



**Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT**

April 16, 2003

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

Vice Mayor McKeithen called the meeting to order at 7:11 p.m.

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

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

ABSENT: James R. Janz (Excused absence)

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

3. PRESENTATIONS

- A. Presentation by Sequoia Hospital**
Glenna Vaskelis, Sequoia Hospital Administrator, presented the hospital's plans to rebuild and relocate.
Janet Simonds, 26 Wilburn Avenue, spoke from the audience.
The Council asked to have an item placed on the May 21, 2003 City Council agenda to consider a resolution of endorsement.
- B. Earth Day Proclamation**
Vice Mayor McKeithen read a Proclamation declaring April 22, 2003 as "Earth Day".
- C. Relay for Life Proclamation**

Vice Mayor McKeithen presented a Proclamation to Art Ferranti recognizing the Menlo Park/Redwood City "Relay for Life", an American Cancer Society Fundraiser which will be held at Sequoia High School on May 17 and 18, 2003.

D. Recognition of Service for Cliff Temps

Vice Mayor McKeithen presented a plaque to retiring Public Works Director Cliff Temps and commended him for his years of service to the Town. City Manager Jim Robinson announced that a reception in honor of Mr. Temps will be held on Tuesday, April 22 at the Holbrook-Palmer Park Pavilion from 4:00 p.m. to 7:00 p.m.

4. COUNCIL REPORTS

- Council Member Conwell reported on the San Francisco Airport Roundtable meeting. Air traffic volume at SFO is down. The Criminal Justice Commission met today. The Commission receives approximately \$200,000 annually in state funds which are granted to various community groups. Council Member Conwell also reported on the City/County Association of Governments meeting.
- Council Member Carlson referred to a letter addressed to the Council from several residents with concerns about a construction site on Stern Lane. City Attorney Marc Hynes stated that the Building Official has noticed the owner to construct a safety fence around the property. Staff will report back on this item at the next Council meeting. Council Member Carlson attended the Channel Drainage Sub-committee meeting on March 31. He reported on the April 8, 2003 Transportation Sub-committee meeting. The Sub-committee recommended the placement of no parking signs on Oak Grove Avenue. Two resident advisors, John Ruggeiro and Bob Huber, were appointed to the Sub-committee. Caltrain representatives made a presentation at the meeting regarding future plans for improvements.
- Council Member Marsala reported on the State's proposed reductions to cities of Vehicle License Fees. He announced the League of California Cities' Legislative Action Days on May 14 and 15 in Sacramento, and the County of San Mateo's "County Open House" on May 6. Council Member Marsala commended staff for ensuring that the Town is in full compliance with waste reduction regulations and noted that BFI has expanded the recycling program. He reported that the Library JPA is meeting to address the Library budget deficit. The Dames Luncheon will be held on May 9, and the ACIL town forum will be held on May 22.
- Vice Mayor McKeithen noted that the City Manager has been assured by County Hazmat that they are prepared to deal with any emergencies involving hazardous material transported by train through Town. She reported that the County Open House on May 6 will begin at 7:30 a.m. and will include interactive activities for children and adults. Sheriff Horsley will give a status report on homeland security, and the Fire Station will also be open to the public. The County Office of Emergency Services Council will meet Thursday, April 17, at 5:30 p.m. in the Jury Room, County Center. The last meeting of the Atherton Channel District Sub-committee meeting

was canceled because the Committee conducted a tour of the channel with representatives of the Army Corps. of Engineers, and the California Water Quality Control Board. The engineering firm of BKF, and the environmental firm, H.T. Harvey, talked about setting priorities for improvements to the channel. The next meeting will be held Monday, April 28, at 8:00 a.m. in the Council Chambers.

5. PUBLIC COMMENTS

The following members of the audience spoke:

- **Byrne Bernhard, Toyon Road, regarding traffic on Oak Grove.**
- **Charlie Ramorino, Gresham Lane, representing ACIL, asked the Council for endorsement of the ACIL “Atherton Pride” project. The Vice Mayor asked for this item to be put on the May meeting agenda.**
- **Bob Jenkins, Irving Avenue, asked the Council to develop a proclamation in support of the war effort and honoring those in the armed forces who have been killed or wounded in Iraq. Mr. Jenkins was told to submit his request to the City Manager for consideration for a proclamation memorializing those in the armed forces, but the broader issue of support of the war would have to be put on the agenda for approval. No action was taken by the Council.**
- **Denise Kupperman, Tree Committee Chair, announced the Town Arbor Day celebration which will be held Saturday, May 3, at 10:00 a.m. on the east side of the Pavilion in Holbrook-Palmer Park. The area around the Pavilion will be planted. The Committee’s newsletter, the Atherton Tree News, was recently mailed to residents.**

