EMISSIONS INVENTORY**
Report: Town Arborist Kathy Hughes Anderson
Recommendation: Accept the Results of Atherton's Government Operations Emissions Inventory
(Continued from November 18, 2009 Regular City Council meeting)
21. **REJECT CLAIM OF D.C. EXPRESS AND DEEPAK CHAND**
Report: Assistant City Manager Eileen Wilkerson
Recommendation: Adopt Resolution 09-52 rejecting claim of D.C. Express, Inc. and Deepak Chand
22. **PROCLAMATION APPROVING A WORKING RELATIONSHIP AGREEMENT WITH THE COUNTY OF SAN MATEO CENSUS 2010**
Report: Assistant City Manager Eileen Wilkerson
Recommendation: Approve the attached proclamation approving agreement with the County of San Mateo Census 2010

23. APPROVAL OF THE CONSULTANT SERVICES AMENDMENT WITH CRW FOR PROGRAMMING THE PROPOSED MASTER FEE SCHEDULE AND FOR INTERFACE WITH SPRINGBROOK FINANCIAL SOFTWARE IN AN AMOUNT NOT TO EXCEED \$8,000 PLUS A TEN PERCENT CONTINGENCY, FOR A TOTAL AUTHORIZATION OF \$8,800

Report: Building Official Mike Wasmann

Recommendation: Approve the consultant services amendment with CRW for programming the adopted master fee schedule and for interface with Springbrook financial software; authorize City Manager to execute the agreement in an amount not to exceed \$8,800

24. REAPPOINT SAMUEL LERNER AS TOWN TRUSTEE TO SAN MATEO COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT

Report: City Manager Jerry Gruber

Recommendation: Reappoint Samuel Lerner as Town Trustee to San Mateo County Mosquito and Vector Control District

25. AMENDMENT TO RESOLUTION 09-09 TO INCREASE AUDIT COMMITTEE FROM FIVE (5) MEMBERS TO SIX (6) MEMBERS

Report: City Manager Jerry Gruber

Recommendation: Amend Resolution 09-09 to Increase Audit Committee members from Five (5) to Six (6) Members

MOTION by Dobbie, second by McKeithen to approve the consent items. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

REGULAR AGENDA (Items 26-32)

26. FISCAL YEAR 2008-09 AUDITED FINANCIAL REPORTS AND MEMORANDUM ON INTERNAL CONTROL AND REQUIRED COMMUNICATIONS

Report: Finance Director Louise Ho

Recommendation: Accept FY 2008-09 Basic Financial Statements, Report on Compliance with San Mateo County Measure A Funds, Agreed Upon Procedures Report on Compliance with the Proposition 111 Appropriations Limit, and the Memorandum on Internal Control and Required Communications

Finance Director Louise Ho said Maze and Associates Representative Mark Wong was in attendance to give Council a brief summary of his report.

Mark Wong, Maze and Associates gave Council a concise presentation on the fiscal year 2008-09 audited financial reports.

Council Member Lewis thanked Wong and his associates for the report and said the report is much clearer than audit reports the Town has received in the past.

Council Member Marsala said the fund balance of unreserved show \$769,057 in future building inspections. Marsala said he feels this should be designated under other governmental funds. Marsala asked if it is common to have building funds under general fund. Wong said if it is not a special tax then it normally gets rolled into general fund.

Finance Director Ho referred to GASB 54 which specifically addressed what can be designated as special revenue fund. Ho said because the building fund is for the community it is specified as a general fund and to put this amount of money into a special fund would not follow GASB 54 requirements.

MOTION by McKeithen, second by Dobbie to Accept FY 2008-09 Basic Financial Statements, Report on Compliance with San Mateo County Measure A Funds, Agreed Upon Procedures Report on Compliance with the Proposition 111 Appropriations Limit, and the Memorandum on Internal Control and Required Communications. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

27. COUNCIL GUIDANCE ON ITEMS FOR STRATEGIC PLANNING MEETING ON JANUARY 11, 2010

Report: City Manager Jerry Gruber

Recommendation: Receive Direction from Council on priorities for 2010 Strategic Planning Workshop

City Manager Gruber said he listed some items in his staff report in order to stimulate conversation with Council and give them opportunity to give feedback to staff on what they feel are the most important items for the strategic planning workshop.

Council Member Carlson said he would like to see a discussion about a second calendar day per month meeting, possibly in a workshop format because there is too much going on for Council to get everything done in one meeting per month.

Council Member Lewis said there is “housecleaning” that needs to be discussed. The historical artifacts ordinance and the beautification of the Park should be revisited.

Mayor McKeithen said she would like to discuss the future of the Park, possible cost savings in having a Town employee as the Town Planner, a possible citizen oversight committee of the Police, should smaller lots be treated differently than larger lots, and how can the Town better manage legal costs which continue to escalate.

Council Member Dobbie said that Council needs to set out their priorities for this meeting and also get results from the priorities.

Council Member Marsala said he would like to discuss transparency, reserves, inflation from Building Department surpluses, Town finances, and setting deadlines for direction given to staff.

No action was taken.

Mayor McKeithen moved that Items 29 and 31 be taken up next.

29. ADOPTION OF RESOLUTION DECLARING THE RESULTS OF NOVEMBER 3, 2009 ELECTION

Report: City Manager Jerry Gruber

Recommendation: Adopt a Resolution declaring the results of the Special Municipal Election for Measure “S” approved by a 2/3rd vote and Measure “T” approved by a majority vote which were adopted by the voters on November 3, 2009

Deputy City Clerk DellaSanta read the results of the elections for the record. The results of the November 3, 2009 election were as follows:

The number of YES votes for Measure S was 1,426 and the number if NO votes was 403. The number of YES votes for Measure T was 1,252 and the number of NO votes was 547.

MOTION by Carlson, second by McKeithen to adopt a Resolution declaring the results of the Special Municipal Election for Measure “S” approved by a 2/3rd vote and Measure “T” approved by a majority vote which were adopted by the voters on November 3, 2009.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

31. STATUS REPORT ON TOWN OF ATHERTON et al. v. California High-Speed Rail Authority AND RELATED PROCEEDINGS FOR PROPOSED HIGH-SPEED RAIL LINE

Report: City Attorney Wynne Furth

Recommendation: Receive report on status of litigation and related proceedings, receive any public comment, and provide further direction if needed

Council reviewed and received the report on status of litigation and related proceedings. No action was taken.

28. HISTORICAL RECONCILIATION OF BUILDING DEPARTMENT COSTS OF SERVICE

Report: Finance Director Louise Ho

Recommendation: Review and accept the findings of NBS on the historical reconciliation of Building Department costs of service; provide direction to staff on the NBS recommended action 2. Defer Known and Justified Fee Increases, action 3. Proceed with Known and Justified Fee Decreases, and action 4. Revisit Financial Performance in 2010/2011

Jeanette Hahn, NBS, gave a Power Point presentation of the historical reconciliation of Building Department costs of service. [A copy of the presentation is available in the City Clerks office]. The purposed of the analysis was to evaluate the collection and proper expenditure of the Town’s building permits and related fees to ensure the (a) Town is optimizing the use of fee-based revenues for the compete array of obligations and operational requirements of the Building Department and (b) collected fee-based revenue indeed are only spent on expenditures related directly and indirectly to the Building Department.

Council Member Marsala said when you take the \$153,500 per year for building fee revenue and add three percent to it compounding you get 1,760,118. Marsala said he accepts that number as part of this report.

Council Member Marsala said the Town spent a large amount of money on contract services in 2007 because they were short-staffed.

Hahn said there was a large increase in expenditures in FY2006-07 but most of it was recorded attributed to Planning which was taken out of the calculation because it was not appropriate to include Planning in the building fees.

Council Member Dobbie said it looks like revenue keeps going down and expenses are not.

Hahn said typically when she works for cities, in periods of decline, the spending is always a fiscal year or two behind. Hahn reviewed a Power Point slide in which she suggested an operating reserve based on what she calls core skills, which means when the Town experiences a period of decline or inactivity this would allow Council not to have to make snap decisions regarding revenues and allows the Town to keep sufficient revenue to not erode the important capabilities. Hahn concluded that this would be a temporary reserve, and includes staffing reductions, which would buy Council time to make future decisions.

Council Member Marsala asked if staffing reductions were made would the percentage of overhead be reduced as well. Hahn said she presumed if the Town was in a period of distress then there would be policy decisions made about certain expenditures that would immediately go away and overhead would certainly be one of them.

Council Member Marsala asked if Council decided against staff reductions, could they decide to not fund future building. Hahn said she would recommend that. Hahn added that it is important to know that reserves are meant to be used, so if you never intend to break the threshold then you should not have a reserve at all.

Mayor McKeithen said that Hahn's report states that Town records indicate \$8.10 million in applicable expenditures recorded to the Building Department, including salaries and benefits and questioned whether the benefits included unfunded retirement and health. Hahn said no because it was not funded at that point. Mayor McKeithen said the report also says no additional obligations or requirements related to the Building Department have been identified that would immediately draw upon unrestricted cash surplus and asked if the unfunded liabilities are unrestricted cash.

Finance Director Louise Ho said the unrestricted cash surplus could be used for any unfunded liability if Council sets it aside during the budget process for that intended purpose. Ho said for the FY2009-10 budget Council had already approved prefunding GASB 45 for unfunded retiree liability at \$500,000.

Mayor McKeithen asked if that can be done for the Building Department. Finance Director Ho said the Building Department already has a piece of the \$500,000.

Mayor McKeithen said right now Council is thinking of using the funds for reducing future fees and she is concerned because of the legalities and wondered if there would be an issue with reducing future fees. McKeithen stated that due to overpayments in earlier years the Town is subsidizing future building with the overpayment from past overpayments. City Attorney Furth said there is an issue of equity, but also of practicality and this is what the law calls for.

Hahn said she felt it is a legitimate expense and suggested that it be presumed as a historical cost in two ways; 1.) That Council agrees to take what is available and set it aside for building department, and 2.) Only look at obligations since 2000.

Council Member Marsala said the \$153,500 set aside for future buildings would be allowed to be spent down by charging lower fees and asked if it could be spent down by using the funds for expense of future funding of the new building.

City Attorney Furth said NBS's task was to make sure the Town attributes to the building department revenue only the costs that are appropriately charged over a particular period of time. This is why the unfunded retiree medical liabilities are an appropriate charge to operations but only for obligations accrued in those years. Furth added that similarly you can only charge that share of the building cost that is properly loadable on those years.

Council Member Marsala said that if fees will be lowered going forward and there will not be enough funds for the building department's share of a new building then the fees should stay the same so the building department's share of a new building can be funded.

Hahn said she would not suggest receiving any more than \$153,500 annually because she would not want to see the cash surplus further diminished by further setting aside money for the building departments share of a new building.

City Manager Gruber asked what the Town can expect to see in the Building Department fees which will be brought to Council in January.

Hahn said if Council accepts all findings in this report then they will be asked to defer what was proposed in terms of fee increases until at least the next fiscal year and NBS would ask that the Council proceed with the few fee categories that are decreasing. Hahn said she will also suggest that Council move forward with decreases in the valuation multiplier for non-habitable construction and remodeled residential construction.

Mayor McKeithen felt that moving the burden of unfunded retiree and liabilities costs is inequitable and since it is a known cost it should be paid just for the years to which the surplus is applicable.

Council Member Carlson clarified that Council would like NBS to calculate what the accrued amount should be to capture the unfunded liability amounts and see what impact it would have. Mayor McKeithen agreed and added only to which the surplus is applicable and if there happens to be a surplus beyond that then she would suggest reducing fees moving forward.

Council Member Lewis suggested the possibility of keeping building fees flat and come in line with the excess charges of other fees then revenue and building activity could be stimulated and we can move forward in 2010.

MOTION by Marsala, second by McKeithen to accept the following findings in the historical reconciliation of Building Department costs of service report: 1. Review and accept findings and 3. Proceed with known and justified fee decreases. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

Mayor McKeithen said Council will defer the known and justified fee increases at least until the strategic planning workshop and determine what to do with the surplus and at the same time determine if Council should revisit the Financial Performance in 2010-11.

30. AGREEMENT FOR CONVERSION FROM A FIRM-FIXED/PERFORMANCE BASED CONTRACT POSTAL UNIT TO A CONTRACT ACCESS RETAIL SYSTEM PERFORMANCE-BASED CONTRACT POSTAL UNIT

Report: Assistant City Manager Eileen Wilkerson

Recommendation: Authorize the City Manager to enter into an Agreement with the United States Postal Service for conversion from a firm-fixed/performance based contract postal unit to a contract access retail system performance-based contract postal unit

Assistant City Manager Eileen Wilkerson said the Town received a letter from the United States Post Office which proposed a contract modification which would reduce the revenue the Town receives from \$51,762 to approximately \$10, 612.62 and extend the terms for termination of the Agreement from 90 days to 120 days. Wilkerson concluded that there is a possibility that the USPS will close the contract station in Atherton. Wilkerson said she recommends signing the agreement to allow staff to research further.

Mayor McKeithen said by signing the agreement the Post Office will remain open but the Town would continue to lose revenue during that period. Assistant City Manager Wilkerson said yes, but it would allow for public input and a detailed survey of who the Post Office is serving. Wilkerson concluded that staff did do a less detailed survey by looking at return addresses and the Town serves more residents of Menlo Park and Redwood City than Atherton residents.

Mayor McKeithen suggested putting an article in the Athertonian informing residents of what is happening.

Loren Gruner, Atherton resident, said Atherton already lost the train and hoped her community would not lose the Post Office too.

Council concurred on directing staff to look at ways to increase revenue at the post office.

MOTION by McKeithen, second by Dobbie to authorize the City Manager to enter into an Agreement with the United States Postal Service for conversion from a firm-fixed/performance based contract postal unit to a contract access retail system performance-based contract postal unit.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

32. COUNCIL REPORTS

Council Member Lewis handed out a review of the SFO Community Roundtable statement of purpose and objective and some accomplishments to her colleagues for informational purposes.

33. FUTURE AGENDA ITEMS

Council Member Lewis requested that expansion of the Finance Committee be added to the January Agenda.

34. PUBLIC COMMENTS

None.

35. ADJOURN

MOTION by Dobbie, second by Carlson to adjourn the meeting. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 10:59 p.m.

Respectfully submitted,

Theresa DellaSanta
Deputy City Clerk

TOWN OF ATHERTON
CLAIMS LIST DECEMBER 2009

	12/04/09	12/18/09	12/31/09	Amt
Payroll Checks #	14289-14306	14367-14375	14434-14445	\$ 13,534
Direct Deposit	14307-14366	14376-14433	14446-14502	509,634
Electronic Transfer				218,416
A/P Checks #	29588-29783			742,617
			DECEMBER 09 TOTAL	\$1,484,201

I, Jerome D. Gruber, City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 14289-14502 (payroll), 29588-29783 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$1,484,201 are true and correct, and that there are sufficient funds for payment.

Jerome D. Gruber
City Manager

The above claims, check numbers 14289-14502 (payroll), 29588-29783 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$1,484,201 are true and correct, and are authorized for payment.

Jerry Carlson
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$1,242,931
105	Tennis	1,556
201	Special Parcel Tax	16,699
203	Gas Tax	14,118
208	Police on the Street	316
210	Road Construction Impact Fees	85,288
213	Library	6,128
220	Traffic Congest. Relief	1,392
401	GF Projects	46,383
402	Storm Drainage	3,600
403	Atherton Channel District	7,648
610	Equipment Replacement	25,094
616	Employee Benefits	32,411
715	Evan Estate	230
740	Tree Committee	407
	TOTAL	\$1,484,201

Check#	Check Dt	Vendor Name	Inv Date	Inv#	Department	GL Account	Amounts	Detail Description
029592	12/14/09	AFLAC ATTN: REMITTANCE PROC	11/16/09	859758ER	Building	Cafeteria Insur	5.00	K. Anderson 11/1-11/30/09
					Finance	Cafeteria Insur	5.00	M. Colliau 11/1-11/30/09
					Police	Cafeteria Insur	5.00	D. Dunphy 11/1-11/30/09
					Police	Cafeteria Insur	5.00	M. Guerra 11/1-11/30/09
					Police	Cafeteria Insur	5.00	S. Hall 11/1-11/30/09
					DPW - Engineering	Cafeteria Insur	5.00	T. Henderson 11/1-11/30/09
					Finance	Cafeteria Insur	5.00	L. Ho 11/1-11/30/09
					Police	Cafeteria Insur	5.00	J. Mattes 11/1-11/30/09
					Check Totals		40.00	
029593	12/14/09	AT&T CALNET 2	11/13/09	973554	Police	Communication C	15.87	6503261167 TELEMINDER LOOP LINE 10/13-11
					Check Totals		15.87	
029594	12/14/09	CA STATE DISBURSEMENT UNIT	12/04/09	CA State Dis	NON-DEPARTMENTAL	Payroll Deducti	271.84	0750106244-01 11/15-11/28/09
					Check Totals		271.84	
029595	12/14/09	DELL MARKETING L.P. C/O DEL	11/15/09	XDJ5X86N8	DPW - Park Program	Computer Equipm	946.31	1 OptiPlex 760 Intel Core 2 3.0GH, 3G RA
					Check Totals		946.31	
029596	12/14/09	FEDERAL EXPRESS CORP	11/20/09	9-406-98558	NON-DEPARTMENTAL	Other Contract	76.93	Street Phase 6 shipping
					Check Totals		76.93	
029597	12/14/09	GALLS	11/05/09	510214323	Police	Machinery & Equ	624.58	NON SPIKE FLARES -11/05/09
029597	12/14/09	GALLS	11/10/09	510224855	Police	Machinery & Equ	78.03	FINGERPRINT PORCELAIN PAD
					Check Totals		702.61	
029598	12/14/09	SHERMAN HALL	11/24/09	11/24/09	Police	Training - POST	121.09	POST TRAINING - SUPERVISORY COURSE 11/9-
					Police	Gas & Oil	24.64	REIMB.GAS - TRAINING 11/9-11/20/09
					Check Totals		145.73	
029599	12/14/09	I.M.P.A.C. GOVERNMENT SERVI	11/23/09	11/23/09	Building	Safety Supplies	62.13	Calendars, Rollabind 11/23/09
029599	12/14/09	I.M.P.A.C. GOVERNMENT SERVI	11/23/09	11/23/09a	City Manager	Conferences	440.00	City Clerks Conf.10/21/09 T.Dellasanta

Check#	Check Dt	Vendor Name	Inv Date	Inv#	Department	GL Account	Amounts	Detail Description
029599	12/14/09	I.M.P.A.C. GOVERNMENT SERVI	10/22/09	10/22/09	City Manager	Office Supplies	22.41	2010 Calendar for City Mgr 10/31/09
					City Manager	Conferences	142.98	Overnight stay-Clerk Conf.T.Dellasanta
					City Manager	Bus Meeting & M	62.80	Flowers for Concil Marsalas father
					City Manager	Office Supplies	32.76	HP Zpack USB Flash Drive 11/20/09
029599	12/14/09	I.M.P.A.C. GOVERNMENT SERVI	11/23/09	7190-Nov-09	Building	Safety Supplies	14.95	Rollabind 9/29/09
					Finance	Subscriptions	195.00	GASB
					Finance	Subscriptions	250.00	Public Retirement Journal
029599	12/14/09	I.M.P.A.C. GOVERNMENT SERVI	11/23/09	4324 Nov-09	City Manager	Bus Meeting & M	32.86	Lunch-Mike Guerra 10/30/09
					City Manager	Office Supplies	49.60	Plants C/M House 11/11/09
					City Manager	Bus Meeting & M	43.51	Lunch-Nielsen 11/09/09
					City Manager	Bus Meeting & M	18.90	Lunch-glen R. 11/20/09
					City Manager	Office Supplies	39.13	Cleaning Supplies 11/21/09
					Non-Department	IT Support	15.00	Constant Contact 11/09/09
029599	12/14/09	I.M.P.A.C. GOVERNMENT SERVI	10/22/09	5465 Nov-09	Police	Office Supplies	134.06	ink & labels for evidence printer 9/09
					Police	Office Supplies	203.16	Ink for Pf Printer 9/25/09
					Police	K-9 Expenses	38.40	K-9 Equipment 9/29/09
					Police	Other Supplies	351.13	PD Supplies 9/30/09
					Police	Communication (	79.99	Outlook for Sgt Wade Computer 10/1/09
					Police	Safety Supplies	140.00	officer T. Marks Traffic boots 10/1/09
					Police	Other Supplies	210.99	Coffee for PD 10/2/09
					Police	Other Supplies	5.00	Shipping for coffee 10/2/09
					Police	Machinery & Equ	60.08	Fan for PD Report writing rm 10/7/09
					Police	Office Supplies	70.42	2010 Calendars PD & Dispatch 10/9/09
					Police	Office Supplies	150.04	Ink Sgt's office printer 10/9/09
					Police	Subscriptions	29.92	Subscription for 459C Alarm 10/12/09
					Police	Other Supplies	307.50	Halloween glow sticks 10/13/09
					Police	Other Supplies	275.21	PD Supplies 10/14/09
					Police	Training & Work	150.00	Employee Quarter 10/15/09
					Police	Other Supplies	135.14	PD Supplies 10/15/09
					Police	Office Supplies	2.99	Amazon
					Police	Office Supplies	3.99	Amazon
						Check Totals	3,770.05	
029600	12/14/09	DR. PAUL JEMELIAN	11/17/09	6886528-11/1	City Manager	DISASTER PREPAR	87.29	Parts: Ham Radio PD command vehicle
						Check Totals	87.29	
029601	12/14/09	MUNI SERVICES LLC	11/16/09		NON-DEPARTMENTAL	Business Licens	75.00	Bus. Lic. Lights Lights & More 11/16/09

Check#	Check Dt	Vendor Name	Inv Date	Inv#	Department	GL Account	Amounts	Detail Description
029601	12/14/09	MUNI SERVICES LLC	11/17/09		NON-DEPARTMENTAL	Business Licens	175.00	Bus. Lic CR Marble & Granite 11/17/09
029601	12/14/09	MUNI SERVICES LLC	12/02/09		NON-DEPARTMENTAL	Business Licens	125.00	Bus. Lic. Gattton Electric Co 12/2/09
						Check Totals	375.00	
029602	12/14/09	OFFICE DEPOT	11/10/09	497194086001	City Council	Other Supplies	8.22	Supplies paper, pens, cups 11/10/09
					Non-Department	Post Office Exp	38.16	Supplies paper, pens, cups 11/10/09
					City Manager	Office Supplies	188.72	Supplies paper, pens, cups 11/10/09
					Building	Office Supplies	102.47	Paper, ink cart, stapler, soap 11/10/09
					DPW - Engineering	Office Supplies	302.26	Battery, file stor, ink cart 11/10/09
					Finance	Office Supplies	2.80	Refill, F/Retractable, FN, B 11/10/09
						Check Totals	642.63	
029603	12/14/09	ORCHARD SUPPLY HARDWARE	10/25/09	10/25/09	DPW - Street Mainten	Construction Ma	14.18	P-Trap
					DPW - Street Mainten	Machinery & Equ	172.27	1/2" Cobalt and 1/2" Hammer Drill
					DPW - Street Mainten	Construction Ma	19.26	Duct Tap, Foan Bonus
					DPW - Building Maint	Construction Ma	95.03	48" Aluminum Strai,Wiss cutter,Pkg scrn
					DPW - Building Maint	Construction Ma	3.92	1/4" T50 Saples 12
					DPW - Park Program	Landscape Suppl	62.52	Lysol Spray
					DPW - Park Program	Landscape Suppl	44.67	Krazy Glue gel 26
					DPW - Park Program	Custodial Suppl	39.94	Appliance Almond Cleaner Polish
					DPW - Park Program	Custodial Suppl	29.21	Murphy Oil Soap 32
						Check Totals	481.00	
029604	12/14/09	SIMONE PARDORLA	11/24/09	11/24/09	Police	Training - POST	61.98	TRAINING-POST-PUBLIC RECORDS ACT COURSE-
					Police	Gas & Oil	44.28	REIMB.GAS-TRAINING - 11/12-11/13/09
						Check Totals	106.26	
029605	12/14/09	PUBLIC EMPLOYEES RETIREMENT	11/15/09		NON-DEPARTMENTAL	Payroll Deduciti	3,409.62	PERS 11/15/09-11/28/09
					NON-DEPARTMENTAL	Payroll Benefit	58,520.56	PERS 11/15/09-11/28/09
						Check Totals	61,930.18	
029606	12/14/09	PG & E	11/23/09	74579693321-	Police	Utilities - Elec	68.11	83 Ashfield Rd 10/23/09-11/21/09
			11/23/09	34579695882-	DPW - Street Mainten	Utilities - Elec	128.77	99 Stat Ln/Sig El Cam-Ath10/23-11/21/09
			11/22/09	92913025489-	NON-DEPARTMENTAL	Utilities - Elec	522.18	Athert Lib. Electric 10/23/09-11/21/09

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description	
							11/22/09	91663025566-	
029607	12/14/09	CITY OF REDWOOD CITY	10/31/09	BR23779	DPW - Engineering Building	Gas & Oil	719.06		
					Police	Gas & Oil	1,286.26	FUEL CHARGES FOR 9/16-10/15/09	
					DPW - Street Mainten	Gas & Oil	48.04	FUEL CHARGES FOR 9/16-10/15/09	
					Police	Equipment Maint	3,356.34	FUEL CHARGES FOR PD 9/16-10/15/09	
					Police	Equipment Maint	212.56	VEHICLE REPAIR/MAINT. 9/16-10/15/09	
						Equipment Maint	4,592.31	VEHICLE REPAIR/MAINT. 9/16-10/15/09	
						Check Totals	9,495.51		
029608	12/14/09	COUNTY OF SAN MATEO HEALTH	11/17/09	AC0910-ATHER	Police	Animal Control	50,951.00	TOWN OF ATHERTON SHARE FY 2010 - ANIMAL	
						Check Totals	50,951.00		
029609	12/14/09	SAN MATEO REGIONAL NETWORK,	11/10/09	18475	Police	Technical Servi	385.00	Monthly Access Fee T-1 Service Nov-09	
						Check Totals	385.00		
029610	12/14/09	SHARP ELECTRONICS CORPORATI	11/11/09	AR232806	DPW - Engineering	Equipment Maint	172.55	Base Rate charge 11/12/09-12/11/09	
029610	12/14/09	SHARP ELECTRONICS CORPORATI	11/18/09	AR234967	City Manager	Equipment Maint	171.12	Overage charge 10/16/09-11/15/09	
						Check Totals	343.67		
029611	12/14/09	TEAMSTERS LOCAL 856 H & W	12/03/09		NON-DEPARTMENTAL	Payroll Benefit	6,864.00	Dental Premiums for Dec-09	
						Check Totals	6,864.00		
029612	12/14/09	TEAMSTERS UNION LOCAL 856	12/04/09		NON-DEPARTMENTAL	Payroll Deducti	401.55	Teamstrs Union Local 856 11/15-11/28/09	
						Check Totals	401.55		
029613	12/14/09	DARYL D. JONES, INC. DBA TE	11/10/09	40378	Police	Technical Servi	934.00	Facilities Mgmt & Maintenance Nov-09	
						Check Totals	934.00		
029614	12/14/09	WITMER-TYSON IMPORTS, INC.	05/01/09	T7231	Police	Misc Capital Ou	13,786.25	K-9 Lotty purch,beg of school&tracking	
						Check Totals	934.00		

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
029618	12/21/09	A-A LOCK & ALARM INC	10/15/09	201309	DPW - Park Program	Facility Repair	175.54	Replace tailpiece on gate and rekey
					NON-DEPARTMENTAL	Building Securi	75.00	Locksmith Service call 10/15/09
029618	12/21/09	A-A LOCK & ALARM INC	11/23/09	2097	DPW - Building Maint	Facility Repair	161.69	New Entry Lock 11/23/09
						Check Totals	412.23	
029619	12/21/09	ACCOUNTTEMPS FILE 73484	11/30/09	30283505	Finance	Other Contract	261.44	Accounttemp s.Chollampat 11/23-11/27/09
029619	12/21/09	ACCOUNTTEMPS FILE 73484	11/25/09	30277503	Finance	Other Contract	375.82	Accounttemp s.Chollampat 11/16-11/20/09
						Check Totals	637.26	
029620	12/21/09	ACTION TOWING	12/01/09	Action Towin	Police	Equipment Maint	100.00	P.D. At27 Lic.#1214341
						Check Totals	100.00	
029621	12/21/09	JOSEPH AIELLO	12/07/09	Joseph Aiell	Building	Training & Work	120.00	IAMPo+calbig J.Aiello 9/09-11/09
						Check Totals	120.00	
029622	12/21/09	ALHAMBRA & SIERRA SPRINGS	11/18/09	110927993914	Police	DISASTER/EMERGE	203.53	Water & cooler rental P.D. Nov-09
						Check Totals	203.53	
029623	12/21/09	APPLIED MICROFILM SYSTEMS I	11/24/09	AMS 11/24/09	Building	Equipment Maint	925.00	Canon NP680 Maint. Agrmt1/1/10-12/31/10
						Check Totals	925.00	
029624	12/21/09	AT&T CALNET 2	11/20/09	990351	Police	Communication C	194.16	Cir# PD 590 Hamilton-RC10/20-11/19/09
029624	12/21/09	AT&T CALNET 2	11/20/09	990357	Police	Communication C	76.65	Ca Water Bear Gulch/voter10/20-11/19/09
029624	12/21/09	AT&T CALNET 2	11/20/09	990354	Police	Communication C	359.81	Circuit Date Line 10/20-11/19/09
029624	12/21/09	AT&T CALNET 2	11/20/09	990356	Police	Communication C	66.34	MP Police to PD voter 10/20-11/19/09
029624	12/21/09	AT&T CALNET 2	11/20/09	990352	Police	Communication C	56.64	83 Ashfield & KCEA radio 10/20-11/19/09
029624	12/21/09	AT&T CALNET 2	11/20/09	990355	Police	Communication C	66.34	MP Fire to PD voter 10/20-11/19/09
029624	12/21/09	AT&T CALNET 2	11/20/09	990355	Police	Communication C	265.86	83 Ashfield to Industrial10/20-11/19/09
029624	12/21/09	AT&T CALNET 2	11/25/09	1002409	Police	Communication C	15.60	Records Room 10/25/09-11/24/09
029624	12/21/09	AT&T CALNET 2	11/27/09	1004488	Police	Communication C	210.98	Disaster Lines 10/27-11/26/09

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
029624	12/21/09	AT&T CALNET 2	11/27/09	1004487	Police	Communication (	15.60	Alarm Line - Police shed 10/27-11/26/09
029624	12/21/09	AT&T CALNET 2	11/27/09	1004490	Non-Department	Communication (	481.21	65075280991-10/27/09-11/26/09
029624	12/21/09	AT&T CALNET 2	12/01/09	1015996	Non-Department	Communication (	55.59	6503245396 11/01/09-11/30/09
029624	12/21/09	AT&T CALNET 2	12/01/09	1015998	Non-Department	Communication (	55.29	6503274859 11/01/09-11/30/09
029624	12/21/09	AT&T CALNET 2	12/01/09	1015997	Non-Department	Communication (	15.60	6503273232 11/01/09-11/30/09
029624	12/21/09	AT&T CALNET 2	12/01/09	101599910	Non-Department	Communication (	15.87	6503274866 11/01/09-11/30/09
029624	12/21/09	AT&T CALNET 2	11/20/09	990350	Non-Department	Communication (	84.20	2511053 10/20/09-11/19/09
029624	12/21/09	AT&T CALNET 2	11/27/09	1004489	Non-Department	Communication (	111.42	6507520600 10/27/09-11/26/09
Check Totals							2,147.16	
029626	12/21/09	BKF ENGINEERS	11/18/09	9110363	NON-DEPARTMENTAL	Other Contract	6,646.75	Atherton Channel Phase II 09-21-10/18/09
Check Totals							6,646.75	
029627	12/21/09	CCAC TREASURER	12/07/09	City Clerks	City Manager	Membership/Dues	135.00	Annl Member dues 2009-10 T.Dellasant
Check Totals							135.00	
029628	12/21/09	CLEAN SOURCE	11/23/09	1940653-01	DPW - Building Maint	Custodial Suppl	120.80	Instant Hand Sanitizer, purell
029628	12/21/09	CLEAN SOURCE	11/30/09	1942731-01	DPW - Building Maint	Custodial Suppl	105.84	Cup paper 10 oz hot perf
029628	12/21/09	CLEAN SOURCE	11/25/09	1942731-00	DPW - Building Maint	Custodial Suppl	65.37	soap hand softsoap/Cup paper 10 oz
Check Totals							292.01	
029629	12/21/09	CMRTA C/O CITY OF MENLO PAR	12/07/09	CMRTA 12/07/	Finance	Membership/Dues	50.00	CMRTA Membersp 1/1-12/31/2010 L.Ho
Check Totals							50.00	
029630	12/21/09	CONTRACT SWEEPING SERVICES	11/28/09	INV000005605	DPW - Street Mainten	Street Sweeping	992.70	City sweeping residential & com Nov 2009
Check Totals							992.70	
029631	12/21/09	CSG CONSULTANTS, INC.	11/13/09	017144	Planning Department	PLANNING DEPOSIT	410.00	Profess.Svc-Menlo school 9/26-10/30/09
Check Totals							410.00	
029632	12/21/09	DUNBAR ARMORED INC.	12/01/09	2649166	Finance	Bank Service Ch	171.90	Armored car Svc Dec-09
029632	12/21/09	DUNBAR ARMORED INC.	12/01/09	2649166	Non-Department	Post Office Exp	14.90	Cash Processing, Maintenance Fee Dec-09
Check Totals							186.80	

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
029633	12/21/09	EMBARCADERO PUBLISHING CO	10/31/09		Planning Department	Advertising/Pub	348.00	Zoning, planning
					NON-DEPARTMENTAL	Other Contract	696.00	Bids - Holbrook Palmer
029633	12/21/09	EMBARCADERO PUBLISHING CO	09/30/09		NON-DEPARTMENTAL	Other Contract	696.00	Almanac Legal Ad Bids - irrigation
					NON-DEPARTMENTAL	Other Contract	1,392.00	Almanac Legal AD Bids - polhemus
					NON-DEPARTMENTAL	Other Contract	1,392.00	Almanac Legal AD Bids - Cape Seal
						Check Totals	4,524.00	
029634	12/21/09	FASTSIGNS	11/18/09	395-21664	City Council	Other Supplies	228.42	Council meeting move sign
						Check Totals	228.42	
029635	12/21/09	FIRST CHOICE	10/12/09	239077	Building	Office Supplies	44.77	First choice services Oct-09 Bldg Dept.
029635	12/21/09	FIRST CHOICE	10/13/09	656774	DPW - Street Mainten	Office Supplies	7.22	Coffee DPW 10/13/09
						Check Totals	51.99	
029636	12/21/09	FULWILER JAMES	12/03/09	215	DPW - Engineering	DPW Deposit Pay	2,500.00	215 stockbridge Band - refund bond
						Check Totals	2,500.00	
029637	12/21/09	G.BORTOLOTTO & CO. INC.	11/30/09		NON-DEPARTMENTAL	Other Contract	46,306.08	Payment of Retention-St reconstruct. Ph VI
029637	12/21/09	G.BORTOLOTTO & CO. INC.	12/10/09	3658-Shortag	NON-DEPARTMENTAL	Other Contract	14,118.02	2009 Spring Patching Project No.08-007
						Check Totals	60,424.10	
029638	12/21/09	GARDENLAND CENTER INC. DBA	11/16/09	679307	DPW - Park Maintenanc	Equipment Maint	67.84	Battery for Equipment 11/16/09
						Check Totals	67.84	
029639	12/21/09	GODDY CONSTRUCTION	12/07/09	55	NON-DEPARTMENTAL	Building Deposi	5,000.00	Refund utility dep.12/7/09-55 Shearer
						Check Totals	5,000.00	
029640	12/21/09	GRAINGER	11/13/09	9122049316	DPW - Building Maint	Construction Ma	72.20	Battery, Lead Acid, 6V,7AH

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029641	12/21/09	HORIZON	09/22/09	12395889-00	DPW - Park Maintenance	Construction Ma	340.39	Epic Bend-A-Board/Redstake Redwd stakes
						Check Totals	340.39	
029642	12/21/09	HOUSTON COMMUNICATIONS, INC	11/25/09	458458	Police	Vehicles & Acce	227.73	Speaker/Mic Remote, Shipping 11/25/09
					NON-DEPARTMENTAL	Sales/User Use	-19.28	Sales Tax Payable
						Check Totals	208.45	
029643	12/21/09	I.M.P.A.C. GOVERNMENT SERVI	11/23/09	5440 11/23/0	Police	Technical Servi	88.95	Entersect Corp - Oct-09
						Office Supplies	56.79	Office Supplies Copy paper 11/23/09
029643	12/21/09	I.M.P.A.C. GOVERNMENT SERVI	11/23/09	5432 11/23/0	Police	Other Supplies	20.14	Breakfast items - PD staff meeting
						Training - POST	41.25	Book - Post online course
						Training - POST	33.00	Post online course fee - Marshall
						Police	105.97	Stalker Radar - Equipment 11/09/09
						Police	7.63	Photo copied for Deputy Ross
						Police	15.00	Gas - Detective Car
						Police	215.18	Hotel Training Post
						Police	33.00	Post online course fee - Pronske
						Police	33.00	Post online course fee - Ehberg
029643	12/21/09	I.M.P.A.C. GOVERNMENT SERVI	11/26/09	0612 11/23/0	Police	Membership/Dues	120.00	APCO Membership Dues 11/12/09-J.Mattes
029643	12/21/09	I.M.P.A.C. GOVERNMENT SERVI	11/23/09	5408 Nov-09	DPW - Street Mainten	Rent - Tools &	296.00	Trench plating for Monte Vista Pipe
						Communication C	238.00	CENTRAL CONTROLLER
						DPW - Street Mainten	109.33	Raingear
						DPW - Street Mainten	386.34	Gloves, duct tape
						DPW - Park Mainten	100.00	Ear plugs
029643	12/21/09	I.M.P.A.C. GOVERNMENT SERVI	11/23/09	M. Guerra-05	Police	Other Supplies	478.52	SAW M&P-22.22LR Training Rifle
						Police	166.90	Uniform rank insignia and police hat
						Police	1,695.00	Enduro ID Card Printer plus card stock
						Police	111.78	Fund 208/Cleaning kit, Printer ink
						Police	204.61	Fund 208/Cleaning kit, Printer ink
029643	12/21/09	I.M.P.A.C. GOVERNMENT SERVI	11/23/09	4832M.Braben	Non-Department	Computer Suppli	478.80	For IT Symantec Antivirus
						Check Totals	5,035.19	
029644	12/21/09	ICMA	12/01/09	437288	City Manager	Membership/Dues	1,280.00	Membership renewal J.Gruber1/1-12/31/10

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029645	12/21/09	IEDA, INC.	12/01/09	IEDA 12/01/0	City Manager	Labor Relations	1,000.00	Labor Relations Consulting Dec-09
						Check Totals	1,000.00	
029646	12/21/09	INTERSTATE TRAFFIC CONTROL	12/01/09	124913	DPW - Street Mainten	Construction Ma	73.74	L Marker Pannel 12/01/09
029646	12/21/09	INTERSTATE TRAFFIC CONTROL	12/09/09	124911	DPW - Street Mainten	Construction Ma	243.63	Speed limit sign and round sign post
					DPW - Street Mainten	Equipment Maint	65.00	Maintenance on Echo Blower
						Check Totals	382.37	
029647	12/21/09	INTERNATIONAL PUBLIC MGMT A	11/30/09	IPMA 11/30/0	City Manager	Membership/Dues	145.00	E.Wilkeron membership1/1-12/31/10
						Check Totals	145.00	
029648	12/21/09	IMORA SYSTEMS	11/20/09	3085	DPW - Street Mainten	Computer Softwa	75.00	iMora Internet Pavement Mgmt Ser. 12/09
						Check Totals	75.00	
029649	12/21/09	KIMLEY-HORN & ASSOCIATES IN	10/31/09	4020641	DPW - Engineering	Contract Engine	981.89	Kimley-Horn Labor and Expenses Oct-09
						Check Totals	981.89	
029650	12/21/09	KREFELD'S AMARD CTR.	12/06/09	18267	Police	Other Supplies	109.25	Plates for Sgt Hall & Chief Guerra
						Check Totals	109.25	
029651	12/21/09	LEGACY ROOFING	11/19/09	1698 Rogers	NON-DEPARTMENTAL	Bus Lic Refund	290.00	Batch#41 Refund#52 - 279 Park Ln
					NON-DEPARTMENTAL	Bus Lic Refund	144.00	Batch#41 Refund#52 - 279 Park Ln
						Check Totals	434.00	
029652	12/21/09	LYNGSO GARDEN MATERIAL	11/02/09	784783	DPW - Park Mainten	Landscape Suppl	724.67	gold path fines direct/delivery fee
						Check Totals	724.67	
029653	12/21/09	METROMOBILE COMMUNICATIONS	11/25/09	19459	Police	Equipment Maint	358.78	8 Gauge/4 Conductor cable, breakers
						Check Totals	358.78	

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029654	12/21/09	MID-PENINSULA ANIMAL HOSPIT	12/01/09	420251	Police	K-9 Expenses	336.21	Office visit for K-9 Lotty 11/23/09
						Check Totals	336.21	
029655	12/21/09	NATIONAL TRENCH SAFETY LLC	11/10/09	0118721	DPW - Street Mainten	Construction Ma	100.00	Alum sign - 25 MPH
						Check Totals	100.00	
029656	12/21/09	NORTHERN CALIFORNIA FENCE	11/30/09	11784	DPW - Street Mainten	Facility Repair	300.00	Repair existing fence 11/30/09
029656	12/21/09	NORTHERN CALIFORNIA FENCE	11/24/09	11747	DPW - Street Mainten	Other Contract	987.00	Repair & replace damaged fence 11/24/09
						Check Totals	1,287.00	
029657	12/21/09	BRYAN D. O'CONNOR	12/02/09	1 Barmetta	Building	Building Deposi	5,000.00	Depst Refund Landscape Screen 1Barmetta
						Check Totals	5,000.00	
029658	12/21/09	OFFICE DEPOT	11/12/09	B091110990V1	City Manager	Computer Equipm	108.43	goldtouch adjustable Keyboard
029658	12/21/09	OFFICE DEPOT	11/10/09	B09113076V1	City Manager	Office Machines	20.70	Plantronics online indicator
029658	12/21/09	OFFICE DEPOT	11/10/09	B09112028V1	City Manager	Computer Equipm	78.55	USB Keypad, wireless mouse
						Check Totals	207.68	
029659	12/21/09	PACIFIC PENINSULA GROUP	11/23/09	127 Tuscaloo	Building	Building Permit	562.95	Canceled permit-fee 127 Tuscaloosa
029659	12/21/09	PACIFIC PENINSULA GROUP	11/23/09	127/Tuscaloo	Building	Building Permit	298.20	Canceled permit-Rd impact 127Tuscaloosa
029659	12/21/09	PACIFIC PENINSULA GROUP	11/23/09	127-Tuscaloo	NON-DEPARTMENTAL	Building Deposi	1,322.64	Const Dep-Canceled permit 127Tuscaloosa
029659	12/21/09	PACIFIC PENINSULA GROUP	11/23/09	127-Tuscaloo	NON-DEPARTMENTAL	Building Permit	26,439.30	Canceled permit-fee 127 Tuscaloosa
029659	12/21/09	PACIFIC PENINSULA GROUP	11/23/09	127-Tuscaloo	NON-DEPARTMENTAL	Road Impact Fee	47,619.70	Canceled permit-rd impact 127Tuscaloosa
029659	12/21/09	PACIFIC PENINSULA GROUP	11/23/09	127-Tuscaloo	NON-DEPARTMENTAL	Building Permit	1,732.95	Canceled Permit-fee 127 Tuscaloosa
029659	12/21/09	PACIFIC PENINSULA GROUP	11/23/09	127-Tuscaloo	NON-DEPARTMENTAL	Road Impact Fee	1,647.20	Canceled Permit-Rd Impact 127Tuscaloosa
						Check Totals	79,622.94	
029660	12/21/09	PENINSULA UNIFORMS & EQUIPM	12/02/09	48337	Police	Uniforms	10.87	Nameplate

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
029661	12/21/09	BRUCE POTTS	12/07/09		Police	Check Totals	10.87	
					NON-DEPARTMENTAL	Other Supplies	854.90	Reimb Dare Awards
						Sales/User Use	-17.70	Reimb Dare Awards - Sales Tax Payable
						Check Totals	837.20	
029662	12/21/09	PURCHASE POWER	12/03/09		Non-Department	Postage	1,877.53	Postage refill-Nov-09
						Check Totals	1,877.53	
029663	12/21/09	RECALL SECURE DESTRUCTION S	11/21/09	2303089539	Police	Other Contract	85.96	Shredding service Nov-09
						Check Totals	85.96	
029664	12/21/09	CITY OF REDWOOD CITY	11/30/09	BR23889	Police	Gas & Oil	3,086.68	Fuel for P.D 10/15/09-11/15/09
					DPW - Engineering	Gas & Oil	126.35	DPW Fuel chgs 10/15/09-11/15/09
					Building	Gas & Oil	40.53	Building Dept Fuel 10/15/09-11/15/09
					DPW - Street Mainten	Gas & Oil	1,157.57	streets Dept Fuel 10/15/09-11/15/09
						Check Totals	4,411.13	
029665	12/21/09	REPUBLIC ITS	11/13/09	15645	DPW - Street Mainten	Traffic Signal	3,532.22	NEC Middltd&Marsh TS Hit&Damage10/21/09
						Check Totals	3,532.22	
029666	12/21/09	ROGER REYNOLDS NURSERY	09/17/09	624464	DPW - Building Maint	Landscape Suppl	67.05	Premium Perennial BL/Perennial 4in FR
						Check Totals	67.05	
029667	12/21/09	S M CO ENVIRONMENTAL HEALTH	12/01/09	181522	DPW - Street Mainten	Inspection & Te	584.00	2010 Storm Water Inspection fees
						Check Totals	584.00	
029668	12/21/09	SAN MATEO CO SHERIFF'S OFFI	11/30/09	CL02269	Police	Technical Servi	1,338.00	Fingerprint process 11/30/09
						Check Totals	1,338.00	

