



Amended AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
November 17, 2010
5:30 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

5:30 P.M. ROLL CALL Lewis, Dobbie, Marsala, McKeithen, Carlson

5:32 P.M. PUBLIC COMMENTS

5:42 P.M. PUBLIC ANNOUNCEMENT OF CLOSED SESSION ITEMS

5:45 P.M. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6

Agency Negotiators: Nadine Levin, Interim City Manager; Glenn Berkheimer, I.E.D.A.

Employee Organization: Miscellaneous - Teamsters Local Union 856

Agency Negotiators: Nadine Levin, Interim City Manager; Glenn Berkheimer, I.E.D.A.

Employee Organization: Management Employees

Agency Negotiators: Nadine Levin, Interim City Manager; Glenn Berkheimer, I.E.D.A.

Employee Organization: APOA

B. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Subsection (b) of Government Code Section 54956.9):

1. *Pacific Peninsula Group v. Town of Atherton, and Does 1 through 50, San Mateo Superior Court, Case No. CIV 497841*

2. *Kimberly Sweidy & Raimie Stata v. The Town of Atherton, Michael C. Wasmann, Michael A. Hood, Michael J. Cully, CSG Consultants, Inc., Superior Court of California, County of San Mateo, Case No. CIV 499893*

**C. PUBLIC EMPLOYEE APPOINTMENT: INTERIM CITY
MANAGER (Subsection (b)(1) of Government Code Section 54957)**

RECONVENE TO OPEN SESSION

Report of action taken.

6:59 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)



Amended
AGENDA

Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
November 17, 2010
7:00 p.m.
JENNINGS PAVILION
150 Watkins Avenue
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**
- Red Ribbon Awards – Bruce Potts**
- Proclamations presented to:**
 Bill Awbrey, Parks & Recreation Commission Service
 Maeve Visser-Knoth, Atherton Library Youth Services Librarian who was
 selected to the Newberry Selection Committee
- 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**
- November 17, 2010**
- 7:25 P.M. 6. **CITY MANAGER'S REPORT**
- 7:30 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed
 by Resolution No. 99-6) – None
- 7:30 P.M. **CONSENT CALENDAR** (Items 8-19)
- (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 OCTOBER 16, SPECIAL MEETING, OCTOBER 18, SPECIAL MEETING & OCTOBER 20, 2010 REGULAR MEETING**
Recommendation: Approve October 16 special meeting, October 18 special meeting and October 20, 2010 regular meeting minutes
- 9. APPROVAL OF BILLS AND CLAIMS FOR NOVEMBER 2010 IN THE AMOUNT OF \$1,268,699**
Recommendation: Approve Bills and Claims in the amount of \$1,268,699
- 10. AMEND THE FY 2010-11 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET**
Report: Public Works Director Duncan Jones
Recommendation: Amend the FY 2010-2011 Capital Improvement Program budget
- 11. AWARD OF CONTRACT FOR THE SOUTH MEADOW IRRIGATION AND TURF REHABILITATION PROJECT NUMBER 56019**
Report: Public Works Director Duncan Jones
Recommendation: Award the contract for the South Meadow Irrigation and Rehabilitation Project, project number 56019 to Jensen Landscape, the low bidder on the November 10, 2010 bids, for \$64,222.00, with a 10% construction contingency of \$6,422.00, for a total authorization of \$70,644.00; and to authorize the City Manager to sign the contract on behalf of the Town
- 12. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$3,440 FOR THE 2010 STREET PATCHING PROJECT, PROJECT NUMBER 56047**
Report: Public Works Director Duncan Jones
Recommendation: Approve acceptance of work, authorizing recording of a notice of completion and approving contract change orders in the amount of \$3,440 for the 2010 Street Patching Project, Project Number 56047
- 13. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$360.04 FOR THE PROJECT NUMBER 56046**
Report: Public Works Director Duncan Jones
Recommendation: Approve acceptance of work, authorizing recording of a notice of completion and approving contract change orders in the amount of \$360.04 for the Holbrook-Palmer Park Bridge Landscaping Project Number 56046
- 14. TOWN CENTER TASK FORCE STATUS UPDATE**

Report: Interim City Manager Nadine Levin

Recommendation: Receive Town Center Task Force Update Report

15. AMEND THE LIBRARY FUND BUDGET TO INCLUDE \$50,000 FOR INITIAL COSTS FOR THE FUTURE BUILDING PROJECT

Report: Public Works Director Duncan Jones

Recommendation: Amend the Library Fund budget to include \$50,000 for initial costs for the future building project

16. ADOPTION OF RESOLUTION ACCEPTING THE 2010/11 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS) GRANT

Report: Police Chief Mike Guerra

Recommendation: Adopt Resolution 10-65 accepting the recommended expenditures of the remaining balance of FY 2010-11 Supplemental Law Enforcement Services Fund (SLESF), Citizen's Option for Public Safety (COPS) Grant in the amount of \$100,000.00 in accordance with state requirements. The funds must be expended by June 30, 2011.

17. RESOLUTION AUTHORIZING AN ADJUSTMENT IN PARKING FINES DUE TO SENATE BILL 857

Report: Police Chief Mike Guerra

Recommendation: Approve Resolution 10-66 authorizing an adjustment in parking fines due to Senate Bill 857

18. REQUEST FROM ATHERTON LIBRARY STEERING COMMITTEE TO APPROVE THE ADDITION OF TWO ALTERNATE VOTING MEMBERS TO THE ALBSC TO VOTE IN THE ABSENCE OF REGULAR MEMBERS IN ORDER TO PROVIDE A QUORUM

Report: Deputy City Clerk Theresa DellaSanta

Recommendation: Amend Resolution No. 10-13 to approve the addition of two alternate voting members to the Atherton Library Building Steering committee with the first alternate being Ginny Nile and the second alternate being Earl Douglass

19. AWARD A CONTRACT TO CSG CONSULTANTS TO EXTEND CODE ENFORCEMENT SERVICES UNTIL THE TOWN FINISHES THE RFP PROCESS FOR CODE ENFORCEMENT SELECTION

Report: Interim City Manager Nadine Levin

Recommendation: Approve Consultant Services Agreement with CSG Consultants, Inc. to provide Code Enforcement Services to the Town of Atherton in an amount not to exceed \$17,000.00 retroactive to the date the Town exceeded the City Managers spending authority and not to extend past January 15, 2011

7:50 P.M. PUBLIC HEARINGS (20-23)

20. **SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REPEALING AND REPLACING CHAPTER 15.48 OF THE ATHERTON MUNICIPAL CODE ESTABLISHING WATER-EFFICIENT LANDSCAPING STANDARDS**

Report: Town Arborist Kathy Hughes-Anderson

Recommendation: Waive further reading and Adopt Ordinance No. repealing and replacing Chapter 15.48, Establishing Water Efficient Landscaping Guidelines, to the Atherton Municipal Code.

(Needs Roll Call Vote and Ordinance to be read by Title)

8:10 P.M. 21. **INTRODUCTION OF AN ORDINANCE AMENDING TITLE 15 OF THE ATHERTON MUNICIPAL CODE, REPEALING ORDINANCE 574, AND ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND ADOPTING CURRENT BUILDING, FIRE, ELECTRICAL, PLUMBING, MECHANICAL, ENERGY, HISTORICAL BUILDING CODE, SEISMIC HAZARDS CODES, GREEN BUILDING, RESIDENTIAL CODE AND RETAINING EXISTING ABATEMENT OF DANGEROUS BUILDINGS CODE**

Report: Interim Building Official Dennis Lockard

Recommendation: Introduce an ordinance amending Title 15 of the Atherton Municipal Code to adopt by reference the 2010 California Building Standard Codes, and ratify the Uniform Fire as adopted by the Menlo Park Fire Protection District. Three votes are required to introduce the ordinance. A second vote, scheduled at least ten days from the date of this meeting, is required to adopt the ordinance.

8:30 P.M. 22. **ORDINANCE ADDING CHAPTER 17.37 TO THE ATHERTON MUNICIPAL CODE TO CREATE THE PARKER AVENUE OVERLAY DISTRICT (P) AND ORDINANCE AMENDING THE ZONING MAP TO TITLE 17 OF THE ATHERTON MUNICIPAL CODE TO REZONE TWENTY-TWO LEGAL LOTS ON PARKER AVENUE FROM R1-A TO R1-A (P)**

Report: Deputy Town Planner Lisa Costa Sanders

Recommendation: Introduce the Ordinance adding chapter 17.37 to the Atherton Municipal code to create the Parker Avenue overlay district and introduce the Ordinance amending the zoning map to Title 17 of the Atherton Municipal Code to rezone Parker Avenue from R1-A to R1-A (P) based on the findings. Three votes are required to introduce the ordinance. A second vote, scheduled at least ten days from the date of this meeting, is required to adopt the ordinance

8:50 P.M. 23. **INTRODUCE ZONING ORDINANCE AMENDMENT FOR HOUSING ELEMENT IMPLEMENTATION**

Report: Deputy Town Planner Lisa Costa Sanders

Recommendation: Introduce Ordinance amending the Town of Atherton Municipal Code Title 17 and waive further reading. The proposed amendments would implement the recently adopted 2007-2014 Housing Element Update. Three votes are required to introduce the ordinance. A second vote, scheduled at least ten days from the date of this meeting, is required to adopt the ordinance

REGULAR AGENDA (Items 24-27)

- 9:05 P.M. 24. ADOPTION OF RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN TEAMSTERS LOCAL NO 856 (REPRESENTING MISCELLANEOUS TOWN EMPLOYEES) AND THE TOWN OF ATHERTON FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2011**
Report: Interim City Manager Nadine Levin
Recommendation: Adopt Resolution No. 10-67 approving the attached Memorandum of Understanding between the Town of Atherton and the Teamsters Local No. 856, for the period of July 1, 2009 through June 30, 2011, and authorize the Mayor to execute the agreement on behalf of the Town
- 9:15 P.M. 25. ADOPTION OF RESOLUTION SETTING FORTH THE SALARY AND BENEFITS FOR MANAGEMENT EMPLOYEES FOR FISCAL YEAR 2009-10 AND 2010-11**
Report: Interim City Manager Nadine Levin
Recommendation: Adopt Resolution 10-68 setting the salary and benefits for the Town's Management Employees
- 9:30 P.M. 26. APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR CITY ATTORNEY SERVICES FOR THE TOWN OF ATHERTON AND ESTABLISH A DEADLINE DATE FOR PROPOSALS**
Report: Interim City Manager Nadine Levin
Recommendation: Approve publishing a request for proposal for City Attorney services for the Town of Atherton and establish a date for proposal deadline
- 9:50 P.M. 27. APPOINTMENT OF INTERIM CITY MANAGER (This item is on the Agenda as a tentative item in case action needs to be taken based on the November 15, 2010 meeting)**
Report: Oral
Recommendation: Consideration of Adoption of Resolution 10-69 appointing transitional Interim City Manager and approve agreement
- 10:05 P.M. 28. COUNCIL REPORTS**
- 10:10 P.M. 29. FUTURE AGENDA ITEMS**
- 10:20 P.M. 30. PUBLIC COMMENTS**

10:30 P.M. 31. **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: NADINE P. LEVIN, INTERIM CITY MANAGER

DATE: FOR THE REGULAR MEETING OF NOVEMBER 17, 2010

SUBJECT: CITY MANAGER WRITTEN REPORT

CITY ATTORNEY DEPARTMENT:

On October 1, 2010, the Town filed a demurrer in the case of Pacific Peninsula Group v. Town of Atherton, arguing that Pacific Peninsula Group has failed to establish a legal basis for its claim that it is owed additional refunds of the road impact fees it has paid to the Town. The road impact fees were designed to pay the cost of repairing the damage to local streets caused by construction activity and have been spent for that purpose over a nine-year period. Among the Town's arguments is that if PPG had objections to the road impact fee, the law required it to make these objections when the fees were paid, not years later, after the funds had been spent on road repairs. The case is set for hearing on December 1, 2010 at 9:30 a.m. in the Superior Court of the County of San Mateo.

On November 4, 2010, the Town was served with a lawsuit filed by Kimberly Sweidy and Raimie Stata asking for \$10,000,000 or more in damages in connection with the building of their home. The City Council denied a claim for damages from Ms. Sweidy and Mr. Stata in July 2010. The case was referred to the Town's insurance pool at that time for defense and outside counsel was assigned.

The City Attorney's office has been assisting the City Council with the search for, and hiring of, a "bridge" Interim City Manager and the search for an Interim City Manager. The City Attorney, with the Town Planner, attended a meeting of the Town Center Task Force as well as regular and special Planning Commission meetings. We also assisted Town staff with a number of pending issues.

The City Attorney will be working with staff to analyze the impact of Proposition 26, which altered the definition and procedures for modifying fees, with Atherton's Finance Department.

ADMINISTRATION:

The City Clerk's Department received the pre-election form 460 statements, which covered October 1 through October 16, 2010, from the four Atherton City Council candidates on October 21st. The semi-annual statement is due on January 31, 2011 and covers the period from October 17 through December 31, 2010. Copies of the forms are filed with the City Clerk and are available for review.

The City Clerk's Department has received eight public records request since the last City Council meeting.

November 2, 2010 Gubernatorial General Election:

San Mateo County election results will be certified within 28 days of the election. The Town's certification of the results will be brought to the December 15, 2010 Council meeting. Election Results as of Tuesday, November 9 at 4:30 p.m. are as follows:

BUILDING DEPARTMENT:

****See attached staff report from Building Department for a Road Impact Fee Update**

SEPTEMBER PERMIT ACTIVITY

September 2010

- Permit applications received: 107
- Number of permits issued: 83
- Number of inspections: 470

September 2009

- Permit applications received: 81
- Number of permits issued: 96
- Number of inspections: 373

FISCAL YEAR PERMIT ACTIVITY

July 2010 – September 2010

- Permit applications received: 275
- Number of permits issued: 241
- Number of inspections: 1,558

July 2009 – September 2009

- Permit applications received: 233
- Number of permits issued: 241

- Number of inspections: 1,115

FY2010 REVENUE

JULY 2010 – SEPTEMBER 2010

- PERMIT FEES: \$192,827.00
- PLAN CHECK FEES: \$121,003.68
- TOTAL REVENUE: \$313,830.68

FY2009 REVENUE

JULY 2009 – SEPTEMBER 2009

- PERMIT FEES: \$139,140.25
- PLAN CHECK FEES: \$72,437.93
- TOTAL REVENUE: \$211,578.18

OCTOBER PERMIT ACTIVITY

October 2010

- Permit applications received: 81
- Number of permits issued: 102
- Number of inspections: 634

October 2009

- Permit applications received: 91
- Number of permits issued: 96
- Number of inspections: 416

FISCAL YEAR PERMIT ACTIVITY

July 2010 – October 2010

- Permit applications received: 356
- Number of permits issued: 343
- Number of inspections: 2,210

July 2009 – October 2009

- Permit applications received: 324
- Number of permits issued: 337
- Number of inspections: 1,531

FY2010 REVENUE

JULY 2010 – OCTOBER 2010

- Permit Fees: \$275,652.45
- Plan Check Fees: \$201,246.37
- Total Revenue: \$476,898.82

FY2009 REVENUE

JULY 2009 – OCTOBER 2009

- Permit Fees: \$185,796.20
- Plan Check Fees: \$97,602.83
- Total Revenue: \$283,399.03

POLICE DEPARTMENT:

There were two significant events for the Police Department. There was a second fatal traffic accident on El Camino Real within a few blocks of the one that occurred a short time ago. In the first one, a bicyclist was fatally injured and this time a pedestrian who was crossing the street between intersections was struck and fatally injured. The most recent accident occurred around 6:15AM. The CHP and Atherton PD have a strong presence on El Camino while Atherton Public Works and CalTrans are analyzing the highway for traffic engineering accident prevention suggestions.

The second significant event occurred when President Obama attended a political fund raiser at a home in Atherton. The U.S. Secret Service requested mutual aid for the protection of the motorcade and the site of the event. This required significant personnel resources from Atherton for the protection detail. Although there were approximately 50 protestors in the area of the event, the protestors were cooperative, and there were no arrests.

In addition, the Atherton Police Department hosted a training and information sharing session for the schools, college, and Menlo Park Fire on October 10, 2010. The training topics were: Sex Registrants at Schools, Traffic Issues, and Emergency Preparedness and Response.

PUBLIC WORKS PROJECT UPDATES:

- Encinal Traffic Signal – The signal went operational on November 10, 2010.
- El Camino Real Crosswalks – staff met with the Caltrans Field Investigator for San Mateo County to review upgrades to the crosswalks and signing for the five crosswalks in Atherton. Caltrans is developing a plan to update all five crosswalks to current MUTCD standards, including new warning signs at the crosswalks along with new crosswalk striping, including super graphics for enhanced visibility. Each sign installation will include either signs or paddles in the median and at the roadside. Town crews will trim vegetation where needed for the new signs.
- Fletcher/Ridgeview Drainage and Reconstruction – the drainage phase of the project is now complete and operational and the street has been winterized for the rainy season. The sewer and water districts are now replacing some of their facilities that were found to need replacement. The street replacement phase will begin in the spring.

- Street Reconstruction 7 – includes Park Lane and the right turn lane from Alejandra to El Camino Real. The concrete valley gutters and the header boards are completed. The project was scheduled to be completed in October, but delays in achieving compaction have delayed final paving.
- Hoover/Valparaiso Crosswalk –Caltrans approved the Preliminary Environmental Study (PES) and is requiring several environmental technical studies. Staff is also Preparing an updated DBE plan. MTC has not yet approved the federal program for the coming year, so no approvals can be issued until this is done. This may occur in November or December. The technical studies and DBE program will be completed before then. Design cannot commence until the approvals are received.
- Grading and Drainage – staff is working with the San Mateo countywide Water Pollution Prevention Program in developing countywide guidelines for treatment measures to meet the new NPDES requirements. Draft guidelines have been prepared and are under review by the staff of the county and all San Mateo County cities. These guidelines, when completed, will accomplish approximately 80% of the revisions needed to Atherton’s Drainage Criteria. Meanwhile, project submittals continue to come in, with a variety of approaches to the detention as alternatives to underground tanks. One project revised previously approved plans with tanks to delete the tanks and use landscaping for detention, significantly reducing costs.
- Sacred Heart submitted plans for the St. Josephs rebuild this month including complete Low Impact Development (LID) techniques under the new Provision C.3. The project includes multiple rain gardens and rainwater harvesting. It is also seeking Leadership in Energy and Environmental Design (LEED) certification.
- Library – staff reviewed the draft RFQ for an architect/site planner.
- Upper Atherton Channel – staff participated in a field consultation on 11/10/10 with the US Fish and Wildlife Service (USFWS) and the US Army Corps of Engineers (ACOE) regarding the Phase 2 project bank stabilization and red-legged frog mitigation. Results of the consultation will be reported next month.
- Park Pedestrian Bridge – the project is complete.
- Park – Staff is working on a list of the various elements of park maintenance and associated performance measures for each that would be included in a contract for outsourcing park maintenance. Staff has also inspected the City Manager’s house now that it is vacated. Arrangements will be made to perform repairs that need to be taken care of during the interim.
- High Speed Rail – staff will attend a settlement conference for the current lawsuit on November 17th. The settlement team will be led by the lead attorney. Staff attended the Technical Working Group (TWG) meeting on October 21st and will attend a TWG meeting and scheduled joint office visits in November. The joint office visits will assemble small groups of adjacent cities to discuss their joint concern with design staff (the TWG is all cities from San Francisco to San Jose).

PLANNING DEPARTMENT:

The Planning Commission, at its August 12, 2010 meeting took the following action;

1. Recommended the City Council adopt the Parker Avenue Overlay Ordinance and have the Overlay zone apply to the properties located on Parker Avenue. This item is scheduled for the November 17, 2010 City Council meeting.
2. Approved a Heritage Tree Removal Permit at 8 Heritage Court to allow the removal of four heritage trees.
3. Denied a Special Structure Permit at 157 Fair Oaks Lane as the proposal did not meet the intent of the zoning code
4. Approved a Conditional Use Permit at 150 Valparaiso for the Lower/Middle School reconstruction project and approved a Heritage Tree Removal permit for the removal of seven heritage trees.
5. Recommended the City Council adopt the Zoning Ordinance Amendment for the Housing Element Implementation. This item is scheduled for the November 17, 2010 City Council meeting.

The General Plan Committee, at its November 3, 2010 meeting reviewed the Green Building Ordinance. The Committee voted to recommend the City Council adopt the State Mandatory Green Building Code and that the Committee continue to work on an Atherton specific Green Building Code with additional measures. The Committee appointed a subcommittee to work with the Thinking Green Think Tank and the Environmental Programs Committee on an Atherton specific Ordinance. The draft Ordinance will be reviewed at the February, 2011 General Plan Committee meeting.

CODE ENFORCEMENT:

Code enforcement mitigated a case with the County Animal Control Unit involving a dog that had trespassed on a Middlefield property. The dog was scheduled to be euthanized however the owner was able to have her dog returned to her after I advised her on the hearing procedure.

Code Enforcement is working with the City Attorney to finalize supplementary forms to support the administrative citation program. The forms include requests for fee waiver, request for administrative hearings and an information form explaining the citation process and penalty system. I am working with the Public Works Department to resolve a problem on Linda Vista that has developed into a small swampy area. Code Enforcement is working with the owner and contractor of a vacant lot on Park to eliminate a depression on the property and remove the unsightly construction fence as there has been no recent construction on the property. There has been significant interest from the neighbors on this issue.

Code enforcement closed a large grading violation case on Stevick. Investigated and resolved an unsafe housing case on Kilroy. Resolved a case on Laburnum that involved a partially demolished house and the abandonment of construction. Resolved a case on

Burns involving a half dozen inoperable and unlicensed vehicles. Resolved dead and hazardous tree violations on Logan, Walnut, Valparaiso and Elena. Resolved a case on Northgate involving construction without permits.



Town of Atherton

BUILDING DEPARTMENT STAFF REPORT

TO: CITY COUNCIL

FROM: DENNIS LOCKARD, INTERIM BUILDING OFFICIAL

DATE: NOVEMBER 9, 2010

SUBJECT: ROAD IMPACT FEE REFUND

RECOMMENDATION:

Receive and file this progress report.

ORIGINAL COUNCIL ACTION

Resolution of the Council authorizing refunding of the forty percent (40%) increase in Road Impact Fees implemented in 2007 by Resolution 10-46 approved by Council on August 17, 2010.

DISCUSSION

At the direction of the City Council the Building and Finance Departments have begun the process of refunding the previously collected Road Impact Fees to the payees. This process has included several steps to ensure that City Council's directions are followed and all of the persons who paid these fees are properly notified and paid. With the assistance of Muni Services, the records have been researched and any information that is available has been used to discover all of the Road Impact payees.

The Road Impact Refunds include three (3) distinct notification processes:

1. Group I – 100% refunds on permits issued September 18, 2009 through December 16, 2009. Payees will be notified by mail they have a refund available. In order to receive a refund the payee must sign and return a release form to Muni Services. Refunds in excess of \$10,000.00 will require a notarized signature to receive a refund as directed by the City Attorney. The Town, in anticipation of Muni Services receiving the signed releases is processing Road Impact refund checks and sending them to Muniservices for final processing and distribution.

Group I has been identified and the records have been sent to Muni Services. Muni Services is processing and compiling the payee list and sending check requests for the refunds to each payee. Those requests are being validated and approved for payment. Checks are being made based on the approved payment record.

2. Group II – 40% refunds on permits issued August 17, 2007 through September 17, 2009. Payees will be notified they have a refund available and must sign and return a release form to Muni Services to receive the refund. Refunds in excess of \$250.00 will require a notarized signature to receive a refund.

Group II has been identified and the records have been sent to Muni Services. Muni Services will begin processing and compiling the payee list after completing the Group I process.

3. After all Group I & Group II refunds are processed notifications of each property location where a Road Impact Fee was assessed and that a refund is available for their address. This part of the process is being used to confirm each payee is notified and that each property owner that had work done that required payment of road impact fees is notified of the available refund.

Refund process includes:

1. Researching records – Complete
2. Information sent to Muni Services – Complete
3. Group refunds and prepare notification (Muni Services) – In process
4. Process checks for all recipients that qualify for refunds.
5. Notify recipients of available refunds and mail release form – In-process
6. When completed release form is received by Muni Services a check from the Town will be mailed to the payee – Not started



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
October 16, 2010
3:00 P.M.
Meeting Room
Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

Mayor McKeithen called the meeting to order at 3:00 p.m.

ROLL CALL **Lewis, Dobbie, Marsala, McKeithen, Carlson**

All present.

PUBLIC COMMENTS

Melinda Tevis, Atherton resident, suggested Atherton resident Richard Moore who has done the job of Atherton City Manager before.

Doug Devivo, Atherton resident, said he hopes the Council realizes there are people in Town who can pull together and help the interim City Manager. Devivo encouraged members of the public to support the Town Council.

REGULAR AGENDA

- 1. RECRUITMENT OF INTERIM CITY MANAGER; RESIGNATION OF ASSISTANT CITY MANAGER; TRANSITIONAL APPOINTMENT OF INTERIM CITY MANAGER**
Report: Oral

Mayor McKeithen said the work of the Town is a team effort and an opportunity to do things better than has been done in the past and learn from what has been done wrong. McKeithen said that both the City Manager and Assistant City Manager are leaving for personal reasons. McKeithen concluded that there was a proposal given to the interim City Manager ad-hoc Committee for the Assistant City Manager and Executive Assistant to do the work of the City Manager but she and Vice Mayor Dobbie did not support salary increases for the work.

City Attorney Furth clarified that the Agenda should say “retirement” of Assistant City Manager rather than resignation. Furth said the Towns code requires that a City Manager is in place and as of Friday, October 22 both the City Manager and Assistant City Manager will no longer work for the Town.

Council discussed the proposal that submitted to the ad-hoc committee by the City Manager.

Council Member Lewis said the idea of having the current Assistant City Manager step into the role as the “bridge” Interim City Manager would have been a seamless transition. Lewis concluded that she is not clear on what was proposed or discussed.

Council Member Carlson said the Town needs to produce a plan to bridge the gap between the City Manager leaving and selecting an Interim City Manager. Carlson referred to it as the “bridge” Interim City Manager which would consist of someone who has authority to sign documents and oversee the Town. Carlson concluded that he would like to identify some candidates and do interviews between now and the next meeting on Wednesday.

Vice Mayor Dobbie clarified that he and the Mayor had hoped to have Assistant City Manager Wilkerson in the “bridge” position but without the salary increase because he felt it would have been irresponsible with the current fiscal problems.

Council Member Marsala questioned whether Wilkerson could be an applicant as a retiree. Marsala also asked if the Town is liable to pay retirement benefits for someone who is not retired.

City Attorney Furth said the Town has the option to hire an individual from a consulting firm which the Town would not be liable for, if they are PERS retirees they have rules which permit them to only work up to 960 hours per year and they can not accrue retirement or medical benefits. Furth added that there are restrictions for someone who has retired from a position and continues in that position and recommended against it.

Council Member Lewis said she is still confused with the proposal from the City Manager for the Assistant City Manager to take the position and requested clarification.

Mayor McKeithen explained that the ad-hoc committee was asked for their opinion and they gave it. They supported Wilkerson in the position but they were concerned with the salary increase and the idea that the increase would create issues for the permanent position. McKeithen concluded that once she was informed of Wilkerson’s retirement she asked Gruber to pursue all avenues and make sure there was a public meeting to allow residents to weigh in on the matter.

Vice Mayor Dobbie said the Town still has good, qualified Department Managers doing what they are supposed to be doing.

Mayor McKeithen said Council will meet in closed session to discuss how to proceed with interview, the qualification Council desires and a timeline for an Interim City Manager.

PUBLIC ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor McKeithen publicly announced Item 2 to be discussed in closed session.

MOTION by Carlson, second by Dobbie to recess the open session to closed session. The motion passed unanimously.

CLOSED SESSION

**2. PUBLIC EMPLOYEE APPOINTMENT: INTERIM CITY MANAGER
(Subsection (b)(1) of Government Code Section 54957)**

RECONVENE TO OPEN SESSION

City Attorney Furth reports that there was no reportable action from Item 2 on the closed session agenda. Furth said the Council did want to inform the public that they have identified candidates to interview and they will schedule interviews next week with the intent to appoint a “bridge” Interim City Manager at the regular meeting on Wednesday.

ADJOURN

MOTION by Carlson, second by Dobbie to continue the October 16th special meeting to Monday, October 18th at 1:00 p.m. in the Council Chambers. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 4:37 p.m.

Respectfully submitted,

**Theresa DellaSanta
Deputy City Clerk**



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

October 18, 2010

1:00 P.M.

Meeting Room
Council Chambers

94 Ashfield Road
Atherton, California

October 16, 2010 Special Meeting – Continued
to October 18, 2010

ROLL CALL **Lewis, Dobbie, Marsala, McKeithen, Carlson**

Marsala was not present at this time.

PUBLIC COMMENT –

Melinda Tevis, suggested Atherton resident Richard Moore for the interim position.

David Henig, said that given the rash of departures would it be possible for the various candidates to conduct exit interviews with the individuals who resigned.

Mike McPherson, supported Richard Moore and current Police Chief Mike Guerra.

Loren Gruner cautioned getting an interim to fill in and be the “shoe in” for the longer term interim.

REGULAR AGENDA

- 1. RECRUITMENT OF INTERIM CITY MANAGER; RETIREMENT OF ASSISTANT CITY MANAGER; TRANSITIONAL APPOINTMENT OF INTERIM CITY MANAGER**

Report: Oral

PUBLIC ANNOUNCEMENT OF CLOSED SESSION ITEMS

Council recessed to closed session at 1:08 p.m.

Council Member Marsala arrived at 1:10 p.m.

PUBLIC COMMENT –

None.

CLOSED SESSION

**2. PUBLIC EMPLOYEE APPOINTMENT: INTERIM CITY MANAGER
(Subsection (b)(1) of Government Code Section 54957)**

RECONVENE TO OPEN SESSION

City Attorney Furth reported that there was no reportable action from the closed session.

ADJOURN

Council adjourned the meeting at 4:34 p.m.

Respectfully submitted,

**Theresa DellaSanta
Deputy City Clerk**

TOWN OF ATHERTON
CLAIMS LIST OCTOBER 2010

	<u>Amount</u>
A/P Checks (#10992-11162)	\$ 676,994
Payroll Checks (# 113-127)	9,384
Direct Deposit - Payroll	292,581
Electronic Transfer - A/P & Payroll	289,740
OCTOBER 2010 Total	1,268,699

I, Nadine Levin, Interim City Manager of the Town of Atherton, do hereby certify that the demands listed above, check numbers 113-127 (payroll), and 10992-11162 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$1,268,699 are true and correct, based on the information provided to me and that there are sufficient funds for payment.

Nadine Levin
Interim City Manager

The above claims, check numbers 113-127 (payroll), and 10992-11162 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$1,268,699 are true and correct, and are authorized for payment.

Kathy McKeithen
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$ 960,936
105	Tennis	1,060
201	Special Parcel Tax	260,924
202	Road Construction Impact	1,133
213	Library	3,293
215	Evan Creative Design Fund	2,111
401	GF Projects	19,511
403	Atherton Channel Drainage	19,145
616	Employee Benefits funds	241
740	Tree Committee	345
TOTAL		1,268,699

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10992	Check Date: 10/04/2010	Vendor: 01037	PG & E	
1117571	Encinal Signal Power Svc Contract11		10/01/2010	472.43
1117571	Encinal Signal Power Svc Contract11		10/01/2010	698.36
1117571	Encinal Signal Power Svc Contract11		10/01/2010	472.43
			Check Total:	1,643.22
Check No: 10993	Check Date: 10/07/2010	Vendor: AR-Renn	Heide Renner	
Wedding deposit	Wedding deposit refund 08/03/10		10/05/2010	400.00
			Check Total:	400.00
Check No: 10994	Check Date: 10/07/2010	Vendor: 00025	ACCOUNTEMPS	
31773510	Temp Dean, Hazel 08/30/10 - 09/03/		09/08/2010	1,700.00
			Check Total:	1,700.00
Check No: 10995	Check Date: 10/07/2010	Vendor: 00293	CLEAN SOURCE	
1069567-00	Tissue, Towel roll, liner, disinfectant		09/27/2010	297.32
			Check Total:	297.32
Check No: 10996	Check Date: 10/07/2010	Vendor: 00341	CONTRACT SWEEPING SERVICES	
INV100001094	Contract Sweeping service Septembe		09/28/2010	992.70
			Check Total:	992.70
Check No: 10997	Check Date: 10/07/2010	Vendor: 00370	HOWARD CRITTENDEN	
Art Exhibit9/24	Change date on banner		09/24/2010	38.24
Art Exhibit9/24	Ice, lemonade, wine glasses		09/24/2010	40.38
Art Exhibit9/24	Wine		09/24/2010	117.60
			Check Total:	196.22
Check No: 10998	Check Date: 10/07/2010	Vendor: 00501	FIRST CHOICE SERVICES	
319044	Green tea DPW Street Maint 09/21/1		09/21/2010	4.05
319044	Coffee DPW Street Maint 09/21/10		09/21/2010	24.96
			Check Total:	29.01
Check No: 10999	Check Date: 10/07/2010	Vendor: 00518	GALLAGHER & BURK, INC	
41010803	Fletcher Dr/Ridgeview Pvmnt&Drain I		09/20/2010	99,153.00
			Check Total:	99,153.00
Check No: 11000	Check Date: 10/07/2010	Vendor: 00550	JOSE GOTIERREZ	
0102	Cleaned carpet on library, lobby 09/0		09/04/2010	500.00
			Check Total:	500.00
Check No: 11001	Check Date: 10/07/2010	Vendor: 00617	HORIZON DISTRIBUTORS, INC.	
1N024000	2 cycle 50 Gall Oil mix, Weathermatic		09/08/2010	91.15
			Check Total:	91.15
Check No: 11002	Check Date: 10/07/2010	Vendor: 00673	INTERMOUNTAIN ELECTRIC CO	
0032195	Furnish and install fluorescent ball		09/22/2010	345.00
0032195	Electrical work material 09/03/10		09/22/2010	288.00
			Check Total:	633.00
Check No: 11003	Check Date: 10/07/2010	Vendor: 00689	IWORQ SYSTEMS, INC	
3464	Iworq Internet Pavement Mgmt Oct 2		09/22/2010	75.00
			Check Total:	75.00
Check No: 11004	Check Date: 10/07/2010	Vendor: 00724	JOSEPH J. ALBANESE, INC	
8171	Atherton Street reconstruction proje		08/31/2010	45,387.00
			Check Total:	45,387.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 11005	Check Date: 10/07/2010	Vendor: 00737	KIKUCHI & ASSOCIATES, INC	
AUGUST 2010	HP park irrigation const. obser Aug		09/02/2010	468.75
AUGUST 2010	HP park irrigation const. obser Aug		09/02/2010	1,406.25
			Check Total:	1,875.00
Check No: 11006	Check Date: 10/07/2010	Vendor: 00829	MARK THOMAS & CO INC	
14020	Topographic Surveying svc Sept 201		09/14/2010	650.00
			Check Total:	650.00
Check No: 11007	Check Date: 10/07/2010	Vendor: 00893	JOSEPH MERCER	
MERCER/07-01-J91	to Sep 2010 Retiree health reimb		10/04/2010	241.14
			Check Total:	241.14
Check No: 11008	Check Date: 10/07/2010	Vendor: 00929	MUNI SERVICES LLC	
BUFFI PAINTING	Bus Lic Buffi Painting 09/29/10		09/29/2010	150.00
LUXURY DIVISION	Bus Lic The Luxury Division 09/29/1		09/29/2010	250.00
SOUTH BAY	Bus Lic South Bay Gunite Inc 10/01/		10/01/2010	150.00
			Check Total:	550.00
Check No: 11009	Check Date: 10/07/2010	Vendor: 00941	NEAL MARTIN & ASSOCIATES	
1077	Sacred Heart 08/1/10 - 08/31/10		08/31/2010	526.75
1077	Menlo School 08/1/10 - 08/31/10		08/31/2010	1,934.13
1072	Sacred Heart 07/1/10 - 07/31/10		07/31/2010	1,881.25
1072	Menlo School 07/1/10 - 07/31/10		07/31/2010	790.13
1078	Housing Element 08/1/10 - 08/31/10		08/31/2010	564.38
1077	Planning Services 08/1/10 - 08/31/10		08/31/2010	15,310.77
1073	Housing Element 07/1/10 - 07/31/10		07/31/2010	2,332.75
1072	Planning Services 07/1/10 - 07/31/10		07/31/2010	14,842.30
			Check Total:	38,182.46
Check No: 11010	Check Date: 10/07/2010	Vendor: 00998	PACIFIC PLUMBING & SEWER	
36 EUCLID AVER	Refund 36 Euclid Ave P#APW10-00		10/01/2010	2,500.00
			Check Total:	2,500.00
Check No: 11011	Check Date: 10/07/2010	Vendor: 01037	PG & E	
7457969332-9/10	Police Dept 08/26/10 - 09/24/10		09/24/2010	2,494.94
			Check Total:	2,494.94
Check No: 11012	Check Date: 10/07/2010	Vendor: 01212	SAN MATEO CNTY CONTROLLERS OFF	
AUGUST 2010	Allocation of parking penalties Aug		09/01/2010	382.50
			Check Total:	382.50
Check No: 11013	Check Date: 10/07/2010	Vendor: 01178	JOAN SANDERS	
Art Exhibit9/24	Bake cups, food, wine		09/24/2010	448.21
			Check Total:	448.21
Check No: 11014	Check Date: 10/07/2010	Vendor: 01349	TEAMSTERS LOCAL 856 H & W	
PR Batch 501 9 2010	Dental Insuran		09/09/2010	6,721.00
			Check Total:	6,721.00
Check No: 11015	Check Date: 10/07/2010	Vendor: 01413	BETTY ULLMAN	
Art Exhibit9/24	Art Exhibit & Recep postcards		09/24/2010	604.99
Art Exhibit09/2	Posters fot Art Exhibit 09/24/10		09/24/2010	13.66
Art Exhibit9/24	Art Exhibit & Recep rental of tablecl		09/24/2010	292.50
Art Exhibit9/24	Art Exhibit & Reception 9/24/10 P.D		09/24/2010	260.00
Art Exhibit9/24	Art Exhibit & Reception 9/24/10 L.R		09/24/2010	221.00
Art Exhibit9/24	Letters to artists		09/24/2010	3.52
Art Exhibit9/24	Colored sheets		09/24/2010	53.53
Art Exhibit9/24	Stickers for sheet		09/24/2010	16.94

