



Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
February 19, 2003
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

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

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

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

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

3. **PRESENTATIONS**

A. **Certificate of Appreciation - The presentation was deferred to the March regular meeting because Shirley Carlson was unable to attend this meeting.**

4. **COUNCIL REPORTS**

- **Vice Mayor McKeithen reported that the San Mateo County Emergency Services Council met January 23 and received an update on the microwave radio replacement project and a report on a county-wide terrorist chemical exercise. A committee was formed to work with the County to develop alternative water sources in case of disaster. Vice Mayor McKeithen asked the City Manager to report back on the possible use of the well in Holbrook-Palmer Park in an emergency. The General Plan Committee met February 5 and reviewed the definition of accessory structures and retaining walls. This item will be coming**

before the Planning Commission. The Committee deferred action on the designation of street classifications and approved a draft ordinance regarding encroachments. The next meeting will be held on March 5. The Atherton Channel Drainage District Sub-committee will meet March 10. Prior to the meeting, a walk will be held along the Channel with the consultants and representatives of the involved agencies. The Transportation Committee will meet Monday, February 24 at 6:00 p.m. The Vice Mayor reported on a D.A.R.E. graduation ceremony she attended at Encinal School.

- Council Member Marsala reported that the Staff appreciation dinner held in January was very successful and well attended. The Library Joint Powers Authority meets Monday, February 24. He suggested that the Council consider recognizing the late Henry Cartan for his service to the Town.
- Council Member Carlson reported on the Finance and Facilities Committee meeting on February 5. The Committee reviewed the mid-year budget report, which is on this agenda.
- Council Member Conwell reported that the C/CAG Board met and conducted an annual evaluation of the manager. C/CAG is still working on renewal of Measure A. On Wednesday, March 5, C/CAG, the San Mateo Transportation Authority, and the Valley Transportation Authority will hold a public meeting in the first floor Conference Room at the Menlo Park City Offices. The topic will be the Peninsula Highway 101 corridor. The San Francisco Airport Roundtable met and elected a new chair and vice chair. The Criminal Justice Council met today and received a presentation on the Drug Rehabilitation program funded by Proposition 36.
- Mayor Janz reported that he attended a Council of Cities meeting on January 24 in Burlingame. Appointments were made to the ABAG Board and the Bay Area Air Quality Management District Board. On January 30, he attended the Peninsula League of California Cities meeting. Mayor Janz reported that at the Atherton Employee Recognition Dinner on January 31, service awards were presented to Steve Snider for 25 years of service, Tony Dennis for 10 years of service, and Antoinette Gutierrez, Henry Tam, and Christina Silagi, for 5 years of service. The Waste Reduction Committee will meet February 24 at 10:00 a.m. The Council of Cities will meet in South San Francisco on February 28. The Mayor asked the City Manager to contact the Peninsula Conflict Resolution Center to schedule a presentation for a future City Council meeting.

5. PUBLIC COMMENTS

- Marion Oster, Heritage Association, read a January, 1889 article of historical note on the future of train travel on the Peninsula.
- Rosemary Maulbetsch, 90 Lloyd Drive, on the proposed Caltrain grade separations.

6. STAFF REPORTS

- Chief Bob Brennan reported on a new visibility safety program for walkers and bicyclists, and handed out reflective armbands to the audience.
- City Manager Jim Robinson followed up on the Peninsula Corridor 2020 study, stating that Mayor Janz is the representative for the Council and Council Member Conwell is alternate. On the water issues brought up by Vice Mayor McKeithen, the City Manager stated that he has been informed by California Water Service that water could be available for residents from the Bear Gulch Reservoir in the case of a disaster.
- City Attorney Marc Hynes reported out of closed session as follows:

**A. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Government Code Section 54956.9 (a)
Stephen Chaput v. Town of Atherton
Patrick McTaggart v. Town of Atherton**

No action was taken.

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to Government Code Section 54956.9 (b): Two potential cases.

Directions were given to the City Manager and the City Attorney.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Bob Jenkins, President of the Atherton Civic Interest League, gave a report on the role of the Atherton Civic Interest League and current activities and projects.

CONSENT CALENDAR

MOTION - to approve Items 8, 9, 10, 13, 17, and 18 on the Consent Agenda, and remove Items 11, 12, 14, 15, 16, and place them on the regular agenda.

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

Concerning a payment made under Item 9, Bills and Claims, Vice Mayor McKeithen asked that staff look into a possible contract with a tree maintenance company in order to obtain better pricing for tree services.

8. APPROVED MINUTES OF REGULAR COUNCIL MEETING OF JANUARY 15, 2003

9. APPROVED BILLS AND CLAIMS FOR JANUARY 2003 IN THE AMOUNT OF \$715,640

10. **ACCEPTED MONTHLY FINANCIAL REPORT FOR JANUARY 2003**
13. **APPROVED AGREEMENT FOR SERVICES WITH TENNIS PROFESSIONAL ALAN MARGOT**

Approved the contract for services of Tennis Professional, Alan Margot, effective for the period March 1, 2003 to February 28, 2005.