6. STAFF REPORTS

- **City Manager Jim Robinson followed up from last meeting with a report on the use of the well at Holbrook-Palmer Park for an emergency water supply. Darren Duncan, California Water Service General Manager, will be present at the May Council meeting to discuss emergency water issues. The City Manager reported on the annual costs for car washing. The spring issue of the Athertonian was just sent out to residents, and the community calendar is now available on the Town website.**
- **City Attorney Marc Hynes reported out of the Closed Session held at 6:00 p.m.**
 - A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to Government Code Section 54956.9 (a) Teamsters Local No. 856 v. City of Atherton
Direction was given to the City Attorney.**
 - B. 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
Direction was given to the Town-retained defense counsel.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Atherton Arts Committee - Fran Eastman, Chair of the Atherton Arts Committee, updated the City Council on upcoming events and discussed the Committee's space needs. The City Council recommended that the Arts Committee meet with the Park and Recreation Commission on issues related to space needs, and return to the Council with recommendations.

CONSENT CALENDAR

Council Member Conwell asked for clarification on Item No. 17. Chief Bob Brennan stated that the proposed purchase of two police vehicles would not increase the number of vehicles owned by the Town.

MOTION – to approve the Consent Agenda as presented.

M/S Conwell/Carlson Ayes: 4 Noes: 0 Absent: 1(Janz) Abstain: 0

8. APPROVED MINUTES OF SPECIAL AND REGULAR COUNCIL MEETINGS OF MARCH 19, 2003

9. APPROVED BILLS AND CLAIMS FOR MARCH 2003 IN THE AMOUNT OF \$666,856

10. ACCEPTED MONTHLY FINANCIAL REPORT FOR MARCH 2003

11. AWARDED CONTRACTS FOR HOLBROOK-PALMER PARK PARKING LOT PATCHING AND SEALING, PROJECT 03-003, AND ATHERTON AVENUE RECONSTRUCTION, PROJECT 03-004

Awarded the contracts for Holbrook-Palmer Park Parking Lot Patching and Sealing, Project 03-003, to Silicon Valley Paving, Inc. for \$28,723.95, and for Atherton Avenue Reconstruction, Project 03-004, to G. Bortolotto & Co., Inc. for \$292,094.79.

12. ACCEPTED WORK AND APPROVED RECORDING A NOTICE OF COMPLETION FOR MIDDLEFIELD ROAD PAVEMENT AND STORM DRAINAGE IMPROVEMENTS, PROJECT 01-005

13. APPROVED RESOLUTION NO. 03-06 OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AUTHORIZING CONTINUED PARTICIPATION IN THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AND APPROVAL OF THE JOINT POWERS AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE JOINT POWERS AGREEMENT

14. ADOPTED ORDINANCE NO. 539 OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING SECTIONS 17.36.195 AND 17.08.070 REGULATING RETAINING WALLS AND BUILDING HEIGHT WITHIN THE TOWN OF ATHERTON

Adopted Ordinance No. 539 amending Atherton Municipal Code Section 17.36.195 adding a height requirement for retaining walls, and Code Section 17.08.070 adding a requirement that decorative roof elements must be included in the maximum building height, and waived second reading.

15. ADOPTED ORDINANCE NO. 540 OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING THE ATHERTON MUNICIPAL CODE SECTION 12.06 REGULATING ENCROACHMENTS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN THE TOWN OF ATHERTON

Adopted Ordinance No. 540 amending Atherton Municipal Code Section 12.06 relating to encroachments allowing for the construction of new entrance gate structures within the Town of Atherton, and waived second reading.

16. ADOPTED ORDINANCE NO. 541 OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE TOWN OF ATHERTON AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Adopted Ordinance No. 541 authorizing an amendment to the contract between the City Council of the Town of Atherton and the Board of Administration of the California Public Employees' Retirement System to provide Section 21024 (Military Service Credit as Public Service) for local miscellaneous members, and waived second reading.

17. APPROVED PURCHASE OF TWO POLICE VEHICLES FOR FISCAL YEAR 2002-2003 FROM SERRAMONTE FORD IN THE AMOUNT OF \$48,545.59.

18. APPROVED REVISED CITY COUNCIL RULES OF PROCEDURE

Approved a revision to Section 9.3 of the City Council Rules of Procedure providing for the appointment and selection process of citizen advisors to City Council sub-committees.

19. **APPROVED A PROCLAMATION DECLARING APRIL 28 TO MAY 4, 2003 AS “MOSQUITO AND VECTOR CONTROL AND WEST NILE VIRUS AWARENESS WEEK”**

REGULAR AGENDA

20. **APPOINTMENT OF COMMISSION AND COMMITTEE MEMBERS**

Council Member Conwell presented the City Council Screening Committee’s recommendations for appointments to the openings on Town commissions and committees.