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029669	12/21/09	SM CO POLICE CHIEFS' & SHER	11/03/09	2010-01	Police	Membership/Dues	450.00	SMPCSA 2010 Membership Dues-M.Guerra
						Check Totals	450.00	
029670	12/21/09	SAN MATEO CO TRAINING MGRS	11/24/09	12/15/09	Police	Conferences	50.00	Mgrs Conf/Lunch12/15/09:M.Guerra,J.Frew
						Check Totals	50.00	
029671	12/21/09	SCAPES INC. LANDSCAPE CO.	10/07/09	4499	NON-DEPARTMENTAL	Other Contract	9,338.00	HP PARK FOUNTAIN PAD/DRINKING FOUNTAIN C
						Check Totals	9,338.00	
029672	12/21/09	SPRINT	11/29/09	13053881-02	Police	Communication (	363.37	Mobile Date Computers 10/26/09-11/25/09
						Check Totals	363.37	
029673	12/21/09	TEE'S PLUS	11/16/09	314715	Police	Other Supplies	86.13	D.A.R.E: Wristbands, basketballs
					NON-DEPARTMENTAL	Sales/User Use	-7.29	Sales Tax Payable
						Check Totals	78.84	
029674	12/21/09	TERMINIX PROCESSING CENTER	11/13/09	9936309987	Non-Department	Grounds Mainten	108.00	Pest control 11/13/09
						Check Totals	108.00	
029675	12/21/09	TURBO DATA SYSTEMS INC.	11/30/09	16099	Police	Citations Proce	48.14	Handwritten Citation Process Oct-09
						Check Totals	48.14	
029676	12/21/09	STEVE TYLER	11/30/09	11/30/09	DPW - Street Mainten	Conferences	80.00	MSA Meetings 11/30/09-s.Tyler
						Check Totals	80.00	
029677	12/21/09	USPS BUSINESS MAIL ENTRY UN	12/01/09	2009-11-23	Non-Department	Post Office Exp	969.00	Per post offic audit letter dated 11/23/
						Check Totals	969.00	
029678	12/21/09	VOICE PRINT INTERNATIONAL,	09/16/09	2009M-2605M4	Police	Technical Servi	2,112.73	Software Sup & Maint 12/15/09-12/15/10

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029679	12/21/09	WILLIAMS SCOTSMAN	11/29/09	94665424	Police	Check Totals	2,112.73	
						Rent - Faciliti	729.97	Rent Multi-PD Trailer 11/29-12/28/09
029680	12/21/09	WILSEY HAM	11/20/09	6623	NON-DEPARTMENTAL	Contract Engine	1,322.17	Polhemus Storm Drain Improvements Oct-09
						Other Contract	30,453.29	Fletcher Dr/Ridgeview 5/1/09-9/30/09
						Check Totals	31,775.46	
029681	12/21/09	WITMER-TYSON IMPORTS, INC.	12/01/09	T7631	Police	K-9 Expenses	642.57	Monthly K-9 Training Rex 10/31-11/15/09
						Check Totals	642.57	
029685	12/31/09	39 LABURN LLC	12/02/09	39 Laburnum	Building	Building Deposi	1,000.00	Deposit Refund - Recycling deposit 39 La
						Check Totals	1,000.00	
029686	12/31/09	A-A LOCK & ALARM INC	12/01/09	2117	DPW - Building Maint	Facility Repair	25.13	Commerical Keys and Restricted Keys
029686	12/31/09	A-A LOCK & ALARM INC	12/01/09	2122	DPW - Building Maint	Facility Repair	37.69	Commerical Keys and Restricted Keys
						Check Totals	62.82	
029687	12/31/09	ABAG PLAN CORP	11/23/09	9011091123	Non-Department	Liability Insur	1,570.12	Legal Costs - Claim# GL060669
029687	12/31/09	ABAG PLAN CORP	12/06/09	9011091206	Non-Department	Liability Insur	16,315.55	Insurance rentention GL-SIR to maximum t
						Check Totals	17,885.67	
029688	12/31/09	ABAG POWER PURCHASING POOL	12/01/09	8002525	DPW - Park Program	Utilities - Gas	179.18	150 Watkins-FY09/10 Leverlized Chrg/mo
						DPW - Building Maint	67.19	160 Watkins-FY09/10 Leverlized Chrg/mo
						Police	63.50	91 Ashfield-FY09/10 Leverlized Chrg/mo
						City Manager	37.29	91 Ashfield-FY09/10 Levelized chrg/mo
						Planning Department	8.96	21 Station-FY09/10 Levelized chrg/mo
						Building	53.75	21 Station-FY09/10 Levelized chrg/mo
						DPW - Engineering	26.88	21 Station-FY09/10 Levelized chrg/mo
						NON-DEPARTMENTAL	44.80	192 Library-FY09/10 Levelized chrg/mo
						DPW - Street Mainten	78.39	99 Dinkenspiel-FY09/10 Levelized chrg/mo

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029689	12/31/09	ACCOUNTTEMPS FILE 73484	12/21/09	30392992	Finance	Other Contract	428.63	Accounttemp N.gann at 12/7/09-12/11/09
029689	12/31/09	ACCOUNTTEMPS FILE 73484	12/21/09	30392992	Finance	Other Contract	411.48	Accounttemp N.gann 12/13/09-12/18/09
						Check Totals	840.11	
029690	12/31/09	AFLAC ATTN: REMITTANCE PROC	12/10/09	930216	NON-DEPARTMENTAL	Payroll Deducti	1,573.48	Aflac Health Ins. DECEMBER-2009
029690	12/31/09	AFLAC ATTN: REMITTANCE PROC	12/15/09	906825ER	Building	Cafeteria Insur	5.00	K. Anderson 12/1/09-12/31/09
					Finance	Cafeteria Insur	5.00	M. Colliay 12/1/09-12/31/09
					Police	Cafeteria Insur	5.00	D. Dunphay 12/1/09-12/31/09
					Police	Cafeteria Insur	5.00	M. Guerra 12/1/09-12/31/09
					Police	Cafeteria Insur	5.00	S. Hall 12/1/09-12/31/09
					DPW - Engineering	Cafeteria Insur	5.00	T. Henderson 12/1/09-12/31/09
					Finance	Cafeteria Insur	5.00	L. Ho 12/1/09-12/31/09
					Police	Cafeteria Insur	5.00	J. Mattes 12/1/09-12/31/09
						Check Totals	1,613.48	
029691	12/31/09	ANITA KEREZSI WORLOW DBA AK	11/30/09	ATHER-1 of 2	Finance	Other Contract	500.00	SB 90 Report
						Check Totals	500.00	
029692	12/31/09	ALLEGRA PRINT & IMAGING DEA	12/08/09	42216	Police	Other Supplies	287.07	500 Letterhd-Econ, 500 Letterhd Foil
029692	12/31/09	ALLEGRA PRINT & IMAGING DEA	12/03/09	42094	Police	Other Supplies	179.21	500 Business Cards - M.Guerra
029692	12/31/09	ALLEGRA PRINT & IMAGING DEA	12/22/09	42243	Police	Other Supplies	91.90	500 Business cards - S.Hall
						Check Totals	558.18	
029693	12/31/09	KATHLEEN ANDERSON	12/02/09	K.Anderson 1	Building	Membership/Dues	165.00	Reimb. ISA Membership dues K.Anderson 20
						Check Totals	165.00	
029694	12/31/09	AT&T CALNET 2	12/21/09	1032744	Police	Communication (	22.94	Dinkelspiel pay phone 11/11/09-12/10/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031033	Police	Communication (	30.16	PD Fax Admin. 11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031028	Police	Communication (	30.17	Teleminder Loop Line 11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031030	Police	Communication (	15.60	Voice Print-911 11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031031	Police	Communication (	29.16	Police Fax Request Svc11/10/09-12/09/09

Check#	Check Dt	Vendor Name	Inv Date	Inv#	Department	GL Account	Amounts	Detail Description
029694	12/31/09	AT&T CALNET 2	12/10/09	1030387	Police	Communication (	15.61	Dinkelenspiel Alarm Line11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031035	Police	Communication (	619.19	PD Main Line 11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031027	Police	Communication (	45.28	Police Dept. 11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031025	Police	Communication (	29.87	Analog PD Line 11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031034	Police	Communication (	16.63	Direct Connect Fax 11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031026	Police	Communication (	14.31	Police Dept. 11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031032	Police	Communication (	155.72	Police Trailer 11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031029	Police	Communication (	113.78	Emergency Line 11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/13/09	1035560	Police	Communication (	31.80	Teleminder Loop Line 11/13/09-12/12/09
029694	12/31/09	AT&T CALNET 2	12/10/09	1031413	Non-Department	Communication (	11.77	6503252677 11/10/09-12/09/09
029694	12/31/09	AT&T CALNET 2	12/20/09	1052636	Police	Communication (	291.43	Cir# frm PD to 590 Ham-RC11/20-12/19/09
029694	12/31/09	AT&T CALNET 2	12/20/09	1052640	Police	Communication (	132.80	MP Fire to PD Voter 11/20-12/19/09
029694	12/31/09	AT&T CALNET 2	12/20/09	1052639	Police	Communication (	720.30	Circuit Data Line 11/20-12/19/09
029694	12/31/09	AT&T CALNET 2	12/20/09	1052637	Police	Communication (	113.40	83 Ashfield & KCEA Radio 11/20-12/19/09
029694	12/31/09	AT&T CALNET 2	12/20/09	1052641	Police	Communication (	132.80	MP Police to PD voter 11/20-12/19/09
029694	12/31/09	AT&T CALNET 2	12/20/09	1052635	Non-Department	Communication (	84.36	2511053 11/20/09-12/19/09
029694	12/31/09	AT&T CALNET 2	12/20/09	1052642	Police	Communication (	153.44	Cal Water Bear Gulch Vtr 11/20-12/19/09
029694	12/31/09	AT&T CALNET 2	12/20/09	1052638	Police	Communication (	532.22	83 Ashfield to Industrial11/20-12/19/09
Check Totals							3,342.74	
029696	12/31/09	ATKINSON-FARASYN	12/16/09	Atkinson 12/	City Attorney	Attorney - Othe	247.50	LEGAL SERVICES NOV 2009
Check Totals							247.50	
029697	12/31/09	JAMES AUFDENBERGE	12/02/09	169 Burns 12	Building	Building Permit	66.60	Canceled permit - permit fee at 80% 169
					NON-DEPARTMENTAL	Road Impact Fee	21.30	Canceled permit - road impact fee
Check Totals							87.90	
029698	12/31/09	DOUGLAS J BEHR dba BEHR PLU	11/25/09	Behr Plumb 1	DPW - Building Maint	Other Contract	105.00	Troubleshoot ignition problem
Check Totals							105.00	
029699	12/31/09	BPS REPROGRAPHIC SERVICE	10/13/09	765143	DPW - Engineering	Advertising/Pub	199.44	PLANS - POLHEMUS STORM DRAIN
029699	12/31/09	BPS REPROGRAPHIC SERVICE	12/16/09	778552	Non-Department	Advertising/Pub	280.83	PLANS-LIBRARY
Check Totals							480.27	

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
029700	12/31/09	BUILD BIG INC	12/15/09	54	Magnolia Building	Building Deposi	1,312.80	Recycling Refund - Deposit refund 54 Mar
						Check Totals	1,312.80	
029701	12/31/09	CALIFORNIA CHAMBER OF COMME	12/15/09	10391452	City Manager	Subscriptions	185.42	2010 CA Employer Posters-Eng & Spanish
						Check Totals	185.42	
029702	12/31/09	CALIFORNIA WATER SERVICE	12/03/09	CalWater10/3	Police	Utilities - Wat	71.08	83 Ashfield 10/3-11/3/09
						Utilities - Wat	38.16	Maple 10/3-11/3/09
						Utilities - Wat	781.93	Alameda/Atherton, El Camino 10/3-11/3/09
						Utilities - Wat	131.56	Fire Protection, 150 Watkins 10/3-11/3/09
						Utilities - Wat	63.78	91 Ashfield 10/3-11/3/09
						Utilities - Wat	38.16	2 Station Ln 10/3-11/3/09
						Utilities - Wat	49.14	94 Ashfield 10/3-11/3/09
						Check Totals	1,173.81	
029703	12/31/09	CALIFORNIA WATER SERVICE CO	12/07/09	CalWater 12/	DPW - Street Mainten	Utilities - Wat	39.82	CalWater-99 Ashfield Rd 11/4-12/4/09
029703	12/31/09	CALIFORNIA WATER SERVICE CO	12/07/09	CalWater 12/	Planning Department	Utilities - Wat	45.23	CalWater-Station Ln 11/4-12/4/09
					Building	Utilities - Wat	271.37	Cal Water-Station Ln 11/4-12/4/09
					DPW - Engineering	Utilities - Wat	135.68	Cal Water-Station Ln 11/4-12/4/09
						Check Totals	492.10	
029704	12/31/09	CALPERS HEALTH BENEFITS DIV	12/15/09	386	NON-DEPARTMENTAL	Payroll Benefit	48,062.20	Total Active 01/2010
					Non-Department	Health Insuranc	274.45	Administrative costs 01/2010
					Building	Retiree Health	457.87	Bldg Dept 01/2010
					City Manager	Retiree Health	3,094.69	City Mgrs Office 01/2010
					DPW - Engineering	Retiree Health	968.28	DPW 01/2010
					DPW - Park Maintenance	Retiree Health	275.71	DPW Parks 01/2010
					Finance	Retiree Health	519.60	Finance 01/2010
					Police	Retiree Health	9,208.68	Police Dept 01/2010
						Check Totals	62,861.48	
029705	12/31/09	CHRISTOPHER A JOSEPH & ASSO	12/17/09	6009996	NON-DEPARTMENTAL	PLANNING DEPOSIT	2,325.70	ST JOSEPHS NOV 1-NOV 30, 2009

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
029706	12/31/09	KEVIN CITTADINI	12/17/09	K.cittadini	Building	Check Totals	2,325.70	
					Building	Training & Work	20.00	CALBIG Lunch Meeting12/17/09K.cittadini
					Building	Training & Work	30.00	IAPMO Meeting 12/19/09 K.Cittadini
					Building	Training & Work	174.69	2009 Internat.Code Books K.Cittadini
					Building	Training & Work	20.00	CALBIG Luncheon Meet.12/16/09K.cittadini
					Building	Training & Work	30.00	IAPMO Meeting 12/17/09 K.Cittadinin
						Check Totals	274.69	
029707	12/31/09	CLEAN SOURCE	12/14/09	1948607-00	DPW - Park Program	Custodial Suppl	1,040.67	Supplies for Halbrook-tissue,towel
						Check Totals	1,040.67	
029708	12/31/09	CODY ANDERSON WASNEY ARCHIT	12/11/09	2 Marymont 1	Building	Building Permit	431.65	Canceled Permit-Permit Fee 2 Marymont
					NON-DEPARTMENTAL	Road Impact Fee	205.90	Cancelled Permit-Road Impact 2 Marymont
						Check Totals	637.55	
029709	12/31/09	COMCAST	11/23/09	Comcast 11/2	DPW - Park Program	Communication C	254.25	Internet Dept Parks 12/2/09-1/1/10
						Check Totals	254.25	
029710	12/31/09	CONTRACT SWEEPING SERVICES	12/28/09	INV000005671	DPW - Street Mainten	Street Sweeping	992.70	SWEEPING SERVICES DEC 09
						Check Totals	992.70	
029711	12/31/09	COUNTY OF SAN MATEO INFORMA	12/09/09	1YAT10911	Police	Technical Servi	1,457.42	Micro Channel & Messageswitch line11/09
						Check Totals	1,457.42	
029712	12/31/09	CRITICAL REACH	12/10/09	10-26	Police	Technical Servi	265.00	Photo bulletin alert service for 2010
						Check Totals	265.00	
029713	12/31/09	CSG CONSULTANTS, INC.	12/11/09	0172274	Non-Department	Code enforcement	2,968.00	Profess.Svr Sr Code Enforcement Officer
029713	12/31/09	CSG CONSULTANTS, INC.	12/14/09	017307	Planning Department	PLANNING DEPOST	878.75	64 Moulton 10/31/09-11/27/09

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029714	12/31/09	CUSTOM WOOD SIGNS	10/26/09	266391	Police	Check Totals	3,846.75	
						Other Supplies	1,742.75	2 24"x36"x3-1/2 STACKED AND LAMINATED CL
						Check Totals	1,742.75	
029715	12/31/09	GORDON DERE	12/18/09	G.Dere 12/18	Police	Training, - POST Gas & Oil	48.07 146.69	Taser Instructor Cert. training course 1 Taser Ins. cert training course - gas
						Check Totals	194.76	
029716	12/31/09	DFM ASSOCIATES	12/23/09	DFM Assoc.12	Non-Department	Election Expens	53.26	2010 California Elections Code
						Check Totals	53.26	
029717	12/31/09	DIVERSIFIED MAINTENANCE SER	12/01/09	RC-D060949	DPW - Building Maint	Custodial Servi	1,625.76	Facility Svc for the month of Dec-09
						Check Totals	1,625.76	
029718	12/31/09	DOUGLAS PRINTERS	12/18/09	08201	City Council	Office Supplies	136.56	500 Bus Cards-J.Dobbie & K.Mckeithen
						Check Totals	136.56	
029719	12/31/09	FIRST CHOICE	12/04/09	253704	City Manager	Office Supplies	30.08	COFFEE ADMIN
029719	12/31/09	FIRST CHOICE	11/10/09	246681	Building	Office Supplies	48.60	COFFEE PERMIT CENTER
029719	12/31/09	FIRST CHOICE	12/10/09	253705	Building	Office Supplies	48.46	COFFEE PERMIT CENTER
						Check Totals	127.14	
029720	12/31/09	GARCIA WELL & PUMP CO.	11/30/09	v-21122	DPW - Park Mainten	Other Contract	277.50	Holbrook inspt & repair well pump
						Check Totals	277.50	
029721	12/31/09	GOLDFARB & LIPMAN ATTORNEYS	09/25/09	95276	Planning Department	HOUSING ELEMENT	3,072.65	1 EA LEGAL ASSISTANCE WITH THE HOUSING E
						Check Totals	3,072.65	
029722	12/31/09	GRAINGER	11/25/09	9130074306	DPW - Street Mainten	Construction Ma	162.89	Catch Basin insert,36 in wide,gray,wovn
						Check Totals	162.89	

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029723	12/31/09	H.T. HARVEY & ASSOCIATES	09/30/09	27408	NON-DEPARTMENTAL	Other Contract	59.29	Prof Svc-Upper Atherton Channel Sept-09
029723	12/31/09	H.T. HARVEY & ASSOCIATES	11/30/09	27678	NON-DEPARTMENTAL	Other Contract	942.13	Prof Svc-Upper Atherton Channel Nov-09
						Check Totals	1,001.42	
029724	12/31/09	HOME DEPOT CREDIT SERVICES	12/03/09	8142367	DPW - Street Mainten	Construction Ma	32.44	4x4-8 #2PT-Signposts (Emerg. Evac.)
						Check Totals	32.44	
029725	12/31/09	KENNETH HUO	12/17/09	K.Huo 12/17/	Building	Safety Supplies	200.00	Bldg Insp Safety Boots K.Huo 12/17/09
						Check Totals	200.00	
029726	12/31/09	EDWARD HURWITZ	12/23/09	177 Watkins	Building	Building Permit	279.25	Canceled Permit-Permit fee 177 Watkins
					NON-DEPARTMENTAL	Business Licens	61.20	Canceled Permit-Business Lic fee 177 Wat
					NON-DEPARTMENTAL	Road Impact Fee	120.70	Canceled Permit-Road Impact 177 Watkins
						Check Totals	461.15	
029727	12/31/09	I.M.P.A.C. GOVERNMENT SERVI	12/22/09	4960 12/22/0	City Manager	Conferences	178.96	1 night stay-City Clerks Conf.12/2-12/3/
029727	12/31/09	I.M.P.A.C. GOVERNMENT SERVI	12/22/09	5432 12/22/0	Police	Office Supplies	221.47	PD Christmas Cards 12/2/09
					Police	Other Supplies	152.40	Binders - DARE program 12/2/09
					City Manager	Special Events	128.18	Items-Guerra Swearing in ceremony
					Police	Other Contract	12.95	Per diem credit check - Weber 12/14/09
					Police	Training - POST	-99.00	Napa Valley College refund 12/14/09
						Check Totals	594.96	
029728	12/31/09	IACP	12/09/09	IACP 12/09/0	Police	Membership/Dues	120.00	Active Member Dues 2010 M.Guerra
						Check Totals	120.00	
029729	12/31/09	IDEAL R.V. AND TRAILER	10/06/10	0043869	DPW - Park Program	Other Supplies	54.67	Propane for out door heaters
						Check Totals	54.67	

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029730	12/31/09	INTERMOUNTAIN ELECTRIC COMP	12/10/09	031893	DPW - Street Mainten	Street Light Re	2,335.75	Elect. Svc work-Troubleshoot streetlight
						Check Totals	2,335.75	
029731	12/31/09	INTERSTATE TRAFFIC CONTROL	12/16/09	125132	DPW - Street Mainten	Construction Ma	364.57	sign 12x18 no parking,sign 24x24 custom
						Check Totals	364.57	
029732	12/31/09	IMORG SYSTEMS	12/14/09	3108	DPW - Street Mainten	Computer Softwa	75.00	IMORG INTERNET PAVEMENT MGMT JAN 2010
						Check Totals	75.00	
029733	12/31/09	DUNCAN JONES	12/29/09	D.Jones 12/2	DPW - Engineering	Conferences	22.00	CCEA Mtg 10/15/09 D.Jones
					DPW - Engineering	Conferences	22.00	CCEA Mtg 11/18/09 D.Jones
						Check Totals	44.00	
029734	12/31/09	KIMLEY-HORN & ASSOCIATES IN	11/30/09	4044752	DPW - Engineering	Contract Engine	2,717.44	FAIR OAKS LANE TRAFFIC STUDY NOV 09
029734	12/31/09	KIMLEY-HORN & ASSOCIATES IN	07/31/09	3943610	DPW - Engineering	Contract Engine	801.43	FAIR OAKS LANE TRAFFIC STUDY JULY 09
						Check Totals	3,518.87	
029735	12/31/09	DENISE KUPPERMAN	12/21/09	D.Kupperman	NON-DEPARTMENTAL	Conferences	48.00	Reimb.PeetsCoff.SOD Seminar D.Kupperman
					NON-DEPARTMENTAL	Contract Lndscp	359.43	Reimb.Trees watertower proj.D.Kupperman
						Check Totals	407.43	
029736	12/31/09	LEAGUE OF CALIFORNIA CITIES	11/30/09	League of CA	City Manager	Membership/Dues	100.00	League of CA Cities 2009-10 Annual dues
						Check Totals	100.00	
029737	12/31/09	LEAGUE OF CALIFORNIA CITIES	12/18/09	96251	City Council	Membership/Dues	3,953.00	Membership dues for Calendar yr 2010
						Check Totals	3,953.00	
029738	12/31/09	LYNGSO GARDEN MATERIAL	12/21/09	787459	DPW - Street Mainten	Construction Ma	218.87	3/4" Crushed D/R
029738	12/31/09	LYNGSO GARDEN MATERIAL	12/21/09	787451	DPW - Street Mainten	Construction Ma	219.46	Shoulder repair 3/4" Crushed D/R
029738	12/31/09	LYNGSO GARDEN MATERIAL	12/23/09	787574	DPW - Street Mainten	Construction Ma	66.22	Class II Base Rock
029738	12/31/09	LYNGSO GARDEN MATERIAL	12/23/09	787560	DPW - Street Mainten	Construction Ma	81.46	Fill Sand

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
029739	12/31/09	LYNX TECHNOLOGIES	12/22/09	6117	DPW - Engineering	Technical Servi	520.00	GIS IMPLEMENTATION SERVICES FY 2008/2009
						Check Totals	520.00	
029740	12/31/09	MAGRANE ASSOCIATES LANDSCAP	12/11/09	11 Faxon Ft	Building	Building Permit	393.80	Canceled Permit-Permit fee 11 Faxon Fore
					NON-DEPARTMENTAL	Road Impact Fee	248.50	Canceled Permit-Road Impact
						Check Totals	642.30	
029741	12/31/09	CHARLES MARSALA	12/24/09	Reimburse 11	NON-DEPARTMENTAL	Miscellaneous I	698.16	REPLACE UNCASHED CHECK #018996
029741	12/31/09	CHARLES MARSALA	12/24/09	C.Marsala 1	City Council	Conferences	103.27	Conference on State Local Svc C.Marsala
						Check Totals	801.43	
029742	12/31/09	MAZE & ASSOCIATES CERTIFIED	12/10/09	23706	Finance	Audit & Financi	1,485.00	COMPREHENSIVE ANNUAL FINANCIAL REPORT, M
						Check Totals	1,485.00	
029743	12/31/09	MBIA MISC GENERAL POST OFFI	12/15/09	12527A	Finance	Other Contract	1,000.00	Investment Advisory Srv for Nov-09
						Check Totals	1,000.00	
029744	12/31/09	MCDONOUGH, HOLLAND & ALLEN	12/16/09	218084	City Attorney	City Attorney R	11,000.00	Legal Svc - Retainer Svc for Nov-09
					City Attorney	City Attorney -	1,466.40	Legal Svc - Building Svc for Nov-09
					City Attorney	City Attorney -	603.20	Legal Svc - Planning Svc for Nov-09
					City Attorney	City Attorney -	400.40	Legal Svc - DPW Svc for Nov-09
					NON-DEPARTMENTAL	PLANNING DEPOSI	216.32	Legal Svc - Sacred Heart Svc for Nov-09
					City Attorney	City Attorney -	16,724.93	Legal Svc - Other Legal Svc for Nov-09
						Check Totals	30,411.25	
029745	12/31/09	MC KINLEY ELEVATOR CORPORAT	12/04/09	A031637-IN	DPW - Building Maint	Facility Repair	300.00	PM ONE CDE-108 WCL S.TYLER 12/4/09
						Check Totals	300.00	
029746	12/31/09	METROPOLITAN TRANSPORTATION	12/16/09	M.T.C 12/16/	NON-DEPARTMENTAL	Contract Engine	3,254.40	Pavemt Mgment Tech. Assisist Prgm Round 11
						Check Totals	3,254.40	

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029747	12/31/09	OFFICE DEPOT	12/10/09	500827020001	City Manager	Office Supplies	128.43	Administration- Toner,HPa6511A,Blk
						Check Totals	128.43	
029748	12/31/09	OIL CHANGER	11/25/09	0350412	Police	Equipment Maint	37.93	Oil Change for Taurus Lic.6BU090
029748	12/31/09	OIL CHANGER	12/22/09	202-0351567	DPW - Street Mainten	Equipment Maint	39.42	T.Henderson oil change 12/22/09
						Check Totals	77.35	
029749	12/31/09	ORCHARD SUPPLY HARDWARE	12/19/09	1359 12/19/0	DPW - Building Maint	Construction Ma	100.28	Aluminum Screen 10
					DPW - Street Mainten	Construction Ma	74.21	10X12 Poly Tarp
					DPW - Building Maint	Custodial Suppl	17.47	Galvanized garbage
					DPW - Street Mainten	Safety Supplies	44.19	EZ Reacher
					DPW - Park Program	Facility Repair	31.09	Flexible Floor Pat Bowl ring, wax
					DPW - Park Program	Construction Ma	21.84	6" Floor Scraper
					DPW - Park Program	Custodial Suppl	32.72	Easyoff Fume Free
					DPW - Park Program	Construction Ma	78.03	8pc Teflon rollers,mineral oil,minmax
						Check Totals	399.83	
029750	12/31/09	PAW PRINTS	12/22/09	22017	Police	Other Contract	163.88	6 Alarms signs for PD 12/11/09
						Check Totals	163.88	
029751	12/31/09	THE PENINSULA ARTS COUNCIL	12/09/09	10 Twin Pine	NON-DEPARTMENTAL	Membership/Dues	65.00	Art Organization Dues 12/09/09
						Check Totals	65.00	
029752	12/31/09	PENINSULA CUSTOM HOMES	12/14/09	aa Faxon For	DPW - Engineering	DPW Deposit Pay	2,500.00	Bond11Faxon Forest:Rd Bond Prmt09-00043
029752	12/31/09	PENINSULA CUSTOM HOMES	12/23/09	95 Monte Vis	Building	Building Permit	4,183.75	Canceled Permit - Permit fee 95 Monte V
					NON-DEPARTMENTAL	Business Licens	2,520.00	Canceled Permit - Business fee
					NON-DEPARTMENTAL	Road Impact Fee	4,970.00	Canceled Permit - Road Impact fee
						Check Totals	14,173.75	
029753	12/31/09	PUBLIC EMPLOYEES RETIREMENT	12/18/09	Calpers 12/1	NON-DEPARTMENTAL	Payroll Deducti	3,164.06	Calpers Pers Wtl 11/29-12/12/09

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029753	12/31/09	PUBLIC EMPLOYEES RETIREMENT	12/31/09	Pers 12/13-1	NON-DEPARTMENTAL	Payroll Benefit	48,287.90	Calpers Pers Wtl 11/29-12/12/09
					NON-DEPARTMENTAL	Payroll Deducti	3,132.95	Calpers 12/13-12/26/09
					NON-DEPARTMENTAL	Payroll Benefit	47,535.11	Calpers 12/13-12/26/09
						Check Totals	102,120.02	
029754	12/31/09	PG & E	11/22/09	PG&E 10/23-1	DPM - Street Mainten	Utilities - Elec	90.64	93 Dinkelspiel Stat. Ln 10/23-11/21/09
029754	12/31/09	PG & E	12/01/09	PG&E10/23-12	City Manager	Utilities - Elec	246.91	91 Ashfield/Town Hall 10/23-12/1/09
					Planning Department	Utilities - Elec	16.47	Station Lane(Bldg) 10/23-12/1/09
					Building	Utilities - Elec	98.82	Station Lane(Bldg) 10/23-12/1/09
					DPM - Engineering	Utilities - Elec	49.41	Station Lane(Bldg) 10/23-12/1/09
					DPM - Street Mainten	Utilities - Elec	3,517.92	Signals, St Lights, 93 Dinkelspiel, 99 Sta
					DPM - Park Maintenance	Utilities - Elec	160.94	Pump. 150 Watkins-557 10/23-12/1/09
					DPM - Park Program	Utilities - Elec	500.76	Act Bldg 150 Wat & Modular Bldg 150 Wat
029754	12/31/09	PG & E	12/23/09	7457969332 1	Police	Utilities - Elec	5,381.75	83 Ashfield Rd 11/24/09-12/23/09
029754	12/31/09	PG & E	11/21/09	2 Dinkelspie	NON-DEPARTMENTAL	Utilities - Elec	1,634.38	2 Dinkelspiel St 10/20-11/21/09
029754	12/31/09	PG & E	11/21/09	99 Dinkelspi	DPM - Street Mainten	Utilities - Elec	195.34	99 Dinkelspiel 10/20-11/21/09
029754	12/31/09	PG & E	12/23/09	PG&E 9588 12	DPM - Street Mainten	Utilities - Elec	40.59	Signal El Camino/Atherton11/24-12/23/09
						Check Totals	11,933.93	
029755	12/31/09	BRUCE POTTS	12/18/09	B.Potts 12/1	Police	Other Supplies	658.67	Reimb.Dare Awards,Magnetic photo frames
					NON-DEPARTMENTAL	Sales/User, Use	-17.67	Reimb.Dare Awards,Magnetic photo frames
						Check Totals	641.00	
029756	12/31/09	RAPID NOTIFY	10/28/09	RN1290	Police	Technical Servi	1,650.00	Emerg Notification Sys Renewal 2010
						Check Totals	1,650.00	
029757	12/31/09	CITY OF REDWOOD CITY INFORM	11/30/09	BR23918	Non-Department	IT Support	2,262.00	200hrs for FY09-10 for IT support Nov 09
						Check Totals	2,262.00	
029758	12/31/09	CITY OF REDWOOD CITY FINANC	11/30/09	BR23853	DPM - Street Mainten	Equipment Maint	602.27	Vehicle Repair/Maint 11/16-11/15/09
						Check Totals	602.27	
029759	12/31/09	REDWOOD GENERAL TIRE	12/15/09	451057	DPM - Street Mainten	Equipment Maint	274.72	Car svc repair for Lic#1100036
						Check Totals	274.72	

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029760	12/31/09	REPUBLIC ITS	12/11/09	0911533	DPW - Street Mainten	Traffic Signal	410.66	Response Call Outs for Nov-09
029760	12/31/09	REPUBLIC ITS	12/11/09	0911534	DPW - Street Mainten	Traffic Signal	314.01	Traffic Signal Maintenance Nov-09
					Check Totals		724.67	
029761	12/31/09	SAN FRANCISCO FORD LINCOLN	11/13/09	97213	Police	Vehicles & Acce	25,094.00	1 2010 FORD CROWN VICTORIA POLICE INTERC
					Check Totals		25,094.00	
029762	12/31/09	SAN MATEO COUNTY CHAPLAINCY	11/30/09	SMCC 11/30/0	Police	Other Contract	250.00	Chaplain Svc,grief,support,& training No
					Check Totals		250.00	
029763	12/31/09	SAN MATEO REGIONAL NETWORK,	12/10/09	18531	Police	Technical Servi	385.00	SM Reg Network-mthly fee T-1 Service DEC
					Check Totals		385.00	
029764	12/31/09	JEAN SCHAAF	12/14/09	29 Stockbrid	NON-DEPARTMENTAL	Other Supplies	153.12	Supplies to mount portraits in Library
					NON-DEPARTMENTAL	Postage	12.20	Copies of portraits mailed to artists
					Check Totals		165.32	
029765	12/31/09	SHARP ELECTRONICS CORPORATI	12/07/09	AR238611	DPW - Engineering	Equipment Maint	172.55	Contract base rate chrg12/12/09-1/11/10
					Check Totals		172.55	
029766	12/31/09	SHELTON ROOFING COMPANY, IN	11/19/09	3306	Non-Department	Roof Repair & M	3,500.00	Emergency repairs-Library roof
					DPW - Building Maint	Roof Repair & M	625.00	Emergency repairs-Council Chambers
					Check Totals		4,125.00	
029767	12/31/09	J. HERSCHEL SHERMIS	12/18/09	60 Michaels	NON-DEPARTMENTAL	Building Deposi	5,000.00	2nd Utility Dep.refund-60 Michael Way
					Check Totals		5,000.00	
029768	12/31/09	SIGNATURE ROOFING INC.	12/15/09	249 Catalpa	Building	Building Deposi	500.00	249 Catalpa Deposit refund-Recycling

CCS AP Accounts Payable Release 8.3.1 R*APFINVC*COUNCIL.U

By Jun Pan (JPAN)

Check#	Check Dt	Vendor Name	Inv Date	Inv#	Department	GL Account	Amounts	Detail Description
029769	12/31/09	SPRINT	12/29/09	130538811-02	Police	Check Totals	500.00	
						Communication (	499.15	130538810 11/26/09-12/25/09
						Check Totals	499.15	
029770	12/31/09	SUSTAINABLE SILICON VALLEY	12/14/09	519	Non-Department	Contribution -	1,000.00	2010 Partnership Fee for Pledge of SSV
						Check Totals	1,000.00	
029771	12/31/09	SMRCB ACCOUNTING OFFICE ATT	12/09/09	WD-0015684	NON-DEPARTMENTAL	Other Contract	3,600.00	ANNUAL WASTE DISCHARGE FEE 7/1/09-6/30/1
						Check Totals	3,600.00	
029772	12/31/09	HENRY TAM	12/18/09	H.Tam 12/18/	Police	Training - POST	21.30	Driver Train.Update Course-H.Tam 12/8-12
						Gas & Oil	59.55	Driver Train. Course-Gas H.Tam
						Check Totals	80.85	
029773	12/31/09	TEAMSTERS UNION LOCAL 856	12/18/09	11/29-12/12/	NON-DEPARTMENTAL	Payroll Deducti	401.55	Teamsters Dues W/H 11/29-12/12/09
						Check Totals	401.55	
029774	12/31/09	TEE'S PLUS	12/22/09	316043	Police	Other Supplies	390.48	D.A.R.E Stars & Stripes tees for PD
						NON-DEPARTMENTAL	-33.06	sales tax payable
						Check Totals	357.42	
029775	12/31/09	DARYL D. JONES, INC. DBA TE	12/10/09	40424	Police	Technical Servi	934.00	Facilities Mgmt & Maint. for Pub Safe De
						Check Totals	934.00	
029776	12/31/09	UNIFIRST CORP.	11/25/09	380 0347452	DPW - Street Mainten	Custodial Servi	17.87	Uniform Service - B.Butler 11/25/09
						DPW - Street Mainten	12.87	Uniform Service - J.Andrade 11/25/09
						DPW - Street Mainten	12.87	Uniform Service - E.Lopez 11/25/09
						DPW - Street Mainten	12.87	Uniform Service - T.Henderson 11/25/09
						DPW - Street Mainten	17.87	Uniform Service - B.Butler 12/02/09
						DPW - Street Mainten	12.87	Uniform Service - J.Andrade 12/02/09

Check#	Check Dt	Vendor Name	Inv Date	INVC #	Department	GL Account	Amounts	Detail Description
029776	12/31/09	UNIFIRST CORP.	11/25/09	380 0347453	DPW - Street Mainten	Uniforms	12.87	Uniform Service - E.Lopez 12/02/09
					DPW - Street Mainten	Uniforms	12.87	Uniform Service - T.Henderson 12/02/09
					DPW - Park Program	Custodial Servi	31.40	Misc.,Mat,Mops,Bar Twl,Replace Bar Twl
					DPW - Park Maintenance	Uniforms	14.81	Uniform Service - M.Anderson 11/25/09
					DPW - Park Program	Uniforms	14.81	Uniform Service - R.Espino 11/25/09
029776	12/31/09	UNIFIRST CORP.	12/23/09	380 0351654	DPW - Street Mainten	Uniforms	17.87	Uniform Service - B.Butler 12/23/09
					DPW - Street Mainten	Uniforms	12.87	Uniform Service - J.Andrade 12/23/09
					DPW - Street Mainten	Uniforms	12.87	Uniform Service - E.Lopez 12/23/09
					DPW - Street Mainten	Uniforms	12.87	Uniform Service - T.Henderson 12/23/09
029776	12/31/09	UNIFIRST CORP.	11/18/09	380 0346457	DPW - Park Program	Custodial Servi	11.10	Misc Service- Mat, Mops 11/18/09
					DPW - Park Maintenance	Uniforms	14.81	Uniform Service - M.Anderson 11/18/09
					DPW - Park Program	Uniforms	19.81	Uniform Service - R.Espino 11/18/09
029776	12/31/09	UNIFIRST CORP.	12/16/09	380 0350595	DPW - Park Program	Custodial Servi	172.80	Misc Svc-Syn 3x5 mat,Mops,56"dry mop
					DPW - Street Mainten	Custodial Servi	12.87	Uniform Service - B.Butler 12/16/09
					DPW - Street Mainten	Uniforms	12.87	Uniform Service - J.Andrade 12/16/09
					DPW - Street Mainten	Uniforms	12.87	Uniform Service - E.Lopez 12/16/09
					DPW - Street Mainten	Uniforms	12.87	Uniform Service - T.Henderson 12/16/09
029776	12/31/09	UNIFIRST CORP.	12/02/09	380 0348485	DPW - Park Program	Custodial Servi	16.10	Misc Svc-Mat 3x5,Mops 32oz 12/2/09
					DPW - Park Maintenance	Uniforms	14.81	Uniform Service - M.Anderson 12/2/09
					DPW - Park Program	Uniforms	14.81	Uniform Service - R.Espino 12/2/09
					Check Totals		546.18	
029777	12/31/09	LINDA UPHOFF	12/02/09	105 Reservoi	Building	Building Permit	23.50	Canceled Permit-Permit Fee
					NON-DEPARTMENTAL	Road Impact Fee	1.74	Canceled Permit-Road Impact fee
					Check Totals		25.24	
029778	12/31/09	USPS BUSINESS MAIL ENTRY UN	12/02/09	USPS 12/02/0	City Manager	Postage	185.00	USPS fee renewal for mail resorted
					Check Totals		185.00	
029779	12/31/09	AGI PUBLISHING DBA: VALLEY	12/01/09	Yellow Pges	DPW - Park Program	Advertising/Pub	970.00	Advertising Holbrook Palmer Park DEC 200
					Check Totals		970.00	
029780	12/31/09	VERIZON WIRELESS	12/16/09	0818312011	City Manager	Communication (	45.01	Modem for J.Gruber 10/22/09-11/21/09
					Building	Communication (	133.53	Phones for dept 25 10/22/09/11/21/09
					Police	Communication (	517.91	Phones for dept 40 10/22/09-11/21/09

Check#	Check Dt	Vendor Name	Inv Date	Inv#	Department	GL Account	Amounts	Detail Description
029781	12/31/09	VISION SERVICE PLAN ATTN: A	12/18/09	VSP January	NON-DEPARTMENTAL	Payroll Benefit	780.42	Vision Svc Plan for employees Jan-2010
Check Totals							1,166.96	
029782	12/31/09	VOYAGER	11/24/09	6476920	Police	Gas & Oil	17.09	Motorcycle Fuel Nov 09
Check Totals							17.09	
029783	12/31/09	JASON YOAKUM	12/18/09	J.Yoakum 12/	Police	Training - POST Gas & Oil	47.07 154.07	Field Training Officer course-J.Yoakum 1 Field Train.Officer course-gas J.Yoakum
Check Totals							201.14	
Grand Totals							742,617.18	



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF JANUARY 20, 2010

**SUBJECT: FINANCIAL REPORT FOR THE SIX MONTHS ENDED DECEMBER
31, 2009**

RECOMMENDATION

Receive the General Fund Financial Report for the six months ended December 31, 2009.

DISCUSSION

Staff revised the format on how the financial report is to be presented. The new format incorporates a column “**Accrual**” to account for revenues and expenditures that need to be included in order to more accurately reflect the actual data. For the six months ended December 31, 2009, if revenues and expenditures are assumed to be distributed evenly, 50% of the annual FY 2009-10 Budget (6/12) should be earned or incurred.

The accrual amounts only reflect data up to January 12, 2010.

General Fund Revenues

For the six months ended December 31, 2009, the General Fund reported revenues of \$4,390,516 which is 44.7% of the annual revenue budget for FY 2009-10. With the receipt of 50% of secured property tax under the Teeter plan, staff is projecting that the property tax revenue will be higher than budgeted by \$200,000 for the fiscal year.

Excess ERAF revenue, based on the latest estimate provided by the County of San Mateo Controller’s Office, is expecting to be higher than budgeted by \$200,000.

With the slow economic recovery, supplemental property tax, sales tax, in-lieu sales tax, building department revenues, and interest income are projected to come in below budget for the year.

General Fund Expenditures

As to the expenditures for the six months ended December 31, 2009, the General Fund reported \$5,800,008, which is 56.2% of the annual expenditure budget for FY 2009-10.

To better explain the variance in revenues and expenditures, staff is providing variance explanation for material items.