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check Total:				1,466.14
Check No: 11016	Check Date: 10/07/2010	Vendor: 01417	UNIFIRST CORPORATION	
380 0388740	Uniform svc DPW Street Maint B.Bu		09/22/2010	15.47
380 0388740	Uniform svc DPW Street Maint J.An		09/22/2010	15.47
380 0388740	Uniform svc DPW Street Maint E.Lo		09/22/2010	15.47
380 0388740	Uniform svc DPW Street Maint T.He		09/22/2010	15.47
380 0389671	Uniform svc DPW Street Maint B.Bu		09/29/2010	15.47
380 0389671	Uniform svc DPW Street Maint J.An		09/29/2010	15.47
380 0389671	Uniform svc DPW Street Maint E.Lo		09/29/2010	15.47
380 0389671	Uniform svc DPW Street Maint T.He		09/29/2010	15.47
380 0388740	MOP DPW Street Maint		09/22/2010	8.85
380 0389671	Mats DPW Street Maint 09/29/10		09/29/2010	48.60
Check Total:				181.21
Check No: 11017	Check Date: 10/08/2010	Vendor: 00657	IMPAC. GOVERNMENT SERVICES	
4324/09-22-10	Lunch w CalTrans HSR- J.Gruber		09/22/2010	25.63
7190/09-22-10	Municipal Finance Institute - L.Ho		09/22/2010	425.00
5424/09-22-10	Intl code council exam D.Martine 9/2		09/22/2010	180.00
5424/09-22-10	Credit for soft cover books		09/22/2010	-64.95
4324/09-22-10	Constant contact city website		09/22/2010	30.00
5432/09-22-10	Monthly intersect agreement Aug 20		09/22/2010	88.95
5432/09-22-10	Car washes PD vehicles		09/22/2010	200.00
9685/09-22-10	Electrical supplies for flashlights		09/22/2010	29.13
9685/09-22-10	Electrical supplies for flashlights		09/22/2010	6.52
5465/09-22-10	Wires for Patrol Flashlight install		09/22/2010	49.95
9610/09-22-10	Parking San Jose TAK J.Wade 9/14,9		09/22/2010	18.00
9610/09-22-10	Meal San Jose TAK J.Wade 9/14,9/1		09/22/2010	23.49
9610/09-22-10	Parking San Jose TAK J.Wade 9/14,9		09/22/2010	18.00
9610/09-22-10	Meal San Jose TAK J.Wade 9/14,9/1		09/22/2010	9.67
9610/09-22-10	Parking San Jose TAK J.Wade 9/14,9		09/22/2010	18.00
9610/09-22-10	Meal San Jose TAK J.Wade 9/14,9/1		09/22/2010	10.93
5432/09-22-10	K-9 Legal update course - D.Metzge		09/22/2010	181.00
5432/09-22-10	Crime reports monthly subscription P		09/22/2010	99.00
5432/09-22-10	Crime reports monthly subscription P		09/22/2010	99.00
5465/09-22-10	Contruction alarm subscription Aug		09/22/2010	19.95
5432/09-22-10	Bullet proof mind trng-09/24/10 D.D		09/22/2010	99.00
5432/09-22-10	Binders - DARE program		09/22/2010	489.66
5465/09-22-10	Ink for TRAK printer dispatch		09/22/2010	157.28
5465/09-22-10	Ink Chief printer, dispatch, range		09/22/2010	297.65
7555/09-22-10	RIMS compatible evidence labels		09/22/2010	100.00
9636/09-22-10	K-9 dog bowls		09/22/2010	38.40
5432/09-22-10	Gas - unmarked		09/22/2010	20.00
5432/09-22-10	Gas motorcycle voyager		09/22/2010	17.54
9685/09-22-10	Drinks/food for DUI checkpoint		09/22/2010	6.74
9685/09-22-10	Coffee for DUI checkpoint		09/22/2010	24.00
5465/09-22-10	Paper towel,plates,sharpie,notebook		09/22/2010	714.05
9610/09-22-10	Scanner replacement		09/22/2010	688.64
9685/09-22-10	Battery for Honda PD motorcycle		09/22/2010	189.71
0612/09-22-10	Chair J.Mattes PD		09/22/2010	684.00
0612/09-22-10	Credit on FinePrint Software PD		09/22/2010	-540.00
7555/09-22-10	Replace failed hard disk drive in co		09/22/2010	49.78
7555/09-22-10	Replace failed DVD writer A.Kockle		09/22/2010	57.73
5408/09-22-10	Food for TAC meeting - S.Tyler		09/22/2010	33.40
5408/09-22-10	Food for TAC meeting - S.Tyler		09/22/2010	31.46
5408/09-22-10	Prepaid toll transponders S.Tyler,E.		09/22/2010	25.00
5408/09-22-10	Safety gloves and vests DPW Street		09/22/2010	100.00
5408/09-22-10	Traffic paint due to shortage		09/22/2010	425.86
5408/09-22-10	Safety gloves and vests DPW Park M		09/22/2010	95.22
5408/09-22-10	HP Park Internet fees		09/22/2010	60.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
4954/09-22-10	Pod Rental September 2010		09/22/2010	382.38
			Check Total:	5,714.77
Check No: 11018	Check Date: 10/14/2010	Vendor: 00017	ABAG POWER PURCHASING POOL	
8003178	91 Ashfield - admin 8/26/10-9/24/10		10/01/2010	37.89
8003178	Station Lane/Town Hall 8/26/10-9/24		10/01/2010	10.52
8003178	Station Lane/Town Hall 8/26/10-9/24		10/01/2010	63.12
8003178	91 Ashfield - PD 8/26/10-9/24/10		10/01/2010	64.52
8003178	Station Lane/Town Hall 8/26/10-9/24		10/01/2010	31.56
8003178	99 Dinknspiel Corp Stor 8/26/10-9/2		10/01/2010	44.57
8003178	150 Watkin HP Activities 8/27/10-9/		10/01/2010	81.30
8003178	150 Watkins 9/1/10-9/27/10		10/01/2010	62.45
8003178	HP PARK 160 WATKINS (CM) 8/2		10/01/2010	140.73
8003178	Libry/Dinknspiel/Stat Ln 8/26/10-9/2		10/01/2010	33.34
			Check Total:	570.00
Check No: 11019	Check Date: 10/14/2010	Vendor: 00025	ACCOUNTEMPS	
31892462	Temp Dean,Hazel 09/20/10 - 09/24/1		09/28/2010	1,700.00
31819615	Temp Dean,Hazel 09/06/10 - 09/10/1		09/15/2010	1,360.00
			Check Total:	3,060.00
Check No: 11020	Check Date: 10/14/2010	Vendor: 00049	ALHAMBRA & SIERRA SPRINGS	
4981709 092210	Water Police Dept 8/31/10 - 9/20/10		09/22/2010	164.17
			Check Total:	164.17
Check No: 11021	Check Date: 10/14/2010	Vendor: 00077	AT&T CALNET 2	
000001654716	752-8099 08/27/10 - 09/26/10.		09/27/2010	517.85
000001654715	752-0600 08/27/10 - 09/26/10		09/27/2010	111.68
000001652572	322-8691 08/25/10 - 09/24/10		09/25/2010	15.68
000001654713	330-0686 08/27/10 - 09/26/10		09/27/2010	15.72
000001654714	566-0280 08/27/10 - 09/26/10		09/27/2010	211.86
			Check Total:	872.79
Check No: 11022	Check Date: 10/14/2010	Vendor: 00090	AUTOMATIC GATE AND ACCESS	
5108888413	Replaced loop @Encinal Avenue		09/15/2010	161.00
5108888413	Replaced loop @Encinal Avenue		09/15/2010	238.00
5108888413	Replaced loop @Encinal Avenue		09/15/2010	161.00
			Check Total:	560.00
Check No: 11023	Check Date: 10/14/2010	Vendor: 00249	CDW GOVERNMENT INC	
VCL9722	Sonicwall NSA 2400 SEC and 3 year		09/30/2010	500.00
VCL9722	Sonicwall NSA 2400 SEC and 3 year		09/30/2010	414.00
VCG2994	Sonicwall NSA 2400 SEC and 3 year		10/14/2010	874.00
VCL9722	Sonicwall NSA 2400 SEC and 3 year		09/30/2010	126.00
VCG2994	Sonicwall NSA 2400 SEC and 3 year		10/14/2010	2,400.00
			Check Total:	4,314.00
Check No: 11024	Check Date: 10/14/2010	Vendor: 00421	DIEHL EVANS & CO LLP	
2010 GOVT REG2010	Govt tax seminar registration J		10/11/2010	275.00
2010 GOVT REG2010	Govt tax seminar registration L		10/11/2010	275.00
			Check Total:	550.00
Check No: 11025	Check Date: 10/14/2010	Vendor: 00433	DOUGLAS PRINTERS	
TA091310	Business cards E.Hammack, J.Wise		09/13/2010	152.95
TA091310	Business cards D.Lockard, R.Cushin		09/13/2010	152.95
			Check Total:	305.90
Check No: 11026	Check Date: 10/14/2010	Vendor: 00449	DUNBAR ARMORED INC	
2781079	Armored Car Service October 2010		10/01/2010	110.90

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
2781079	Maint/fee change for Pst office Oct		10/01/2010	16.73
			Check Total:	127.63
Check No: 11027	Check Date: 10/14/2010	Vendor: 00547	MARCIA GOLDMAN	
09/04/2010	Wedding deposit refund 09/04/10		09/04/2010	1,000.00
			Check Total:	1,000.00
Check No: 11028	Check Date: 10/14/2010	Vendor: 00578	HALLMARK EMBLEMS INC	
163959	Police Dept Patches		09/24/2010	205.46
			Check Total:	205.46
Check No: 11029	Check Date: 10/14/2010	Vendor: 00649	IEDA INC	
16251	Monthly Retainer 10/1/10 - 10/31/10		10/01/2010	1,030.00
			Check Total:	1,030.00
Check No: 11030	Check Date: 10/14/2010	Vendor: 00841	MARTIN & CHAPMAN CO	
210291	Nomination papers,Ballot worksheet,		06/09/2010	34.31
			Check Total:	34.31
Check No: 11031	Check Date: 10/14/2010	Vendor: 00901	MICRO KEY SOLUTIONS	
992041	Niteline call service 09/24/10		09/27/2010	85.00
			Check Total:	85.00
Check No: 11032	Check Date: 10/14/2010	Vendor: 00929	MUNI SERVICES LLC	
GARY ELECTRIC	Bus Lic Gary Electric 10/06/10		10/06/2010	100.00
			Check Total:	100.00
Check No: 11033	Check Date: 10/14/2010	Vendor: 00934	NATURAL GRADENS INC	
9498	Replacement void chk#030473		03/04/2010	25.00
			Check Total:	25.00
Check No: 11034	Check Date: 10/14/2010	Vendor: 01025	PENINSULA UNIFORMS & EQUIPMENT	
57478	Name patch,shirt zipper,patches J.Go		09/21/2010	281.64
57655	Shirts,pants,name patch,zipper B.Lan		09/27/2010	266.54
57752	Police dress hat K.Nichols		09/30/2010	76.42
			Check Total:	624.60
Check No: 11035	Check Date: 10/14/2010	Vendor: 01089	PURCHASE POWER	
38852315	Postage Meter Refill/Trans fee		09/29/2010	1,019.99
			Check Total:	1,019.99
Check No: 11036	Check Date: 10/14/2010	Vendor: 01113	RECALL SECURE DESTRUCTION SERV	
2303072987	Shred documents PD 8/20/10 - 9/16/		09/18/2010	89.48
			Check Total:	89.48
Check No: 11037	Check Date: 10/14/2010	Vendor: 01158	ROTO ROOTER SERVICES COMPANY	
73 WILBURN AVE	Refund 73 Wilburn Ave P#APW10-0		10/06/2010	2,500.00
			Check Total:	2,500.00
Check No: 11038	Check Date: 10/14/2010	Vendor: 01212	SAN MATEO CNTY CONTROLLERS OFF	
GOVT CODE 563	AFCO FY 2010 - 2011		10/06/2010	1,175.00
			Check Total:	1,175.00
Check No: 11039	Check Date: 10/14/2010	Vendor: 01237	SAN MATEO CNTY SHERIFF'S OFFIC	
DRIVER TRNG	Vehicle Opera 11/16/10-11/17/10 S.		10/01/2010	450.00
			Check Total:	450.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 11040 AR309106	Check Date: 10/14/2010 9/19/10-3/18/11 Sharp/ ARM450N	Vendor: 01289	SHARP ELECTRONICS CORPORATION 09/27/2010	517.00
			Check Total:	517.00
Check No: 11041 08/21/10	Check Date: 10/14/2010 Wedding deposit refund 08/21/10	Vendor: 01390	SASHI SINGH 08/21/2010	1,000.00
			Check Total:	1,000.00
Check No: 11042 0016151	Check Date: 10/14/2010 A/P,Payroll Sprngbrook L.Colliau 5/	Vendor: 01309	SPRINGBROOK SOFTWARE INC 10/04/2010	300.00
			Check Total:	300.00
Check No: 11043 130538811-034	Check Date: 10/14/2010 Mobile Data Comm PD 08/26/10 - 0	Vendor: 01313	SPRINT 09/29/2010	440.50
			Check Total:	440.50
Check No: 11044	Check Date: 10/14/2010	Vendor: 01353	TEAMSTERS UNION LOCAL 856	
	PR Batch 502 9 2010 Teamsters Due		09/22/2010	401.55
	PR Batch 501 10 2010 Teamsters Du		10/06/2010	348.01
	PR Batch 505 10 2010 Teamsters Du		10/06/2010	26.77
	PR Batch 506 10 2010 Teamsters Du		10/12/2010	26.77
			Check Total:	803.10
Check No: 11045 0908397796 0908397796 0908397796 0908397796 0908397796 0908397796	Check Date: 10/14/2010 Building Dept 08/22/10 - 09/21/10 Police Dept 08/22/10 - 09/21/10 DPW Engineering 08/22/10 - 09/21/ DPW Street Maint 08/22/10 - 09/21/ DPW Park Maint 08/22/10 - 09/21/1 DPW Park Program 08/22/10 - 09/21	Vendor: 01445	VERIZON WIRELESS 10/16/2010 10/16/2010 10/16/2010 10/16/2010 10/16/2010 10/16/2010	133.35 380.74 124.78 202.52 36.28 72.56
			Check Total:	950.23
Check No: 11046 869016477009	Check Date: 10/14/2010 Motorcycle fuel September 2010	Vendor: 01453	VOYAGER FLEET SYSTEMS INC. 09/24/2010	92.51
			Check Total:	92.51
Check No: 11047 95257751	Check Date: 10/14/2010 Rent PD Modular 9/29/10 - 10/28/10	Vendor: 01273	WILLIAMS SCOTSMAN, INC 09/29/2010	721.63
			Check Total:	721.63
Check No: 11048 T8215	Check Date: 10/14/2010 K-9 training maint Lotty,Rex Sept 20	Vendor: 01477	WITMER-TYSON IMPORTS INC 10/01/2010	680.26
			Check Total:	680.26
Check No: 11049 555 MIDDLEFIELD	Check Date: 10/14/2010 fund 555 Middlefield Road P#09-	Vendor: 01486	MATTHEW YERGOVICH 10/07/2010	2,000.00
			Check Total:	2,000.00
Check No: 11050 000001666448	Check Date: 10/21/2010 324-5396 09/01/10 - 09/30/10	Vendor: 00077	AT&T CALNET 2 10/01/2010	55.46
			Check Total:	55.46
Check No: 11051 10090253	Check Date: 10/21/2010 Atherton Chann-Phase II 7/26/10-8/2	Vendor: 00125	BKF ENGINEERS 09/20/2010	15,071.01
			Check Total:	15,071.01
Check No: 11052 6012363/2	Check Date: 10/21/2010 Install roadsmart,wheel weight,oil f	Vendor: 00216	CAL MOTO 09/29/2010	1,431.81

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
5046239	PJI gas Add Inj cleaner		10/05/2010	9.78
5046238	Oil filter,crush ring,gas add inj cl		10/05/2010	67.62
5046377	Brake pads rear, brake pin set		10/08/2010	116.79
Check Total:				1,626.00
Check No: 11053	Check Date: 10/21/2010	Vendor: 00205	CAL WATER SERVICE	
62126158/8-10	94 Ashfield 08/04/10 - 09/02/10		10/05/2010	56.58
91512681/8-10	91 Ashfield		10/05/2010	48.58
91512699/8-10	Station Lane Meter 08/04/10 - 09/02/10		10/05/2010	2.86
91512699/8-10	Station Lane Meter 08/04/10 - 09/02/10		10/05/2010	17.15
91512664/8-10	83 Ashfield 08/04/10 - 09/02/10		10/05/2010	108.59
91512699/8-10	Station Lane Meter 08/04/10 - 09/02/10		10/05/2010	8.57
62051509/8-10	Alameda/Atherton 08/04/10 - 09/02/10		10/05/2010	106.77
62061499/8-10	El Camino Real 08/04/10 - 09/02/10		10/05/2010	246.78
97947324/8-10	El Camino Real (2) 08/25/10 - 09/24/10		10/05/2010	554.80
89783897/8-10	Maple 08/04/10 - 09/02/10		10/05/2010	252.49
62040688/9-10	99 Ashfield 9/3/10 - 10/4/10		10/05/2010	48.16
90069321/9-10	Station Lane 9/3/10 - 10/4/10		10/05/2010	156.87
62051537/8-10	150 Watkins 08/25/10 - 09/24/10		10/05/2010	210.77
6051537FirePro/	50 Watkins (Fire Pro) 9/1/10 - 9/30/10		10/05/2010	26.37
97127159/8-10	2 Station Lane 08/04/10 - 09/02/10		10/05/2010	48.58
Check Total:				1,893.92
Check No: 11054	Check Date: 10/21/2010	Vendor: 00266	CITY OF BELMONT	
STOPP Meeting	STOPP S.Tyler,T.Hender,B.Butler,E.		10/19/2010	50.00
Check Total:				50.00
Check No: 11056	Check Date: 10/21/2010	Vendor: 00289	CLARK PEST CONTROL	
0215950	Weed control HP Park Maint svc Sep		09/28/2010	855.00
0263152	Pest control library Sept 2010		09/28/2010	95.00
Check Total:				950.00
Check No: 11057	Check Date: 10/21/2010	Vendor: 00305	COLANTUONO & LEVIN PC	
20613	Prepare Audit Letter response		10/05/2010	50.00
20613	Exchnge memoranda regarding audit		10/05/2010	23.50
20613	Finalize Audit letter		10/05/2010	23.50
Check Total:				97.00
Check No: 11058	Check Date: 10/21/2010	Vendor: 00406	DEPT OF CONSERVATION	
SMIP FEES	Strong instrumntation fee 7/1/09-9/3		10/19/2010	5,945.93
Check Total:				5,945.93
Check No: 11059	Check Date: 10/21/2010	Vendor: 00427	DMS FACILITY SERVICES, INC	
RC-D063105	Town Hall/Police Dept October 2010		10/01/2010	650.24
RC-D063105	Police modular office October 2010		10/01/2010	115.70
RC-D063105	DPW Modular office October 2010		10/01/2010	121.41
RC-D063105	Addition modular October 2010		10/01/2010	154.01
RC-D063105	Corp yard October 2010		10/01/2010	203.70
RC-D063105	Atherton Library October 2010		10/01/2010	470.10
Check Total:				1,715.16
Check No: 11060	Check Date: 10/21/2010	Vendor: 00458	EARL AND JOY FRY	
97 MARYMONT	Refund 97 Marymont Ave P#10-000		10/12/2010	2,000.00
Check Total:				2,000.00
Check No: 11061	Check Date: 10/21/2010	Vendor: 00482	EPS, INC	
012352	Sewage pump replacement		09/30/2010	1,575.00
Check Total:				1,575.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 11062 321871	Check Date: 10/21/2010 Green tea bldg dept 09/21/10	Vendor: 00501	FIRST CHOICE SERVICES 09/23/2010	4.55
			Check Total:	4.55
Check No: 11063 W-21385	Check Date: 10/21/2010 New switch install plumbing,electric	Vendor: 00521	GARCIA WELL & PUMP CO 09/28/2010	463.96
			Check Total:	463.96
Check No: 11064 1015645 4146469	Check Date: 10/21/2010 Squeege Jumbo pack, Plastbag, Hexbolt	Vendor: 00609	HOME DEPOT CREDIT SERVICES 10/05/2010 10/05/2010	14.17 22.48
			Check Total:	36.65
Check No: 11065 1N027102	Check Date: 10/21/2010 SCH80 nipple, Stream rubber nozz	Vendor: 00617	HORIZON DISTRIBUTORS, INC. 10/05/2010	14.91
			Check Total:	14.91
Check No: 11066 217483	Check Date: 10/21/2010 LeadsOnline total track service pack	Vendor: 00776	LEADSONLINE 09/20/2010	1,668.00
			Check Total:	1,668.00
Check No: 11067 25305 25305 25305	Check Date: 10/21/2010 CAFR and Memorandum on Internal FY 2010 Appropriations Limit Repor FY2010 Audit & Measure A	Vendor: 00857	MAZE & ASSOCIATES 10/11/2010 10/11/2010 10/11/2010	16,000.00 300.00 500.00
			Check Total:	16,800.00
Check No: 11068 SONRISE ROOF	Check Date: 10/21/2010 Bus Lic Sonrise Roofing 10/14/10	Vendor: 00929	MUNI SERVICES LLC 10/14/2010	150.00
			Check Total:	150.00
Check No: 11069 1359/SEPT 2010 1359/SEPT 2010 1359/SEPT 2010 1359/SEPT 2010 1359/SEPT 2010 1359/SEPT 2010 1359/SEPT 2010 1359/SEPT 2010 1359/SEPT 2010	Check Date: 10/21/2010 Cement concrete, Osh spray flat Car bolt 5/16x6 Aquarium sealant, black filler Japanese Boxwood Hedge shear Alum Painter tape, premium quart, GE basic Kitch and bath, day light 6 pkgd Stencils	Vendor: 00993	ORCHARD SUPPLY HARDWARE 09/24/2010 09/24/2010 09/24/2010 09/24/2010 09/24/2010 09/24/2010 09/24/2010 09/24/2010 09/24/2010	24.19 5.11 24.33 111.37 48.06 33.07 22.91 10.37
			Check Total:	279.41
Check No: 11070 18 MONTE VISTA	Check Date: 10/21/2010 Refund 18 Monte Vista Ave P#BP10	Vendor: 01001	PACIFIC PENINSULA GROUP 09/28/2010	8,080.50
			Check Total:	8,080.50
Check No: 11071 172 ISABELLA	Check Date: 10/21/2010 Refund 172 Isabella Ave P#BP10-00	Vendor: 01023	PENINSULA CUSTOM HOMES 09/23/2010	13,090.00
			Check Total:	13,090.00
Check No: 11072 5678831050/8-10 5678831015/8-10 5678831020/8-10 5678831002 et al 3457969588/8-10 9291302548/8-10 5678831040/8-10 5678831030/8-10	Check Date: 10/21/2010 Ashfield/Town Hall 8/26/10 - 9/24/1 Signal E/S Middlefield 8/27/10 - 9/2 Signal-Marsh/Middlefield 8/27/10-9/ et al Street Lights 08/03/10 - 09/01/10 Signal ElCamino Atherton 8/26/10-9/ Corp Office Storage 8/26/10 - 9/24/1 Pump 150 Watkins 8/27/10 - 9/27/10 Activity Bldg 150 Wat 8/27/10-9/27/	Vendor: 01037	PG & E 10/01/2010 10/01/2010 10/01/2010 10/01/2010 09/27/2010 09/26/2010 10/01/2010 10/01/2010	729.06 42.55 24.10 4,061.17 47.87 109.06 367.24 408.64

Town of Atherton
User:jpan

Accounts Payable
Checks by Date - Detail by Check Number

Printed: 11/09/2010 11:24
Detail

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
5678831035/8-10	Modular Building 150 Wat	8/27/10-9	10/01/2010	640.17
9166302556/8-10	Atherton Library	08/26/10 - 09/24/10	09/26/2010	569.32
			Check Total:	6,999.18
Check No: 11073	Check Date: 10/21/2010	Vendor: 00586	ROSE HAU & JIM HESLIN	
43 SELBY LN	Refund 43 Selby Lane P#LLR10-000		10/19/2010	2,000.00
			Check Total:	2,000.00
Check No: 11074	Check Date: 10/21/2010	Vendor: 01165	SACRED HEART SCHOOLS	
150 VALPARAISO	Refund 150 Valparaiso Ave P#BP10-		09/29/2010	20,430.00
150 VALPARAISO	Refund 150 Valparaiso Ave P#BP10-		09/29/2010	1,117.50
			Check Total:	21,547.50
Check No: 11075	Check Date: 10/21/2010	Vendor: 01205	SAN MATEO CNTY CHAPLAINCY	
AUGUST 2010	Chaplaincy August 2010		08/31/2010	250.00
SEPT 2010	Chaplaincy September 2010		09/30/2010	250.00
			Check Total:	500.00
Check No: 11076	Check Date: 10/21/2010	Vendor: 01257	SAN MATEO REGIONAL NETWORK INC	
19160	Access fee T-1 service October 2010		10/10/2010	385.00
			Check Total:	385.00
Check No: 11077	Check Date: 10/21/2010	Vendor: 01325	STEAM SYSTEM	
OCT 2010	Steam clean carpets HP Park 10/06/1		10/06/2010	275.00
OCT 2010	Steam clean carpets Main house 10/0		10/06/2010	250.00
			Check Total:	525.00
Check No: 11078	Check Date: 10/21/2010	Vendor: 01357	TEE'S PLUS	
336464	Sales tax payable		10/08/2010	-4.53
336464	288 Dare neon pencil		10/08/2010	57.41
			Check Total:	52.88
Check No: 11079	Check Date: 10/21/2010	Vendor: 01361	TELECOMMUNICATIONS ENGINEERING	
40927	Mgmt/maint comm center PD Oct 20		10/10/2010	934.00
			Check Total:	934.00
Check No: 11080	Check Date: 10/21/2010	Vendor: 01370	TIMBERLINE TREE SERVICE, INC	
9786	Elm trees on Watkins, Glenwood, Mcc		10/01/2010	11,000.00
9786	Elm trees on Watkins, Glenwood, Mcc		10/01/2010	2,000.00
			Check Total:	13,000.00
Check No: 11081	Check Date: 10/21/2010	Vendor: 01401	TURBO DATA SYSTEMS INC	
17063	Citation processing Aug and Sept 20		09/30/2010	185.20
			Check Total:	185.20
Check No: 11082	Check Date: 10/21/2010	Vendor: 01470	ADAM WHITESIDE	
65 ACACIA DR	Refund 65 Acacia Drive R#30668		09/29/2010	5,000.00
			Check Total:	5,000.00
Check No: 11083	Check Date: 10/21/2010	Vendor: 01489	YOUTH & FAMILY ENRICHMENT SERV	
1480	First Chance Prog Oct 2010 - March		09/30/2010	2,486.00
			Check Total:	2,486.00
Check No: 11084	Check Date: 10/22/2010	Vendor: 00013	A-A-A RENTALS INC	
535199	Roller, Wacker 1 ton, 4x7 Trailer		10/05/2010	116.00
			Check Total:	116.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 11085 1036316	Check Date: 10/22/2010 ABAG Dues FY 2010 - 2011	Vendor: 00005 ABAG	04/24/2010	1,914.00
			Check Total:	1,914.00
Check No: 11086 000001683312 000001666449 000001666450 000001666451	Check Date: 10/22/2010 325-2677 09/10/2010 - 10/09/2010 327-3232 09/01/2010 - 09/30/2010 327-4859 09/01/2010 - 09/30/2010 327-4866 09/01/2010 - 09/30/2010	Vendor: 00077 AT&T CALNET 2	10/10/2010 10/01/2010 10/01/2010 10/01/2010	15.51 15.68 55.36 15.74
			Check Total:	102.29
Check No: 11087 BR25001 BR25035 BR25001 BR25001	Check Date: 10/22/2010 Fuel charge Bldg 08/16/10 - 09/15/10 IT Support September 2010 Fuel charges PD 08/16/10-09/15/10 Fuel charge DPW St maint 8/16/10-9	Vendor: 00281 CITY OF REDWOOD CITY	09/30/2010 09/30/2010 09/30/2010 09/30/2010	48.82 2,307.00 4,517.22 1,044.49
			Check Total:	7,917.53
Check No: 11088 2993-0910	Check Date: 10/22/2010 HP Bridge Landscape Project#56046	Vendor: 00321 COMMERCIAL ENVIRONMENT LANDSCA	09/21/2010	14,815.20
			Check Total:	14,815.20
Check No: 11089 60518575 60518575	Check Date: 10/22/2010 10 H91730 Symantec endpoint prote 50 H91730 Symantec endpoint prote	Vendor: 00329 COMPUCOM SYSTEMS INC	10/01/2010 10/01/2010	81.50 407.50
			Check Total:	489.00
Check No: 11090 2 VALLEY RD	Check Date: 10/22/2010 Refund 2 Valley Road P#APW05-00	Vendor: 00371 DAVID CROWDER	10/20/2010	2,500.00
			Check Total:	2,500.00
Check No: 11091 018764	Check Date: 10/22/2010 Code Enforcement 07/31/10 - 08/27/	Vendor: 00377 CSG CONSULTANTS INC	09/17/2010	5,054.07
			Check Total:	5,054.07
Check No: 11092 326065 326068	Check Date: 10/22/2010 Coffee Admin 10/18/10 Coffee DPW Street maint 10/19/10	Vendor: 00501 FIRST CHOICE SERVICES	10/19/2010 10/19/2010	33.08 33.28
			Check Total:	66.36
Check No: 11093 11281	Check Date: 10/22/2010 Dump fees with Petromat	Vendor: 00517 GALEDRIGE CONSTRUCTION INC	09/27/2010	3,096.00
			Check Total:	3,096.00
Check No: 11094 41010804	Check Date: 10/22/2010 Fletcher Dr/Ridgeview pvrnt & Drain	Vendor: 00518 GALLAGHER & BURK, INC	10/05/2010	68,787.00
			Check Total:	68,787.00
Check No: 11095 AT-1010-01	Check Date: 10/22/2010 MuniCast Financial Forecasting Mod	Vendor: 00552 GOVERNMENT FINANCE RESEARCH GR	10/15/2010	1,995.00
			Check Total:	1,995.00
Check No: 11096 602056 602056	Check Date: 10/22/2010 104-1/2" Asphaltic Concrete-Fine P806-SS-IH w/Pail	Vendor: 00557 GRANITE ROCK CO	10/09/2010 10/09/2010	523.31 41.51
			Check Total:	564.82

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 11097	Check Date: 10/22/2010	Vendor: 00556	GREEN AGAIN LANDSCAPE	
98 REBECCA	Refund 98 Rebecca Ln P#APW08-00		10/20/2010	2,500.00
			Check Total:	2,500.00
Check No: 11098	Check Date: 10/22/2010	Vendor: 00681	INTERSTATE TRAFFIC CONTROL PRO	
130596	Sign,18x24 speed limit,screw set,pac		08/24/2010	136.02
			Check Total:	136.02
Check No: 11099	Check Date: 10/22/2010	Vendor: 00713	EDWARD A. JASMIN	
AT 101810	Graphic Design Athertonian 9/22-10/		10/18/2010	1,181.25
			Check Total:	1,181.25
Check No: 11100	Check Date: 10/22/2010	Vendor: 00714	MEHDI JAZAYERI	
25 NORTHGATERefund 25 Northgate St P#BP10-007			10/13/2010	352.95
25 NORTHGATERefund 25 Northgate St P#BP10-007			10/13/2010	371.15
25 NORTHGATERefund 25 Northgate St P#BP10-007			10/13/2010	691.47
			Check Total:	1,415.57
Check No: 11101	Check Date: 10/22/2010	Vendor: 00724	JOSEPH J. ALBANESE, INC	
9197	Atherton Street Reconstruction		09/30/2010	41,976.84
			Check Total:	41,976.84
Check No: 11102	Check Date: 10/22/2010	Vendor: 00795	LINDSTROM CO, INC	
89 HOLBROOK	Refund 89 Holbrook P#APW08-000		10/20/2010	2,500.00
81 HOLBROOK	Refund 81 Holbrook P#APW07-008		10/20/2010	2,500.00
			Check Total:	5,000.00
Check No: 11103	Check Date: 10/22/2010	Vendor: 00917	MILLS-PENINSULA HEALTH SERVICE	
40457	Employee Assist svcs 10/01/10-12/31		10/05/2010	551.25
			Check Total:	551.25
Check No: 11104	Check Date: 10/22/2010	Vendor: 00929	MUNI SERVICES LLC	
JW HEATING	Bus Lic Jw heat air condition 10/15/		10/15/2010	150.00
GENESIS ROOF	Bus Lic Genesis Roofing Removal 10		10/14/2010	150.00
			Check Total:	300.00
Check No: 11105	Check Date: 10/22/2010	Vendor: 00977	OFFICE DEPOT	
535230168001	Tape, Audio		09/27/2010	11.96
535230168001	Paper,planner, tape, folder, toner, pla		09/27/2010	411.15
535268510001	Folders, file, Assorte		09/27/2010	16.69
535268510001	Toner HP		09/27/2010	135.79
535230168001	Paper, Envelopes		09/27/2010	82.24
535230168001	Paper, rubberband, file		09/27/2010	53.36
535230168001	Guide, card, self, mos		09/27/2010	12.32
535230168001	Paper, Battery, Folder, Multipurp, Alkal		09/27/2010	117.54
			Check Total:	841.05
Check No: 11106	Check Date: 10/22/2010	Vendor: 01145	REPUBLIC ITS	
1009534	Traffic Pedest crossing Sept 2010		10/12/2010	314.01
1009533	Traffic signal response September 20		10/12/2010	123.86
			Check Total:	437.87
Check No: 11107	Check Date: 10/22/2010	Vendor: 01246	SAN MATEO CNTY TAX COLLECTOR	
060-321-160	Swly 80 ft of lots, Atlington Park R		08/31/2010	650.00
074-140-030	20 Assessors map of Sharon E State		08/31/2010	3.26
074-160-140	17 Assessors map of Sharon E State		08/31/2010	3.26
074-160-120	18 Assessors map of Sharon E State		08/31/2010	3.26
074-160-100	17 Assessors map of Sharon E State		08/31/2010	3.26
060-321-000	Lots 24,25,26 Watlington Park Rsm		08/31/2010	650.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
061-310-000	Lots 5,6,22 Acs Villa at Fair Oaks R		08/31/2010	1,948.72
060-323-180	Lot 27 Watlington Park Rsm		08/31/2010	1,575.94
Check Total:				4,837.70
Check No: 11108	Check Date: 10/22/2010	Vendor: 01265	SCAPES INC	
5084	SRTS-Las Lomitas Phase 2 - Bal. PO		08/20/2010	1,235.50
5084	SRTS-Las Lomitas Phase 2 - Bal. PO		08/20/2010	80.85
Check Total:				1,316.35
Check No: 11109	Check Date: 10/22/2010	Vendor: 01289	SHARP ELECTRONICS CORPORATION	
AR311910	10/12/10-11/11/10 ARM450N base r		10/07/2010	184.00
AR311910	09/12/10-10/11/10 ARM450N overa		10/07/2010	7.41
AR311910	09/12/10-10/11/10 ARM450N sales t		10/07/2010	6.36
Check Total:				197.77
Check No: 11110	Check Date: 10/22/2010	Vendor: 01350	TALUS CONSTRUCTION INC	
150 VALPARAISO	Refund 150 Valparaiso P#APW08-0		10/20/2010	2,500.00
Check Total:				2,500.00
Check No: 11111	Check Date: 10/22/2010	Vendor: 01353	TEAMSTERS UNION LOCAL 856	
	PR Batch 502 10 2010 Teamsters Du		10/20/2010	401.55
Check Total:				401.55
Check No: 11112	Check Date: 10/22/2010	Vendor: 01417	UNIFIRST CORPORATION	
380 0391715	Uniform svc DPW street maint E.Lop		10/14/2010	15.47
380 0391715	Uniform svc DPW street maint T.Hen		10/14/2010	15.47
380 0390619	Uniform svc DPW street maint B.But		10/06/2010	16.31
380 0390619	Uniform svc DPW street maint J.And		10/06/2010	16.31
380 0390619	Uniform svc DPW street maint E.Lop		10/06/2010	16.31
380 0390619	Uniform svc DPW street maint T.Hen		10/06/2010	16.32
380 0391715	Uniform svc DPW street maint B.But		10/14/2010	15.47
380 0391715	Uniform svc DPW street maint J.And		10/14/2010	15.47
380 0391716	Uniform service DPW HP Park M.A		10/14/2010	19.23
380 0388741	Uniform service DPW HP Park M.A		09/22/2010	19.23
380 0389672	Uniform service DPW HP Park M.A		09/29/2010	19.23
380 0390620	Uniform service DPW HP Park M.A		10/06/2010	21.02
380 0391716	Uniform service DPW HP Park R.Es		10/14/2010	19.23
380 0388741	Uniform service DPW HP Park R.Es		09/22/2010	19.23
380 0389672	Uniform service DPW HP Park R.Es		09/29/2010	19.23
380 0389672	Invoice changes		09/29/2010	-8.14
380 0390620	Uniform service DPW HP Park R.Es		10/06/2010	21.03
380 0391716	MOP DPW Park program 10/14/10		10/14/2010	7.98
380 0388741	Mats DPW Park program 09/22/10		09/22/2010	66.98
380 0389672	MOP DPW Park program 9/29/10		09/29/2010	7.98
380 0390620	Mats DPW Park program 10/06/10		10/06/2010	66.98
Check Total:				426.34
Check No: 11113	Check Date: 10/29/2010	Vendor: 00025	ACCONTEMPS	
31933395	Temp Dean, Hazel 09/27/10 - 10/01/		10/05/2010	1,700.00
Check Total:				1,700.00
Check No: 11114	Check Date: 10/29/2010	Vendor: 00037	AFLAC	
	PR Batch 502 9 2010 AFLAC Accide		09/22/2010	227.46
	PR Batch 502 9 2010 AFLAC Cance		09/22/2010	159.75
	PR Batch 502 9 2010 AFLAC Dental		09/22/2010	90.41
	PR Batch 502 9 2010 AFLAC Hospit		09/22/2010	76.76
	PR Batch 502 9 2010 AFLAC Intensi		09/22/2010	24.39
	PR Batch 502 9 2010 AFLAC Life Pr		09/22/2010	34.14
	PR Batch 502 9 2010 AFLAC PersDi		09/22/2010	22.29

