



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

**June 18, 2003**

**7:00 p.m.**

**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

Mayor Janz called the meeting to order at 7:12 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

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

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

3. **PRESENTATIONS**

A. **Proclamation in Recognition of Menlo Masters Swim Club – Mayor Janz presented a proclamation to Tim Sheeper, Head Coach of the Menlo Masters Swim Club, in recognition of the club’s canned food donation to the Second Harvest Food Bank.**

4. **COUNCIL REPORTS**

- **Council Member Conwell reported on the San Francisco Airport Roundtable meeting. The Roundtable has been successful in its efforts to reduce aircraft noise and will be cutting back on future meetings. He attended the City/County Association of Governments meeting where current legislation was addressed. Council Member Conwell also attended the Criminal Justice Commission meeting and was appointed chair of the budget committee.**
- **Mayor Janz attended a program sponsored by SAMCEDA on May 22. The meeting was attended by representatives of cities, the county, and other agencies and businesses working on garnering support for Measure A. He also attended**

the D.A.R.E. graduation on May 28, the Waste Reduction Committee meeting on June 4, a League of Cities meeting on June 5, the Arbor Day event on June 7, and the Finance Committee meeting on June 9. He reported on the Highway 101 corridor study meeting he attended on June 11.

- Council Member Carlson attended the Atherton Channel Drainage District Subcommittee meeting. He reported that the Finance Committee met June 9<sup>th</sup> to review the proposed budget.
- Council Member Marsala reported that the Library JPA met and considered the countywide library budget. The Arts Committee's Big Daddy Jazz event was attended by approximately 250 people.
- Vice Mayor McKeithen reported that the Atherton Channel Drainage Subcommittee met June 2. A study has been completed on the upper channel. The Subcommittee is proposing work on the channel but a follow-up study on the red-legged frog will be required first. The next meeting will be held July 7. The County Office of Emergency Services Council meets Thursday, June 19 at 5:00 p.m. in the County Center, Redwood City.

**5. PUBLIC COMMENTS - The following members of the audience spoke:**

- Marion Oster, Atherton Heritage Association, is doing research on the lineage of early Atherton resident Thomas H. Selby.
- Jerry Carlson, on the need for minutes of Town committees to be posted on the website. He also commented on the budget process.
- Gilbert Cain

**6. STAFF REPORTS**

- City Manager Jim Robinson reported that the Menlo Park Fire Protection District Board of Directors introduced an ordinance adopting fire sprinkler standards, and will return to the City Council for action in July. He noted that Item 14 on the consent calendar dealing with a second deferred compensation plan has corrections that the Council should look at prior to adopting the consent agenda. He also announced that the deadline for submitting articles for the summer issue of the Athertonian is Monday, June 23.
- City Attorney Marc Hynes reported out of closed session as follows:

**A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – significant exposure to litigation pursuant to Government Code Section 54956.9 (b)(1)(3)(A). One potential case.**

Direction was given to the City Attorney.

**B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**pursuant to Government Code Section 54956.9(a):  
Teamster Union v. Atherton, et al  
Chaput/McTaggart v. Town of Atherton  
People v. Avila  
People v. Reynolds**

**Direction was given to the City Attorney.**

- C. LIABILITY CLAIM pursuant to Government Code Section 54956.95:  
Claimant: Barbara Burnett, Executor for estate of Fred Kamphoefner  
Agency claimed against: Town of Atherton**

**Direction was given to the City Attorney.**

**Item D on the Closed Session Agenda was continued to the end of the regular meeting.**

**7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

**Vit Eckersdorf and Nancy Greenbach reported on recent activities of the Atherton Dames/Holbrook-Palmer Recreation Park Foundation.**

**CONSENT CALENDAR**

**Mayor Janz requested that Item 16 be removed from the Consent Agenda and combined with Items 24 and 25. Vice Mayor McKeithen asked that Item 14 be removed from the Consent Agenda. Council Member Carlson asked that Item 8, approval of minutes, be removed and voted on separately since he was not in attendance at the May 21 meetings.**

**MOTION – to approve the Consent Agenda with the exception of Items 8, 14, and 16 which were placed on the Regular Agenda.**

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

- 9. APPROVED BILLS AND CLAIMS FOR MAY, 2003 IN THE AMOUNT OF \$970,506**
- 10. ACCEPTED MONTHLY FINANCIAL REPORT FOR MAY 2003**
- 11. APPROVED AGREEMENT WITH LIEBERT CASSIDY WHITMORE TO PROVIDE LEGAL SERVICES**

**Authorized the Mayor to execute an agreement with Liebert Cassidy Whitmore for legal services relating to labor relations.**

**12. APPROVED REQUEST FOR REFERRAL TO THE GENERAL PLAN COMMITTEE  
THE ISSUE OF CONSTRUCTION SITE PARKING**

Approved the request of Planning Commission Chair Phil Lively to refer the issue of construction vehicle parking to the General Plan Committee.

**13. APPROVED CONTRACT CHANGE ORDER NUMBER TWO TO THE ATHERTON  
AVENUE RECONSTRUCTION PROJECT**

Approved Contract Change Order Number Two to the Atherton Avenue Reconstruction Project to include the Atherton Avenue cul-de-sac, in the amount of \$38,658.20.