17. **ACCEPTED AND AUTHORIZED STAFF TO RECORD NOTICE OF COMPLETION FOR THE FOLLOWING: LIBRARY RE-ROOFING PROJECT, POLICE STORAGE SHED, HOLBROOK-PALMER PARK WATER TOWER RESTORATION**

Accepted the work performed under the contracts for the Library Re-roofing Project, Police Storage Shed, and Holbrook-Palmer Park Water Tower Restoration, and authorized recording notices of completion.

18. **APPROVED PLANS AND SPECIFICATIONS FOR 2003 STREET RECONSTRUCTION, STOCKBRIDGE AVENUE OVERLAY**

Approved the plans and specifications for 2003 Street Reconstruction, Project 03-001, and Stockbridge Avenue Patch and Overlay, Project 03-002.

REGULAR AGENDA

Items 11, 12, 14, 15, and 16 were removed from the Consent Agenda for consideration under the Regular Agenda.

11. **APPROVAL OF AGREEMENT WITH LIEBERT CASSIDY WHITMORE FOR LABOR RELATIONS SERVICES**

Council Member Carlson and Vice Mayor McKeithen asked that this item be removed from the Consent Agenda because of concerns regarding the reference to the consortium agreement between the Town and Liebert Cassidy and Whitmore. The consortium agreement is actually between San Mateo County, of which Atherton is a party, and Liebert Cassidy and Whitmore. The Council also requested that the proposed agreement require the firm to provide proof of professional liability insurance.

MOTION – to refer the changes as noted to staff and continue this item to the March meeting.

M/S Carlson/McKeithen

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

12. ADOPTION OF A RESOLUTION ADDING THE POSITION OF SENIOR BUILDING INSPECTOR/PLAN CHECKER TO THE TOWN'S JOB CLASSIFICATION LISTING (Previously approved by the City Council as part of the Fiscal Year 2002-03 Budget.)

Vice Mayor Member McKeithen asked that this item be placed on the regular agenda. She asked for clarification on the amount of the increase to the budget necessary to fund this position. City Manager Jim Robinson explained that the estimated cost for the remainder of this fiscal year would be \$2,300, and the amount for the entire year would be \$7,960. The amount for this position was included in the current budget. The proposed resolution places the position into the Town's classification plan.

Council Member Conwell expressed concerns with the effect this increase will place on the budget. Discussion ensued regarding the duties required of the Senior Building Inspector/Plan Checker. The position will be filled by an in-house recruitment process.

MOTION – to adopt Resolution No. 03-01 adding the position of Senior Building Inspector/Plan Checker to the Town's job classification listing and setting the salary and benefits for this position.

M/S Carlson/Janz

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

14. ACCEPTANCE OF STATE TECHNOLOGY FUNDING GRANT AWARD OF \$16,196

Vice Mayor McKeithen requested that this item be removed from the Consent Agenda. The staff report stated that supplemental expenditures, if the items come in over bid, will be funded by the General Fund. She asked that the amount to be funded by the General Fund be limited to 10% over the estimated bid.

MOTION – to accept the State Technology Funding Grant award in the amount of \$16,196, and augment the Police Department budget by that amount with the caveat that any supplemental expenditures coming from the General Fund shall not exceed 10% of the estimates stated in the staff report.

M/S McKeithen/Carlson

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

15. APPROVAL OF POLICE DEPARTMENT OFFICE OF TRAFFIC SAFETY GRANT

Vice Mayor McKeithen asked for clarification on this item. Chief Brennan explained that the officer to be funded by the Traffic Safety Grant will do general traffic work as well as work in specific areas considered high-collision rate locations. In answer to Council Member Conwell's question regarding the funding of an officer, Chief Brennan stated that the grant will fund an existing officer's position, not a new position. The first year of the grant will fund the officer and equipment, and the second year will fund 50%

of the officer's compensation package. The grant would be implemented in Fiscal Year 2003-2004.

MOTION – to authorize the Police Department to submit a request to the California Office of Traffic Safety (OTS) for the purpose of funding 100% of the cost of an existing traffic officer during the first year and 50% the second year.

M/S Janz/McKeithen

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

16. APPROVED AN AMENDMENT TO CITY COUNCIL RULES AND PROCEDURES REFLECTING TIME THAT COUNCIL COMMITTEE ASSIGNMENTS ARE CONDUCTED

Council Member Conwell asked for this item to be removed from the Consent Agenda for clarification. Vice Mayor McKeithen explained that at the last meeting the Council had asked for the City Council Rules and Procedures to be amended to reflect the current practice of Council appointments being made in January.

MOTION – to approve the amendment to Section 9.1 of the City Council Rules and Procedures to reflect that, at least annually, the Mayor shall appoint Council Members to serve on various committees which require a Council representative.

