



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

**May 21, 2003**

**7:00 p.m.**

**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

**Mayor Janz called the meeting to order at 7:14 p.m.**

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

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

**ABSENT:** Alan B. Carlson (excused absence)

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

**3. PRESENTATIONS**

**A. Peninsula Conflict Resolution Center – Executive Director Patricia Brown presented information on community mediation services offered by the Peninsula Conflict Resolution Center. The Council asked that this be placed on the June 18, 2003 Council agenda.**

**B. Certificates of Appreciation – Mayor Janz presented certificates of appreciation to the following outgoing commission/committee members:**

**Park and Recreation Commission -**

**Marion Oster**

**Jeanne Wangsness**

**General Plan Committee -**

**Alex (Sandy) Kaye**

**Joan Sanders**

**Audit Committee -**

**James Dobbie**

**Jerry Carlson (not present)**

- C. Recognition of Police Explorers and Police Canine - Police Chief Bob Brennan introduced four Police Explorers who graduated from the nine-week program: Justin Ruggeiro, Chris Caldwell, Samuel Zats, and Genevieve Chognard. Police Officer Mario Garcia was present to talk about the Canine program and introduce new Police Canine, Zar.**
- D. Proclamation in Recognition of Peninsula Camellia Society – Mayor Janz presented a proclamation to Barbara Tuffli of the Peninsula Camellia Society in recognition of the Society’s donation of camellia plants to Holbrook-Palmer Park.**
- E. Recognition of Joseph Mercer – Mayor Janz presented retiring Parks Supervisor Joseph Mercer with a plaque in appreciation of his many years of service to the Town.**

#### **4. COUNCIL REPORTS**

- Council Member Conwell reported on this month’s City/County Association of Governments meeting he attended. He also reported on the San Francisco Airport Roundtable meeting. It is anticipated that air traffic will resume normal levels by 2006. The Criminal Justice Commission met today and received a presentation by San Mateo County Mental Health.**
- Mayor Janz reported on the League of Cities and Council of Cities meetings he attended in April. County Supervisor Rose Jacobs Gibson gave a presentation at the Council of Cities meeting. On May 8 the Mayor participated in a roundtable discussion with other local mayors which was broadcast on the public access channel. The ABAG Executive Board met May 15, and the May Council of Cities dinner was held May 16. Mayor Janz will attend a Peninsula Policy Partnership meeting on Thursday, May 22, on peninsula transportation needs.**
- Council Member Marsala attended a Friends of the Library meeting this morning. The Library JPA will hold a workshop on the first Monday in June. He reported on the Arts Committee “Big Daddy Jazz” event to be held June 15 in Holbrook-Palmer Park. The Screening Committee met and has an item on tonight’s agenda recommending an appointment to the Mid-Peninsula Community Center Board. Council Member Marsala asked for future presentations from the Mid-Peninsula Community Center Board and the Mosquito Abatement District. He also asked the Council to consider agendizing an item on reducing the length of Council meetings. The Mayor concurred with this request.**
- Council Member McKeithen reported on the San Mateo County Office of Emergency Services meeting held on April 17. A countywide disaster exercise was held on April 10. The Atherton Channel District Sub-committee met April 28. BKF Engineers provided a proposal for improvements to the upper Atherton Channel. An environmental report is being prepared by Neal Martin and Associates. The next meeting will be June 2, 2003 at 8:00 a.m.**

## 5. PUBLIC COMMENTS

The following members of the audience spoke:

- **Phil Lively, Planning Commission Chair, requested that the Council refer the issue of construction vehicle parking to the General Plan Committee. The Mayor asked that an item be placed on the next Council agenda to consider the referral to the General Plan Committee.**
- **Marion Oster, Atherton Tree Committee, announced the Arbor Day celebration on June 7 at Holbrook-Palmer Park.**
- **Dr. Alice Campbell, Vice Principal at Menlo Atherton High School, spoke on the impact of off-site student parking. Mayor Janz invited Dr. Campbell to stay for discussion on Agenda Item 16.**
- **Gilbert Cain, 272 Greenoaks Drive, regarding a camper trailer on neighboring property. The City Manager stated that staff will follow up on this.**
- **Bob Jenkins, Atherton Civic Interest League, announced the annual Town meeting Thursday night, May 22.**

## 6. STAFF REPORTS

- **City Manager Jim Robinson reported that the Council will hold a special meeting on Monday, June 16 at 6:00 p.m. to consider the Fiscal Year 2003-04 budget. He also followed up on several items: the Menlo Park Fire Protection District has completed their findings of fact for fire sprinkler requirements. The District will be recommending fire sprinklers for new construction of 1,000 square foot or larger. This item will return to the Council at a later date. The General Plan Committee, at their June 4 meeting, will conduct a discussion on regulations for woodburning fireplaces as directed by the Council. The Town will begin a number of road construction projects soon. Notices will be sent out to residents when road closures are necessary. A representative from P.G.& E. will be present at the June meeting to discuss utility undergrounding.**
- **City Attorney Marc Hynes reported out of the closed session held at 6:00 p.m. as follows:**