FISCAL IMPACT

None

Prepared by:

Approved by:

Louise Ho
Finance Director

Jerome D. Gruber
City Manager

Attachment: Financial Report
Variance Explanation

Town of Atherton										
General Fund										
Financial Report for the Six Months Ended December 31, 2009										
(Excl. Encumbrances)										
Dept	Description	Adjusted Budget FY09/10	6/12 of Budget	Actual July 09 to Dec. 09	Accrual	Adj. Actual July 09 to Dec. 09	% of 6/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 08 to Dec. 08
			50.0%							
		(a)	(b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	Revenues									
	Secured	4,540,000	2,270,000	2,381,250		2,381,250	104.9%	2,158,750	52.5%	2,218,214
	Unsecured	250,000	125,000	298,475		298,475	238.8%	(48,475)	119.4%	268,806
	Prop 1A Loan	-	-	(221,181)		(221,181)	-100.0%	221,181	-100.0%	0
	SB813 Redemption	90,000	45,000	9,523	7,083	16,606	36.9%	73,394	18.5%	29,475
	Home Owners Prop Tax Re	31,500	15,750	5,012		5,012	31.8%	26,488	15.9%	(15,616)
	Local Sales & Use Tax	90,000	45,000	16,356	8,100	24,456	54.3%	65,544	27.2%	36,010
	Public Safety Sales Tax	65,000	32,500	23,749	89	23,838	73.3%	41,162	36.7%	21,814
	IN LIEU SALES TAX/TRIPLE FLIP	60,000	30,000	13,349		13,349	44.5%	46,651	22.2%	15,764
	Franchise Taxes-PG&E	220,000	110,000			-	0.0%	220,000	0.0%	
	Franchise Tax-Cal Water	73,000	36,500			-	0.0%	73,000	0.0%	
	Franchise Tax-BFI	175,000	87,500	40,337		40,337	46.1%	134,663	23.0%	37,007
	Franchise Taxes-Cable	102,000	51,000	24,407		24,407	47.9%	77,593	23.9%	75,209
	Document Trsf Tax	125,000	62,500	134,875		134,875	215.8%	(9,875)	107.9%	96,741
	Motor Vehicle In-Lieu	625,000	312,500	331,999		331,999	106.2%	293,001	53.1%	311,835
	Motor Veh. Lic Fees (MVLf)	20,000	10,000	5,002		5,002	50.0%	14,998	25.0%	9,386
	Business Licenses	150,000	75,000	77,916		77,916	103.9%	72,084	51.9%	123,592
	Bus Lic Refund -FY 06/07	-	-	-	-	-	0.0%	-	0.0%	
	Bus Lic Refund -FY 07/08	-	-	-	-	-	0.0%	-	0.0%	
	Bus Lic Refund -FY 08/09	-	-	-	-	-	0.0%	-	0.0%	
	Home Occupation	2,500	1,250	200	-	200	16.0%	2,300	8.0%	1,700
	Building Permit	600,000	300,000	219,417		219,417	73.1%	380,583	36.6%	246,959
	Encroachment	125,000	62,500	41,940	17,450	59,390	95.0%	65,610	47.5%	113,282
	Grading & Drainage	88,500	44,250	24,000		24,000	54.2%	64,500	27.1%	
	Other Licenses & Permit	500	250	250		250	100.0%	250	50.0%	350
	Landscape Fee	-	-	-	-	-	0.0%	-	0.0%	(5,000)
	Vehicle Code Fines	11,000	5,500	2,629	2,527	5,156	93.7%	5,844	46.9%	5,396
	Other Fines & Forfeit	8,525	4,263	10,279		10,279	241.1%	(1,754)	120.6%	12,185
	ERAF Subvention	530,000	265,000			-	0.0%	530,000	0.0%	
	POST Reimb	8,000	4,000	2,776		2,776	69.4%	5,224	34.7%	5,901
	CALNENA Reimbursement	3,000	1,500		-	-	0.0%	3,000	0.0%	
	CLEARs Reimbursement	395	198			-	0.0%	395	0.0%	

Town of Atherton										
General Fund										
Financial Report for the Six Months Ended December 31, 2009										
(Excl. Encumbrances)										
Dept	Description	Adjusted Budget FY09/10	6/12 of Budget	Actual July 09 to Dec. 09	Accrual	Adj. Actual July 09 to Dec. 09	% of 6/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 08 to Dec. 08
			50.0%							
		(a)	(b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	DOJ Grant (vest)	1,500	750		22	22	3.0%	1,478	1.5%	
	DOC Grant	5,000	2,500			-	0.0%	5,000	0.0%	
	ABAG Grant	10,000	5,000		18,338	18,338	366.8%	(8,338)	183.4%	
	Highway Maint Reimbursement	-	-	35,700		35,700	100.0%	(35,700)	100.0%	17,232
	SB 90 reimbursement	-	-	1,219		1,219	100.0%	(1,219)	100.0%	
	Grants	-	-	8,244		8,244	100.0%	(8,244)	100.0%	31,192
	React Task Force Reimb	-	-			-	0.0%	-	0.0%	27,485
	NARCOTICS Task Force	-	-			-	0.0%	-	0.0%	
	Elections Processing Fee	-	-			-	0.0%	-	0.0%	2,000
	Document/Research Fee	-	-			-	0.0%	-	0.0%	
	Photocopy Fee	6,000	3,000	3,345		3,345	111.5%	2,655	55.7%	2,938
	Alarm Sign Fees	600	300	420		420	140.0%	180	70.0%	330
	Vehicle Release	1,000	500	360		360	72.0%	640	36.0%	1,560
	Fingerprinting Fee	-	-	42		42	100.0%	(42)	100.0%	15
	Affidavit of Cost	2,000	1,000	200		200	20.0%	1,800	10.0%	
	Police Report	2,500	1,250	1,970		1,970	157.6%	530	78.8%	1,440
	Special Service Fee	525	263	594		594	226.4%	(69)	113.2%	372
	DUI Recovery (Enforcement)	1,200	600			-	0.0%	1,200	0.0%	
	Post Office	51,768	25,884	25,881		25,881	100.0%	25,887	50.0%	25,881
	Solicitor's Permit	400	200	27		27	13.5%	373	6.8%	
	Application Fee	-	-	650		650	100.0%	(650)	100.0%	9,225
	Zoning & Planning Fees	75,000	37,500	22,800		22,800	60.8%	52,200	30.4%	21,750
	Plan Check	320,000	160,000	176,328		176,328	110.2%	143,672	55.1%	172,067
	Social Fees	60,000	30,000	28,575		28,575	95.3%	31,425	47.6%	78,443
	Meeting Fees	60,000	30,000	34,375		34,375	114.6%	25,625	57.3%	28,319
	Class Fees	15,000	7,500	7,960		7,960	106.1%	7,040	53.1%	6,317
	Weddings	140,000	70,000	57,500		57,500	82.1%	82,500	41.1%	38,273
	Misc. Use Fee	1,400	700	1,160		1,160	165.7%	240	82.9%	449
	Interest Income	150,000	75,000	11,936		11,936	15.9%	138,064	8.0%	104,631
	Cellular One	36,000	18,000	18,676		18,676	103.8%	17,324	51.9%	17,931
	Property Rental-Playscl	77,580	38,790	45,252		45,252	116.7%	32,328	58.3%	32,583
	Sale of Property	-	-	501		501	100.0%	(501)	100.0%	2,246

Town of Atherton										
General Fund										
Financial Report for the Six Months Ended December 31, 2009										
(Excl. Encumbrances)										
Dept	Description	Adjusted Budget FY09/10	6/12 of Budget	Actual July 09 to Dec. 09	Accrual	Adj. Actual July 09 to Dec. 09	% of 6/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 08 to Dec. 08
			50.0%							
		(a)	(b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	Donations/Contributions	14,286	7,143	14,361		14,361	201.1%	(75)	100.5%	13,262
	Miscellaneous Income	10,000	5,000	5,840		5,840	116.8%	4,160	58.4%	6,848
	Trsf in from Spec Parcel Tax	780,863	390,432	390,432		390,432	100.0%	390,431	50.0%	
	Transfers in from Gas Tax	-	-			-	0.0%	-	0.0%	
	Transfers in from GFCIP	-	-			-	0.0%	-	0.0%	
	Total Revenues	9,816,542	4,908,271	4,336,907	53,610	4,390,516	89.5%	5,426,026	44.7%	4,251,798
	EXPENDITURES									
City Council	Advertising/Publishing	2,000	1,000	-		-	0.0%	2,000	0.0%	
	Other Contract Services		-	-		-	0.0%	-	0.0%	80
	Office Supplies	1,950	975	1,752		1,752	179.7%	198	89.9%	1,299
	Membership/Dues	8,407	4,204	8,400		8,400	199.8%	7	99.9%	13,500
	Utilities-Electricity & Water	625	313	113		113	36.1%	512	18.0%	
	Conferences	5,000	2,500	1,311		1,311	52.4%	3,689	26.2%	3,019
	Mileage Reimbursement	1,300	650	57		57	8.8%	1,243	4.4%	
	Bus Meeting & Meal	1,100	550			-	0.0%	1,100	0.0%	
	Boards & Commissions	2,000	1,000			-	0.0%	2,000	0.0%	
	Special Events & Awards	-	-			-	0.0%	-	0.0%	438
	Office Machines & Furniture	7,000	3,500			-	0.0%	7,000	0.0%	
	Administrative Services		-			-	0.0%	-	0.0%	191
	Computer Services Charge		-			-	0.0%	-	0.0%	398
	City Council Totals:	29,382	14,691	11,633	-	11,633	79.2%	17,749	39.6%	18,925
Administration (CM, CC, HR)	Salaries & Benefits	721,747	360,874	360,439	11,933	372,372	103.2%	349,375	51.6%	224,390
	Contract Services	27,968	13,984	11,715	4,205	15,920	113.8%	12,048	56.9%	107,573
	Supplies & Materials	3,800	1,900	3,883		3,883	204.4%	(83)	102.2%	4,646
	General Expenses	41,045	20,523	14,966	1,328	16,294	79.4%	24,751	39.7%	32,689
	Facility & Equipment	3,500	1,750	1,318		1,318	75.3%	2,182	37.7%	267
	Reimbursements	-	-	-		-	0.0%	-	0.0%	15,158
	Administration Totals:	798,060	399,030	392,321	17,466	409,787	102.7%	388,273	51.3%	384,723
City Attorney	Contract Services	423,000	211,500	180,952	40,396	221,348	104.7%	201,652	52.3%	129,579

Town of Atherton										
General Fund										
Financial Report for the Six Months Ended December 31, 2009										
(Excl. Encumbrances)										
Dept	Description	Adjusted Budget FY09/10	6/12 of Budget	Actual July 09 to Dec. 09	Accrual	Adj. Actual July 09 to Dec. 09	% of 6/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 08 to Dec. 08
			50.0%							
		(a)	(b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	General Expenses	-	-	-	-	-	0.0%	-	0.0%	
	Supplies & Materials	-	-	-	-	-	0.0%	-	0.0%	
	Reimbursements	-	-	-	-	-	0.0%	-	0.0%	3,114
	City Attorney Totals:	423,000	211,500	180,952	40,396	221,348	104.7%	201,652	52.3%	132,693
Finance	Salaries & Benefits	413,524	206,762	200,693	7,303	207,995	100.6%	205,529	50.3%	158,524
	Contract Services	87,205	43,603	52,548	564	53,113	121.8%	34,092	60.9%	5,399
	Supplies & Materials	4,250	2,125	948	427	1,375	64.7%	2,875	32.3%	3,903
	General Expenses	16,605	8,303	2,838	-	2,838	34.2%	13,767	17.1%	686
	Rents & Leases	-	-	-	-	-	0.0%	-	0.0%	590
	Facility & Equipment	3,000	1,500	-	-	-	0.0%	3,000	0.0%	-
	Reimbursements	10,000	5,000	5,000	-	5,000	100.0%	5,000	50.0%	9,808
	Finance Totals:	534,584	267,292	262,027	8,294	270,321	101.1%	264,263	50.6%	178,909
Planning	Contract Services	191,327	95,664	70,505	12,484	82,989	86.8%	108,338	43.4%	122,901
	Supplies & Materials	2,000	1,000	267	-	267	26.7%	1,733	13.3%	53
	General Expenses	2,930	1,465	585	-	585	39.9%	-	20.0%	-
	Planning Totals:	196,257	98,129	71,357	12,484	83,841	85.4%	110,071	42.7%	122,954
Building	Salaries & Benefits	957,142	478,571	489,270	17,454	506,723	105.9%	450,419	52.9%	339,501
	Contract Services	16,240	8,120	12,216	-	12,216	150.4%	4,024	75.2%	79,059
	Supplies & Materials	20,790	10,395	6,305	346	6,651	64.0%	14,139	32.0%	11,849
	General Expenses	8,375	4,188	2,364	134	2,497	59.6%	5,878	29.8%	4,642
	Facility & Equipment	4,500	2,250	-	-	-	0.0%	4,500	0.0%	-
	Reimbursements	10,000	5,000	5,000	-	5,000	100.0%	5,000	50.0%	24,179
	Building Totals:	1,017,047	508,524	515,154	17,934	533,088	104.8%	483,959	52.4%	459,229
Non-Dept	Retiree Health Care	-	-	-	-	-	0.0%	-	0.0%	-
	Contract Services	126,539	63,270	52,494	2,262	54,756	86.5%	71,783	43.3%	-
	Supplies & Materials	11,300	5,650	11,443	-	11,443	202.5%	(143)	101.3%	-
	General Expenses	295,638	147,819	260,659	575	261,234	176.7%	34,404	88.4%	-
	Settlement Expense	-	-	-	-	-	0.0%	-	0.0%	-

Town of Atherton										
General Fund										
Financial Report for the Six Months Ended December 31, 2009										
(Excl. Encumbrances)										
Dept	Description	Adjusted Budget FY09/10	6/12 of Budget	Actual July 09 to Dec. 09	Accrual	Adj. Actual July 09 to Dec. 09	% of 6/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 08 to Dec. 08
			50.0%							
		(a)	(b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	Non-Dept. Totals:	433,477	216,739	324,596	2,837	327,432	151.1%	106,045	75.5%	-
Police	Salaries & Benefits	4,517,313	2,258,657	2,390,690	76,218	2,466,908	109.2%	2,050,405	54.6%	1,863,895
	Contract Services	221,033	110,517	161,215	163	161,378	146.0%	59,655	73.0%	155,365
	Supplies & Materials	147,665	73,833	44,120	2,194	46,314	62.7%	101,351	31.4%	54,209
	General Expenses	76,238	38,119	264,047	727	264,774	694.6%	(188,536)	347.3%	38,107
	Rent & lease	8,590	4,295	4,351	-	4,351	101.3%	4,239	50.7%	
	Facility & Equipment	44,671	22,336	26,437	730	27,167	121.6%	17,504	60.8%	41,251
	Reimbursement	69,800	34,900	34,900		34,900	100.0%	34,900	50.0%	70,943
	Police Totals:	5,085,310	2,542,655	2,925,760	80,033	3,005,792	118.2%	2,079,518	59.1%	2,223,770
Public Works (& Parks)	Salaries & Benefits	1,270,341	635,171	696,777	27,808	724,585	114.1%	545,756	57.0%	640,344
	Contract Services	288,000	144,000	85,595	3,739	89,335	62.0%	198,665	31.0%	168,069
	Supplies & Materials	70,800	35,400	25,709	266	25,975	73.4%	44,825	36.7%	25,832
	General Expenses	107,393	53,697	57,087	5,943	63,030	117.4%	44,363	58.7%	68,775
	Rent & Leases	27,000	13,500	17,367	2,704	20,071	148.7%	6,929	74.3%	15,500
	Facility & Equipment	16,000	8,000	3,823	-	3,823	47.8%	12,177	23.9%	276
	Reimbursements	19,892	9,946	9,946	-	9,946	100.0%	9,946	50.0%	29,577
	Public Works Totals:	1,799,426	899,713	896,305	40,460	936,765	104.1%	862,661	52.1%	948,373
	Total Expenditures	10,316,543	5,158,272	5,580,104	219,904	5,800,008	112.4%	4,514,190	56.2%	4,469,576
	Excess (Deficiency) of Revenues over Expenditures	(500,001)	(250,000)	(1,243,198)	(166,294)	(1,409,492)	563.8%	911,836	281.9%	(217,778)
	Beg. Fund Balance	7,203,277				7,203,277				
	Proj. Ending Fund Balance	6,703,276				5,793,785				

Town of Atherton
Financial Report for the Six Months Ended December 31, 2009

Revenue Variance Explanation

A. Prop 1A Loan

This is the amount of property tax borrowed by State. The Town joined the securitization program and would be repaid in full in 2010.

B. Interest Income

The amount included interest earned from July to September 2009. Adjustment will be proposed during mid-year budget review to reflect the current low interest rate environment

Expenditures Variance Explanation

C. Non-Department

Insurance premiums paid at the beginning of the fiscal year.

D. Police Department

The high expenditure was due to retirement vacation/holiday payout and legal settlement.

E. Public Works

The projected salary savings did not occur.

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KATHY HUGHES ANDERSON, TOWN ARBORIST

DATE: FOR THE MEETING OF JANUARY 20, 2010

SUBJECT: RESCIND RESOLUTION 09-35 AND APPROVE RESOLUTION 10-01, A REVISED RESOLUTION TO INCLUDE INSERTION OF STATEMENT THAT THE COLLABORATIVE WORK TO BE UNDERTAKEN IN ACTERRA'S RESIDENTIAL HOME ENERGY AUDITING PROGRAM IS NOT A "PROJECT" AS DEFINED BY CEQA AND CHANGE THE DOLLAR AMOUNT IN THE RESOLUTION FROM \$39, 939 TO \$39,940.

RECOMMENDATION:

To rescind Resolution 09-35 and approve Resolution 10-01 which revises the original resolution to include a statement that the collaborative work to be undertaken by Acterra is "not a project" as defined by the California Environmental Quality Act (CEQA), and correct the dollar amount for Atherton's EECBG allocation from \$39,939 to \$39,940.

INTRODUCTION:

In September, the City Council approved Resolution 09-35, authorizing local non-profit Acterra to apply on the Town's behalf to create a collaborative project using our town's allocation of Federal Stimulus EECBG funds for a residential home energy auditing program, Green@Home High Energy Assessments. After you passed this Resolution, the California Energy Commission (CEC), which is the agency administering the EECBG program, determined that it is necessary for such resolutions to include a finding that any work done with EECBG funds is done in accordance with CEQA regulations. The CEC staff then drafted proposed wording for such a statement and disseminated it in October after we had already passed our resolution.

BACKGROUND:

Acterra submitted the grant application on December 14, 2009, consolidating the EECBG funds from our town and four other "high energy" communities, and the CEC staff began its administrative review of the application. CEC then notified Acterra on December 21st that our resolution did not meet the requirement to address CEQA compliance. While the CEC staff indicated to Acterra that the application has been accepted within the deadline and is making its way through the review process, CEC also requested that a revised resolution be approved by the City Council as quickly as possible so that the final approval by the Commissioners would not be delayed.

In addition, during the CEC staff's administrative review, a discrepancy was noted between the amount of funding listed on our resolution (\$39,939) and the amount (\$39,940) used by Acterra on its application documents. The reason for this is that the original CEC documents listed Atherton's grant amount as \$39,939.08, but in September they notified everyone they were "rounding up", so the final figure was \$39,940. Acterra put the larger amount into its funding application, but the draft resolution they sent to us had the lower amount. To prevent confusion during the process of the grant administration, the CEC staff advised Acterra that the Atherton EECBG allocation mentioned in the resolution needs to match that in Acterra's application. CEC staff suggested that the easiest way to accomplish this would be to revise Atherton's resolution, and since we need to do so in regard to the CEQA question, we are also including the modified dollar amount in this revised resolution.

DISCUSSION/ANALYSIS

We recommend that you approve the attached revised resolution 10-01, which includes insertion of the additional statement (see below) that the collaborative work to be undertaken by Acterra is "not a project" as defined by CEQA:

WHEREAS, the Town of Atherton has considered the application of the California Environmental Quality Act (CEQA) to the approval of the energy efficiency project/s described in Exhibit A: and

NOW, THEREFORE, BE IT RESOLVED, that in compliance with CEQA, the Town of Atherton finds that the approval of the energy efficiency project/s described in Exhibit A is not a "project" under CEQA.

FISCAL IMPACT:

There is no fiscal impact in revising the Resolution.

LEGAL IMPACT:

The Town will not be legally bound or liable for participation or results. Acterra will be the only party under contract with the CEC.

Prepared by:
Kathy Hughes Anderson

Approved by:
Jerome D. Gruber

Attachments: Revised Draft Resolution
Resolution 09-35
September 16, 2009 Staff Report

RESOLUTION No. 10-01

WHEREAS, the Town of Atherton recognizes that it is in the interest of the regional, state, and national economy to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency within our jurisdiction;

WHEREAS, Energy Efficiency and Conservation Block Grant (EECBG) funds are available through the California Energy Commission for grants to eligible local governments for cost-effective energy efficiency projects;

WHEREAS, the Town of Atherton is an eligible EECBG grant recipient and is eligible to receive up to \$39,940 of EECBG funds for cost-effective energy efficiency projects;

WHEREAS, it is in the best interest of the Town of Atherton to participate in the EECBG program through a lead collaborative applicant;

WHEREAS, the non-profit organization Acterra is willing and eligible to apply to the EECBG program on behalf of eligible cities/counties;

NOW, therefore, be it resolved that the City Council of the Town of Atherton authorizes Acterra to apply for the EECBG funding allocated to the Town of Atherton and implement the EECBG projects approved by the Energy Commission.

WHEREAS, THE Town of Atherton has considered the application of the California Environmental Quality Act (CEQA) to the approval of the energy efficiency project/s described in Exhibit A; and

Now, therefore, be it resolved that in compliance with CEQA, the Town of Atherton finds that the approval of the energy efficiency project/s described in Exhibit A is not a “project” under CEQA.

The foregoing resolution was passed by the Town of Atherton this 16th day of January, 2010, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

Kathy McKeithen, MAYOR
Town of Atherton

ATTEST:

Theresa DellaSanta, Deputy City Clerk

Approved January 20, 2010
Resolution 10-01

APPROVED AS TO FORM:

Wynne Furth, City Attorney

Approved January 20, 2010
Resolution 10-01

RESOLUTION No.09 -35

WHEREAS, the Town of Atherton recognizes that it is in the interest of the regional, state, and national economy to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency within our jurisdiction;

WHEREAS, Energy Efficiency and Conservation Block Grant (EECBG) funds are available through the California Energy Commission for grants to eligible local governments for cost-effective energy efficiency projects;

WHEREAS, the Town of Atherton is an eligible EECBG grant recipient and is eligible to receive up to \$39,939 of EECBG funds for cost-effective energy efficiency projects;

WHEREAS, it is in the best interest of the Town of Atherton to participate in the EECBG program through a lead collaborative applicant;

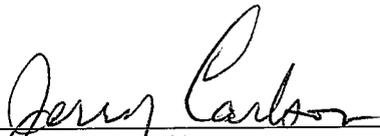
WHEREAS, the non-profit organization Acterra is willing and eligible to apply to the EECBG program on behalf of eligible cities/counties;

NOW, therefore, be it resolved that the City Council of the Town of Atherton:

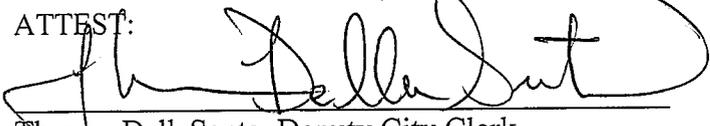
1. Authorizes Acterra to apply, as lead partner, for the EECBG funding allocated to the Town of Atherton and implement the EECBG projects approved by the California Energy Commission.
2. Authorizes Michael Closen, as Executive Director of Acterra, to execute necessary documents to implement and carry out EECBG projects funded in whole or in part with the Town of Atherton's EECBG funding allocation.

The foregoing resolution was passed by the Town of Atherton this 16th day of September, 2009, by the following vote:

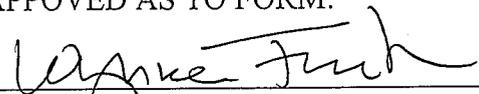
AYES: Carlson, McKeithen, Marsala, Lewis, Dobbie
NOES:
ABSENT:
ABSTAIN:



Jerry Carlson, MAYOR
Town of Atherton

ATTEST:


Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:


Wynne Furth, City Attorney

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KATHY HUGHES ANDERSON, TOWN ARBORIST

DATE: FOR THE MEETING OF SEPTEMBER 16, 2009

SUBJECT: APPROVAL OF A RESOLUTION TO PARTICIPATE IN ACTERRA’S ENERGY EFFICIENCY PROGRAM FOR HIGH ENERGY HOMES, AUTHORIZATION FOR ACTERRA TO APPLY AND RECEIVE EECBG FUNDING ON BEHALF OF THE TOWN OF ATHERTON, AND AUTHORIZE ACTERRA EXECUTIVE DIRECTOR MICHAEL CLOSSEN TO EXECUTE ALL NECESSARY AGREEMENTS TO IMPLEMENT AND CARRY OUT THE PURPOSES OF THE EECBG AWARD.

RECOMMENDATION:

Approve Resolution 09-35 to participate in Acterra’s energy efficiency program for high energy homes, and authorize Acterra to apply and receive EECBG funding on behalf of the Town of Atherton, and authorize Acterra Executive Director Michael Clossen to execute all necessary agreements to implement and carry out the purposes of the EECBG award.

INTRODUCTION:

The EECBG Program was created by the Energy Independence and Security Act of 2007 (EISA). It is funded by the American Recovery and Reinvestment Act of 2009 (ARRA), which provides \$787 billion in economic investment nationally for the purpose of stimulating the economy. ARRA appropriates funding to the U.S. Department of Energy (DOE) for the issuance of formula based block grants to states, US territories, large cities and counties, and Indian tribes.

Based on population, Atherton is not eligible for direct funding, but the DOE has allocated the Energy Commission (CEC) \$49.6 million for the EECBG Program. The Energy Commission must distribute not less than 60 percent or approximately \$29.7 million of these funds to small cities and counties that are not eligible for direct grants from DOE. The formula based allocation methodology makes Atherton eligible for a \$39,939 award.

BACKGROUND:

The Environmental Programs Committee has been working with the local non-profit Acterra and the City of Los Altos Hills to develop an energy efficiency program specifically designed for our high energy homes. Steve Schmidt of Los Altos Hills has made a presentation to the EPC and asked that Atherton partner with Acterra, Los Altos Hills, Woodside, Monte Sereno and Portola Valley to apply for EECBG funding to develop a high energy program that is unique to the need of our residents. Acterra,

acting as the “Lead Partner”, is requesting the EECBG funds for energy reductions in “high energy” homes in towns that represent five of the top seven PG&E towns in terms of energy use per household.

At the September 2, 2009 meeting of the EPC, the following motion was made and passed: On a motion made by Valerie Gardner, seconded by Elizabeth Lewis, the EPC recommends to the City Council to use the Town’s allotment of EECBG funds to partner with Acterra for a home energy efficiency program.

The CEC will begin accepting applications in mid to late September and will process applications based on a first-come first-served basis. The grant guidelines indicate that they encourage partnerships and that each city needs to pass a resolution stating their membership in the partnership. Cities can either be a part of a partnership or make individual application, but not both. The EPC recognizes the advantage of having Acterra act as the lead partner in terms of staff time and other town resources in attempting to negotiate through a complicated and time consuming application process. As part of the minimum requirements, the minimum cost effectiveness required is 10 million BTUs per \$1000 of funding. The Acterra project is expected to be significantly more cost effective than the minimum, perhaps ten times more. An executive summary of Acterra’s proposal to the CEC is attached for your review. Additional information about the EECBG guidelines can be found at www.energy.ca.gov/stimulus/documents.

DISCUSSION/ANALYSIS

The program is specifically designed for high energy homes and will educate residents about specific areas of wasted energy and water use, allowing them to take recommended steps to reduce their energy and water use, and reduce greenhouse gas emissions. The program is voluntary and there is no cost to the resident for the energy audit. Existing home audit services are not suitable for the unique characteristics of the average Atherton home. The program focuses on “comfortable conservation”, allowing homeowners to make energy and cost saving changes with little or no impact on their lifestyles.

FISCAL IMPACT:

The program is designed to have minimal impact on town staff. The Town will be expected to promote the program to the residents. Volunteers from the EPC will also play a role in promoting the program.

LEGAL IMPACT:

The Town will not be legally bound or liable for participation or results. Acterra will be the only party under contract with the CEC.

Prepared by:
Kathy Hughes Anderson

Approved by:
Jerome D. Gruber

Kathy Hughes Anderson

Attachments: Resolution 09-35
Acterra’s High Energy Home Assessment Program Executive Summary



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JANUARY 20, 2010

**SUBJECT: ROAD IMPACT FEE REPORT FOR FY 2008-2009 (AB 1600
STATE REPORTING REQUIREMENT)**

RECOMMENDATION:

Approve the Road Impact Fee Report for FY 2008-2009.

INTRODUCTION:

In FY 2008-09 the Town of Atherton had one Development Impact Fee (DIF), a Road Impact Fee (Resolution 05-34 passed on March 16, 2005). The intent of this fee was to allow mitigation of the impacts of private construction which included accelerated wear and tear to the City's roads due to numerous heavy loads brought on by construction activity.

Because the City collected a DIF, Government Code Section 66006 (b)(1) requires the preparation of a report to disclose the financial activity associated with the fee. This staff report and attachments provides the Council and public the opportunity to review the status of the Town's DIF as it pertains to Fiscal Year 2008-09 and complies with State Law.

ANALYSIS:

Government Code Section 66006 (b)(1) requires a local agency, within 180 days after the last day of each fiscal year, to make available to the public the following information for the fiscal year:

- A) A brief description of the type of fee in the account or fund.

- B) The amount of the fee.
- C) The beginning and ending balance of the account or fund.
- D) The amount of the fees collected and the interest earned.
- E) An identification of each public improvement on which the fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, and the public improvement remains incomplete.
- G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
- H) The amount of refunds made.

The Town's DIF was established on September 20, 2000 and was put into effect on December 18, 2000. A budget was created to spend these monies.

For Fiscal Year 2008-2009 Road Impact funds amounting to \$870,527.47 were expended as follows:

- Street Reconstruction 4 \$256,201.56
- Street Reconstruction 5 \$147,707.94
- Fletcher/Ridgeview Reconstruction \$103,697.71
- 2008/2009 Street Patch, Seal & Overlay \$139,358.57
- General Administrative Services Reimbursement \$65,000.04
- Road Impact Fee Evaluation Study \$12,520.39

As illustrated in the FY2008-2009 Road Impact Fund expenditure budget (part of the Capital Improvement Plan), the funds budgeted were sufficient to complete the budgeted street repairs with a balance remaining. The current FY2009-2010 Road Impact Fund budget (part of the Capital Improvement Plan) uses most of the DIF fund balances and supplements it with funds from other funds to allow full funding of all the programmed projects.

No interfund transfers or loans were made from the DIF Fund.

FISCAL IMPACT:

The Building Department collected this money for the sole purpose of repairing Town streets. The fee revenue and expenditure plan was included in the 2008-2009 CIP Budget. The fund balance, as of June 30, 2008 was \$986,740. Total funds available in FY 2008-09 were \$1,624,661. Budgeted expenditures were \$1,706,667 and actual expenditures were \$870,527. The fund balance, as of June 30, 2009 was \$754,133.

Now that the Road Impact Fee has been rescinded, the funds available for projects will be reduced or eliminated in future years.

Prepared By:

Approved:

Duncan L. Jones, P.E.
Public Works Director

Jerome D. Gruber
City Manager

Attachments: FY 2008-09 Road Impact Fee Report



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JANUARY 20, 2010

**SUBJECT: APPROVE A MEMORANDUM OF UNDERSTANDING
WITH THE CITY OF MENLO PARK FOR
PARTICIPATION IN AN AMOUNT UP TO \$126,667 IN THE
COST OF INSTALLING A TRAFFIC SIGNAL ON
MIDDLEFIELD ROAD AT ENCINAL AVENUE**

RECOMMENDATION:

Approve a Memorandum of Understanding (MOU) with the City of Menlo Park (City) for City participation in an amount up to \$126,667 in the cost of installing a traffic signal on Middlefield Road at Encinal Avenue and authorize the Mayor to execute the MOU.

INTRODUCTION:

The Town of Atherton and the City of Menlo Park hired traffic engineering consultants (DKS) to study the signals on Middlefield Road from Ringwood Avenue to Marsh Road. A signal at Encinal Avenue was an alternative considered by the DKS study. The study found that the Encinal Avenue intersection is currently operating at level of service F during the AM, afternoon and PM peak hours, with an average delay exceeding 60 seconds. The intersection currently meets standard warrants for installation of a traffic signal.

The Menlo Park School District (MPSD) is expanding the Encinal Elementary School campus to accommodate an increase in enrollment from the current level of approximately 395 students to a new capacity of 704 students. As a part of their traffic study, MPSD determined that the intersection of Middlefield Road and Encinal Avenue

would be significantly degraded by the increased vehicle and pedestrian traffic to and from the school. Traffic projections indicate an increase in peak trips to and from the school of 115 in the AM (115 in/120 out) and 90 (93 in/90 out) in the afternoon. The result is an increase in average delay per vehicle at the Encinal/Middlefield intersection from 28.6 seconds (Level of Service D) to 50.4 seconds (Level of Service F) in the AM. The mid-afternoon peak trips do not coincide with other peak trips, so the level of service at the intersection remains at B, with delay only increasing from 11.5 seconds to 13 seconds.

The City of Menlo Park has several developments on and near El Camino Real that are projected to increase traffic on Middlefield Road, Encinal Avenue and other streets leading to Middlefield Road. Several of these developments have been or will be charged traffic impact fees. Menlo Park has allocated a portion of these impact fees to mitigating traffic impacts on Middlefield Road by contributing towards a signal at Encinal Avenue. The signal would also benefit Menlo Park residents.

It is clear from the traffic studies that the intersection is already operating at a substandard level of service and would benefit greatly from signalization. The school expansion and the Menlo Park developments will impact this intersection, further degrading the level of service. The school and the residents of both Menlo Park and Atherton would benefit from the installation of a traffic signal at the intersection.

Not only would a signal allow traffic to move in and out of Encinal Avenue much easier, the signal would create traffic platoons in the currently unsignalized one-mile section of Middlefield Road from Oak Grove Avenue to Marsh Road. These platoons would provide gaps in traffic allowing easier movements at other intersections such as Watkins Avenue, Lane Place, James Avenue, Prior Lane, Surrey Lane, Glenwood Avenue and Linden Avenue. These gaps would benefit Lindenwood residents east of Middlefield Road and Atherton and Menlo Park residents west of Middlefield Road.

This is very similar in concept to the signal installed in 2003 on Valparaiso Avenue at University Avenue. That signal had the dual purpose of improving access to Menlo School and platooning vehicles on Valparaiso Avenue to provide improved access to and from Emilie Avenue and other side streets. The Town of Atherton, the City of Menlo Park, Menlo School and Sacred Heart Academy shared in the cost of that signal.

ANALYSIS:

The Town and the City desire to enter into a Memorandum of Understanding (MOU) whereby the City agrees to fund a portion of the civil improvements needed for the intersection upgrade, and to share equally in the cost of the traffic signal. The current estimate for the traffic signal and intersection improvements is \$440,500. The Menlo Park School District has proposed the following split:

- Menlo Park School District - \$187,167
- Menlo Park - \$126,667

- Atherton - \$126,667

The Town's attorneys prepared a draft MOU for approval by the City. With minor revisions to clarify language and improve the payment provision, the Menlo Park City Council approved the MOU and returned signed copies for approval and execution by the Town. A key aspect of the MOU is that the City's portion is capped at \$126,667. Town and City staff, consultants, and the MPSD will work together during the design and construction process to control costs to stay within the designated budgets.

A design consultant has been hired to design the project, and the project is planned for construction during the summer school break.

FISCAL IMPACT:

Atherton's portion of \$126,667 is budgeted in the current Capital Improvement Program (CIP) from Measure A funds. The MPSD's portion of \$187,167 was secured with the approval and execution of an MOU in December of 2008. With this MOU, the City's portion of \$126,667 will be secured.

Once the design is completed and an accurate cost estimate is prepared, a spreadsheet detailing all elements of the project will be developed and the costs for each element assigned or shared per the agreements. The final project cost will be shared based on the bid prices for each shared element of the project.

Prepared By:

Approved:

Duncan L. Jones, P.E.
Public Works Director

Jerome D. Gruber
City Manager

Attachments: MOU

**MEMORANDUM OF UNDERSTANDING
REGARDING SHARING OF COSTS FOR SIGNALIZATION OF
ENCINAL/MIDDLEFIELD INTERSECTION**

This Memorandum of Understanding ("MOU") is entered into this ____ day of ____, 2009 ("Effective Date") by and between the TOWN OF ATHERTON ("Town") and the CITY OF MENLO PARK ("City"). Town and City may sometimes hereinafter be referred to as the "Parties."

RECITALS

A. The Parties desire to implement traffic signal and safety lighting improvements for the intersection of Encinal Avenue and Middlefield Road as approved by Town and City on ____, 2009 ("Project").

B. The Parties further desire to specify the terms and conditions under which the Project is installed and financed.

C. The Menlo Park City School District ("District") has agreed to cooperate with other agencies, including Town and City, to address the costs of off-site traffic and pedestrian safety impacts at the Project site arising from its project to modernize the Encinal School facility. Town and District entered into an MOU dated January 16, 2009 that provides for District to pay an amount not to exceed \$187,167.00 towards the Project.

D. Town and City desire to establish by this MOU the respective roles of the Parties in the completion and funding of the Project.

AGREEMENT

In consideration of the mutual covenants set forth herein, the Parties agree as follows:

1. Town will undertake the Project, including advertisement, bid opening, award of the contract, contract administration, and all necessary construction engineering services pursuant to all applicable Town contracting, construction, and Public Works' procedures.

2. Town will share plans, specifications and estimates with City for review and approval prior to commencing the Project.

3. Town will consult with City concerning timing of the traffic signal. If any dispute arises concerning the timing of the traffic signal, the Parties will negotiate in good faith to resolve any such dispute.

4. Upon completion of the Project, City shall partially reimburse Town for one third (1/3) the costs, not to exceed a total contribution on the part of the City of \$126,667, for the installation of the traffic signal equipment and improvements to the northbound left turn lane on Middlefield Road to accommodate a 270' queue of turning vehicles, including the expense of construction engineering, construction costs, contract administration, but excluding the relocation or modification of any utility poles ("City's Costs"). City's Costs are limited to the

planning, design, and construction of the portions of the Project as generally set forth above. The Town shall be responsible for all ongoing maintenance and repair of the Project. No City funds will be committed for the ongoing maintenance and repair of, or insurance for, the Project.

5. City's Costs will be memorialized in a letter from the Town to the City's Director of Public Works, together with invoices documenting each of City's Costs. Payment shall be due within sixty (60) days of receipt of such letter memorializing the City's Costs following completion of the Project and acceptance of the work by the Town. City shall be obligated to contribute funds toward the Project only if construction of the Project (1) is completed within three (3) years of the Effective Date of this MOU (or such extended date as may be approved by the City), (2) includes signalization in accordance with plans approved by City's Director of Public Works, and (3) is approved by the Town's City Council.

6. The Project shall be a work of public improvement undertaken solely by the Town in its sole authority, with costs partially reimbursed by City and District as set forth above. Town and City agree that the reimbursement shall not change the character of the Project, nor the ownership, maintenance or control of any materials, labor, or land purchased by the Town to complete the Project.

7. Nothing in this MOU, nor any activity in relation to the Project, shall be deemed or construed as a partnership or joint exercise of powers.

8. This MOU shall be governed by and construed in accordance with the laws of the State of California without reference to choice of laws principles. Litigation arising out of or connected with this MOU shall be instituted and maintained in the courts of San Mateo County in the State of California.

9. If any provision of this MOU is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the MOU shall continue in full force and effect and shall in no way be impaired or invalidated, and Town and City agree to substitute for the invalid or unenforceable provision a valid and enforceable provision that most closely approximates the intent and economic effect of the invalid or unenforceable provision.

10. This MOU constitutes the entire agreement between Town and City and supersedes whatever oral or written understanding they may have had prior to the execution of this MOU. This MOU shall not be amended or modified except by a written agreement executed by each of the Parties hereto.

11. This MOU may be executed in one or more counterparts, including facsimile counterparts, each of which shall, for all purposes, be deemed an original and all such counterparts, taken together, shall constitute one and the same instrument.

12. Town and City and their respective counsel have each carefully reviewed this MOU, and each has agreed to each term of the MOU. No ambiguity shall be presumed to be construed against either party.

13. Neither Town nor City may assign any right or obligation pursuant to this MOU. Any attempted or purported assignment of any right or obligation hereunder shall be void and of no effect.

14. Waiver by either Party of any default, breach or condition precedent shall not be construed as a waiver of any other default, breach or condition precedent or any other right hereunder.

15. The signatories to this MOU hereby represent and warrant that they are fully authorized to sign this MOU on behalf of the party that they represent.

CITY OF MENLO PARK

TOWN OF ATHERTON

By: *Lee Ryan*
 City Manager

By: _____
 Mayor

Attest:
 Margaret Roberts
City Clerk

Attest:

City Clerk



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JANUARY 20, 2010

**SUBJECT: DONATION OF PUBLIC WORKS 1986 CASE
LOADER/BACKHOE TO MENLO PARK FIRE
PROTECTION DISTRICT**

RECOMMENDATION:

Staff recommends donation of 1986 Case loader/backhoe to Menlo Park Fire Protection District (MPFPD) for their use at their rescue training center to aid them in maintaining the roadway.

INTRODUCTION:

In September 2008, the Public Works Department had its 1986 Case 560 backhoe replaced with a new 2009 John Deere 310 machine.

Since that time, the Case backhoe has been living a semi-retired life out at Holbrook-Palmer Park grounds, filling in during times of repair to park maintenance equipment and used occasionally to dig a hole or pull a stump.

The reason for replacement of the equipment in the first place was;

- Lifespan exceeded on machine
- Continually stricter California Air Resources Board (CARB) requirements made the diesel engine on the machine unusable for our fleet.
- Machine coming due for a number of costly repairs.

I was contacted by Bob Blach from the MPFPD regarding the possibility of the Town donating the old machine to their department (or selling it for \$1). I explained to him about the non-compliant engine status of the machine (even to the extent that if we were to sell it at auction, it would have to be sold out of state). Bob explained to me that certain fire department equipment is exempt from the CARB requirements. He confirmed this through his equipment shop.

Fire Chief Harold Schapelhouman has sent me a formal request for the donation of the unit dated 01/06/2010 (see attached).

Their plan is to use this machine for off road purposes only out in the area near 1 Bayfront Road. The purpose of the equipment will be to maintain the road that leads out to their rescue training facility just west of the Dumbarton Bridge.

ANALYSIS:

This machine was purchased in 1990 for \$10,251.25 and has been depreciated to \$0.00 per our finance accounting records. In other states, a comparable (but better equipped) machine is listed on web-sites for between \$5000 to \$12,000 (see attached sample, which has an enclosed cab where ours does not). But when you factor in transportation and auctioneer costs; as well as mechanical upgrades necessary to get the machine into "saleable" shape, the actual gains to the town could be much less (and possibly negative).

The Town has no further use for this machine at this time, and it will be a liability due to CARB requirements until it is sold or otherwise disposed of per our excess equipment protocols.

FISCAL IMPACT:

The potential revenue loss to our general fund could be as much between \$4000 and \$6000 dollars. But with potential costs of auctioning, repairs and transporting out of state, the actual revenue potential could be close to nothing.

Prepared By:

Approved:

Duncan L. Jones, P.E.
Public Works Director

Jerome D. Gruber
City Manager

Attachments: MPFPD Request Letter
Sample out of state internet listing



Menlo Park Fire District

300 Middlefield Road • Menlo Park, CA 94025 • 650.688.8400 • Fax: 650.323.9129
Fire Prevention Bureau • 650.688.8425 • 650.473.9847

Town of Atherton
Steve Tyler
91 Ashfield Road
Atherton Ca, 94027

January 6, 2010

Dear Steve,

The Menlo Park Fire Protection District respectfully requests the donation or sale for \$1 of a 1986 Case 480 Tractor from the Town of Atherton. The tractor will be used exclusively at our training facility located on Bay Front Expressway just west of the Dumbarton Bridge. The tractor will not be utilized on public roadways, freeways or for hire. The use of this equipment will be to maintain and enhance our rescue training site for disaster preparedness and emergency operations training. The Menlo Park Fire Protection District appreciates the cooperative support from the Town of Atherton to better prepare our rescue providers and CERT members in the event of an emergency or disasters.

Respectfully Requested,

A handwritten signature in black ink, appearing to read "Harold Schapelhouman".

Harold Schapelhouman, Fire Chief

Case 480E Loader Backhoe 1986 Grand Rapids, Michigan, 49548

http://www.equipmentlocator.com/asp/eDetails/CASE/480E/eqID/6...

Print

Close



<p>Ais Construction Equipment Corp</p> <p>Mark Kelso 600 44th St Sw Grand Rapids, Michigan, 49548 USA OFFICE +1 616 538-2400 FAX +1 616-538-0449 LANGUAGES SPOKEN English mkelso@aisequip.com www.aisequip.com</p> <p>View All This Dealers Equipment</p> <p>Loader Backhoe CASE 480E</p>		
<p>Get A Quote</p>	<p>Email Record</p>	<p>Show All Pics (6)</p>

SAY YOU SAW THIS ON EQUIPMENTLOCATOR.COM!!!

AVAILABILITY AND PRICE SUBJECT TO CHANGE AND/OR PRIOR SALE. SPECIFICATIONS AND EQUIPMENT CONFIGURATION IS SUBJECT TO CHANGE - PLEASE CONSULT A SALESMAN TO ENSURE THAT WEBSITE INFORMATION IS CORRECT AND UP-TO-DATE.

EQUIP. LOCATION	Grand Rapids, Michigan, USA		
STOCK #	H38953	SERIAL#	17001873
MAKE	Case	CATEGORY	For Sale
MODEL	480E,	STATUS	On Yard
YEAR	1986	CLASS	Used
NOTES	■ Loader Backhoe		
AVAILABLE	Immediately	EST HOURS	4319
PRICE	9500 USD		9500 USD



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JANUARY 20, 2010

**SUBJECT: APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES
AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR
TRAFFIC ENGINEERING SERVICES FOR THE FAIR OAKS LANE
TRAFFIC STUDY, IN AN AMOUNT NOT TO EXCEED \$2,950**

RECOMMENDATION:

Accept the proposal and authorize the City Manager to sign a Professional Services Agreement Amendment with Kimley-Horn and Associates, Inc to provide traffic engineering services for the Fair Oaks Lane Traffic Study in an amount not exceed \$2,950.

BACKGROUND:

The original Professional Services Agreement with Kimley-Horn for the Fair Oaks Lane Traffic Study was approved in November of 2008. Due to budget reductions, the study was postponed into the 2009-2010 budget. The initial study and public meeting were performed, with a very good turnout at the public meeting.

The overwhelming choice of the residents of the Fair Oaks Lane area was to implement traffic calming such as speed humps on the street. In order to further study these devices, coordination with and evaluation of emergency response routes is needed. Fair Oaks Lane is a primary emergency response route for the Menlo Fire Protection District (MPFPD). The consultant proposes to meet with the MPFPD and evaluate their concerns as a part fo the study and report.

ANALYSIS:

Staff met with the consultant to develop the scope of work for the study. Staff evaluated the proposal and determined that the scope and fee were reasonable.

FISCAL IMPACT:

Parcel Tax Funds in the amount of \$35,000 are budgeted for traffic studies in FY 2009-10. To date \$18,040 has been authorized for this study. The Scope of Services and Fee Estimate were negotiated with the selected firm. The final negotiated fee estimate is \$2,950. The additional cost remains within budget.

Prepared By:

Approved:

Duncan L. Jones, P.E.
Public Works Director

Jerome D. Gruber
City Manager

Attachments: Professional Services Agreement Amendment

FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE TOWN OF ATHERTON AND KIMLEY-HORN AND ASSOCIATES, INC.

This First Amendment to the Professional Services Agreement by and between the Town of Atherton ("Town") and Kimley-horn and Associates, Inc. ("Consultant") for the Fair Oaks Lane Traffic Study ("First Amendment") is entered into as of the ____ day of January, 2010, ("Effective Date"), by and between Town and Consultant.

RECITALS

- A. Town and Consultant are parties to that certain Professional Services Agreement for the Fair Oaks Lane Traffic Study dated February 10, 2009 ("Agreement").
- B. Town and Consultant now desire to enter into this First Amendment to provide for the additional services as described below.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby amend the Agreement as follows:

- 1. Exhibit A, Scope of Services. Emergency Route Evaluation
- 2. Exhibit B, Compensation. \$2,950
- 3. Agreement in Effect. The parties acknowledge and agree that the Agreement, except as amended by this First Amendment, remains unmodified and in full force and effect in accordance with its terms.
- 4. Counterpart Signatures. This First Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

IN WITNESS THEREOF, the parties have executed this First Amendment as of the Effective Date.

TOWN OF ATHERTON:

By: _____ / _____
Jerry Gruber, City Manager (Date)

CONSULTANT:

By: _____ / _____
Name: _____ (Date)
Title: _____

ATTEST:

City Clerk

By: _____ / _____
Name: _____ (Date)
Title: _____

APPROVED AS TO FORM:

City Attorney

EXHIBIT A



Kimley-Horn
and Associates, Inc.

January 13, 2010

Mr. Duncan L. Jones
Director of Public Works
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

■
6130 Stoneridge Mall Road,
Suite 370
Pleasanton, California
94588

Re: Fair Oaks Lane Additional Services Letter #1

Dear Duncan:

Kimley-Horn and Associates, Inc. (KHA) is pleased to submit this budget amendment request for additional services as requested in your December 18, 2009 email. These additional services were not included in our workscope dated February 10, 2009 and consist of the following tasks:

- One meeting with Menlo Park Fire Department to discuss potential traffic calming improvements on Fair Oaks Lane with respect to the Town's emergency routes (primary, secondary, and mutual aid)
- A qualitative discussion, in the traffic study report, of the impacts of proposed improvements on Fair Oaks Lane to emergency response times. This task includes:
 - Review of current emergency routes
 - Review of nearest fire station or other key facilities (hospitals)
 - Coordination with Menlo Park Fire Department to estimate number of emergency vehicles that travel on Fair Oaks Lane on a daily or weekly basis
 - Summary of literature research of added delay to emergency vehicles due to traffic calming devices (e.g. speed humps or speed lumps). Two staff hours are assumed for this subtask.
 - Coordination with Menlo Park Fire Department to review spacing and number of proposed traffic calming devices (e.g. speed humps or speed lumps)

The estimated staff hours and total cost to conduct the additional services are detailed in the attached table. This will increase our total budget for this study by \$2,950, from \$16,400 to \$19,350. The terms and conditions of the contract dated February 10, 2009 remain in effect.