**15. ACCEPTED FINAL MAP FOR 223 CAMINO AL LAGO**

Accepted and approved the final parcel map for 223 Camino al Lago.

**REGULAR AGENDA**

Items 8, 14 and 16 were removed from the Consent Agenda and placed on the Regular Agenda.

**8. MINUTES OF SPECIAL AND REGULAR COUNCIL MEETINGS OF MAY 21, 2003**

**MOTION – to approve the minutes of the Special and Regular City Council meetings of May 21, 2003.**

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

**14. AUTHORIZATION TO ADD SECOND DEFERRED COMPENSATION PLAN FOR  
TOWN EMPLOYEES**

Vice Mayor McKeithen asked that this item be removed from the Consent Agenda. She had questions with the language in the Self-Directed Tax Advantaged Retirement System (STARS) plan agreement regarding withdrawal from the plan, and asked for clarification on costs associated with the plan. City Manager Jim Robinson stated there is no cost to the Town and that contributions consist of employee payroll withholding.

**MOTION – to adopt Resolution No. 03-12 authorizing the adoption of the retirement plan, and to adopt Resolution No. 03-13 authorizing the City Manager and the Finance Director to act on behalf of the plan.**

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

**16. APPROVAL OF PLANS AND SPECIFICATIONS - TENNIS COURT RESTORATION  
PROJECT**

**City Manager Jim Robinson gave a brief introduction of this item. Each year, as part of the budgetary process, a review of the Capital Improvement Program is conducted by staff, the Planning Commission, and the Park and Recreation Commission. The Park and Recreation Commission has approved the Tennis Court Restoration Project. The adopted Capital Improvement Program includes funds for designing and constructing new tennis court surfacing and fencing. During the design process, it was determined that the cost would exceed the original estimate of \$180,000.**

**Public Works Director Duncan Jones presented the staff report and informed the Council that staff's recommendation would be to provide various bid alternates for the plans in order to allow for construction of the courts within the budgeted amount. Devin Conway, Project Manager of Beals Sport, who did the design work, presented proposed plans for the project and identified items that are increasing the cost estimate of the project to \$290,000.**

**Discussion was held regarding the age and condition of the courts and how money collected from tennis keys has been accounted for. Finance Director Johns stated that currently there is approximately \$24,000 in the Tennis Fund. The separate fund was established several years ago. Prior to that, tennis key funds were put in the General Fund and maintenance of the courts was expended from the General Fund.**

**Mr. Conway explained the proposed methods of installing the asphalt overlay. He responded to questions on overlay versus reconstruction on clay soil.**

**Mayor Janz asked for comments from the public. The following members of the audience spoke: Bob Huber, Ray Vella.**

**The Mayor called a short break at 8:40 p.m. The Council reconvened at 8:45 p.m.**

**The following members of the audience also spoke:**

**Rod Boghosian**

**Alan Margot, Tennis Director**

**Bill Awbrey**

**Dave Fowler**

**Rita Wachhorst**

**Bob Callaghan**

**Discussion ensued regarding the amount to be budgeted for the project and what specifications will be approved for the project to go to bid. The City Manager stated that the bids are scheduled to be opened July 9 and the bid award would come back to the Council at the July 16 Council meeting for approval. Public Works Director Jones explained that the bid specifications can be designed so the Council would have some**



Discussion was held on funding of the Tennis Courts improvements. It was agreed that the funding can be determined at the time the bids are received. Staff was asked to review Public Works' Staff involvement in building permit issues.

Council Member Carlson asked the Finance Director for a separate presentation reflecting a three-year revenue forecast at the next meeting.

**MOTION – to adopt Resolution No. 03-10 adopting the Fiscal Year 2003-2004 Integrated Operating/Capital Budget with modifications as approved at the budget hearing on June 16, and as further modified tonight – restore \$290,000 appropriation for the Tennis Court Restoration Project to the Tennis Fund, Parcel Tax Fund, and the Capital Improvement Fund, and restore the \$50,000 revenue estimate for the Building Department to place in the reserve for future building inspection.**

M/S Conwell/Carlson

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

**25. ADOPTION OF A RESOLUTION APPROVING THE FISCAL YEAR 2003-04 APPROPRIATIONS LIMIT AND CALCULATIONS**

Finance Director Johns presented this item, stating that the changes in the resolution result from the shift of 50% of the Town Arborist salary and benefits to the Building Department and the reduction of a Building Department contract planner. The changes that are made to the Gann limit are consistent with those made to the budget.

The Finance Director stated that the only change necessary to the appropriations resolution would be to the supporting documentation and would not affect the amount subject to the Gann limit.