- A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to Government Code Section 54956.9 (a) Teamsters Local No. 856 v. City of Atherton**

**No action was taken.**

- 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 give to the City Attorney.**

## 7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

**No report scheduled.**

**CONSENT CALENDAR**

**Council Member Conwell announced that in regard to Item 14 on the Consent Agenda, the Screening Committee has recommended that Leo Joseph be appointed to serve on the Mid-Peninsula Media Center Board.**

**Mayor Janz asked that Item 8, Approval of April City Council Meeting Minutes, be removed from the Consent Agenda as he could not approve the minutes since he was not in attendance at the April Council meetings.**

**MOTION – to approve Items 9 through 14 as presented on the Consent Agenda.**

**M/S McKeithen/Marsala           Ayes: 4   Noes: 0   Absent: 1 (Carlson) Abstain: 0**

**MOTION – to approve Item 8, Council meeting minutes of April 16, 2003.**

**M/S McKeithen/Marsala       Ayes: 3   Noes: 0   Absent: 1 (Carlson) Abstain: 1 (Janz)**

**8.    APPROVED MINUTES OF SPECIAL AND REGULAR COUNCIL MEETINGS OF APRIL 16, 2003**

**9.    APPROVED BILLS AND CLAIMS FOR APRIL 2003 IN THE AMOUNT OF \$778,629**

**10.   ACCEPTED MONTHLY FINANCIAL REPORT FOR APRIL 2003**

**11.   ACCEPTED QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2003**

**12.   APPROVED PLANS AND SPECIFICATIONS FOR ELENA AVENUE –  
  ATHERTON CHANNEL BOX CULVERT REPLACEMENT**

**Approved plans and specifications for Elena Avenue – Atherton Channel Box Culvert Replacement, Project 03-006.**

**13.   ADOPTED AMENDED PARK FEE RESOLUTION**

**Adopted Resolution No. 03-08, modifying wedding and social event fees at Holbrook-Palmer Park and rescinding Resolution No. 03-07.**

**14.   APPOINTMENT TO MIDPENINSULA COMMUNITY MEDIA CENTER BOARD**

**Accepted the recommendation of the City Council Screening Committee to nominate Leo Joseph to serve on the Mid-Peninsula Community Media Center Board.**

## **PUBLIC HEARING**

### **15. PUBLIC HEARING – APPEAL OF PLANNING COMMISSION DECISION TO DENY A HERITAGE TREE REMOVAL PERMIT AT 77 FLOOD CIRCLE**

**This item was removed from the agenda at the request of the applicant. A letter was received by the Town from Mr. Bradley Smith of PPG, withdrawing the appeal. Council Member McKeithen asked that the City Manager report back to the Council at the next meeting regarding the status of the appeal fee.**

## **REGULAR AGENDA**

### **16. CONSIDERATION OF ADOPTION OF A RESOLUTION ESTABLISHING NO PARKING ZONES ON OAK GROVE AVENUE**

**City Manager Jim Robinson presented the staff report for this item. A petition was received by the Transportation Subcommittee at the April 8<sup>th</sup> meeting from residents along Oak Grove Avenue requesting that a No Parking Zone be established on Oak Grove Avenue near the fire trail leading to Menlo-Atherton High School. The issue involves problems residents are encountering as a result of student parking along Oak Grove Avenue. The Transportation Subcommittee recommended that this item be referred to the City Council rather than waiting for the next regularly scheduled Subcommittee meeting in July. Public Works Director Duncan Jones presented staff's recommendation to initiate a trial No Parking Zone and alternatives suggested by the Transportation Subcommittee.**

**The following members of the audience spoke on this issue:**

**Gene Rouen, Oak Grove Avenue  
Bruce Smith, Oak Grove Avenue  
Wayne Kaplan, Oak Grove Avenue  
Bob Huber, Frederick Avenue  
Byrne Bernhard, Toyon Road  
Anita McCreery, De Bell Drive  
Eugene Barry, Oak Grove Avenue  
Rick Skierka, Toyon Road  
Curtis Thatcher, Oak Grove Avenue  
Dr. Alice Campbell, Menlo-Atherton High School Vice Principal**

**Discussion ensued regarding the impact that school construction is having on student and teacher parking. Alternatives for off-site parking were discussed. In response to the Council's questions on how the school is addressing parking issues, Dr. Campbell stated that the school is aware of the neighbors' concerns and is reviewing the methods by which the school issues parking permits.**

City Manager Jim Robinson stated that the Town has no jurisdiction over construction on public school property, but that the Town should pursue communication with the school and the City of Menlo Park regarding the proposal to build a theater on the Menlo-Atherton High School site. The Council agreed that dialogue needs to take place between Town staff and the school during the No Parking trial period.