If you have any questions or comments, please contact Norman at (925) 398-4854.
Otherwise, please provide us with a purchase order and written authorization to proceed.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Paul Krupka".

Paul Krupka, P.E.
Assistant Secretary

Registered Traffic Engineer – CA No. 1574
Registered Civil Engineer – CA No. 47497

A handwritten signature in black ink, appearing to read "N. Wong".

Norman Wong, P.E.
Project Manager

Registered Civil Engineer – CA No. 71683

Enclosure: Attachment – Fee and Billing

K:\BAY_TPTO\097148007.3 Atherton Fair Oaks Lane\Contract Matters\Fair Oaks Budget Amend1.doc



EXHIBIT B

ATTACHMENT

FAIR OAKS LANE BUDGET AMENDMENT #1

FEE AND BILLING

The estimated fee and labor hours to conduct the additional services is approximately \$2,950 as summarized in the table below.

Task	PM	Engineer	Analyst	Support	Total
	P7	P5	P3	N5	
Task 1 - Meet with Menlo Park Fire Department	0	4	0	0	4
Task 2 - Analysis of Impacts to Emergency Vehicles	1	2	8	0	11
Total Hours	1	6	8	0	15
Billing Rate	\$240	\$185	\$155	\$105	
Labor	\$240	\$1,110	\$1,240	\$0	\$2,590
Indirect Expenses (Telephone, Postage, Computer, etc) 6.15% of Labor					\$160
Direct Expenses (Plotting, Fedex, Mileage, etc.)					\$200
Total					\$2,950



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
CITY MANAGER, JERRY GRUBER**

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

DATE: FOR THE MEETING OF JANUARY 20, 2010

**SUBJECT: ACCEPTANCE OF THE FINAL PARCEL MAP AT 64
MOULTON DRIVE**

RECOMMENDATION:

That the City Council determine that the Parcel Map is in conformity with the approved Tentative Parcel Map, the requirements of Title 16 (Subdivisions) of the Atherton Municipal Code and the California Subdivision Map Act and approve the Parcel Map.

BACKGROUND:

The City Council at its May 18, 2005 meeting approved the tentative parcel map to allow the division of one parcel into two parcels at 64 Moulton Drive. Tentative Parcel Maps are effective for a period of two years, at which time a Final Parcel Map must be filed. The City Council granted an 18-month extension of the tentative parcel map to allow the applicant additional time to fulfill the conditions of approval. Specifically, the applicant needed additional time to relocate the main residence and accessory structures to meet the new setbacks resulting from the subdivision. This extension was valid through April 19, 2009. State Law was enacted with the current economy to provide an additional automatic one-year extension on all active tentative parcel maps. The Tentative Map is therefore valid through May 19, 2010.

The approved Tentative Parcel Map divides the 2.02-acre parcel into two 1.01 acre parcels, one of which is a flag lot.

The applicant has completed all work on the property subject to the conditions of approval, has had the property surveyed and a Parcel Map has been prepared in compliance with the approval and conditions of approval.

ANALYSIS:

Atherton Municipal Code and the California Subdivision Map Act provide that the subdivider shall submit the Parcel Map to the Town, comply with all conditions of approval, and cause the Parcel Map to be recorded within twenty four months of the original conditional approval (see discussion above regarding extensions).

The applicant has complied with the conditions of the Tentative Parcel Map Certificate. Specifically, the applicant moved (or removed) all buildings and structures to ensure they comply with new setback requirements established with the subdivision. The applicant has also constructed a new driveway (with pervious material) to the satisfaction of Menlo Fire to access the rear flag lot.

The Cyrus Kianpour, CSG, as the Town’s Acting City Surveyor has reviewed the final Parcel and found the map to be in compliance with the provisions of the California Subdivision Map Act and the Atherton Municipal Code. Additionally, he found the Map to be in conformance with the Tentative Parcel Map as conditionally approved.

Town Staff has also reviewed the final Parcel Map and inspected the property to ensure all conditions of the Tentative Parcel Map have been satisfied. As noted above, Menlo Fire Protection District also inspected the property to ensure the improvements comply with their current regulations for access.

FISCAL IMPACT:

All costs associated with the application are paid for by the applicant.

FORMAL MOTION:

I move that the City Council determine that the Parcel Map is in conformity with the approved Tentative Parcel Map, the requirements of Title 16 (Subdivisions) of the Atherton Municipal Code and the California Subdivision Map Act and approve the Parcel Map and authorize the Deputy City Clerk to record the Map.

Prepared By:

Approved by:

Lisa Costa Sanders
Deputy Town Planner

Jerry Gruber
City Manager

Attachments:

1. Parcel Map
2. Tentative Parcel Map Certificate



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: ATHERTON TOWN COUNCIL

FROM: CHIEF MICHAEL GUERRA

DATE: FOR THE MEETING OF JANUARY 20, 2010

**SUBJECT: RESOLUTION AUTHORIZING AN ADJUSTMENT IN
MUNICIPAL CODE & VEHICLE CODE PARKING FINES**

RECOMMENDATION:

It is recommended that Council adopt a resolution authorizing an \$8.00 increase to the bail amount for Municipal Code parking violations, and a 10% increase to the bail amount for Vehicle Code parking violations.

BACKGROUND:

Section 40203.5 (a) of the California Vehicle Code states the following:

The schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued. To the extent possible, issuing agencies within the same county shall standardize parking penalties.

Other than the recent \$5.00 increase which took effect on November 24, 2009 to absorb some of the cost of California State Senate Bill 1407, the Town of Atherton has not raised the Parking Violation Bail Fines in over 10 years. The current bail amount for all Municipal Code Violations in Atherton stands at \$30.00. Staff is proposing raising all Municipal Code Parking Violations to \$38.00 and raising the Vehicle Code Parking Violations by 10%.

Turbo Data Systems is the company that many California Law Enforcement Agencies use to process their parking citations. Staff requested the Bail Amounts from various municipalities in San Mateo County from Turbo Data Systems. The bail amounts for each Municipal Code Violation were added together and the total was then divided by the number of Municipal Codes Violations listed to obtain the average bail amount. Staff then did the same with the bail amounts for Vehicle Code Parking Violations. The

average for the surveyed Municipal Code Violations was \$38.06 while Atherton is only \$30.00. The average for the surveyed Vehicle Code Violations was \$92.60 while Atherton is only \$85.25 (*Refer to Exhibits A and B*).

DISCUSSION:

The primary purpose of parking fines is to discourage illegal parking and the negative consequences associated with illegal parking. This is true for any illegal parking, but it is especially true due to the limited amount of residential parking in our Town. Our parking philosophy is to support our residents by insuring parking space availability and to create a safe and orderly parking and traffic environment in our neighborhoods. This is accomplished through education, information and enforcement. When fines are set too low, they are not an effective deterrent to illegal parking behavior. The parking fines recommended in this staff report are in line with the parking levels in several other communities and are high enough to sufficiently serve as an effective deterrent to illegal parking.

The recommended parking fine increases will not have an adverse impact in our residents. It will only affect those persons who violate our Municipal Code Parking regulations, which in-turn adversely affects our community as a whole.

The proposed standard of \$38.00 for Municipal Codes and +10% for Vehicle Codes are in line with the other cities in our county.

FISCAL IMPACT:

This year the Atherton Police Department averaged approximately 14 parking cites per month for Municipal Code Violations. At that rate, if the Town Council adopts to raise the Municipal Code Bail Amounts to \$38.00, the Town can generate annually \$6,384.00 (minus court fees). Also, within the year, the Atherton Police Department generated an average of \$585.00 per month for Vehicle Code Parking Violations. At that rate, if the Town Council adopts to raise the Vehicle Code Bail Amounts by 10% the town can generate annually \$7,722.00(minus court fees).

ATTACHMENTS:

- Exhibit A: Current Average for Municipal Code Violations
- Exhibit B: Current Average for Vehicle Code Violations
- Exhibit C: Proposed Atherton Parking Bail Schedule

Prepared By:

Approved:

Michael Guerra
Chief of Police

Jerome D. Gruber
City Manager

RESOLUTION NO.10-02

**RESOLUTION OF THE TOWN OF ATHERTON
ADJUSTING MUNICIPAL CODE PARKING**

RESOLVED by the TOWN COUNCIL OF THE TOWN OF ATHERTON that:

WHEREAS, California Vehicle Code Section 40203.5 authorizes the Town Council to set the penalties for parking violations; and

WHEREAS, the Town Council wishes to adjust those penalties from time-to-time;

NOW, THEREFORE, IT IS RESOLVED AND ORDERED that:

1. The Town Council adopts the schedule attached hereto as exhibit C as the Parking Bail Schedule for the Town of Atherton. The schedule shall be effective upon adoption.

Mayor

I, Theresa DellaSanta, Town Clerk of the Town of Atherton, do hereby certify that the foregoing resolution was adopted at a regular meeting of the City Council held on January 20th 2010, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Town Clerk

Exhibit A

Municipality	Average Fine
<i>ATHERTON</i>	<i>\$30.00</i>
Belmont	\$34.00
Brisbane	\$27.03
Broadmoor	\$57.64
Burlingame	\$38.96
Colma	\$40.27
Daly City	\$42.74
East Palo Alto	\$41.35
Foster City	\$35.00
Half Moon Bay	\$53.95
Hillsborough	\$17.31
Menlo Park	\$43.09
Millbrae	\$42.71
Pacifica	\$40.52
Portola Valley	\$30.00
Redwood City	\$27.41
San Bruno	\$44.81
San Carlos	\$34.33
San Mateo	\$32.43
South San Francisco	\$39.67
<i>Average of Municipalities</i>	<i>\$38.06</i>

Exhibit B

<u>Municipality</u>	<u>Average Fine</u>
<i>Atherton</i>	<i>\$85.25</i>
Belmont	\$105.00
Brisbane	\$108.57
Broadmoor	\$95.94
Burlingame	\$91.76
Colma	\$85.53
Daly City	\$133.00
EPA	\$54.06
Foster City	\$89.12
Half Moon Bay	\$85.00
Hillsborough	\$75.31
Millbrae	\$113.21
Menlo Park	\$77.06
Pacifica	\$100.50
Portolla Valley	\$72.27
Redwood City	\$94.17
San Bruno	\$102.06
San Carlos	\$81.93
San Mateo	\$105.00
South San Francisco	\$97.22
<i>Average of Municipalities</i>	<i>\$92.60</i>

Exhibit C

ATHERTON MUNICIPAL CODE VIOLATIONS

10.04.020	\$38.00
10.16.010	\$38.00
10.16.202	\$38.00
10.28.010	\$38.00
10.36.030b	\$38.00
12.24.090b	\$38.00

VEHICLE CODE VIOLATIONS

4000(a)*	\$61.00
5200	\$33.00
5204(a)	\$33.00
26708.5(a)	\$33.00
26710	\$33.00
27155	\$33.00
27600	\$33.00
28071	\$33.00
4462(b)*	\$61.00
21113(a)	\$44.00
21211(b)	\$33.00
22500(e)*	\$28.00
22500.1	\$44.00
22502(a)*	\$28.00
22507.8(a)	\$363.00
22507.8(b)	\$363.00
22507.8(c)(2)	\$363.00
22514*	\$28.00
22523(a)*	\$116.00
22523(b)*	\$116.00

(*values rounded to nearest dollar)

PROCLAMATION

Of the Town of Atherton City Council

Declaring

February 2010 as Boy Scouts of America 100th Anniversary Celebration

WHEREAS, the Boy Scouts of American was founded on February 8, 2010 by William D. Boyce and chartered by Congress in 1916; and

WHEREAS, the mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law; and

WHEREAS, the Pacific Skyline Council delivers scouting programs that develop character, citizenship, fitness and leadership skills to youth in the San Mateo and Santa Clara Counties; and

NOW, THEREFORE I, as Mayor of the Town of Atherton, and on behalf of the Atherton City Council, do hereby proclaim the month of February 2010 as

*BOY SCOUTS OF AMERICA
100TH ANNIVERSARY
CELEBRATION*

And to recognize the contributions of citizenship and service that Scouting brings to this community.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the seal of the Town of Atherton to be affixed this 20th day of January, 2010.

Kathy McKeithen, MAYOR

Jim Dobbie, VICE MAYOR

Council Member

Council Member

Council Member



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: EILEEN M. WILKERSON, ASSISTANT CITY MANAGER

DATE: FOR THE MEETING OF JANUARY 20, 2010

**SUBJECT: APPROVE HOLBROOK-PALMER PARK TENNIS
PROFESSIONAL AGREEMENT AND AUTHORIZE THE CITY
MANAGER TO EXECUTE THE AGREEMENT**

RECOMMENDATION:

Approve the Holbrook-Palmer Park Tennis Professional Agreement and authorize the City Manager to execute the Agreement.

INTRODUCTION:

Alan Margot has been providing tennis professional services as a vendor in the park. His Agreement with the Town has expired and the Town and Mr. Margot are interested in renewing the Agreement.

ANALYSIS:

The scope of services was revised based on discussion between the City Manager, Director of Public Works, and Mr. Margot. Some activities in the previous scope of work have not been able to be performed, many due to lack of interest on the part of customers. The scope under the new contract has been revised to reflect the current level of activity. The City Attorney has reviewed the Agreement and approved as to form. The Park and Recreation Commission reviewed the Agreement at their October and November meetings and recommend approval.

FISCAL IMPACT:

The Tennis Professional pays the Town 10% of his gross receipts.

Prepared By:

Approved:

Eileen M. Wilkerson
Assistant City Manager

Jerome D. Gruber
City Manager

Attachments: Tennis Professional Agreement



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF JANUARY 20, 2010

SUBJECT: CITY COUNCIL STANDING COMMITTEE REORGANIZATION

RECOMMENDATION:

Approve City Council Standing Committee Assignments.

BACKGROUND:

Each January the new Mayor reorganizes the City Council Standing Committees. Attached is the 2010 Council standing committee assignments selected by Mayor McKeithen.

2010 CITY COUNCIL STANDING COMMITTEES

- 1) AHERTON RAIL COMMITTEE
Jerry Carlson Kathy McKeithen Charles Marsala (Alt.)
- 2) BLUE RIBBON TASK FORCE
Elizabeth Lewis Jerry Carlson Charles Marsala (Alt.)
- 3) ENVIRONMENTAL PROGRAMS COMMITTEE
Charles E. Marsala Elizabeth Lewis Jim Dobbie (Alt.)
- 4) FINANCE COMMITTEE
Kathy McKeithen Jim Dobbie Elizabeth Lewis (Alt.)
- 5) GENERAL PLAN COMMITTEE
Jim Dobbie Elizabeth Lewis Jerry Carlson (Alt.)
- 6) TRANSPORTATION/TRAFFIC SUBCOMMITTEE
Kathy McKeithen Jim Dobbie Elizabeth Lewis (Alt.)

OTHER GOVERNMENTAL COMMITTEE ASSIGNMENTS

- 8) ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG)
Elizabeth Lewis Charles Marsala (Alt.)
- 9) CITY/COUNTY ASSOCIATION OF GOVERNMENTS - C/CAG
Kathy McKeithen Jerry Carlson (Alt.)
- 10) HOLBROOK-PALMER PARK FOUNDATION
Jim Dobbie Elizabeth Lewis (Alt.)
- 11) LEAGUE OF CALIFORNIA CITIES
Jerry Carlson Kathy McKeithen (Alt.)
- 12) LIBRARY JPA GOVERNING BOARD (SAN MATEO COUNTY)
Kathy McKeithen Jim Dobbie (Alt.)
- 13) PENINSULA TRAFFIC CONGESTION RELIEF ALLIANCE
Jim Dobbie Charles Marsala (Alt.)
- 14) SAN FRANCISCO AIRPORT/COMMUNITY ROUNDTABLE
Elizabeth Lewis Jim Dobbie (Alt.)
- 15) SAN MATEO COUNTY EMERGENCY SERVICES COUNCIL
Charles Marsala Jerry Carlson (Alt.)
- 16) SAN MATEO COUNTY SUB-REGIONAL HOUSING POLICY ADVISORY COM.
Elizabeth Lewis Jerry Carlson (Alt.)

- 17) 2020 GATEWAY COMMITTEE
Charles Marsala Elizabeth Lewis (Alt.)
- 18) GRAND BLVD. TASK FORCE
Charles E. Marsala Elizabeth Lewis (Alt.)
- 19) MENLO PARK FIRE PROTECTION DISTRICT
Jerry Carlson Elizabeth Lewis (Alt.)
- 20) PENINSULA CITIES CONSORTIUM (for High-Speed Rail)
Jerry Carlson Kathy McKeithen Duncan Jones (Alt Staff Member)



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF JANUARY 20, 2010

SUBJECT: DESIGNATE APRIL 18, 2010 AS COMMUNITY CLEAN-UP DAY FOR HOLBROOK-PALMER PARK IN CONJUNCTION WITH NATIONAL EARTH DAY CEREMONIES

Recommendation:

City Council to designate April 18, 2010 as a Community Clean-up day for Holbrook-Palmer Park in conjunction with National Earth Day ceremonies. Furthermore, City Council utilizes this event to officially dedicate the new Conwell walking bridge and the water tower landscaping additions to the park.

Background:

Attached you will find a report from Richard Moore on the time table of events for the Park Clean-Up day on April 18th. The Council previously approved the clean-up day concept at its regular August Council meeting and now Mr. Moore has brought forth a scheduling and responsibility plan for this event. Staff has been working with Mr. Moore on the implementation of the clean-up program and suggests that City Council review the attached report from Mr. Moore and approve his recommendations to kick-off this event. I also suggest Council consider formalizing the volunteer program effort by naming Richard Moore as the Volunteer Coordinator. Furthermore, I recommend Council direct staff to develop a structured responsibility role for this position along with reporting guidelines to the City Manager.

Date: January 20, 2010

To: Honorable Atherton City Council

From: Richard Moore: Resident, Holbrook-Palmer Park Foundation Board of Director & Park & Recreation Commissioner

Subject: Holbrook-Palmer Park Community Maintenance Assistance Program

Recommendations:

- **City Council designate April 18th as a Community Clean-Up Day for Holbrook-Palmer Park in conjunction with National Earth Day Ceremonies.**
- **City Council utilized this event to officially dedicate the new Conwell Walking Bridge and the Water Tower Landscaping Additions to the Park.**
- **City Council instructs staff to work with volunteers on developing future “Park Area Adoption”, “Handyperson Resource” and “Small Park Project” Programs as outlined in this report for Park & Recreation Commission’s review and possible recommendation.**

Purpose:

The park’s current maintenance needs overwhelms its available resources and the town’s ability to support those needs have been somewhat limited due to the present financial climate facing local municipalities, counties and the State of California. In order to supplement the park maintenance, a program using volunteers would be of great value.

Background:

I was asked if I would be interested in developing a park volunteer maintenance assistance program utilizing members from our community and users of Holbrook-Palmer Park by City Manager Jerry Gruber. I began this process by drafting a concept paper and sharing it with Jerry Gruber (City Manager), Duncan Jones (Public Works Director), Steve Tyler (Park Superintendent), Jean Cardona (Park Program Director), Mike Anderson (Park Supervisor), Elizabeth Lewis (City Councilperson), James Dobbie (City Councilperson) and members from the Holbrook-Palmer Park Foundation Board of Directors and Atherton Park & Recreation Commission.

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Facts:

- **The Holbrook-Palmer Park Foundation** at its meeting on August 3rd and **Park & Recreation Commission** at its meeting on August 4th approved the volunteer program concept and indicated their willingness to work together to formulate a volunteer assistance program.
- **City Council** at its August 19th meeting approved designating the “Park and Recreation Commission and the Holbrook-Palmer Park Foundation as coordinating partners of a Community Volunteers Park Maintenance Assistance Program with support and direction from the Town Manager and his staff”.
- **Holbrook-Palmer Park** is a beautiful 22 acre park which is a real asset for both the residents of Atherton and its surrounding neighborhoods. In order to maintain the park in its intended purpose, the Town of Atherton & Holbrook-Palmer Park Foundation over the years have financially supported the park.

Community Cleanup Program

Community Cleanup Day Goal:

A community volunteer program to augment the maintenance needs of the park through a designated four hour cleanup day. If successful, additional cleanup days and new support programs could be scheduled throughout the year.

Clean-Up Day Schedule

- **8:00am to 8:30am: Final instructions to group (captains) leaders from Staff** and placement of need support items in each clean up area.
- **8:30am to 9:00am: Organizing volunteers** by HP Park Foundation & Park & Recreation Commission , Town staff conducts training of volunteers on safety issues (OSHA) dealing with use of cleanup tools. Volunteers are then introduced to their group leaders and assigned cleanup areas. Inclusion of use of name tags and the possibility identifying T-Shirts, or buttons.

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- **9:00am to 1:00pm: Volunteers** with guidance from their group (captains) leaders provide clean-up activities within their assigned areas and if needed in other areas as the work load may demand.
- **1:00pm to 2:00pm: BBQ luncheon** for volunteers hosted **by the Holbrook Palmer Park Foundation** (**BBQ to be held on new Water Tower Landscaping area**).
- **2:00pm: Town Council** dedicates both the Bill Conwell Walking Bridge and Water Tower Landscaping areas & thanks volunteers for their community support.

Clean-Up Day Implementation Schedule Plan:

1. January 2010:

- **City Council:** designate April 18th as Park Volunteer Clean-Up Day
- **Town Park Staff:** designates areas for cleanup duty, along with specific plans and requirements for each area.
- **Volunteer Coordination:** assess volunteer resources needed and makes recruitment plans.

2. February 2010:

- **Park & Recreation Commission & Holbrook-Palmer Park Foundation:** recruits volunteer & group recruitment leadership to gain sufficient access to community members.
- **Town Administrative Staff:** supports volunteers in publicizing the Clean-up day in its community newsletter and purchase two street banners for use at Marsh & Middlefield Roads and in front of the Park.
- **Volunteer Recruitment:** coordinators contact persons throughout the community and those who use the park facilities to gain their willingness to participate in the upcoming park clean-up day.
- **Town Park Staff and Volunteer Coordinators:** meet to examine staff's recommendations for designated areas for clean-up day (on-site). This group then decides on strategy, area priorities & amount of volunteers needed for each clean-up area. Proposed areas are then developed, are prioritized, and formulated to stand alone areas based upon available volunteer resources.

3. March 2010:

- **Volunteer Recruitment:** selection of captains for specific clean-up areas within the park.
- **Volunteer Recruitment:** develop a master list of those committed individuals and groups' volunteers for use on April 18th.
- **Town Park Staff:** develop plans to provide the needed resources (tools, clean-up tubs, landscaping materials).

4. April 2010- Prior to Event

- **Town Park Staff:** one week prior to the clean-up event: volunteer clean-up captains are schooled on their specific areas, clean-up goals and how to supervise successfully.
- **Town Park Staff:** two hours prior to clean-up day, needed support material are placed in each designated clean-up area.
- **Volunteers Recruitment & Town Administrative Staff:** coordinate publicity of event in local papers. Placement of community awareness banners at specified locations.
- **Holbrook-Palmer Park Foundation and the Park & Recreation Committee** Make plans for after event BBQ, along with Town Staff.

5. April 18, 2010:

- **Town Park Staff:** provides OSHA training to volunteers and gains liability release forms from each volunteer. Plus provides overall supervision of area clean-up activities.
- **Volunteer Recruitment:** coordinators provide assistance throughout the clean-up events.
- **Holbrook-Palmer Park Foundation and the Park & Recreation Commission:** hosts a BBQ after the cleanup activities are completed to thank volunteers, plus notify the community of future park volunteer efforts.
- **City Council:** dedicates the new Conwell Walking Bridge and Water Tower Landscaping areas.

Volunteers & Groups for Use at Clean-up Day

- **Town Commissions & Committees:** Planning Commission, General Plan Committee, Transportation Committee, Railway Committee, Environmental Committee, Tree Committee, Heritage Committee, Parks & Recreational Commission, plus members of the City Council.
- **Town Support Groups:** Friends of the Library, Holbrook-Palmer Park Foundation, Atherton Dames, Park Tennis Key Holders, Atherton Disaster Committee, Atherton Police Explorer Scouts & Police Crime Prevention Committee
- **Homeowners Associations:** Lindenwood Home Owners Association, Lloyd Park Homeowners Association, Felton Gables Homeowners Association, plus the three smaller local homeowner associations within Atherton.
- **Park User Groups:** Pre-School Parents, Dog School Participates, Little League players & parents, AYSO players & parents, Lacrosse players & parents, Tennis School players & parents, park classes participates & other youth user groups, and parents of the users of the children park playground area, and groups/businesses who are frequent facility renters
- **Community Groups:** Boy/Girl Scout Troops, Lions Club, Atherton Civic Interest League, Atherton Garden Guild, Menlo Park Rotary Club & Woodside-Atherton Garden Club
- **Three Local High Schools & College Student Volunteers:** Encourage students to volunteer to earn community service units through their school.

Getting the Word Out For Community Participation-Cleanup Program

- Articles in the Town's Newsletter and Local Newspapers (Town Staff)
- E-mail Messages to the Community via the Town e-mail listing (Town Staff)
- Banners posted at Middlefield & Marsh Roads, plus banners at the Park Entries. (Town Staff)
- Voice Messages sent through the town's alert phone system (Town Staff)
- Homeowners Newsletters (Volunteers)

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- Park Class Schedules (Town Park Staff)
- Flyers distributed to Pre-School Parents & Other Group Users (Volunteers)
- Contact the local high schools & college students to volunteer their time for community service graduation credits (Police Department School Resource Officer & Volunteers)
- Flyers posted throughout the park (Town Staff)

Financial Impact-Cleanup Program:

- **Town Finance Director:** reviews expenditure requirements and develops measures to allocate needed funds.
- **Budget Estimates:**
 - (a) Extra clean-up tools as needed above those the town have in its inventory; **\$200.00 Note:** Volunteers will be asked to bring their own gardening hand tools to support this effort. (Town Responsibility)
 - (b) BBQ luncheon food prepared on site: **\$750.00**, cost estimates are on based upon 100 volunteers in attendance. (Holbrook-Palmer Park Foundation to hosts and this funding activity).
 - (c) Newspaper ads & misc. items: **\$800 - \$1,000** (Town responsibility) (Town Responsibility)
 - (d) Two Town Banners (reusable for future events) **\$500** (Town Responsibility)

Legal Impact-Cleanup Program:

- **Town Park Staff:** conducts volunteer equipment usage training as outlined by OSHA procedures for April 14th's clean-up day.
- **Town Administrative Staff:** makes sure its liability Insurance policy contain provisions for participation of community volunteers as outlined in this proposal and has appropriate liability release forms for volunteers to sign at the day of event.
- **City Attorney:** reviews all phases of the Park Volunteers Assistance Program for its legality and liability issues and provides appropriate additions as needed.

Future Park Volunteer Usage Programs:

(Based upon the support from the community, these proposed programs will take extra planning before they can be considered for implementation. The key for their success rests with having a successful Clean- Up Day Program and then these programs may be considered.)

- **Adoption Concept:** Designate portions of the parks for adoption by community groups/persons/associations to provide on-going monthly clean-up activities.
- **Handyman Resources:** Development of handyman repair resources from within the community to assist in various facility and grounds repair requirements.
- **Small Community Projects:** Identify specific small projects for possible boy/girl scout, community and other civic organizations involvement by either completing themselves or assisting in the project's funding.

Conclusion:

The use of volunteers & their related programs will add resource value, and will provide the community an opportunity to show their pride in maintaining Holbrook-Palmer Park in its intended purpose.

Respectfully Submitted:

Richard Moore, Volunteer Coordinator



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MIKE WASMANN, BUILDING OFFICIAL

DATE: FOR THE MEETING OF JANUARY 20, 2010

SUBJECT: ADOPT RESOLUTION 10-04 APPROVING THE TOWN OF ATHERTON BUILDING DEPARTMENT MASTER FEE SCHEDULE; APPROVE PUBLIC WORKS NON-SUBSTANTIVE CHANGE TO GRADING AND DRAINAGE PREPARED BY NBS

RECOMMENDATION:

Adopt Resolution 10-04 approving the Town of Atherton Building Department Master Fee Schedule; approve Public Works non-substantive change to Grading and Drainage prepared by NBS.

BACKGROUND:

The Town engaged the services of NBS to perform a comprehensive fee study. At the August 19, 2009, council meeting council tabled this item for the September 16, 2009, council meeting. Staff also tabled this item for NBS to conclude the Historical Reconciliation of Building Department Costs of Service. At the December 16, 2009, council meeting, council reviewed the final Historical Reconciliation of Building Department Cost of Service report by NBS.

ANALYSIS:

Given the findings of the historical cash flow analysis presented to the City Council on December 16, 2009, nearly all Building Permit and related fees are proposed to remain at current levels (i.e., no change) with the following exceptions, (all of which decrease current fees): Plan Review for projects valued at \$500,001 and greater, Permitted Value of Construction, Heritage Tree removal and Excavation Permit.

As to Public Works fee schedule also a non-substantive change to the Grading and Drainage permit allows charges for staff time instead of consultant time.

FISCAL IMPACT:

Based on the reduction of Plan Review Fee and Permitted Value of Construction, Building Permit and Plan Review revenue for the remainder of the 2009/2010 Fiscal Year is projected to be lower by approximately \$36,000.

The reduction in building revenue will be reflected in the Mid Year Adjustment to City Council.

Prepared By:

Approved:

Mike Wasmann
Building Official

Jerome D. Gruber
City Manager

Attachments: Town of Atherton Master Fee Schedule

RESOLUTION NO. 10-03

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ADOPTING A MASTER FEE SCHEDULE FOR BUILDING DEPARTMENT
FEES FOR THE TOWN OF ATHERTON**

WHEREAS, the City Council commissioned NBS to prepare a Cost Allocation, Cost Recovery, and Comprehensive Fee Study to establish a Master Fee Schedule for the Town;

WHEREAS, the Comprehensive Fee Study provides the necessary data to substantiate that the proposed fees will not exceed the estimated reasonable cost of providing the services for which the fees are to be levied;

WHEREAS, the City Council has reviewed the Comprehensive Fee Study and determined that all of the proposed fees will not exceed the estimated reasonable cost of providing the services for which the fees are to be levied;

WHEREAS, none of the fees outlined in the Master Fee Schedule are Development Impact Fees (fees imposed as a condition of approval of a development project) subject to state law requirements pertaining to such fees;

WHEREAS, in accordance with state law, the Comprehensive Fee Study was made available for public review at least 10 days prior to the meeting at which the Building Department Fee Schedule was adopted;

WHEREAS, in compliance with relevant provisions of the Mitigation Fee Act (Government Code sections 66000 et seq.), the City Council held a noticed public hearing on the proposed Master Fee Schedule at special meetings on June 10, 2009 and June 25, 2009 and at regular meetings on September 16, 2009, and November 18, 2009, and staff held a community meeting on November 5, 2009;

WHEREAS, the Town published notice for adoption of the Master Fee Schedule and Building Permit Fee Schedule in accordance with Government Code section 6062a;

WHEREAS, the City Council adopted Resolution 09-32 to approve a Master Fee schedule for miscellaneous Town fees except building department fees at a regular meeting on November 18, 2009; and

WHEREAS, the City Council now wishes to approve the master fee schedule for building department fees.

**NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON
DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. Findings.

The City Council declares that the above recitations are true and correct.

Section 2. Amount of Fee.

The City Council hereby approves and adopts the Building Department Master Fee Schedule as set forth in Exhibit A to this Resolution, attached hereto and incorporated by this reference.

Section 3. Waiver of Fee.

The City Council is hereby authorized to waive any of the fees outlined in Exhibit A. If such a waiver occurs, the City Manager or his/her designee will ensure that any fee category for which a waiver was granted does not exceed the estimated reasonable cost of providing the service.

Section 4. No Increase in Amount of Any Town Mitigation Fee.

In calculating any town mitigation fee based upon fees or factors modified by this resolution, the fee shall be calculated using the previously existing fees or factors if the result is a lower mitigation fee.

Section 5. Environmental Clearance.

The adoption of the Master Fee Schedule is not subject to the California Environmental Quality Act (CEQA) in that the establishment of such a funding mechanism is not a "project." Specifically, in accordance with CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms that do not involve any commitment to any specific project that may cause a significant effect on the environment is not deemed to be a "project" under CEQA.

Section 6. Severability.

If any action, subsection, sentence, clause or phrase of this Resolution or the fees levied by this Resolution shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or the fees levied by this Resolution that can be given effect without the invalid provisions.

Section 7. Effective date.

Pursuant to Government Code section 66017(a), the fees identified in Exhibit A shall take effect 60 days following the adoption of this Resolution by the Town Council.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 20th day of January, 2010 by the following vote:

*AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:*

Kathy McKeithen, MAYOR
TOWN OF ATHERTON

ATTEST:

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney

TOWN OF ATHERTON

WORKING VERSION OF THE MASTER FEE SCHEDULE

Note: This Fee Schedule does not include all fees that may be imposed by the Town of Atherton

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TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Administrative Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Fee Adopted 11/18/2009
ADMINISTRATIVE FEES				
Photocopying and/or Printing	\$0.10 Per Page	\$11 Minimum	May Be Less Than 100%	\$0.10 Per Page
Digital Transmission of Files	\$0	\$32	0%	\$0
Returned Checks (Non-Sufficient Funds)	\$20	\$124 Plus Bank Fees	16%	\$35 Per Check
Stop-payment Check & Lost Check Replacement	\$0	\$124 Plus Bank Fees	0%	\$35 Per Check
Tape Duplication - Per Tape	\$10	\$64	16%	\$64
Notarize - Per Signature	\$10	\$32	31%	\$10
Certified Copies - Per Copy	\$1	\$32	3%	\$32
Special Event Application Review	\$75	\$218	34%	\$218
Copy of Municipal Code	\$100	Free Via Website or See Photocopying and Printing Charge	n/a	Free Via Website or See Photocopying and Printing Charge
Copy of General Plan	\$40	Free Via Website or See Photocopying and Printing Charge	n/a	Free Via Website or See Photocopying and Printing Charge
Copy of Zoning Ordinance	\$15	Free Via Website or See Photocopying and Printing Charge	n/a	Free Via Website or See Photocopying and Printing Charge
Copy of Budget	\$15	Free Via Website or See Photocopying and Printing Charge	n/a	Free Via Website or See Photocopying and Printing Charge
Copy of Subdivision Ordinance	\$5	Free Via Website or See Photocopying and Printing Charge	n/a	Free Via Website or See Photocopying and Printing Charge
List of All Businesses in Atherton	\$0	Free Via Website or \$69	0%	Free Via Website or \$69
Install and Remove Banner:				
Town Related Banner	\$0	\$387	0%	\$0
All Other Banners	\$0	\$387	0%	\$387
Business License Processing Fee	\$25 Pass Through	n/a	n/a	\$25 Pass Through
Duplicate Business License Processing Fee	\$25 Pass Through	n/a	n/a	\$25 Pass Through
Code Enforcement - Administrative (Penalty)	\$0	See Hourly Rates	0%	Billed Hourly; Reference Hourly Rates

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:

Administration Department Staff:	\$129 Per Hour
Finance Department Staff:	\$166 Per Hour

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Calculated Fee Amount Assuming Targeted Recovery of 79% of Cost of Service	Recommended Fee
BUILDING FEES					
Building Permit Fees					
\$1.00 to \$500					
Permit	\$23.50	\$209	11%	\$165	\$23.50
Plan Review	\$15.28	\$431	4%	\$341 OR 207% of Building Permit Fee	65% of Building Permit Fee
\$501 to \$2,000					
Permit	\$23.50 for the first \$500, plus \$3.05 for each add'l \$100, or fraction thereof, to and including \$2,000	\$209 for the first \$500, plus \$19.60 for each add'l \$100, or fraction thereof, to and including \$2,000	11% -- 14%	\$165 for the first \$500, plus \$15.53 for each add'l \$100, or fraction thereof, to and including \$2,000	\$23.50 for the first \$500, plus \$3.05 for each add'l \$100, or fraction thereof, to and including \$2,000
Plan Review	65% of Building Permit Fee	\$437 for the first \$500, plus \$6.53 for each add'l \$100, or fraction thereof, to and including \$2,000	3% -- 8%	\$346 for the first \$500, plus \$5.13 for each add'l \$100, or fraction thereof, to and including \$2,000 OR 158% of Building Permit Fee	65% of Building Permit Fee
\$2,001 to \$25,000					
Permit	\$69.25 for the first \$2,000, plus \$14 for each add'l \$1,000, or fraction thereof, to and including \$25,000	\$503 for the first \$2,000, plus \$20.70 for each add'l \$1,000, or fraction thereof, to and including \$25,000	14% -- 40%	\$398 for the first \$2,000, plus \$16.35 for each add'l \$1,000, or fraction thereof, to and including \$25,000	\$69.25 for the first \$2,000, plus \$14.00 for each add'l \$1,000, or fraction thereof, to and including \$25,000
Plan Review	65% of Building Permit Fee	\$535 for the first \$2,000, plus \$6.26 for each add'l \$1,000, or fraction thereof, to and including \$25,000	8% -- 37%	\$423 for the first \$2,000, plus \$4.96 for each add'l \$1,000, or fraction thereof, to and including \$25,000 OR 88% of Building Permit Fee	65% of Building Permit Fee
\$25,001 to \$50,000					
Permit	\$391.25 for the first \$25,000, plus \$10.10 for each add'l \$1,000, or fraction thereof, to and including \$50,000	\$979 for the first \$25,000, plus \$18.56 for each add'l \$1,000, or fraction thereof, to and including \$50,000	40% -- 45%	\$774 for the first \$25,000, plus \$14.68 for each add'l \$1,000, or fraction thereof, to and including \$50,000	\$391.25 for the first \$25,000, plus \$10.10 for each add'l \$1,000, or fraction thereof, to and including \$50,000
Plan Review	65% of Building Permit Fee	\$679 for the first \$25,000, plus \$9.40 for each add'l \$1,000, or fraction thereof, to and including \$50,000	37% -- 46%	\$537 for the first \$25,000, plus \$7.44 for each add'l \$1,000, or fraction thereof, to and including \$50,000 OR 66% of Building Permit Fee	65% of Building Permit Fee

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Calculated Fee Amount Assuming Targeted Recovery of 79% of Cost of Service	Recommended Fee
BUILDING FEES					
\$50,001 to \$100,000					
Permit	\$643.75 for the first \$50,000, plus \$7 for each add'l \$1,000, or fraction thereof, to and including \$100,000	\$1,443 for the first \$50,000, plus \$41.38 for each add'l \$1,000, or fraction thereof, to and including \$100,000	45% -- 28%	\$1,141 for the first \$50,000, plus \$32.72 for each add'l \$1,000, or fraction thereof, to and including \$100,000	\$643.75 for the first \$50,000, plus \$7.00 for each add'l \$1,000, or fraction thereof, to and including \$100,000
Plan Review	65% of Building Permit Fee	\$914 for the first \$50,000, plus \$13.32 for each add'l \$1,000, or fraction thereof, to and including \$100,000	46% -- 41%	\$723 for the first \$50,000, plus \$10.52 for each add'l \$1,000, or fraction thereof, to and including \$100,000 OR 54% of Building Permit Fee	65% of Building Permit Fee
\$100,001 to \$500,000					
Permit	\$993.75 for the first \$100,000, plus \$5.60 for each add'l \$1,000, or fraction thereof, to and including \$500,000	\$3,512 for the first \$100,000, plus \$3.82 for each add'l \$1,000, or fraction thereof, to and including \$500,000	28% -- 64%	\$2,777 for the first \$100,000, plus \$3.02 for each add'l \$1,000, or fraction thereof, to and including \$500,000	\$993.75 for the first \$100,000, plus \$5.60 for each add'l \$1,000, or fraction thereof, to and including \$500,000
Plan Review	65% of Building Permit Fee	\$1,580 for the first \$100,000, plus \$1.57 for each add'l \$1,000, or fraction thereof, to and including \$500,000	41% -- 95%	\$1,249 for the first \$100,000, plus \$1.24 for each add'l \$1,000, or fraction thereof, to and including \$500,000 OR 45% of Building Permit Fee	65% of Building Permit Fee
\$500,001 to \$1,000,000					
Permit	\$3,233.75 for the first \$500,000, plus \$4.75 for each add'l \$1,000, or fraction thereof, to and including \$1,000,000	\$5,040 for the first \$500,000, plus \$4.86 for each add'l \$1,000, or fraction thereof, to and including \$1,000,000	64% -- 75%	\$3,986 for the first \$500,000, plus \$3.84 for each add'l \$1,000, or fraction thereof, to and including \$1,000,000	\$3,233.75 for the first \$500,000, plus \$4.75 for each add'l \$1,000, or fraction thereof, to and including \$1,000,000
Plan Review	65% of Building Permit Fee	\$2,207 for the first \$500,000, plus \$2.60 for each add'l \$1,000, or fraction thereof, to and including \$1,000,000	95% -- 104%	\$1,745 for the first \$500,000, plus \$2.06 for each add'l \$1,000, or fraction thereof, to and including \$1,000,000 OR 46% of Building Permit Fee	45% of Building Permit Fee
\$1,000,001 and up					
Permit	\$5,608.75 for the first \$1,000,000, plus \$3.65 for each add'l \$1,000, or fraction thereof	\$7,469 for the first \$1,000,000, plus \$4.86 for each add'l \$1,000, or fraction thereof	75% -- varies	\$5,906 for the first \$1,000,000, plus \$3.84 for each add'l \$1,000, or fraction thereof	\$5,608.75 for the first \$1,000,000, plus \$3.65 for each add'l \$1,000, or fraction thereof
Plan Review	65% of Building Permit Fee	\$3,508 for the first \$1,000,000, plus \$2.60 for each add'l \$1,000, or fraction thereof	104% -- varies	\$2,774 for the first \$1,000,000, plus \$2.06 for each add'l \$1,000, or fraction thereof OR 47% of Building Permit Fee	45% of Building Permit Fee

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Calculated Fee Amount Assuming Targeted Recovery of 79% of Cost of Service	Recommended Fee
BUILDING FEES					
Permitted Value of Construction					
New Habitable Construction	\$350 Per Square Foot	n/a	n/a	n/a	\$350 Per Square Foot
Remodeled Habitable Construction	\$350 Per Square Foot	n/a	n/a	n/a	\$300 Per Square Foot
New or Remodeled Non-Habitable Construction	\$250 Per Square Foot	n/a	n/a	n/a	\$200 Per Square Foot
Other Building Fees					
Plumbing, Mechanical, Electrical Permit	\$100	\$418	24%	\$330	\$100
Demolition Permit Fee	\$200	\$706	28%	\$558	\$200
Landscape Screening Permit Fee	\$250	\$366	68%	\$289	\$250
Water Well Permit Fee	\$500	\$758	66%	\$599	\$500
Solar Panels Permit Fee	\$250	\$732	34%	\$578	\$250
Heritage Tree Removal - Staff Level (First Tree)	\$100	\$209	48%	\$165	\$100
Heritage Tree Removal - Staff Level (Each Additional Tree)	\$50	\$52	96%	\$41	\$41
Excavation Permit	\$1,000	\$627	159%	\$496	\$496
Revision Fee	\$54 Per Hour	\$209 Per Hour	26%	\$165 Per Hour	\$54 Per Hour
Address Change	\$250	\$209 Per Hour or Consultant Costs	Varies	\$165 Per Hour or Consultant Costs	\$250
Permit Search	\$20 Plus Photocopying and/or Printing Posts	\$35 Plus Photocopying and/or Printing Posts	57%	\$28 Plus Photocopying and/or Printing Posts	\$20 Plus Photocopying and/or Printing Posts
Reactivation of an Expired Permit	\$0	n/a	n/a	n/a	Up to One-Half the Amount Required for a New Permit for Such Work
Code Enforcement - Administrative (Penalty)	\$0	See Hourly Rates	0%	See Hourly Rates	Billed Hourly; Reference Hourly Rates
Second Utility Deposit (Ordinance 15.04.040)	\$5,000	n/a	n/a	n/a	\$5,000
Landscape Screening Deposit (Ordinance 17.50.060)	\$5,000	n/a	n/a	n/a	\$5,000
Temporary Occupancy Deposit:					
Deposit	\$5,000	n/a	n/a	n/a	\$5,000
Administrative Fee	\$0	\$209	0%	\$165	\$165

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Calculated Fee Amount Assuming Targeted Recovery of 79% of Cost of Service	Recommended Fee
BUILDING FEES					
Excavation Road Deposit (Ordinance 15.04.045)	\$5,000	n/a	n/a	n/a	\$5,000
Recycling Deposit	\$1,000 Minimum and \$500 Minimum for Re-Roof Permits	n/a	n/a	n/a	\$1,000 Minimum and \$500 Minimum for Re-Roof Permits
SMIP Fee					
SMIP - Residential (California Department of Conservation Mandated Fee)	Valuation Amount X 0.0001	n/a	n/a	n/a	Valuation Amount X 0.0001
SMIP - Commercial (California Department of Conservation Mandated Fee)	Valuation Amount X 0.00021	n/a	n/a	n/a	Valuation Amount X 0.00021
Building Standards Administration Special Revolving Fund (Senate Bill No. 1473 State Mandated)					
Permit Valuation					
\$1-25,000	\$1	n/a	n/a	n/a	\$1
\$25,001-50,000	\$2	n/a	n/a	n/a	\$2
\$50,001-75,000	\$3	n/a	n/a	n/a	\$3
\$75,001-100,000	\$4	n/a	n/a	n/a	\$4
Every \$25,000 or fraction thereof above \$100,000	Add \$1	n/a	n/a	n/a	Add \$1

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Planning Fees

Service	Current Fee	Minimum Calculated Fee Amount Assuming Recovery of 100% of Cost of Service	Current Cost Recovery Percentage	Minimum Calculated Fee Amount Assuming Targeted Recovery of 71% of Cost of Service	Fee Adopted 11/18/2009
PLANNING FEES					
Conditional Use Permit	Billed Per Hour with \$1,500 Minimum Plus \$2,000 Deposit	\$2,771	May Be Less Than 100%	\$1,963	Billed Per Hour with \$1,963 Minimum, Plus \$2,000 Initial Deposit
Variance	Billed Per Hour with \$1,500 Minimum Plus \$2,000 Deposit	\$3,241	May Be Less Than 100%	\$2,289	Billed Per Hour with \$2,289 Minimum, Plus \$2,000 Initial Deposit
Heritage Tree Removal Permit	Billed Per Hour with \$1,500 Minimum Plus \$2,000 Deposit	\$3,188	May Be Less Than 100%	\$2,293	Billed Per Hour with \$2,293 Minimum, Plus \$2,000 Initial Deposit
Exception Review	Billed Per Hour with \$1,500 Minimum Plus \$1,000 Deposit	\$2,771	May Be Less Than 100%	\$1,963	Billed Per Hour with \$1,963 Minimum, Plus \$2,000 Initial Deposit
Excessive Height	Billed Per Hour with \$1,500 Minimum Plus \$2,000 Deposit	\$2,771	May Be Less Than 100%	\$1,963	Billed Per Hour with \$1,963 Minimum, Plus \$2,000 Initial Deposit
Lot Line Redesignation	Billed Per Hour with \$1,500 Minimum Plus \$1,000 Deposit	\$3,241	May Be Less Than 100%	\$2,289	Billed Per Hour with \$2,289 Minimum, Plus \$2,000 Initial Deposit
Lot Line Adjustment	Billed Per Hour with \$2,500 Minimum Plus \$1,000 Deposit	\$2,300, Plus Additional Consultant Costs	May Be Greater Than 100%	\$1,636	Billed Per Hour with \$1,636 Minimum, Plus \$2,500 Initial Deposit
Tentative Parcel Map	Billed Per Hour with \$5,000 Minimum Plus \$2,500 Deposit	\$3,241 Plus Additional Consultant Costs	May Be Greater Than 100%	\$2,289	Billed Per Hour with \$2,289 Minimum, Plus \$2,500 Initial Deposit
Final Parcel Map	Billed Per Hour with \$5,000 Minimum Plus \$2,500 Deposit	\$1,829 Plus Additional Consultant Costs	May Be Greater Than 100%	\$1,310	Billed Per Hour with \$1,310 Minimum, Plus \$2,500 Initial Deposit
Appeal	\$750	\$2,300	May Be Less Than 100%	\$1,636	\$750
School Master Plan	\$750	\$1,829	May Be Less Than 100%	\$1,310	\$750
Initial Review/Negative Declaration	Billed Per Hour with \$2,500 Minimum Plus \$1,000 Deposit	\$5,123	May Be Less Than 100%	\$3,595	Billed Per Hour with \$3,595 Minimum, Plus \$2,000 Initial Deposit
Zoning Ordinance Amendment	Billed Per Hour with \$5,000 Minimum Plus \$2,500 Deposit	\$5,123	May Be Less Than 100%	\$3,595	Billed Per Hour with \$3,595 Minimum, Plus \$2,500 Initial Deposit
General Plan Amendment	Billed Per Hour with \$5,000 Minimum Plus \$2,500 Deposit	\$5,123	May Be Less Than 100%	\$3,595	Billed Per Hour with \$3,595 Minimum, Plus \$2,500 Initial Deposit
Zoning Review for Home Occupation Business	\$100	\$118	85%	\$82	\$82
Pre-Application Review	\$0	See Hourly Rates	0%	See Hourly Rates	Billed Hourly; Reference Hourly Rates

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Planning Fees

Service	Current Fee	Minimum Calculated Fee Amount Assuming Recovery of 100% of Cost of Service	Current Cost Recovery Percentage	Minimum Calculated Fee Amount Assuming Targeted Recovery of 71% of Cost of Service	Fee Adopted 11/18/2009
PLANNING FEES					
Street Easement Vacation	\$1,000	See Hourly Rates	Varies	See Hourly Rates	Billed Hourly; Reference Hourly Rates
Code Enforcement - Administrative (Penalty)	\$0	See Hourly Rates	0%	See Hourly Rates	Billed Hourly; Reference Hourly Rates
Initial Review (2 reviews for fee amount; additional reviews billed hourly):					
a. Fence	\$0	\$222	0%	\$164	\$164
b. Accessory Structures (includes pools)	\$0	\$444	0%	\$328	\$328
c. Accessory Buildings	\$0	\$915	0%	\$655	\$655
d. Additions	\$0	\$1,150	0%	\$818	\$818
e. New Construction	\$0	\$1,856	0%	\$1,308	\$1,308
Revisions to Previously Approved Plans	\$0	See Hourly Rates	0%	See Hourly Rates	Billed Hourly; Reference Hourly Rates

Many of the above-listed fees are applied on an hourly basis and are structured to recover the full cost of service for each activity type. The Town will apply the following hourly rates against recorded time to determine the fee amount owed by each applicant. Hourly rates from other departments outside the Planning Department, including the City Attorney's Office, may also apply if staff from those other departments perform work on a specific application. Additionally, the Town will pass-through to the applicant any discrete costs incurred from the use of external service providers if required to process the specific application.