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
	PR Batch 502 9 2010 AFLAC Specif		09/22/2010	50.24
	PR Batch 502 9 2010 AFLAC-STD		09/22/2010	41.35
	PR Batch 501 10 2010 AFLAC Acci		10/06/2010	216.48
	PR Batch 501 10 2010 AFLAC Canc		10/06/2010	159.75
	PR Batch 501 10 2010 AFLAC Dent		10/06/2010	90.41
	PR Batch 501 10 2010 AFLAC Hosp		10/06/2010	76.76
	PR Batch 501 10 2010 AFLAC Inten		10/06/2010	24.39
	PR Batch 501 10 2010 AFLAC Life		10/06/2010	34.14
	PR Batch 501 10 2010 AFLAC Pers		10/06/2010	22.29
	PR Batch 501 10 2010 AFLAC Spec		10/06/2010	27.90
	PR Batch 501 10 2010 AFLAC-STD		10/06/2010	41.35
	PR Batch 505 10 2010 AFLAC Acci		10/06/2010	10.98
	PR Batch 505 10 2010 AFLAC Spec		10/06/2010	22.34
	PR Batch 501 10 2010 Flex Participa		10/06/2010	18.00
	PR Batch 501 10 2010 Flex Participa		10/06/2010	22.00
	PR Batch 505 10 2010 Flex Participa		10/06/2010	5.00
Check Total:				1,498.58

<u>Check No:</u>	<u>Check Date:</u>	<u>Vendor:</u>	<u>AT&T CALNET 2</u>	
11115	10/29/2010	00077		
000001707177	251-1053 09/20/2010 - 10/19/2010		10/20/2010	84.15
000001682934	688-6500 09/10/2010 - 10/09/2010		10/10/2010	618.86
000001707179	252-8343 09/20/2010 - 10/19/2010		10/20/2010	56.60
000001707181	271-7360 09/20/2010 - 10/19/2010		10/20/2010	359.57
000001707183	451-6690 09/20/2010 - 10/19/2010		10/20/2010	66.30
000001707182	451-6689 09/20/2010 - 10/19/2010		10/20/2010	66.30
000001707184	451-6691 09/20/2010 - 10/19/2010		10/20/2010	76.60
000001707178	281-1953 09/20/2010 - 10/19/2010		10/20/2010	97.02
000001707180	271-5840 09/20/2010 - 10/19/2010		10/20/2010	265.68
000001688705	326-1167 09/13/2010 - 10/12/2010		10/13/2010	15.93
000001682929	323-6452 09/10/2010 - 10/09/2010		10/10/2010	15.68
000001682926	323-1802 09/10/2010 - 10/09/2010		10/10/2010	44.40
000001682928	323-6131 09/10/2010 - 10/09/2010		10/10/2010	279.37
000001685572	462-1470 09/11/2010 - 10/10/2010		10/11/2010	22.98
000001682930	323-7653 09/10/2010 - 10/09/2010		10/10/2010	29.34
000001682932	328-3220 09/10/2010 - 10/09/2010		10/10/2010	30.03
000001682933	473-9743 09/10/2010 - 10/09/2010		10/10/2010	15.94
000001682924	323-1014 09/10/2010 - 10/09/2010		10/10/2010	30.03
000001682925	323-1801 09/10/2010 - 10/09/2010		10/10/2010	14.39
000001682927	323-3612 09/10/2010 - 10/09/2010		10/10/2010	30.33
000001682931	326-2801 09/10/2010 - 10/09/2010		10/10/2010	155.34
000001682286	289-9297 09/10/2010 - 10/09/2010		10/10/2010	15.70
Check Total:				2,390.54

<u>Check No:</u>	<u>Check Date:</u>	<u>Vendor:</u>	<u>COLMA FIREMAN SOCIAL CLUB</u>	
11116	10/29/2010	00304		
29920	Replacement for stale check #29920		10/22/2010	80.00
Check Total:				80.00

<u>Check No:</u>	<u>Check Date:</u>	<u>Vendor:</u>	<u>COMCAST</u>	
11117	10/29/2010	00309		
81552000601224	Town internet 09/21/10-10/20/10		09/22/2010	209.90
Check Total:				209.90

<u>Check No:</u>	<u>Check Date:</u>	<u>Vendor:</u>	<u>CUTWATER INVESTOR SERVICES COR</u>	
11118	10/29/2010	00384		
13802A	Invest advisory service 9/1/10 - 9/3		10/15/2010	1,000.00
Check Total:				1,000.00

<u>Check No:</u>	<u>Check Date:</u>	<u>Vendor:</u>	<u>FEDERAL EXPRESS CORP</u>	
11119	10/29/2010	00493		
7-258-90659	Cape Seal ISS 09-0001		10/15/2010	22.47
Check Total:				22.47

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 11120 OCT 2010	Check Date: 10/29/2010 Gypsies/Travelers & the Elderly S.Ha	Vendor: 00566	GRYPHON TRAINING GROUP 10/28/2010	150.00
			Check Total:	150.00
Check No: 11121 15707587-00	Check Date: 10/29/2010 Lodge pole, reddy stake, tree suppor	Vendor: 00617	HORIZON DISTRIBUTORS, INC. 02/11/2010	344.84
			Check Total:	344.84
Check No: 11122 2 WISTERIA	Check Date: 10/29/2010 Refund 2 Westeria P#CUP10-00003	Vendor: 00722	JOHN LUM ARCHITECT 10/22/2010	2,000.00
			Check Total:	2,000.00
Check No: 11123 OCT 2010 OCT 2010	Check Date: 10/29/2010 Driver Trng course 10/19-10/20 B.La Mileage Reimb 10/19-10/20/10 B.La	Vendor: 00778	BILL LANE 10/26/2010 10/26/2010	38.51 51.90
			Check Total:	90.41
Check No: 11124 803605 803570	Check Date: 10/29/2010 Wood chips Wood chips	Vendor: 00801	LYNGSO GARDEN MATERIALS, INC 10/21/2010 10/21/2010	65.55 98.33
			Check Total:	163.88
Check No: 11125 OCT 2010	Check Date: 10/29/2010 Lunch SM TF sympos Mill,Dere,Met	Vendor: 00914	BRAD MILLS 10/28/2010	48.36
			Check Total:	48.36
Check No: 11126 FERRO PLUMBING	Check Date: 10/29/2010 Lic Ferro Plumbing 10/19/10	Vendor: 00929	MUNI SERVICES LLC 10/19/2010	100.00
			Check Total:	100.00
Check No: 11127 1082 1082 1082 1083 1088	Check Date: 10/29/2010 Menlo School 09/01/10 - 09/30/10 Sacred Heart 09/01/10 - 09/30/10 Planning Services 09/01/10 - 09/30/1 Housing Element 09/01/10 - 09/30/1 Library relocation 09/01/10 - 09/30/	Vendor: 00941	NEAL MARTIN & ASSOCIATES 09/30/2010 09/30/2010 09/30/2010 09/30/2010 09/30/2010	489.13 413.88 15,411.42 1,204.00 225.75
			Check Total:	17,744.18
Check No: 11128 OCT 2010 OCT 2010	Check Date: 10/29/2010 Assertive Supervis 10/12-10/14 K.Ni Mileage Reimb 10/12-10/14/10 K.Ni	Vendor: 00953	KRISTIN NICHOLS 10/26/2010 10/26/2010	26.18 13.47
			Check Total:	39.65
Check No: 11129 537992055001	Check Date: 10/29/2010 Front desk stamp - Admin	Vendor: 00977	OFFICE DEPOT 10/19/2010	49.12
			Check Total:	49.12
Check No: 11130 92 FAXON RD	Check Date: 10/29/2010 Refund 92 Faxon Road P#HTR10-00	Vendor: 01001	PACIFIC PENINSULA GROUP 10/22/2010	2,000.00
			Check Total:	2,000.00
Check No: 11131 25281	Check Date: 10/29/2010 Dare Dog Tags	Vendor: 01065	PRIMA PRINTING 10/14/2010	411.82
			Check Total:	411.82
Check No: 11132 20779G	Check Date: 10/29/2010 Install new motor for slide gate sys	Vendor: 01097	R & S ERECTION S.M. INC 10/21/2010	559.50

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
			Check Total:	559.50
Check No: 11133	Check Date: 10/29/2010	Vendor: 01141	REDWOOD PLUMBING CO. INC	
w37883	Service call aircondition Main House		10/21/2010	504.19
			Check Total:	504.19
Check No: 11134	Check Date: 10/29/2010	Vendor: 01212	SAN MATEO CNTY CONTROLLERS OFF	
SEPT 2010	Allocation of parking penalties Sep		10/22/2010	865.20
			Check Total:	865.20
Check No: 11135	Check Date: 10/29/2010	Vendor: 01237	SAN MATEO CNTY SHERIFF'S OFFIC	
8526	Live scan service J.Hipps June 2010		10/27/2010	18.00
			Check Total:	18.00
Check No: 11136	Check Date: 10/29/2010	Vendor: 01289	SHARP ELECTRONICS CORPORATION	
AR315233	Sharp/MXM550N overage 9/16-10/1		10/19/2010	127.67
			Check Total:	127.67
Check No: 11137	Check Date: 10/29/2010	Vendor: 01357	TEE'S PLUS	
336978	Sales tax payable		10/15/2010	-12.77
336978	108 Dare playgrnd ball,162 Dare bas		10/15/2010	161.81
			Check Total:	149.04
Check No: 11138	Check Date: 10/29/2010	Vendor: 01146	RHONA THOMPSON	
75 ALMENDRAIRefund 75 Almendral Ave P#HTR.10			10/23/2010	2,000.00
			Check Total:	2,000.00
Check No: 11139	Check Date: 10/29/2010	Vendor: 01417	UNIFIRST CORPORATION	
380 0392666	MOP DPW street maint 10/21/10		10/21/2010	8.85
380 0392666	Uniform svc DPW street maint E.Lop		10/21/2010	15.47
380 0392666	Uniform svc DPW street maint T.Hen		10/21/2010	15.47
380 0392666	Uniform svc DPW street maint J.And		10/21/2010	15.47
380 0392666	Uniform svc DPW street maint B.But		10/21/2010	15.47
380 0393600	MOP DPW street maint 10/28/10		10/28/2010	63.59
380 0393600	Uniform svc DPW street maint B.But		10/28/2010	15.86
380 0393600	Uniform svc DPW street maint J.And		10/28/2010	15.86
380 0393600	Uniform svc DPW street maint E.Lop		10/28/2010	15.86
380 0393600	Uniform svc DPW street maint T.Hen		10/28/2010	15.86
380 0393601	Uniform svc DPW HP Park M.Ander		10/28/2010	20.29
380 0393601	Mats DPW HP Park 10/28/10		10/28/2010	22.97
380 0393601	Uniform svc DPW HP Park R.Espino		10/28/2010	20.29
			Check Total:	261.31
Check No: 11140	Check Date: 10/29/2010	Vendor: 01449	VISION SERVICE PLAN	
	PR Batch 501 10 2010 Vision Insura		10/06/2010	742.76
	PR Batch 505 10 2010 Vision Insura		10/06/2010	15.17
	PR Batch 506 10 2010 Vision Insura		10/12/2010	27.20
			Check Total:	785.13
Check No: 11141	Check Date: 10/29/2010	Vendor: 01485	JASON YOAKUM	
OCT 2010	Search warrant inves 10/11-10/13 J.Y		10/26/2010	25.88
			Check Total:	25.88
Check No: 11142	Check Date: 10/29/2010	Vendor: 00049	ALHAMBRA & SIERRA SPRINGS	
4981709102010	Water Police Dept 10/04/10 - 10/18/1		10/20/2010	214.15
			Check Total:	214.15
Check No: 11143	Check Date: 10/29/2010	Vendor: 00077	AT&T CALNET 2	
000001720033	322-8691 09/25/10 - 10/24/10		10/25/2010	15.56

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check Total:				15.56
Check No: 11144	Check Date: 10/29/2010	Vendor: 00151	BURKE, WILLIAMS & SORENSEN LLP	
140968	Monthly retainer Sept 2010		10/13/2010	11,000.00
140968	DPW Sept 2010		10/13/2010	286.00
140968	Other legal Sept 2010		10/13/2010	31,522.40
Check Total:				42,808.40
Check No: 11145	Check Date: 10/29/2010	Vendor: 00169	CA BUILDING STANDARDS COMMISSI	
JULY-SEPT2010Bldg Standard fees July 01-Sept 30 2			10/29/2010	1,180.80
Check Total:				1,180.80
Check No: 11146	Check Date: 10/29/2010	Vendor: 00281	CITY OF REDWOOD CITY	
BR24961	Vehicle Repair/Maint 08/16/10 - 09/		09/30/2010	3,194.83
Check Total:				3,194.83
Check No: 11147	Check Date: 10/29/2010	Vendor: 00289	CLARK PEST CONTROL	
0395001	Weed Control HP Park Maint Svc Oc		10/01/2010	325.00
Check Total:				325.00
Check No: 11148	Check Date: 10/29/2010	Vendor: 00309	COMCAST	
81552000601224Town internet 10/21/10 - 11/20/10			10/16/2010	209.90
Check Total:				209.90
Check No: 11149	Check Date: 10/29/2010	Vendor: 00377	CSG CONSULTANTS INC	
B100211	Revision-Seismic upgrade 9/1/10-9/3		10/01/2010	45.00
B10071	Menlo School Plan check 4/1/10-4/3		05/10/2010	135.00
019038	Building Official Svc and admin		10/20/2010	8,505.00
018765	Building Inspec and admin 8/16-8/27		09/17/2010	4,620.00
019038	Building Inspection, admin 9/2-9/17/		10/20/2010	340.00
018765	Building Inspection and admin 08/12/		09/17/2010	212.50
019037	Code Enforcement 8/28/10-9/24/10		10/20/2010	4,240.89
Check Total:				18,098.39
Check No: 11150	Check Date: 10/29/2010	Vendor: 00389	DAILY JOURNAL CORP	
B1962822	SM county times City gov interim op		10/21/2010	389.94
A1962820	SF Daily journal City gov interim op		10/11/2010	180.60
Check Total:				570.54
Check No: 11151	Check Date: 10/29/2010	Vendor: 00393	DELL MARKETING L.P.	
XF36KC2P1	4X Dell OptiPlex780/Core2/MEM-3		10/29/2010	5,151.88
XF3D39684	1X 30-Inch flat panel wide Monitor		09/24/2010	1,541.17
Check Total:				6,693.05
Check No: 11152	Check Date: 10/29/2010	Vendor: 00398	LAUREN DELVAUX	
33 LLOYDEN Refund 33 Lloyd Drive P#BP10-0			10/29/2010	5,195.50
Check Total:				5,195.50
Check No: 11153	Check Date: 10/29/2010	Vendor: 00505	FOLGER GRAPHICS, INC	
65845	Fall 2010 Newsletter		10/26/2010	1,100.00
Check Total:				1,100.00
Check No: 11154	Check Date: 10/29/2010	Vendor: 00506	DIEGO FONSTAD	
64 RIDGEVIEW Refund 64 Ridgeview Drive P#35142			10/29/2010	5,000.00
Check Total:				5,000.00
Check No: 11155	Check Date: 10/29/2010	Vendor: 00573	H.T. HARVEY & ASSOCIATES	
28822	Year 5 (2010) Long term biological		08/31/2010	4,073.80

Town of Atherton
User:jpan

Accounts Payable
Checks by Date - Detail by Check Number

Printed: 11/09/2010 11:24
Detail

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check Total:				4,073.80
Check No: 11156	Check Date: 10/29/2010	Vendor: 00605	LOUISE HO	
OCTOBER 2010 Transportation CalPers Educ Forum			10/29/2010	75.00
Check Total:				75.00
Check No: 11157	Check Date: 10/29/2010	Vendor: 00737	KIKUCHI & ASSOCIATES, INC	
PEDESTRIAN BRIDGEScape architectual construction			10/05/2010	1,809.20
Check Total:				1,809.20
Check No: 11158	Check Date: 10/29/2010	Vendor: 00929	MUNI SERVICES LLC	
FITZGERALD CONSLic Fitzgerald Construction 10/2			10/28/2010	150.00
BAY AREA POOLBus Lic Bay Area Pools 10/27/10			10/27/2010	150.00
Check Total:				300.00
Check No: 11159	Check Date: 10/29/2010	Vendor: 01001	PACIFIC PENINSULA GROUP	
337 WALSH RD Refund 337 Walsh Rd P#39631			10/29/2010	5,000.00
Check Total:				5,000.00
Check No: 11160	Check Date: 10/29/2010	Vendor: 01037	PG & E	
7457969332-10/1Police Dept 09/25/10 - 10/25/10			10/25/2010	2,521.32
Check Total:				2,521.32
Check No: 11161	Check Date: 10/29/2010	Vendor: 01193	SAN MATEO CNTY INFO SERV DEPT	
1YAT11009 Microwave MessageSwitch Sept 201			10/07/2010	1,198.50
Check Total:				1,198.50
Check No: 11162	Check Date: 10/29/2010	Vendor: 01349	TEAMSTERS LOCAL 856 H & W	
PR Batch 501 10 2010 Dental Insura			10/06/2010	6,292.00
PR Batch 505 10 2010 Dental Insura			10/06/2010	143.00
PR Batch 506 10 2010 Dental Insura			10/12/2010	143.00
Check Total:				6,578.00
Report Total:				676,994.21



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
NADINE LEVIN, CITY MANAGER**

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF NOVEMBER 17, 2010

**SUBJECT: AMEND THE FY 2010-11 CAPITAL IMPROVEMENT
PROGRAM (CIP) BUDGET**

RECOMMENDATION:

Amend the FY 2010-2011 Capital Improvement Program budget.

INTRODUCTION:

The City Council has approved a number of signing and striping projects for which there is no budget. The operations budget is inadequate to purchase and install these signs. Staff recommends that the CIP budget be amended to add \$30,000 for Street Signing and Striping projects.

The City Council also approved a traffic calming plan for Fair Oaks Lane. However, it turns out that the recommendation of installing speed lumps on Fair Oaks Lane is not permitted by the Fire Code recently adopted by the Town because Fair Oaks lane is a primary response route. Further study is therefore needed to modify the plan and evaluate alternative methods of slowing traffic or addressing sight distance constraints at the intersections, including the recommended additional study of the intersection of Fair Oaks Lane and Station Lane.

With the Library project a possibility in Holbrook-Palmer Park, the modification of the Main House to provide storage for park events is recommended to be postponed (and cancelled if the library site at the Main House is selected).

The Upper Atherton Channel Repair Project was recently re-estimated based on plan revisions required after consultation with the US Fish and Wildlife Service and the California Department of Fish and Game (relative to red legged frog habitat). The project estimate increased from \$250,000 to \$400,000. The primary change is the addition of several stop-log weirs to allow the channel to naturally stabilize using the sediment load that has been causing problems with the Phase 1 frog habitat pond. The budget is recommended to be increased using Parcel Tax funds to augment the use of all available Channel District funds. In order to have sufficient funds in the CIP, the drainage projects currently budgeted for \$150,000 are recommended to be postponed.

ANALYSIS:

The Park Storage at Main House project is currently budgeted at \$100,000. The drainage projects are budgeted at \$150,000. These reduce the CIP budget by \$250,000

The Upper Atherton Channel increase is recommended at \$150,000. The recommended budget for Signing and Striping Projects is \$30,000 and the recommended budget for Fair Oaks Lane Further Study is \$15,000. These increase the CIP budget by \$195,000.

FISCAL IMPACT:

The net effect of these amendments is a net reduction in the CIP of \$55,000.

Prepared By:

Approved:

/s/ Duncan Jones

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

Nadine Levin
City Manager

Attachments: FY 2010-2011 Budget

FY 2010-2011								
FUND SOURCES								
	Fund Number		201	202	203	220	401	403
REVENUES	Fund Name	Total	Parcel Tax	Measure A	Gas Tax	Prop 42	Capital Imp.	Ath. Chan. District
	Year's Beginning Balance	1,791,894	1,631,194	0	0	0	15,387	145,313
	Year's New Income (net of operating expenses and transfers)	2,300,000	1,858,000	200,000	100,000	60,000		82,000
401-50-46011-202	Highway Safety Improvement Program (HSIP)(Caltrans - State	30,600					30,600	
401-50-46013-202	PG&E Rebates	16,000					16,000	
TOTAL FUNDS AVAILABLE		4,138,494	3,489,194	200,000	100,000	60,000	61,987	227,313
PROJECTS		PROJ COST						
201-50-56037-000 &	Upper Channel Repair Phase 2	400,000	184,965					
403-50-56037-000								215,035
403-50-56037-000	Upper Channel Repair Monitoring Phase 1 (Year 5)	10,000						10,000
201-50-56007-000	Atherton Avenue STP Project Survey	66,000	66,000					
201-50-56043-000	PD/Admin Roof Replacement	50,000	50,000					
201-50-56019-000	South Meadow Rehabilitation	60,000	60,000					
201-50-56011-000 &	Hoover Crosswalk	35,000	4,400					
401-50-56011-202							30,600	
201-50-56006-000	Street Reconstruction 7 - Park/Polhemus	900,000	900,000					
201-50-56003-000 &	Street Seal	346,420	172,612					
202-50-56003-000				173,808				
203-50-56047-000 &	Street Patch	153,580			93,580			
220-50-56047-000						60,000		
	Street signing and striping	30,000	30,000					
201-50-56008-000	Fair Oaks Lane Traffic Calming - Further Studies	15,000	15,000					
201-50-56012-000	Street light pole replacement	50,000	50,000					
201-50-56013-000 &	Energy Efficient Street Lights	140,000	124,000					
401-50-56013-401							16,000	
201-50-56018-000	Park Corporation Yard	125,000	125,000					
201-50-56014-000	Park Trash Enclosure	60,000	60,000					
201-50-56016-000	Park Storage at Main House	0	Postponed					
201-50-56023-000	Park Topographic Survey	35,000	35,000					
201-50-56041-000	Drainage Construction Mulberry (E4), Walsh @ Belbrook	115,000	115,000					
201-50-56034-000	Drainage Projects	0	Postponed					
CIP Related Fees								
202-50-54025-000	Congestion Relief (C/CAG) Fee	24,845		24,845				
203-50-54026-000	C/CAG Gas Tax Fee	3,920			3,920			
203-50-52001-000	State Controller Street Report Preparation Fee	2,500			2,500			
403-50-52001-000	State Controller Drainage District Report Prep. Fee	2,278						2,278
201-50-54010-000	Parcel Tax Roll Preparation Fee	1,500	1,500					
202-50-52001-000	Annual Financial Audit (Measure A)	1,347		1,347				

	Allocated Engineering Costs - CIP Support	200,329	200,329					
TOTAL FUNDING USE		2,827,719	2,193,806	200,000	100,000	60,000	46,600	227,313
201-50-58001-000	Transfer to General Fund	888,463	888,463					
201-50-54012-000	Disaster Preparedness Committee Expense	20,000	20,000					
FUND YEAR END BALANCES		442,312	426,925	0	0	0	15,387	0



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
NADINE LEVIN, CITY MANAGER**

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF NOVEMBER 17, 2010

**SUBJECT: AWARD OF CONTRACT FOR THE SOUTH MEADOW
IRRIGATION AND REHABILITATION PROJECT NUMBER
56019.**

RECOMMENDATION:

Pass a motion to award the contract for the South Meadow Irrigation and Rehabilitation Project, project number 56019 to Jensen Landscape, the low bidder on the November 10, 2010 bids, for \$64,222.00, with a 10% construction contingency of \$6,422.00, for a total authorization of \$70,644.00; and to authorize the City Manager to sign the contract on behalf of the Town.

INTRODUCTION:

The FY 2010-2011 adopted Capital Improvement Program includes funds for constructing the Holbrook-Palmer Park South Meadow irrigation upgrades and turf rehabilitation Project. The need for this project resulted from the inadequacy of the existing irrigation system and the need to rehabilitate the extensively used turf on the South Meadow.

ANALYSIS:

9 bids were received for the South Meadow Irrigation and Rehabilitation Project as follows:

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>BID</u>
JENSEN LANDSCAPE	SAN JOSE	\$64,222.00
COMMERCIAL ENVIRONMENT LS	GILROY	\$69,525.53

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>BID</u>
COHEN LANDSCAPE	SAN JOSE	\$79,464.62
ALFRED JOSEPH LANDSCAPE	REDWOOD CITY	\$79,704.37
SUAREZ & MUNOZ	HAYWARD	\$79,839.08
LONE STAR	SAN MARTIN	\$86,756.00
FRANK & GROSSMAN	SAN FRANCISCO	\$92,086.66
SCAPES	HALF MOON BAY	\$95,661.75
BLOSSOM VALLEY CONSTRUCTION	SAN JOSE	\$123,341.00

FISCAL IMPACT:

Parcel Tax funds in the amount of \$60,000 are budgeted for this project in FY 2010-11. Bids were received for the project on November 10, 2010. Jensen Landscape was the low bidder at \$64,222. This bid was 24% below the engineer's estimate prepared by Kikuchi & Associates, the designer of the project, of \$84,694. A 10% construction contingency of \$6,422.20 would bring the total authorization to \$70,644, which is \$10,644 above the FY 2010-11 budget.

An additional \$6,950 was spent for the design work by Kikuchi, and approximately \$2,500 is anticipated for construction support services. The total budget needed for the project is therefore \$80,000, a \$20,000 increase over the original budget. Staff recommends that budget be funded from Parcel Tax from funds saved by cancelling the Park Storage at Main House project, currently budgeted at \$100,000.

Prepared By:

/s/ Duncan L. Jones

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

Approved:

Nadine Levin
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
NADINE LEVIN, CITY MANAGER**

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF NOVEMBER 17, 2010

**SUBJECT: ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE
OF COMPLETION AND APPROVAL OF CONTRACT CHANGE
ORDERS IN THE AMOUNT OF \$3,440 FOR THE 2010 STREET
PATCHING PROJECT, PROJECT NUMBER 56047**

RECOMMENDATION

Pass a motion accepting work, authorizing recording of a notice of completion and approving contract change orders in the amount of \$3,440 for the 2010 Street Patching Project, Project Number 56047.

INTRODUCTION

The Council awarded a contract in July 21, 2010 to Galedrige Construction for street patching, with a \$12,900 construction contingency, for a total authorized amount of \$141,900. In August the City Council approved adding an additional 6,250 square feet of patches to the contract (Change Order #1) for \$26,809 for a total authorization of \$168,209.00. Work under the contract has been completed.

ANALYSIS

The original contract price was for \$ 128,500.00. There was one already approved change order for \$26,809, one field directive change order for \$3,440 and a quantity decrease of \$811.36 bringing the total contract to \$157,937.36. The contract changes were as follows:

- | | |
|---------------------------------------|--------------|
| 1. Original Contract | \$128,500.00 |
| 2. Change Order #1 – add 6053 sq. ft. | \$26,809.00 |

3. Change Order #2 – non-recyclable asphalt	\$3,440.00
4. Quantity Increases/Decreases – deduct 189 sq. ft.	<u>-\$811.36</u>
TOTAL	\$157,937.36

FISCAL IMPACT

Funding for this project in the amount of \$264,151.74 is included in the FY 2009-2010 budget. The original cost for this project was \$128,500.00 with a 10% contingency of \$12,900.00 bringing the total to \$141,400. On August 18 council approved adding an additional 6,250 square feet of patches to the contract (change order #1) for \$26,809 for a total authorization of \$168,209.00. The final cost of this segment of work is \$157,937.36, \$10,271.64 less than the authorized budget estimate.

CONCLUSION:

It is appropriate for the Council to accept the work and authorize recording a Notice of Completion at this time.

Prepared By:

/s/ Duncan L. Jones

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

Approved:

Nadine Levin
City Manager

Attachment: Notice of Completion
Certificate of Completion

PARK AND RECREATION COMMISSION

AGENDA

SPECIAL MEETING

Tuesday, November 16, 2010

6:30 P.M.

**Holbrook-Palmer Park
150 Watkins Avenue, Atherton**

- 1. ROLL CALL:** Carlson, Crittenden, Davey, Moore, Timpson and Wright
- 2. PUBLIC COMMENTS:** (for items not on the agenda)
- 3. APPROVAL OF MINUTES:** Regular Meeting of October 6, 2010
- 4. COMMISSION BUSINESS**
- 5. FOUNDATION REPORT**
- 6. DAMES REPORT**
- 7. LIBRARY STEERING COMMITTEE REPORT**
- 8. STAFF REPORT**
- 9. REGULAR AGENDA**
 - A. DISCUSS AND POSSIBLY APPROVE REPLANTING THE FOUNTAIN AREA**
 - 1. FUNDING**
 - 2. VOLUNTEERS**
 - B. DISCUSS GROUND MAINTENANCE PERFORMANCE STANDARDS**
 - C. DISCUSS AND POSSIBLY APPROVE A REQUEST TO INSTALL A HOOP GREENHOUSE**
 - D. DISCUSS AND POSSIBLY APPROVE FIELD SPACE FOR AN ATHERTON MENLO PARK VOLUNTEER RUN LACROSSE TEAM**
 - E. DISCUSS THE CITY MANAGER HOME AND POSSIBLY MAKE A RECOMMENDATION TO THE CITY COUNCIL**
 - F. DISCUSS THE PROCESS FOR THE PROPOSED LITTLE LEAGUE BALLFIELD**

10. ADJOURNMENT

The next Regular meeting is scheduled for Wednesday, December 1, 2010.

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 Town to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF NOVEMBER 17, 2010

**SUBJECT: ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE
OF COMPLETION AND APPROVAL OF CONTRACT CHANGE
ORDERS IN THE AMOUNT OF \$360.04 FOR THE HOLBROOK-
PALMER PARK BRIDGE LANDSCAPING PROJECT NUMBER 56046**

RECOMMENDATION

Pass a motion accepting work, authorizing recording of a notice of completion and approving contract change orders in the amount of \$360.04 for the Holbrook-Palmer Park Bridge Landscaping Project Number 56046.

INTRODUCTION

The Council awarded a contract in June 2010 to Commercial Environmental Landscaping for \$16,961.33, with a \$1,696.13 construction contingency, for a total authorized amount of \$18,657.46. Work under the contract has been completed.

ANALYSIS

The original contract price was for \$16,961.33. There was 1 field directive change order totaling \$360.04 bringing the total contract to \$17,321.37. The contract changes were as follows:

1. Original Contract	\$16,961.33
2. Change Order No. 1 – Installation of additional sod	\$ 360.04
TOTAL	\$17,321.37

Staff Report
November 17, 2010
Page 2 of 2

FISCAL IMPACT

Regional Trails Program (RTP) federal funds and Atherton Dames matching funds in the amount of \$14,026.41 remain from the original \$131,000 budgeted for this project in FY 2009-10. The remaining \$3,294.96 is agreed to be funded from additional Atherton Dames matching funds. The final cost of this segment of work is \$17,321.37, less than the budget estimate.

CONCLUSION:

It is appropriate for the Council to accept the work and authorize recording a Notice of Completion at this time.

Prepared By:

/s/ Duncan L. Jones

Approved:

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

Nadine P. Levin
Interim City Manager

Attachment: Notice of Completion



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

**FROM: NADINE LEVIN, INTERIM CITY MANAGER
THERESA N. DELLASANTA, DEPUTY CITY CLERK**

DATE: FOR THE REGULAR MEETING OF NOVEMBER 17, 2010

SUBJECT: TOWN CENTER TASK FORCE – UPDATE ONLY

BACKGROUND:

The Town Center Task Force (TCTF) was formed in March of 2010 to refine the scope of the project outlined in the Blue Ribbon Task Force report and to research finance alternatives, choose an architect through an RFQ process to create a design, create public outreach and engage the community in the process. TCTF brought a final report which consisted of a Statement of Qualifications (SOQ) and all associated exhibits, cost estimates and a financing alternatives report to Council at their regularly scheduled September meeting. TCTF noted that the cost benefit for renovating a new town center as opposed to rebuilding is about three to five percent. TCTF recommended building a new facility because it will have a significant reduction of construction time versus the phasing construction time of remodeling or renovating an existing structure; i.e., approximately 18 months for new construction versus three to four years for renovation. The following motion was made and approved by a unanimous vote of Council (5-0) at the September 15th regular meeting:

MOTION by McKeithen, second by Marsala to approve the Town Center Task Force to move to next phase by issuing a request for statement of qualifications for purposes of selecting a design of a new Town Center and continue to research and collect financing options and create public outreach and to bring back the SOQ to the next Council meeting with specific direction on the agenda for final approval.

Subsequently, Council held a special meeting on September 30th for other matters. Final approval of the SOQ was added to the special meeting and the following motion was

made and approved by a unanimous vote of Council (5-0) at the September 30th special meeting:

MOTION by Lewis, second by Carlson to approve publication of Request for Statement of Qualifications for design of a new Town Center with the changes agreed to by Council and allow the Town Center Task Force to determine a publication timeline and deadline submittal. The motion passed.

In view of the action taken at the September 30th meeting the TCTF met on October 12th to discuss the Statement of Qualifications and establish a timeline for the process. At the October 12 meeting of the Town Center Task Force issues were raised relating to the design-build process which were added late in the drafting process. The main issue was ownership of documents if the design-build process is used. There was some uncertainty about what the architect would be hired for if the design-build process were used. Public Works Director Duncan Jones was present and suggested that an architect having experience with the design-build process would be desirable; that condition was added to the selection criteria.

TCTF set another meeting for October 26th and the issue of what form of a contract should be used for an architect. City Attorney Wynne Furth and Town Planner Neal Martin were present at the meeting. An ad hoc subcommittee composed of Rose Hau, John Shenk and Steve Dostart was formed to receive and comment upon an appropriate form of contract which Wynne Furth would draft and recommend for the TCTF mission.

The TCTF meets again on Tuesday, November 16th at 1:00 p.m. to potentially finalize the contract and any further issues in regard to the design-build process.

Since the Statement of Qualification and all associated reports are a council approved document, the TCTF felt it was appropriate to go back to Council for approval of the revised document. At this point the Town Center Task Force intends to bring the documents back to Council in December.



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
NADINE LEVIN, CITY MANAGER**

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF NOVEMBER 17, 2010

**SUBJECT: AMEND THE LIBRARY FUND BUDGET TO INCLUDE
\$50,000 FOR INITIAL COSTS FOR THE FUTURE
BUILDING PROJECT**

RECOMMENDATION:

Amend the Library Fund budget to include \$50,000 for initial costs for the future building project.

INTRODUCTION:

The Library Joint Powers Authority approved budgeting \$50,000 of donor funds for the future building project. This information did not get communicated to the Town during the budgeting process, so the Town's budget needs to be amended to match the JPA recommendation.

ANALYSIS:

Expenses need to be incurred for legal advice, planners to advise on the approval process and to begin the environmental process, conceptual site planning for alternative sites, and an environmental review consultant.

FISCAL IMPACT:

An additional \$50,000 will be budgeted in the Library Fund (Fund 213) for expenses for the future building project. Outside counsel to analyze the Holbrook-Palmer Park Will

opinion is contracted for a cost up to \$15,000. Some costs have been incurred by Neal Martin for planning advice, and additional planning and environmental review costs will be needed, to be estimated at a future date. An RFQ for an architect/site planner will be issued soon and the cost will be negotiated with the selected firm.

Prepared By:

Approved:

/s/ Duncan L. Jones

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

Nadine Levin
City Manager

Attachments: JPA Use of Donor Funds Memo



MEMO

To: JPA Governing Board
 From: Anne-Marie Despain, Director of Library Services
 Date: April 26, 2010
 Meeting Date: May 3, 2010
 Re: FY 2010-11 Proposed Uses of Donor City Funds

BACKGROUND:

Section VI. D. of the San Mateo County Library (SMCL) JPA Agreement states the following, “In the event that the allocated library service revenue exceeds the amount required to maintain the minimum library service for each city as described in this Agreement, such excess funds shall be spent on library related activities within that city (hereinafter, “Donor City”) including, but not limited to, facility maintenance, facility remodeling or expansion, increased service hours, or increased book purchases, as mutually agreed by the Library JPA and the city council of the affected Donor City.” In accordance with the donor city provision, at the end of each fiscal year, funds in excess of the amount required to operate a branch are distributed and held in a separate library account by the member city.

In order to secure agreement by the Library JPA, member cities that qualify as a “Donor City” and are interested in utilizing library funds to support library related activities within that city are requested to provide information to the JPA Governing Board related to the proposed uses of this revenue for the upcoming fiscal year.

DISCUSSION:

There are three member cities designated as “Donor Cities” including the Towns of Woodside, Portola Valley, and Atherton. Proposed uses of SMCL Donor City revenue in FY 2010-11 are detailed below:

Donor City: Town of Woodside

Balance of Donor City Revenue on June 30, 2009: \$1,273,507

The Town of Woodside proposes to utilize SMCL Donor City revenue in an amount estimated at \$146,000 to offset facility costs incurred by the Town related to general maintenance, utilities, contracted janitorial and landscaping services, associated supplies, and an allocation for indirect costs. Additionally, an appropriation estimated at \$800,000 has been included in the SMCL FY 2010-11 Recommended Budget in anticipation of the interior renovation of the Woodside Library. The amount of SMCL property tax currently generated from this community also enables the branch to operate additional hours above the minimum required per the JPA Agreement and is open a total of 44 hours per week.

Donor City: Town of Portola Valley

Balance of Donor City Revenue on June 30, 2009: \$129,560

There are no proposed uses of SMCL Donor City revenue in FY 2010-11. The amount of SMCL property tax currently generated from this community also enables the branch to operate additional hours above the minimum required per the JPA Agreement and is open a total of 44 hours per week.