**MOTION – to adopt Resolution No. 03-09, establishing a temporary No Parking Zone on both sides of Oak Grove Avenue between Oak Grove Avenue Cul-de-sac and Edge Road, on Monday through Friday between the hours of 7:30 a.m. and 3:00 p.m. from May 22, 2003 to June 13, 2003, and adding language to the end of paragraph 5 as follows: “and the Police and Public Works Departments are authorized discretion to install additional signs on side streets if warranted”.**

**M/S Marsala/Conwell**

**Ayes: 4 Noes: 0 Absent: 1 (Carlson) Abstain: 0**

**17. CONSIDERATION OF A RESOLUTION IN SUPPORT OF REBUILDING A NEW, STATE-OF-THE-ART SEQUOIA HOSPITAL IN REDWOOD CITY**

City Manager Jim Robinson presented the staff report for this item. The Council requested that this item be placed on the May agenda as a result of the presentation given by Sequoia Hospital Administrator Glenna Vaskelis at the April meeting.

**MOTION – to adopt a resolution in support of rebuilding Sequoia Hospital.**

**M/S Marsala/McKeithen**

**Ayes: 2 Noes: 2 (Conwell and Janz) Absent: 1(Carlson) Abstain: 0**

**MOTION FAILED.**

**Lou Paponis, McBain Avenue, spoke from the audience.**

Council Member Conwell stated that in the past the Council has refrained from taking a stance on such issues. Ms. Vaskelis was present during consideration of this item and was asked to keep the Town informed on the status of the project.

**18. CONSIDERATION OF THE ATHERTON CIVIC INTEREST LEAGUE “ATHERTON PRIDE” PROJECT**

At the April City Council meeting, Charlie Ramorino, member of the Atherton Civic Interest League (ACIL), requested that the Council endorse the ACIL “Atherton Pride” project. According to Mr. Ramorino, ACIL would contact homeowners when properties are determined to be showing neglect, sending them a copy of the nuisance abatement ordinance along with a letter. The letter would be provided to the Town for review prior to being mailed out. ACIL Chair, Bob Jenkins, also spoke on the project.

**Marion Oster and Kristi Waldron spoke from the audience.**

After discussion, the Council agreed not to formally endorse the project. ACIL was encouraged to report to Town staff any properties identified as constituting a nuisance. The City Manager noted that Town staff is limited, and any list of reported “nuisance” properties would have to be prioritized. The Council asked Mr. Ramorino to return to in September with a status report on the project.

**19. APPROVAL OF DESIGN DEVELOPMENT PLANS FOR THE PUBLIC WORKS STREET CORPORATION YARD REMODEL PROJECT**

Public Works Director Duncan Jones presented the staff report for this item. The Fiscal Year 2002-2003 Capital Improvements Budget included funding for the Street Corporation Yard Remodel Design. The project includes the construction of a new building to house a superintendent’s office, crew lockers, and other essential street crew operating needs. Architect John Matthews presented conceptual plans which were modified based on recommendations provided by the Planning Commission.

Final plans will be brought before the City Council in July for approval. Construction is scheduled to begin in the fall and will take approximately three months to complete.

**MOTION – to approve the Design Development Plans for the Public Works Street Corporation Yard Remodel.**

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

**20. CONSIDERATION OF SUSTAINABLE SAN MATEO COUNTY GRANT REQUEST**

City Manager Jim Robinson presented the staff report for this item. Sustainable San Mateo County, a nonprofit public benefit corporation, has requested funding from the Town in the amount of \$1,500 to support production of a report entitled “Indicators for a Sustainable San Mateo County: A Yearly Report Card on Our County’s Quality of Life”.

The Council agreed that this organization’s activities pertain mainly to business and directed staff to inform Sustainable San Mateo County representatives that the Council declines to participate at this time.

**21. CONSIDERATION OF AUTHORIZING THE MAYOR TO SIGN LETTERS ON BEHALF OF THE CITY COUNCIL IN SUPPORT OF ASSEMBLY BILL 1546 AND ASSEMBLY CONSTITUTIONAL AMENDMENT 10, AT THE REQUEST OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG)**

City Manager Jim Robinson stated that the City/County Association of Governments (C/CAG) has requested support of jurisdictions within San Mateo County for passage of two pieces of legislation, Assembly Bill 1546 and Assembly Constitutional Amendment 10. AB 1546 would authorize C/CAG to levy an assessment of up to four dollars on the motor vehicle license fee to support two types of program that address the impacts of automobiles. ACA 10 would exclude fees and charges for storm water

**and urban runoff management from the two-thirds electoral vote requirement under Proposition 218.**

**Vice Mayor McKeithen asked that changes be made to the letters as follows: last paragraph of the AB 1546 letter, change the word financial to financially, and delete the first sentence in the second paragraph of the ACA 10 letter.**

**MOTION – to authorize the Mayor to sign letters on behalf of the City Council in support of Assembly Bill 1546 and Assembly Constitutional Amendment 10, as amended.**

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

**22.    PUBLIC COMMENTS**

**There were no public comments.**

**23.    ADJOURNMENT**

**The meeting adjourned at 11:45 p.m.**

**Respectfully submitted,**

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