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:

	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Calculated Fee Amount Assuming Targeted Recovery of Cost of Service	Fee Adopted 11/18/2009
Town Planner:	n/a	\$298 Per Hour	n/a	\$226 Per Hour	\$226 Per Hour
Deputy Town Planner:	n/a	\$250 Per Hour	n/a	\$178 Per Hour	\$178 Per Hour
Senior Planner:	n/a	\$241 Per Hour	n/a	\$169 Per Hour	\$169 Per Hour
Assistant Planner:	n/a	\$208 Per Hour	n/a	\$136 Per Hour	\$136 Per Hour
Administrative Staff:	n/a	\$192 Per Hour	n/a	\$120 Per Hour	\$120 Per Hour

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Parks Program Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Fee Adopted 11/18/2009
PARKS PROGRAM FEES				
Weddings/Receptions or Social Functions				
One Building Rental				
1 - 100 Guests	\$1,500 Resident, \$1,750 Non-Resident	\$3,128	48% Resident, 56% Non-Resident	\$2,000
101 - 200 Guests	\$1,750 Resident, \$2,000 Non-Resident	\$3,884	45% Resident, 51% Non-Resident	\$2,250
Additional Hour	\$100 Per Hour	\$122 Per Hour	82%	\$100 Per Hour
Additional Attendant	\$25 Per Hour	\$122 Per Hour	20%	\$50 Per Hour
Two Building Rental				
1 - 100 Guests	\$3,000 Resident, \$3,500 Non-Resident	\$3,384	89% Resident, 103% Non-Resident	\$4,000
101 - 200 Guests	\$3,500 Resident, \$4,000 Non-Resident	\$4,396	80% Resident, 91% Non-Resident	\$4,500
Additional Hour	\$100 Per Hour	\$122 Per Hour	82%	\$100 Per Hour
Additional Attendant	\$25 Per Hour	\$122 Per Hour	20%	\$50 Per Hour
Deposit				
Security Deposit:	\$1,000	n/a	n/a	\$1,000
Amount refundable if cancelled more than nine months in advance	\$750	n/a	n/a	\$750
Amount refundable if cancelled seven to nine months in advance	\$500	n/a	n/a	\$500
Amount refundable if cancelled six months or less in advance	\$0	n/a	n/a	\$0

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Parks Program Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Fee Adopted 11/18/2009
PARKS PROGRAM FEES				
Meetings				
The Main House				
Half Day (Mon. - Fri.) (Four hours)	\$200	\$2,493	8%	\$300
Full Day/Evening (Mon. - Fri.)	\$300; Plus \$25 Per Hour After 5:00 p.m.	\$2,493	Varies	\$400; Plus \$50 Per Hour After 5:00 p.m.
Additional Hour	\$25 Per Hour	\$122 Per Hour	20%	\$50 Per Hour
Carriage House				
Weekday, Half Day (Mon. - Fri.) (Four hours)	\$200	\$2,493	8%	\$200
Weekday, Full Day (Mon. - Fri.) (8:00 am - 5:00 pm)	\$250	\$2,493	10%	\$250
Weekend, Full Day (Sat. - Sun.) (9:00 am - 4:00 pm)	\$250; Plus \$25 Per Hour	\$2,493	Varies	\$250; Plus \$25 Per Hour
Weekend Evening (Fri. - Sun.) (5:00 pm - 11:00 pm)	\$250; Plus \$25 Per Hour	\$2,493	Varies	\$500
Additional Hour or Additional Attendant	\$25 Per Hour	\$122 Per Hour	20%	\$25 Per Hour
Jennings Pavilion				
1 - 100 Guests				
Half Day (Mon. - Fri.) (Four hours)	\$300	\$2,539	12%	\$400
Full Day/Evening (Mon. - Fri.)	\$400; Plus \$25 Per Hour After 5:00 p.m.	\$2,539	Varies	\$500; Plus \$50 Per Hour After 5:00 p.m.
Additional Hour or Additional Attendant	\$25 Per Hour	\$122 Per Hour	20%	\$50 Per Hour
101 - 200 Guests				
Half Day (Mon. - Fri.)	\$400	\$3,550	11%	\$500
Full Day/Evening (Mon. - Fri.)	\$500; Plus \$50 Per Hour After 5:00 p.m.	\$3,550	Varies	\$600; Plus \$100 Per Hour After 5:00 p.m.
Additional Hour or Additional Attendant	\$50 Per Hour	\$122 Per Hour	41%	\$100 Per Hour
Town Related Organizations	\$25 Per Hour	See Meeting Costs of Service Above	Varies	40% Discount for Main House Meeting Rentals; 20% Discount for Carriage House and Jennings Pavilion Meeting Rentals \$250
Security Deposit (1)	\$250	n/a	n/a	
Other				
Day Use Permit (Exclusive Use of Picnic Facilities)	\$25 Per Day	\$122 Per Hour	Varies	\$100 Per Day
Code Enforcement - Administrative (Penalty)	\$0	See Hourly Rates	0%	Billed Hourly; Reference Hourly Rates

**TOWN OF ATHERTON
 MASTER FEE SCHEDULE
 Schedule of Parks Program Fees**

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Fee Adopted 11/18/2009
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PARKS PROGRAM FEES

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:				
Program Director, for services related to facility use:				\$272 Per Hour
Facility Maintenance Staff, for services related to facility use:				\$256 Per Hour
Facility Attendant, for services related to facility use:				\$122 Per Hour

(1) Security deposit not required for Town Related Organizations.

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Recommended Fee
PUBLIC WORKS FEES				
Encroachment Permits				
Driveway Connection to Street - Asphalt/Pavers:				
Without Driveway Culvert (up to 3 inspections)				
i. Application	See total below	\$300	See total below	\$300
ii. Plan Check	See total below	\$400	See total below	\$400
iii. Inspection	See total below	\$599	See total below	\$599
Total	\$550	\$1,299	42%	\$1,299
iv. Additional Plan Check	\$0	\$400	0%	\$400
v. Additional Inspection	\$0	\$200	0%	\$200
With Driveway Culvert (up to 4 inspections)				
i. Application	See total below	\$300	See total below	\$300
ii. Plan Check	See total below	\$499	See total below	\$499
iii. Inspection	See total below	\$799	See total below	\$799
Total	\$750	\$1,598	47%	\$1,598
iv. Additional Plan Check	\$0	\$499	0%	\$499
v. Additional Inspection	\$0	\$200	0%	\$200
Driveway Connection to Street - Concrete:				
Without Driveway Culvert (up to 4 inspections)				
i. Application	See total below	\$300	See total below	\$300
ii. Plan Check	See total below	\$499	See total below	\$499
iii. Inspection	See total below	\$799	See total below	\$799
Total	\$550	\$1,598	34%	\$1,598
iv. Additional Plan Check	\$0	\$499	0%	\$499
v. Additional Inspection	\$0	\$200	0%	\$200
With Driveway Culvert (up to 5 inspections)				
i. Application	See total below	\$300	See total below	\$300
ii. Plan Check	See total below	\$499	See total below	\$499
iii. Inspection	See total below	\$999	See total below	\$999
Total	\$750	\$1,798	42%	\$1,798
iv. Additional Plan Check	\$0	\$499	0%	\$499
v. Additional Inspection	\$0	\$200	0%	\$200

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Recommended Fee
PUBLIC WORKS FEES				
Right-of-Way Landscaping, Fence, Etc. - Minor Construction (up to 2 inspections)				
i. Application	See total below	\$200	See total below	\$200
ii. Plan Check	See total below	\$100	See total below	\$100
iii. Inspection	See total below	\$200	See total below	\$200
Total	\$550	\$500	110%	\$500
iv. Additional Plan Check	\$0	\$100	0%	\$100
v. Additional Inspection	\$0	\$200	0%	\$200
Right-of-Way Landscaping, Fence, Etc. - Standard (up to 2 inspections)				
i. Application	See total below	\$300	See total below	\$300
ii. Plan Check	See total below	\$200	See total below	\$200
iii. Inspection	See total below	\$400	See total below	\$400
Total	\$550	\$900	61%	\$900
iv. Additional Plan Check	\$0	\$200	0%	\$200
v. Additional Inspection	\$0	\$200	0%	\$200
Connection to Storm Drain or Atherton Channel:				
i. Application (Per Application)	See total below	\$300	See total below	\$300
ii. Plan Check (Per Application)	See total below	\$599	See total below	\$599
iii. Inspection				
a. In-Pavement (up to 5 inspections)				
i. Trench (per linear foot)	See total below	\$48	See total below	\$48
ii. Bored pit (per pit)	See total below	\$1,199	See total below	\$1,199
b. Outside Pavement (up to 4 inspections)				
i. Trench (per linear foot)	See total below	\$28	See total below	\$28
ii. Bored pit (per pit)	See total below	\$699	See total below	\$699
Total	\$550 plus utility lateral fee where in the street	varies	varies	varies
iv. Additional Plan Check	\$0	\$599	0%	\$599
v. Additional Inspection				
a. In-Pavement				
i. Trench (per linear foot)	\$0	\$10	0%	\$10
ii. Bored pit (per pit)	\$0	\$240	0%	\$240
b. Outside Pavement				
i. Trench (per linear foot)	\$0	\$7	0%	\$7
ii. Bored pit (per pit)	\$0	\$175	0%	\$175

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Recommended Fee
PUBLIC WORKS FEES				
Utility Connect/Disconnect:				
i. Application (Per Application)	See total below	\$300	See total below	\$300
ii. Plan Check (Per Application)	See total below	\$400	See total below	\$400
iii. Inspection				
a. In-Pavement (up to 7 inspections)				
i. Trench (per linear foot)	See total below	\$36	See total below	\$36
ii. Bored pit (per pit)	See total below	\$899	See total below	\$899
b. Outside Pavement (up to 6 inspections)				
i. Trench (per linear foot)	See total below	\$24	See total below	\$24
ii. Bored pit (per pit)	See total below	\$499	See total below	\$499
Total	Trench = \$10 per LF; Bored Pit In = \$550; Bored Pit Out = \$300	varies	varies	varies
iv. Additional Plan Check	\$0	\$400	0%	\$400
v. Additional Inspection				
a. In-Pavement				
i. Trench (per linear foot)	\$0	\$5	0%	\$5
ii. Bored pit (per pit)	\$0	\$128	0%	\$128
b. Outside Pavement				
i. Trench (per linear foot)	\$0	\$4	0%	\$4
ii. Bored pit (per pit)	\$0	\$83	0%	\$83

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Recommended Fee
PUBLIC WORKS FEES				
Utility Main:				
i. Application (Per Application)	See total below	\$300	See total below	\$300
ii. Plan Check (Per Application)	See total below	\$999	See total below	\$999
iii. Inspection				
a. In-Pavement (up to 7 inspections)				
i. Trench (per linear foot)	See total below	\$40	See total below	\$40
ii. Bored pit (per pit)	See total below	\$999	See total below	\$999
b. Outside Pavement (up to 6 inspections)				
i. Trench (per linear foot)	See total below	\$27	See total below	\$27
ii. Bored pit (per pit)	See total below	\$599	See total below	\$599
Total	3% of value, plus \$10 per LF for trench and \$1,000 per pit	varies	varies	varies
iv. Additional Plan Check	\$0	\$999	0%	\$999
v. Additional Inspection				
a. In-Pavement				
i. Trench (per linear foot)	\$0	\$6	0%	\$6
ii. Bored pit (per pit)	\$0	\$143	0%	\$143
b. Outside Pavement				
i. Trench (per linear foot)	\$0	\$4	0%	\$4
ii. Bored pit (per pit)	\$0	\$100	0%	\$100
Telecommunication Installation Permit:				
i. Without Trenching	\$550	\$100	550%	\$100
ii. With Trenching	See utility connect fee	See utility connect fee	See utility connect fee	See utility connect fee
Property Improvement Permits and Reviews				
Grading and Drainage	\$2,000	\$200 per hour or actual consultant cost	varies	Actual consultant cost plus town overhead or actual city staff cost
Detention System Annual Report Filing	\$0	\$120	0%	\$120
Detention System Annual Report - Submittals Out of Compliance	\$0	\$300	0%	\$300

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Recommended Fee
PUBLIC WORKS FEES				
Other				
Stop Work Order	50% of permit	n/a	n/a	50% of permit
Code Enforcement Penalty (Administrative)	\$0	See hourly rates	0%	Billed hourly; reference hourly rates

At the discretion of the Public Works Director, additional fees may apply for projects requiring in excess of 8 hours.

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:

Public Works/Engineering Staff:	\$200 per hour
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TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Police Fees

Service	Current Fee	Calculated Fee Amount Assuming Recovery of 100% of the Cost of Service	Current Cost Recovery Percentage	Fee Adopted 11/18/2009
POLICE FEES				
Copy of Police Report:				
Without Photos or Tape Copies	\$20	\$20	100%	\$20
With Photos or Tape Copies	\$20	\$119 Per Hour	Varies	\$119 Per Hour
Vehicle Releases	\$40	\$60	67%	\$60
Alarm Registration	\$25	\$60	42%	\$25
Alarm Alert Signs	\$30	\$60	50%	\$30
Garage Sale/Estate Sale Permits	\$25	\$20	125%	\$20
Fingerprints	\$15	\$58	26%	\$58
Solicitor Permit (Valid for six months; business license required)	\$25	\$50	50%	\$50
After Hours Emergency Construction Permits	\$350	\$150	233%	\$150
Special Service Request:				
Administrative Fee	\$50	\$20	250%	\$20
On-Site Personnel Fee	Hourly Rate x 1.5; 2 Hour Minimum	Fully Burdened Hourly Rate x 1.5	58%	Fully Burdened Hourly Rate x 1.5; 2 Hour Minimum
Clearance Letter	\$0	\$20	0%	\$20
Microfilmed Reports	\$0	\$119 Per Hour	0%	\$119 Per Hour
Code Enforcement - Administrative (Penalty)	\$0	See Hourly Rates	0%	Billed Hourly; Reference Hourly Rates

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:

Records/Communications Staff:	\$119 Per Hour
Patrol/Investigations Staff:	\$154 Per Hour

TOWN OF ATHERTON

MASTER FEE SCHEDULE

Note: This Fee Schedule does not include all fees that may be imposed by the Town of Atherton

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TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Administrative Fees

Service	Fee
ADMINISTRATIVE FEES	
Photocopying and/or Printing	\$0.10 Per Page
Digital Transmission of Files	\$0
Returned Checks (Non-Sufficient Funds)	\$35 Per Check
Stop-payment Check & Lost Check Replacement	\$35 Per Check
Tape Duplication - Per Tape	\$64
Notarize - Per Signature	\$10
Certified Copies - Per Copy	\$32
Special Event Application Review	\$218
Copy of Municipal Code	Free Via Website or See Photocopying and Printing Charge
Copy of General Plan	Free Via Website or See Photocopying and Printing Charge
Copy of Zoning Ordinance	Free Via Website or See Photocopying and Printing Charge
Copy of Budget	Free Via Website or See Photocopying and Printing Charge
Copy of Subdivision Ordinance	Free Via Website or See Photocopying and Printing Charge
List of All Businesses in Atherton	Free Via Website or \$69
Install and Remove Banner:	
Town Related Banners	\$0
All Other Banners	\$387
Business License Processing Fee	\$25 Pass Through
Duplicate Business License Processing Fee	\$25 Pass Through
Code Enforcement - Administrative (Penalty)	Billed Hourly; Reference Hourly Rates

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:

Administration Department Staff:	\$129 Per Hour
Finance Department Staff:	\$166 Per Hour

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

BUILDING FEES

Building Permit Fees

Total Valuation	Building Permit Fee	Plan Review Fee
\$1.00 to \$500	\$23.50	65% of Building Permit Fee
\$501 to \$2,000	\$23.50 for the first \$500, plus \$3.05 for each add'l \$100, or fraction thereof, to and including \$2,000	65% of Building Permit Fee
\$2,001 to \$25,000	\$69.25 for the first \$2,000, plus \$14.00 for each add'l \$1,000, or fraction thereof, to and including \$25,000	65% of Building Permit Fee
\$25,001 to \$50,000	\$391.25 for the first \$25,000, plus \$10.10 for each add'l \$1,000, or fraction thereof, to and including \$50,000	65% of Building Permit Fee
\$50,001 to \$100,000	\$643.75 for the first \$50,000, plus \$7.00 for each add'l \$1,000, or fraction thereof, to and including \$100,000	65% of Building Permit Fee
\$100,001 to \$500,000	\$993.75 for the first \$100,000, plus \$5.60 for each add'l \$1,000, or fraction thereof, to and including \$500,000	65% of Building Permit Fee
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000, plus \$4.75 for each add'l \$1,000, or fraction thereof, to and including \$1,000,000	45% of Building Permit Fee
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000, plus \$3.65 for each add'l \$1,000, or fraction thereof	45% of Building Permit Fee

Permitted Value of Construction

New Habitable Construction	\$350 Per Square Foot
Remodeled Habitable Construction	\$300 Per Square Foot
New or Remodeled Non-Habitable Construction	\$200 Per Square Foot

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Fee
BUILDING FEES	
Other Building Fees	
Plumbing, Mechanical, Electrical Permit	\$100
Demolition Permit Fee	\$200
Landscape Screening Permit Fee	\$250
Water Well Permit Fee	\$500
Solar Panels Permit Fee	\$250
Heritage Tree Removal - Staff Level (First Tree)	\$100
Heritage Tree Removal - Staff Level (Each Additional Tree)	\$41
Excavation Permit	\$496
Revision Fee	\$54 per hour
Address Change	\$250
Permit Search	\$20 Plus Photocopying and/or Printing Posts
Reactivation of an Expired Permit	Up to One-Half the Amount Required for a New Permit for Such Work
Code Enforcement - Administrative (Penalty)	Billed Hourly; Reference Hourly Rates
Second Utility Deposit (Ordinance 15.04.040)	\$5,000
Landscape Screening Deposit (Ordinance 17.50.060)	\$5,000
Temporary Occupancy Deposit:	
Deposit	\$5,000
Administrative Fee	\$165
Excavation Road Deposit (Ordinance 15.04.045)	\$5,000
Recycling Deposit	\$1,000 Minimum and \$500 Minimum for Re-Roof Permits
For issuance of any construction permit with a project cost estimated above \$50,000 or will generate more than ten tons of construction or demolition debris.	

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Building Fees

Service	Fee
BUILDING FEES	
SMIP Fee	
SMIP - Residential (California Department of Conservation Mandated Fee)	Valuation Amount X 0.0001
SMIP - Commercial (California Department of Conservation Mandated Fee)	Valuation Amount X 0.00021
Building Standards Administration Special Revolving Fund (Senate Bill No. 1473 State Mandated)	
Permit Valuation	
\$1-25,000	\$1
\$25,001-50,000	\$2
\$50,001-75,000	\$3
\$75,001-100,000	\$4
Every \$25,000 or fraction thereof above \$100,000	Add \$1

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Planning Fees

Service	Fee
PLANNING FEES	
Conditional Use Permit	Billed Per Hour with \$1,963 Minimum, Plus \$2,000 Initial Deposit
Variance	Billed Per Hour with \$2,289 Minimum, Plus \$2,000 Initial Deposit
Heritage Tree Removal Permit	Billed Per Hour with \$2,293 Minimum, Plus \$2,000 Initial Deposit
Exception Review	Billed Per Hour with \$1,963 Minimum, Plus \$2,000 Initial Deposit
Excessive Height	Billed Per Hour with \$1,963 Minimum, Plus \$2,000 Initial Deposit
Lot Line Redesignation	Billed Per Hour with \$2,289 Minimum, Plus \$2,000 Initial Deposit
Lot Line Adjustment	Billed Per Hour with \$1,636 Minimum, Plus \$2,500 Initial Deposit
Tentative Parcel Map	Billed Per Hour with \$2,289 Minimum, Plus \$2,500 Initial Deposit
Final Parcel Map	Billed Per Hour with \$1,310 Minimum, Plus \$2,500 Initial Deposit
Appeal	\$750
School Master Plan	\$750
Initial Review/Negative Declaration	Billed Per Hour with \$3,595 Minimum, Plus \$2,000 Initial Deposit
Zoning Ordinance Amendment	Billed Per Hour with \$3,595 Minimum, Plus \$2,500 Initial Deposit
General Plan Amendment	Billed Per Hour with \$3,595 Minimum, Plus \$2,500 Initial Deposit
Zoning Review for Home Occupation Business	\$82
Pre-Application Review	Billed Hourly; Reference Hourly Rates
Street Easement Vacation	Billed Hourly; Reference Hourly Rates
Code Enforcement - Administrative (Penalty)	Billed Hourly; Reference Hourly Rates

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Planning Fees

Service	Fee
PLANNING FEES	
Initial Review (2 reviews for fee amount; additional reviews billed hourly): <ul style="list-style-type: none"> a. Fence b. Accessory Structures (includes pools) c. Accessory Buildings d. Additions e. New Construction Revisions to Previously Approved Plans	\$164 \$328 \$655 \$818 \$1,308 Billed Hourly; Reference Hourly Rates
<p>Many of the above-listed fees are applied on an hourly basis and are structured to recover the full cost of service for each activity type. The Town will apply the prevailing hourly rates against recorded staff time to determine the fee amount owed by each applicant. Hourly rates from other departments outside the Planning Department, including the City Attorney's Office, may also apply if staff from those other departments perform work on a specific application. Additionally, the Town will pass-through to the applicant any discrete costs incurred from the use of external service providers if required to process the specific application.</p> <p>For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:</p>	
Town Planner: Deputy Town Planner: Senior Planner: Assistant Planner: Planning Administrative Staff:	\$226 Per Hour \$178 Per Hour \$169 Per Hour \$136 Per Hour \$120 Per Hour

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Parks Program Fees

Service	Fee
PARKS PROGRAM FEES	
Weddings/Receptions or Social Functions	
One Building Rental	
1 - 100 Guests	\$2,000
101 - 200 Guests	\$2,250
Additional Hour	\$100 Per Hour
Additional Attendant	\$50 Per Hour
Two Building Rental	
1 - 100 Guests	\$4,000
101 - 200 Guests	\$4,500
Additional Hour	\$100 Per Hour
Additional Attendant	\$50 Per Hour
Deposit	
Security Deposit:	\$1,000
Amount refundable if cancelled more than nine months in advance	\$750
Amount refundable if cancelled seven to nine months in advance	\$500
Amount refundable if cancelled six months or less in advance	\$0

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Parks Program Fees

Service	Fee
PARKS PROGRAM FEES	
Meetings	
The Main House	
Half Day (Mon. - Fri.) (Four hours)	\$300
Full Day/Evening (Mon. - Fri.)	\$400; Plus \$50 Per Hour After 5:00 p.m.
Additional Hour	\$50 Per Hour
Carriage House	
Weekday, Half Day (Mon. - Fri.) (Four hours)	\$200
Weekday, Full Day (Mon. - Fri.) (8:00 a.m. - 5:00 p.m.)	\$250
Weekend, Full Day (Sat. - Sun.) (9:00 a.m. - 4:00 p.m.)	\$250; Plus \$25 Per Hour
Weekend Evening (Fri. - Sun.) (5:00 p.m. - 11:00 p.m.)	\$500
Additional Hour or Additional Attendant	\$25 Per Hour
Jennings Pavilion	
1 - 100 Guests	
Half Day (Mon. - Fri.) (Four hours)	\$400
Full Day/Evening (Mon. - Fri.)	\$500; Plus \$50 Per Hour After 5:00 p.m.
Additional Hour or Additional Attendant	\$50 Per Hour
101 - 200 Guests	
Half Day (Mon. - Fri.)	\$500
Full Day/Evening (Mon. - Fri.)	\$600; Plus \$100 Per Hour After 5:00 p.m.
Additional Hour or Additional Attendant	\$100 Per Hour
Town Related Organizations	40% Discount for Main House Meeting Rentals; 20% Discount for Carriage House and Jennings Pavilion Meeting Rentals
Security Deposit (1)	\$250
Other	
Day Use Permit (Exclusive Use of Picnic Facilities)	\$100 Per Day
Code Enforcement - Administrative (Penalty)	Billed Hourly; Reference Hourly Rates

For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:

Program Director, for services related to facility use:	\$272 Per Hour
Facility Maintenance Staff, for services related to facility use:	\$256 Per Hour
Facility Attendant, for services related to facility use:	\$122 Per Hour

(1) Security deposit not required for Town Related Organizations.

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Fee
PUBLIC WORKS FEES	
Encroachment Permits	
Driveway Connection to Street - Asphalt/Pavers:	
Without Driveway Culvert (up to 3 inspections)	
i. Application	\$300
ii. Plan Check	\$400
iii. Inspection	\$599
Total	\$1,299
iv. Additional Plan Check	\$400
v. Additional Inspection	\$200
With Driveway Culvert (up to 4 inspections)	
i. Application	\$300
ii. Plan Check	\$499
iii. Inspection	\$799
Total	\$1,598
iv. Additional Plan Check	\$499
v. Additional Inspection	\$200
Driveway Connection to Street - Concrete:	
Without Driveway Culvert (up to 4 inspections)	
i. Application	\$300
ii. Plan Check	\$499
iii. Inspection	\$799
Total	\$1,598
iv. Additional Plan Check	\$499
v. Additional Inspection	\$200
Driveway Connection to Street - Concrete (cont. from previous page):	
With Driveway Culvert (up to 5 inspections)	
i. Application	\$300
ii. Plan Check	\$499
iii. Inspection	\$999
Total	\$1,798
iv. Additional Plan Check	\$499
v. Additional Inspection	\$200

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Fee
PUBLIC WORKS FEES	
Right-of-Way Landscaping, Fence, Etc. - Minor Construction (up to 2 inspections) <ul style="list-style-type: none"> i. Application ii. Plan Check iii. Inspection Total iv. Additional Plan Check v. Additional Inspection 	\$200 \$100 \$200 \$500 \$100 \$200
Right-of-Way Landscaping, Fence, Etc. - Standard (up to 2 inspections) <ul style="list-style-type: none"> i. Application ii. Plan Check iii. Inspection Total iv. Additional Plan Check v. Additional Inspection 	\$300 \$200 \$400 \$900 \$200 \$200
Connection to Storm Drain or Atherton Channel: <ul style="list-style-type: none"> i. Application (Per Application) ii. Plan Check (Per Application) iii. Inspection <ul style="list-style-type: none"> a. In-Pavement (up to 5 inspections) <ul style="list-style-type: none"> i. Trench (per linear foot) ii. Bored pit (per pit) b. Outside Pavement (up to 4 inspections) <ul style="list-style-type: none"> i. Trench (per linear foot) ii. Bored pit (per pit) Total iv. Additional Plan Check v. Additional Inspection <ul style="list-style-type: none"> a. In-Pavement <ul style="list-style-type: none"> i. Trench (per linear foot) ii. Bored pit (per pit) b. Outside Pavement <ul style="list-style-type: none"> i. Trench (per linear foot) ii. Bored pit (per pit) 	\$300 \$599 \$48 \$1,199 \$28 \$699 varies \$599 \$10 \$240 \$7 \$175

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Fee
PUBLIC WORKS FEES	
Utility Connect/Disconnect: i. Application (Per Application) ii. Plan Check (Per Application) iii. Inspection a. In-Pavement (up to 7 inspections) i. Trench (per linear foot) ii. Bored pit (per pit) b. Outside Pavement (up to 6 inspections) i. Trench (per linear foot) ii. Bored pit (per pit) Total iv. Additional Plan Check v. Additional Inspection a. In-Pavement i. Trench (per linear foot) ii. Bored pit (per pit) b. Outside Pavement i. Trench (per linear foot) ii. Bored pit (per pit)	\$300 \$400 \$36 \$899 \$24 \$499 varies \$400 \$5 \$128 \$4 \$83

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Public Works Fees

Service	Fee
PUBLIC WORKS FEES	
Utility Main: i. Application (Per Application) ii. Plan Check (Per Application) iii. Inspection a. In-Pavement (up to 7 inspections) i. Trench (per linear foot) ii. Bored pit (per pit) b. Outside Pavement (up to 6 inspections) i. Trench (per linear foot) ii. Bored pit (per pit) Total iv. Additional Plan Check v. Additional Inspection a. In-Pavement i. Trench (per linear foot) ii. Bored pit (per pit) b. Outside Pavement i. Trench (per linear foot) ii. Bored pit (per pit)	\$300 \$999 \$40 \$999 \$27 \$599 varies \$999 \$6 \$143 \$4 \$100
Telecommunication Installation Permit: i. Without Trenching ii. With Trenching	\$100 See utility connect fee
Property Improvement Permits and Reviews	
Grading and Drainage	Actual consultant cost plus town overhead or actual city staff cost
Detention System Annual Report Filing	\$120
Detention System Annual Report - Submittals Out of Compliance	\$300
Other	
Stop Work Order	50% of permit fee
Code Enforcement Penalty (Administrative)	Billed hourly; reference hourly rates
At the discretion of the Public Works Director, additional fees may apply for projects requiring in excess of 8 hours. For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:	
Public Works/Engineering Staff:	\$200 per hour

TOWN OF ATHERTON
MASTER FEE SCHEDULE
Schedule of Police Fees

Service	Fee
POLICE FEES	
Copy of Police Report: Without Photos or Tape Copies With Photos or Tape Copies Vehicle Releases Alarm Registration Alarm Alert Signs Garage Sale/Estate Sale Permits Fingerprints Solicitor Permit (Valid for six months; business license required) After Hours Emergency Construction Permits Special Service Request: Administrative Fee On-Site Personnel Fee Clearance Letter Microfilmed Reports Code Enforcement - Administrative (Penalty)	\$20 \$119 Per Hour \$60 \$25 \$30 \$20 \$58 \$50 \$150 \$20 Fully Burdened Hourly Rate x 1.5; 2 Hour Minimum \$20 \$119 Per Hour Billed Hourly; Reference Hourly Rates
For Services Requested of Town Staff which have no fee listed in this Master Fee Schedule, the City Manager or the City Manager's designee shall determine the appropriate fee based on the following hourly rates for staff time involved in the service or activity:	
Records/Communications Staff:	\$119 Per Hour
Patrol/Investigations Staff:	\$154 Per Hour



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF JANUARY 20, 2010

**SUBJECT: ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR
BUDGET ADJUSTMENTS FOR FY 2009-10**

RECOMMENDATION

Adopt the Resolution Approving the Mid-Year Budget Adjustments for FY 2009-10.

DISCUSSION

The FY 2009-10 budget was adopted in June 2009. After reviewing the actual operating result for the six months ended December 31, 2009, staff is proposing the attached adjustments to more accurately reflect the revenue trend and unbudgeted expenditures.

To review the mid-year budget adjustment request, the City Council conducted a budget workshop (special meeting) on January 12, 2010 with management team.

FISCAL IMPACT

Staff is projecting a deficiency of General Fund revenues over expenditures in FY 2009-10 by \$541,319.

To close the General Fund budget shortfall, the City Manager, in accordance with the Town's fund balance policy, is recommending the use of General Fund reserve (fund balance) of \$150,204 and the Building Department operating reserve of \$391,116.

Prepared by:

Approved by:

Louise Ho
Finance Director

Jerome D. Gruber
City Manager

Attachment:

- Resolution of the City Council of the Town of Atherton Approving Mid-year 2009-10 Budget Adjustment
- Exhibit A General Fund Mid-Year 2010 Revenues & Expenditures Review
- Exhibit B General Fund Mid-Year 2010 Supplemental Expenditure Request
- Exhibit C Other Funds Mid-Year 2010 Supplemental Request

RESOLUTION NO. 10-04

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON APPROVING MID-YEAR BUDGET ADJUSTMENTS
FOR FY 2009-10**

WHEREAS, it is the goal of the City Council to continue to provide the highest level of cost-effective service to Atherton's residents within the funds available; and,

WHEREAS, the City Council annually conducts a mid-year budget review to ascertain the performance of all City departments in meeting their budget objectives, review revenue trends and make budgetary adjustments for unforeseen and emergency expenses; and,

WHEREAS, the City Council wishes to modify the FY 2009-10 budget to reflect that mid-year budget review.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby approve an amendment to the FY 2009-10 Town Budget to enact the changes identified on Exhibit A, B, and C, attached hereto.

PASSED AND ADOPTED at a meeting of the City Council of the Town of Atherton held on the 20th day of January, 2010 by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSTAIN: Council Members:
ABSENT: Council Members:

MAYOR OF THE TOWN OF ATHERTON

ATTEST:

DEPUTY CITY CLERK

Town of Atherton					
General Fund					
Mid-Year Revenues and Expenditures Review					
FY 2009-10					
					Exhibit A
					50.0%
Description	Adopted Budget FY 09-10	Adj. Actual Jul 09 thru Dec 09	% of Annual Budget	Mid-Year Adjustment	FY 2010 Projected
Revenues					
Secured Property Tax	4,540,000	2,381,250	52.5%	200,000	4,740,000
SB813 Redemption (Suppl)	90,000	16,606	18.5%	(60,000)	30,000
Excess ERAF	530,000		0.0%	200,000	730,000
Unsecured	250,000	298,475	119.4%	48,475	298,475
Prop 1A Loan to State	-	(221,181)	-100.0%	(442,363)	(442,363)
Prop 1A Securitization Program	-		0.0%	442,363	442,363
Property Transfer Tax	125,000	134,875	107.9%	100,000	225,000
Prop Tax in Lieu of VLF (motor vehicle)	625,000	331,999	53.1%	(18,497)	606,503
Total Property Taxes	6,160,000	2,942,024	251.3%	469,978	6,629,978
Sales & Use Tax General	90,000	24,456	27.2%	(60,000)	30,000
In Lieu Sales Tax/Trip Flip	60,000	13,349	22.2%	(33,302)	26,698
Prop 172 Sales Tax for Police	65,000	23,838	36.7%	(15,000)	50,000
Total Sales Taxes	215,000	61,643	86.1%	(108,302)	106,698
Franchise Taxes-PG&E	220,000		0.0%		220,000
Franchise Tax-Cal Water	73,000		0.0%		73,000
Franchise Tax-BFI	175,000	40,337	23.0%		175,000
Franchise Taxes-Cable	102,000	24,407	23.9%		102,000
Total Franchise Fees	570,000	64,744	47.0%	-	570,000
Homeowners Exemption	31,500	5,012	15.9%	9,116	40,616
Motor Veh. Lic Fees (MVLf)	20,000	5,002	25.0%	(5,000)	15,000
SB 90 (mandated cost) reimb.	-	1,219	0.0%		-
Total Intergovernmental	51,500	11,233	40.9%	4,116	55,616
Business Licenses	150,000	77,916	51.9%		150,000
Bus Lic Refund -FY 06/07				35,000	35,000
Bus Lic Refund -FY 07/08				40,000	40,000
Bus Lic Refund -FY 08/09					-
Total Business License Tax	150,000	77,916	51.9%	75,000	225,000
Home Occupation Permit	2,500	200	8.0%	(2,000)	500
Zoning & Planning Fees	75,000	22,800	30.4%		75,000
Total Planning Revenue	77,500	23,000	38.4%	(2,000)	75,500
Building Permit Fee	600,000	219,417	36.6%	(115,161)	484,839

Town of Atherton					
General Fund					
Mid-Year Revenues and Expenditures Review					
FY 2009-10					
					Exhibit A
					50.0%
Description	Adopted Budget FY 09-10	Adj. Actual Jul 09 thru Dec 09	% of Annual Budget	Mid-Year Adjustment	FY 2010 Projected
Plan Check Fee	320,000	176,328	55.1%	(28,000)	292,000
Grading & Drainage	88,500	24,000	27.1%	(30,500)	58,000
Total Building Revenue	1,008,500	419,745	118.8%	(173,661)	834,839
Municipal & Vehicle Code Fines (Parking)	11,000	5,156	46.9%	(8,931)	2,069
Other Fines & Forfeiture (County)	8,525	10,279	120.6%	8,931	17,456
DUI Enforcement	1,200	-	0.0%		1,200
Alarm Sign Fees	600	420	70.0%		600
Vehicle Release	1,000	360	36.0%		1,000
Police Report	2,500	1,970	78.8%		2,500
Affidavit of Cost	2,000	200	10.0%		2,000
Solicitor's Permit	400	27	6.8%		400
Special Service Fee	525	594	113.1%		525
POST Reimb	8,000	2,776	34.7%		8,000
CALNENA Reimb	3,000	-	0.0%		3,000
CLEARs Reimb	395	-	0.0%		395
DOJ Grant (vests)	1,500	22	1.5%		1,500
Donation K-9	14,286	14,361	100.5%		14,286
Sale of Property		501	100.0%		-
Finger Printing Fee		42	100.0%		-
Total Police Revenue	54,931	36,708	8	-	54,931
Encroachment	125,000	59,390	47.5%		125,000
Highway Maintenance Reimbursement	-	35,700	0.0%	35,700	35,700
Total DPW Revenue	125,000	95,090	47.5%	35,700	160,700
Social Fees	60,000	28,575	47.6%		60,000
Meeting Fees	60,000	34,375	57.3%		60,000
Class Fees	15,000	7,960	53.1%		15,000
Weddings	140,000	57,500	41.1%		140,000
Misc. Use Fee	1,400	1,160	82.9%		1,400
Total Park Program Revenue	276,400	129,570	281.9%	-	276,400
Application Fee		650	100.0%		-
Other Licenses & Permit	500	250	50.0%		500
Grant		8,244	100.0%		-
DOC Grant	5,000		0.0%		5,000
ABAG Grant	10,000	18,338	183.4%		10,000

Town of Atherton					
General Fund					
Mid-Year Revenues and Expenditures Review					
FY 2009-10					
					Exhibit A
		50.0%			
Description	Adopted Budget FY 09-10	Adj. Actual Jul 09 thru Dec 09	% of Annual Budget	Mid-Year Adjustment	FY 2010 Projected
Other Reimbursements	-				-
Interest Income	150,000	11,936	8.0%	(90,000)	60,000
Cellular One	36,000	18,676	51.9%		36,000
Post Office	51,768	25,881	50.0%	(20,000)	31,768
Property Rental - Playschool	77,580	45,252	58.3%		77,580
Miscellaneous Income	10,000	5,840	58.4%		10,000
Document/Research Fee	-				-
Photocopy Fee	6,000	3,345	55.8%		6,000
Donations/Contributions	-	-			-
Total Misc. Revenues	346,848	138,412	6	(110,000)	236,848
Total Operating Revenues	9,035,679	4,000,085	2398.4%	190,831	9,226,510
Expenditures					
City Council Department	29,382	11,633	39.6%		29,382
Administration Department	798,060	409,787	51.3%	10,828	808,888
City Attorney Department	423,000	221,348	52.3%		423,000
Finance Department	534,584	270,321	50.6%	65,561	600,145
Planning Department	196,257	83,842	42.7%		196,257
Building Department	1,017,047	533,088	52.4%	55,608	1,072,655
Non-Department	433,477	327,432	75.5%	103,507	536,985
Police Department	5,085,310	3,005,792	59.1%	450,384	5,535,694
Public Works Department	1,799,426	936,765	52.1%	128,997	1,928,423
Total Operating Expenditures	10,316,543	5,800,008	475.7%	814,885	11,131,428
Excess (Deficiency) of Revenues Over Expenditures	(1,280,864)	(1,799,923)		(624,054)	(1,904,918)
Other Financing Sources					
Transfer in from Special Parcel Tax Fund	780,863	390,432	50.0%		780,863
Transfer in from Facilities Construction Fund				82,735	82,735
Total Transfers In	780,863	390,432	50.0%	82,735	863,598
Net Change in Fund Balance	(500,001)	(1,409,491)		(541,319)	(1,041,320)
Beginning Fund Balance	7,203,277				7,203,277
Ending Fund Balance	6,703,276	(1,409,491)		(541,319)	6,161,957

Town of Atherton					
General Fund					
Mid-Year Revenues and Expenditures Review					
FY 2009-10					
					Exhibit A
		50.0%			
Description	Adopted Budget FY 09-10	Adj. Actual Jul 09 thru Dec 09	% of Annual Budget	Mid-Year Adjustment	FY 2010 Projected
<u>Analysis of Fund Balance:</u>					
Budget Stabilization Reserve (15-20%)	1,547,481			122,233	1,669,714
Emergency Disaster Reserve (15-20%)	1,547,481			122,233	1,669,714
Working Capital (5-10%)	1,031,654			81,489	1,113,143
Undesignated, Unreserved	1,171,878			(476,158)	695,720
	5,298,495	-	-	(150,204)	5,148,292
Building Department Operating Reserve	1,404,781			(391,116)	1,013,665
	6,703,276	-	-	(541,319)	6,161,957



Town of Atherton

ITEM 24

DATE: CITY COUNCIL MEETING OF JANUARY 20, 2010

TO: CITY COUNCIL

**FROM: JERRY GRUBER, CITY MANAGER
LISA COSTA SANDERS, DEPUTY TOWN PLANNER**

**SUBJECT: CONSIDER REFUSE AND RECYCLING COLLECTION RATES AND
PROVIDE DIRECTION FOR PUBLIC REVIEW PROCESS**

RECOMMENDATION

Staff and the Environmental Programs Committee recommend the City Council review the attached collection rate options and provide direction to Staff to advertise the rate increase following scenario #3b.

BACKGROUND

Pursuant to the Uniform Franchise Agreement for Collection Services ("Collection Agreement") with Allied, the Atherton City Council is required to adopt collection rates to cover the cost of waste management services provided by Allied to Atherton residents. Each year, the firm of HF&H completes a review of Allied's rate application and prepares recommendations to each jurisdiction for the collection rates. The Collection Agreement establishes the process for setting collection rates based on expenses and revenues projected, which is in turn based on actual results, trends and management plans. Allied is eligible for cost plus 9% profit applied to reasonable and necessary operating expenses, net of certain "pass-through" expenses (i.g. disposal expenses and franchise fees).

Atherton has not increased its refuse and recycling rates since 2002, when rates were increased by 14%. That rate increase was necessary to cover the increased costs associated with the roll-out of unlimited "green waste" service. Atherton's collection revenue subsequently exceeded Allied's expenses for a number of years, which resulted in accumulation of a positive balancing account with Allied. In 2009 the balancing account was fully expended and there is an estimated shortfall of \$388,000. HF&H estimates that a rate increase is necessary during 2010 due to increased operating expenses and increased disposal costs. These new costs include bond expenses for improvements to the Recycling Facility at 333 Shoreway in San Carlos currently operated by Allied under contract with the South Bay Waste Management Authority.

As the Council is aware, the Collection Agreement with Allied expires on December 31, 2010. The Town of Atherton has until December 31, 2011 (i.e. 12 months from the date Allied stops providing service) to "true-up" with Allied on any revenue due to them. If there has been an overpayment, Allied

has until that time to return any excess revenue collected to the Town of Atherton.