M/S Janz/McKeithen

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

19. MID-YEAR BUDGET REVIEW REPORT

Finance Director John Johns presented the Mid-year Budget Review Report with an updated estimate of General Fund revenues and ending fund balance, and recommendations for further budget reductions. He reported that it is anticipated that current year General Fund revenues will fall short of budget estimates by approximately \$344,000. The General Fund balance is expected to decline by \$155,299. Due to the expected elimination of Vehicle License Fees, the deferral of state mandated reimbursements, and increases in employee benefit costs, it is anticipated that the year end General Fund balance will decline by \$807,000 and \$1.3 million in Fiscal Years 2003-04 and 2004-05 respectively. The Finance Committee will be reviewing possible local revenue sources, including franchise fees, solid waste fees, and changing ways that the Business License ordinance is administered.

Discussion ensued regarding the possible receipt of sales tax generated by auctions and other special events held at Menlo School. The Council encouraged staff to review every source of Town revenue and evaluate the fee structure for current services.

The following members of the audience spoke:

Arlin Kertz, Chair of Audit Committee, on possible undervaluing of construction costs for building permit fees.

Bob Jenkins, Audit Committee

Discussion ensued related to the methods used in establishing valuations for assessing building permit fees. The Council asked that staff agendaize the issue of building permit fees for a future Finance Committee meeting.

MOTION – to accept the Mid-year Budget Report and reduce the General Fund appropriations for Fiscal Year 2002-2003 by \$211,400.

M/S Marsala/Conwell

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

20. DISCUSSION AND POSSIBLE ACTION – SCHEDULE AND CONSIDERATION OF PARCEL TAX LEVY FOR FISCAL YEAR 2003/2004

Council Member Carlson asked that this item be placed on the agenda to assure that the Council would have a timeline for the process of levying the parcel tax. City Attorney Marc Hynes presented the staff report for this item and provided direction to staff for future discussion of the maximum parcel tax levy. Finance Director John Johns stated that staff needs to have the data to the Assessor's Office the second week of July. It was agreed that this issue will be addressed during budget deliberations.

The Mayor called for a five minute break at 10:10 p.m.

The Council reconvened at 10:17 p.m.

Item 22 was taken out of order.

22. DISCUSSION AND POSSIBLE ACTION – STRATEGIC PARK AND RECREATION PLAN 2003

The Council expressed appreciation to the members of the Park and Recreation Commission for developing the Draft Strategic Park and Recreation Plan. Mike McPherson, Park and Recreation Commission Chair, answered questions regarding the Draft Plan. He reported that the Little League field has been successful and that the tennis court improvements are anticipated to increase the sale of keys. Vice Mayor McKeithen suggested several minor changes to the document, but left the final decision up to the Park and Recreation Commission.

MOTION – to accept the Draft Strategic Park and Recreation Plan for the next five years with the understanding that the Park and Recreation Commission will consider the comments made by Vice Mayor McKeithen.

M/S Marsala/Conwell

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

21. DISCUSSION AND POSSIBLE ACTION – SAFETY CODE REVISION PERTAINING TO FIRE SPRINKLER REQUIREMENTS

City Attorney Marc Hynes presented the staff report for this item. Fire Chief Paul Wilson was present and answered questions regarding the request by the Menlo Park Fire Protection District regarding fire sprinkler requirements. He stated that the District Board, at their March 18th meeting, will consider findings justifying the requested amendments to Town regulations.

The Council concurred that their recommendation would be that sprinkler systems should be required for new construction at a minimum of 0 square feet, and for remodels, at 500 square feet and above, and that only the remodeled area would be required to be sprinklered.

23. APPROVAL OF POLICY FOR THE PLACEMENT OF HYPERLINKS ON THE TOWN WEBSITE

City Attorney Marc Hynes presented the staff report for this item. He provided a proposed Town website policy that would only allow hyperlinks to be provided to other public agencies.

MOTION – to approve the policy for the placement of hyperlinks on the Town website.

M/S McKeithen/Carlson

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

24. ADOPTION OF A RESOLUTION URGING THE CALIFORNIA LEGISLATURE TO REJECT THE GOVERNOR’S PROPOSED SHIFT OF LOCAL VEHICLE LICENSE FEE REVENUES

The League of California Cities has encouraged cities to adopt a resolution urging the California legislature to enact legislation that would preserve motor vehicle fee revenue as a source of discretionary funding for local governments.

MOTION – to adopt Resolution No. 03-02, urging the California Legislature to reject the Governor’s proposed shift of local Vehicle License Fee revenues and to honor the 1998 commitment to restore the VLF.

M/S Marsala/Janz

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

25. PUBLIC COMMENTS

There were no public comments.

26. ADJOURNMENT

The meeting adjourned at 11:12 p.m.

Respectfully submitted,

Sharon Barker, City Clerk