**MOTION – to adopt Resolution No. 03-11 approving the Fiscal Year 2003-2004 Appropriations Limit of \$7,992,725 and calculations with the resolution attachments reflecting amendments made to the budget tonight.**

M/S Janz/McKeithen

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

**17. UPDATE FROM BKF ENGINEERS AND H.T. HARVEY ON UPPER ATHERTON CHANNEL STABILITY IMPROVEMENTS PROJECT (THIS ITEM WILL BE CONTINUED TO THE JULY 16, 2003 REGULAR COUNCIL MEETING)**

This item has been continued to the July 16, 2003 Regular City Council meeting to allow for incorporating the results of the biotic study (red-legged frog) into the reports.

**18. PROGRESS REPORT ON TEMPORARY NO PARKING ZONE ON OAK GROVE AVENUE**

Chief Brennan gave an update on the temporary no parking zone on Oak Grove Avenue. He stated that the Menlo - Atherton High School staff has made arrangements for construction parking on site when construction is taking place on campus. He recommended putting the temporary no parking signs back out in September when school starts. A report will be made to the Council in October.

Bob Huber spoke on this item.

**19. CONSIDER APPROVAL OF ANIMAL CONTROL SERVICES AGREEMENT WITH THE COUNTY OF SAN MATEO AND INTRODUCE AN ORDINANCE REVISING ANIMAL CONTROL FEES**

Assistant to the City Manager Linda Kelly presented the staff report for this item. She noted that there is a slight increase in the animal control fees over last year. The proposed ordinance would continue the current animal control services program for three years. The Town receives no direct benefit for the increased fees; the additional revenues go into the county pool.

**MOTION – to approve a new contract with the County of San Mateo for animal control services and introduce an ordinance conforming the Town’s fee schedule related to animal control to the County’s recommended fee schedule.**

M/S McKeithen/Conwell

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

**20. CONSIDERATION OF AGREEMENT WITH PENINSULA CONFLICT RESOLUTION CENTER**

The City Manager presented the staff report for this item. At the May 21, 2003 regular Council meeting, the Council heard a presentation by Patricia Brown, Executive Director of the Peninsula Conflict Resolution Center (PCRC). Staff was directed to place an item on this agenda for consideration of membership in the PCRC. The PCRC is a private, non-profit organization and develops conflict resolution programs in San Mateo County. Fees are based on the number of residents. Patricia Brown was present to answer questions. She stated that the town currently has access to the services provided on a case by case basis. The City Manager stated that the Peninsula Builders’ Exchange also offers dispute resolution services at no cost for construction related issues only.

The Council agreed to try this service on a case by case basis if needed.

**21. CONSIDERATION OF A REQUEST FOR MEMBERSHIP IN PENINSULA POLICY PARTNERSHIP**

City Manager Jim Robinson presented the staff report for this item. The Peninsula Policy Partnership has submitted a request for membership to the Town at an annual cost of \$2,000. Discussion centered on projects the organization is working on and what benefit the Town would incur from the membership. No action was taken.

**22. CONSIDERATION OF REQUEST OF CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) FOR A LISTING OF POSSIBLE PROJECTS FOR PROPOSED CONTINUATION OF THE MEASURE “A” ONE-HALF (1/2) CENT SALES TAX FOR TRANSPORTATION**

Council Member Conwell explained that C/CAG, along with other local organizations, is working to initiate a ballot measure for the continuation of Measure “A”. C/CAG has requested that cities submit a list identifying projects that would meet specific criteria for a future ballot measure. City Manager Jim Robinson suggested in the staff report that the only Atherton project that might qualify would be transit related (Caltrain/Samtrans Rail Corridor grade separations). The Council directed the City Manager to submit a list of projects as requested by C/CAG. In addition to the grade separations project, the Council requested that other possible projects be put on the list including drainage problems on El Camino, and Middlefield and Ravenswood. Sound walls along the Caltrain tracks were also suggested. The City Manager stated that this list is preliminary and will likely be changed.

**23. DISCUSSION AND CONSIDERATION OF OPTIONS FOR REDUCING LENGTH OF CITY COUNCIL MEETINGS**

Discussion was held with suggestions for reducing the length of City Council meetings. Enforcement of the three minute rule for public speakers was discussed, along with limiting public speakers to two minutes. It was also suggested that council members be limited to addressing the audience through the mayor. The mayor should call on council members on a rotation basis. Having staff develop a written order of business was suggested.

The Council concurred that public speakers should be allowed to speak three minutes but should be encouraged to not be repetitive on an issue. It was agreed that the Council should try disciplining itself first in order to keep the meetings going in a timely manner.

**26. PUBLIC COMMENTS**

Vice Mayor McKeithen brought up the Town’s 80<sup>th</sup> anniversary. She stated that Betty Ogawa, Dames President, had contacted her regarding any plans the Town may have for the 80<sup>th</sup> anniversary. The City Manager will contact the Dames.

**27. ADJOURNMENT**

**The meeting adjourned at 11:50 p.m. to continue the Closed Session to consider the following:**

- D. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6**

**Agency Negotiator: James H. Robinson, City Manager  
Employee Organization: Teamsters Local Union 856  
Non-management Miscellaneous Employees**

**The Council reconvened to Open Session at 12:40 a.m. The following action was taken: Direction was given to the City Manager. The meeting adjourned at 12:45 a.m.**

**Respectfully submitted,**

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**Sharon Barker, City Clerk**