The City Council has approved a new Collection Agreement with Recology that will commence on January 1, 2011. The new Collection Agreement includes standard container sizes and establishes a different rate setting process.

ANALYSIS

Rate Setting: The City Council establishes the collection rates that are then billed to residential and commercial customers by the franchised service provider. All costs of service are paid by the rate payers.

Staff has requested that HF&H prepare several options for consideration, each of which would provide the necessary revenue to meet the Town's obligations under its agreement with Allied. Scenarios #1 and #2 provide for a progressive rate structure (increasing 2% as the volume increases). The Allied collection service is based on customer-provided containers with a rate structure that covers all container sizes. The new collection service with Recology will include company provided containers at certain sizes only (20 gal, 32 gal, 64 gal and 96 gal). Staff recommends any progressive rate structure be delayed until 2011 when the standardized container sizes will be in use.

The Recology contract for services includes automated collection of garbage. This new collection system will increase labor efficiency. Hillsborough recently approved a backyard surcharge to reflect the increased costs of backyard collection to cover the additional labor expense associated with backyard collection and to encourage residents to use curb collection to increase collection efficiency. Scenarios with a backyard service fee of \$20 per month have also been included as an option for consideration. There are approximately 500 customers that currently have rear yard garbage service of 2,300 total customers. The backyard surcharge would not apply to households where physical disabilities prevent the customer from making use of curbside service.

An additional rate increase, estimated at \$7 a month, is projected for 2011 with the new Collection Agreement with Recology. The rates for 2011 will be analyzed at the end of 2010 for consideration by the City Council in early 2011.

Environmental Programs Committee Recommendation: The Environmental Programs Committee reviewed the rate options at its January 13, 2010 meeting and recommends the City Council approve rate scenario 3b. Staff from HF&H will be present at the City Council meeting to review the rate scenarios in more detail.

Notice and Hearing Procedure. Proposition 218 and enabling legislation adopted by the state legislature following its passage establish procedures for "property related fees and charges." The proposition establishes a notice and protest procedure for refuse fees, which suggests that these fees are, in at least some circumstances, to be considered "property related." There are a number of factors that suggest that Atherton's refuse fees and charges are not subject to Proposition 218: the service is not mandatory, it is provided by a franchisee, and the Town has not granted itself the power to collect unpaid refuse bills through a lien on real property. However, the City Attorney and staff recommend that the Town follow the individual notice and majority protest hearing requirements of Proposition 218 for these fees. This conservative approach is common practice in

the Bay Area in general and the Peninsula in particular.

Proposition 218 requires written notice by mail of the proposed rate increase at least 45 days before the public hearing either to the record owner of each parcel or in a mailing to the address to which refuse bills are normally sent. (Cal. Const. art XIII D Section 6; Gov. Code §§ 53750(i)(j), 53755). The notice will contain: (1) the amount of the proposed fee; (2) the basis on which the proposed fee was calculated; (3) the reason for the fee; and (4) the date, time and location of a public hearing on the proposed fee. For variable fees such as refuse fees, the notice will contain a proposed fee schedule. The notice will also advise customers that they may file a written protest of the fees.

At the public hearing, the Town will consider all written protests of the rate increase; if written protests are presented for a majority of the parcels, the rate increase will not take effect. If there is no majority protest, then the rate increases can be imposed by an ordinance approved by 2/3 vote of the members of the City Council under Health & Safety Code § 5471. The Town will also publish and post notice of the proceedings.

ALTERNATIVES

The City Council has the option to approve any of the rate increase scenarios presented in the attachment, or direct staff to prepare additional rate increase scenarios for consideration.

FISCAL IMPACT

Refuse and recycling fees are paid by the residential and commercial customers

RECOMMENDATION

Staff and the Environmental Programs Committee recommend the City Council direct staff to provide the required notice for a property related fee for a rate increase following scenario #3b. This rate scenario provides for a full rate increase in 2010 without a deficit carry-over into 2011. It also includes a charge for backyard surcharge to cover the increased costs and encourage residents to bring their containers to the curb. It does not include any further increases that may be needed under the Recology service program that will begin in 2011.

Prepared By:

/s/ Lisa Costa Sanders

Lisa Costa Sanders
Deputy Town Planner

Approved by:

/s/ Jerome D. Gruber

Jerome D. Gruber
City Manager

Attachments:

1. Collection rate scenarios

Scenario Summary

Scenario #	% of 2010 Revenue Shortfall Carried Over to 2011	Backyard Service Fee	Rate Structure	Curbside 32-gal Can \$ and % Change	
				2010	2011
Scenario #1a	0%	None	Progressive ¹	+\$4.72/mo +19.9%	+\$6.90/mo +24.3%
Scenario #1b	0%	\$20/mo	Progressive ¹	+\$2.89/mo +12.2%	+\$6.91/mo +26.0%
Scenario #2a	58%	None	Progressive ¹	+\$1.78/mo +7.5%	+\$12.68/mo +49.8%
Scenario #2b	41%	\$20/mo	Progressive ¹	+\$0.80/mo +3.4%	+\$11.06/mo +45.2%
Scenario #2c	31%	\$20/mo	Progressive ¹	+\$1.29/mo +5.4%	+\$10.04/mo +40.2%
Scenario #3a	0%	None	Uniform Per-Gal Rates (same as current) ²	+\$5.93/mo +25.1%	+\$6.99/mo +23.6%
Scenario #3b	0%	\$20/mo	Uniform Per-Gal Rates (same as current) ²	+\$4.01/mo +16.9%	+\$7.02/mo +25.3%
Scenario #4a	40%	None	Uniform Per-Gal Rates (same as current) ²	+\$3.79/mo +16.0%	+\$11.17/mo +40.7%
Scenario #4b	26%	\$20/mo	Uniform Per-Gal Rates (same as current) ²	+\$2.60/mo +11.0%	+\$9.76/mo +37.1%

¹ Per gallon rates increase 2% as total weekly volume increases (i.e., 64-gallon customers pay more per gallon than 32-gallon customers); Due to the progressive rate structure, the resulting percentage and dollar increases shall differ for other service levels

² Current rates are based on charging \$0.74 per gallon with a few exceptions (i.e., 45-gal container same rates as 40-gal container)

Comparison of Rates to Other SBWMA Cities

Residential (curbside rates)

Agency	2010			2011		
	1 32-gal Can	2 32-gal Cans	3 32-gal Cans	1 32-gal Can	2 32-gal Cans	3 32-gal Cans
Atherton (Scenario #3a)	\$ 29.61	\$ 59.22	\$ 88.84	\$ 36.60	\$ 73.21	\$ 109.81
Hillsborough	\$ 29.22	\$ 58.43	\$ 87.65			
Atherton (Scenario #1a)	\$ 28.40	\$ 57.93	\$ 88.63	\$ 35.30	\$ 72.01	\$ 110.17
Atherton (Scenario #3b)	\$ 27.69	\$ 55.38	\$ 83.07	\$ 34.71	\$ 69.41	\$ 104.12
Atherton (Scenario #4a)	\$ 27.47	\$ 54.94	\$ 82.41	\$ 38.64	\$ 77.28	\$ 115.93
Atherton (Scenario #1b)	\$ 26.57	\$ 54.20	\$ 82.93	\$ 33.48	\$ 68.29	\$ 104.49
Atherton (Scenario #4b)	\$ 26.28	\$ 52.57	\$ 78.85	\$ 36.04	\$ 72.08	\$ 108.13
Atherton (Scenario #2a)	\$ 25.46	\$ 51.94	\$ 79.46	\$ 38.14	\$ 77.80	\$ 119.04
East Palo Alto	\$ 25.13	\$ 50.26	\$ 75.39			
Atherton (Scenario #2c)	\$ 24.97	\$ 50.94	\$ 77.94	\$ 35.01	\$ 71.42	\$ 109.27
Atherton (Scenario #2b)	\$ 24.48	\$ 49.94	\$ 76.41	\$ 35.54	\$ 72.51	\$ 110.94
Atherton (current)	\$ 23.68	\$ 47.36	\$ 71.04			
North Fair Oaks	\$ 22.21	\$ 22.21	\$ 44.42			
Belmont ¹	\$ 21.15	\$ 43.26	\$ 66.34			
West Bay Sanitary District	\$ 20.26	\$ 40.51	\$ 60.77			
San Carlos ¹	\$ 19.84	\$ 41.28	\$ 63.16			
Redwood City	\$ 19.20	\$ 38.40	\$ 57.60			
Menlo Park ¹	\$ 18.57	\$ 43.11	\$ 66.95			
Burlingame	\$ 15.38	\$ 30.77	\$ 46.15			
San Mateo ¹	\$ 13.44	\$ 29.59	\$ 45.72			
Foster City	\$ 13.20	\$ 26.40	\$ 39.60			

All Rates (except Atherton Scenarios) Reflect Current rates; All other rates subject to change in 2010 and 2011.

TOWN OF ATHERTON

OPERATIONAL STATISTICS Category	Residential			Commercial					
	Accounts 2008	est. 2009	Tonnage 2008	est. 2009	Accounts 2008	est. 2009	Tonnage 2008	est. 2009	
Solid Waste	2,302	2,319	2,333	2,211	37	37	810	767	
Recyclable Materials	2,302	2,319	1,373	1,128	19	20	162	140	
Organic Materials	2,302	2,319	4,826	4,789	11	11	266	235	
Number of Pulls	Debris Boxes - Compactors								
Yards Billed (based on capacity)	2008	Est. 2009							
Tons Disposed	0	0							
	0	0							
	0	0							

CALENDAR YEAR 2010 PROJECTED INCOME STATEMENT	
Route Revenues	\$ 1,642,000 A
Other Revenues	\$ 1,642,000
Total Revenue	\$ 1,642,000
Expenses	
Labor-Related Expenses	\$ 686,000
Vehicle/Container Maint./Depr.	217,000
Operating Insurance	84,000
G&A/Overhead	118,000
Profit	109,000
Disposal/Processing	595,000
Debris Box/ Compactor Services	33,000
3rd Party Contract Management	-
Franchise and Other Fees	171,000
Total Expenses	\$ 2,013,000
Beg. Bal. Balancing Account	\$ 17,000
Total Revenue Requirement	\$ 2,030,000
Surplus/(Shortfall)	\$ (388,000) B
% Adj. to Rates	(to bring bal. acct. to zero) 23.6% = [B/A]

REPRESENTATIVE RATES			
Category	Residential Cans		Commercial Bins
	Current	Calculated	Category
1 Can	\$23.68	\$29.27	1 YD. Bin X1 Week
2 Can	\$47.36	\$58.54	3 YD. Bin X1 Week
3 Can	\$70.30	\$86.89	1 YD. Bin X3 Week
			3 YD. Bin X3 Week
			Current
			Calculated
			\$122.36
			\$367.09
			\$367.09
			\$1,101.28



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JERRY GRUBER, CITY MANAGER
BENJAMIN WINIG, ASSISTANT CITY ATTORNEY

DATE: FOR THE MEETING OF JANUARY 20, 2010

SUBJECT: ADMINISTRATIVE CITATION PROGRAM

RECOMMENDATION

Staff recommends that the City Council waive the first reading of the administrative citation ordinance and adopt it in its current form.

BACKGROUND

After hiring a new City Attorney, one of the directions from the City Council and City Manager was to evaluate the Town's overall code enforcement program. Due to other Council priorities, however, this evaluation had been postponed until recently.

Beginning in fall of 2009, the City Manager began discussions with the City Attorney's office about the various options available to the Town to strengthen its code enforcement program. The City Attorney's office, together with the Town's Code Enforcement Officer, suggested that an administrative citation program would be a good first step towards a more robust program. The Town already has a nuisance abatement ordinance, but its procedures are complex; an administrative citation ordinance would provide a more streamlined process while still preserving and protecting residents' due process rights. Therefore, in late 2009, the City Manager, the Code Enforcement Officer, and the Assistant City Attorney discussed what an administrative citation ordinance would look like for the Town. The attached ordinance is what resulted from that discussion.

Typically, administrative citations are imposed as a last resort in complex cases and only after a property owner has been notified. Most Town residents quickly comply when advised of a violation on their property, and cases that may rise to the administration citation level are more likely to concern health and safety issues such as zoning and construction related violations. Past experience has shown that a small number of recalcitrant individuals cost the Town an

inordinate amount of resources, and the administrative citation process is a cost-effective tool to help gain compliance with the Town's regulations.

DISCUSSION

The proposed administrative citation ordinance is comprehensive and intended to address violations of the Town's municipal code, other Town ordinances, applicable state codes, conditions on entitlements, and land use approvals without a criminal prosecution and arrest. It is but one of various mechanisms available to the Town to address violations of its code and other relevant regulations. The ordinance encourages voluntary and complete compliance with applicable laws in both a timely and cost effective manner for the protection and benefit of the entire Atherton community.

Main Components of Administrative Citation Ordinance

- **Issuance of Citation.** The Town's Enforcement Officer may issue an administrative citation to any person violating a provision of the Atherton Municipal Code, other Town ordinances, applicable state codes, or any condition imposed upon the issuance of a land use approval or entitlement. Before the imposition of any penalty, however, the Code Enforcement Officer must allow a reasonable period of time (not to exceed 14 calendar days unless the Code Enforcement Officer determines that a longer period of time is warranted under the circumstances) for the responsible person to cure the violation. In most cities that the City Attorney's law firm represents, a high percentage of violations are resolved at this citation level. We would expect the same to be true for Atherton.
- **Imposition of Fine.** Failing to cure the violation in the time set forth by the Code Enforcement Officer may result in an administrative fine. The City Council must establish by resolution the amount of administrative fines, including any late payment penalties. The resolution may also include escalating fine amounts for repeat violations of the same provision by the same person within 12 months from the date of the initial administrative citation.
- **Opportunity for Hearing.** A recipient of an administrative citation and fine may appeal the citation before a hearing officer. The hearing officer is required to provide an appellant his/her due process rights as required for this type of administrative hearing. The city manager will maintain a list of qualified hearing officers and will designate the hearing officer by random selection from the list, subject to availability. The hearing officer cannot be an employee of the Town or have any employment relationship with the Town, except for that of hearing officer. In addition, the hearing officer's employment, evaluation, compensation, and/or benefits cannot depend on the outcome of the hearing or on the amount of fine imposed. In any administrative proceeding, neither party is entitled to recover its attorneys' fees unless the Town elects in writing, at the initiation of the administrative proceeding, to seek recovery of its own attorneys' fees.

- Hardship Waiver. If any person is unable to afford the fine, the ordinance contains a hardship fee waiver clause to allow such persons to request a fee waiver from the City Manager. Once a request is filed, the requirement to pay the fine is stayed until the City Manager determines whether to grant the request.
- Right to Appeal. Anyone aggrieved by a decision of the hearing officer may seek judicial review in San Mateo County Superior Court in accordance with the applicable requirements outlined in the Government Code.
- Collection of Unpaid Fines. The Town may pursue any and all legal and equitable remedies to collect unpaid fines imposed pursuant to the ordinance. It is intended that persons causing, maintaining, and/or permitting the violation, and not the taxpayers, bear the financial burden of the Town's code enforcement efforts. Remedies available to the Town include but are not limited to (1) referring the delinquent account to a collection agency; (2) authorizing a lien to be recorded on the property; and/or (3) authorizing a special assessment upon the property.

FISCAL IMPACT

Currently, the Town's Code Enforcement Officer provides code enforcement services on a contractual basis. Such services include assessments, field investigations, correspondence, logging and tracking of complaints and cases, dissemination of public information, and other related duties as assigned by the City Manager. The Code Enforcement Officer conducts follow-up inspections until violations are in compliance with Town requirements. The Code Enforcement Officer's current rate of pay is \$103 per hour. We do not foresee the Code Enforcement Officer's rate or duties changing significantly should the Town adopt this ordinance.

If an administrative hearing is requested, the Code Enforcement Officer can represent the Town at an additional hourly cost. The use of outside counsel is optional for the Town, and the City Attorney would only be involved if deemed necessary (i.e. if the violation was sufficiently complex from a legal standpoint).

If a resident were to appeal a decision of the hearing officer to Superior Court, the City Attorney would need to get involved. While the Town is exempt from paying filing fees for court proceedings, it would be subject to attorneys' fees to defend the Town. We anticipate that very few, if any, administrative citations will end up in court. As noted above, most violations are resolved at the citation level, while a few may reach the administrative hearing level. An administrative appeal is a necessary and final step before an appellant can appeal the matter to Superior Court.

ALTERNATIVES

If the City Council does not wish to adopt the ordinance, it may take one of the following two options:

1. Direct Town staff to revise the ordinance and bring it back at a future meeting.
2. Decline to adopt the ordinance and maintain the Town's current code enforcement protocol.

ORDINANCE 583

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ADDING CHAPTER 1.21 TO THE ATHERTON MUNICIPAL CODE
ESTABLISHING ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE
ATHERTON MUNICIPAL CODE, RELATED STATE CODES AND
CONDITIONS ON ENTITLEMENTS**

WHEREAS, enforcement of the Town's municipal code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals is a matter of local concern and serves to protect the public health, safety and welfare of Town residents;

WHEREAS, the Town desires an alternative method of enforcement for violations of its municipal code and other applicable regulations;

WHEREAS, one such method of enforcement is an administrative citation program authorized by Government Code section 53069.4;

WHEREAS, the Town desires to establish a comprehensive administrative citation program in accordance with state law; and

WHEREAS, the administrative citation program is intended to encourage voluntary compliance with the Town's municipal code and other applicable laws in a timely and cost effective manner for the protection and benefit of Town residents.

NOW, THEREFORE, the City Council of the Town of Atherton hereby ordains as follows:

SECTION 1: A new Chapter 1.21 of the Atherton Municipal Code is hereby added to read as follows:

"Chapter 1.21 Administrative Citations

Sections:

- 1.21.010 Purpose and intent.
- 1.21.020 Authority to issue administrative citations.
- 1.21.030 Definitions.
- 1.21.040 Issuance.
- 1.21.050 Service procedures.
- 1.21.060 Amount of fines.
- 1.21.070 Payment of fines.
- 1.21.080 Request for administrative hearing.
- 1.21.090 Administrative hearing procedures.
- 1.21.100 Hearing officer decision.
- 1.21.110 Collection of unpaid fines.

- 1.21.120 Right to judicial review.
- 1.21.130 Notices.

1.21.010 Purpose and intent.

The city council finds and declares that:

- A. There is a need for an alternative method of enforcement for violations of the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals. An appropriate method of enforcement is the imposition of an administrative citation program and related fines as authorized by Government Code section 53069.4.
- B. The issuance of an administrative citation under this chapter is solely at the town's discretion and is one of various options that the town has to address violations of the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals. By adopting this chapter, the town does not intend to limit its discretion to use any other remedy, civil or criminal, to address such violations.
- C. Enforcement of the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals are matters of local concern and serve to protect the public health, safety and welfare of the citizens of the town, and such enforcement is a valid exercise of the town's police power.
- D. Issuing administrative citations encourages voluntary and complete compliance with the provisions of this code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals in a timely and cost efficient manner that protects and benefits all town residents.

1.21.020 Authority to issue administrative citations.

The following town officers and employees are designated and authorized to issue administrative citations as the town's enforcement officer:

- A. The City Manager or his or her designee;
- B. The Code Enforcement Officer or his or her designee;
- C. The Building Official or his or her designee; and
- D. All sworn police officers.

1.21.030 Definitions.

- A. "Enforcement officer" means any officer or employee acting on behalf of the town with the authority to enforce the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and land use approvals in accordance with the provisions of this code.
- B. "Hearing officer" means the person appointed by the city manager, in compliance with any and all applicable legal requirements, to serve as the hearing officer for administrative citation hearings.
- C. "Land use approval" means any approval required for a particular use of land, including without limitation, licenses, conditional use permits, variances, or subdivision maps.

D. "Owner" means the record owner of any parcel of real property according to San Mateo County's last equalized property tax assessment roll, or the supplemental roll, whichever is more current.

E. "Person" means and includes a natural person or legal entity, and the owners, majority stockholders, corporate officers, trustees and general partners of a legal entity.

F. "Responsible person" means any individual who is the owner or occupant of real property, owner or authorized agent of any business, company, or entity, or the parent or the legal guardian of any person under the age of eighteen years, who causes, maintains, or permits a violation of the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and/or land use approvals. For the purposes of this chapter, there may be more than one responsible person for any violation and each responsible person shall be jointly and severally liable for any such violation.

1.21.040 Issuance.

A. Notwithstanding the provisions set forth in Chapter 1.20 of the Atherton Municipal Code, any person violating any provision of the Atherton Municipal Code, other town ordinances, applicable state codes, conditions on entitlements, and/or land use approvals, including any provision that pertains to building, plumbing, electrical, or other similar structural or zoning issues, may, in the town's discretion, be issued an administrative citation by an enforcement officer. Before the imposition of any administrative fines, the enforcement officer shall allow a reasonable time period not to exceed fourteen calendar days, unless the enforcement officer determines that a longer time period is reasonably warranted and/or necessary under the circumstances, for the person to correct or otherwise remedy the violation.

B. Every person who applies for and receives any type of land use approval or entitlement shall comply with all conditions imposed upon the issuance of such approval or entitlement. Violation of any condition may be subject to an administrative fine in accordance with this chapter.

C. Each and every day a violation exists shall be a separate and distinct violation and may be subject to a separate fine.

D. An administrative citation shall be on a form approved by the city manager and shall contain the following information:

1. Name and address of the responsible person;
2. Date, time, and address or definite description of the location where the violation was observed;
3. The relevant provision violated and a description of the violation;
4. A description of the action required to correct the violation and an explanation of the consequences for failure to correct the violation;
5. An order prohibiting the continuation or repeated occurrence of the violation;
6. The amount of the fine for the violation;
7. An explanation of how and when to pay the fine;
8. A reasonable time period not to exceed fourteen calendar days, unless the enforcement officer determines that a longer period of time is reasonably warranted and/or necessary under the circumstances, within which the responsible person may correct the violation without being subject to a fine;

9. Notification of the right to appeal, including the time within which the administrative citation may be contested and the place to obtain a request for hearing form to appeal the administrative citation;
10. Notification of the right to request a hardship fee waiver;
11. The name and signature of the enforcement officer; and
12. The date the citation was issued.

1.21.050 Service.

An administrative citation issued in accordance with section 1.21.040 may be served in any of the following manners:

- A. **Personal Service.** The enforcement officer shall make a reasonable attempt to locate and personally serve the responsible person with the administrative citation and shall also make a reasonable attempt to obtain the signature of the responsible person on the administrative citation. Service by personal service shall be deemed completed at the time of such personal service. If the responsible person accepts service but refuses to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or any subsequent proceedings.
- B. **Service by Mail.** If the enforcement officer is unable to serve the responsible person by personal service, the enforcement officer shall mail the administrative citation to the responsible person by U.S. certified mail, return receipt requested, and by regular, first class mail. Service by mail shall be deemed effective as of the date of deposit. A copy of the mailing receipt used with certified mail shall be affixed to a copy of the administrative citation that is maintained by the enforcement officer.
- C. **Service by Posting Notice.** If the enforcement officer does not succeed in personally serving the responsible person or in serving the responsible person by certified or regular mail, the enforcement officer shall post the administrative citation on the responsible person's real property on which the violation is occurring. Service by posting shall be deemed effective as of the date of posting.

1.21.060 Amount of fines.

The city council shall establish by resolution the amount of fines, including any late payment penalties, for an administrative citation imposed pursuant to this chapter. The resolution may include escalating fine amounts for repeat violations of the same provision by the same person within 12 months from the date of the initial administrative citation.

1.21.070 Payment of fines.

- A. Within thirty days from the date of service of the administrative citation, the responsible person shall pay the fine to the City Clerk.
- B. If the fine is not paid within the timeframe prescribed herein, a late payment penalty may be charged in an amount to be established by resolution of the city council.
- C. Any fine paid pursuant to this section shall be refunded in accordance with section 1.21.100 if it is determined, after a hearing, that the person charged with the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

D. Payment of a fine shall not excuse or discharge any continuation or repeated occurrence of any violation that is the subject of the administrative citation, nor shall it bar further enforcement action by the town.

E. Any responsible person who is unable to pay the fine may file a request for fee waiver with the city manager ten calendar days from the date of service of the administrative citation.

1. The request for fee waiver shall be in writing, describe why the fine cannot be paid, and include any relevant documentation supporting the request. The request must be accompanied by a sworn affidavit and must demonstrate to the satisfaction of the city manager the responsible person's actual financial inability to deposit with the town the full amount of the fine in advance of the hearing.

2. Once the request for fee waiver is filed, the requirement to pay the administrative fine shall be stayed until the city manager determines whether to grant or deny the request.

3. If the city manager grants the request for fee waiver, the responsible person shall not be required to pay the fine. Granting a request for fee waiver shall not excuse or discharge any continuation or repeated occurrence of any violation that is the subject of the administrative citation, nor shall it bar further enforcement action by the town.

4. If the city manager denies the request for fee waiver, the fine must be paid within fifteen calendar days from the date of service of the city's manager determination. The city manager may also impose a schedule for payment of the fine that shall not exceed 180 days from the date of his or her determination.

5. The city manager's determination shall be (1) made within ten calendar days of the request, (2) in writing, and (3) served via U.S. certified mail, return receipt requested. The city manager's determination shall be final.

1.21.080 Request for administrative hearing.

A. A responsible person may appeal the imposition of an administrative citation by completing a request for hearing form obtained from the City Clerk. The responsible person must return the form to the City Clerk within fifteen calendar days from the date of service of the administrative citation. Unless the responsible person was granted a fee waiver pursuant to section 1.21.070(E), the request for hearing form must be accompanied by an advanced deposit of the fine.

B. The request for hearing form must contain the following information:

1. The name, address, and signature of the responsible person appealing the administrative citation;

2. A brief statement in ordinary and concise language of the specific item that is contested, together with any supportive facts; and

3. A brief statement in ordinary and concise language of the relief sought and the reason why the administrative citation should be rescinded, modified, or otherwise set aside.

C. A hearing before the hearing officer shall be set for a date that is not less than fifteen nor more than sixty calendar days from the date the request for hearing is filed. The responsible person requesting the hearing shall be notified of the time and place set for the hearing at least ten calendar days before the date of the hearing.

D. A request for hearing form that fails to provide all of the information required by this section shall be deemed a failure to appeal the administrative citation. The failure of a responsible person to appeal the administrative citation within the timeframe provided by

this section shall constitute (1) a waiver of any right to an administrative hearing for a determination of the matter contested; and (2) a failure to exhaust his or her administrative remedies.

1.21.090 Administrative hearing procedures.

A. A hearing to appeal an administrative citation before a hearing officer shall not be held unless the appellant has (1) completed and returned the request for hearing form to the City Clerk, and (2) paid the administrative fine to the town.

B. The hearing officer shall only consider evidence that is relevant to whether the violation occurred and whether the responsible person caused, maintained, and/or permitted the violation.

C. At least ten calendar days before the hearing, the responsible person shall be provided with copies of any and all citations, reports, and other documents submitted or relied upon by the enforcement officer. No other discovery shall be permitted.

D. The formal rules of evidence shall not apply to the administrative hearing. All relevant evidence may be considered, and the hearing officer has the discretion to exclude evidence that he or she finds to be irrelevant or repetitive.

E. The administrative citation and any additional documents submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

F. The responsible person contesting the administrative citation shall be given the opportunity to (1) testify and present witnesses; (2) introduce relevant evidence; (3) cross-examine and/or rebut any witness testifying in support of the administrative citation; and (4) be represented by anyone who is lawfully permitted to do so.

G. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.

H. The hearing officer may continue the hearing and request additional information from the enforcement officer or the responsible person contesting the administrative citation before issuing a written decision.

I. The city manager shall compile a list of qualified hearing officers and shall designate the hearing officer for the administrative hearing by random selection from the list, subject to availability of each particular hearing officer. The responsible person may request the city manager to recuse a hearing officer for reasons of actual bias or prejudice against the responsible person's cause. The hearing officer shall not be an employee of the town nor have any employment relationship with the town, except for that of hearing officer. The hearing officer's employment, evaluation, compensation, and/or benefits shall not be conditioned, either directly or indirectly, upon the amount of fine imposed on the responsible person or the number of administrative citations upheld by the hearing officer.

J. In administrative proceedings, the prevailing party shall be entitled to recover its reasonable attorneys' fees, but only if the town elects in writing, at the initiation of the administrative proceeding, to seek recovery of its own attorneys' fees. In no event shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the town in the administrative proceedings. The town may recover its attorneys' fees in the same manner as other costs pursuant to this chapter.

1.21.100 Hearing officer decision.

A. After considering all of the testimony and evidence submitted for the hearing, the hearing officer shall issue a written decision to uphold, modify or revoke the administrative citation that describes the reasons for the decision. The hearing officer's decision shall be final.

1. If the hearing officer determines that the administrative citation should be upheld, the amount of the fine on deposit with the town shall be retained by the town.

2. If the hearing officer determines that the administrative citation should be modified, the town shall refund or collect, whichever is applicable, the difference between the amount of the original fine and the modified fine within fifteen calendar days from the date of issuance of the hearing officer's decision.

3. If the hearing officer determines that the administrative citation should be revoked, the town shall refund the amount of the deposited fine within fifteen calendar days from the date of issuance of the hearing officer's decision.

B. The hearing officer's decision shall include a statement that the aggrieved party may seek judicial review in accordance with section 1.21.120.

C. Within five calendar days of issuance of the hearing officer's decision, the town shall serve a copy of the written decision on the recipient of the administrative citation by U.S. certified mail, return receipt requested. Service of the hearing officer's decision shall be deemed completed on the date of mailing.

1.21.110 Collection of unpaid fines and costs.

A. At its discretion, the town may pursue any and all legal and equitable remedies to collect unpaid fines imposed pursuant to this chapter. Pursuit of one remedy does not preclude the pursuit of any other remedy. It is intended that persons causing, maintaining, and/or permitting the violation, and not the taxpayers, bear the financial burden of the town's code enforcement efforts. Remedies available to the town to collect unpaid fines and costs include the following without limitation:

1. Referring the delinquent account to a collection agency;
2. Authorizing a lien to be recorded on the property; and/or
3. Authorizing a special assessment upon the property.

B. The town shall be entitled to recover all costs related to enforcing any violations that are recoverable under Government Code sections 54988, 38771 *et seq.*, or any other local, state or federal law. Before invoking any of the procedures described in this section, the town shall provide notice to the property owner (if different from the responsible person) based on San Mateo County's last equalized property tax assessment roll, or the supplemental roll, whichever is more current.

C. Any person who fails to pay any fine or penalty shall be liable in any proceeding brought by the town for the costs incurred in securing payment of the unpaid amount, including without limitation, administrative costs and attorneys' fees. Such collection costs shall be in addition to any penalties, interest, and/or late charges imposed upon the unpaid fine.

1.21.120 Right to judicial review.

Any person aggrieved by a decision of the hearing officer may obtain review of the administrative decision by filing (1) an appeal with the San Mateo County Superior Court in accordance with Government Code section 53069.4, or (2) a petition for writ of mandate in accordance with Code of Civil Procedure sections 1094.5 and 1094.6.

1.21.130 Notices.

Except as specifically provided in this chapter, all notices to be given herein shall be served on the responsible person in accordance with the provisions of section 1.21.050. Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted herein."

SECTION 2: The City Council hereby declares that it would have passed this Ordinance, sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions in this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining partsof this Ordinance.

SECTION 3: This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

* * * * *

Introduced this 20th day of January, 2010

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the ___ day of February, 2010, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Jerry Carlson, Mayor
Town of Atherton

ATTEST:

Theresa DellaSanta
Deputy City Clerk

APPROVED AS TO FORM:

Wynne Furth
City Attorney

RESOLUTION NO. 10-05

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ADOPTING ADMINISTRATIVE FINES AND PENALTIES FOR VIOLATIONS
OF THE ATHERTON MUNICIPAL CODE, OTHER TOWN ORDINANCES,
APPLICABLE STATE CODES, AND APPLICABLE CONDITIONS ON
ENTITLEMENTS AND LAND USE APPROVALS**

WHEREAS, at its January 20, 2010 regular meeting, the City Council introduced an administrative citation ordinance via Ordinance No. 583 ("Ordinance") that established an administrative citation program to enforce the Town's municipal code, other town ordinances, applicable state codes, and conditions on entitlements and land use approvals;

WHEREAS, section 1.21.060 of the Ordinance states that the City Council shall establish by resolution the amount of fines, including any late payment penalties, for an administrative citation imposed pursuant to the Ordinance;

WHEREAS, section 1.21.060 also states that such resolution may include escalating fine amounts for repeat violations of the same provision by the same person within 12 months from the date of the initial administrative citation; and

WHEREAS, sections 53069.4, 36900, and 36901 of the California Government Code, together with the Ordinance, provide the authority for the City Council to establish by resolution the amount of fines, including any late payment penalties, for an administrative citation imposed pursuant to the Ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON
DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. Findings.

The above recitations are true and correct.

Section 2. Amount of Fine.

The amount of fines, including any late payment penalties, for an administrative citation imposed pursuant to the Ordinance follows:

1. When the violation is charged as an infraction, the administrative fine shall be:
 - a. \$100 for a first violation;
 - b. \$200 for a second violation of the same provision within one year; and
 - c. \$500 for each additional violation of the same provision within one year.

2. When the violation is charged as an infraction and concerns local building and safety codes, the administrative fine shall be:
 - a. \$100 for a first violation;
 - b. \$500 for a second violation of the same provision within one year; and
 - c. \$1,000 for each additional violation of the same provision within one year.

3. When the violation is charged as a misdemeanor, the administrative fine shall be:
 - a. \$200 for a first violation;
 - b. \$500 for a second violation of the same provision within one year; and
 - c. \$1,000 for each additional violation of the same provision within one year.

4. Administrative fines become delinquent 45 days after imposition and shall be subject to a late payment penalty of twenty-five dollars (\$25.00), plus a charge of one and one-half percent (1.5%) per month on the unpaid balance.

Section 3. Environmental Clearance.

The adoption of this Resolution is not subject to the California Environmental Quality Act ("CEQA") because the establishment of such fines and penalties is not a "project." Specifically, in accordance with CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms that do not involve any commitment to any specific project that may cause a significant effect on the environment is not deemed to be a "project" under CEQA.

Section 4. Severability.

If any action, subsection, sentence, clause or phrase of this Resolution or the fees established by this Resolution shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or the fees established by this Resolution that can be given effect without the invalid provisions.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 20th day of January, 2010 by the following vote:

AYES: Council Members:
 NOES: Council Members:
 ABSENT: Council Members:
 ABSTAIN: Council Members:

Kathy McKeithen, MAYOR
TOWN OF ATHERTON

ATTEST:

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney

TOWN OF ATHERTON

**TO: HONORABLE MAYOR AND CITY COUNCIL
CITY MANAGER, JERRY GRUBER**

FROM: KATHY HUGHES ANDERSON, TOWN ARBORIST

DATE: FOR THE REGULAR MEETING OF JANUARY 20, 2010

**SUBJECT: CONSIDERATION OF STATE MODEL WATER EFFICIENT LANDSCAPE
ORDINANCE, BAWSCA WATER CONSERVATION IN LANDSCAPING
ORDINANCE, OR REVISIONS TO CHAPTER 15.48 OF THE ATHERTON
MUNINCIPAL CODE**

RECOMMENDATION:

Staff recommends that the City Council provide direction to staff in response to the Water Conservation in Landscaping Act (Assembly Bill 1881). Staff further recommends that the City Council forward the matter to the General Plan Committee for a recommendation.

BACKGROUND:

The State Water Conservation in Landscaping Act of 2006 was signed into law in September 2006. The Act required the State Department of Water Resources (DWR) to prepare an updated Model Water Efficient Landscape Ordinance (MWELo) which was released in September 2009. The MWELo is in effect for all cities, counties and water purveyors on January 1, 2010, unless they have adopted a different ordinance that is at least effective as the MWELo. Local agencies must notify DWR which ordinance they have adopted by January 31, 2010. DWR has not developed any analysis of the actual water savings expected to result from enactment of the MWELo, and will not be collecting any water usage or savings data from local agencies. They are relying on local agencies to enforce the model ordinance and do not have enforcement powers themselves.

The Bay Area Water Supply and Conservation Agency (BAWSCA) prepared a draft regional Water Conservation in Landscaping Ordinance for use by its member agencies if they so choose. The BAWSCA ordinance meets the requirement of being at least as effective as the MWELo and recommends that its member agencies adopt their draft ordinance to provide for consistency throughout the BAWSCA service area. BAWSCA held two stakeholder meetings in September and November to introduce and get feedback from its member agencies on their Model Ordinances. They have also drafted a Model Indoor Water Use Efficiency Ordinance that they are asking its members to adopt.

In September 1990, Assembly Bill 325 was enacted by the State directing the DWR to adopt a Model Local Water Efficient Landscape Ordinance by January 1992. By January 1993, local agencies were to adopt a Water Efficient Landscape Ordinance, adopt the State Model Water Efficient Landscape Ordinance or declare that due to water availability and other factors that an ordinance was not necessary. In March of 1994, Atherton City Council adopted Ordinance # 480, Chapter 15.48, Water Efficient Landscaping Guidelines in the Town of Atherton. The ordinance contains most of the same language as the states' Model Ordinance at the time, but only provides guidelines for landscaping projects that are subject to the landscape screening requirements per 17.50 of the Atherton Municipal Code. Chapter 15.48 has not been enforced as it only "recommends" that the guidelines should be considered. The difference between AB325 and AB1881 implementation is that AB325 allowed cities to adopt the DWR ordinance, create their own or justify why they did not need to adopt an ordinance at all. The third option was taken off the table for AB1881. Other key differences between AB1881 and the original ordinance is the emphasis placed on irrigation technology and the documentation requirements.

ANALYSIS

The BAWSCA Outdoor ordinance differs from the DWR Model Ordinance in two main ways, the size threshold and the documentation requirements. The MWELO applies to projects with 2,500 square feet of landscape area, or new home-owner provided landscape projects in residential projects with 5,000 or more square feet of landscape area, where a building or landscaping permit, plan check or design review is required. The BAWSCA ordinance establishes two thresholds (tiers) for applicability: Tier 1 includes all projects with irrigated landscape areas between 1,000 and 2,500 square feet, and Tier 2 are all projects with irrigated landscape areas greater than 2,500 square feet. Because the applicability threshold has been lowered in an effort to capture more accounts, the BAWSCA Ordinance reduces the documentation requirements in order to avoid placing undue burden on the applicant and the entity that is reviewing the project applications. In Atherton, new lot development typically includes more than 5,000 square feet of irrigated landscaped area. The MWELO ordinance requires a water audit and report upon completion of the project to be completed by a licensed landscape irrigation auditor. The BAWSCA ordinance allows Tier 1 projects to be self-certified by the owner; however Tier 2 projects must be audited by a licensed landscape irrigation auditor.

Both the MWELO and the BAWSCA Ordinances limit turf to 25% of landscaped area or on slopes greater than 25% or in areas less than 8' wide, limit overhead watering to hour 8 pm – 10 am, require separate water meters for landscaped areas greater than 5,000 square feet, minimum mulch requirements, 80% of plants in non-turf areas be native or low water use, plants must be grouped in hydrazones, and require moisture sensor and/or rain sensor shut offs. Each agency may modify the BAWSCA ordinance to suit the local jurisdictions preferences, such as limiting the allowed square footage of turf, as the City of Menlo Park is considering. Each agency will need to decide what level of resources will be assigned to the enforcement of either their own ordinance or the MWELO ordinance.

The Environmental Programs Committee reviewed the draft ordinances at their December 2, 2009 meeting. They directed staff to inform the residents of the issue with an article in the Athertonian to encourage voluntary conservation and post information on the Town website. The Committee recommended that the City Council be informed at their January meeting that the State's Model

Ordinance is in effect and to consider whether the Town wants to enforce the MWELO, adopt the BAWSCA ordinance, or make revisions to Chapter 15.48 of the Atherton Municipal Code. Staff is in the process of setting up a meeting with Cal Water staff to get their input as they have been involved in the BAWSCA stakeholder meetings.

FISCAL IMPACT:

When the MWELO applies to projects requiring plan review and a building permit, property owners and developers undertaking applicable projects will need to provide documentation packages, calculations, irrigation designs and inspections. In talking with landscape professionals, while reluctant to give specific costs, it is estimated that a homeowner, depending on the size of the project, would spend \$3,000 – 5,000 for design, documentation and inspections. The impact an ordinance will have on the Town is dependent upon the number of projects that will be affected. In 2009, there were 22 landscape screening permits issued, 12 of which were for full lot development that would have triggered the MWELO 5,000 square feet threshold requirement. The implementation process will require staff resources in providing information to applicants, reviewing a checklist, and verifying documentation. It may be necessary to send plans out for more detailed review by an outside consultant. A fee for the landscape documentation processing may need to be established.

BAWSCA has drafted a letter for cities to send to the DWR before January 31, 2010, stating that we are in the process of writing our own ordinance. When asked if the letter would suffice to stay the implementation of the MWELO, the DWR staff would not provide BAWSCA with a clear answer. Adoption of either the MWELO or the BAWSCA ordinance is not a project and is not subject to the California Environmental Quality Act. If the Council decides to go forward with a Town ordinance, then staff recommends that the attached letter to the DWR be sent.

Prepared by:

Reviewed by:

Kathy Hughes Anderson

Jerry Gruber, City Manager

Attachments:

1. State Model Water Efficient Landscape Ordinance
2. BAWSCA Outdoor Water Efficiency Ordinance
3. Chapter 15.48 of the Atherton Municipal Code
4. Draft Letter to the DWR



**Town of Atherton
Office of the City Manager**

91 Ashfield Road
Atherton, California 94027
650-752-0504
Fax 650-688-6528

January 20, 2010

Mr. Simon Eching
California Department of Water resources
Office of Water use Efficiency
901 P Street, Third Floor
P.O. Box 942836
Sacramento, CA 94236

Subject: Notification of Town of Atherton Plans to Implement a Local Water Conservation in Landscaping Ordinance

Dear Mr. Eching,

Pursuant to AB 1881, Section 65597, on or before January 31, 2010 each City and County within California is obligated to notify the California Department of Water Resources (DWR) as to whether that City or County is subject to the DWR updated model water efficient landscape ordinance (DWR Model Ordinance), or whether the City or County has adopted its own water efficient landscape ordinance.

The Town of Atherton is writing to you to inform you that we are in the process of developing our own Water Conservation in Landscaping Ordinance. At this time we anticipate that our Ordinance will be adopted and will be at least as effective as the DWR Model Ordinance in terms of conserving water. Once our Ordinance is adopted, we will send DWR a copy for your records.

Our community has a strong commitment to conserving water and we are actively working on the development of our own Ordinance. We are also providing copies of the DWR Model Ordinance to project applicants for informational purposes until such time as our Ordinance comes into effect.

Please do not hesitate to contact me with any questions at (650) 752-0504.

Sincerely,

Jerome Gruber
City Manager
Town of Atherton

ORDINANCE NO. 480

ORDINANCE OF THE COUNCIL OF THE TOWN OF ATHERTON
AMENDING TITLE 15 OF THE ATHERTON MUNICIPAL CODE
BY ADDING CHAPTER 15.48 ESTABLISHING WATER EFFICIENT LANDSCAPING
GUIDELINES IN THE TOWN OF ATHERTON

The Town Council of the Town of Atherton does hereby ordain as follows:

Section 1. Chapter 15.48 is hereby added to Title 15 of the Atherton Municipal Code to read as follows:

"Chapter 15.48 Water Efficient Landscaping Guidelines

Section 15.48.010 Findings and Purpose.

- A. The Town of Atherton hereby finds and declares that:
1. The limited supply of state waters are subject to ever increasing demands; and
 2. Landscape, design, installation, and maintenance can and should be water efficient; and
 3. Government Code Sections 65591, 65591.5 and 65597 mandate the adoption of a water efficient landscape ordinance either locally or through the State Model Ordinance.
- B. The establishment of water efficient landscape guideline is necessary to:
1. Promote the conservation and efficient use of water; and
 2. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible.
 3. Establish a structure for designing, installing, and maintaining water efficient landscapes for new projects; and
 4. Establish provisions for water management practices and water waste prevention for landscapes.

Section 15.48.020 Definitions

- A. "Anti-drain valve" or "check valve" means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.
- B. "Emitter" means drip irrigation fittings that deliver water slowly from the system to the soil.
- C. "Hydrozone" means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.
- D. "Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).
- E. "Landscaped area" means the entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes - such as decks and patios, and other non-porous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.
- F. "Overspray" means the water which is delivered beyond the landscaped area, wetting pavements, walks, structures, or other non-landscaped areas.
- G. "Rain sensing override devices" means a system which automatically shuts off the irrigation system when it rains.
- H. "Soil moisture sensing device" means a device that measures the amount of water in the soil.
- I. "Sprinkler head" means a device which sprays water through a nozzle.
- J. "Valve" means a device used to control the flow of water in the irrigation system.

Section 15.48.030 Applicability

This Chapter establishes guidelines for all landscape plans submitted as required in Section 17.50.020 of the Atherton Municipal Code or as otherwise specified in the planning approval for a project.

Section 15.48.040 Landscape - Design Guidelines

The following guidelines, if reflected in the landscape screening plan required in Section 17.50.050 of the Atherton Municipal Code, may serve as a basis upon which to grant approval of the project's water efficiency:

- A. Plants having similar water use should be grouped together in distinct hydrozones.
- B. Plants should be selected appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of the Atherton Municipal Code.
- C. The combined size of turf areas should not be more than 25% of the total developed landscape area. Turf should not be used in strip plantings less than five (5) inches in width.
- D. Fire prevention needs should be addressed in areas that exhibit a high fire danger or risk. For projects located at the interface between urban areas and natural open space, water-conserving plants should be selected that will blend in with the native vegetation and are fire resistant or fire retardant. Plants with low fuel volume or high moisture content shall be encouraged. Plants that tend to accumulate an excessive amount of dead wood or debris should be avoided. Further information about fire prone areas and appropriate landscaping for fire safety is available from the Menlo Park Fire Protection District Fire Department or the California Department of Forestry.
- E. Recirculating water should be used for decorative water features. Decorative water features not utilizing recirculating water should be severely limited.
- F. Pool and spa covers are encouraged to reduce water loss through evaporation.
- G. Plants selected for slope areas should be water-conserving plants suitable for erosion control. Turf should not be incorporated into areas with slopes exceeding fifteen (15) percent.

Section 15.48.050 Irrigation Guidelines

A. Design:

- 1. Soil types and infiltration rate should be considered when designing irrigation systems. All irrigation systems should be designed to avoid runoff, low head drainage,

overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, should be used to closely match application rates to infiltration rates therefore minimizing runoff.