MOTION – to accept the recommendation of the City Council Screening Committee and make the following appointments to Town commissions and committees effective May 1, 2003:

**Planning Commission:
(Four year term)**

**Rose Hau (reappointed)
Robert Andrews (reappointed)**

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

**Phil Thaire
Lida Urbanek
Kristi Waldron**

**Park and Recreation Committee:
(Four year term)**

**Mike McPherson (reappointed)
Paul Tonelli (reappointed)
John P. Davey
Jim Massey (H-P Park Foundation Representative)
Marilee Gardner (Atherton Dames Representative)**

**Audit Committee:
(Three year term)**

Robert C. Wilson

M/S Conwell/Marsala

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

21. **CONSIDER APPOINTMENT OF A RESIDENT ADVISOR TO THE TRANSPORTATION SUB-COMMITTEE**

Council Member Carlson stated that since Mayor Janz was unable to attend this Council meeting, he would like to move that this item be continued.

MOTION – Council Member Carlson moved to continue this item to the May City Council meeting.

Motion died for lack of a second.

Discussion continued. Council Member Carlson stated his reasons for not voting for an applicant for the position of Resident Advisor to the Transportation Sub-committee. Council Member Marsala spoke in favor of the appointment.

The following members of the audience spoke:

John Rugeiro, Stockbridge Avenue

Frances Lee, MacBain Avenue

Janet Simonds, Wilburn Avenue

Jean Schaaf, Stockbridge Avenue

Robert Simonds, Wilburn Avenue

Virginia Rugeiro, Stockbridge Avenue

John Sisson, Belleau Avenue

Vice Mayor McKeithen noted that Resident Advisors are non-voting members of the committee and spoke on the need for representation from different neighborhoods.

MOTION – to appoint Lou Paponis as a Resident Advisor to the Transportation Committee.

M/S Conwell/Marsala

Roll Call Vote as Follows:

Marsala: Aye

Carlson: No

Conwell: Aye

McKeithen: Aye

(Janz - Absent)

Mr. Paponis spoke from the audience.

22. DISCUSSION AND POSSIBLE ACTION - NOISE ORDINANCE STANDARDS

Town Planner Neal Martin presented the staff report for this item. Under the current ordinance, any noise in excess of 60 dBA during daytime hours and 50 dBA during nighttime hours is in violation. The current ordinance was adopted by the Council on

October 20, 1999. General Plan Committee member, Sandy Kaye, has suggested that the “C” weighting scale be substituted for the “A” weighting scale.

Council Member Carlson stated that this item came before the General Plan Committee where it was recommended that no change be made to the ordinance. Vice Mayor McKeithen stated that she had asked that this item be placed on the agenda, and that the noise standard is not reflected in the General Plan. According to the Town Planner, the noise standard is in the ordinance and it is not necessary for the noise standard to be in the General Plan.

Council Member Conwell expressed his concerns with enforcement of the noise ordinance. Vice Mayor McKeithen referred to a report issued by an acoustical expert regarding the need to update the Town’s ordinance.

Discussion ensued regarding the use of the noise scale in the current ordinance and the measurement of noise. Council Member Marsala expressed concerns that if the scale were changed, everyday activities measured as peak noise might become illegal. It was determined that the Town does not receive many noise complaints, and a change to the ordinance is not warranted at this time.

The Town Planner stated that the General Plan Committee looked at the noise ordinance in the context of the overall General Plan review. The General Plan Committee asked the Planning Commission to make a determination on what noise scale should be included in the General Plan. The Planning Commission decided they should not address a noise scale in the General Plan.

The following members spoke from the audience:

**Sandy Kaye, Shearer Drive
Vit Eckersdorf, Shearer Drive
Robert Huber, Frederick Avenue**

MOTION – to take no action to change the current noise ordinance.

M/S Carlson/Conwell Ayes: 4 Noes: 0 Absent: 1(Janz) Abstain: 0

23. AMENDMENT OF CAPITAL IMPROVEMENT PROGRAM TO INCLUDE HOLBROOK-PALMER PARK MAIN HOUSE PATIO IMPROVEMENT PROJECT AND AWARD OF CONTRACT TO BRAGATO CONSTRUCTION CO., INC. FOR \$22,750

Public Works Director Cliff Temps presented the staff report for this item. This project is proposed as a the result of the loss of a large oak tree in the patio area of the Main House in Holbrook-Palmer Park. The Park and Recreation Commission recommended that the area where the tree was removed should be finished in the manner of the

Sharon Barker, City Clerk