Donor City: Town of Atherton

Balance of Donor City Revenue on June 30, 2009: \$4,020,480

The Town of Atherton proposes to utilize SMCL Donor City revenue in an amount estimated at \$46,000 to offset facility costs incurred by the Town related to general maintenance, utilities, custodial services, landscaping services, and associated supplies. Additionally, an appropriation estimated at \$50,000 has been included in the SMCL FY 2010-11 Recommended Budget to complete a New Building Plan in anticipation of a future building project. The amount of SMCL property tax currently generated from this community also enables the branch to operate additional hours above the minimum required per the JPA Agreement and is open a total of 57 hours per week.

STRATEGIC PLAN ALIGNMENT:

Goal 4: Become a learning organization that continuously assesses community needs and develops staff to provide excellent customer service; and Objective 4.1: Assess and allocate resources to be a world-class library.

This activity aligns with the goal by ensuring that resources are allocated and reviewed in compliance with the JPA Agreement and that the distribution of these resources supports the effective delivery of library services.

FISCAL IMPACT:

Library related activities in FY 2010-11 funded with SMCL Donor City revenue totals \$1,042,000. The Towns of Woodside and Atherton have proposed that a total of \$192,000 in facility related costs be offset with these funds. Additionally, the SMCL FY 2010-11 Recommended Budget includes SMCL Donor City revenue activities related to the Woodside Library Interior Improvement Project (\$800,000), and a New Building Plan in anticipation of a future building project at the Atherton Library (\$50,000).

RECOMMENDATION:

Recommend Governing Board approval of the FY 2010-11 Proposed Uses of Donor City Funds. Operations Committee members present at the April 20, 2010 meeting concur with this recommendation.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CHIEF MICHAEL GUERRA

DATE: FOR THE MEETING OF NOVEMBER 17, 2010

SUBJECT: ADOPTION OF RESOLUTION ACCEPTING EXPEDITURES FOR BALANCE OF FISCAL YEAR 2010/11 SUPPLEMENTAL LAW ENFORCMENT SERVICES FUND (SLESF), CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS) GRANT

RECOMMENDATION:

Staff recommends that Council Adopt a resolution accepting the recommended expenditures of the remaining balance of FY 2010-11 Supplemental Law Enforcement Services Fund (SLESF), Citizen's Option for Public Safety (COPS) Grant in the amount of \$100,000.00 in accordance with state requirements. The funds must be expended by June 30, 2011.

INTRODUCTION:

Over the past several years monies have been available through the State of California to local entities in the form of Citizen's Option for Public Safety (COPS) Grant. This year the Atherton PD will receive \$100,000 (same as last year). The grant restricts money to front line law enforcement purposes. On behalf of the State, the County of San Mateo manages the program at the local level. The County will issue the grant funds once they receive a resolution adopted by Council and the planned distribution of funds are approved by their Law Enforcement Oversight Committee.

PD will use State COPS funds for funding sworn personnel.

ANALYSIS:

In FY 1996-1997, the California State Legislature created the Citizen’s Option for Public Safety (COPS) Program. Under this program, cities and counties receive state funds to augment public safety expenditures. This is a non-competitive grant program. Effective September 8, 2000, cities are guaranteed a minimum grant award of \$100,000. The program has continued every year since its inception, and the Atherton PD anticipates receiving COPS funds on an annual basis.

The funds must be used for frontline municipal police services and must supplement existing funding. Council is required to hold a public hearing, apart from its usual budget hearings to consider the written request of the Chief of Police for use of funds.

Each city must create a Supplemental Law Enforcement Services Fund (SLESF) for the COPS grant money. The funds cannot be used for administrative overhead costs in excess of 0.5 percent of the total allocation. The allocation may not be used to fund the costs of any capital project or construction project that does not directly support frontline law enforcement.

FISCAL IMPACT:

There is no fiscal impact and no matching requirements for grant money expended and no direct impact on the Town’s General Fund associated with this action.

Prepared By:

Approved:

Michael Guerra
Chief of Police

Nadine P. Levin
City Manager

RESOLUTION 10-65

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
TO ACCEPT A STATE COPS GRANT FROM THE STATE OF CALIFORNIA AND
APPROVE USE OF THE FUNDS**

WHEREAS, the FY 2010/11 State Budget includes funding the State COPS program which includes funding of at least \$100,000 to the Town of Atherton Police Department for Fiscal Year 2010/11; and

WHEREAS, the Legislature mandated this money to be spent for the front line law enforcement purposes; and

WHEREAS, the Atherton Police Department wishes to spend the grant to place a Police Officer on the streets; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton, California does hereby approve the use of the State COPS Grant for the Atherton Police Department to place a Police Officer on the streets.

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 the 17th day of November, 2010 by the following vote:

<i>AYES:</i>	<i>COUNCILMEMBERS:</i>
<i>NOES:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSENT:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSTAIN:</i>	<i>COUNCILMEMBERS:</i>

ATTEST:

Kathy McKeithen, MAYOR
TOWN OF ATHERTON

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

Wynne S. Furth, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CHIEF MICHAEL GUERRA

DATE: FOR THE MEETING OF NOVEMBER 17, 2010

**SUBJECT: RESOLUTION AUTHORIZING ADJUSTMENT IN PARKING
FINES DUE TO SENATE BILL 857**

RECOMMENDATION:

Staff requests the Atherton City Council to adopt a resolution increasing parking fine violations by \$3.00 to cover the new surcharge payable to the Trial Court Trust Fund.

INTRODUCTION:

The California State Budget Trailer Bill, Senate Bill 857, includes a provision adding a \$3.00 surcharge to all parking fines. The surcharge will take effect December 18, 2010. If the Town does not increase its parking violation penalties, the amount it collects on each penalty will be reduced by \$3.00

ANALYSIS:

California Vehicle Code section 40203.5 provides in part:

- (a) 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.

This section authorizes the Town Council to establish local parking regulations and to set penalties for violations. Please refer to Exhibit "A" which indicates the current and proposed Atherton Police Department Parking Citation Sections and Fines. Staff recommends that the fines be increased by \$3.00 to maintain the current level of citation revenue.

FISCAL IMPACT:

To date, the Atherton Police Department has issued 367 parking citations this calendar year. This total is up from the average of 21 parking citations per month in 2009. Based on this calendar year's numbers, the Atherton Police Department averaged 36 parking citations per month this year. If the parking fines are not increased, the Town of Atherton could lose approximately \$1,296 annually. If the 71% increase in parking citations from last year's average to this year's average is included in the calculations, , the Town could lose approximately \$2,216 next year alone.

ATTACHMENTS:

1. Exhibit "A" – Current and proposed Atherton Police Department Parking Citation Sections and Fines.
2. Exhibit "B" – Resolution No. 10-66 Increasing Parking Violation Penalties to Offset Increase in State Surcharges.

Prepared By:

Approved:

Michael Guerra
Chief of Police

Nadine P. Levin
City Manager

EXHIBIT "A"

MUNICIPAL CODE VIOLATIONS

Section	Current Fine	Proposed Fine
10.04.020	\$38.00	\$41.00
10.16.010	\$38.00	\$41.00
10.16.202	\$38.00	\$41.00
10.28.010	\$38.00	\$41.00
10.36.030b	\$38.00	\$41.00
12.24.090b	\$38.00	\$41.00

VEHICLE CODE VIOLATIONS

Section	Current Fine	Proposed Fine
4000(a)	\$61.00	\$64.00
5200	\$33.00	\$36.00
5204(a)	\$33.00	\$36.00
26708.5(a)	\$33.00	\$36.00
26710	\$33.00	\$36.00
27155	\$33.00	\$36.00
27600	\$33.00	\$36.00
28071	\$33.00	\$36.00
4462(b)	\$61.00	\$64.00
21113(a)	\$44.00	\$47.00
21211(b)	\$33.00	\$36.00
22500(e)	\$28.00	\$31.00
22500.1	\$44.00	\$47.00
22502(a)	\$28.00	\$31.00
22507.8(a)	\$363.00	\$366.00
22507.8(b)	\$363.00	\$366.00
22507.8(c)(2)	\$363.00	\$366.00
22514	\$28.00	\$31.00
22523(a)	\$116.00	\$119.00
22523(b)	\$116.00	\$119.00

RESOLUTION NO. 10-66

RESOLUTION NO. 10-66 INCREASING PARKING VIOLATION PENALTIES TO OFFSET INCREASE IN STATE SURCHARGES.

WHEREAS, the California State Budget Trailer Bill (SB 357) levies a state surcharge on all parking citation violation fines collected by local governments; and

WHEREAS, whereas the commencement date for this new surcharge for the Trial Court Trust Fund is December 18, 2010;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Effective December 18, 2010, the Parking Fine Schedule set forth in Exhibit A attached to this resolution and a part of it shall be in effect.

Section 2. This resolution is adopted pursuant to Vehicle Code Section 40203.5.

* * * * *

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 the 17th day of November, 2010, by the following vote:

*AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:*

Kathy McKeithen, Mayor
Town of Atherton

ATTEST:

APPROVED AS TO FORM:

Theresa N. DellaSanta
Deputy City Clerk

Wynne Furth
City Attorney



Town of Atherton

ITEM 18

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: NADINE LEVIN, INTERIM CITY MANAGER.

DATE: FOR THE CITY COUNCIL MEETING OF NOVEMBER 5, 2010

SUBJECT: REQUEST FROM ATHERTON LIBRARY STEERING COMMITTEE TO AMEND RESOLUTION 10-13 TO APPROVE THE ADDITION OF TWO ALTERNATE VOTING MEMBERS TO THE ALBSC TO VOTE IN THE ABSENCE OF REGULAR MEMBERS IN ORDER TO PROVIDE A QUORUM

RECOMMENDATION:

Amend Resolution No. 10-13 to approve the addition of two alternate voting members to the Atherton Library Building Steering committee with the first alternate being Ginny Nile and the second alternate being Earl Douglass

BACKGROUND:

The Atherton Library Building Steering Committee (ALBSC) has been meeting since August 2010 as directed by Resolution 10-30 to assist with planning for the new library. A minimum of two meetings per month have been necessary to make adequate progress in the work the Committee is charged to do and some members have had difficulty attending meetings to ensure a quorum. The group discussed adding two alternate voting members to the Committee to help ensure the presence of a quorum. The alternates will not be allowed to sit on ad-hoc subcommittees of the ALBSC. The ALBSC feels that the addition of two alternate members to the Committee is critical to help the work move forward in a timely and orderly fashion

FISCAL IMPACT:

None.

RESOLUTION NO. 10-13
to supersede Resolution 09-09
Amended June 16, 2010
Amended August 18, 2010
AMENDED NOVEMBER 17, 2010

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A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
GOVERNING TOWN COMMITTEES AND COMMISSIONS

The City Council of the Town of Atherton hereby resolves as follows:

Section 1. Establishment of Committees. The following committees and commissions are established for the Town of Atherton:

1. Arts Committee
2. Atherton Rail Committee
3. Audit Committee
4. Environmental Programs Committee
5. Finance Committee
6. General Plan Committee
7. Library Steering Committee
- ~~8.~~ Park and Recreation Commission
- ~~9.~~ Town Center Committee
- ~~10.~~ Transportation Committee

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Section 2. City Council Rules of Procedure – Staffing – Minutes - Reports.

- All committees and commissions shall follow the City Council Rules of Procedure and the provisions of the California Open Public Meeting Law (Brown Act).
- Each committee or commission shall annually select one of its members to act as Chair and one of its members to act as Vice Chair. In the event a committee or commission is unable to appoint a Chair and/or Vice Chair, the Mayor shall have the authority to make such appointment.
- The City Manager shall have the authority to appoint any Town staff member(s) to serve Town committees and commissions.
- All committees and commissions shall prepare action minutes for the City Council. Draft minutes, that is, unapproved minutes, shall be presented to the City Council as soon as possible following the meeting they report.
- Members of committees and commissions are encouraged to advocate to the City Council their position on matters under the purview of their committee or commission. Otherwise, no committee or commission or any of its members shall represent itself or themselves as speaking on behalf of the Town, City Council, and/or committee or commission without prior approval of the City Council. Statements of previously approved City Council policy may be made without additional City Council approval.

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- Committees and commissions may provide educational materials to the public regarding the functions and actions of the committee or commission, but shall not engage in advocating to the public any particular position which is contrary to City Council policy.
- Upon request, an annual report shall be provided to the City Council of committee and commission activities for the preceding year.

Section 3: Appointment of Voting Members to Committees and Commissions.

Members other than City Council Members shall be appointed following approval by the City Council. All appointed members shall be registered voters in the Town. Members shall serve at the pleasure of the City Council, or until the expiration of their terms set out below. Vacancies in any committee or commission arising from any reason, including expiration of term, shall be filled by appointment of the City Council.

Section 4. Powers and Duties – Composition - Terms.

The powers and duties, along with the composition and terms of the Town’s committees and commissions, shall be as described below:

- City Council representatives and any alternates on committees are selected by the Mayor and approved by the City Council to serve a one (1) year term. Alternates will participate on committees in the absence of the appointed Council Members.
- Appointed members shall serve no more than two full consecutive terms on the committee or commission to which they are appointed. A member may be reappointed to the committee or commission following a minimum two (2) years hiatus.
- Each January, an annual report shall be provided to the City Council of attendance at committee and commission meetings for the preceding calendar year.
- Unexcused absences of members, other than City Council Members, from two or more consecutively scheduled meetings shall result in the automatic vacation of the member’s office.
- In the event funding for the committees or commissions is desired, a budget shall be prepared and presented to the City Council for review and approval as part of the Town’s regular budget process.
- Any requests by a committee or commission for staff work, information, or assistance from Town Staff shall be made to the City Manager.
- Changes in the dates or time of meetings from the established schedule may be made by majority vote of the committee or commission.

1. Arts Committee.

The Arts Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in matters regarding art awareness including, without limitation, the following goals and objectives:
 - i. Fulfill the requirements of the Rita Corbett-Evans estate;
 - ii. Develop a unique arts program specific to the needs of Atherton and the surrounding community;
 - iii. Provide a base and focal point for arts programs in Atherton;

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- iv. Include a multi-disciplinary range of artistic endeavors including fine, performing, and literary arts as well as crafts.

The Arts Committee shall have the following composition and terms:

Consists of up to ten (10) appointed members. The term of office shall be as follows: Five (5) of the members shall be appointed to a four (4) year term commencing 2008 and ending on April 30, 2012. The remaining members' terms shall be three (3) years commencing 2008 and ending on April 30, 2011. Thereafter, each term of office shall be four (4) years. The Committee meets on the 4th Tuesday of each month at 1:00 p.m. in the Holbrook-Palmer Park Garden Room unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

2. Atherton Rail Committee.

The Atherton Rail Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council upon request in all matters pertaining to rail service in and through the Town;
- b. Research and address the specific impacts that high-speed rail and other rail improvements may have on the Town.

The Atherton Rail Committee shall have the following composition and terms:

Consists of up to twelve (12) members including two (2) Council Members and up to ten (10) appointed members. The term of office for appointed members shall be a four (4) year term commencing 2007 and ending on April 30, 2011. Thereafter, each term of office shall be four (4) years. The committee meets on the first Tuesday of every other month at 6:00 p.m. in the City Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair. In addition to other members, persons appointed to the Atherton Rail Committee may be appointed to represent and further the interests of Atherton homeowners and particularly those with properties on and along the Caltrain right-of-way. This declaration is made with specific recognition of the provisions of 2 California Code of Regulations Section 18707.4.

3. Audit Committee

The Audit Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to the Town's annual audit;
- b. Provide oversight of the annual audit and present and explain the audit to the City Council with recommendations as to acceptance;
- c. Advise City Council regarding appointment of outside auditors for annual audit;
- d. Review proposed audit scope with outside auditors prior to commencement of annual audit.

The Audit Committee shall have the following composition and terms:

Consists of six (6) members, including two (2) Council Members of the Finance Committee, and four (4) appointed members. One term shall be for two (2) years. The remaining terms shall be for four (4) years ending in April, 2012. Thereafter, the term of office shall be four (4) years. The committee meets as needed in the Conference Room of the Town Administrative Offices.

4. Environmental Programs Committee.

The Environmental Programs Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations (programmatic and legislative) to the City Council upon request on all matters pertaining to the Town's natural and built environment and the Town's regional role and responsibilities as one of the communities on the San Francisco Bay Peninsula.
- b. Develop and propose to the City Council timely and appropriate action plans for the Town to:
 - (i) environmental issues or threats that become matters of concern for the community;
 - (ii) any regulatory statute or legislative changes or policies coming from the county, state or Federal governments on matters of environmental protection or performance; and
 - (iii) technological advancements that can help the Town address environmental issues, threats or legislative requirements. Such issues would include but not be limited to global warming and carbon dioxide emissions, green building guidelines, conservation and diversion, ABAG policies, PG&E and Allied Waste programs or services, e-waste collection and Earth Day and other environmental events.
- c. Create pro-active community engagement programs for residents, commercial and public enterprises active within the Town's jurisdiction for presentation to and consideration and approval by, the City Council.

The Environmental Programs Committee shall have the following composition and terms:

Consists of up to twelve (12) members including two (2) Council Members and ten (10) residents of the Town. The term of office shall be as follows: Five (5) of the appointed members shall be appointed to a two-year term commencing 2007 and ending April 30, 2009. The remaining members' terms shall be four (4) years commencing 2007 and ending April 30, 2011. Thereafter, each term of office shall be four (4) years. The committee meets quarterly on the first Wednesday of the month at 10:00 a.m. in the Conference Room of the Town Administrative Offices unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

5. Finance Committee.

The Finance Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to Town finances;
- b. Consult with the City Manager on matters pertaining to the budget, capital spending plan and the long range financial plan for the Town;

The Finance Committee shall have the following composition and terms:

Consists of two (2) Council Members and three (3) qualified residents of appointed members. One term shall be for one year and two terms shall be for two (2) years. Thereafter terms shall be for two (2) years ending on April 30th. The Finance Committee Council Members also serve on the Audit Committee. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

6. General Plan Committee.

The General Plan Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to Town planning;
- b. Review the General Plan and make recommendations to the City Council, Planning Commission and Town staff regarding the operation of the ordinances and policies on the subject of Town planning.

The General Plan Committee shall have the following composition and terms:

Consists of two (2) Council Members, two (2) Planning Commissioners and up to five (5) appointed members who are not members of the City Council or Planning Commission. The term of office shall be four (4) years. Planning Commission representatives are selected by the Planning Commission to serve for a term of one (1) year. The committee meets quarterly or more frequently if required on the first Wednesday of the month at 6:00 p.m. in the Town Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

7. Library Building Steering Committee.

The Library Building Steering Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to the planning and design process for a new public library facility;
- b. Engage the community in planning and design process for a new Library Building,

The Library Steering Committee shall have the following composition and terms:

Consists of one (1) City Council Member and up to seven (7) appointed members. City Council may also appoint two (2) alternates which shall be counted for the purposes of meeting a quorum but shall not vote if a quorum of regular members is present. Alternates may not be appointed to ad-hoc subcommittees.

The term of office shall be for all members shall expire on April 30, 2012.

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The City Manager shall, and the Director of Library Services for the San Mateo County Library is requested to designate a member of their respective staff to meet with the Committee and assist with its work.

The Committee meets on the third Monday of each month at 10:30 a.m. in City Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

8. Park and Recreation Commission.

The Park and Recreation Commission shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to parks and public recreation and to cooperate with other governmental agencies and public and private groups in the advancement of park and recreation planning and programming;
- b. Develop and maintain a master plan for parks within the Town and, annually, in the month of April, present a report to the City Council.
- c. Review the annual budget for parks and recreation during the process of its preparation and make recommendations with respect thereto to the City Council. This includes recommendations regarding the setting of fees. The budget should contain estimates and recommendations for such long-term capital outlay projects as may be necessary to provide for orderly development of park and recreation areas, buildings and facilities;
- d. Study and make recommendations on the acquisition and development of recreation areas, activities and facilities such as playgrounds, buildings, parks, open space and other centers of recreation;
- e. Assist Town staff in the planning of recreation programs for the community, and promote and stimulate public interest therein.

The Park and Recreation Commission shall have the following composition and terms:

Consists of seven (7) appointed members. One member shall be a representative of the Holbrook-Palmer Park Foundation. One member shall be a representative of the Atherton Dames. Each of the foregoing representatives shall serve a term of two (2) years. The term of office for the two (2) members ending April 30, 2008 shall be four (4) years. The term of office for the remaining members shall be four (4) years. Thereafter, each term of office shall be four (4) years. The Park and Recreation Commission meets on the first Wednesday of each month at 6:30 p.m. in Holbrook-Palmer Park unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

9. The Town Center Committee.

The Town Center Committee, an ad hoc committee, shall have the following powers and duties:

- a. Assist the City Council in developing a vision and goals for the Town Center which includes facilities for City Council chambers, Police, Administration, Building, Public Works, Planning and Library functions;
- b. Upon approval of the City Council, the committee may engage Town residents and outside professional services to aid in the visioning process;
- c. Upon approval of the City Council assist in obtaining funds for Town Center improvements.

The Town Center Committee, an *ad hoc* committee, shall have the following Composition and terms:
 Consists of two (2) Council Members. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

10. Transportation Committee.

The Transportation Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to transportation within the Town.

The Transportation Committee shall have the following composition and terms:
 Consists of seven (7) members including two (2) Council Members and five appointed members. The term of office shall be four (4) years. The committee meets on the second Tuesday of every other month at 6:00 p.m. in the City Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

This Resolution shall be effective immediately upon adoption. Resolution No. 10-10 is hereby superseded and rescinded.

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 the 18th day of August, 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

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APPROVED AS TO FORM:

Wynne Furth, City Attorney

Resolution No. 10-13
Amended on November 17, 2010
Page 8 of 8

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Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: NADINE P. LEVIN, INTERIM CITY MANAGER

DATE: FOR THE REGULAR MEETING OF NOVEMBER 17, 2010

SUBJECT: APPROVE SHORT TERM CONSULTANT SERVICES AGREEMENT WITH CSG CONSULTANTS, INC. FOR CODE ENFORCEMENT OFFICER

RECOMMENDATION:

Approve Consultant Services Agreement with CSG Consultants, Inc. to provide Code Enforcement Services to the Town of Atherton in and amount not to exceed \$17,000.00 retroactive to the date the Town exceeded the City Managers spending authority and not to extend past January 15, 2011.

BACKGROUND:

At the June 16, 2010 City Council Meeting the contract for CSG Consulting was on the agenda for renewal. Council discussed the proposed contract and directed the City Manager to solicit input from other neighboring jurisdictions to see if they were interested in providing the Town with Code Enforcement Services.

Ultimately, Council decided to go out with a Request for Proposal for Code Enforcement Services. Responses to the RFP were received on November 1, 2010 and a recommendation will be made for award of a contract by the Interim City Manager at the December 15 Council meeting.

At the June 16th meeting Council was informed that the current code enforcement services contract with the Town was due to expire on June 30, 2010.

Council agreed that code enforcement services should be maintained on a month-to-month basis under the present contract until further studies are conducted. Staff created an informal agreement for an amount not to exceed the City Manager's spending authority of \$15,000. The amount has exceeded the City Manager's procurement authority and an agreement approved by Council is necessary at this time to continue with code enforcement services.

FISCAL IMPACT:

The hourly rate remains at \$103/hour. Sufficient funds to provide these services are included in the 2010-11 budget.

Attachment: 1- Professional Service Agreement

CONSULTANT SERVICES AGREEMENT

THIS AGREEMENT is entered into as of the ____ day of _____, ____ by and between the TOWN OF ATHERTON ("Town") and CSG Consultants, Inc. ("Consultant").

RECITALS

WHEREAS, Town desires to obtain code enforcement services for the Town of Atherton;

WHEREAS, Consultant hereby warrants to Town that Consultant is skilled and able to provide such services described in this Agreement; and

WHEREAS, Town desires to retain Consultant in accordance with the terms of this Agreement to provide the services described herein.

AGREEMENT

NOW, THEREFORE, in consideration of their mutual covenants, the parties hereto agree as follows:

1. Incorporation of Recitals. The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this Agreement as if set forth herein in full.

2. Project Coordination.

A. Town. The City Manager or his/her designee shall represent Town for all purposes under this Agreement. The City Manager or designee is hereby designated as the Project Manager. The Project Manager shall supervise the progress and execution of this Agreement.

B. Consultant. Consultant shall assign Robert Cushing to have overall responsibility for the progress and execution of this Agreement.

3. Scope and Performance of Services

A. Scope of Services. Subject to such policy direction and approvals as Town through its staff may determine from time to time, Consultant shall perform the services outlined in the "Scope of Work" attached as Exhibit A ("Services"). Town shall have the right to amend the Scope of Work by written notification to Consultant. In such event, the compensation and time of performance shall be subject to renegotiation upon written demand of either party. Consultant shall not commence any work exceeding the Scope of Work without prior written authorization from Town. Failure of Consultant to secure Town's written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the contract price or time of performance, whether by way of restitution, quantum meruit, or any other form of monetary or nonmonetary compensation.

B. Time of Performance. The Services are to commence no sooner than October 1, 2010 and must be completed not later than January 15, 2011. Consultant shall perform the Services in accordance with the "Schedule of Performance" attached as Exhibit A. Any changes to the dates in either this Section or Exhibit A must be approved in writing by the Project Manager.

C. Standard of Quality. Town relies upon the professional ability of Consultant as a material inducement to entering into this Agreement. All work performed by Consultant under this Agreement shall be in accordance with all applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.

4. Compensation and Method of Payment.

A. Compensation. The compensation to be paid to Consultant, including payment for professional services and reimbursable expenses, shall be at the rate and schedule attached as Exhibit A, "Compensation." However, in no event shall the amount Town pays Consultant exceed twelve thousand Dollars (\$17,000.00) ("Cost Ceiling"). Payment by Town under this Agreement shall not be deemed a waiver of unsatisfactory work, even if such defects were known to Town at the time of payment.

B. Timing of Payment. Consultant shall submit itemized monthly statements for work performed. Town shall make payment, in full, within thirty (30) days after approval of the invoice by the Project Manager.

C. Changes in Compensation. Consultant shall not undertake any work that will incur costs in excess of the Cost Ceiling without prior written authorization by the Project Manager.

D. Taxes. Consultant shall pay all taxes, assessments and premiums under the federal Social Security Act, any applicable unemployment insurance contributions, Workers' Compensation insurance premiums, sales taxes, use taxes, personal property taxes, or other taxes or assessments now or hereafter in effect and payable by reason of or in connection with the Services to be performed by Consultant.

E. No Overtime or Premium Pay. Consultant shall receive no premium or enhanced pay for work normally understood as overtime, i.e., hours that exceed forty (40) hours per work week, or work performed during non-standard business hours, such as in the evenings, weekends, or on recognized holidays. Consultant shall not receive paid time off for days not worked, whether it be in the form of sick leave, administrative leave, or any other form of absence.

5. Term. This Agreement shall commence upon its execution and shall continue in full force and effect until completed, amended, or otherwise terminated as provided herein.

6. Inspection. Consultant shall furnish Town with every reasonable opportunity for Town to ascertain that the Services of Consultant are being performed in accordance with the requirements and intentions of this Agreement. All work done and all materials furnished, if

any, shall be subject to the Project Manager's inspection and approval. The inspection of such work shall not relieve Consultant of any of its obligations to fulfill the Agreement as prescribed.

7. Ownership of Documents. Title to all plans, specifications, maps, estimates, reports, manuscripts, drawings, descriptions and other final work products compiled by Consultant under the Agreement shall be vested in Town, and none shall be used in any manner whatsoever, by any person, firm, corporation, or agency without the expressed written consent of Town. Basic survey notes and sketches, charts, computations, and other data prepared or obtained under the Agreement shall be made available, upon request, to Town without restriction or limitations on their use. Consultant may retain copies of the above-described information but agrees not to disclose or discuss any information gathered, discussed or generated in any way through this Agreement without the written permission of Town, unless required to do so by law.

8. Employment of Other Consultants, Specialists or Experts. Consultant will not employ or otherwise incur an obligation to pay other consultants, specialists, or experts for services in connection with this Agreement without the prior written approval of Town. All consultants, specialists, or experts approved by Town are listed in Exhibit D.

9. Conflict of Interest.

A. Consultant covenants and represents that neither it, nor any officer or principal of its firm, has, or shall acquire any investment, income, business entity, interest in real property, or other interest, directly or indirectly, which would conflict in any manner with the interests of Town or hinder Consultant's performance of the Services. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of Town. Consultant agrees at all times to avoid conflicts of interest, or the appearance of any conflicts of interest in the performance of the Agreement.

B. Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

(1) will conduct research and arrive at conclusions with respect to its rendition of information, advice, recommendation, or counsel independent of the control and direction of Town or of any Town official; and

(2) possesses no authority with respect to any Town decision beyond the rendition of information, advice, recommendation, or counsel. (2 Cal. Code Regs. § 18700(a)(2).)

10. Liability of Members of Town. No member of Town, including without limitation any officer, employee, or agent, shall be personally liable to Consultant in the event of any default or breach of Town, or for any amount that may become due to Consultant or any successor in interest, or for any obligations directly or indirectly incurred under the terms of this Agreement.

11. Indemnity. To the fullest extent permitted by law, Consultant hereby agrees to defend (by counsel reasonably satisfactory to the Town), indemnify, and hold harmless Town, its

officers, agents, employees, volunteers, and servants, from and against any and all claims, demands, damages, costs, liabilities, or obligations brought on account of or arising out of any acts, errors, or omissions of Consultant, its officers, employees, agents, and subcontractors undertaken pursuant to this Agreement, excepting liabilities due to the sole negligence or willful misconduct of Town. Town has no liability or responsibility for any accident, loss, or damage to any work performed under this Agreement whether prior to its completion and acceptance or otherwise. Consultant's duty to indemnify and hold harmless, as set forth herein, shall include the duty to defend as set forth in California Civil Code Section 2778. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable by or for Consultant under Workers' Compensation, disability, or other employee benefit acts or the terms, applicability or limitations of any insurance held or provided by Consultant and shall continue to bind the parties after termination/completion of this Agreement.

12. Independent Contractor; Not an Agent of Town. It is expressly agreed that Consultant, in the performance of the Services agreed to be performed hereunder, shall act as and be an independent contractor and not an agent or employee of Town. As an independent contractor, Consultant shall obtain no rights to retirement benefits or other benefits that accrue to Town employees, and Consultant hereby expressly waives any claim it may have to any such rights. Further, Consultant, its officers, employees and agents shall not have any power to bind or commit Town to any decision.

13. Compliance with Laws.

A. General. Consultant shall use the standard of care in its profession to comply with all applicable federal, state, and local laws, codes, ordinances, and regulations. Consultant represents and warrants to Town that it has and shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, insurance and approvals which are legally required for Consultant to practice its profession. Consultant shall maintain a Town business license.

B. Workers' Compensation. Consultant certifies that it is aware of the provisions of the California Labor Code that require every employee to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and Consultant certifies that it will comply with such provisions before commencing performance of the Agreement and at all times in the performance of the Agreement.

C. Prevailing Wage. Consultant and Consultant's subconsultants (if any) shall, to the extent required by the California Labor Code, pay not less than the latest prevailing wage rates to workers and professionals as determined by the Director of Industrial Relations of the State of California pursuant to California Labor Code, Part 7, Chapter 1, Article 2. Copies of the applicable wage determination are on file at Town's Public Works Department.

D. Injury and Illness Prevention Program. Consultant certifies that it is aware of and has complied with the provisions of California Labor Code § 6401.7, which requires every employer to adopt a written injury and illness prevention program.

E. Town Not Responsible. Town is not responsible or liable for Consultant's failure to comply with any and all of its requirements under this Section.

F. Waiver of Subrogation. Consultant and Consultant's insurance company agree to waive all rights of subrogation against Town, its elected or appointed officials, officers, agents, employees, and volunteers for losses paid under Consultant's Workers' Compensation insurance policy that arise from the work performed by Consultant for Town.

14. Confidential Information. All data, documents, discussions or other information developed or received by or for Consultant in performance of this Agreement are confidential and not to be disclosed to any person except as authorized by Town or as required by law.

15. Assignment; Subcontractors; Employees.

A. Assignment. Consultant shall not assign, delegate, transfer, or convey its duties, responsibilities, or interests in this Agreement or any right, title, obligation, or interest in or to the same or any part thereof without Town's prior written consent. Any assignment without such approval shall be void and, at Town's option, shall immediately cause this Agreement to terminate.

B. Subcontractors; Employees. Consultant shall be responsible for employing or engaging all persons necessary to perform the Services. No subcontractor of Consultant shall be recognized by Town as such; rather, all subcontractors are deemed to be employees of Consultant, and Consultant agrees to be responsible for their performance. Consultant shall give its personal attention to the fulfillment of the provisions of this Agreement by all of its employees and subcontractors, if any, and shall keep the work under its control. If any employee or subcontractor of Consultant fails or refuses to carry out the provisions of this Agreement or appears to be incompetent or to act in a disorderly or improper manner, it shall be discharged immediately from the work under this Agreement on demand of the Project Manager.

16. Insurance.

A. Minimum Scope of Insurance.

(1) Consultant agrees to have and maintain, for the duration of this Agreement, a General Liability insurance policy insuring it and its firm to an amount not less than \$2,000,000 (Two Million Dollars) combined single limit per occurrence and in the aggregate for bodily injury, personal injury, and property damage.

(2) Consultant agrees to have and maintain, for the duration of this Agreement, an Automobile Liability insurance policy insuring it and its staff to an amount not less than \$1,000,000 (One Million Dollars) combined single limit per accident for bodily injury and property damage.

(3) Consultant shall maintain professional errors and omissions liability insurance for protection against claims alleging negligent acts, errors, or omissions which may arise from Consultant's operations under this Agreement, whether such operations be by Consultant or by its employees, subcontractors, or subconsultants. The amount of this

insurance shall not be less than \$1,000,000 (One Million Dollars) on a claims-made annual aggregate basis.

(4) A Workers' Compensation and Employers' Liability policy written in accordance with the laws of the State of California and providing coverage for any and all employees of Consultant:

(a) This policy shall provide coverage for Workers' Compensation (Coverage A).

(b) This policy shall provide required coverage for Employers' Liability (Coverage B).

(5) All of the following endorsements are required to be made a part of each of the required policies, except for the Professional Liability and Workers' Compensation and Employers' Liability policies, as stipulated below:

(a) "The Town of Atherton, its officials, officers, agents, employees, and volunteers are hereby added as additional insureds, but only as respect to work done by, for, or on behalf of the named insured."

(b) "This policy shall be considered primary insurance as respect to any other valid and collectible insurance Town may possess, including any self-insured retention Town may have, and any other insurance Town possesses shall be considered excess insurance only and shall not contribute to it."

(c) "This insurance shall act for each insured and additional insured as though a separate policy had been written for each. This, however, will not act to increase the limit of liability of the insuring company."

(6) Consultant shall provide to Town all certificates of insurance with original endorsements effecting coverage required by this section. Certificates of such insurance shall be filed with Town on or before commencement of performance of this Agreement. Town reserves the right to require complete, certified copies of all required insurance policies at any time.

(7) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to Town, its officials, officers, agents, employees, and volunteers.

(8) Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

B. All Coverages. Each insurance policy required shall provide that coverage shall not be canceled, except after 30-days' prior written notice by certified mail, return receipt requested, has been given to Town. Current certification of such insurance shall be kept on file with the City Manager at all times during the term of this Agreement.

C. Acceptability of Insurers. Insurance is to be placed with insurers with a Best's rating of no less than A:VII.

D. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by Town. At Town's option, Consultant shall demonstrate financial capability for payment of such deductibles or self-insured retentions.

E. Verification of Coverage. Consultant shall furnish Town with original Certificate(s) of Insurance verifying Consultant's receipt of the insurance coverage required herein.

17. Termination of Agreement; Default.

A. This Agreement and all obligations hereunder may be terminated at any time, with or without cause, by Town upon 5-days' written notice to Consultant.

B. If Consultant fails to perform any of its obligations under this Agreement within the time and in the manner provided or otherwise violates any of the terms of this Agreement, in addition to all other remedies provided by law, Town may terminate this Agreement immediately upon written notice. In such event, Consultant shall be entitled to receive as full payment for all Services satisfactorily rendered and expenses incurred hereunder, an amount which bears the same ratio to the total fees specified in the Agreement as the Services satisfactorily rendered by Consultant bear to the total Services otherwise required to be performed for such total fee; provided, however, that Town shall deduct from such amount the amount of damages, if any, sustained by Town by virtue of the breach of the Agreement by Consultant.

C. In the event this Agreement is terminated by Town without cause, Consultant shall be entitled to any compensation owing to it hereunder up to the time of such termination, it being understood that any payments are full compensation for services rendered before the time of payment.

D. Upon termination of this Agreement with or without cause, Consultant shall immediately turn over to the City Manager any and all copies of studies, sketches, drawings, computations, and other data, whether or not completed, prepared by Consultant or its subcontractors, or given to Consultant or its subcontractors, in connection with this Agreement. Such materials shall become the permanent property of Town. Consultant, however, shall not be liable for Town's use of incomplete materials or for Town's use of complete documents if used for services other than those contemplated by this Agreement.

18. Suspension. Town shall have the authority to suspend this Agreement and the Services, wholly or in part, for such period as it deems necessary due to unfavorable conditions or to the failure on the part of Consultant to perform any provision of this Agreement. Consultant will be paid for satisfactory Services performed through the date of temporary suspension.

19. Merger; Amendment. This Agreement constitutes the complete and exclusive statement of the agreement between Town and Consultant and shall supersede all prior

of three (3) years, or for any longer period required by law, from the date of termination or completion of this Agreement.

B. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Attorney, City Auditor, City Manager, or a designated representative of any of these officers. Copies of such documents shall be provided to Town for inspection when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Agreement.

C. Town may, by written request by any of the above-named officers, require that custody of the records be given to Town and that the records and documents be maintained in the City Manager's office.

24. Agreement Binding. The terms, covenants, and conditions of this Agreement shall apply to, and shall bind, the heirs, successors, executors, administrators, assigns, and subcontractors of both parties.

25. Equal Employment Opportunity. Consultant is an equal opportunity employer and agrees to comply with all applicable state and federal regulations governing equal employment opportunity. Consultant will not discriminate against any employee or applicant for employment because of race, age, sex, creed, color, sexual orientation, marital status or national origin. Consultant will take affirmative action to ensure that applicants are treated during such employment without regard to race, age, sex, creed, color, sexual orientation, marital status, or national origin. Such action shall include, but shall not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; lay-offs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant further agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

26. Town Not Obligated to Third Parties. Town shall not be obligated or liable for payment hereunder to any party other than the Consultant.

27. Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that either party may have hereunder.

28. Severability. If any one or more of the provisions contained herein shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions hereof, and such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had not been contained herein.

29. Exhibits. The following exhibits are attached to this Agreement and incorporated herein by this reference:

A. Exhibit A: Scope of Work, Schedule and Compensation

30. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

31. News Releases/Interviews. All Consultant and subconsultant news releases, media interviews, testimony at hearings and public comment shall be prohibited unless expressly authorized by Town.

32. Applicable Law; Venue. This Agreement shall be construed and interpreted according to California law. In the event that suit is brought by either party, the parties agree that trial of such action shall be held exclusively in a state court in the County of San Mateo, California.

33. Authority. Each individual executing this Agreement on behalf of one of the parties represents that he or she is duly authorized to sign and deliver the Agreement on behalf of such party and that this Agreement is binding on such party in accordance with its terms.

IN WITNESS WHEREOF, Town and Consultant have executed this Agreement as of the date first above written.

TOWN OF ATHERTON

CONSULTANT

By: _____
City Manager

By: _____
Title: _____

Date:

Date:

APPROVED AS TO FORM:

By: _____
Title: _____

By: _____
City Attorney

Date:

ATTEST:

By: _____
City Clerk

EXHIBIT A

Scope of Work, Schedule of Work and Compensation

Scope of Work

Code enforcement services will include assessment, field investigation, follow-up, correspondence, logging and tracking of complaints and cases, public information and related duties as assigned by the City Manager or designee. CSG will schedule and conduct subsequent inspections until violations are in compliance with Town requirements.

Schedule of Work

Commence beginning as soon as the Town exceeded the City Managers spending authority and not to extend past January 15, 2011

Compensation

\$103/hr x 8 hours per week, not to exceed \$4,250 per month

TOWN OF ATHERTON

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

FROM: KATHY HUGHES ANDERSON, TOWN ARBORIST

DATE: FOR THE MEETING OF NOVEMBER 17, 2010

**SUBJECT: SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF
THE TOWN OF ATHERTON REPEALING AND REPLACING
CHAPTER 15.48 OF THE ATHERTON MUNICIPAL CODE
ESTABLISHING WATER-EFFICIENT LANDSCAPING STANDARDS**

RECOMMENDATION:

Second Reading of an Ordinance repealing and replacing Chapter 15.48, Establishing Water Efficient Landscaping Guidelines, to the Atherton Municipal Code. Staff is recommending rescinding Chapter 15.48, Establishing Water Efficient Guidelines, of the Atherton Municipal Code, in its entirety, and replacing it with a new Chapter 15.48, Water Efficient Landscaping Ordinance. **Roll Call vote is needed.**

BACKGROUND:

At the City Council's January 20, 2010 meeting, staff asked the Council for direction regarding the state mandated Water Conservation in Landscaping Act, AB 1881. The City Council asked staff to refer the item to the General Plan Committee for their review and recommendations. The State's model ordinance, Model Water Efficient Landscape Ordinance (MWELo), became effective for all cities and counties in California as of January 1, 2010. In the meantime, legal counsel has advised staff that we are obligated to enforce the State's ordinance. The Town has sent a letter to the Department of Water Resources (DWR), informing them that we are in the process of developing an ordinance. The General Plan Committee reviewed the item at their February 3, 2010 meeting and provided staff with direction to bring a draft ordinance back to the General Plan Committee. The General Plan Committee reviewed the draft ordinance at their May 5, 2010 meeting and directed staff to send it back to the City Council with a recommendation to approve the proposed ordinance.

ANALYSIS

The Bay Area Water Supply and Conservation Agency (BAWSCA) developed a model ordinance that they are asking local jurisdictions to adopt instead of adopting the State ordinance. BAWSCA's ordinance is as effective as the state's. The Town can adopt the State's ordinance, adopt the BAWSCA ordinance, or create their own ordinance. We could also modify the BAWSCA Ordinance to meet our particular needs, as long as it is as effective and stringent as the State's Ordinance. In 1994, the Town adopted Ordinance #480, Chapter 15.48, Water Efficient Landscaping Guidelines. Staff is recommending rescinding the existing Chapter 15.48 and replacing in its entirety with a version modeled after the BAWSCA ordinance, with some elements of the State model ordinance, and some language customized for Atherton. The proposed water efficient landscaping ordinance is as effective and stringent as the State's Model Ordinance, but simpler and easier to implement. Facilitating the BAWSCA checklist format will make the process more straightforward for the applicant and make it easier for Town staff to review a project for compliance. Staff will need to revise the checklist to meet the requirements of Atherton's adopted ordinance.

The BAWSCA Outdoor Ordinance differs from the State's 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 much more than 5,000 square feet of irrigated landscaped area. Staff is recommending establishing just one size threshold of 5,000 square feet that is consistent with the State's model ordinance. This would simplify and take less time for staff to explain the various tiers and thresholds. The City Council could consider the tiered approach if that is their desire.

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. Staff is recommending that all projects subject to the Landscape Water Conservation Ordinance may be designed and certified by a licensed landscape architect, a licensed landscape contractor, or that of a certified landscape irrigation auditor. Since the Town does not have staff with the technical skills to review irrigation plans based on a calculated water allowance, most projects would be self certified with the authorized professional signing off on the design and inspection after the systems are installed. If the applicant wishes to exceed the allowable turf limit based on a "water budget," the Town may need to have those plans reviewed by an outside consultant. A fee will need to be established for landscape documentation processing. The City of Menlo Park has established a fee of \$250 for sending more complicated landscape plans out for a more detailed review. The Town may also wish to establish a fee for

staff processing of the applications. Staff recommends that we revisit the Water Efficient Landscaping Ordinance after a six month period to assess the amount of time required for processing the applications.

Some communities have established square footage limits on turf. Portola Valley has approved a 1,000 square footage limit on turf. Portola Valley has also imposed a 1,000 square footage limit on ornamental plantings including vegetable and flower beds. Staff feels those limits would be too restrictive for most Atherton landscapes. In talking with landscape architects, I have heard that they are opposed to limits on turf. The proposed ordinance gives them an option of exceeding the 25% turf limit by calculating a water budget. If an applicant wants to exceed the 25% turf limit, they will need to show that they are not exceeding their maximum water allowance by realizing water savings by other means in the irrigated landscape.

Staff is also proposing an additional requirement that any new or rehabilitated landscapes greater than 2,500 square feet requiring planning or building review, be required to install weather based irrigation controllers that utilize either evapotranspiration or soil moisture sensor data for irrigation scheduling and sensors that suspend or alter operation during unfavorable weather conditions. Automatic irrigation controllers that utilize either evapotranspiration or soil moisture sensor data for irrigation scheduling have become more standard and can significantly save water from being wasted. This requirement for landscapes greater than 2,500 square feet is intended to capture smaller projects without the need for water calculations and the documentation required for the larger projects. The General Plan Committee was in favor of adding this requirement.

The BAWSCA Ordinance requires separate irrigation meters for all regulated projects with landscaping that exceeds 5,000 square feet. The State's Model Ordinance only requires separate meters for non-residential projects with landscaped areas greater than 5,000 square feet and highly recommends separate meters for residential landscapes greater than 5,000 square feet. I have talked to Cal Water about the separate meter requirement and they are supportive of the requirement for new development, but want cities to understand the ramifications for requiring them for rehabilitated landscape projects. New meters require encroachment permits and digging up the street. With the limited number of properties that would require a separate meter, the data from a limited number of dedicated meters would be less useful and not a huge benefit to them. For Bear Gulch customers, the monthly fee for a 1" service meter is \$24.20, plus water usage. A separate landscape meter would have an additional \$24.20 monthly fee. Staff is recommending that the Ordinance should read "separate meters for landscaped areas greater than 5,000 square feet is highly recommended." The City Council could consider making separate meters mandatory for landscapes greater than 5,000 square feet or for projects that entail whole lot development. Being able to see how much money is spent on a water bill for landscaping only might serve as an incentive for residents to conserve.

Cal Water was involved in the process of the BAWSCA ordinance and had input on technical issues as well as the unique situation of cities adopting ordinances in areas they serve as a private water purveyor. They are supportive of the BAWSCA ordinance and are working with the cities for compliance of the ordinance. Cal Water has to comply with AB7 which requires that they reduce their water supply by 10% by 2015 and 20% by 2020. By 2020 they need to get to 187 gallons per capita per day. They are currently operating at 238 gallons per capita per day. They

will be implementing their own programs to meet these reduction requirements. They will be launching a weather based irrigation controller give-away or exchange program this fall. A broader program with incentives and rebates will be launched next year.

CONCLUSIONS:

The trend among Bay Area jurisdictions is for adoption of the BAWSCA model ordinance. By adopting a modified version of the BAWSCA ordinance, Atherton's ordinance will be consistent with other local jurisdictions, making it easier for the architects and contractors to decipher. Attachment #3 shows where other jurisdictions are in the process of adopting either the State's or the BAWSCA ordinance. The proposed Atherton ordinance can be shown to be as effective and stringent as the State's for the following reasons:

- The threshold for regulated projects is 5,000 square feet of irrigated landscape area when planning and/or building review is required. The State's threshold is 5,000 square feet for a residential property owner installed landscape.
- The proposed ordinance limits the allowable turf to 25% of the irrigated area, unless the applicant chooses to develop a water budget.
- The proposed ordinance requires that at least 80% of the plants in non-turf landscape areas shall be native plants or low water use plants, unless the applicant chooses to develop a water budget.
- The proposed ordinance includes water budget parameters and values that are consistent with the State's Model Ordinance. By using the same parameters as the State's Ordinance (e.g. plant factors, irrigation efficiency, etc.), the proposed ordinance will be at least as effective as the State's in terms of developing landscape water budgets and achieving water savings.
- The proposed ordinance includes the same values as the State's ordinance for, among other things, establishing slope restrictions and width restrictions for turf, limiting irrigation times, and establishing minimum mulch requirements.
- The proposed ordinance has been simplified relative to the State Model Ordinance and will be easier for applicants to comply with and easier for the Town to implement and enforce.

Adoption of the proposed ordinance will allow the Town to comply with new State law and regulations and help ensure the availability of adequate water supplies in the near and long term. The Town will be a leadership role in water conservation and will continue to work with other entities both regionally and locally with Cal Water to implement water conservation programs.

FISCAL IMPACT:

Additional staff time will be required to conduct outreach, providing information to applicants, reviewing a checklist and sending more complicated landscape plans out for a more detailed review. The City Council will need to establish a fee for landscape documentation processing to be paid by the applicant. Additional fees will need to be established based on the cost of hiring a consultant to review more complex plans. The economic impact for the applicant will be the permit fees charged by the Town, added costs for the development of the Landscape Project

Application, the participation from consultants (if required), and potentially from the installation of the landscaping and irrigation systems.

ENVIRONMENTAL IMPACT:

The adoption of water-efficient landscaping standards is exempt from the California Environmental Quality Act per CEQA Guidelines section 15308 as an action taken by a regulatory agency as authorized by state law to assure the maintenance, restoration, or enhancement of a natural resource.

Prepared by:

Approved by:

Kathy Hughes Anderson
Town Arborist

Nadine P. Levin
Interim City Manager

Attachments:

1. Ordinance 589 - State's Model Water Efficient Landscape Ordinance

ORDINANCE 589

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REPEALING AND REPLACING CHAPTER 15.48 OF THE AATHERTON MUNICIPAL CODE ESTABLISHING WATER-EFFICIENT LANDSCAPING STANDARDS

SECTION 1: The City Council of the Town of Atherton does find and determine as follows:

A. The California 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 AB1881 (Chapter 559, Stats. 2006)

B. AB 1881 requires cities and counties, no later than January 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 automatically adopted by statute.

C. The Town of Atherton 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 Atherton’s jurisdiction in order to ensure that this Ordinance will be “at least as effective as” the Model Ordinance in conserving water.

D. The adoption of water-efficient landscaping standards is exempt from the California Environmental Quality Act per CEQA Guidelines section 15308 as an action taken by a regulatory agency as authorized by state law to assure the maintenance, restoration, or enhancement of a natural resource.

SECTION 2: The City Council of the Town of Atherton does ordain as follows:

Chapter 15.48 of the Atherton Municipal Code is hereby repealed and replaced to read in its entirety as set forth in Exhibit A attached to this ordinance and made a part of it.

SECTION 3: 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 parts of this Ordinance.

SECTION 4: This Ordinance shall take effect and be in force 30 days after its passage and adoption.

SECTION 5: The City Clerk shall certify to the passage and adoption of this Ordinance and cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 17th day of November, 2010.

Kathy McKeithen, Mayor

ATTEST:

Theresa DellaSanta, City Clerk

APPROVED AS TO FORM:

Wynne Furth
City Attorney

Exhibit A

Chapter 15.48

Water Efficient Landscaping

EXHIBIT "A"

**CHAPTER 15.48
WATER EFFICIENT LANDSCAPING.**

Sections:

- 15.48.010 Applicability**
- 15.48.020 Definitions**
- 15.48.030 Water Efficiency in Landscaping Requirements**
- 15.48.040 Compliance with Ordinance**
- 15.48.050 Landscape Project Application**
- 15.48.060 Outdoor Water Use Efficiency Checklist**
- 15.48.070 Water Budget Calculations**
- 15.48.080 Landscape and Irrigation Design Plans**
- 15.48.090 Landscape Audit Report**
- 15.48.100 Landscape and Irrigation Maintenance Schedule**
- 15.48.110 Stormwater Management**
- 15.48.120 Provisions for Existing Landscapes Over One Acre in Size**
- 15.48.130 Penalties**
- 15.48.140 Education**
- 15.48.150 Severability**

15.48.010 Applicability

- A. The provisions of this Chapter shall apply to all newly constructed and rehabilitated landscapes with irrigated landscape areas equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review or requiring new or expanded water service.
- B. The provisions of this Chapter shall not apply to:
 - 1. New construction or rehabilitated landscapes with irrigated landscape areas less than 5,000 square feet or that do not require a building or landscape permit, plan check or design review, or new or expanded water service;
 - 2. Landscapes, or portions of landscapes, that are only irrigated for an establishment period;
 - 3. 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;
 - 4. Community gardens or plant collections, as part of botanical gardens and arboretums that are open to the general public.

15.48.020 Definitions

- A. "Applied water" means the portion of water supplied by the irrigation system to the landscape.

DRAFT Exhibit "A" – Water Efficient Landscaping
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- 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" means the number (0.62) 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.
- L. "Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in Section 15.48.070 "Water Budget Calculations."
- M. "ET adjustment factor" (ETAF) means a factor 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.

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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. 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 Chapter 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

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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 Chapter.
- AA. "Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- BB. "Local water purveyor" means any entity, including a public agency, city, county, district or private water company that provides retail water service.
- CC. "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.
- DD. "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* (defined below), having a regionally adjusted *plant factor* of 0.0 through 0.3, shall be considered low water use plants.
- EE. "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."
- FF. "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.
- GG. "Native plant" means a plant indigenous to a specific area of consideration. For the purposes of this Chapter, 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.
- HH. "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.
- II. "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.

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- JJ. “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.
- KK. “Operating pressure” means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- LL. “Overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).
- MM. “Overspray” means the irrigation water which is delivered beyond the target area.
- NN. “Permit” means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
- OO. “Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.
- PP. “Plant factor” or “plant water use factor” is a factor, when multiplied by ETo (defined below), estimates the amount of water needed by plants.
- QQ. “Precipitation rate” means the rate of application of water measured in inches per hour.
- RR. “Project applicant” means the individual or entity submitting a Landscape Project Application required under Section 15.48.050, 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.
- SS. “Rain sensor” or “rain sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.
- TT. “Recreational area” means areas open to the general public dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.
- UU. “Reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters which affect the water use of plants.
- VV. “Rehabilitated landscape” means any re-landscaping project that requires a permit, plan check, design review, or requires a new or expanded water service application.
- WW. “Runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.
- XX. “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.

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- YY. "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 open to the public dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
- ZZ. "Sprinkler head" means a device which delivers water through a nozzle.
- AAA. "Station" means an area served by one valve or by a set of valves that operate simultaneously.
- BBB. "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.
- CCC. "Valve" means a device used to control the flow of water in the irrigation system.
- DDD. "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).
- EEE. "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.

15.48.030 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 15.48.050) and (2) comply with the Landscape and Irrigation Maintenance Schedule (Section 15.48.100) requirements of this Chapter.
- B. All owners of existing landscapes over one acre in size, even if installed before enactment of this Chapter, shall: (1) comply with Atherton's 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.

15.48.040 Compliance with Ordinance

- A. The Town shall:
 - 1. 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;
 - 2. Review the Landscape Project Application submitted by the project applicant;
 - 3. Approve or deny the project applicant's Landscape Project Application submittal;

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4. 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;
- B. The project applicant shall:
1. Prior to construction, submit all portions of the Landscape Project Application, except the Landscape Audit Report, to the Town's Building/Planning Department; and
 2. After construction, submit the Landscape Audit Report portion of the Landscape Project Application to the Building/Planning Department.

15.48.050 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 Chapter. In completing the Landscape Project Application, project applicants may choose one of two options to demonstrate that the landscape meets the Chapter's water efficiency goals. Regardless of which option is selected, the applicant must complete and comply with all other elements of the Chapter. The options include:
1. Planting restrictions:
 - a. The turf area may not be more than 25% of the landscaped area; 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
 2. Water Budget Calculation option (Section 15.48.070).
- B. The Landscape Project Application shall include the following elements:
1. Project Information;
 2. Outdoor Water Use Efficiency Checklist;
 3. 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;
 4. Landscape and Irrigation System Design Plans; and
 5. Landscape Audit Report.

15.48.060 Outdoor Water Use Efficiency Checklist

The Town of Atherton has developed an Outdoor Water Use Efficiency Checklist (Checklist), based on the criteria described below. Either the project applicant or a certified or authorized professional shall complete the Checklist and submit it to the

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Atherton Building/Planning Department along with the Landscape and Irrigation Design Plan.

A. Plant Material

1. 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.
2. The turf area shall not be more than 25% of the landscape area unless the project applicant develops a site-specific water budget and the ETWU of the landscape area does not exceed the MAWA.
3. 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.
4. 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.
5. Fire-prone plant materials and highly flammable mulches should be avoided.
6. The use of invasive and/or noxious plant species is strongly discouraged.
7. 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.

1. Landscapes are required to have automatic irrigation controllers that utilize either evapotranspiration or soil moisture sensor data for irrigation scheduling.
2. 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.

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3. Rehabilitated landscapes greater than 2,500 square feet shall have automatic irrigation controllers that utilize either evapotranspiration or soil moisture sensor data for irrigation scheduling and sensors, either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions.
4. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions.
5. Low volume irrigation shall be 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.
6. Average irrigation efficiency is assumed to be 70% for the purpose of calculating Estimated Total Water Use in Water Budget calculations. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 70%.
7. Irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m., unless unfavorable weather prevents it or otherwise renders irrigation unnecessary.
8. Although not required, it is highly recommended to install dedicated landscape water meters for residential landscape areas greater than 5,000 square feet.

D. Hydrozone

1. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
2. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
3. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.
4. 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

1. Recirculating water systems shall be used for water features.
2. The surface area of a water feature shall not exceed 10% of the landscape area and will be counted as a high-water using plant for purposes of a water budget calculation.

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3. Although not required, 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.

15.48.070 Water Budget Calculations

Project applicant may elect to complete a water budget calculation for the landscape project. Water budget calculations 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. The wet surface areas of all non-covered water features shall be included in the high water use hydrozone. The covered wet surface areas of pools and spas equipped with covers shall be included in the medium 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:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

Where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ETo = Reference Evapotranspiration (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. The Town 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:

$$\text{MAWA} = (\text{ETo} - \text{Eppt}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

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- H. Estimated Total Water Use (ETWU) shall be calculated using the equation below. The sum of the ETWU calculated for all hydrozones shall not exceed the 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 0.70)

15.48.080 Landscape and Irrigation Design Plans

- A. The components of the Landscape and Irrigation Design Plan shall be prepared as follows:
1. 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
 2. 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.
- B. The landscape design portion of the Landscape and Irrigation Design Plan, at a minimum, shall:
1. Delineate and label each hydrozone;
 2. Identify each hydrozone as low, moderate, high water, or mixed water use;
 3. Identify Special Landscape Areas (i.e., recreational areas; areas permanently and solely dedicated to edible plants; areas irrigated with recycled water);
 4. Identify type of mulch and application depth;
 5. Identify type and surface area of water features and any covers;
 6. Identify hardscapes (pervious and non-pervious); and
 7. 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."

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- C. The irrigation design portion of the Landscape and Irrigation Design Plan, at a minimum, shall contain:
1. Location and size of water meters;
 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. Irrigation schedule;
 6. 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."

D. 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:

1. Maintain all irrigation and normal rainfall within property lines and avoid drainage on to non-permeable hardscapes;
2. Avoid disruption of natural drainage patterns and undisturbed soil;
3. Avoid soil compaction in landscape areas; and
4. Be consistent with city and county grading requirements.

15.48.090 Landscape Audit Report

- A. Landscape irrigation audits for new or rehabilitated landscapes installed after **[INSERT EFFECTIVE DATE OF ORDINANCE]** 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. 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.
- C. The Landscape Audit Report shall include the following statement: "The landscape and irrigation system has been installed as specified in the Landscape

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and Irrigation Design Plan and complies with the criteria of the Ordinance and the permit”.

- D. The Town 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.

15.48.100 Landscape and Irrigation Maintenance Schedule

- A. Landscapes shall be maintained to ensure water use efficiency.
- 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 obstructions to emission devices.
- C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
- D. Project applicants are encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

15.48.110 Provisions for Existing Landscapes Over One Acre in Size

This section shall apply to all existing landscapes that were installed before [\[INSERT EFFECTIVE DATE OF ORDINANCE\]](#) and are over one acre in size.

- A. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis
 - 1. For landscapes that have a water meter, the Town may 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:
$$\text{MAWA} = (0.8) (\text{ETo})(\text{LA})(0.62).$$
 - 2. For landscapes that do not have a meter, the Town may 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.
 - 3. All landscape irrigation audits for existing landscapes that are greater than one acre in size shall be conducted by an authorized professional.

- B. Water Waste Prevention.

No person shall allow water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage,

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overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures.

15.48.120 Penalties

A. Violation and Notice of Correction.

It is unlawful for any person, firm, partnership, association, or corporation subject to the requirements of this Chapter to fail to comply with the outdoor water use efficiency requirements of this Chapter. The Town of Atherton has the authority to conduct such inquiries, audits or surveys to ensure compliance with the requirements of this Chapter. Whenever the Building Official or designee determines that a violation of this Chapter has occurred, the Building Official may serve a notice of correction on the owner(s) of the property on which the violation is situated. The Building Official may allow the owner(s) of record up to 90 days to take corrective action.

15.48.130 Public Education

The Town shall provide information to all applicants regarding the design, installation, management, and maintenance of water-efficient landscapes and irrigation systems.

This Chapter shall become effective on _____, 2010. *[30 days after adoption]*

INTRODUCED at a regular meeting of the Atherton City Council held on _____, 2010.

PASSED AND ADOPTED at a regular meeting of the City Council of the Town of Atherton held on _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

Kathy McKeithen, MAYOR

ATTEST:

Theresa DellaSanta, DEPUTY CITY CLERK

ATTEST AS TO FORM:

Wynne Furth, CITY ATTORNEY

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Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
CITY MANAGER**

FROM: DENNIS LOCKARD, INTERIM BUILDING OFFICIAL

DATE: FOR THE MEETING OF NOVEMBER 17, 2010

**SUBJECT: INTRODUCTION OF AN ORDINANCE ADOPTING THE 2010
CALIFORNIA UNIFORM BUILDING STANDARDS CODE BY
REFERENCE AND RETAINING EXISTING MODIFICATIONS
REQUIRING THE INSTALLATION OF SPRINKLERS FOR FIRE
PROTECTION.**

RECOMMENDATION

Introduce an ordinance amending Title 15 of the Atherton Municipal Code to adopt by reference the 2010 California Building Standard Codes, and ratify the Uniform Fire as adopted by the Menlo Park Fire Protection District.

INTRODUCTION

The California Building Standards Commission has adopted the 2010 Uniform Building Standards Code to take effect on January 1, 2011. These codes, which are also known as Title 24 of the California Code of Regulations.

ANALYSIS

The local adoption of Building Codes, specified in California Code of Regulations Title 24, is mandated by the State of California. The Building Official is required to administer and enforce those building codes. The amending of certain portions of Title 15 of the Town of Atherton Municipal Code is necessary to maintain a consistency among the new building codes, procedures and terminology and the Town's existing regulations.

Local agencies may modify the uniform codes when they determine that local climatic, geological, or topographical conditions make this necessary. These modifications and findings were adopted by the Menlo Park Fire District, which provides fire protection to Atherton and neighboring communities. The specific factors that require more extensive installation of fire sprinklers we identified with findings by the Board of the Menlo Park Fire Protection District.

For the first time, the California Building Standards Code includes a separate Green Building Code. Also, a new chapter has been added to Title 15 of the Atherton Municipal Code titled “Administrative Code” which adopts and amends Chapter 1, Division II of the California Building Code. The other codes that make up the Building Standards Code include the Building, Fire, Electrical, Plumbing, Mechanical, Energy, Historical Building, Seismic Hazards, and Residential Codes. There are no changes to the Housing and Dangerous Buildings Codes.

When codes are adopted by reference, there are special notice and hearing procedures to be followed. Government Code Section 50022.2 provides that when a local agency is legally required to adopt a code by reference, those special procedures need not be followed. Health and Safety Code Section 17922 requires that local agencies adopt the Uniform Building Codes, with the exception of certain appendices. Because Staff is also recommending adopting an **administrative appendix by reference**, the ordinance should be adopted following the special procedures. After the ordinance is introduced, the City Clerk will give notice of the Council’s intention to hold a public hearing and adopt codes by reference at a future date. The public will also be notified that copies of the codes will be available at the City offices.

CONCLUSION

Staff recommends that the City Council introduce the proposed ordinance adopting the building codes for the Town of Atherton and authorize and direct the City Clerk to give the notice required by law of a public hearing at its regular meeting of December 15, 2010 at which time it will consider adoption of the ordinance.

FISCAL IMPACT

None

Prepared by:

Approved by:

/s/ Dennis Lockard

Dennis Lockard
Interim Building Official

Nadine P. Levin
Interim City Manager

Attachments

1. Ordinance.

ORDINANCE _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON ADDING CHAPTERS 15.02 AND 15.19 AND AMENDING
CHAPTERS 15.04, 15.08, 15.12, 15.16, 15.18, 15.20, 15.22 AND 15.44 IN
ORDER TO ADOPT BY REFERENCE THE 2010 CALIFORNIA BUILDING
STANDARDS CODE, INCLUDING THE RESIDENTIAL, FIRE (BY
RATIFICATION), ELECTRICAL, PLUMBING, MECHANICAL, ENERGY,
HISTORICAL BUILDING, GREEN AND EXISTING BUILDING CODES
AND CHAPTER 1 DIVISION II OF THE 2010 EDITION OF THE
CALIFORNIA BUILDING CODE AS THE ATHERTON
ADMINISTRATIVE CODE**

WHEREAS, the California Building Standards Code, also known as Title 24 of the California Code of Regulations, is updated by the California Building Standards Commission from time to time based upon published model codes specified in the California Health and Safety Code; and

WHEREAS, the 2010 modifications will take effect on January 1, 2011; and

WHEREAS, local jurisdictions responsible for enforcement of the California Buildings Standards Code must enact local administrative regulations in order to implement the California Building Standards Code; and

WHEREAS, the City Council wishes to ratify the adoption by Menlo Park Fire Protection District of the new Fire Code with local modification regarding the installation of automatic fire suppression systems and other fire safety enhancements as allowed by the Section 17958 of the California Health and Safety Code and Section ;

**NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF
ATHERTON DOES ORDAIN AS FOLLOWS:**

Section 1. Findings.

The City Council finds and determines that:

A. A duly noticed hearing before the City Council will be held on December 15, 2010. Copies of the codes to be adopted by reference are on file with the City Clerk and available for inspection.

B. The adoption of these codes is exempt from the California Environmental Quality Act under Section 15061(b)(3) of Title 14 of the California Code of Regulations because it will not have a significant effect on the environment.

C. This ordinance is adopted pursuant to Health and Safety Code Section 17958.5 and 17922.1 and Government Code Section 50022.2

Ordinance No.
Adopted December , 2010
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D. Greater than normal vulnerability to seismic events and to fire require the modification of the State Building Standards Code for the protection of the public health, safety and welfare due to local climatic, geologic or topographical conditions as follows:

1. Climate

The Town, on average, experiences an annual rainfall of 19.7 inches. This rainfall can be expected between October and April of each year. However, during the summer months there is little, if any measurable precipitation. During this dry period the temperatures are usually between 70 – 95 F degrees with light to gusty westerly winds. These drying winds, combined with the natural and imported vegetation which is dominant throughout the area, create a hazardous fuel condition that can cause extensive encroaching into these wooded and grass covered areas where wind-driven fires can have severe consequences. Because of variable weather patterns, normal rainfall cannot always be relied upon. This can result in water rationing and water allocation programs, as demonstrated in past drought patterns. Water shortages may also be expected in the future due to limited water storage capabilities and increased consumption.

2. Geology

The Town is situated on alluvial soils between San Francisco Bay and the San Andreas Fault zones. The location makes older structures particularly vulnerable to damage and caused by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the District sits between two active earthquake faults (San Andreas and the Hayward/Calaveras), and numerous potentially active faults. A majority of the Town's land surface is in the high-to-moderate seismic hazard zones. Bedrock lies beneath the area at depths generally 300 feet or more. The predominant soils patterns increase adverse effects on structures from major seismic events. A significant portion of the Town's residential and commercial structures are located in seismic risk zones. Fires following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

3. Topography.

The Town's topography does not lend itself to a systematic street and road layout which would promote easy traffic flow, especially during emergencies. The Town is divided by a major state highway (El Camino Real) and a rail road track. It includes hilly areas and heavily wooded areas with winding roads and numerous cul de sac streets. These conditions are likely to adversely affect response times of emergency personnel during periods of heavy traffic or conditions of major emergencies. The Town's location on the San Francisco Peninsula, where there is a strong north-south commute pattern between a number of cities and towns on limited transportation corridors, results in very congested roads during peak commute hours. This creates barriers that increase the response time of fire equipment and other emergency services.

4. Built in Automatic Fire Suppression Systems

The increased risk to persons and property from fire makes it necessary to require the installation of built-in automatic fire protection systems that provide early detection and initial control until the arrival of emergency resources. During large scale disasters, such as seismic events, these fire protection systems reduce the hazard of the spread of multiple fires to adjacent properties. Therefore the Council ratifies the local modifications to the Fire Code adopted by the Menlo Park Fire Protection District.

Section 2. Chapter 15.02 is added to the Atherton Municipal Code to read as follows:

Chapter 15.02

ADMINISTRATIVE CODE

Sections:

15.02.010 Adoption of the Administrative Code

15.02.020 References to Other Codes

Section 15.02.010 Adoption of the Administrative Code.

That certain document, one printed copy of which is on file with the building official of the town, being marked and designated as Chapter 1 of Division II of the 2010 Edition of the *California Building Code* as published by the International Code Council is adopted and incorporated by reference and made a part of this chapter as if fully set out in this chapter, subject to amendments, deletions and additions to it as provided in this chapter. A copy of the *2010 California Building Code* printed in code book form shall be kept on file in the office of the City Clerk.

Section 15.02.020 References to Other Codes

Section 101.1 of this code is amended as follows:

A. Section 101.4.1 is amended to read:

Section 101.4.1 Gas. The provisions of the ~~*International Fuel Gas*~~ *California Plumbing Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

B. Section 101.4.2 of this code is amended to read:

Section 104.2 Mechanical. The provisions of the ~~*International*~~ *California Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

C. Section 101.4.3 of this code is amended to read:

Section 101.4.3 Plumbing. The provisions of the ~~International~~ California *Plumbing Code* shall apply to the installation, *alteration*, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. ~~The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.~~

D. Section 101.4.5 is amended to read:

Section 101.4.5 Fire prevention. The provisions of the International California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

Section 3. Chapter 15.04 of the Atherton Municipal Code is hereby amended in its entirety to read as follows:

Chapter 15.04

BUILDING CODE

Sections:

- 15.04.010** **Adopted.**
- 15.04.020** **Permit and license requirements.**
- 15.04.025** **Permit Fees.**
- 15.04.030** **Fee Disposition.**
- 15.04.040** **Cash Deposits – Early Utility Hookups**
- 15.04.050** **Definitions – Substantial Alteration**
- 15.04.060** **Fire Protection Systems**

15.04.010 **Adoption of the California Building Code and the California Residential Code, 2010 Edition.**

That a certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the 2010 California Building Code, Volumes 1 and 2 (Title 24, Part 2) with Appendix Chapters F (Rodentproofing) & G (Flood Resistant Construction), and the 2010 California Residential Code (Title 24, Part 2.5) with Appendix Chapters G (Swimming Pools and Hot Tubs), H (Patio Covers) & J (Existing Buildings) as published by the International Code Council and adopted by the California Building Standards Commission as Title 24 California Code of Regulations, is adopted as the Building Code of the Town for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the Town; control of excavation and grading; providing for the issuance of permits and collection of fees; providing penalties for violation of such code; and each and all of the regulations, provisions, penalties of such 2010 California Building Code, and the 2010 California Residential Code and are referred to,

Ordinance No.
Adopted _____, 2010
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adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.04.020 Permit and license requirements.

No building permit shall be issued to any contractor unless that contractor holds a business license duly issued by the Town. The Town may refuse to grant a final inspection of a structure until such time as all subcontractors and contractors working on the structure have obtained all necessary permits and licenses from the Town.

15.04.025 Permit Fees

Permit fees are as established and amended by resolution of the City Council.

15.04.030 Strong Motion Instrumentation Fee.

There is a Strong Motion Instrumentation Fee collected by the Town on all permits for construction or alterations of residential and commercial buildings, (excluding plumbing, electrical or mechanical permits) and this fee is submitted to the State Department of Conservation.

15.04.040 Cash Deposit – Early Utility Hookup.

Every person who makes application for a temporary certificate of occupancy or makes application to receive gas and electrical service prior to the final inspection shall post a deposit or cash bond of five thousand dollars (\$5,000.00). The deposit or cash bond shall be returned after a satisfactory final inspection is made. Any costs related to work performed by Town staff to effect compliance with the intent of this section shall be deducted from this deposit.

15.04.050 Definitions – Substantial Alteration

Chapter 2, Section 202 is amended to include the definition:

Substantial alteration. The renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure, or when the building has to be vacated during the renovation of addition because the building or residence had become uninhabitable during said renovation or addition.

This includes but is not limited to:

- a. Removal of electricity to the building or structure.
- b. Removal of water supply and /or sanitation to the building or structure
- c. Removal of exterior walls and/or roof assembly

When any structural changes are made to the building, such as walls, columns, beams or girders, floor or ceiling joists and covering, roof rafters roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all room affected by the changes

shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

15.04.060 Fire Protection Systems

For requirements for installation of fire protection systems see Chapter 15.22

Section 4. Chapter 15.08 of the Atherton Municipal Code is hereby amended in its entirety to s added to read as follows:

Chapter 15.08

ELECTRICAL CODE

Sections:

15.08.010 Adopted.

15.08.020 Permit Fees.

15.08.010 Adoption of the California Electrical Code, 2010 Edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2010 California Electrical Code," California Code of Regulations, Title 24, Part 3, is adopted as the Electrical Code of the Town for the purpose of providing for the issuance of permits for the installation or alteration of electrical systems, and the collection of fees for the same, defining certain terms, establishing minimum regulations for the installation or alterations or additions or repairs of electrical systems and the inspection thereof, providing penalties for its violation; and each and all of the regulations , provisions, penalties, conditions and terms of such 2010 California Electrical Code, are referred to, adopted and made part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.08.020 Permit Fees

Permit fees are as established and amended by resolution of the City Council.

Section 5. Chapter 15.12 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.12 is added to read as follows:

Chapter 15.12

PLUMBING CODE

Sections:

15.12.010 Adoption of the California Plumbing Code, 2010 Edition.

15.12.020 Permit Fees.

15.12.010 Adopted.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2010 California Plumbing Code," including Appendix Chapters as published by the International Association of Plumbing and Mechanical officials, and adopted by the California Building Standards Commission as Title 24, California Code of Regulations, Part 5, is adopted as the Plumbing Code of the Town, requiring a permit for the installation or alteration of plumbing and drainage systems; defining certain terms; establishing minimum regulations for the installation or alteration or addition or repairs of plumbing and drainage systems and the inspection thereof, providing penalties for its violation; and each and all of the regulations, provisions, penalties, conditions and terms of the 2010 California Plumbing Code are referred to, adopted and made a part of this chapter, as if fully set out in this chapter, subject to the amendments, deletions, and additions thereto, as provided in this chapter.

15.12.020 Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 6. Chapter 15.16 of the Atherton Municipal Code is hereby amended in its entirety to read as follows:

Chapter 15.16

MECHANICAL CODE

Sections:

15.16.010 Adopted.

15.16.020 Permit Fees.

15.16.010 Adoption of the California Mechanical Code, 2010 edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2010 California Mechanical Code," including Appendix Chapters, as published by the International Association of Plumbing and Mechanical officials, and adopted by the California Building Standards Commission as Title 24, Part 4, California Code of Regulations, is adopted as the Mechanical Code of the Town in order to provide complete requirements for the installation and maintenance of heating, ventilating, cooling and refrigeration systems; and each and all of the regulations, provisions, and penalties of such 2010 California Mechanical Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

Ordinance No.
Adopted _____, 2010
Page 7 of 11

15.16.020 Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 7. Chapter 15.18 of the Atherton Municipal Code is hereby amended in its entirety to read as follows:

Chapter 15.18

ENERGY CODE

Sections:

15.18.010 Adopted.

15.18.020 Permit Fees.

15.18.010 Adoption of the California Energy Code, 2010 edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the “2010 California Energy Code”, including Appendix Chapter 1-A, as published by the California Building Standards Commission and identified as California Code of Regulations Title 24, Part 6, is adopted as the Energy Code for the Town regulating energy efficiency and conservation for all buildings and structures and each and all of the regulations, provisions, and penalties of such 2010 California Energy Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.18.020 Permit Fees.