2. Special attention should be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten feet, and in median strips.

3. No overhead sprinkler irrigation systems should be installed in median strips less than ten feet wide.

4. Exposed soil surfaces of non-turf areas within the developed landscape area should be mulched with a minimum two (2) inch deep layer of organic material. Non-porous material should not be placed under the mulch.

B. Equipment:

1. Separate landscape water meters are encouraged for all projects except for single family homes or any project with a landscaped area of less than 5,000 square feet.

2. Automatic control systems should be incorporated into all irrigation systems.

3. Plants which require different amounts of water should be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use should be used in that area. Anti-drain (check) valves should be installed in strategic points to minimize or prevent low-head drainage.

4. Heads and emitters should have consistent application rates within each control valve circuit. Sprinkler heads should be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.

5. The use of rain sensing override devices are encouraged for all irrigation systems.

6. It is recommended that soil moisture sensing devices be considered where appropriate.

7. Irrigation systems should be designed to be consistent with hydrozones.

8. The installation of recycled water irrigation systems (dual distribution systems) shall be encouraged to allow for the current and future use of recycled water in accordance with applicable Health Code regulations and the Graywater

Use Guidelines developed by the California Department of Water Resources Ad Hoc Graywater Committee to be incorporated into the Uniform Plumbing Code.

C. Schedules:

1. Whenever possible, landscape irrigation should be scheduled between 2:00 a.m. and 10:00 a.m. to avoid irrigating during times of high wind or high temperature.
2. Landscape irrigation systems should be maintained on a continual basis to ensure water efficiency.
3. Whenever possible, repair of irrigation equipment should be done with the originally specified materials or their equivalents."

Section 2. Except as hereby amended, the said Atherton Municipal Code shall be and remain in full force and effect.

Section 3. If any section, subsection, sentence, clause, phrase or portion of the ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance shall be posted in at least three (3) public places within the Town of Atherton, and shall be effective from and after thirty (30) days following its adoption.

* * * * *

I hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the Town of Atherton held on February 16, 1994, and was thereafter adopted by said City Council at a regular meeting held on March 23, 1994, by the following vote:

ORDINANCE INTRODUCED:	February 16, 1994
PASSED AND ADOPTED:	March 23, 1994
AYES: 4	COUNCILMEMBERS: Mayor Conwell and Councilmembers Fisher, Chapman and Dudley.
NOES: 0	COUNCILMEMBERS: None
ABSENT: 1	COUNCILMEMBERS: Councilmember Cobey

Town of Atherton Ordinance 480

ABSTAIN: 0 COUNCILMEMBERS: None

William R. Conwell

William R. Conwell, MAYOR
TOWN OF ATHERTON

ATTEST:

Julie A. Mitchum

Julie A. Mitchum, DEPUTY CITY CLERK
TOWN OF ATHERTON

ORDINANCE NO. _____

AN ORDINANCE OF [*insert name of GOVERNING BODY OF JURISDICTIONAL ENTITY*] ESTABLISHING WATER CONSERVATION IN LANDSCAPING REGULATIONS

THIS ORDINANCE is adopted in light of the following facts and circumstances, which are hereby found and declared by the [*Council/Board of Directors/Board of Supervisors*]:

WHEREAS, a reliable minimum supply of potable water is essential to the public health, safety and welfare of the people and economy of [*insert City or County name, California*].

WHEREAS, the California Water Conservation in Landscaping Act, also known as the State Landscape Model Ordinance (“Model Ordinance”), has been implemented by a Statewide Landscape Task Force which was overseen by the California Urban Water Conservation Council. The California Water Conservation in Landscaping Act was amended pursuant to AB 2717 (Chapter 682, Stats. 2004) and AB 1881 (Chapter 559, Stats. 2006).

WHEREAS, AB 1881 requires cities and counties, no later than January 1, 2010, to adopt the updated Model Ordinance or an equivalent document which is “at least as effective as” the Model Ordinance in conserving water. In the event cities and counties do not take such action, the State’s Model Ordinance will be deemed to be automatically adopted by statute.

WHEREAS, the [*Entity’s name*] has developed this local Water Conservation In Landscaping Ordinance to meet the requirements and guidelines of the Model Ordinance and to address the unique physical characteristics, including average landscaped areas, within [*Entity*]’s jurisdiction in order to ensure that this Ordinance will be “at least as effective as” the Model Ordinance in conserving water.

WHEREAS, although this Water Conservation in Landscaping Ordinance is more streamlined and simplified than the Model Ordinance, the [*Council/Board of Directors/Board of Supervisors*] finds that it is “at least as effective as” the Model Ordinance for the following reasons: (1) this Ordinance applies to more accounts than the Model Ordinance does because it lowers the size threshold for applicable landscapes from 2,500 square feet (or, in the case of single-family residences, from 5,000 square feet) to 1,000 square feet, to better reflect the typical landscaped areas located within this [*City/County/District*]’s boundaries; (2) this Ordinance includes a default turf restriction of 25% of the irrigated area and requires that at least 80% of the plants in non-turf landscape areas be native plants, low-water using plants, or no-water using plants (unless the applicant elects to perform a water budget); and (3) this Ordinance expands the requirement for dedicated irrigation meters to all accounts with landscaping greater than 5,000 square feet. The Model Ordinance does not contain any such default turf restrictions or specified plant requirements and only requires dedicated irrigation meters on non-residential accounts with landscaping greater than 5,000 square feet.

WHEREAS, although this Water Conservation in Landscaping Ordinance is more streamlined and simplified than the Model Ordinance, the [*Council/Board of Directors/Board of Supervisors*] further finds that it is “at least as effective as” the Model Ordinance because this Ordinance includes water budget parameters and values and landscape parameters that are consistent with the Model Ordinance. By using the same water budget parameters as the Model Ordinance (e.g., plant factors, irrigation efficiency), this Ordinance will be as effective as the

Model Ordinance in developing landscape water budgets. By using the same landscape parameters as the Model Ordinance for, among other things, slope restrictions and width restrictions for turf, irrigation times, and minimum mulch requirements, this Ordinance will be at least as effective as the Model Ordinance in achieving water savings.

WHEREAS, Article X, Section 2 of the California Constitution and Section 100 of the California Water Code declare that the general welfare requires water resources be put to beneficial use, waste or unreasonable use or unreasonable method of use of water be prevented, and conservation of water be fully exercised with a view to the reasonable and beneficial use thereof.

WHEREAS, the San Francisco Public Utilities Commission has imposed an interim water supply limitation on its wholesale customers, including local water suppliers, until at least 2018.

WHEREAS, current supply and demand projections for the Bay Area Water Supply and Conservation Agency ("BAWSCA") member agencies indicate that, in the absence of increased water conservation, water demands will exceed available water supplies in 2015 and implementation of water conserving ordinances is one mechanism by which agencies can reduce future water demands and remain within existing supplies.

WHEREAS, The [City Council/Board of Directors/Board of Supervisors] finds and determines that this Ordinance is consistent with the provisions requiring reductions in outdoor water use for landscaping in the California Green Building Standards Code, as such provisions will be implemented in the coming years. Such requirements include the development of a water budget for landscape irrigation in accordance with methodology outlined in either the Model Ordinance or pursuant to a locally adopted ordinance.

WHEREAS, the State Legislature has identified the provision of a more reliable water supply and the protection, restoration and enhancement of the Delta ecosystem as a high priority for the state. Pursuant to this, in November 2009, the State Legislature passed Senate Bill 7 (7th Extraordinary Session) requiring certain urban water suppliers to reduce per capita urban water use by 20% by the year 2020. Accordingly, the [City Council/Board of Directors/Board of Supervisors] finds that implementation of this Ordinance is consistent with the policies and goals established by the State Legislature in enacting SB 7 (7th Extraordinary Session).

WHEREAS, [For Cities and Counties only] Article XI, Section 7 of the California Constitution declares that a city or county may make and enforce within its limits all local, policy, sanitary, and other ordinances and regulations not in conflict with general laws.

WHEREAS, [For City/Counties who are not water purveyors] pursuant to AB 1881, enforcement of the landscape conservation ordinance adopted by [Insert name of City/County] will require supportive measures by [_____ Water District], the local water provider within these jurisdictions, so as to ensure the successful implementation and enforcement of this Ordinance.

WHEREAS, [For Water Districts] the District has the power to perform all acts necessary to carry out fully the provisions of the County Water District Law (Water Code Section 31001), may establish rules and regulations for the distribution and use of water supplies (Water Code Section 31024), may adopt and enforce a comprehensive water conservation program to reduce

potable water consumption and conserve supplies (Water Code Section 375), and may require as a condition of new service, that reasonable water-saving devices and water reclamation devices be installed to reduce water use (Water Code Section 31035).

WHEREAS, [For Water Districts] the Board of Directors of [_____ Water District] has a long-standing policy of engaging in and encouraging efficient water management measures and practices and desires to adopt this Ordinance in order to provide supportive measures to facilitate the enforcement of landscape conservation ordinances by [the applicable City and/or County.]

WHEREAS, [For Water Districts] the District has followed the procedures for notice, public participation and adoption set forth in Section 375 of the California Water Code.

WHEREAS, [for agencies with recycled water] the adoption of this Ordinance is separate and distinct from [insert Entity's name] adoption of a local ordinance relating to the use of recycled water in outdoor landscapes, as required pursuant to the Recycled Water in Landscaping Act, SB 2095 (Chapter 510, Stats. 2000).

WHEREAS, the [City Council/Board of Directors/Board of Supervisors] finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) ("CEQA") pursuant to Section 15307 (the activity assures the maintenance, restoration, enhancement, or protection of a natural resource) and Section 15378(b)(2) (the activity is not a project as it involves general policy and procedure making) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, since it makes and implements policies and procedures to ensure that water resources are conserved by reducing water consumption through the establishment of a structure for planning, designing, installing, maintaining and managing water-efficient landscapes.

WHEREAS, the adoption and enforcement of this Ordinance is necessary to manage the [Entity]'s potable water supply in the short and long-term and to avoid or minimize the effects of drought and shortage within the [Entity]. This Ordinance is essential to ensure a reliable and sustainable minimum supply of water for the public health, safety and welfare.

NOW, THEREFORE, THE [COUNCIL/BOARD OF DIRECTORS/SUPERVISORS CITY/COUNTY OR DISTRICT] DOES ORDAIN AS FOLLOWS:

I. Title

THIS ORDINANCE shall be known as the [insert name of Entity] Water Conservation in Landscaping Ordinance.

II. Applicability

A. The provisions of this Ordinance shall apply to all of the following landscape projects:

- i. Tier 1 Landscapes: All new construction and rehabilitated landscapes with irrigated landscape areas between 1,000 square feet and 2,500

square feet requiring a building or landscape permit, plan check or design review, or requiring new or expanded water service.

- ii. Tier 2 Landscapes: All new construction and rehabilitated landscapes with irrigated landscape areas equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review or requiring new or expanded water service.
- iii. Existing landscapes, including existing cemeteries, shall only be subject to the provisions for existing landscapes provided for in Section XIII "Provisions for Existing Landscapes Over One Acre in Size;" and
- iv. New and rehabilitated cemeteries shall only be subject to the provisions of Section VIII "Water Budget Calculations", Section X "Landscape Audit Report", and Section XI "Landscape and Irrigation Maintenance Schedule."

B. The provisions of this Ordinance shall not apply to:

- i. New construction and rehabilitated landscapes with irrigated landscape areas less than 1,000 square feet or that do not require a building or landscape permit, plan check or design review, or new or expanded water service;
- ii. Landscapes, or portions of landscapes, that are only irrigated for an establishment period;
- iii. Registered local, state or federal historical sites where landscaping establishes a historical landscape style, as determined by a public board or commission responsible for architectural review or historic preservation;
- iv. Ecological restoration or mined-land reclamation projects that do not require a permanent irrigation system; or
- v. Community gardens or plant collections, as part of botanical gardens and arboretums open to the public, agricultural uses, commercial nurseries and sod farms.

III. Definitions

- A. "applied water" means the portion of water supplied by the irrigation system to the landscape.
- B. "automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

- C. “backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- D. “certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.
- E. “certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.
- F. “certified professional” or “authorized professional” means a certified irrigation designer, a certified landscape irrigation auditor, a licensed landscape architect, a licensed landscape contractor, a licensed professional engineer, or any other person authorized by the state to design a landscape, an irrigation system, or authorized to complete a water budget.
- G. “conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year
- H. “drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- I. “ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- J. “effective precipitation” or “usable rainfall” (Eppt) means the portion of total precipitation which becomes available for plant growth.
- K. “establishment period” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.
- L. “Estimated Total Water Use” (ETWU) means the total water used for the landscape as described in Section VIII “Water Budget Calculations.”
- M. “ET adjustment factor” (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes shall not exceed 0.8.
- N. “evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

- O. “flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
- P. “hardscapes” means any durable material (pervious and non-pervious).
- Q. “hydrozone” means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.
- R. “invasive plant species” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. “Noxious weeds” means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.
- S. “irrigation audit” means an in-depth evaluation of the performance of an irrigation system. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.
- T. “irrigation efficiency” (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this Ordinance is 70%. Greater irrigation efficiency can be expected from well-designed and maintained systems.
- U. “irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.
- V. “irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.
- W. “landscape architect” means a person who holds a license to practice landscape architecture in California as further defined by the California Business and Professions Code, Section 5615.
- X. “landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation), agricultural uses, commercial nurseries and sod farms.

- Y. “landscape contractor” means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- Z. “landscape project” means the total area comprising the landscape area, as defined in this Ordinance.
- AA. “lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- BB. “local agency” means a city or county, including a charter city or charter county, or water district that is responsible for adopting and implementing this Ordinance. The local agency is also responsible for the enforcement of this Ordinance, including but not limited to, in the case of a city or county, approval of a permit and plan check or design review of a project; and in the case of a district, approval of a new or expanded water service application.
- CC. “local water purveyor” means any entity, including a public agency, city, county, district or private water company that provides retail water service.
- DD. “low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers.
- EE. "low water use plant" means a plant species whose water needs are compatible with local climate and soil conditions. Species classified as "very low water use" and "low water use" by *WUCOLS*, having a regionally adjusted *plant factor* of 0.0 through 0.3, shall be considered low water use plants.
- FF. “Maximum Applied Water Allowance” (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section VIII “Water Budget Calculations.”
- GG. “mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- HH. “mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
- II. “native plant” means a plant indigenous to a specific area of consideration. For the purposes of these guidelines, the term shall refer to plants indigenous to the coastal ranges of Central and Northern California, and more specifically to such plants that are suited to the ecology of the present or historic natural community(ies) of the project’s vicinity.

- JJ. “new construction” means the construction of a new building or structure containing a landscape or other new land improvement, such as a park, playground, or greenbelt without an associated building.
- KK. "no-water using plant" means a plant species with water needs that are compatible with local climate and soil conditions such that regular supplemental irrigation is not required to sustain the plant after it has become established.
- LL. “operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- MM. “overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).
- NN. “overspray” means the irrigation water which is delivered beyond the target area.
- OO. “permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
- PP. “pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.
- QQ. “plant factor” or “plant water use factor” is a factor, when multiplied by ETo, estimates the amount of water needed by plants.
- RR. “precipitation rate” means the rate of application of water measured in inches per hour.
- SS. “project applicant” means the individual or entity submitting a Project Landscape Application required under Section VI, to request a permit, plan check, or design review from the local agency or requesting new or expanded water service from the water district. A project applicant may be the property owner or his or her designee.
- TT. “rain sensor” or “rain sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.
- UU. “recreational area” means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.
- VV. “reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters which affect the water use of plants.
- WW. “rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, design review, or requires a new or expanded water service application.
- XX. “runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.

- YY. “soil moisture sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
- ZZ. “Special Landscape Area” (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- AAA. “sprinkler head” means a device which delivers water through a nozzle.
- BBB. “station” means an area served by one valve or by a set of valves that operate simultaneously.
- CCC. “turf” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.
- DDD. “valve” means a device used to control the flow of water in the irrigation system.
- EEE. “water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied).
- FFF. “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

IV. Water Conservation in Landscaping Ordinance Requirements

- A. All owners of new construction and rehabilitated landscapes of applicable sizes shall: (1) complete the Landscape Project Application (Section VI) and (2) comply with the Landscape and Irrigation Maintenance Schedule (Section XI) requirements of this Ordinance.
- B. All owners of existing landscapes over one acre in size, even if installed before enactment of this Ordinance, shall: (1) comply with local agency programs that may be instituted relating to irrigation audits, surveys and water use analysis, and (2) shall maintain landscape irrigation facilities to prevent water waste and runoff.

V. Compliance with Ordinance.

- A. The local agency shall:
 - i. Provide the project applicant with the Ordinance and Landscape Project Application requirements and the procedures for permits, plan checks, design reviews, or new or expanded water service;

- ii. Review the Landscape Project Application submitted by the project applicant;
 - iii. Approve or deny the project applicant's Landscape Project Application submittal;
 - iv. Issue or approve a permit, plan check or design review that complies with the approved Landscape Project Application or approve a new or expanded water service application that complies with the approved Landscape Project Application;
 - v. Submit a copy of the complete Landscape Project Application to the local water purveyor or land use authority, as the case may be.
- B. The project applicant shall:
- i. Prior to construction, submit all portions of the Landscape Project Application, except the Landscape Audit Report, to the local agency; and
 - ii. After construction, submit the Landscape Audit Report portion of the Landscape Project Application to the local agency.

VI. Landscape Project Application

- A. The elements of a landscape must be designed to achieve water efficiency and will comply with the criteria described in this Ordinance. In completing the Landscape Project Application, project applicants may choose one of two options to demonstrate that the landscape meets the Ordinance's water efficiency goals. Regardless of which option is selected, the applicant must complete and comply with all other elements of the Ordinance. The options include:
- i. Planting restrictions:
 - a. The turf area may not be more than 25% of the landscape area [*or no more than _____ square feet*]; and
 - b. At least 80% of the plants in non-turf landscape areas shall be native plants, low-water using plants, or no-water using plants; or the
 - ii. Water Budget Calculation option (Section VIII).
- B. The Landscape Project Application shall include the following elements:
- i. Project Information;
 - ii. Outdoor Water Use Efficiency Checklist (Section VII);
 - iii. Water Budget Calculations, if applicant selects to use a water budget approach rather than comply with the turf area limitations or specified plant type restrictions (Section VIII);

- iv. Landscape and Irrigation System Design Plans (Section IX); and
- v. Landscape Audit Report (Section X).

VII. Outdoor Water Use Efficiency Checklist

[*Entity's name*] [has developed/will develop] an Outdoor Water Use Efficiency Checklist (Checklist), based on the criteria described below. For Tier 1 projects, either the project applicant or a certified or authorized professional shall complete the Checklist and submit it to [*Entity's name*] along with the Landscape and Irrigation Design Plan. For Tier 2 projects, the Checklist shall be completed by a certified or authorized professional and submitted to [*Entity's name*] along with the Landscape and Irrigation Design Plan.

A. Plant Material

- i. Each hydrozone shall have plant materials with similar water use that are selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.
- ii. The turf area shall not be more than 25% of the landscape area [*or no more than _____ square feet*], unless the project applicant develops a site-specific water budget and the ETWU of the landscape area does not exceed the MAWA.
- iii. Turf shall not be planted on slopes greater than 25% or in areas that are less than eight feet wide, unless irrigated with subsurface irrigation or a low volume irrigation system.
- iv. At least 80% of the plants in non-turf landscape areas shall be native plants, low-water using plants, or no-water using plants, unless the project applicant develops a site-specific water budget and the ETWU of the landscaped area does not exceed the MAWA.
- v. Fire-prone plant materials and highly flammable mulches should be avoided.
- vi. The use of invasive and/or noxious plant species is strongly discouraged.
- vii. The architectural guidelines of a common interest development shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

B. Mulch

A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas, although a three-inch layer is recommended.

C. Irrigation System

An irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related

components shall be planned and designed to allow for proper installation, management, and maintenance.

- i. Dedicated landscape water meters shall be required for landscape areas greater than 5,000 square feet and are highly recommended for landscape areas greater than 2,500 square feet.
- ii. Tier 2 Landscapes are required to have automatic irrigation controllers that utilize either evapotranspiration or soil moisture sensor data for irrigation scheduling.
- iii. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems.
- iv. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions.
- v. Low volume irrigation required in mulched areas, in areas with slope greater than 25%, and within 24-inches of a non-permeable surface, or in narrow or irregularly shaped areas that are less than eight feet in width in any direction.
- vi. Average irrigation efficiency is assumed to be 70%. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 70%.
- vii. Irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m., unless unfavorable weather prevents it or otherwise renders irrigation unnecessary.

D. Hydrozone

- i. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- ii. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- iii. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
- iv. Individual hydrozones that mix plants with different water uses may be allowed if a water budget is performed, and the plant factor calculation is based on the proportion of the respective plant water uses or the plant factor of the higher water using plant is used.

E. Water Features

- i. Recirculating water systems will be used for water features.

- ii. The surface area of a water feature will not exceed 10% of the landscape area and will be counted as a high-water using plant for purposes of a water budget calculation.
- iii. Pool and spa covers are highly recommended.

F. Soil Amendments

Soil amendments, such as compost, shall be incorporated according to the soil conditions at the project site and based on what is appropriate for the selected plants.

VIII. Water Budget Calculations

Project applicant may elect to complete a water budget calculation for the landscape project. A Tier 1 water budget may be developed and completed by the project applicant. A Tier 2 water budget calculation must be completed by a certified or authorized professional. Water budget calculations, if prepared, shall adhere to the following requirements:

- A. The plant factor used shall be from WUCOLS. The plant factor ranges from 0.0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
- B. All water features shall be included in the high water use hydrozone.
- C. All Special Landscape Areas (SLA) shall be identified and their water use included in the water budget calculations.
- D. The reference evapotranspiration adjustment factor (ETAF) for SLA shall not exceed 1.0. The ETAF for all other landscaped areas shall not exceed 0.7.
- E. Irrigation system efficiency shall be greater than or equal to 70%.
- F. Maximum Applied Water Allowance (MAWA) shall be calculated using the equation below:

$$MAWA = (ET_o) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

Where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ET_o = Reference Evapotranspiration (inches per year)
- 0.62 = Conversion Factor (to gallons)
- 0.7 = Reference Evapotranspiration Adjustment Factor (ETAF)
- LA = Landscape Area including SLA (square feet)
- 0.3 = Additional Water Allowance for SLA
- SLA = Special Landscape Area (square feet)

- G. A local agency or project applicant may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate the MAWA:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

- H. Estimated Total Water Use (ETWU) will be calculated using the equation below. The sum of the ETWU calculated for all hydrozones will not exceed the MAWA.

$$\text{ETWU} = (\text{ETo})(0.62) \left(\frac{\text{PF} \times \text{HA}}{\text{IE}} + \text{SLA} \right)$$

Where:

ETWU = Estimated Total Water Use per year (gallons)

ETo = Reference Evapotranspiration (inches)

PF = Plant Factor from WUCOLS (see Section 491)

HA = Hydrozone Area [high, medium, and low water use areas] (square feet)

SLA = Special Landscape Area (square feet)

0.62 = Conversion Factor

IE = Irrigation Efficiency (minimum 0.70)

IX. Landscape and Irrigation Design Plans

- A. Tier 1 Landscapes: The Landscape and Irrigation Design Plan may be prepared by, and bear the signature of, the project applicant, or that of a certified or authorized professional.
- B. Tier 2 Landscapes: The components of the Landscape and Irrigation Design Plan shall be prepared as follows:
- i. The landscape design portion shall be prepared by, and bear the signature of, a licensed landscape architect, licensed landscape contractor, or that of a certified or authorized professional; and
 - ii. The irrigation design portion shall be prepared by, and bear the signature of, a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or that of a certified or authorized professional.
- C. The landscape design portion of the Landscape and Irrigation Design Plan, at a minimum, shall:
- i. Delineate and label each hydrozone;
 - ii. Identify each hydrozone as low, moderate, high water, or mixed water use;

- iii. Identify Special Landscape Areas (i.e., recreational areas; areas permanently and solely dedicated to edible plants; areas irrigated with recycled water);
 - iv. Identify type of mulch and application depth;
 - v. Identify type and surface area of water features;
 - vi. Identify hardscapes (pervious and non-pervious); and
 - vii. Contain the following statement: "I have complied with the criteria of the Water Conservation in Landscaping Ordinance and applied them for the efficient use of water in the Landscape and Irrigation Design Plan."
- D. The irrigation design portion of the Landscape and Irrigation Design Plan, at a minimum, shall contain:
- i. Location and size of separate water meters for landscape;
 - ii. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
 - iii. Static water pressure at the point of connection to the public water supply;
 - iv. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
 - v. Irrigation schedule;
 - vi. The following statement: "I have complied with the criteria of the Water Conservation in Landscaping Ordinance and applied them accordingly for the efficient use of water in the Landscape and Irrigation Design Plan."
- E. Grading

If the Landscape Project will be graded, then the grading shall be designed to minimize soil erosion, runoff, and water waste. All grading should be conducted to:

- i. Maintain all irrigation and normal rainfall within property lines and avoid drainage on to non-permeable hardscapes;
- ii. Avoid disruption of natural drainage patterns and undisturbed soil;
- iii. Avoid soil compaction in landscape areas; and
- iv. Be consistent with city and county grading requirements.

X. Landscape Audit Report

- A. *Tier 1 Landscapes*: Landscape irrigation audits for new or rehabilitated landscapes installed after [*Ordinance adoption date*] shall be conducted after the landscaping and irrigation systems have been installed. The audit may be conducted by the project applicant or by a certified landscape irrigation auditor.
- B. *Tier 2 Landscapes*: Landscape irrigation audits for new or rehabilitated landscapes installed after [*Ordinance adoption date*] shall be conducted by a certified landscape irrigation auditor after the landscaping and irrigation system have been installed.
- C. The Landscape Audit Report shall include, but is not limited to: inspection to confirm that the landscaping and irrigation system were installed as specified in the Landscape and Irrigation Design Plan, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule.
- D. The Landscape Audit Report shall include the following statement: "The landscape and irrigation system has been installed as specified in the Landscape and Irrigation Design Plan and complies with the criteria of the Ordinance and the permit".
- E. Local agency shall administer on-going programs that may include, but not be limited to, post-installation landscape inspection, irrigation water use analysis, irrigation audits, irrigation surveys and water budget calculations to evaluate compliance with the MAWA.

XI. Landscape and Irrigation Maintenance Schedule

Landscapes shall be maintained to ensure water use efficiency.

- A. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas; and removing obstructions to emission devices.
- B. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
- C. A Project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

XII. Stormwater Management

Stormwater best management practices should be implemented into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration and should be consistent with city and county stormwater management requirements.

XIII. Provisions for Existing Landscapes Over One Acre in Size

This section shall apply to all existing landscapes that were installed before [*Ordinance adoption date*] and are over one acre in size.

A. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- i. For landscapes that have a water meter, the local agency shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the MAWA for existing landscapes. The MAWA for existing landscapes shall be calculated as:

$$\text{MAWA} = (0.8) (\text{ET}_o)(\text{LA})(0.62).$$

- ii. For landscapes that do not have a meter, the local agency shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.
- iii. All landscape irrigation audits for existing landscapes that are greater than one acre in size shall be conducted by a certified landscape irrigation auditor.

B. Water Waste Prevention.

Local agencies shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.

XIV. Penalties

A local agency may establish and administer penalties to the project applicant for non-compliance with this Ordinance to the extent permitted by law.

[Note: The precise provisions of this section should be tailored to the specific policies and goals of your organization.]

A. Violation and Notice of Correction.

It is unlawful for any person, firm, partnership, association, or corporation subject to the requirements of this Ordinance to fail to comply with the outdoor water use efficiency requirements of this Ordinance. [*Insert appropriate City/County/Water District official*] has the authority to conduct such inquiries, audits or surveys to ensure compliance with the requirements of this Ordinance. Whenever the [*insert appropriate City/County/Water District official*] determines that a violation of this Ordinance has occurred, the [*insert appropriate City/County/Water District official*] may serve a notice of correction on the owner(s) of the property on which

the violation is situated. The owner(s) of record shall have ninety (90) days to take corrective action.

B. **[For Cities and Counties]** Administrative Enforcement.

In addition to any other remedy provided by the *[insert entity's name]*'s Municipal Code, any provision of this Ordinance may be enforced by an administrative order issued pursuant to any one of the administrative processes set forth in Section _____ of the *[insert entity's name]*'s Municipal Code. The *[insert commission/governing body]* shall serve as the administrative enforcement hearing officer for the purposes of considering any appeals.

C. **[For Water Districts]** Enforcement.

If an applicant for new or expanded water service fails to comply with the provisions of this Ordinance, the District may require the applicant to resubmit its water service application and revised Landscape Project Application for approval and may withhold approval of the application until the applicant complies with the terms of this Ordinance. In addition to any other remedy provided herein, the District may also refer enforcement of violations under this Ordinance to the City Attorney of the municipality *[or District Attorney/County Counsel/County]* where the violation occurred.

XV. Public Education

- A. The local agency shall provide information to all applicants regarding the design, installation, management, and maintenance of water-efficient landscapes and irrigation systems.
- B. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water-efficient landscapes that are described in this Ordinance.

XVI. Severability

If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

XVII. Effective Date

This Ordinance shall become effective on _____, 2009/2010. *[For Cities/Counties, 30 days after enactment]*

INTRODUCED at a regular meeting of the *[City Council/Board of Directors/Board of Supervisors]* held on _____, 2009/2010.

PASSED AND ADOPTED at a regular meeting of the [*City Council/Board of Directors/Board of Supervisors*] of the [*City of _____/District/County of _____*] held on _____, 2009/2010, by the following vote:

AYES:

NOES:

ABSENT:

[MAYOR/PRESIDENT OF THE BOARD]

ATTEST:

[CITY CLERK/BOARD SECRETARY]

ORDINANCE NO. 480

ORDINANCE OF THE COUNCIL OF THE TOWN OF ATHERTON
AMENDING TITLE 15 OF THE ATHERTON MUNICIPAL CODE
BY ADDING CHAPTER 15.48 ESTABLISHING WATER EFFICIENT LANDSCAPING
GUIDELINES IN THE TOWN OF ATHERTON

The Town Council of the Town of Atherton does hereby ordain as follows:

Section 1. Chapter 15.48 is hereby added to Title 15 of the Atherton Municipal Code to read as follows:

"Chapter 15.48 Water Efficient Landscaping Guidelines

Section 15.48.010 Findings and Purpose.

- A. The Town of Atherton hereby finds and declares that:
1. The limited supply of state waters are subject to ever increasing demands; and
 2. Landscape, design, installation, and maintenance can and should be water efficient; and
 3. Government Code Sections 65591, 65591.5 and 65597 mandate the adoption of a water efficient landscape ordinance either locally or through the State Model Ordinance.
- B. The establishment of water efficient landscape guideline is necessary to:
1. Promote the conservation and efficient use of water; and
 2. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible.
 3. Establish a structure for designing, installing, and maintaining water efficient landscapes for new projects; and
 4. Establish provisions for water management practices and water waste prevention for landscapes.

Section 15.48.020 Definitions

- A. "Anti-drain valve" or "check valve" means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.
- B. "Emitter" means drip irrigation fittings that deliver water slowly from the system to the soil.
- C. "Hydrozone" means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.
- D. "Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).
- E. "Landscaped area" means the entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes - such as decks and patios, and other non-porous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.
- F. "Overspray" means the water which is delivered beyond the landscaped area, wetting pavements, walks, structures, or other non-landscaped areas.
- G. "Rain sensing override devices" means a system which automatically shuts off the irrigation system when it rains.
- H. "Soil moisture sensing device" means a device that measures the amount of water in the soil.
- I. "Sprinkler head" means a device which sprays water through a nozzle.
- J. "Valve" means a device used to control the flow of water in the irrigation system.

Section 15.48.030 Applicability

This Chapter establishes guidelines for all landscape plans submitted as required in Section 17.50.020 of the Atherton Municipal Code or as otherwise specified in the planning approval for a project.

Section 15.48.040 Landscape - Design Guidelines

The following guidelines, if reflected in the landscape screening plan required in Section 17.50.050 of the Atherton Municipal Code, may serve as a basis upon which to grant approval of the project's water efficiency:

- A. Plants having similar water use should be grouped together in distinct hydrozones.
- B. Plants should be selected appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of the Atherton Municipal Code.
- C. The combined size of turf areas should not be more than 25% of the total developed landscape area. Turf should not be used in strip plantings less than five (5) inches in width.
- D. Fire prevention needs should be addressed in areas that exhibit a high fire danger or risk. For projects located at the interface between urban areas and natural open space, water-conserving plants should be selected that will blend in with the native vegetation and are fire resistant or fire retardant. Plants with low fuel volume or high moisture content shall be encouraged. Plants that tend to accumulate an excessive amount of dead wood or debris should be avoided. Further information about fire prone areas and appropriate landscaping for fire safety is available from the Menlo Park Fire Protection District Fire Department or the California Department of Forestry.
- E. Recirculating water should be used for decorative water features. Decorative water features not utilizing recirculating water should be severely limited.
- F. Pool and spa covers are encouraged to reduce water loss through evaporation.
- G. Plants selected for slope areas should be water-conserving plants suitable for erosion control. Turf should not be incorporated into areas with slopes exceeding fifteen (15) percent.

Section 15.48.050 Irrigation Guidelines

A. Design:

- 1. Soil types and infiltration rate should be considered when designing irrigation systems. All irrigation systems should be designed to avoid runoff, low head drainage,

overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, should be used to closely match application rates to infiltration rates therefore minimizing runoff.

2. Special attention should be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten feet, and in median strips.

3. No overhead sprinkler irrigation systems should be installed in median strips less than ten feet wide.

4. Exposed soil surfaces of non-turf areas within the developed landscape area should be mulched with a minimum two (2) inch deep layer of organic material. Non-porous material should not be placed under the mulch.

B. Equipment:

1. Separate landscape water meters are encouraged for all projects except for single family homes or any project with a landscaped area of less than 5,000 square feet.

2. Automatic control systems should be incorporated into all irrigation systems.

3. Plants which require different amounts of water should be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use should be used in that area. Anti-drain (check) valves should be installed in strategic points to minimize or prevent low-head drainage.

4. Heads and emitters should have consistent application rates within each control valve circuit. Sprinkler heads should be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.

5. The use of rain sensing override devices are encouraged for all irrigation systems.

6. It is recommended that soil moisture sensing devices be considered where appropriate.

7. Irrigation systems should be designed to be consistent with hydrozones.

8. The installation of recycled water irrigation systems (dual distribution systems) shall be encouraged to allow for the current and future use of recycled water in accordance with applicable Health Code regulations and the Graywater

Use Guidelines developed by the California Department of Water Resources Ad Hoc Graywater Committee to be incorporated into the Uniform Plumbing Code.

C. Schedules:

1. Whenever possible, landscape irrigation should be scheduled between 2:00 a.m. and 10:00 a.m. to avoid irrigating during times of high wind or high temperature.
2. Landscape irrigation systems should be maintained on a continual basis to ensure water efficiency.
3. Whenever possible, repair of irrigation equipment should be done with the originally specified materials or their equivalents."

Section 2. Except as hereby amended, the said Atherton Municipal Code shall be and remain in full force and effect.

Section 3. If any section, subsection, sentence, clause, phrase or portion of the ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance shall be posted in at least three (3) public places within the Town of Atherton, and shall be effective from and after thirty (30) days following its adoption.

* * * * *

I hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the Town of Atherton held on February 16, 1994, and was thereafter adopted by said City Council at a regular meeting held on March 23, 1994, by the following vote:

ORDINANCE INTRODUCED:	February 16, 1994
PASSED AND ADOPTED:	March 23, 1994
AYES: 4	COUNCILMEMBERS: Mayor Conwell and Councilmembers Fisher, Chapman and Dudley.
NOES: 0	COUNCILMEMBERS: None
ABSENT: 1	COUNCILMEMBERS: Councilmember Cobey

Town of Atherton Ordinance 480

ABSTAIN: 0

COUNCILMEMBERS: None

William R. Conwell

William R. Conwell, MAYOR
TOWN OF ATHERTON

ATTEST:

Julie A. Mitchum

Julie A. Mitchum, DEPUTY CITY CLERK
TOWN OF ATHERTON

Model Water Efficient Landscape Ordinance

California Code of Regulations
Title 23. Waters
Division 2. Department of Water Resources
Chapter 2.7. Model Water Efficient Landscape Ordinance

§ 490. Purpose.

(a) The State Legislature has found:

- (1) that the waters of the state are of limited supply and are subject to ever increasing demands;
 - (2) that the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
 - (3) that it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
 - (4) that landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development; and
 - (5) that landscape design, installation, maintenance and management can and should be water efficient;
- and
- (6) that Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

(b) Consistent with these legislative findings, the purpose of this model ordinance is to:

- (1) promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- (2) establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- (3) establish provisions for water management practices and water waste prevention for existing landscapes;
- (4) use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount;
- (5) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
- (6) encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
- (7) encourage local agencies to designate the necessary authority that implements and enforces the provisions of the Model Water Efficient Landscape Ordinance or its local landscape ordinance.

Note: Authority cited: Section 65593, Government Code. Reference: Sections 65591, 65593, 65596, Government Code.

§ 490.1 Applicability

(a) After January 1, 2010, this ordinance shall apply to all of the following landscape projects:

- (1) new construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;
- (2) new construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
- (3) new construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review;

(4) existing landscapes limited to Sections 493, 493.1 and 493.2; and
(5) cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2.

(b) This ordinance does not apply to:

- (1) registered local, state or federal historical sites;
- (2) ecological restoration projects that do not require a permanent irrigation system;
- (3) mined-land reclamation projects that do not require a permanent irrigation system; or
- (4) plant collections, as part of botanical gardens and arboretums open to the public.

Note: Authority Cited: Section 65595, Government Code, Reference: Section 65596, Government Code.

§ 491. Definitions.

The terms used in this ordinance have the meaning set forth below:

- (a) "applied water" means the portion of water supplied by the irrigation system to the landscape.
- (b) "automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- (c) "backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- (d) "Certificate of Completion" means the document required under Section 492.9.
- (e) "certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.
- (f) "certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.
- (g) "check valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- (h) "common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- (i) "conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year
- (j) "drip irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (k) "ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- (l) "effective precipitation" or "usable rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.
- (m) "emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.
- (n) "established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
- (o) "establishment period of the plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.

(p) "Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in Section 492.4.

(q) "ET adjustment factor" (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is $(0.7) = (0.5/0.71)$. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

(r) "evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

(s) "flow rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

(t) "hardscapes" means any durable material (pervious and non-pervious).

(u) "homeowner-provided landscaping" means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

(v) "hydrozone" means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

(w) "infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

(x) "invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

(y) "irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

(z) "irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

(aa) "irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

(bb) "irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

(cc) "landscape architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

(dd) "landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

- (ee) "landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- (ff) "Landscape Documentation Package" means the documents required under Section 492.3.
- (gg) "landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under Section 490.1.
- (hh) "lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- (ii) "local agency" means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of a permit and plan check or design review of a project.
- (jj) "local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.
- (kk) "low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (ll) "main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.
- (mm) "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 492.4. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.
- (nn) "microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
- (oo) "mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- (pp) "mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
- (qq) "new construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.
- (rr) "operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- (ss) "overhead sprinkler irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).
- (tt) "overspray" means the irrigation water which is delivered beyond the target area.
- (uu) "permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
- (vv) "pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.
- (ww) "plant factor" or "plant water use factor" is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant

factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species".

(xx) "precipitation rate" means the rate of application of water measured in inches per hour.

(yy) "project applicant" means the individual or entity submitting a Landscape Documentation Package required under Section 492.3, to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.

(zz) "rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.

(aaa) "record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

(bbb) "recreational area" means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

(ccc) "recycled water", "reclaimed water", or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

(ddd) "reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Section 495.1, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

(eee) "rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 490.1, and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.

(fff) "runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

(ggg) "soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

(hhh) "soil texture" means the classification of soil based on its percentage of sand, silt, and clay.

(iii) "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

(jjj) "sprinkler head" means a device which delivers water through a nozzle.

(kkk) "static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

(lll) "station" means an area served by one valve or by a set of valves that operate simultaneously.

(mmm) "swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

(nnn) "turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

(ooo) "valve" means a device used to control the flow of water in the irrigation system.

(ppp) "water conserving plant species" means a plant species identified as having a low plant factor.

(qqq) "water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in

the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

(rrr) "watering window" means the time of day irrigation is allowed.

(sss) "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

Note: Authority Cited: Section 65595, Government Code. Reference: Sections 65592, 65596, Government Code.

§ 492. Provisions for New Construction or Rehabilitated Landscapes.

(a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.1 Compliance with Landscape Documentation Package.

(a) Prior to construction, the local agency shall:

(1) provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;

(2) review the Landscape Documentation Package submitted by the project applicant;

(3) approve or deny the Landscape Documentation Package;

(4) issue a permit or approve the plan check or design review for the project applicant; and

(5) upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

(b) Prior to construction, the project applicant shall:

(1) submit a Landscape Documentation Package to the local agency.

(c) Upon approval of the Landscape Documentation Package by the local agency, the project applicant shall:

(1) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;

(2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and

(3) submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.2 Penalties.

(a) A local agency may establish and administer penalties to the project applicant for non-compliance with the ordinance to the extent permitted by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.3 Elements of the Landscape Documentation Package.

(a) The Landscape Documentation Package shall include the following six (6) elements:

- (1) project information;
 - (A) date
 - (B) project applicant
 - (C) project address (if available, parcel and/or lot number(s))
 - (D) total landscape area (square feet)
 - (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - (G) checklist of all documents in Landscape Documentation Package
 - (H) project contacts to include contact information for the project applicant and property owner
 - (I) applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".
- (2) Water Efficient Landscape Worksheet;
 - (A) hydrozone information table
 - (B) water budget calculations
 1. Maximum Applied Water Allowance (MAWA)
 2. Estimated Total Water Use (ETWU)
 - (3) soil management report;
 - (4) landscape design plan;
 - (5) irrigation design plan; and
 - (6) grading design plan.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.4 Water Efficient Landscape Worksheet.

(a) A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections (see sample worksheet in Appendix B):

- (1) a hydrozone information table (see Appendix B, Section A) for the landscape project; and
- (2) a water budget calculation (see Appendix B, Section B) for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.

(b) Water budget calculations shall adhere to the following requirements:

- (1) The plant factor used shall be from WUCOLS. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
- (2) All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
- (3) All Special Landscape Areas shall be identified and their water use calculated as described below.
- (4) ETAF for Special Landscape Areas shall not exceed 1.0.

(c) Maximum Applied Water Allowance

The Maximum Applied Water Allowance shall be calculated using the equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are from the Reference Evapotranspiration Table in Appendix A, for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required and shall use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

(1) Example MAWA calculation: a hypothetical landscape project in Fresno, CA with an irrigated landscape area of 50,000 square feet without any Special Landscape Area (SLA= 0, no edible plants, recreational areas, or use of recycled water). To calculate MAWA, the annual reference evapotranspiration value for Fresno is 51.1 inches as listed in the Reference Evapotranspiration Table in Appendix A.

$$MAWA = (ETo) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

0.7 = ET Adjustment Factor (ETAF)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

$$MAWA = (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 0)]$$

$$= 1,108,870 \text{ gallons per year}$$

To convert from gallons per year to hundred-cubic-feet per year:

$$= 1,108,870 / 748 = 1,482 \text{ hundred-cubic-feet per year}$$

(100 cubic feet = 748 gallons)

(2) In this next hypothetical example, the landscape project in Fresno, CA has the same ETo value of 51.1 inches and a total landscape area of 50,000 square feet. Within the 50,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a Special Landscape Area.

$$MAWA = (ETo) (0.62) [(0.7 \times LA) + (0.3 \times SLA)]$$

$$MAWA = (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})]$$

$$= 31.68 \times [35,000 + 600] \text{ gallons per year}$$

$$= 31.68 \times 35,600 \text{ gallons per year}$$

$$= 1,127,808 \text{ gallons per year or } 1,508 \text{ hundred-cubic-feet per year}$$

(d) Estimated Total Water Use.

The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed MAWA.

$$ETWU = (ETo)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

Where:

ETWU = Estimated Total Water Use per year (gallons)

ETo = Reference Evapotranspiration (inches)

PF = Plant Factor from WUCOLS (see Section 491)

HA = Hydrozone Area [high, medium, and low water use areas] (square feet)

SLA = Special Landscape Area (square feet)

0.62 = Conversion Factor

IE = Irrigation Efficiency (minimum 0.71)

(1) Example ETWU calculation: landscape area is 50,000 square feet; plant water use type, plant factor, and hydrozone area are shown in the table below. The ETo value is 51.1 inches per year. There are no Special Landscape Areas (recreational area, area permanently and solely dedicated to edible plants, and area irrigated with recycled water) in this example.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	10,000	7,000
3	Medium	0.5	16,000	8,000
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	24,700

*Plant Factor from WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{24,700}{0.71} + 0 \right)$$

$$= 1,102,116 \text{ gallons per year}$$

Compare ETWU with MAWA: For this example MAWA = (51.1) (0.62) [(0.7 x 50,000) + (0.3 x 0)] = 1,108,870 gallons per year. The ETWU (1,102,116 gallons per year) is less than MAWA (1,108,870 gallons per year). In this example, the water budget complies with the MAWA.

(2) Example ETWU calculation: total landscape area is 50,000 square feet, 2,000 square feet of which is planted with edible plants. The edible plant area is considered a Special Landscape Area (SLA). The reference evapotranspiration value is 51.1 inches per year. The plant type, plant factor, and hydrozone area are shown in the table below.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	9,000	6,300
3	Medium	0.5	15,000	7,500
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	23,500
6	SLA	1.0	2,000	2,000

*Plant Factor from WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{23,500}{0.71} + 2,000 \right)$$

$$= (31.68) (33,099 + 2,000)$$

$$= 1,111,936 \text{ gallons per year}$$

Compare ETWU with MAWA. For this example:
MAWA = (51.1) (0.62) [(0.7 x 50,000) + (0.3 x 2,000)]
= 31.68 x [35,000 + 600]
= 31.68 x 35,600
=1,127,808 gallons per year

The ETWU (1,111,936 gallons per year) is less than MAWA (1,127,808 gallons per year). For this example, the water budget complies with the MAWA.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.5 Soil Management Report.

(a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

(1) Submit soil samples to a laboratory for analysis and recommendations.

(A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

(B) The soil analysis may include:

1. soil texture;
2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
3. pH;
4. total soluble salts;
5. sodium;
6. percent organic matter; and
7. recommendations.