Permit fees are established and amended by resolution of the City Council.

Section 8. Chapter 15.19 of the Atherton Municipal Code is hereby added to read as follows:

GREEN BUILDING CODE

Sections:

15.19.010 Adopted.

15.19.020 Permit Fees.

15.19.010 Adoption of the California Green Building Code, 2010 edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the “2010 California Green Building Standards Code or CalGreen”, as published by the California Building Standards Commission and identified as California Code of Regulations, Title 24, Part 11, is adopted as the Green Building Code for the Town regulating improving public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact for all buildings and structures and each and all of the regulations, provisions, and penalties of such 2010 California Green Building Standards Code, are referred to,

adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.19.020 Permit Fees.

Permit fees are established and amended by resolution of the City Council.

Section 9. Chapter 15.20 of the Atherton Municipal Code is hereby amended in its entirety to read as follows:

Chapter 15.20

HISTORICAL BUILDING CODE

Sections:

15.20.010 Adopted.

15.20.020 Permit Fees.

15.20.010 Adoption of the California Historical Building Code, 2010 edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the 2010 California Historical Buildings Code, as published by the International Code Council, and adopted by the California Building Standards Commission as California Code of Regulations Title 24, Part 8, regulating construction in an effort to preserve the character and nature of Historical Buildings within the Town.

15.20.20 Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 10. Chapter 15.22 is hereby added to read as follows:

Chapter 15.22

FIRE CODE

Sections:

15.22.010 Ratified

The Menlo Park Fire Protection District Ordinance Number 32-2010 entitled *District Fire Prevention Code*, which adopts the 2009 Edition of the International Fire Code (generally know as the California Fire Code, codified at 24 California Code of Regulations Part 9), with local amendments in response local conditions, is hereby ratified.

15.22.020 Permit Fees

Permit fees are as established and amended by resolution of the Menlo Park Fire Protection District.

Section 10. Chapter 15.44 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.44 is added to read as follows:

Chapter 15.44

EXISTING BUILDINGS CODE

15.44.010 Adopted.

15.44.020 Permit Fees.

15.44.010. Adoption of the California Existing Buildings Code, 2010 edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the “2010 California Existing Buildings Code” Appendix Chapter A1, as published by the International Code Council and adopted by the California Building Standards Commission, as California Code of Regulations Title 24, Part 10, is adopted as the code for the maintenance of existing buildings and structures throughout the Town that are constructed of Unreinforced Masonry and establishing a program for the same.

15.44.020. Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 11 Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.

Section 12. If any section, subsection, sentence, clause, phrase, or portion of this 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 13. This Ordinance shall be posted in at least three 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 November , 2010, and was adopted by said City Council at a regular meeting held on _____, 2010, by the following roll call vote:

AYES: Council Members:
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

MAYOR
Town of Atherton

ATTEST:

City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney



Town of Atherton

ITEM 22

DATE: CITY COUNCIL MEETING OF NOVEMBER 17, 2010

TO: CITY COUNCIL

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

SUBJECT: ORDINANCE ADDING CHAPTER 17.37 TO THE ATHERTON MUNICIPAL CODE TO CREATE THE PARKER AVENUE OVERLAY DISTRICT (P) AND ORDINANCE AMENDING THE ZONING MAP TO TITLE 17 OF THE ATHERTON MUNICIPAL CODE TO REZONE TWENTY-TWO LEGAL LOTS ON PARKER AVENUE FROM R1-A TO R1-A (P)

RECOMMENDATION

Introduce the Ordinance adding chapter 17.37 to the Atherton Municipal code to create the Parker Avenue overlay district and introduce the Ordinance amending the zoning map to Title 17 of the Atherton Municipal Code to rezone Parker Avenue from R1-A to R1-A (P) based on the following finding:

1. The proposed zoning amendment is consistent with the General Plan goals, policies and implementation programs.

Basis for finding: The General Plan designation for all residential land in Atherton is "single family, low density". Creation of the Parker Avenue overlay zone and rezoning the properties along Parker Avenue to incorporate the overlay zoning district provisions is consistent with the general plan land use designation. There will be no increase in density or reduction in minimum lot size.

INTRODUCTION

The City Council, at its September 20, 2010 meeting, adopted a Resolution of Intention to initiate a zoning code amendment to create a new overlay zone for application to the Parker Avenue neighborhood and to request that the Planning Commission consider the proposed amendment.

The Planning Commission, at its duly noticed special meeting of October 6, 2010 heard public testimony relating to the creation of an overlay zone and application of that overlay zone to the Parker Avenue properties. Based on the public comments received, the Planning Commission requested staff draft an overlay district for consideration at its next regular meeting. The Planning Commission, at its duly notice meeting of October 27, 2010 voted to recommend the City Council adopt the Ordinance creating the Parker Avenue overlay district and further recommended that the

City Council amend the Zoning Map to rezone Parker Avenue properties to R1-A (P).

ANALYSIS

The Town of Atherton is divided into several zoning districts. The majority of the Town is zoned R1-A, which is characterized as the larger lots in Town (typically an acre in area). A portion of Town (mostly surrounding the Town Hall) is zoned R1-B. These properties are typically less than an acre in area. The school sites and Town offices are zoned PFS (Public Facilities and Schools). Holbrook Palmer Park, the Menlo Circus Club and Bear Gulch Reservoir are all zoned POS (Public Open Space).

The Parker Avenue neighborhood consists of twenty-two legal lots and is currently zoned R1-A. Each lot along Parker Avenue is 60' wide by 130' deep and is 7,800 square feet in area. All of the lots are currently developed with single-family homes, ranging in size from 1,160 square feet to 2,628 square feet.

The Parker Avenue Overlay Zone amends the current main building height limit and the floor area requirements for the properties on Parker Avenue as follows;

Zoning Code provision	Current requirement	Parker Overlay Zone
Building Height limit	30' for main building and 22' for sidewalls	28' for main building and 18' for sidewalls
Floor Area	16.3% of lot size plus 726 square feet. 2,250 square feet minimum	16.5% of lot size plus 1,500 square feet = 2,787 square feet
Floor area (second floor)	7.5% of lot size = 585 square feet	Max of 1,132 square feet
Front and Rear Yard Setbacks	30% of lot depth = 39'-0"	No change

All other current R1-A zoning district provisions would continue to apply to Parker Avenue properties.

If the City Council were to approve the creation of the overlay zone and apply it to the Parker Avenue properties, property owners would have the opportunity to increase home sizes up to 2,787 square feet, with a second floor area limit of 1,132 square feet, while maintaining the current front and rear setbacks. The zone change would allow larger overall home size by 547 square feet. The total floor area for the property includes the main residence as well as any accessory structures. Any addition constructed under the Parker Avenue overlay zone regulations would also need to comply with the reduced height limit of 28' overall height and 18' sidewall height for the main building. By retaining the existing front and rear yard setbacks, the overlay district maintains protections of privacy and views from neighboring properties and maintains the existing street-front development pattern.

Although a higher floor area would be allowed under the Parker Avenue overlay zone, there would be no change to the density of the street. The current density is 5.5 housing units per acre.

The General Plan designation of “single family, low density” is the land use designation applied to all residential land in Atherton. This land use density is intended to minimize environmental damage to sensitive, scenic and open space areas. The conventional single family detached home is the standard structural type for these areas. No amendment to the General Plan is necessary, as the Parker Avenue overlay district is consistent with the general plan designation of “single family, low density”.

CONCLUSION:

Chapter 17.18 of the Atherton Municipal Code establishes the process for amendments to the zoning code. The City Council may by Resolution of intention direct the Planning Commission to consider a proposed amendment to the zoning code. The designated approval authority for amendments to the zoning code is the City Council with recommendations from the town planner and planning commission. Zoning amendments shall be granted only when the approval authority (City Council) makes the finding that the proposed zoning amendment (text or plan) is consistent with the general plan goals, policies and implementation programs.

As noted above, the creation of the Parker Avenue overlay district and applying that district to the properties on Parker Avenue will not change the density of development along the street, but will allow larger overall home sizes by 547 square feet.

The Planning Commission, with a 5-0 vote, recommended the City Council create the Parker Avenue overlay zone and have it apply to properties along Parker Avenue. A compromise position was submitted by several Parker Avenue property owners (attached) that requested limiting the overlay zone changes to an increase floor area and reduced main building height. The compromise position further requested the current front and rear yard setbacks be maintained. At the meeting, Commissioners expressed concern with any change in zoning for Parker Avenue, but were satisfied that the compromise approach as submitted would provide some development opportunity for property owners while maintaining the unique character of the street.

ALTERNATIVES:

- The City Council could introduce the Ordinances as recommended by the Planning Commission.
- The City Council could introduce the Ordinances with amendments previously considered by the Planning Commission.
- The City Council could request the Planning Commission further study the item.
- The City Council could take no action on the item..

FISCAL IMPACT:

As the City Council initiated the rezoning process, the cost of processing the request will be paid for out of the Town’s general fund.

ENVIRONMENTAL IMPACT

The proposal has been determined to be Categorically Exempt from the provisions of the California

Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304; the activity is minor alteration in land use limitations which does not result in any changes in land use or density and applies to an area with an average slope of less than 20%.

FORMAL MOTION:

I move introduction of the Ordinance to add chapter 17.37 to the Atherton Municipal Code creating the Parker Avenue Overlay zone and further introduce the Ordinance to amend the zoning map to title 17 of the Atherton Municipal code to rezone Parker Avenue to include the Parker Avenue overlay zone (R1-A-P).

Approved:

/S/ Lisa Costa Sanders

Lisa Costa Sanders, Deputy Town Planner

Nadine P. Levin
City Manager

Attachments

1. Ordinance adding chapter 17.37 to the Atherton Municipal Code creating the Parker Avenue Overlay Zone
2. Ordinance amending the Zoning Map to rezone Parker Avenue properties to R1-A-P
3. Planning Commission Resolution
4. Draft Planning Commission meeting minutes
5. Compromise position presented to the Planning Commission

ORDINANCE 587

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ADDING CHAPTER 17.37 TO THE ATHERTON MUNICIPAL CODE
CREATING THE PARKER AVENUE OVERLAY DISTRICT (P)**

WHEREAS, pursuant to Atherton Municipal Code Section 17.18.020(C), the City Council at its September 20, 2010 meeting, adopted Resolution 10-53, directing the Planning Commission to consider the creation and application of an overlay district for the Parker Avenue neighborhood, and

WHEREAS, creation of an overlay district Parker Avenue properties will allow an increase in floor area, while reduction in height and maintenance of the R1-A setback requirements will allow property owners to improve their properties while maintaining the unique character of the street, and

WHEREAS, the General Plan land use designation for all residential properties in Atherton is “single family residential, low density” and the creation of an overlay district and applying that overlay district to the Parker Avenue neighborhood is consistent with the General Plan, and

WHEREAS, on October 6, 2010 and on October 27, 2010, the Planning Commission conducted duly noticed public hearings on the proposed changes to the Zoning Code and the Zoning Map and heard and considered public testimony on the subject. At the close of the October 27, 2010 public hearing the Planning Commission recommended that the City Council rezone properties fronting on Parker Avenue by adding the Parker Avenue Overlay District (P) to the R-1A base zoning, and

WHEREAS, on _____, 2010, the City Council conducted a duly noticed public hearing and on said date the public hearing was opened, held and closed.

NOW, THEREFOR, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES ORDAIN AS FOLLOWS:

SECTION 1: Chapter 17.37 Parker Avenue Overlay Districts (P) is hereby added to the Atherton Municipal Code, “Zoning” to read as follows:

17.37.010 Purpose and Relationship to Base Zoning District.

This chapter establishes the Parker Avenue overlay district. This district is intended to be combined with the Residential District R1-A. In any conflict between the standards of the R1-A Base District and this overlay district, the overlay district regulations shall apply.

Deleted: to existing lots or parcels that are substantially smaller than most lots or parcels zoned R-1A. It is designed to provide development standards that are adapted to the unique circumstances of small lots in the R-1A district.¶

17.37.020 Characteristics of the District

The Parker Avenue Overlay District (P) provides for the development of single-family residential uses on lots located in the R1-A District which are significantly less than one acre in area and which front on a 70-foot wide public right of way. This right of way is significantly wider than the Town's standard local street. The Parker Avenue overlay district allows for more total floor area and more second story floor area than the base R1-A district. Unchanged R1-A setbacks and reduction in permitted heights for new development are intended to minimize any adverse impacts on the privacy or views of neighboring homes and to maintain the general development pattern.

17.37.040 Development Standards Modifications

- A. Height. The standard maximum building height for main buildings shall be ~~twenty-eight feet; provided, that vertical sidewalls and columns may not exceed~~ eighteen feet. End walls shall be perpendicular to lot depth.
- B. Maximum Floor Area Ratio. The maximum floor area ratio shall be determined by the following equation:

Floor area in square feet = (lot size in square feet × .165) + 1,500 square feet.

The floor area above the first floor of the main building for all lots shall not exceed 1,132 square feet.

SECTION 2: CEQA Categorical Exemption: The adoption of this ordinance is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15305 as a minor alteration to land use limitations. It does not change permitted land uses or residential density.

SECTION 3: Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 4: Effective Date. This Ordinance shall be in full force and effective 30 days after its adoption, and shall be posted as required by law.

Introduced this 17th day of November, 2010.

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

Deleted: twenty-two

Deleted: and provided further, that these standard maximum heights may be increased, but in no event to exceed thirty-four feet for main buildings nor to exceed twenty-eight feet for vertical sidewalls and columns, under any of the following circumstances:

Deleted: thirty

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

Mayor

ATTEST:

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney

DRAFT

ORDINANCE 588

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING THE ZONING MAP TO TITLE 17 OF THE ATHERTON MUNICIPAL
CODE TO REZONE TWENTY-TWO (22) LEGAL LOTS ON PARKER AVENUE
FROM R1-A TO R1-A (P) (PARKER AVENUE OVERLAY ZONE)**

WHEREAS, pursuant to Atherton Municipal Code Section 17.18.020(C), the City Council at its September 20, 2010 meeting adopted Resolution 10-53 directing the Planning Commission to consider the creation of an overlay zone for application to the Parker Avenue neighborhood, and

WHEREAS, creation of an overlay zone for Parker Avenue properties modifying development standards will allow an increase in the floor area of Parker Avenue homes while protecting privacy and views of adjacent homes and maintaining the unique character of Parker Avenue, and

WHEREAS, the General Plan land use designation for all residential properties in Atherton is “single family residential, low density” and the creation of an overlay district and applying that overlay district to the Parker Avenue neighborhood is consistent with the General Plan, and

WHEREAS, on October 6, 2010 and on October 27, 2010, the Planning Commission conducted duly noticed public hearings on the proposed changes to the Zoning Code and considered the testimony offered by the public; and

WHEREAS, upon conclusion of the October 27, 2010 public hearing the Planning Commission voted to recommend the City Council rezone Parker Avenue to include the Parker Avenue (P) Overlay zone, and

WHEREAS, on _____, 2010, the City Council conducted a duly noticed public hearing and on said date the public hearing was opened, held and closed.

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES ORDAIN AS FOLLOWS:

SECTION 1: Findings. The City Council of the Town of Atherton does hereby find and determine that the rezoning of the twenty-two (22) legal lots on and along Parker Avenue in the Town of Atherton from the R1-A Residential District to R1-A(P) by adding the Parker Avenue (P) Overlay District to the R1-A base zoning is consistent with the General Plan and with the land use designation of single family low density.

SECTION 2: Redistricting. The zoning district designation for Parker Avenue properties shown of Exhibit A attached to this ordinance and part of it, shall include the Parker Avenue (P) Overlay District resulting in the properties being zoned R1-A (P).

SECTION 3: California Environmental Quality Act. This amendment of the Zoning Map is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15305 because it is a minor alteration in land use limitations which does not alter permitted uses or density of development and applies to land which has an average slope of less than 20%.

SECTION 4: Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 5: Effective Date. This Ordinance shall be in full force and effective 30 days after its adoption, and shall be posted as required by law.

Introduced this 17th day of November, 2010.

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

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

Mayor

ATTEST:

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney

RESOLUTION NO. 10- _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
ATHERTON RECOMMENDING THE CITY COUNCIL ADD CHAPTER 17.37 TO THE
ATHERTON MUNICIPAL CODE TO CREATE THE PARKER AVENUE OVERLAY
DISTRICT AND RECOMMENDING THE CITY COUNCIL AMEND THE ZONING
MAP TO TITLE 17 OF THE ATHERTON MUNICIPAL CODE
TO REZONE TWENTY-TWO (22) LEGAL LOTS ON PARKER AVENUE
FROM R1-A TO R1-A (P) (PARKER AVENUE OVERLAY ZONE)**

WHEREAS, pursuant to Atherton Municipal Code Section 17.18.020(C), the City Council at its September 20, 2010 meeting, adopted Resolution 10-53, directly the Planning Commission to consider the creation of an overlay zone for application to the Parker Avenue neighborhood, and

WHEREAS, creation and application of an overlay zone for Parker Avenue properties will result in an increase in permitted floor area and reduction in permitted height while maintaining the R1-A setback requirements and will allow property owners to improve their properties while maintaining the unique character of the street and respecting the privacy and views of adjacent homes, and

WHEREAS, the General Plan land use designation for all residential properties in Atherton is "single family residential, low density" and the creation of an overlay district and applying that overlay district to the Parker Avenue neighborhood is consistent with the General Plan, and

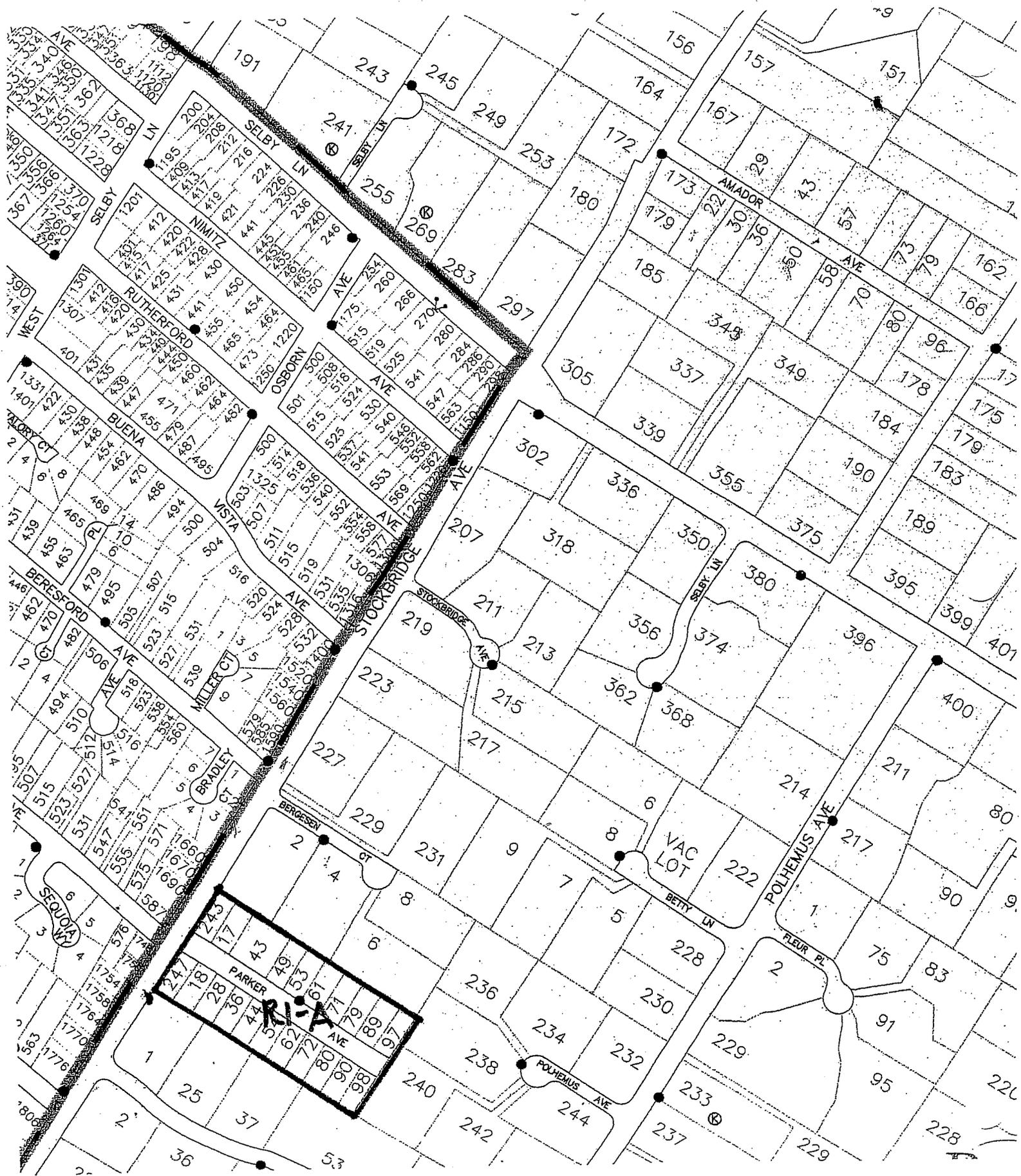
WHEREAS, on October 6, 2010 and on October 27, 2010, the Planning Commission conducted duly noticed public hearings.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the Town of recommends the City Council:

1. Add chapter 17.37 to the Atherton Municipal Code creating the Parker Avenue Overlay District (P) attached to this resolution as Exhibit A and a part of it.
2. Rezone the parcels fronting on Parker Avenue from R1-A to R1-A(P) by adding the Parker Avenue Overlay District designation to the parcels shown on the map attached to this resolution as Exhibit B and a part of it.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the Town of Atherton at a regular meeting thereof held on the _____th day of _____, 2010, by the following vote.

EXHIBIT A





Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

**FROM: NEAL J. MARTIN, TOWN PLANNER
LISA COSTA SANDERS, DEPUTY TOWN PLANNER**

DATE: FOR THE MEETING OF NOVEMBER 17, 2010

**SUBJECT: INTRODUCE ZONING ORDINANCE AMENDMENTS TO
IMPLEMENT HOUSING ELEMENT**

RECOMMENDATION:

Introduce Ordinance amending the Town of Atherton Municipal Code Title 17 and waive further reading. The proposed amendments would implement the recently adopted 2007-2014 Housing Element Update. Three votes are required to introduce the ordinance. A second vote, scheduled at least ten days from the date of this meeting, is required to adopt the ordinance.

BACKGROUND:

On July 21, 2010 the City Council adopted the 2007-2014 Housing Element Update. The update included several programs that require additions or amendments to the Atherton Zoning Ordinance (Atherton Municipal Code Title 17). The proposed additions and amendments are described in general below.

- For Second Dwelling Units:
 - Changes in side and rear yard setbacks to allow limited encroachment into required setbacks.
 - Elimination of minimum lot size restrictions
 - Exemption from certain floor area limitations
- To allow multiple family residential uses that could accommodate housing for very low- and low-income households as permitted uses on private school sites
- To allow emergency shelters in at least one location in the PFS Zoning District

- To establish objective and predictable standards for the operation of emergency shelters
- To allow residential care facilities, defined as a facility serving six or fewer persons, as permitted uses in the R-1A and R-1B Zoning Districts

ANALYSIS:

The attached draft ordinance is designed to implement the several programs described above.

Section 1 includes amendments related to Second Dwelling Units that change side and rear yard setbacks to allow limited encroachment into required setbacks, eliminate minimum lot size restrictions, and exempt such units from certain floor area limitations.

Sections 2 through 5 clarify that the provisions in Section 1 apply in the R-1A and R-1B Zoning Districts

Section 6 removes the existing restriction that limits location of Second Dwelling Units to the main dwelling building setback lines.

Section 7 includes amendments related to multiple family residential uses on private school properties as well as emergency shelters. The table of allowed uses specifies that multiple family residential uses that could accommodate housing for very low- and low-income households are permitted with location and environmental review by the Planning Commission. The detail of such review is specified by Note #5. The table of allowed uses also specifies that emergency shelters are a permitted use in a specific location on Town Civic Center property.

Section 8 includes objective and predictable standards for emergency shelter operation as provided in State law.

Sections 9 and 10 add a footnote to the table of allowed uses in the R-1A and R-1B Zoning Districts stating the single-family dwellings include residential care facilities (defined as a facility serving six or fewer persons).

On October 27, 2010 the Atherton Planning Commission held a public hearing to consider recommending that the City Council adopt the proposed zoning ordinance amendments. At the conclusion of the hearing the Planning Commission unanimously adopted a resolution recommending City Council adoption of the amendments. A copy of the resolution is attached.

FISCAL IMPACT:

The cost associated with preparation of the draft ordinance amendments is included within the annual Planning Department budget.

ENVIRONMENTAL IMPACT:

An Initial Study and Negative Declaration were prepared for the 2007-2014 Housing Element Update and Zoning Ordinance Amendment Project. The Negative Declaration was adopted by the City Council on July 21, 2010. The CEQA Guidelines (California Code of Regulations) Section 15074 (b) requires that the City Council consider the Negative Declaration prior to approving the ordinance amendments.

FORMAL MOTION:

I move that the City Council declare that it has considered the Initial Study and Negative Declaration for the 2007-2014 Housing Element Update and Zoning Ordinance Amendments prepared for the Town of Atherton Planning Department dated July 21, 2010 prior to introducing the proposed Zoning Ordinance amendments.

I further move that the City Council introduce ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING SECTIONS 17.52.030, 17.36.030, 17.32.030, 17.33.030 AND ADDING SECTIONS 17.32.040 D.4, 17.32.040 E.2, 17.33.040 D.3, 17.33.040 E.1, 17.33.040 G.2, AND 17.36.060 TO THE ATHERTON MUNICIPAL CODE IMPLEMENTING THE ATHERTON 2007-2014 HOUSING ELEMENT” and waive further reading of the ordinance.

Prepared By:

Approved By:

/s/ Neal J. Martin

Neal J. Martin, Town Planner

Nadine P. Levin, Interim City Manager

Attachments:

1. Planning Commission Resolution No. 10-3 recommending City Council adoption of Zoning Ordinance amendments
2. Draft Zoning Ordinance Amendment
3. Initial Study and Negative Declaration, *2007-2014 Housing Element Update and Zoning Ordinance Amendments*, Town of Atherton Planning Department, July 21, 2010

**DRAFT
ORDINANCE _____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING SECTIONS 17.52.030, 17.36.030, 17.32.030, 17.33.030 AND ADDING
SECTIONS 17.32.040 D.4, 17.32.040 E.2, 17.33.040 D.3, 17.33.040 E.1,
17.33.040 G.2, AND 17.36.060 TO THE ATHERTON MUNICIPAL CODE
IMPLEMENTING THE ATHERTON 2007-2014 HOUSING ELEMENT**

The City Council of the Town of Atherton does hereby ordain as follows:

SECTION 1: Section 17.52.030 of the Atherton Municipal Code, “Zoning” is hereby amended as follows:

17.52.030 Development Standards

A second dwelling unit is permitted provided the following standards are incorporated into the structural design:

- A. Maximum Number. Only one second dwelling unit shall be allowed on each lot or parcel.
- B. Setback Requirement. ~~Except as otherwise provided herein, each second dwelling unit shall meet all applicable setback requirements in effect for the main residence~~ *Each second dwelling unit shall be located in the main building area. In addition, a second dwelling unit may encroach into the side and rear yard setbacks by not more than 20% of the required setback.*
- C. Maximum Size. The size of each such second dwelling unit shall not exceed twelve hundred square feet, and no unit shall contain fewer square feet than the minimum prescribed by the applicable building code.
- D. Owner Occupancy. Either the main residence or the second dwelling unit, or both, shall be occupied by the owner of the property.
- E. Parking Requirement. Each second dwelling unit shall have assigned to it one parking space for each bedroom in the second dwelling unit. Parking shall be accessible from a public street and screened from view of the public street.
- F. ~~Minimum Lot Size if Attached. Second dwelling units that are to be incorporated into or added to existing residence structures (e.g. attached to the main residence) shall be permitted only on lots that are larger than one half acre.~~
- F. *Exemption from Floor Area Limitations. The first 1,200 square feet of floor area of each second dwelling unit shall be excluded from maximum floor area calculations, provided that the floor area exclusion shall not to exceed 10% of the allowed floor area for the lot.*
- G. ~~Minimum Lot Size/Location Restrictions if Detached. Second dwelling units that are to be detached from main residence structures shall be permitted only on lots that are larger than forty thousand square feet.~~
- H. Separation Requirement. A separation of at least eight feet shall be maintained between any detached second dwelling unit and its main residence structure.

- I. Entrance Requirements. Any new second dwelling unit that is incorporated into an existing main residence shall have a separate entrance facing the side or rear yard.
- J. Compliance with Applicable Requirements. The second dwelling unit shall meet all applicable zoning, building, and fire regulations.
- K. Lighting Restrictions. Any lighting associated with the second dwelling unit shall be shielded or down lit and shall not shine onto adjoining properties.
- L. Landscape Screening. Landscape screening shall be provided in compliance with the provisions of chapter 17.50 (Landscape Screening).

SECTION 2: Section 17.32.040D.4 is hereby added to the Atherton Municipal Code, “Zoning” as follows:

- 4. Second dwelling units: as provided in chapter 17.52.

SECTION 3: Section 17.32.040E.2 is hereby added to the Atherton Municipal Code, “Zoning” as follows:

- 2. Second dwelling units: Minimum side yard requirements are as provided in chapter 17.52.

SECTION 4: Section 17.33.040D.3 is hereby added to the Atherton Municipal Code, “Zoning” as follows:

- 3. Second dwelling units: as provided in chapter 17.52.

SECTION 5: Section 17.33.040E.1 is hereby added to the Atherton Municipal Code, “Zoning” as follows:

- 1. Second dwelling units: Minimum side yard requirements are as provided in chapter 17.52.

SECTION 6: Section 17.33.040G.2 of the Atherton Municipal Code, “Zoning” is hereby amended as follows:

- 2. One kitchen may be within an approved second dwelling unit. ~~that is located within the main dwelling building setback lines.~~

SECTION 7: Section 17.36.030 of the Atherton Municipal Code, “Zoning” is hereby amended as follows:

17.36.030 Allowed Uses and Permit Requirements

Table 17.36.030-1 (Allowed Uses and Permit requirements for PFS District) identifies the allowed uses in the PFS district subject to the development standards of this chapter

and all other provisions of this title. Allowed use provisions are symbolized in the table as follows:

- P = Land use permitted by right
- CUP = Land use permitted with approval of a conditional use permit
- L/ER = Land use permitted with location and environmental review

**Table 17.36.030-1
Allowed Uses and Permit Requirements for PFS District**

Land Use	Zoning District
	PFS
Public library	P
Public school	P
Town corporation yard	P
Town hall and associated community uses	P
<i>Emergency Shelters</i>	<i>P⁴</i>
Churches and places of worship	CUP
Convents	CUP
Country clubs	CUP
Residential associated with primary nonresidential use of property on same site(1)	CUP
<i>Multiple family residential uses that could accommodate housing for very low- and low-income households associated with primary nonresidential use of property on same site</i>	<i>L/ER⁵</i>
Private schools	CUP ^{2, 3}
Public utilities and facilities, uses, and structures	CUP
Transportation terminal facilities	CUP

Notes:

1. Examples include dorms or teacher housing associated with school site, convent when associated with religious institutions, etc.
2. Where a master plan for a private school has been prepared and filed with the town for public record, any application for a conditional use permit shall be compared to the master plan for consistency with that document. All building and/or faculty changes, improvements, or new construction shall require a conditional use permit. To that end, all conditional use permit applications shall include the following:
 - a. Maps and diagrams showing the proposal in relation to the master plan layout;
 - b. History of student and faculty growth and projections of future growth, including an analysis of that growth's consistency with the master plan projections;

- c. A traffic and parking analysis of the proposal and comparison to the master plan projections;
 - d. A circulation plan showing how the traffic and pedestrian circulation will function upon implementation of the proposals; and
 - e. Other information that might be required for specific proposals, such as noise analyses, lighting plans, landscape screening plans, heritage tree locations, and other similar information.
3. In addition to other conditions of approval, the planning commission shall require the following items where relevant:
- a. Identification of the approved uses and hours of operation; and
 - b. Clustering of high intensity or noise-intense structures and uses (such as gymnasiums, theaters, athletic facilities) away from neighboring residential uses, where possible.

4. *Emergency shelters shall be permitted only when located within the Town Civic Center property; defined as Lots 1, 2, 24, 25 and 26, Watlington Park RSM 5/8.*

5. *Where a master plan for a private school has been prepared and filed with the town for public record that includes multifamily residential uses that could accommodate housing for very low- and low-income households, such multifamily residential uses shall be subject to planning commission public hearing and review of the location, size, proximity to heritage trees and environmental aspects of the project but shall not result in the denial of the use.*

SECTION 8: Section 17.36.060 is hereby added to the Atherton Municipal Code, “Zoning” as follows:

17.36.060 Standards for Emergency Shelter Operation

The objective and predictable standards listed below apply to emergency shelter operations permitted in the PFS District.

- A. Size: Emergency shelters shall not exceed 1,000 square feet in floor area.
- B. Beds and Population. The maximum number of client beds permitted in each emergency shelter shall be three and the maximum client population permitted to be served nightly by the facility shall be three.
- C. Location: Each emergency shelter shall not be located within a 1,000 foot radius of another emergency shelter.
- D. Parking: At least one standard size car parking space per emergency shelter bed shall be provided within 50 feet of the emergency shelter
- E. Waiting and Client Intake Areas. Onsite waiting and client intake areas shall be located within the emergency shelter and shall not exceed 250 square feet in floor area.
- F. Handicap Accessibility: Each emergency shelter shall be completely handicap accessible.
- G. Onsite Management. Space for onsite management shall not exceed 500 square feet and shall not include more than two beds.

H. Exterior Lighting: All exterior lighting shall be shielded or down lit so the source of light is not visible from other properties.

SECTION 9: Section 17.32.030 of the Atherton Municipal Code, “Zoning” is hereby amended as follows:

17.32.030 Allowed Uses and Permit Requirements.

Table 17.32.030-1 (Allowed Uses and Permit Requirements for Residential District R-1A) identifies the allowed uses in the R-1A zoning district subject to the development standards of this chapter and all other provisions of this title. Allowed use provisions are symbolized in the table as follows:

- P = Land use permitted by right
- CUP = Land use permitted with approval of a conditional use permit

**Table 17.32.030-1
Allowed Uses and Permit
Requirements for Residential District
R-1A**

Land Use	Zoning District
	R-1A
Single-family dwelling ^{1,3}	P
Second dwelling unit ²	P
Home occupations	P
Churches and places of worship	CUP
Public utilities or facilities	CUP

Notes:

1. Includes associated accessory uses, accessory buildings, and accessory structures (Note: Garages are accessory buildings).
2. Subject to compliance with section [17.32.040](#) (Development Standards) and chapter [17.52](#) (Second Dwelling Units).
3. *Includes residential care facility (defined as a facility serving six or fewer persons)*

SECTION 10: Section 17.33.030 of the Atherton Municipal Code, “Zoning” is hereby amended as follows:

17.33.030 Allowed Uses and Permit Requirements.

Table 17.33.030-1 (Allowed Uses and Permit Requirements for Residential District R-1B) identifies the allowed uses in the R-1B zoning district subject to the development

standards of this chapter and all other provisions of this title. Allowed use provisions are symbolized in the table as follows:

- P = Land use permitted by right
- CUP = Land use permitted with approval of a conditional use permit

**Table 17.33.030-1
Allowed Uses and Permit Requirements for Residential District R-1B**

Land Use	Zoning District
	R-1B
Single-family dwelling ^{1,3}	P
Second dwelling unit ²	P
Home occupations	P
Churches and places of worship	CUP
Public utilities or facilities	CUP

Notes:

1. Includes associated accessory uses, accessory buildings, and accessory structures (Note: Garages are accessory structures).
2. Subject to compliance with section [17.33.040](#) (Development Standards) and section 17.52 (Second Dwelling Units).
3. *Includes residential care facility (defined as a facility serving six or fewer persons)*

SECTION 11: That the adoption of this ordinance is part of a project analyzed in an Initial Study and Negative Declaration of the 2007-2014 Housing Element Update and Zoning Ordinance Amendments dated July 21, 2010 and previously approved by the City Council when it adopted amendments to its General Plan. No circumstances exist that would require modification of the Negative Declaration and the City Council relies upon that previously approved environmental document in approving these code amendments.

SECTION 12: That 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 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 13: 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.

* * * * *

I hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on November 17, 2010 and was thereafter, at a regular meeting held on _____ passed and adopted 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

2007 - 2014 Housing Element Update and Zoning Ordinance Amendments

Initial Study and Negative Declaration

Prepared for the Town of Atherton
Planning Department
91 Ashfield Road
Atherton, CA 94027

Prepared by Neal Martin and Associates
751 Laurel Street, Suite 622
San Carlos, CA 94070

July 21, 2010

NEGATIVE DECLARATION
2007 - 2014 HOUSING ELEMENT UPDATE AND ZONING ORDINANCE AMENDMENTS

Date July 21, 2010

Town of Atherton, San Mateo County

NAME OF PROJECT/DESCRIPTION

2007 - 2014 Housing Element Update and Zoning Ordinance Amendments The Proposed Project would provide additional incentives to increase development and occupancy of Second Dwelling Units and Internal Living Quarters in Atherton. During the 7 years planning period from 2007 to 2014 the Town is planning for the development of new additional dwelling units including conventional single family dwellings, the second units described above and faculty and student housing and private schools in Town. The Zoning Ordinance would be amended to implement the Housing Element.

PROJECT PROPONENT

Town Of Atherton
91 Ashfield Road
Atherton, CA 94027

FINDING

It is hereby found, that the above named project will not have a significant effect on the environment.

INITIAL STUDY

An initial study of this project was undertaken and prepared in accordance with the Town's environmental guidelines for the purpose of ascertaining whether the project might have a significant effect on the environment. A copy of the initial study is on file with the Town of Atherton, Building Department, 91 Ashfield Road, Atherton, CA 94027 and by reference incorporated herein. Such initial study documents reasons to support the above finding.


Neal J. Martin
Town Planner

ENVIRONMENTAL CHECKLIST FORM

1. Project Title: 2007 - 2014 Housing Element Update and Zoning Ordinance Amendments
2. Lead Agency Name and Address: Town of Atherton
91 Ashfield Road
Atherton, CA 94027
3. Contact Person and Phone Number: Neal Martin, City Planner (650) 752-0560
4. Project Location: Town of Atherton
5. Project Sponsor's Name and Address: City Council, Town of Atherton
6. General Plan Designation: Various
7. Zoning: Various
8. Description of Project: The Project is an update of the Atherton General Plan Housing Element for the planning period 2007-2014 and amendments to the Zoning Title of the Atherton Municipal Code. The Housing Element revisions include update of population, employment and housing data, update of inventory of land suitable for residential development, analysis of constraints to the provision of housing, analysis of groups with special housing needs and proposed programs to facilitate the development of new housing. The Zoning Title amendments include provisions to allow Internal Living Quarters to have a full kitchen, to increase the allowable size of Second Dwelling Units and other setback and floor area incentives to encourage their development, and other amendments as specified in the Project Description section of this Initial Study.
9. Surrounding Land Uses and Setting: The Project area includes the entire Town of Atherton. The Town is bounded by the cities of Redwood City, Menlo Park, and Woodside and unincorporated areas of San Mateo County. The land use is primarily low density residential with a number of public and private schools interspersed. Most privately owned land in Atherton is developed.
10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement): California Department of Housing and Community Development (HCD).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Dangerous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Services Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

PROJECT DESCRIPTION

The latest version of the Atherton Housing Element was adopted in 2002. This update is being completed in compliance with the California Planning and Zoning Law requiring the 2007-2014 Housing Element update.

The proposed Housing Element Update includes:

- An update of population, employment, income, housing and household characteristics in Atherton, using the latest U.S. Census data available.
- A current inventory of land suitable for residential development.
- An analysis of governmental and non-governmental constraints to the provision of housing and recommendations for ways of removing those constraints.
- An analysis of groups with special housing needs such as the elderly, disabled and large households.
- Programs designed to facilitate the development of new housing in order to meet the assigned Regional Housing Needs Allocation approved by the Association of Bay Area Governments. Those programs include second dwelling units, faculty and student housing at private schools, and subdivision and development of new parcels of land with market-rate housing.

Specifically, the proposed programs described in the Housing Element are:

- Market-rate Housing Construction- Private construction of market-rate single-family detached housing on existing or newly subdivided parcels within the Town. The program facilitates the construction of new single-family residences consistent with the above moderate housing needs objectives established by the Town. Approximately 5 new units are anticipated to be developed during the 2007-2014 planning period.
- Second Dwelling Unit Program – Currently second dwelling units, in addition to the main dwelling, are allowed in the R-1A and R-1B zoning districts without a Conditional Use Permit. Internal Living Quarters, separate living quarters in main dwellings but lacking full kitchen facilities, are also allowed in the R-1A and R-1B zoning districts without a Conditional Use Permit. The updated 2007-2014 Housing Element and associated Zoning Ordinance Amendments would permit the installation of full kitchen facilities in Internal Living Quarters, thereby making them Second Dwelling Units; increase the allowable size of Second Dwelling Units to 1,200 sq. ft. and provide specified setback and floor area concessions as incentives to their development. It was found that almost all Second Dwelling Units and Internal Living Quarters were affordable to extremely low to moderate income households according to a recent Atherton survey. Approximately 52-80 new Second Dwelling Units are anticipated to be developed during the 2007-2014 planning period.
- Faculty and Student Housing at Private Schools- Approximately 11 new affordable residential units are proposed for faculty at Menlo School in the next planning period. Approximately 16 new affordable units are proposed for construction at Menlo College to be used for faculty and staff. Approximately 58 new affordable units are planned for construction for junior and senior student independent living at Menlo College in the next planning period.

Specific recommendations for revisions to the Town's goals, policies and programs are contained in the proposed Housing Element. The basic goals and policies of the Housing Element would not be changed from the currently adopted Element.

In addition to the 2007-2014 Housing Element Update, the Project includes several Zoning Ordinance Amendments in order to implement the Housing Element policies and programs. These include amendments to:

- Allow Internal Living Quarters to have all three kitchen elements (i.e. a stove, sink and refrigerator).
- Allow Second Dwelling Units to have a maximum size of 1,200 sq. ft.
- Eliminate minimum lot size provisions for Second Dwelling Units.
- Exempt the floor area of Second Dwelling Units from floor area restrictions up to certain limitations.
- Allow Second Dwelling Units to encroach into side and rear yards by not to exceed 20 % of the required setback.
- Specify that residential care facilities are allowable uses in the R-1A and R-1B Zoning Districts and are permitted by right.
- Establish a zone that meets the requirements set forth in SB 2 relating to emergency shelters. The existing PFS (Public Facilities and Schools) Zoning District is proposed to be amended to provide for emergency shelters as an allowable use within a certain location and within certain objective and predictable standards for shelter operation.
- Explicitly state that any use is permitted if required by State law. Under this revision, supportive and transitional housing will only need to obtain the same types of permits and approvals as any other residential development.
- Clarify that "manufactured housing" (modular or mobile homes on foundations) is allowed, subject only to the same development standards that apply to a conventional single family residential dwelling.

Potential environmental effects discussed in the initial study are based on the assumption that development in Atherton will proceed under the existing General Plan. Specific projects will require further environmental analysis, public review and hearings at such time as they are proposed for implementation.

SURROUNDING LAND USES AND SETTING

The project area includes the entire Town of Atherton, located approximately 35 miles south of San Francisco in rural and suburban portions of San Mateo County. The Town is bounded by the City of Redwood City and unincorporated areas of San Mateo County to the north and east, the City of Menlo Park to the south of the Town of Woodside and unincorporated areas of San Mateo County to the west. Atherton is situated between two major freeways: U.S. 101 and Interstate 280. U.S. 101 and Interstate 280 are major north-south links between the cities of San Francisco and San Jose.

The land use is primarily low density residential with a number of public and private schools interspersed. Most privately owned land in Atherton is developed.

The topography of the Town is relatively flat east of Alameda de las Pulgas and with moderate slopes and hillside areas west of Alameda de las Pulgas. The Atherton Channel traverses the Town, and geological constraints are not uncommon in the hillside areas. Although no active faults are recorded within the Town, the San Andreas Fault is located west of Interstate 280 in the Town of Woodside. Therefore, hazards associated with earthquakes can occur in Atherton.

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

July 8, 2010

Date

Neal J. Martin, City Planner

Printed Name

Town of Atherton

For

EVALUATION OF ENVIRONMENTAL IMPACTS

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
I. AESTHETIC - Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21

AESTHETIC DESCRIPTION

a,b,c,d)

No Impact - The project is not located in a major viewshed, therefore, would not have a substantial adverse effect on a scenic vista. The project is not located within a state scenic highway. The project would not substantially degrade the existing visual character or quality of the site. The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The project would not permit any greater amount of building area than currently allowed. There would be no change in the building square footage or floor area permitted on a lot; or cumulatively, and no change in setbacks.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
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II. **AGRICULTURE RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|---|
| a) | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5 |
| b) | Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5 |
| c) | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5 |

a-c) **No Impact** - There are no agricultural zones in the project vicinity.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
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III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-----|
| a) | Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 26d |
| b) | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 26d |
| c) | Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 26d |
| d) | Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 27e |
| e) | Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 27e |

AIR QUALITY DESCRIPTION

- b) **Less than Significant Impact-** Increased housing can result in increased traffic and consequent impacts to air quality. The policies and programs contained in the Housing Element relate to the development of new single-family homes, second dwelling units and faculty and student housing that could increase the number of accessory living units within the Town. Since the Housing Element projects less than a 10% increase in the number of total dwelling units at scattered locations in Atherton resulting from complete implementation of the Plan, there does not appear to be a significant adverse impact to traffic or air quality.
- a,c-e) **No Impact** - The proposed project would not alter air movement, moisture, or temperature, or cause a temperature change. It would not expose sensitive receptors to substantial pollutant concentrations. It would not create objectionable odors affecting a substantial number of people. There would be no increase in permitted square footage of development. All Town streets operate below capacity as defined by the Highway Capacity Manual and are adequate to handle the increased traffic. No significant increase in traffic will result from the project.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
IV. BIOLOGICAL RESOURCES - Would the project:					
a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
	Have a substantial adverse effect on either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game of U.S. Fish and Wildlife Services?				
b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Services?				
c)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
	Have a substantial adverse effect on federally protected wetland as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, eetc.) through direct removal, filling, hydrological interruption, or other means?				
d)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
	Interfere substantially with the movement of any native resident of migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5 & 6
	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				
f)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan?				

**BIOLOGICAL RESOURCES
DESCRIPTION**

a-f)

No Impact - The buildings and access drives contemplated as part of the proposed project are currently permitted by existing zoning. The proposed project would allow slightly larger buildings. It would not change the location where the buildings or access drives can be built. The identified sites suitable for residential development are all currently developed with buildings, structures, landscaping and pavement and, because of this, are highly unlikely to support any species indentified as a candidate, sensitive or special status species. Local policies and State and federal regulations prohibit development on or near riparian habitat and other sensitive natural communities. The identified sites suitable for residential development are not near any federally protected wetlands nor would they interfere with the movement of any native resident migratory fish or wildlife species. There is no habitat conservation plan or natural community conservation plan existing in the project area. Any heritage tree in conflict with a new building or access drive would require Planning Commission approval and site specific analysis.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source	
V. CULTURAL RESOURCES - Would the project:						
a)	Cause a substantial adverse change in the significant of a historical resource as defined in code 14064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	35
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to 14064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
d)	Disturb any human remains, including those interred outside formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21

CULTURAL RESOURCES

a-d) **No Impact** - The identified sites suitable for residential development are not likely to be located within any sensitive archeological or paleontological resources, as they are presently developed. Therefore, no significant impacts to archaeological resources would be anticipated to occur upon implementation of the proposed project. The proposed project would not cause a physical change that would affect any known unique ethnic cultural values or restrict any existing religious or sacred uses within the project vicinity.

GEOLOGY AND SOILS

- a) **No Impact** - According to the Atherton General Plan, the Town does not lie within any Alquist Priolo Special Study Zones, areas designated by the State as containing active faults. Therefore, the proposed project would not expose people to potential impacts involving surface rupture along known earthquake faults.

The Town is located in a seismically active region which has experienced many strong earthquakes. The westerly side of Town is approximately 0.5 miles and the easterly side of Town is approximately 5.0 miles east of the San Andreas fault. While there are no known active or potentially active faults within the Town of Atherton, it is subject to periodic, very strong earthquakes which originate either on the San Andreas or from the Hayward and Calaveras faults in the East Bay. The project site has the potential for seismic ground shaking and has experienced such hazards during the 1906 and 1989 earthquakes. The proposed new residences could be disrupted by strong seismic activity, however, this potential impact is avoided by design in accordance with the Uniform Building Code and Seismic Engineering Standards for the Bay Area Region.

The proposed project would neither result in nor expose people to potential impacts involving a seiche, tsunami, or volcanic hazard. USGS studies indicate that the Town has no susceptibility to seiches, tsunamis or volcanos.

Impacts from landslides or mudflows would not occur because the project is located on relatively flat land.

- b) **Less than Significant Impact** - The project has the potential for soil erosion and loss of topsoil. However, mitigation required by Town Ordinances including revegetation with native trees, shrubs and grasses will reduce the impact to less than significant.
- c-d) **No Impact** - The potential for subsidence, liquefaction or damage from expansive soils would be mitigated through appropriate design in accordance with the accepted Engineering Standards.
- e) **No Impact** - Septic tank/drain field wastewater disposal is not used in Atherton.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
VII. HAZARDS AND HAZARDOUS MATERIALS -					
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	List per CAGC 65962.5
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	15
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20
g) Impair implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	13
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	13

HAZARDS AND HAZARDOUS MATERIALS DESCRIPTION

- a-c) **No Impact** - The proposed project would not utilize hazardous materials or generate hazardous waste. Construction activities would involve the standard use of fuels and lubricants for construction equipment, but would similarly not be expected to utilize hazardous materials or generate hazardous waste. Therefore, the proposed project would not be expected to pose any risk of accidental explosion or release of hazardous substances.
- d-f) **No Impact** - None of the identified sites suitable for residential development are included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Neither are any of the identified sites suitable for residential development located within territory covered by an airport land use plan nor within the vicinity of a private airstrip.
- g) **No Impact** - The project would not interfere with any emergency response or evacuation plans.
- h) **Less than Significant Impact** – For those identified sites suitable for residential development located west of Alameda de las Pulgas, and particularly along Walsh Road and its tributary streets, there is a potential for wild land fire. However, the condition is reduced to a less than significant impact because there are only 9 identified sites suitable for residential development in this vicinity and the residents and the Menlo Park Fire Protection District have developed an emergency response plan for this area in recognition of this potential.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source	
VIII. HYDROLOGY AND WATER QUALITY -						
What the project:						
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No ground water withdrawal proposed
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8

h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8
j)	Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	23

HYDROLOGY AND WATER QUALITY

a-d,f-g) **No Impact** - Wastewater generated by the project would be collected and discharged into the municipal wastewater disposal system and would therefore not violate any water quality standards. It would not involve depletion of ground water supplies, would slightly alter the existing drainage pattern but would not contribute runoff which would exceed the capacity of the storm drainage system. There are no areas in Town that lie within the 100-year flood hazard area. The additional residences would not impede or redirect flood flows. The project area is not subject to inundation by seiche, tsunami, or mudflow and there are no nearby dams.

e) **Less than Significant Impact** - Atherton is located in the watershed of Atherton Creek (known locally as the Atherton Channel). The stream is intermittent and generally carries water only in the winter rainy period. Atherton Channel has been stabilized with riprap along various sections of the creek. Other sections remain natural. The Atherton Channel Drainage District is responsible for maintenance of the creek. Water quality in the Atherton Channel is potentially threatened by common urban pollutants in storm water runoff. The proposed Housing Element programs would not alter the quality or quantity of the runoff. All future development is required to comply with NPDES requirements. The proposed project would not increase allowable building square footage, coverage or change setbacks. It is possible that the proposed project could encourage greater use of less than full-time occupied buildings and construction of new buildings. At the time of new construction the building would need to meet current drainage and runoff requirements. In addition, all new residential development is required to retain water during storm peaks resulting in runoff equal to the undeveloped condition during storm conditions. No significant water quality or storm water impacts are anticipated as a result of the proposed Housing Element and Zoning Ordinance amendments. Water capacity issues will be reviewed individually and cumulatively for specific projects.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
IX LAND USE AND PLANNING - Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
b) Conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5
LAND USE AND PLANNING					
a-c) No Impact - The proposed project would conform to the adopted Atherton General Plan.					

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
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X. MINERAL RESOURCES - Would the project:

a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	23
b)	Result in the loss of availability of a locally - important mineral resource recovery site delineated on a local general plan, specific	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	23

MINERAL RESOURCES DESCRIPTION

a-b) **No Impact** - The Town is located in an urban, developed area; therefore, no significant mineral deposits would be expected to occur within the vicinity.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XI. NOISE - Would the project:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5,21
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
c) A substantial permanent increase in ambient noise level in the project vicinity above the levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	27f
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	15, 21
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	15

NOISE DESCRIPTION

- a) **Less Than Significant Impact** - Increased housing can result increased traffic and consequent impacts to noise levels. The policies and programs contained in the Housing Element could increase the number of living units within the Town. Since the Housing Element projects less than a 10% increase in the number of total dwelling units in Atherton, there does not appear to be a significant adverse impact in relation to traffic or noise. Also, future projects would need to be consistent with the General Plan and Noise Ordinance noise standards and thresholds.
- b-f) **No Impact** - The policies and programs contained in the Housing Element Update would not expose persons to or generate excessive ground borne vibration or noise levels. They would not increase the ambient noise level either permanently or temporarily. While there could be a slight increase in residential noise levels, additional noise is not the standard against which environmental effect must be measured. The standards relate to noise in excess of established standards, such as the Town's Noise Ordinance or Noise Element of the General Plan. It is not expected that occupants of a second unit or internal living quarter would generate any more noise at any one time than the occupants of a main building. The noise generated by a single unit – usually including voices and residents' cars – does not typically approach the levels prohibited by the Noise Ordinance or found unacceptable in the Noise Element. Noise levels in excess of the noise ordinance; for example, due to loud parties, would be illegal and likely to generate complaints. Temporary noise associated with new construction is currently regulated by the Atherton Noise Ordinance. The "Length of Construction" Ordinance insures that construction occurs within a reasonable length of time. The Town is not located within an airport land use plan area nor is it in the vicinity of a private airstrip.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XII. POPULATION AND HOUSING - Would the project:					
a)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5, 31
b)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5
c)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5

POPULATION AND HOUSING DESCRIPTION

a-c) **Less than Significant Impact** - The population of Atherton was approximately 7,194 in the year 2000, according to the 2000 U.S. Census. The effect of the proposed changes is not likely to substantially increase the number of or size of living units in the City. Atherton population is projected by ABAG to increase by approximately 100 between the years of 2000 and 2010. ABAG states that there are approximately 2.9 people per household. The Housing Element contains projections that approximately 154 new housing units would be needed. If all of these units were constructed in Atherton the result would be less than a 10% increase in the number of total dwelling units in the Town. Therefore the project would not substantially affect population growth or exceed regional or local population projections.

A program in the Housing Element calls for rehabilitation or reconstruction of faculty housing at Menlo School and Menlo College. Approximately 27 units are planned to be rehabilitated or reconstructed. All replacement units would continue to be located on campus. Residents would remain living in the existing units until new units were available. This is considered a less than significant impact.

The proposed project involves in-fill housing where infrastructure and services are existing and available.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
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XIII. PUBLIC SERVICES - Would the project:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable services ratios, response times or other performance objectives for any of the public services.

i. Fire protection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9
ii. Police protection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	13
iii. Schools	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14
iv. Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	36
v. Other Public Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21

PUBLIC SERVICES DESCRIPTION

a) i. **Less Than Significant Impact** - Menlo Park Fire Protection District currently reviews second dwelling units and internal living quarters as residential occupancy structures (UBC occupancy category R3) that must meet the Fire Code regulations for access and water supply. District representatives have stated that continued development of second dwelling units in Atherton would have very little effect on the District because they constitute a very small portion of the urbanized area served by the District. No additional personnel, equipment or facilities would be required by the project.

a) ii - v. **Less Than Significant Impact** - The proposed project involves in-fill housing where infrastructure and services are existing and available.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XIV RECREATION - Would the project:					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	36
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No recreation facilities included in project

RECREATION DESCRIPTION

a-b) **No Impact** - The proposed project involves minor increases in population growth and would not increase the demand for neighborhood or regional parks or other recreational facilities because it would not affect population growth or distribution. Adequate recreation facilities exist to meet current and anticipated demand. There are no public recreational facilities located in Town that could be adversely impacted by the project.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XV. TRANSPORTATION/TRAFFIC - Would the project:					
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐	21
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	21
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	15
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☐	☐	☐	☒	21
e) Result in inadequate emergency access?	☐	☐	☐	☒	21
f) Result in inadequate parking capacity?	☐	☐	☐	☒	21
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	☐	☐	☐	☒	5

**TRANSPORTATION/TRAFFIC
DESCRIPTION**

- a) **Less than Significant Impact-** Proposed Housing Element programs will not significantly impact Atherton traffic, parking or circulation. While each new dwelling unit will generate additional traffic (7 - 10 trips per day per dwelling unit), the new units would be scattered throughout the Town and would not significantly impact any particular area or neighborhood. However, specific projects will be reviewed for their cumulative impact on the Town's circulation system.
- b-g) **No Impact-** The policies and programs contained in the Housing Element Update would not exceed the Level of Service (LOS) standard established by the County Congestion Management agency for designated roads or highways. The proposal would generate more traffic but it would be equally distributed throughout Town so the percentage on any one street would be minimal. Most intersections in Atherton operate at LOS "A" or "B" and the minimal traffic added by the proposal would not be expected to degrade the LOS at intersections to any significant degree. Most parking would occur on private property so there would not be much impact on the streets. They would not result in a change to air traffic patterns. They would not increase hazards due to design features, nor result in inadequate emergency access or inadequate parking capacity. They would not conflict with adopted policies, plans or programs supporting alternative transportation.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XVI. UTILITIES & SERVICE SYSTEMS - Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4
b) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
g) Comply with federal, state and local statutes and regulations related to solid waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5

**UTILITIES & SERVICES SYSTEMS
DESCRIPTION**

- a-g) **No Impact** - The proposed project would not result in a need for new systems or supplies or substantial alterations to power and natural gas, communications, water treatment or distribution facilities, sewer, storm water drainage, solid waste disposal or water supplies, which will continue to be provided by the existing service providers.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source	
XVII. MANDATORY FINDINGS OF SIGNIFICANCE						
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or a wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	21
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21

MANDATORY FINDINGS OF SIGNIFICANCE DESCRIPTION

- a) **No Impact** - The project would not degrade the quality of the environment. The project would not substantially reduce the habitat of a fish or wildlife species or cause such species to drop below self-sustaining levels. The project would not reduce the number or restrict the range of a rare or endangered plant or animal. Historic or prehistoric resources are not present in the project vicinity.

- b) **Less than Significant Impact** - The Housing Element policies and programs do not have environmental impacts that are cumulatively significant. The Element includes methods of meeting state mandated housing numbers, but does not include or imply approval of any specific project. Town Staff will undertake individual and cumulative environmental analyses of specific projects if they are initiated by the developer or property owner. The Element will assist Staff in such cumulative analyses by outlining development possibilities and providing a preliminary general overview of potential development impacts to resources, services and transportation systems.

It is important to note that, the California Environmental Quality Act generally exempts in-fill development projects and certain affordable housing projects from environmental review.

SOURCES

1. California Environmental Quality Act (CEQA)
2. State Planning and Zoning Law
3. Subdivision Map Act
4. National Pollution Discharge Elimination System (NPDES) Permit
5. General Plan
6. Municipal Zoning Code
7. Specific Plan
8. Composite Flood Hazard Areas - HUD National Flood Insurance Program
9. Menlo Park Fire Protection District
10. City Engineer
11. City Planner
12. Geologic Consultant
13. Police Department
14. School District
15. Airport Land Use Committee Plans
16. Project Plans and Reports
17. Soils Report
18. Environmental Impact Report
19. Environmental Checklist
20. Field Inspection
21. Experience with other projects of this size and nature
22. Aerial Photography
23. USGS Data Contribution
24. USGS Quadrangle Maps
25. San Mateo County Rare and Endangered Species Maps
26. Federal Environmental Standards
 - a) Water Quality Standards 40 CFR 120
 - b) Low-Noise Emission Standards 40 CFR 203
 - c) General Effluent Guidelines & Standards 40 CFR 401
 - d) National Primary & Secondary Ambient Air Quality Standards 40 CFR 50
27. State Federal Environmental Standards
 - e) Ambient Air Quality Standards
 - f) Noise Levels for Construction Equipment
28. Williamson Act Maps
29. Bay Area Air Pollution Control District Air Pollution Isopleth Maps
30. California Natural Areas Coordinating Council Maps
31. Census
32. City Geological Map
33. Phase 1 Preliminary Environmental Site Assessment
34. Traffic Statement
35. Historical Resource Inventory
36. Parks and Recreation Department
37. Draft Housing Element

MITIGATION MEASURES

No Mitigation Measures are Proposed or Required

LIST OF PREPARERS

Neal J. Martin, AICP
Neal Martin and Associates

RESOLUTION NO. 10- _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
ATHERTON RECOMMENDING THE CITY COUNCIL AMEND SECTIONS 17.52.030,
17.36.030, 17.32.030, 17.33.030 AND ADD SECTIONS 17.32.040 D.4, 17.32.040 E.2,
17.33.040 D.3, 17.33.040 E.1, 17.33.040 G.2, AND 17.36.060 TO THE ATHERTON
MUNICIPAL CODE TO IMPLEMENT THE ATHERTON 2007-2014 HOUSING
ELEMENT**

WHEREAS, at the July 21, 2010 regular meeting, subsequent to adoption of the 2007-2014 Atherton Housing Element Update the City Council directed Planning Staff to prepare draft ordinance provisions to implement the adopted Housing Element and present those provisions directly to the Planning Commission for public hearing and recommendation, and

WHEREAS, Planning Staff prepared draft ordinance provisions related to second dwelling units, multiple family residential uses on private school sites, emergency shelters and residential care facilities for Planning Commission consideration, and

WHEREAS, on October 27, 2010, the Planning Commission conducted a duly noticed public hearing on the matter.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the Town of recommends the City Council:

1. Amend sections 17.52.030, 17.36.030, 17.32.030, 17.33.030 of the Atherton Municipal Code and add sections 17.32.040 d.4, 17.32.040 e.2, 17.33.040 d.3, 17.33.040 e.1, 17.33.040 g.2, and 17.36.060 to the Atherton Municipal Code as provided in the draft ordinance attached to this resolution as Exhibit A and made a part of it.

~~I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the Town of Atherton at a regular meeting thereof held on the _____th day of _____, 2010, by the following vote.~~

AYES: Planning Commissioner: _____
NOES: Planning Commissioner: _____
ABSENT: Planning Commissioner: _____
ABSTAIN: Planning Commissioner: _____

Kristi Waldron, Chair

ATTEST:

Lisa Costa Sanders, Deputy Town Planner

APPROVED AS TO FORM:

Wynne Furth, City Attorney



Item 24

Town of Atherton

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: NADINE P. LEVIN, INTERIM CITY MANAGER

DATE: FOR THE COUNCIL MEETING OF NOVEMBER 17, 2010

SUBJECT: ADOPTION OF RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN TEAMSTERS LOCAL NO 856 (REPRESENTING MISCELLANEOUS TOWN EMPLOYEES) AND THE TOWN OF ATHERTON FOR THE PERIOD OF JULY 1, 2009 THROUGH JUNE 30, 2011

RECOMMENDATION

Adopt Resolution 10-67 approving the Memorandum of Understanding between the Town of Atherton and the Teamsters Local No. 856, for the period of July 1, 2009 through June 30, 2011, and authorize the Mayor to execute the agreement on behalf of the Town.

INTRODUCTION:

The last Memorandum of Understanding (MOU) between the Town and the Union covered the period of July 1, 2008 through June 30, 2009. The Town and Union continued under the terms of the prior MOU while the attached MOU was negotiated. The Town's negotiating team has met and conferred with the Union representatives reaching a successor agreement. The attached MOU reflects the proposed agreement which has been reached on behalf of the Town and Union. The MOU, if adopted by Council, will be effective for the period July 1, 2009 through June 30, 2010.

If adopted the Town's salary plan will be amended to incorporate the resulting salary adjustments.

ANALYSIS

Salary

Adoption of the MOU would implement a zero salary increase for the period of July 1, 2009 to June 30, 2010 and to be set at the 70th percentile for the period July 1, 2010- June 30, 2011. The 70th percentile is determined by a survey of comparable positions with benchmarked agencies for miscellaneous positions that include salary and the agencies Public Employee Retirement (PERS) contribution made on behalf of the employee, using the salaries in effect for the agencies as of July 1, 2010 (with the removal of the top and bottom salaries for calculation of the 70th percentile).

The attached is the Tentative Agreement between the Town and Teamsters Local 856 which provides a summary of the proposed changes from the last MOU.

FISCAL IMPACT:

The fiscal impact for FY 2009-10 represented no salary increase and an average of 2.4% increase for FY 2010-11 with an effective date of effective July 1, 2010 for employees covered by the MOU. These adjustments to salary represent a total dollar cost of \$52,000 annually.

Attachment:

1. Proposed MOU between the Town of Atherton and Teamsters Local 856

Nadine P. Levin
Interim City Manager

Wynne S. Furth, City Attorney



ITEM 25

Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: NADINE P. LEVIN, INTERIM CITY MANAGER

DATE: FOR THE REGULAR MEETING OF NOVEMBER 17, 2010

SUBJECT: ADOPTION RESOLUTION SETTING FORTH THE SALARY AND BENEFITS FOR MANAGEMENT EMPLOYEES FOR FISCAL YEAR 2009-10 AND 2010-11

RECOMMENDATION

Adopt Resolution 10-68 setting the salary and benefits for the Town's Management Employees.

INTRODUCTION

The purpose of setting salary and benefits for management employees through a resolution is to place in one document information that relates to all covered classifications. Attachment A to the Resolution sets forth the salary and benefit information for Management Employees of the Town of Atherton for the period July 1, 2009 through June 30, 2011.

If adopted the Town's salary plan will be amended to incorporate the resulting salary adjustments.

ANALYSIS

There are ten (10) position classifications that are covered by the Management Employee Salary and Benefits Resolution. The provisions of the resolution for the FY 2009-10 and FY 2010-11 provide for no salary increase in FY 2009-10 and the salary adjustments effective July 1, 2010 represent the 70th percentile pay range for comparable positions with comparable agencies for salary and the agencies Public Employee Retirement (PERS) contribution made on behalf of the employee.

Effective January 1, 2011 all management employees will have their medical coverage reduced from 100% Town paid to 97%. Additionally, all employees hired after the adoption of this resolution will be subject to the new vesting schedule for retiree medical coverage.

FISCAL IMPACT

The fiscal impact for FY 2009-10 represented no salary increase and an average of 5.4% increase for FY 2010-11 with an effective date July 1, 2010 for employees covered by the Resolution. These adjustments to salary represent a total dollar cost of \$72,000 annually assuming all the positions are filled for the full fiscal year.

There will be undetermined long term cost savings to the Town for the change in retiree medical benefits for employees hired after the adoption of the resolution.

Nadine P, Levin
Interim City Manager

Attachment:

1. Resolution of the City Council of the Town of Atherton Adopting the Salaries and Benefits for Management Staff for Fiscal Year 2009-10 and 2010-11.

ATTACHMENT A

The purpose of this Management Resolution is to provide salary and benefit information for Management Employees of the Town of Atherton in one document rather than in multiple, individual agreements with various employees.

1. **TERM:** The term of this Resolution is July 1, 2009 through June 30, 2011 (Fiscal Years 2009-10).

2. **COVERED CLASSIFICATIONS:**

Assistant Finance Director	Planning Administrator/Building Official
Assistant City Manager	Police Chief
Associate Engineer	Police Lieutenant
City Clerk	Public Works Director
Finance Directors	Public Works Superintendent
Park Program Manager	

3. **SALARY:** The Atherton City Council recognizes the importance of maintaining a competitive salary and benefit package for its management employees. In order for this to be possible, it is necessary to establish a list of those municipalities that should be used as benchmark agencies. The following agencies are hereby used as a benchmark for management employees' salaries and benefits: Menlo Park, Hillsborough, Millbrae, San Carlos, Los Gatos, Belmont, Brisbane, San Bruno, Los Altos, Woodside, and Saratoga, with the exception of the Police Lieutenant position, which shall be benchmarked against those agencies utilized as benchmarks in the Atherton Police Officers Association Memorandum of Understanding (MOU).

There shall be no wage increase on July 1, 2009. On July 1, 2010, the City Council authorizes compensation of management employees at the 70th percentile for salary and Public Employees Retirement System (PERS) contribution as compared to like positions with the benchmark agencies. The salary ranges for this Resolution are as shown in Exhibit "A" – Town of Atherton Management Salary Schedule - Fiscal Year 2009-10. Any 70th percentile calculation made pursuant to this Resolution shall have the highest and lowest salaries in the survey array removed.

Due to the unique duties of the Park Program Manager position and the inability to locate comparator positions, the salary for this position will not be set at the 70th percentile as described above. Instead, the salary for the Park Program Administrator position will be set at 1% above the Public Works Supervisor position for each Fiscal Year covered by

1

this Resolution, in order to maintain internal equity. In order to establish internal equity for the position of City Clerk, the salary range shall match that of the Assistant Finance Director for each Fiscal Year covered by this Resolution.

4. **OVERTIME:** All management employees are exempt from overtime compensation in accordance with the provisions of the Fair Labor Standards Act. No management employee is entitled to receive overtime compensation.
5. **HOLIDAYS:** The following holidays will be observed by all Management employees:

January 1	New Year's Day
Third Monday in January	Martin Luther King, Jr. Day
Third Monday in February	President's Day
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Second Monday in October	Columbus Day
November 11	Veterans' Day
Fourth Thursday in November	Thanksgiving Day
Fourth Friday in November	Day after Thanksgiving Day
December 25	Christmas Day

In addition, a personal holiday on a date to be determined by the employee subject to the approval of the City Manager. This holiday will be credited to the employee each January.

If any of the holidays falls on a Saturday, the Friday preceding shall be observed as the holiday. If the holiday falls on a Sunday, the following Monday shall be observed as the holiday.

6. **VACATION LEAVE:** Except as limited by this section, all Management Employees shall accrue Vacation Leave at the following rates:

Less than three years of service – 80 hours per year.

Three years of service to eight years of service – 120 hours per year.

Eight years of service and above – 160 hours per year.

For purposes of this resolution, “years of service” shall include full-time employment with the Town of Atherton, plus full-time service with other public or private agencies prior to Town employment. Full-time years of service with other agencies shall be credited on a two-for-one basis as follows: credit for one year of service for every two years of service outside the Town. Partial years shall not be rounded up to the next year. Employees covered by this provision include all current Management employees and all Management employees hired during the term of this Management Resolution.

The Town shall implement a maximum vacation accumulation cap of two times the employee's annual accrual rate. Reduction of employee's accrual levels to the maximum vacation accumulation cap shall be accomplished by discussion with the City Manager on the best way and the timing to accomplish the reduction.

Employees shall be allowed to have the Town buy back accrued vacation, with the approval of the City Manager, under the following:

- Accumulation at 15 days per year – 5 days of buy back by the Town per year
- Accumulation at 20 days per year – 10 days of buy back by the Town per year

To be eligible to sell back vacation time, an employee must have a minimum balance in excess of one half of his/her annual vacation accrual, after any buy back.

7. **ADMINISTRATIVE LEAVE:** In recognition of the hours required to accomplish the requirements of each Management position, including attendance at numerous meetings outside normal working hours, each Management Employee shall be granted forty (40) hours of Administrative Leave per fiscal year. Management employees may accumulate a maximum of 60 hours of Administrative Leave. No cash out of Administrative Leave shall be allowed.
8. **SICK LEAVE:** The Town shall provide each Management employee in paid status with paid sick leave at the rate of 3.69 hours per pay period. There is no cap on the hours of sick leave accrual.

An employee may only use sick leave that has accrued prior to the current pay period. Sick leave is not cashed out upon separation. Probationary employees can earn and use sick leave.

Sick Leave shall be allowed and used in cases of actual personal sickness or disability, medical or dental treatment, or as authorized for other health-related reasons. Up to six (6) days per year of sick leave may be used in cases of actual sickness or disability, medical or dental treatment of members of the employee's immediate family, or as otherwise provided by law. The City Manager may require an employee who uses sick leave to provide an original doctor's certificate to support the sick leave claimed. An employee who claims sick leave of three consecutive days or more may be required to submit a statement from a physician that the employee is fit to return to work with or without reasonable accommodation.

Unless he or she has submitted a doctor's note stating the length of absence, each employee on sick leave shall personally call in each day prior to the beginning of scheduled work hours to his or her immediate supervisor stating the following:

1. Non-detailed nature of the illness;

2. Estimated length of absence; and
3. Any necessary information about work which needs attention during the employee's absence.

Award for Non-Use

Provided that the following conditions are met, regular full-time employees may receive two hours of vacation leave on December 31 of any calendar year for every eight hours of sick leave earned but not used during that calendar year:

1. The employee must have completed one year of service by December 31 of the calendar year;
2. The employee must have received a satisfactory overall rating on his/her most recent performance review for work done during that calendar year; and
3. The employee only earns the Award for Non-Use to the extent that the Award does not exceed the vacation accrual cap.

Sick leave is not diminished as a result of an Award for Non-Use.

- 9. BEREAVEMENT LEAVE:** Management employees shall be allowed paid leave for not more than five working days when absent because a death has occurred in his/her immediate family. For the purpose of bereavement leave, members of the immediate family include mother, stepmother, father, stepfather, mother-in-law, father-in-law, child, grandparent, grandchild of the employee, or spouse, brother, stepbrother, sister, stepsister, cohabitant or dependent of the employee. Bereavement Leave because of a death of someone who is not a member of the employee's immediate family is limited to one day per request. Bereavement Leave cannot be accumulated and is not part of the sick leave benefit. Bereavement Leave cannot be used on a Town holiday.

In order to receive Bereavement Leave, a Management employee must make a written request to the City Manager that identifies the relationship of the deceased to the employee.

- 10. MILITARY LEAVE:** Military leave of absence shall be granted and compensated in accordance with all applicable laws upon satisfactory proof of the need to report to active duty. Management employees must give the City Manager advance notice, to the greatest extent possible, when military duty is scheduled.
- 11. LEAVE FOR PREGNANCY DISABILITY:** A pregnant Management employee shall be entitled to an unpaid leave of absence pursuant to applicable provisions of the California Pregnancy Disability Act, the California Family Rights Act, and the federal

Family and Medical Leave Act. The employee may use her accumulated sick or vacation leave for all or part of the leave. The employee's request for Pregnancy Disability Leave must be supported by a physician's statement that sets forth the anticipated duration of the disability.

12. **FAMILY AND MEDICAL ACT LEAVE:** The Town will comply with applicable provisions of the California Family Rights Act and the federal Family and Medical Leave Act.. Requests for leaves of absence under these laws shall be supported by a physician's statement that sets forth the anticipated duration of the absence.
13. **JURY DUTY:** A Management employee required to report for jury duty or to answer a subpoena as a witness shall be granted a leave of absence with pay from his/her assigned duties until released by the court, provided the employee remits to the Town all fees received for such duties, other than mileage or subsistence allowances, as soon as the employee receives such fees. The employee must report to work for any portion of the work day that the employee is not required to be absent due to jury duty or to answer a subpoena.
14. **LEAVE WITHOUT PAY:** Upon the written request of a Management employee and recommendation of the Department Head (if applicable), the City Manager may grant a leave of absence without pay for good cause shown in cases of personal emergency or when such absences would not be contrary to the best interest of the Town.