(2) The project applicant, or his/her designee, shall comply with one of the following:

(A) If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the Landscape Documentation Package; or

(B) If significant mass grading is planned, the soil analysis report shall be submitted to the local agency as part of the Certificate of Completion.

(3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

(4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with Certificate of Completion.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.6 Landscape Design Plan.

(a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) Plant Material

(A) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:

1. protection and preservation of native species and natural vegetation;
2. selection of water-conserving plant and turf species;

3. selection of plants based on disease and pest resistance;
4. selection of trees based on applicable local tree ordinances or tree shading guidelines; and
5. selection of plants from local and regional landscape program plant lists.

(B) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 492.7(a)(2)(D).

(C) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:

1. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
2. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and
3. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(D) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(E) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

(F) The use of invasive and/or noxious plant species is strongly discouraged.

(G) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(2) Water Features

(A) Recirculating water systems shall be used for water features.

(B) Where available, recycled water shall be used as a source for decorative water features.

(C) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

(D) Pool and spa covers are highly recommended.

(3) Mulch and Amendments

(A) A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(B) Stabilizing mulching products shall be used on slopes.

(C) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(D) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 492.5).

(b) The landscape design plan, at a minimum, shall:

- (1) delineate and label each hydrozone by number, letter, or other method;
- (2) identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
- (3) identify recreational areas;
- (4) identify areas permanently and solely dedicated to edible plants;
- (5) identify areas irrigated with recycled water;
- (6) identify type of mulch and application depth;
- (7) identify soil amendments, type, and quantity;
- (8) identify type and surface area of water features;
- (9) identify hardscapes (pervious and non-pervious);

(10) identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:

(A) infiltration beds, swales, and basins that allow water to collect and soak into the ground;

(B) constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and

(C) pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.

(11) identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);

(12) contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and

(13) bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code and Section 1351, Civil Code.

§ 492.7 Irrigation Design Plan.

(a) For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

(A) Dedicated landscape water meters are highly recommended on landscape areas smaller than 5,000 square feet to facilitate water management.

(B) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.

(C) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(D) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

(E) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

- (F) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.
- (G) High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.
- (H) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- (I) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- (J) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- (K) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 492.4 regarding the Maximum Applied Water Allowance.
- (L) It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- (M) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- (N) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- (O) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
- (P) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
- (Q) Check valves or anti-drain valves are required for all irrigation systems.
- (R) Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.
- (S) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
 2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
 3. the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 492.7 (a)(1)(H). Prevention of overspray and runoff must be confirmed during the irrigation audit.
- (T) Slopes greater than 25% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.
- (2) Hydrozone
- (A) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- (B) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- (C) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
- (D) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

2. the plant factor of the higher water using plant is used for calculations.

(E) Individual hydrozones that mix high and low water use plants shall not be permitted.

(F) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

(b) The irrigation design plan, at a minimum, shall contain:

(1) location and size of separate water meters for landscape;

(2) location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

(3) static water pressure at the point of connection to the public water supply;

(4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

(5) recycled water irrigation systems as specified in Section 492.14;

(6) the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and

(7) the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.8 Grading Design Plan.

(a) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

(1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

(A) height of graded slopes;

(B) drainage patterns;

(C) pad elevations;

(D) finish grade; and

(E) stormwater retention improvements, if applicable.

(2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:

(A) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;

(B) avoid disruption of natural drainage patterns and undisturbed soil; and

(C) avoid soil compaction in landscape areas.

(3) The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.9 Certificate of Completion.

(a) The Certificate of Completion (see Appendix C for a sample certificate) shall include the following six (6) elements:

(1) project information sheet that contains:

- (A) date;
- (B) project name;
- (C) project applicant name, telephone, and mailing address;
- (D) project address and location; and
- (E) property owner name, telephone, and mailing address;

(2) certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;

(A) where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;

(3) irrigation scheduling parameters used to set the controller (see Section 492.10);

(4) landscape and irrigation maintenance schedule (see Section 492.11);

(5) irrigation audit report (see Section 492.12); and

(6) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 492.5).

(b) The project applicant shall:

(1) submit the signed Certificate of Completion to the local agency for review;

(2) ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.

(c) The local agency shall:

(1) receive the signed Certificate of Completion from the project applicant;

(2) approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the local agency shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.10 Irrigation Scheduling.

(a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

(1) Irrigation scheduling shall be regulated by automatic irrigation controllers.

(2) Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:

(A) the plant establishment period;

- (B) the established landscape; and
- (C) temporarily irrigated areas.
- (5) Each irrigation schedule shall consider for each station all of the following that apply:
 - (A) irrigation interval (days between irrigation);
 - (B) irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - (C) number of cycle starts required for each irrigation event to avoid runoff;
 - (D) amount of applied water scheduled to be applied on a monthly basis;
 - (E) application rate setting;
 - (F) root depth setting;
 - (G) plant type setting;
 - (H) soil type;
 - (I) slope factor setting;
 - (J) shade factor setting; and
 - (K) irrigation uniformity or efficiency setting.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.11 Landscape and Irrigation Maintenance Schedule.

- (a) Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- (b) A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- (c) Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
- (d) A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.12 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- (a) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
- (b) For new construction and rehabilitated landscape projects installed after January 1, 2010, as described in Section 490.1:
 - (1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the local agency that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule;
 - (2) the local agency shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.13 Irrigation Efficiency.

(a) For the purpose of determining Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.14 Recycled Water.

(a) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in Section 492.14(b).

(b) Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.

(c) All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.

(d) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for Special Landscape Areas shall not exceed 1.0.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.15 Stormwater Management.

(a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.

(b) Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater ordinances and stormwater management plans.

(c) Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.16 Public Education.

(a) Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

(1) A local agency shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.

(b) Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.

(1) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.

(2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.17 Environmental Review.

(a) The local agency must comply with the California Environmental Quality Act (CEQA), as appropriate.

Note: Authority cited: Section 21082, Public Resources Code. Reference: Sections 21080, 21082, Public Resources Code.

§ 493. Provisions for Existing Landscapes.

(a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 493.1 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

(a) This section, 493.1, shall apply to all existing landscapes that were installed before January 1, 2010 and are over one acre in size.

(1) For all landscapes in 493.1(a) that have a water meter, the local agency shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8)(ETo)(LA)(0.62)$.

(2) For all landscapes in 493.1(a), that do not have a meter, the local agency shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

(b) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 493.2 Water Waste Prevention.

(a) Local agencies shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

(b) Restrictions regarding overspray and runoff may be modified if:

(1) the landscape area is adjacent to permeable surfacing and no runoff occurs; or

(2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

Note: Authority cited: Section 65594, Government Code. Reference: Section 65596, Government Code.

§ 494. Effective Precipitation.

(a) A local agency may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance:

$$MAWA = (ETo - Eppt) (0.62) [(0.7 \times LA) + (0.3 \times SLA)].$$

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

Appendices.

Appendix A. Reference Evapotranspiration (ET_o) Table.

SECTION B. WATER BUDGET CALCULATIONS

Section B1. Maximum Applied Water Allowance (MAWA)

The project's Maximum Applied Water Allowance shall be calculated using this equation:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ETo = Reference Evapotranspiration from Appendix A (inches per year)
- 0.7 = ET Adjustment Factor (ETAF)
- LA = Landscaped Area includes Special Landscape Area (square feet)
- 0.62 = Conversion factor (to gallons per square foot)
- SLA = Portion of the landscape area identified as Special Landscape Area (square feet)
- 0.3 = the additional ET Adjustment Factor for Special Landscape Area (1.0 - 0.7 = 0.3)

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

Effective Precipitation (Eppt)

If considering Effective Precipitation, use 25% of annual precipitation. Use the following equation to calculate Maximum Applied Water Allowance:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

Section B2. Estimated Total Water Use (ETWU)

The project's Estimated Total Water Use is calculated using the following formula:

$$ETWU = (ETo)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

where:

- ETWU = Estimated total water use per year (gallons per year)
- ETo = Reference Evapotranspiration (inches per year)
- PF = Plant Factor from WUCOLS (see Definitions)
- HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
- SLA = Special Landscape Area (square feet)
- 0.62 = Conversion Factor (to gallons per square foot)
- IE = Irrigation Efficiency (minimum 0.71)

Hydrozone Table for Calculating ETWU

Please complete the hydrozone table(s). Use as many tables as necessary.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)	Area (HA) (square feet)	PF x HA (square feet)
			Sum	
	SLA			

Estimated Total Water Use = _____ gallons

Show calculations.

Appendix C – Sample Certificate of Completion.

CERTIFICATE OF COMPLETION

This certificate is filled out by the project applicant upon completion of the landscape project.

PART 1. PROJECT INFORMATION SHEET

Date		
Project Name		
Name of Project Applicant	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Project Address and Location:

Street Address		Parcel, tract or lot number, if available.
City		Latitude/Longitude (optional)
State	Zip Code	

Property Owner or his/her designee:

Name	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Property Owner

"I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and the Certificate of Completion and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

Property Owner Signature Date

Please answer the questions below:

1. Date the Landscape Documentation Package was submitted to the local agency _____
2. Date the Landscape Documentation Package was approved by the local agency _____
3. Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to the local water purveyor _____

PART 2. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE

"I/we certify that based upon periodic site observations, the work has been substantially completed in accordance with the ordinance and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package."

Signature*	Date	
Name (print)	Telephone No.	
	Fax No.	
Title	Email Address	
License No. or Certification No.		
Company	Street Address	
City	State	Zip Code

*Signer of the landscape design plan, signer of the irrigation plan, or a licensed landscape contractor.

PART 3. IRRIGATION SCHEDULING

Attach parameters for setting the irrigation schedule on controller per ordinance Section 492.10.

PART 4. SCHEDULE OF LANDSCAPE AND IRRIGATION MAINTENANCE

Attach schedule of Landscape and Irrigation Maintenance per ordinance Section 492.11.

PART 5. LANDSCAPE IRRIGATION AUDIT REPORT

Attach Landscape Irrigation Audit Report per ordinance Section 492.12.

PART 6. SOIL MANAGEMENT REPORT

Attach soil analysis report, if not previously submitted with the Landscape Documentation Package per ordinance Section 492.5.

Attach documentation verifying implementation of recommendations from soil analysis report per ordinance Section 492.5.

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
SAN FRANCISCO													
San Francisco	1.5	1.3	2.4	3.0	3.7	4.6	4.9	4.8	4.1	2.8	1.3	0.7	35.1
SAN JOAQUIN													
Farmington	1.5	1.5	2.9	4.7	6.2	7.6	8.1	6.8	5.3	3.3	1.4	0.7	50.0
Lodi West	1.0	1.6	3.3	4.3	6.3	6.9	7.3	6.4	4.5	3.0	1.4	0.8	46.7
Manteca	0.9	1.7	3.4	5.0	6.5	7.5	8.0	7.1	5.2	3.3	1.6	0.9	51.2
Stockton	0.8	1.5	2.9	4.7	6.2	7.4	8.1	6.8	5.3	3.2	1.4	0.6	49.1
Tracy	1.0	1.5	2.9	4.5	6.1	7.3	7.9	6.7	5.3	3.2	1.3	0.7	48.5
SAN LUIS OBISPO													
Arroyo Grande	2.0	2.2	3.2	3.8	4.3	4.7	4.3	4.6	3.8	3.2	2.4	1.7	40.0
Atascadero	1.2	1.5	2.8	3.9	4.5	6.0	6.7	6.2	5.0	3.2	1.7	1.0	43.7
Morro Bay	2.0	2.2	3.1	3.5	4.3	4.5	4.6	4.6	3.8	3.5	2.1	1.7	39.9
Nipomo	2.2	2.5	3.8	5.1	5.7	6.2	6.4	6.1	4.9	4.1	2.9	2.3	52.1
Paso Robles	1.6	2.0	3.2	4.3	5.5	6.3	7.3	6.7	5.1	3.7	2.1	1.4	49.0
San Luis Obispo	2.0	2.2	3.2	4.1	4.9	5.3	4.6	5.5	4.4	3.5	2.4	1.7	43.8
San Miguel	1.6	2.0	3.2	4.3	5.0	6.4	7.4	6.8	5.1	3.7	2.1	1.4	49.0
San Simeon	2.0	2.0	2.9	3.5	4.2	4.4	4.6	4.3	3.5	3.1	2.0	1.7	38.1
SAN MATEO													
Hal Moon Bay	1.5	1.7	2.4	3.0	3.9	4.3	4.3	4.2	3.5	2.8	1.3	1.0	33.7
Redwood City	1.5	1.8	2.9	3.8	5.2	5.3	6.2	5.6	4.8	3.1	1.7	1.0	42.8
Woodside	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
SANTA BARBARA													
Betteravia	2.1	2.6	4.0	5.2	6.0	5.9	5.8	5.4	4.1	3.3	2.7	2.1	49.1
Carpenteria	2.0	2.4	3.2	3.9	4.8	5.2	5.5	5.7	4.5	3.4	2.4	2.0	44.9
Cuyama	2.1	2.4	3.8	5.4	6.9	7.9	8.5	7.7	5.9	4.5	2.6	2.0	59.7
Goleta	2.1	2.5	3.9	5.1	5.7	5.7	5.4	5.4	4.2	3.2	2.8	2.2	48.1
Goleta Foothills	2.3	2.6	3.7	5.4	5.3	5.6	5.5	5.7	4.5	3.9	2.8	2.3	49.6
Guadalupe	2.0	2.2	3.2	3.7	4.9	4.6	4.5	4.6	4.1	3.3	2.4	1.7	41.1
Lompoc	2.0	2.2	3.2	3.7	4.8	4.6	4.9	4.8	3.9	3.2	2.4	1.7	41.1
Los Alamos	1.8	2.0	3.2	4.1	4.9	5.3	5.7	5.5	4.4	3.7	2.4	1.6	44.6
Santa Barbara	2.0	2.5	3.2	3.8	4.6	5.1	5.5	4.5	3.4	2.4	1.8	1.8	40.6
SANTA BARBARA													
Santa Maria	1.8	2.3	3.7	5.1	5.7	5.8	5.6	5.3	4.2	3.5	2.4	1.9	47.4
Santa Ynez	1.7	2.2	3.5	5.0	5.8	6.2	6.4	6.0	4.5	3.6	2.2	1.7	48.7
Sisquoc	2.1	2.5	3.8	4.1	6.1	6.3	6.4	5.8	4.7	3.4	2.3	1.8	49.2
Solvang	2.0	2.0	3.3	4.3	5.0	5.6	6.1	5.6	4.4	3.7	2.2	1.6	45.6
SANTA CLARA													
Gilroy	1.3	1.8	3.1	4.1	5.3	5.6	6.1	5.5	4.7	3.4	1.7	1.1	43.6
Los Gatos	1.5	1.8	2.8	3.9	5.0	5.6	6.2	5.5	4.7	3.2	1.7	1.1	42.9
Morgan Hill	1.5	1.8	3.4	4.2	6.3	7.0	7.1	6.0	5.1	3.7	1.9	1.4	49.5
Palo Alto	1.5	1.8	2.8	3.8	5.2	5.3	6.2	5.6	5.0	3.2	1.7	1.0	43.0
San Jose	1.5	1.8	3.1	4.1	5.5	5.8	6.5	5.9	5.2	3.3	1.8	1.0	45.3
SANTA CRUZ													
De Laveaga	1.4	1.9	3.3	4.7	4.9	5.3	5.0	4.8	3.6	3.0	1.6	1.3	40.8
Green Valley Rd	1.2	1.8	3.2	4.5	4.6	5.4	5.2	5.0	3.7	3.1	1.6	1.3	40.6
Santa Cruz	1.5	1.8	2.6	3.5	4.3	4.4	4.8	4.4	3.8	2.8	1.7	1.2	36.6
Watsonville	1.5	1.8	2.7	3.7	4.6	4.5	4.9	4.2	4.0	2.9	1.8	1.2	37.7
Webb	1.8	2.2	3.7	4.8	5.3	5.7	5.6	5.3	4.3	3.4	2.4	1.8	46.2



ITEM 27

DATE: FOR THE CITY COUNCIL MEETING OF JANUARY 20, 2010

**TO: HONORABLE MAYOR AND CITY COUNCIL
CITY MANAGER, JERRY GRUBER**

**FROM: NEAL J. MARTIN, TOWN PLANNER
LISA COSTA SANDERS, DEPUTY TOWN PLANNER**

**SUBJECT: CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT (HCD) COMMENTS ON DRAFT ATHERTON HOUSING
ELEMENT**

RECOMMENDATION:

It is recommended that the City Council provide direction to Staff on how to proceed with responding to the HCD comments on the Draft Atherton Housing Element Update. Possible options include:

1. Request Staff to prepare draft responses in red line format and present those to the City Council at its March 2010 meeting for authorization to resubmit to HCD. Staff would note any policy changes contained in the draft responses. Please note that both Town Planner Martin and Deputy Town Planner Costa Sanders will be out of town for the February Council meeting.
2. Reconstitute the previously formed City Council Housing Element Subcommittee, possibly adding a Planning Commission representative. Direct Staff to prepare draft responses in red line format and work with the Subcommittee to develop a response satisfactory to the Subcommittee. Present those responses to the City Council at its March 2010 meeting for authorization to resubmit to HCD. Staff would note any policy changes contained in the draft responses.

BACKGROUND:

As authorized by the City Council, Staff submitted the draft 2007-2014 Housing Element Update to the California Department of Housing and Community Development (HCD) for review and comment on October 27, 2009. A conference call meeting was held on December 22, 2009. Attendees were HCD representatives Paul McDougall and Raquel Medina and Atherton staff Jerry Gruber, Neal Martin and Lisa Costa Sanders. The purpose of the meeting was to discuss preliminary findings regarding adequacy of the draft Update and to respond to questions posed by HCD for clarification about the analyses and programs included in the Update.

DISCUSSION:

We would characterize the HCD comments as generally positive. The reviewers did not contest any of the major programs proposed in the Update. There seemed to be support for the faculty and student housing at Menlo School and Menlo College. The reviewers supported the zoning changes that would encourage additional Second Dwelling Unit development and also the changes that would permit installation of a second full kitchen in homes where an “internal living quarter” or attached second dwelling unit is proposed. Neither did the reviewers question the projected number and type of dwelling units proposed to meet the Regional Housing Needs Allocation of 83 new dwelling units by 2014.

There were, however, requests for additional analyses in the areas listed below. We believe that most of these can be satisfied with the addition of information that is already known by staff.

- Expanded description of the suitability and availability of multifamily uses on school properties
- Further address constraints on persons with disabilities
- Include a table (HCD example furnished) on quantified objectives for new, rehabilitated and conserved units by income category
- Expanded description of area proposed to be zoned to accommodate homeless shelter
- Expanded description of how Town can assist schools to develop more housing; e.g. expedited review, no additional parking requirements
- Expanded discussion on trends associated with redevelopment of single homes on multiple lots
- Include a statement that Cal Water and the two sewer maintenance districts have sufficient capacity to accommodate the planned increase in dwelling units
- Reasonable Accommodation policies and ordinances
- Constraints to multiple housing development (at Oakwood on the Sacred Heart campus for example) due to Town fees
- Expanded description of the Town’s Fair Housing programs
- Expanded discussion of the Town’s Energy Conservation programs
- Expanded description of comments received from the Housing Element Update Public Participation process
- Expanded discussion on how Town will actively promote development of Second Dwelling units
- Update of Density Bonus provisions required by State Law

NEXT STEPS:

If directed by the City Council, Planning Staff will prepare the expanded descriptions and analyses in response to the comments. We would like to be able to submit the next revisions to HCD in about two months. The Council could request that the draft responses be presented directly to the Council for review and authorization to submit them to HCD. As an option the City Council could reconstitute the Housing Element Sub-committee to review and provide guidance to the staff in preparing the expanded descriptions and analyses.

Please note that other San Mateo County cities have experienced two to three rounds of HCD

review before achieving certification.

Once HCD has indicated that they are satisfied with the language, Staff will facilitate the final public hearing at both the Planning Commission and City Council levels. It is anticipated that the previously prepared Initial Study and Mitigated Negative Declaration can be used as the Environmental Document for the adoption process.

FISCAL IMPACTS:

There are sufficient funds in the 2009-10 Planning Services budget to cover the costs of preparing the first round of responses. Additional responses beyond the first round will most likely require a budget amendment.

/s/ Neal J. Martin

/s/ Lisa Costa Sanders

Neal J. Martin, Town Planner
Lisa Costa Sanders, Deputy Town Planner

Jerome D. Gruber
City Manager

Attachments:

1. HCD Letter, *RE: Review of the Town of Atherton's Draft Housing Element*, December 24, 2009

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



December 24, 2009

Mr. Neal J. Martin
Town Planner
Town Administrative Offices
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

Dear Mr. Martin:

RE: Review of the Town of Atherton's Draft Housing Element

Thank you for submitting Atherton's draft housing element received for review on October 30, 2009. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). A telephone conversation on December 22, 2009 with Mr. Jerry Gruber, City Manager, Ms. Lisa Costa Sanders, Deputy Town Planner, and you facilitated the review.

The Department recognizes Atherton's proactive efforts to address housing needs by encouraging the development of second units, including expanding the allowable size of second units to 1,200 square feet and eliminating the minimum lot size provisions. The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). In particular, the element should include an analysis of potential constraints on housing for persons with disabilities and evaluate opportunities for energy conservation in residential development. The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

The Department appreciates the cooperation provided by you, Mr. Gruber and Ms. Costa Sanders during the course of the review and is committed to assist Atherton in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Raquel Medina, of our staff, at (916) 324-9629.

Sincerely,

Cathy E. Creswell
Deputy Director

Enclosure

APPENDIX TOWN OF ATHERTON

The following changes would bring Atherton's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, the Housing Element section contains the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* available at www.hcd.ca.gov/hpd/housing_element2/index.php, the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

Atherton has a regional housing need allocation (RHNA) of 83 housing units, of which 32 are for lower-income households and 16 are for moderate-income households. To address this need, the Town is relying on the development of multifamily housing on school sites and the development of second units. However, to demonstrate the adequacy of these sites and strategies to accommodate the Town's RHNA, the element must include complete analyses as follows:

Multifamily Housing: The element identifies school properties zoned Public Facilities and School District (PFS) (page 30), which allow multifamily uses to accommodate the regional housing need for lower- and moderate-income households. However, to demonstrate their suitability and availability for development in the planning period, the element must:

- Describe the methodology for calculating residential capacity accounting for land-use controls and site improvements. For assistance, please refer to the analysis of Residential Development Capacity on the *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.
- Include information on available acreage of sites allowing multifamily development.
- Describe existing uses of non-vacant sites and the extent existing uses impede development in the planning period. For assistance, please refer to the Analysis of Non-Vacant Sites on the *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.
- Discuss the status and timing of plans for development.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Fees and Exactions: While the element lists planning fees (page 51, Table HV-2) and development costs, including planning and impact fees, for a single-family house, it must also describe all fees and analyze the cumulative impact for multifamily developments. Refer to the Fees and Exaction analysis on the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/CON_home.php.

Constraints on Persons with Disabilities: The element did not address this requirement. The element must include a complete analysis of potential constraints on the development, maintenance, and improvement of housing for persons with disabilities. The analysis should address zoning, development standards, building codes, and approval procedures for the development of housing for persons with disabilities. Examples of standards and requirements that could be analyzed include: (1) spacing or concentration requirements; (2) development standards for community care facilities for more than six persons; (3) whether the Town has adopted a reasonable accommodation procedure for providing exception in zoning and land-use; (4) any definitions of family in the zoning code; and, (5) whether there are relaxed parking standards for housing for persons with disabilities. Refer to the Department's memo and the *Building Blocks'* sample analysis at http://www.hcd.ca.gov/hpd/housing_element2/CON_disabilities.php.

3. *Analyze the opportunities for energy conservation with respect to residential development (Section 65583(a)(8)).*

The element indicates the Town will be considering adopting "green building" as part of the General Plan during 2009-10 (page 26) and has a program to continue compliance with Title 24 and to disseminate available energy conservation information. However, it does not describe how the Town promotes opportunities for energy conservation in residential land-use planning or for existing development. Given the importance of promoting strategies to address climate change and energy conservation, the element should include an analysis to facilitate policies and programs that could be implemented in the housing element. For example, the element could encourage green building techniques and materials in new and resale homes, promote energy audits and participation in utility programs, and facilitate energy conserving retrofits upon resale of homes. Additional information on potential programs to address energy conservation objectives and a sample analysis is available in the *Building Blocks'* technical assistance tool at http://www.hcd.ca.gov/hpd/housing_element2/SIA_conservation.php and the Department's *Green Building and Sustainability Resources* bibliography at http://www.hcd.ca.gov/hpd/green_build.pdf. Under separate cover, the Department will send sample analyses.

B. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame (Section 65583(b)(1 & 2)).

The element did not address this requirement. The element must include an estimate of the number of new, rehabilitated, and conserved units by income category, including extremely low-income (ELI). Each quantified objective should be described by income level and could be illustrated as follows:

	New Construction	Rehabilitation	Conservation
Extremely Low-Income			
Very Low-Income			
Low-Income			
Moderate-Income			
Above Moderate-			
TOTAL			

Additional information on Quantified Objectives is available on the *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element/screen30_program.pdf.

C. Housing Programs

1. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in Finding A-1, the element does not include a complete site analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the Town may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. Programs to address a shortfall of sites must be consistent with Government Code Sections 65583.2 and 65583(c)(1) to permit owner-occupied and rental multifamily uses by-right sufficient to accommodate the remaining need for lower-income households, permit a minimum of 16 units per site, and require at least 50 percent of the lower-income needs to be accommodated on sites designated for residential use only. Pursuant to Section 65583.2(i), "by-right" means local government review must not require a conditional use permit (CUP), planned unit development or other discretionary review or approval. In addition:

Program 3812d: Given the lack of progress toward the objectives of this program in the previous planning period (page 59), the program should include specific actions with timelines for implementation. For example, the program should describe when the Town

will work with the schools to facilitate multifamily development on their campuses.

2. *The housing element shall contain programs which "assist in the development of adequate housing to meet the needs of extremely low-, low- and moderate-income households (Section 65583(c)(2)).*

The element notes the Town is willing to "consult with other agencies... about resources that might be available to the Town for affordable housing". However, the element does not include a program to implement this objective. The element should include programs to initiate contact with agencies and developers and commit to specific steps Atherton will take to facilitate the development, including rental affordable to lower- and moderate-income households. Programs could include fee waivers and providing funding or supporting applications for funding. See the Department's *Financial Assistance Program Directory* at http://www.hcd.ca.gov/fa/LG_program_directory.pdf.

In addition:

ELI Households: Pursuant to Chapter 891, Statutes of 2006 (AB 2634), existing programs should either be revised or new programs added to specifically assist in the development of a variety of housing types to meet the housing needs of ELI households. To address this requirement, the element could revise programs to prioritize or target some funding for the development of housing affordable to ELI households, and/or offer financial incentives or regulatory concessions to encourage the development of housing types, such as single-room occupancy units, multifamily and supportive housing, which can address the needs of this income group.

Program 3812: Describe how the Town will encourage the development of second dwelling units. In addition, the Program should be revised to annually evaluate the effectiveness of the second-unit strategy in addressing the housing needs of lower-income households, including surveying affordability.

3. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in Finding A-2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *The housing program shall promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin or color (Section 65583(c)(5)).*

Program 3.823a: Should include a specific commitment to disseminate fair housing information throughout the Town in a variety of public locations. For information, refer to the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/PRO_eho.php.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Section 65583(c)).

While the element lists various organizations consulted (pages 72-73), it should describe how input was solicited, considered, and incorporated into the element to demonstrate diligent efforts to achieve public participation for all economic segments of the community. Engaging the community and organizations and service providers representing lower-income households is important in developing, adopting and implementing an effective housing element. The Town should continue to engage the community through the adoption of the housing element, by making revisions available with sufficient notice to comment and considering and incorporating comments, where appropriate. Refer to the *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/GS_publicparticipation.php.

E. Water Sewer Priority

For your information, Government Code Section 65589.7 requires local governments to immediately deliver the housing element to water and sewer providers. The Department recommends including a cover memo describing the Town's housing element, including the Town's housing needs and share of the regional housing need. For additional information, refer to the Department's memo at http://www.hcd.ca.gov/hpd/memo_sb1087.pdf.

F. AB 162 – Flood Management

Atherton should also note recent statutory changes to Government Code Section 65302 (Chapter 369, Statutes 2007 [AB 162]) which requires amendment of the safety and conservation elements of the general plan to include analysis and policies regarding flood hazard and management information upon the next revision of the housing element on, or after, January 1, 2009. For additional information, refer to Department's website at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_162_stat07.pdf.



Town of Atherton

TO: HONORABLE MAYOR AND CITY COUNCIL

**FROM: JEROME D. GRUBER, CITY ATTORNEY
WYNNE S. FURTH, CITY ATTORNEY**

DATE: JANUARY 20, 2010

SUBJECT: ADDITIONAL REFUNDS OF ROAD IMPACT FEES

BACKGROUND: At its Strategic Planning Workshop on January 11th, the City Council received a proposed plan to refund road impact fees that were paid before August 20, 2009. (Refunds of fees paid after that date, and any fees for which a claim was filed within 90 days of payment, were authorized by City Council Resolution 09-50.) Following a request at the Council's December meeting, Atherton resident Jeffrey Wise met with a number of residents to propose how additional refunds might be paid. A copy of his written report submitted at the Strategic Planning Workshop is attached to this report. Other proposals were made by the public and discussed by the City Council at the workshop. Staff was asked to place the matter on the City Council's regular January agenda for further discussion.

DISCUSSION: The Council is considering a range of proposals for refunds of road impact fees, and balancing various aspects of fairness to the fee payers and the larger community. This report provides some basic information which may well need to be supplemented. It does not make a recommendation on the approach that the Council should take.

Chronology. Following the example of several other Bay Area cities, Atherton adopted a road impact fee under the Mitigation Fee Act in 2000. In May of 2005, the City Council updated its nexus study on road repair. After a noticed public hearing, it adopted Resolution No. 05-34 increasing the road impact fee and adding an "excavation surcharge or off-haul fee" in the amount of \$22.00 per cubic yard. Meanwhile, on April 1, 2005, the California Court of Appeals for the 5th District had decided a case involving a road impact fee charged in connection with sewage sludge operations and declared that road impact fee violated Vehicle Code Section 9400.8a. (*County Sanitation District No. 2 of Los Angeles County v. County of Kern* 127 Cal.App.4th 1544.) The case had been considered important because of its analysis of the California Environmental Quality Act and apparently did not come to the attention of the Town at the time of its publication. Upon learning of the case, and after considerable public

discussion, Atherton repealed its excavation surcharge/off-haul fee, which had been designed to address the impact of excavation hauling on local streets, on September 20, 2006. All collected excavation surcharges were refunded. It was not thought necessary to otherwise modify the road impact fee, which was not charged on a per-ton basis and was not charged on haulers.

In June of 2007, the Town increased its building permit fees and increased the cost per square foot factor used in setting those review fees. Because road impact fees were calculated as a percentage of the project valuation, this had the effect of increasing the road impact fee by 40%. Members of the public raised a concern about the propriety of the increased fees and the Town commissioned an updated nexus study to see if the fees were higher than needed to repair the damage. In a letter dated August 19, 2009 Carol and John Flaherty, through their legal counsel, raised a different objection to the road impact fee: that it was illegal under *County of Kern*. Upon receiving this letter, the Town stopped work on the nexus study update. In December of 2009, after consideration of the controversial legal status of road impact fees and the Town's general approach to such issues, the Council voted unanimously to rescind the road impact fee. It ordered a refund of all fees paid on or after August 20, 2009.

Claims Barred by Statute of Limitations. Under the Mitigation Fee Act, a fee payer who wishes to contest an impact fee must file a protest within 90 days after the fee is paid and file a lawsuit within 180 days after that. The protest must state the factual elements and legal theory upon which the protest is based. The Town, in turn, is to give notice of these deadlines. The Town began giving this notice no later than January 3, 2007 and continued to do so until the fee was rescinded. Therefore, the statute of limitations has run on any fees paid in 2007-2009.

Equitable Doctrines. At the Strategic Planning Workshop, there was some discussion of the equitable doctrines of *estoppel* and *laches* which, in some cases, can modify the results that strict application of the law would produce. Both of these affirmative defenses are fact intensive; it is not possible to generalize about all cases. The essence of estoppel is that the person to be estopped (here, the Town) has caused another (here, a Town resident) to act in a way that such person would not otherwise have acted, which resulted in an injury. Assuming for the moment that no other statute of limitations is applicable, the complementary doctrine of laches would be raised by the Town for claims that pre-date 2007. To prevail on a defense of laches, the Town would have to show that the resident unreasonably delayed in bringing an action, and that such delay prejudiced the Town. As with estoppel, determining what constitutes sufficient delay requires a factual inquiry and will vary case by case. The more time that has elapsed since the payment of a fee, the more likely a defense of laches is to succeed.

Avoiding A Gift of Public Funds. A further legal question is whether it is legal for the Town to refund money to residents who do not have a legally enforceable claim to a refund. The law prohibits a gift of public funds. Generally speaking, courts defer to the decisions of legislative bodies as to what constitutes a public purpose for a particular agency. It will be important for the Council to articulate its policy reasons for any refunds that do not appear to be required by the letter of the law.

Notice. If the Council orders additional refunds, the City Attorney's office recommends that notice of the availability of the refund be given in a manner that a court would view as adequate.

A combination of mailed notice coupled with publication in the newspaper and on the Town website would be the usual approach when an agency has a list of fee payers with addresses. Ninety days to file a claim, as suggested at the Strategic Planning Workshop, would also be appropriate.

Citizens' Group Proposal. Mr. Wise's letter of January 11th to Mayor McKeithen recommends that:

1. Fees paid on or after July 1, 2006 should be refunded.
2. There should be a ninety day period in which to file a refund after the Town gives proper legal notice.
3. Fifty percent of the fee should be refunded immediately, the balance payable in installments over 5 years.

Mr. Wise's letter also questioned the propriety of charges to the Road Impact Fee account for the Street Corporation Yard remodel and certain operating transfers to the general fund. Mitigation impact fees must be spent to remedy the deficiency caused by new development; some administrative expenses (in addition to road repair contracts) are lawful; these particular charges are being reviewed by Staff.

Other Proposals. Other proposals discussed included (1) refunding the 40% increase in fees from January 2007 through 2009; (2) identifying the potential demand for refunds by sending an appropriately structured set of questions to fee payers and then determining, with this additional information, what the appropriate criteria for refunds should be; (3) limiting refunds to those individuals who, despite not filing a written protest of their fees with the Town, gave notice to the Town of their specific objections in 2007-2009, and were informed that their fees would be adjusted; (4) refunding in full fees paid between July 1, 2005 through December 31, 2006, i.e. the period after the *Kern* decision and before the Town began giving formal notice of the protest procedure, and (5) combinations of some of the above.

Financial Implications. Attached is a cash flow analysis which can be used to estimate the cost of various refund options. Staff will provide an updated estimate of the total funds in the road impact fee account at the meeting.

Prepared By:
Jerome D. Gruber, City Manager
Wynne Furth, City Attorney

Attachments:
Letter from Jeffrey Wise
Cash Flow Analysis

January 11, 2010

Mayor Kathy McKeithen
Town of Atherton
91 Ashfield Rd.
Atherton, CA 94027

Dear Mayor McKeithen:

Last month you asked me to work with the residents of Atherton to come up with a proposal for a fair way of dealing with the refund of the Road Impact Fees collected by the town since 2001.

These fees have been characterized by the town's attorney as being of "questionable legality" and the Council has passed a resolution eliminating the Road Impact Fee and authorizing the refund of fees paid within the preceding 90 days. Although it is possible that the 90 day period is the minimum legally required refund period, I think most will agree that in fairness to the residents the refunds need to go back further than that.

At your direction, we have been working to develop a plan that will treat the residents of Atherton fairly and yet will not have an impact on the town that is so severe that it critically damages the financial health of Atherton. Obviously, any refund of the money that has been collected and already spent will have an impact, but we want to minimize the damage.

In addition, the program needs to be simple and easy for both the town and the residents to understand. We have discussed a number of much more complicated programs with different stages or different classes of potential refund applicants, but have concluded that the structure for the refund program must be simple and straightforward.

We have spoken with a number of residents who have paid Road Impact Fees for their construction projects to gauge their level of concern over this issue and their sense of what would be a fair resolution. Their responses have ranged from "it's water under the bridge, let the town keep the money" to "I have already engaged an attorney and I am prepared to fight this all the way to get a full refund." Many are concerned about the pattern of fees that have been reversed and refunded by Atherton and they are anxious to see how the town handles this situation.

There are three main variables we considered in developing this proposal:

1. How far back the refunds will extend. (The range is between the current

90 days and going back to the start of the Road Impact Fee collection in 2001.)

2. The mechanics of getting a refund. (The Town proactively sends refund checks to all who are eligible or the Town places a legal notice in the Almanac and people who are aware of it come forward and fill out the form requesting the refund.)

3. How the refund is paid. (Immediate cash payment or installment payments stretched out over some period of time.)

Our Proposal:

1. The refund period should go back to the beginning of fiscal 2007 (July 1, 2006). Total fees collected from this date are \$2,483,652. In 2007 Atherton raised the Building Permit fees by 40%, which resulted in a similar increase in the Road Impact Fees collected. Atherton has already refunded one resident's Road Impact Fees back to July, 2006.

2. Residents to have 90 days to file a request for a refund and provide documentation of the Road Impact Fees paid. Atherton to provide the proper legal notices of the refund and provide the forms for a refund. The Almanac will no doubt run an article and probably an editorial about this action. We believe this will provide the necessary visibility for the refunds but the town will not proactively seek out each potentially eligible resident. We feel certain that not all who qualify will request a refund, but it is impossible to estimate the percentage that will. This total will be known at the end of the 90 day refund application period. Many residents will choose to adopt the stance of the resident mentioned above who said that this is just "water under the bridge", but others this will file for their refund and Atherton will thus be able to avoid further litigation on this matter.

3. To reduce the immediate fiscal impact on the Town, we suggest that 50% of the refund be paid within 30 days of the filing of a refund request and the balance be paid in annual installments over a period of 5 years.

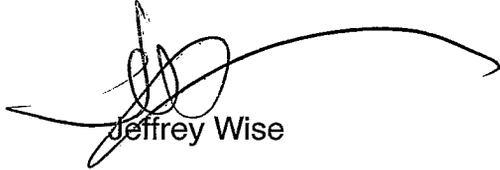
Analysis:

In the Road Impact Fee Revenues and Expenditures spreadsheet provided by Louise Ho the End Cash Balance for this fund is \$542,192. We question the inclusion of Street Corp Yard Remodel \$432,713 and the Operating Transfer to GF totaling \$679,849. These items should not have been paid for by funds collected through the Road Impact Fees for the stated purpose of repairing damage caused by excess construction traffic. If these amounts are credited back to the Road Impact Fee fund, the cash balance available for refunds is

\$1,654,754. This represents 67% of the Road Impact Fees collected since 2007. This may very well cover the total amount of refund requests that will actually be filed by the residents.

Certainly, there would need to be more details worked out, but this provides a basic framework for a program that we think will satisfy residents and still be workable for the Town of Atherton.

Respectfully Submitted,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Jeffrey Wise



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF JANUARY 20, 2010

SUBJECT: DIRECTION ON FORMATION OF FINANCIAL COMMITTEE FOR NEW TOWN CENTER

Recommendation:

Council to give direction to City Manager on composition, goals and objectives, and Council expectations for a standing ad-hoc committee for a new Town Center

Background:

At the November 18, 2009 City Council Meeting Council directed the City Manager to move forward with forming a Committee to evaluate different financial options regarding the proposed Town Center. On Monday January 11, 2010 as part of the Strategic Planning Session the Town Center was discussed again as an agenda item and Council requested that the Committee be formed to evaluate funding options for the New Town Center. Council Members Lewis and Marsala have stated that they would like to be on the Committee.

At the May 26, 2009 Blue Ribbon Task Force meeting the Task Force voted to recommend to council that a bond be placed on the ballot within a time frame to take advantage of the Build America Bond opportunity.

The City Manager requests direction from the City Council with regards to the composition of the Committee and would appreciate Council feedback for a Standing Committee, Ad-Hoc Committee or for a Town Committee made up of Two Council Members and Atherton residents. The City Manager would also appreciate that the Council establish goals and objectives of the Committee and give direction to the City Manager on what Council expectations are regarding the committee.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF JANUARY 20, 2010

SUBJECT: CONSIDERATION OF EXPANSION OF THE FINANCE COMMITTEE

RECOMMENDATION:

To Be Determined

BACKGROUND:

At the December 2009 regular City Council meeting Council Member Lewis requested to add the following item to the Agenda for discussion and vote:

Expansion of the Finance Committee

Mayor McKeithen directed staff to add the item to the next regular Council Agenda.

Elizabeth Lewis

Council Report -- December 16, 2009 through January 20, 2010

- December 21 Met with new Chief of Police Mike Guerra.
- December 29 Council of Cities dinner in Colma with food cooked and served by the Colma Fire Department
- January 9 Attended San Mateo County Summit on Rebuilding California from the Ground Up organized by Rich Gordon, Richard Napier held at Canada College. It was sponsored by the County, Cities and Schools association.
- January 11 Council Strategic Planning meeting
- January 12 Council Mid-Year Budget review meeting
- January 12 Transportation Committee meeting.
Heard from a resident on DeBell about traffic issues relating to school / commute drivers cutting through to avoid the intersection at Middlefield and Oak Grove. Public Works is to take a look at the problem and possibly do an initial survey with staff and bring back recommendations to committee. Approved to recommend to Council that we increase parking fines from \$30 to \$38 and other fines by
- January 13 Environmental Programs Committee
- January 14 S & T Committee final wrap up meeting
- January 14 Attended Luncheon for Retired Police Chief Neilson
- January 14 I was elected to serve on the HEART board at the Council of Cities dinner on Dec 29. I met with Chris Mohr, Executive Director of HEART, for orientation and briefing prior to Board meeting on Jan 27.
- January 14 Attended the Silicon Valley Association of Realtors Board of Directors Installation Dinner at the Fairmont in San Jose
- January 15 Met with City Manager regarding forming a new committee for proposed New Town Center financing
- January 19 Attended Employee of Quarter – Tim Lynch – lunch at City Council Chambers
- January 20 – 22 Attended the League of Cities Conference for New Mayors and Council Members

Council Report – January 2010 - Jerry Carlson

- Dec. 17 - Attended Context Sensitive Solution planning meeting in Burlingame. CSS has been embraced by High Speed Rail as a means to involve more Peninsula people in discussing issues re HSR.
- Dec. 18 – Council of Cities business meeting in Colma. Congratulations to Elizabeth Lewis for being elected to the Housing Endowment and Regional Trust board (HEART). Omar Ahmad, of San Carlos was elected to the San Mateo County Transit District and Jerry Deal lost to Omar for the appointment to the Joint Powers Board (Cal Train). Terry Nagel of Burlingame won the Transportation Authority seat.
- Dec. 21, 28, Jan. 4, Jan 13 – Conference calls with Community Coalition on High Speed Rail (CC-HSR) committee members.
- Jan. 4 - Attended Palo Alto council reorganization and election of Pat Burt as Mayor. Pat represents Palo Alto on the Peninsula Consortium of Cities board.
- Jan. 7 - Monitored videoed board meeting of California High Speed Rail Authority.
- Jan. 7 - Atherton Rail Committee meeting. Discussion on revised HSR business plan which still does not adequately meet all the AB 3034 requirements, particularly those dealing with risks (funding, completion, operational break-even, etc.) Four members – Janz, Jones, Ringham and Quinlan planned to speak at the Assembly’s Transportation Committee informational hearing on the revised plan on Jan. 11th. A copy of my letter to the committee was sent to the council. I plan to attend the Senate Transportation Committee hearing on the revised plan on Jan. 19th. On Jan. 21st, Senators Smitian and Llowenthal will hold a public meeting, at 7:00pm, in the Palo Alto Council Chambers on HSR. Atherton Rail committee members are actively contact state legislators, State Auditor’s office and other agencies re concerns about HSR plans.
- Jan. 8 - Peninsula Cities Consortium meeting was held in Menlo Park. Discussed appearance at the above mentioned legislative meetings. Update was given on Context Sensitive Solution progress by the HSR consultants. Richard Cline, Menlo Park Mayor, chairs PCC.
- Jan. 11 - Council Workshop
- Jan. 12 – Council mid year budget review
- Jan. 14 - Breakfast meeting and final sign off by Yes on S&T committee. The remaining small fund balance will be donated to Holbrook Palmer Park.
- Attended former Chief Glen Nielsen’s retirement party.
 - Attended C/CAG Legislative Committee meeting to hear update concerning state’s budget.
 - Attended C/CAG board meeting. Atherton, last year one of five San Mateo County members to have representation at all board meetings. Public Works and City Manager have been notified of possible additional stimulus and MTC funding available to the county.

January 2010 Council Report

Mayor McKeithen

1. On January 12, 2010 the Atherton Transportation Committee met and discussed increasing the municipal code parking violation fines. This matter is on tonight's agenda and will not be discussed herein. Also discussed was an update regarding a possible study regarding the Valparaiso/Hoover Street crosswalk. It was determined that this was an issue that had long been delayed and thus while a Menlo Park Safe Route to Schools Grant might be forthcoming which might encompass such work, it was not assured and timing was uncertain – thus, we hoped to proceed more expeditiously. Duncan and Lou Paponis would contact Menlo School (which had indicated support for the crosswalk) and ask if they would be willing to contribute to the cost of the survey (which was \$9T short of the amount remaining in the budget for surveys for this fiscal year) and the work as well. Duncan would also contact the contractor to determine if the cost of the survey could be decreased at least 6 hours if we were to hold a joint Atherton Transportation Committee/Menlo Park Transportation Commission meeting, as well as assure a definitive time for the Atherton Council meeting at which the presentation would be held. Finally, we discussed a possible survey for a through traffic restriction from Oak Grove to Middlefield through Maple Manor on De Bell Drive. The Transportation Committee recommended that the Council authorize the Public Works Department to conduct its own survey of the nearby residents as a first step to determine support.
2. The Friends of the Library met on January 13, 2010. There are three upcoming ice cream socials planned: March 20, June 19, September 18, 2010 -- each running from 1:00-3:00 p.m. There is a potential problem with the placement of the banner during September for the week before the social itself which Mayor McKeithen and Joan Sanders agreed to try to work out with the City Manager. The basic framework of the Needs Assessment was discussed. They are looking for benchmark cities – ones with approximately 10-20T people, libraries built within the last 5 years, size a maximum 15,000 sq. ft. The report will recommend the number of volumes which should be housed and the kind of facilities but will not state what should or should not be done with the existing structure. The library is trying to develop teen programs and is going to install a flat screen digital signage system, as well as starting to develop a volunteer program.

Respectfully submitted,

Kathy McKeithen