The City Manager may grant a leave of absence without pay for a period not to exceed one year, during which time no benefits and no seniority credit will accrue. Upon expiration of an approved leave, or within five working days after written notice to return to duty, the employee shall be reinstated in the position held at the time the leave was granted. An employee's failure to report promptly at the expiration of a leave, or within five working days after notice to report to duty, may be deemed notice of resignation and/or cause for disciplinary action.

During unpaid leaves of absence, the employee may elect to use accrued vacation time.

15. **BENEFITS PROGRAMS:** The following benefits are provided to Management employees. Benefits are not vested and are subject to change or to being discontinued.
 - A. **HEALTH/DENTAL/VISION INSURANCE:** Effective until January 2011, the Town will pay the full cost of the health insurance for the employee and his/her family for any health plan currently offered through PERS. Health insurance offered by PERS commences on the first day of the month following employment, and remains in effect for one month after one terminates employment with the Town. The City Manager may contract with different health care insurers/providers, with City Council approval, at the beginning of a calendar year, as long as the new contract does not reduce the level of benefits.

The Town will pay the full cost of the employee's and his/her family dental and vision insurance with insurers/providers as determined by the City Council based upon a recommendation of the City Manager.

Flexible Benefits Plan

During the term of this contract the City intends to convert to a flexible benefit plan structure to accommodate the tiered retiree medical benefit provision for employees hired after the effective date of this Resolution. Under the Flexible Benefit Plan the City's monthly contribution for the individual employee and the employee's eligible dependents shall be One Hundred and Eight dollars (\$108.00) per month effective January 1, 2010 and shall adjust in accordance with the Minimum Employer Contribution (MEC) established by the Public Employees Medical and Hospital Care Act.

Effective January 1, 2011, the City shall contribute the below-listed amount per month toward each employee's Section 125 Plan benefit allowance components:

- 97% of cost of the health insurance plan selected by the employee currently offered by PERS less PERS required MEC.

An employee may use any benefit allowance stated above toward the cost of employer-provided PERS Health insurance for the employee and eligible dependents. An employee may not use the benefit allowance for other reasons.

Any Employee that enrolls in a Medical Plan that has a higher premium than the City's contribution, as stated above, will pay the difference via pre-tax payroll deductions.

Effective January 1, 2011, an employee who declines medical coverage from the Town (with approved medical coverage from an alternative source) shall receive 50% of the Blue Shield rate or a minimum of \$300 per month for which the employee is eligible.

B. RETIREE MEDICAL: Employees who are hired after the adoption of this Resolution shall have the following eligibility schedule for retiree medical benefits premium contributions:

- Completion of 10 years Town Service – 50% of Kaiser-single rate;
- Completion of 11 years Town Service – 55% of Kaiser-single rate;
- Completion of 12 years Town Service – 60% of Kaiser-single rate;
- Completion of 13 years Town Service – 65% of Kaiser-single rate;
- Completion of 14 years Town Service – 70% of Kaiser-single rate;
- Completion of 15 years Town Service – 75% of Kaiser-single rate;
- Completion of 16 years Town Service – 80% of Kaiser-single rate;

- Completion of 17 years Town Service – 85% of Kaiser-single rate;
- Completion of 18 years Town Service – 90% of Kaiser-single rate;
- Completion of 19 years Town Service – 95% of Kaiser-single rate;
- Completion of 20 years Town Service – 100% of Kaiser-single rate.

The Towns maximum contribution for retiree medical, for employees who are hired after the adoption of this Resolution, shall be the Employee Only rate for Kaiser.

C. LIFE INSURANCE: The Town will provide Management employees with Town-paid life and accidental death and dismemberment insurance policies in the following amounts:

Assistant City Manager	\$150,000
Police Chief, Police Lieutenant:	\$140,000
Finance Director, Planning Administrator/Building Official, Public Works Director:	\$100,000
Assistant Finance Director, City Clerk, Park Program Administrator, Public Works Superintendent:	\$75,000

D. EMPLOYEE ASSISTANCE PLAN: The Town will continue its program for psychological counseling to employees and dependents, with total Town expenditures not to exceed \$3,000 in any fiscal year, for payment of professional psychological counseling fees. Employee family groups are entitled to attend up to six sessions each year when he/she/they determine(s) that psychological counseling is needed to ensure continued good mental health.

E. LONG TERM DISABILITY INSURANCE (LTD): Coverage for this insurance is 67% of monthly earnings to a maximum of \$6,000.00. This insurance becomes effective the first day of the month following date of employment subject to the terms and provisions contained in the policy. The waiting period following a disability is sixty (60) days. An employee does not accrue sick or vacation leave while on Long Term Disability Leave.

F. DEFERRED COMPENSATION: Management employees are eligible to participate in Deferred Compensation Plans offered by the Town.

- G. SHORT TERM DISABILITY INSURANCE (STD):** Short Term Disability Insurance can only be utilized after an employee has exhausted all of his/her available sick leave. The benefit is an amount equal to 70% of the employee's weekly earnings to a maximum of \$500.00 per week.
 - H. FLEXIBLE SPENDING PLAN:** Full-time Management may enroll in this plan and take advantage of tax benefits as they pertain to medical and dependent care. Employees enroll upon employment and once a year thereafter in the month of January.
 - I. PUBLIC EMPLOYEES' RETIREMENT SYSTEM:** All full-time Management employees are covered by California's PERS in lieu of Social Security coverage. The Town pays both the employer's and the employee's portion of PERS under the 2% @55 program for non-sworn management employees and 3% @50 program, as of July 1, 2002, (calculated at single-highest year) for sworn Management employees.
- 16. PERFORMANCE REVIEWS:** All Management employees shall have their performance reviewed at least once prior to the end of the fiscal year in June. These reviews provide a planned and orderly means to evaluate individual performance in the areas of program responsibility, management of personnel, accountability, and teamwork with other staff members.
- 17. AUTOMOBILE PROVISION/MILEAGE REIMBURSEMENT:** The City Council recognizes different needs of Management employees regarding automobile use. All Management employees will be compensated for mileage at the current Internal Revenue Service rate in the performance of his/her job except for the following positions as provided herein:
- a. Police Chief - Provision of an automobile to take home
 - b. Police Lieutenant - Provision of an automobile to take home
 - c. Planning Administrator/Building Official - \$300/month
 - d. Public Works Director - \$300/month
 - e. Public Works Superintendent - Provision of an automobile during work hours
- The specific policy for use of Town-owned automobiles will be established by the City Manager.
- 18. EDUCATIONAL REIMBURSEMENT:** The Town shall establish a \$2,000 annual educational reimbursement plan for Management employees. A Management employee who successfully completes courses that have been approved by the City Manager may receive up to \$600 reimbursement for each fiscal year of the term of this MOU until the funds are depleted. At the end of the fiscal year, any unused amount in the plan shall be distributed to management participants in the plan during that year on an equal basis

provided that such additional payments to participants shall be based on actual expenditures incurred by the participants.

19. **UNIFORM ALLOWANCE:** The positions of Police Chief and Police Lieutenant shall receive a uniform allowance in the amount of \$675 per fiscal year, payable in equal amounts of \$168.75 on the first payday at the beginning of each quarter. The amount advanced is subject to all withholding taxes, but is not dependent on remaining in service for the entire quarter. Positions covered by this allowance are required to purchase and maintain uniforms in accordance with Atherton Police Department Rules and Regulations.
20. **SAFETY SHOE ALLOWANCE:** The position of Public Works Superintendent shall receive a safety shoe allowance of \$200 per fiscal year. On presentation of appropriate receipts, the Town shall reimburse the Public Works Superintendent for up to \$200 per fiscal year toward the cost of no more than one pair of OSHA approved safety shoes/boots per year. Shoe repair is reimbursable under this provision. Shoes/boots purchased under this provision are for the exclusive use of the employee.
21. **FLEXIBLE SCHEDULING:** At the request of the Department Head and following review and approval by the City Manager, a flexible work schedule may be implemented for Management Employees covered by this Resolution. The City Manager's evaluation shall give consideration to the needs of the Department/Employee as well as the desire of the City Council to continue to provide all Town services on a schedule that is conducive to providing uninterrupted service to its residents throughout the week.

Each flexible schedule approved shall be evaluated by the City Manager no later than six months following its implementation. The purpose of the evaluation will be to determine if it is in the best interests of the Town of Atherton to continue the flexible schedule, or any modifications to the schedule that would be necessitated by the City Manager's evaluation.
22. **MILITARY BUY-BACK OF SERVICE CREDIT:** Eligible Management employees are able to participate in the Military Buy Back of Service Credit program available through the Public Employees Retirement System (PERS).
23. The provisions of this Management Resolution supercede and terminate any and all prior or existing MOUs, understandings, rules, policies, agreements, resolutions or correspondence, whether formal or informal, regarding the compensation, benefits and terms and conditions of employment, to the extent that those items are inconsistent with the terms of this Management Resolution. Existing MOUs, understandings, rules, policies, agreements, resolutions or correspondence that do not conflict with the matters set forth herein remain in effect.

**TOWN OF ATHERTON
MANAGEMENT SALARY SCHEDULE
Fiscal Year 2009-10**

**TOWN OF ATHERTON
Draft MONTHLY SALARY COMPENSATION
FISCAL YEAR 2009-10**

JOB DESCRIPTION	STEP A	STEP D
	11,644.3	13,479.8
POLICE CHIEF	7	2
	11,513.4	13,328.2
PUBLIC WORKS DIRECTOR/CITY ENGINEER	2	2
	11,485.4	13,295.8
ASSISTANT CITY MANAGER	9	9
	11,253.9	13,027.8
FINANCE DIRECTOR	6	6
	10,758.3	12,454.1
PLANNING ADMINISTRATOR/BUILDING OFFICIAL	9	8
		11,339.8
POLICE LIEUTENANT	9,795.77	3
		10,395.7
PUBLIC WORKS SUPERINTENDENT	8,980.20	0
CITY CLERK*	7,993.75	9,253.76
ASSOCIATE ENGINEER *	7,133.10	8,257.45
PARK PROGRAM MANAGER	6,329.43	7,327.11

07/01/09 Steps B & C added
*Position not filled FY 2009-10

Management (Unrepresented) position salaries effective 7/1/09.

**TOWN OF ATHERTON
MANAGEMENT SALARY SCHEDULE
Fiscal Year 2010-11**

**TOWN OF ATHERTON
Draft MONTHLY SALARY COMPENSATION
FISCAL YEAR 2010-11**

JOB DESCRIPTION	STEP A	STEP D
	12,238.5	14,271.8
POLICE CHIEF	4	2
	12,153.0	14,068.6
PUBLIC WORKS DIRECTOR/CITY ENGINEER	3	5
	12,185.6	14,106.3
ASSISTANT CITY MANAGER	2	8
	12,081.3	13,985.6
FINANCE DIRECTOR	1	3
	11,199.3	12,964.5
PLANNING ADMINISTRATOR/BUILDING OFFICIAL	0	9
	10,221.6	11,832.8
POLICE LIEUTENANT	4	2
		10,892.7
PUBLIC WORKS SUPERINTENDENT	9,409.58	7
PARK PROGRAM MANAGER	6,467.27	7,486.67

ATTACHMENT A

The purpose of this Management Resolution is to provide salary and benefit information for Management Employees of the Town of Atherton in one document rather than in multiple, individual agreements with various employees.

1. **TERM:** The term of this Resolution is July 1, 2009 through June 30, 2011 (Fiscal Years 2009-10).

2. **COVERED CLASSIFICATIONS:**

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Assistant City Manager	Police Chief
Associate Engineer	Police Lieutenant
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3. **SALARY:** The Atherton City Council recognizes the importance of maintaining a competitive salary and benefit package for its management employees. In order for this to be possible, it is necessary to establish a list of those municipalities that should be used as benchmark agencies. The following agencies are hereby used as a benchmark for management employees' salaries and benefits: Menlo Park, Hillsborough, Millbrae, San Carlos, Los Gatos, Belmont, Brisbane, San Bruno, Los Altos, Woodside, and Saratoga, with the exception of the Police Lieutenant position, which shall be benchmarked against those agencies utilized as benchmarks in the Atherton Police Officers Association Memorandum of Understanding (MOU).

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this Resolution, in order to maintain internal equity. In order to establish internal equity for the position of City Clerk, the salary range shall match that of the Assistant Finance Director for each Fiscal Year covered by this Resolution.

4. **OVERTIME:** All management employees are exempt from overtime compensation in accordance with the provisions of the Fair Labor Standards Act. No management employee is entitled to receive overtime compensation.
5. **HOLIDAYS:** The following holidays will be observed by all Management employees:

January 1	New Year's Day
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In addition, a personal holiday on a date to be determined by the employee subject to the approval of the City Manager. This holiday will be credited to the employee each January.

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Less than three years of service – 80 hours per year.

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The Town shall implement a maximum vacation accumulation cap of two times the employee's annual accrual rate. Reduction of employee's accrual levels to the maximum vacation accumulation cap shall be accomplished by discussion with the City Manager on the best way and the timing to accomplish the reduction.

Employees shall be allowed to have the Town buy back accrued vacation, with the approval of the City Manager, under the following:

- Accumulation at 15 days per year – 5 days of buy back by the Town per year
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To be eligible to sell back vacation time, an employee must have a minimum balance in excess of one half of his/her annual vacation accrual, after any buy back.

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1. Non-detailed nature of the illness;

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3. Any necessary information about work which needs attention during the employee's absence.

Award for Non-Use

Provided that the following conditions are met, regular full-time employees may receive two hours of vacation leave on December 31 of any calendar year for every eight hours of sick leave earned but not used during that calendar year:

1. The employee must have completed one year of service by December 31 of the calendar year;
2. The employee must have received a satisfactory overall rating on his/her most recent performance review for work done during that calendar year; and
3. The employee only earns the Award for Non-Use to the extent that the Award does not exceed the vacation accrual cap.

Sick leave is not diminished as a result of an Award for Non-Use.

9. **BEREAVEMENT LEAVE:** Management employees shall be allowed paid leave for not more than five working days when absent because a death has occurred in his/her immediate family. For the purpose of bereavement leave, members of the immediate family include mother, stepmother, father, stepfather, mother-in-law, father-in-law, child, grandparent, grandchild of the employee, or spouse, brother, stepbrother, sister, stepsister, cohabitant or dependent of the employee. Bereavement Leave because of a death of someone who is not a member of the employee's immediate family is limited to one day per request. Bereavement Leave cannot be accumulated and is not part of the sick leave benefit. Bereavement Leave cannot be used on a Town holiday.

In order to receive Bereavement Leave, a Management employee must make a written request to the City Manager that identifies the relationship of the deceased to the employee.

10. **MILITARY LEAVE:** Military leave of absence shall be granted and compensated in accordance with all applicable laws upon satisfactory proof of the need to report to active duty. Management employees must give the City Manager advance notice, to the greatest extent possible, when military duty is scheduled.
11. **LEAVE FOR PREGNANCY DISABILITY:** A pregnant Management employee shall be entitled to an unpaid leave of absence pursuant to applicable provisions of the California Pregnancy Disability Act, the California Family Rights Act, and the federal

Family and Medical Leave Act. The employee may use her accumulated sick or vacation leave for all or part of the leave. The employee's request for Pregnancy Disability Leave must be supported by a physician's statement that sets forth the anticipated duration of the disability.

12. **FAMILY AND MEDICAL ACT LEAVE:** The Town will comply with applicable provisions of the California Family Rights Act and the federal Family and Medical Leave Act.. Requests for leaves of absence under these laws shall be supported by a physician's statement that sets forth the anticipated duration of the absence.
13. **JURY DUTY:** A Management employee required to report for jury duty or to answer a subpoena as a witness shall be granted a leave of absence with pay from his/her assigned duties until released by the court, provided the employee remits to the Town all fees received for such duties, other than mileage or subsistence allowances, as soon as the employee receives such fees. The employee must report to work for any portion of the work day that the employee is not required to be absent due to jury duty or to answer a subpoena.
14. **LEAVE WITHOUT PAY:** Upon the written request of a Management employee and recommendation of the Department Head (if applicable), the City Manager may grant a leave of absence without pay for good cause shown in cases of personal emergency or when such absences would not be contrary to the best interest of the Town.

The City Manager may grant a leave of absence without pay for a period not to exceed one year, during which time no benefits and no seniority credit will accrue. Upon expiration of an approved leave, or within five working days after written notice to return to duty, the employee shall be reinstated in the position held at the time the leave was granted. An employee's failure to report promptly at the expiration of a leave, or within five working days after notice to report to duty, may be deemed notice of resignation and/or cause for disciplinary action.

During unpaid leaves of absence, the employee may elect to use accrued vacation time.

15. **BENEFITS PROGRAMS:** The following benefits are provided to Management employees. Benefits are not vested and are subject to change or to being discontinued.
 - A. **HEALTH/DENTAL/VISION INSURANCE:** Effective until January 2011, the Town will pay the full cost of the health insurance for the employee and his/her family for any health plan currently offered through PERS. Health insurance offered by PERS commences on the first day of the month following employment, and remains in effect for one month after one terminates employment with the Town. The City Manager may contract with different health care insurers/providers, with City Council approval, at the beginning of a calendar year, as long as the new contract does not reduce the level of benefits.

The Town will pay the full cost of the employee's and his/her family dental and vision insurance with insurers/providers as determined by the City Council based upon a recommendation of the City Manager.

Flexible Benefits Plan

During the term of this contract the City intends to convert to a flexible benefit plan structure to accommodate the tiered retiree medical benefit provision for employees hired after the effective date of this Resolution. Under the Flexible Benefit Plan the City's monthly contribution for the individual employee and the employee's eligible dependents shall be One Hundred and Eight dollars (\$108.00) per month effective January 1, 2010 and shall adjust in accordance with the Minimum Employer Contribution (MEC) established by the Public Employees Medical and Hospital Care Act.

Effective January 1, 2011, the City shall contribute the below-listed amount per month toward each employee's Section 125 Plan benefit allowance components:

- 97% of cost of the health insurance plan selected by the employee currently offered by PERS less PERS required MEC.

An employee may use any benefit allowance stated above toward the cost of employer-provided PERS Health insurance for the employee and eligible dependents. An employee may not use the benefit allowance for other reasons.

Any Employee that enrolls in a Medical Plan that has a higher premium than the City's contribution, as stated above, will pay the difference via pre-tax payroll deductions.

Effective January 1, 2011, an employee who declines medical coverage from the Town (with approved medical coverage from an alternative source) shall receive 50% of the Blue Shield rate or a minimum of \$300 per month for which the employee is eligible.

B. RETIREE MEDICAL: Employees who are hired after the adoption of this Resolution shall have the following eligibility schedule for retiree medical benefits premium contributions:

- Completion of 10 years Town Service – 50% of Kaiser-single rate;
- Completion of 11 years Town Service – 55% of Kaiser-single rate;
- Completion of 12 years Town Service – 60% of Kaiser-single rate;
- Completion of 13 years Town Service – 65% of Kaiser-single rate;
- Completion of 14 years Town Service – 70% of Kaiser-single rate;
- Completion of 15 years Town Service – 75% of Kaiser-single rate;
- Completion of 16 years Town Service – 80% of Kaiser-single rate;

- Completion of 17 years Town Service – 85% of Kaiser-single rate;
- Completion of 18 years Town Service – 90% of Kaiser-single rate;
- Completion of 19 years Town Service – 95% of Kaiser-single rate;
- Completion of 20 years Town Service – 100% of Kaiser-single rate.

The Towns maximum contribution for retiree medical, for employees who are hired after the adoption of this Resolution, shall be the Employee Only rate for Kaiser.

C. LIFE INSURANCE: The Town will provide Management employees with Town-paid life and accidental death and dismemberment insurance policies in the following amounts:

Assistant City Manager	\$150,000
Police Chief, Police Lieutenant:	\$140,000
Finance Director, Planning Administrator/Building Official, Public Works Director:	\$100,000
Assistant Finance Director, City Clerk, Park Program Administrator, Public Works Superintendent:	\$75,000

D. EMPLOYEE ASSISTANCE PLAN: The Town will continue its program for psychological counseling to employees and dependents, with total Town expenditures not to exceed \$3,000 in any fiscal year, for payment of professional psychological counseling fees. Employee family groups are entitled to attend up to six sessions each year when he/she/they determine(s) that psychological counseling is needed to ensure continued good mental health.

E. LONG TERM DISABILITY INSURANCE (LTD): Coverage for this insurance is 67% of monthly earnings to a maximum of \$6,000.00. This insurance becomes effective the first day of the month following date of employment subject to the terms and provisions contained in the policy. The waiting period following a disability is sixty (60) days. An employee does not accrue sick or vacation leave while on Long Term Disability Leave.

F. DEFERRED COMPENSATION: Management employees are eligible to participate in Deferred Compensation Plans offered by the Town.

- G. SHORT TERM DISABILITY INSURANCE (STD):** Short Term Disability Insurance can only be utilized after an employee has exhausted all of his/her available sick leave. The benefit is an amount equal to 70% of the employee's weekly earnings to a maximum of \$500.00 per week.
 - H. FLEXIBLE SPENDING PLAN:** Full-time Management may enroll in this plan and take advantage of tax benefits as they pertain to medical and dependent care. Employees enroll upon employment and once a year thereafter in the month of January.
 - I. PUBLIC EMPLOYEES' RETIREMENT SYSTEM:** All full-time Management employees are covered by California's PERS in lieu of Social Security coverage. The Town pays both the employer's and the employee's portion of PERS under the 2% @55 program for non-sworn management employees and 3% @50 program, as of July 1, 2002, (calculated at single-highest year) for sworn Management employees.
- 16. PERFORMANCE REVIEWS:** All Management employees shall have their performance reviewed at least once prior to the end of the fiscal year in June. These reviews provide a planned and orderly means to evaluate individual performance in the areas of program responsibility, management of personnel, accountability, and teamwork with other staff members.
- 17. AUTOMOBILE PROVISION/MILEAGE REIMBURSEMENT:** The City Council recognizes different needs of Management employees regarding automobile use. All Management employees will be compensated for mileage at the current Internal Revenue Service rate in the performance of his/her job except for the following positions as provided herein:
- a. Police Chief - Provision of an automobile to take home
 - b. Police Lieutenant - Provision of an automobile to take home
 - c. Planning Administrator/Building Official - \$300/month
 - d. Public Works Director - \$300/month
 - e. Public Works Superintendent - Provision of an automobile during work hours
- The specific policy for use of Town-owned automobiles will be established by the City Manager.
- 18. EDUCATIONAL REIMBURSEMENT:** The Town shall establish a \$2,000 annual educational reimbursement plan for Management employees. A Management employee who successfully completes courses that have been approved by the City Manager may receive up to \$600 reimbursement for each fiscal year of the term of this MOU until the funds are depleted. At the end of the fiscal year, any unused amount in the plan shall be distributed to management participants in the plan during that year on an equal basis

provided that such additional payments to participants shall be based on actual expenditures incurred by the participants.

19. **UNIFORM ALLOWANCE:** The positions of Police Chief and Police Lieutenant shall receive a uniform allowance in the amount of \$675 per fiscal year, payable in equal amounts of \$168.75 on the first payday at the beginning of each quarter. The amount advanced is subject to all withholding taxes, but is not dependent on remaining in service for the entire quarter. Positions covered by this allowance are required to purchase and maintain uniforms in accordance with Atherton Police Department Rules and Regulations.
20. **SAFETY SHOE ALLOWANCE:** The position of Public Works Superintendent shall receive a safety shoe allowance of \$200 per fiscal year. On presentation of appropriate receipts, the Town shall reimburse the Public Works Superintendent for up to \$200 per fiscal year toward the cost of no more than one pair of OSHA approved safety shoes/boots per year. Shoe repair is reimbursable under this provision. Shoes/boots purchased under this provision are for the exclusive use of the employee.
21. **FLEXIBLE SCHEDULING:** At the request of the Department Head and following review and approval by the City Manager, a flexible work schedule may be implemented for Management Employees covered by this Resolution. The City Manager's evaluation shall give consideration to the needs of the Department/Employee as well as the desire of the City Council to continue to provide all Town services on a schedule that is conducive to providing uninterrupted service to its residents throughout the week.

Each flexible schedule approved shall be evaluated by the City Manager no later than six months following its implementation. The purpose of the evaluation will be to determine if it is in the best interests of the Town of Atherton to continue the flexible schedule, or any modifications to the schedule that would be necessitated by the City Manager's evaluation.
22. **MILITARY BUY-BACK OF SERVICE CREDIT:** Eligible Management employees are able to participate in the Military Buy Back of Service Credit program available through the Public Employees Retirement System (PERS).
23. The provisions of this Management Resolution supercede and terminate any and all prior or existing MOUs, understandings, rules, policies, agreements, resolutions or correspondence, whether formal or informal, regarding the compensation, benefits and terms and conditions of employment, to the extent that those items are inconsistent with the terms of this Management Resolution. Existing MOUs, understandings, rules, policies, agreements, resolutions or correspondence that do not conflict with the matters set forth herein remain in effect.

**TOWN OF ATHERTON
MANAGEMENT SALARY SCHEDULE
Fiscal Year 2009-10**

**TOWN OF ATHERTON
Draft MONTHLY SALARY COMPENSATION
FISCAL YEAR 2009-10**

JOB DESCRIPTION	STEP A	STEP D
	11,644.3	13,479.8
POLICE CHIEF	7	2
	11,513.4	13,328.2
PUBLIC WORKS DIRECTOR/CITY ENGINEER	2	2
	11,485.4	13,295.8
ASSISTANT CITY MANAGER	9	9
	11,253.9	13,027.8
FINANCE DIRECTOR	6	6
	10,758.3	12,454.1
PLANNING ADMINISTRATOR/BUILDING OFFICIAL	9	8
		11,339.8
POLICE LIEUTENANT	9,795.77	3
		10,395.7
PUBLIC WORKS SUPERINTENDENT	8,980.20	0
CITY CLERK*	7,993.75	9,253.76
ASSOCIATE ENGINEER *	7,133.10	8,257.45
PARK PROGRAM MANAGER	6,329.43	7,327.11

07/01/09 Steps B & C added
*Position not filled FY 2009-10

Management (Unrepresented) position salaries effective 7/1/09.

**TOWN OF ATHERTON
MANAGEMENT SALARY SCHEDULE
Fiscal Year 2010-11**

**TOWN OF ATHERTON
Draft MONTHLY SALARY COMPENSATION
FISCAL YEAR 2010-11**

JOB DESCRIPTION	STEP A	STEP D
	12,238.5	14,271.8
POLICE CHIEF	4	2
	12,153.0	14,068.6
PUBLIC WORKS DIRECTOR/CITY ENGINEER	3	5
	12,185.6	14,106.3
ASSISTANT CITY MANAGER	2	8
	12,081.3	13,985.6
FINANCE DIRECTOR	1	3
	11,199.3	12,964.5
PLANNING ADMINISTRATOR/BUILDING OFFICIAL	0	9
	10,221.6	11,832.8
POLICE LIEUTENANT	4	2
		10,892.7
PUBLIC WORKS SUPERINTENDENT	9,409.58	7
PARK PROGRAM MANAGER	6,467.27	7,486.67

DRAFT

TOWN OF ATHERTON REQUEST FOR PROPOSALS CITY ATTORNEY

SECTION I GENERAL INFORMATION

Introduction

The City Council of the Town of Atherton invites qualified firms or individuals to submit proposals for City Attorney Services as described in the scope of work set forth in Section II of this request for proposals (RFP).

Background

The Town of Atherton was incorporated in 1923 and is a residential community with a population of 7,475 according to the State of California Department of Finance. Atherton is a General Law City with five City Council members elected at large operating under a council-manager form of government. The City Council selects the Mayor and appoints the City Manager, City Attorney, and members of the Town boards, commissions and committees. The City Attorney reports to the City Council. The City Council meets on the third Wednesday of the month at 7:00 p.m. for public session and preceded by a closed session. The Planning Commission meets on the fourth Wednesday of the month at 6:00 p.m.

Atherton encompasses approximately six square miles and is bounded by the City of Redwood City, unincorporated County of San Mateo, Town of Woodside and City of Menlo Park. Services provided by the Town include administration, police, recreation services, street maintenance, planning and building inspection. Fire protection and paramedic service are provided by the independent Menlo Park Fire Protection District. Ambulance service is provided through a countywide joint power agreement. Sewer service is provided by the West Bay Sanitary District and Fair Oaks Sewer Maintenance District and water service is provided by the California Water Service company. The Town has 49 employees. The FY 2010-2011 General Fund budget for the Town of Atherton is 10.6 million. The FY 2010-2011 budget for legal services is \$300,000.

More information can be found on the Town of Atherton's website: www.ci.atherton.ca.us.

Issues of Concern

The Town of Atherton has similar issues of concern as other municipalities. However, the Town has particular concern about the following issues:

- Controlling legal expenses
- Avoidance and mitigation of litigation
- Protecting Town's rural quality of life
- High Speed Rail
- Effectiveness of legal services in minimizing litigation actions
- Compliance with Public Records Requests
- Advising on successful revenue measures
- Developing appropriate fee structures
- Records retention
- Code enforcement
- Minimizing the use of closed sessions
- Communication with the media and public to achieve a highest degree of transparency
- Working with staff, committees and council to achieve the highest professional level in the processes they should follow
- Ability to reach out and relate to the community
- Ability to follow through with the residents
- Being open-minded

RFP Contact

Questions regarding the RFP should be directed to:

City Manager, Town of Atherton
91 Ashfield Lane
Atherton, CA 94027
650-752-0500
email:

Proposal Due Dates

One original and nine copies of the proposal must be **received by the City Manager of the Town of Atherton** no later than **Noon (12:00 p.m.) on (insert date)**. Proposals are to be sent to:

City Manager, Town of Atherton
91 Ashfield Lane
Atherton, CA 94027

Proposals should be marked "**Town of Atherton City Attorney RFP**". Facsimile proposals will not be accepted. Additionally, please **email an electronic copy** of your proposal to Theresa DellaSanta, Deputy City Clerk, tdellasanta@ci.atherton.ca.gov by Noon (12:00 p.m.) on **(insert date)**. Proposals received after Noon (12:00 p.m.) on (insert date) will be disqualified.

Incurring Costs

The Town of Atherton is not liable for any costs incurred by a proposer in the preparation and/or presentation of the proposal.

Equal Opportunity

The Town of Atherton requires all proposers to comply with equal opportunity policies. The Town of Atherton's programs, services, employment opportunities, and volunteer positions and contracts are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, handicap, or political affiliation.

Independent Contractor

The City Attorney will be an independent contractor. All persons employed by a firm in accordance with a contract resulting from this RFP will be employees of the firm and not the Town of Atherton.

SECTION II
LEGAL SERVICE REQUIREMENTS
SCOPE OF WORK

Services To Be Provided

The City Attorney is appointed by and reports to the City Council. The City Attorney is the chief legal counsel for the Town of Atherton and, as such, is responsible for advising on all legal matters.

The following are the primary responsibilities for the legal services the Town will require in a City Attorney:

- Advise the Council, Town Boards and Commissions, and all Town officials on municipal government legal matters including the Brown Act and parliamentary procedures for running meetings.
- Attend all City Council and Planning Commission meetings unless excused by the Mayor or Council. Attend other meetings as assigned by the City Manager or Mayor.
- Coordinate and manage the services and costs of all outside legal counsel within limits approved by the City Council.
- Provide legal advice to staff, upon request of the City Manager.
- Prepare and/or review all ordinances, resolutions, municipal contracts, joint powers agreements, and other agreements and contracts entered into by the Town.
- Research and submit legal opinions on municipal or other legal matters as requested by the City Council or City Manager.
- Alert the Town in a timely manner on new State or Federal legislation or judicial decisions that may impact the Town and propose appropriate action(s) to assure compliance.
- Provide guidance on personnel matters, including policy and procedures affecting employees.
- Provide legal work pertaining to land use issues including but not limited to property acquisitions, property disposals, public improvements, easements, dedications and right-of-way vacations.
- Enforce Town codes, zoning regulations, and building standards through administrative and judicial actions.
- Assist in the preparation of Environmental Impact Reports.
- Attend staff meetings at the request of the City Manager (currently held weekly on Tuesdays).
- Hold office hours at Town Hall once a week for at least four (4) hours on a day to be set by the City Manager.
- Communicate with the press, when authorized to do so by the City Manager or Mayor regarding Town legal matters.
- Prompt response to calls and e-mails from the City Council and staff.
- Review current documents, policies and forms to ensure compliance to current laws.

SECTION III **PROPOSAL FORM AND CONTENT**

Proposal Submittal

All pages of the proposal must be numbered consecutively. The proposal shall not exceed fifteen (15) pages in length. Resumes and licenses shall not count against this page limit. The proposal must be organized in accordance with the list of proposal contents.

Proposal Form and Content

Proposers must include the following items in their proposals addressing the scope of work in Section II. All items must fall within the maximum page count. Proposals and cost schedule shall be valid and binding for ninety (90) days following the proposal due date and will become part of the contract that is negotiated with the Town.

A. Letter of Transmittal

Include a cover letter signed by a duly authorized representative of the firm. The cover letter must include name, address, telephone number and e-mail address of the proposer submitting the proposal. In addition, the name, title, address, telephone number, fax number and e-mail address of the person or persons to contact whom are authorized to represent the proposer and to whom correspondence should be directed should also be included. Additionally, the cover letter must include the following table containing the requested information:

Name of proposed City Attorney	
Office address for proposed City Attorney	
Monthly retainer	
Services included in monthly retainer (Include estimated weekly office hours on-site in Atherton) Services NOT included in monthly retainer	
Hourly rates for services not included in retainer	
Areas of expertise within your firm	
References (name, municipality, phone, email)	1.
	2.
	3.

B. Table of Contents

Include a clear identification of the submitted material by section and by page number.

C. Executive Summary

Introduce the proposal and summarize the key provisions of the proposal. Provide a statement describing why the proposer is qualified to perform this work, the name of the individual who would serve as City Attorney, and the proposed fees.

D. Statement of Understanding

Include a detailed statement of understanding of the City Attorney services to be provided. If there are services listed in this RFP that the proposer will not be able to provide, describe those services in this section.

E. Approach to Legal Services

Provide a response to each of the following items:

1. Describe your view of the role of the City Attorney.
2. Describe how you will keep the Town informed about the status of litigation and other legal matters.
3. Provide an example of a written communication (not to exceed 5 pages) to the governing body about a legal issue, in which options are explained and a recommendation is given.
4. Describe how you track and manage legal costs so that Town legal costs are held to a minimum. Please provide an example.
5. Describe how you would proactively advise the City Council about legal developments or issues of concern, without being asked.
6. Describe how as the City Attorney you would work with the City Manager and staff.
7. Describe how as the City Attorney you would work with the Mayor and City Council, and participate in City Council, Planning Commission, and other meetings. Would you describe your style of participation in such meetings as proactive or reactive?
8. How much **in excess of** the retainer would you expect the Town of Atherton to spend engaging the services of your firm for litigation, special expertise, or other services?
9. Please define the type and unit rates for reimbursement for expenses such as mileage, reproduction of documents, faxed documents, and word processing charges.
10. How do you evaluate the costs/benefits of litigating or settling cases?
11. How would you evaluate whether to use an attorney within your law firm or an attorney from another firm to handle a case, provide expert advice, or provide other needed services? How will fees enter into your judgment of who to use in your role as City Attorney representing the interests of the Town of Atherton?
12. Describe the firm's practices regarding professional development, training, and keeping current in the law and legal matters affecting their clients.
13. Describe the firm's experience with issues such as Historical Artifacts and Historical Overlay Districts.
14. Describe the firm's experience with residential Eminent Domain.
15. Describe the firm's experience with Code Enforcement issues both Town-wide and on individual cases.

F. Background and Capacity

1. Describe your firm's background and history; include number of years in business.
2. Describe your firm's municipal legal services training, experience.
3. Location of office(s) that would serve the Town of Atherton.
4. Types of communications devices that would be used by the firm in communicating with the Town of Atherton (e.g., email, telephone, cell phones, voice mail, conference call numbers, websites, etc.)
5. Staff services available (clerical support, paralegals, other non-attorney staff).
6. **Awards, honors or public recognition of you, your firm, or both, concerning the provision of legal services.**

G. Proposed Attorney(s)

Name the person whom you propose to designate as City Attorney, and other proposed support members

1. Certificates or licenses, including the date of admission to the State Bar of California;
2. Description of education (including name of educational institutions, degrees conferred, and year of each degree);
3. Professional background and professional associations;
4. Experience with and knowledge of the law relating to general law cities related to land use and planning, environmental law including the California Environmental Quality Act (CEQA), redevelopment law, general plans, code enforcements and other related areas of law, administrative law; labor relations/personnel law, and other areas of municipal law;
5. Expertise and training.

H. Expertise of Other Attorneys to Assist the Town of Atherton

1. Indicate the expertise your firm is able to provide the Town of Atherton (e.g., redevelopment, labor, etc.).
2. Provide names and qualifications of attorneys in your firm which would be able to provide such legal services.
3. If you are an individual proposing to provide City Attorney services, please indicate the attorneys you would expect to use on behalf of the Town of Atherton for specific areas of expertise.

I. References

Provide contact information for three municipal clients for which services have been provided in the last three years, the time period within which the reference was provided those services and the approximate duration for providing those services., (This information will be used in conducting reference checks) Please include the contact person's name, title, agency, phone number and email address.

J. Clients/Potential Conflicts of Interest

1. List all public clients for whom your firm currently provides services under a fee for services basis or on a retainer basis. Indicate the services provided (e.g., City Attorney services, special legal expertise in specific disciplines, etc.). Identify any foreseeable or potential conflicts of interest that could result from such representation and the manner in which you would propose to resolve such conflicts.

2. For the person to be designated as City Attorney, list all public clients that person presently represents as city attorney or general counsel, along with the meeting dates and times for each governing body.
3. List all private clients that could potentially pose a conflict of interest with your representing the Town of Atherton.
4. Identify all situations in the last five years in which you have been adverse **as an attorney** to public entities, either in litigation or administrative matters.

K. Fee Schedule

The selected City Attorney will be required to provide services under a monthly retainer fee format for regular City Council meetings, special City Council meetings, weekly staff meetings, office hours on site at the Town of Atherton, communications with the Town of Atherton and legal work provided under the retainer. Routine travel expenses would be the responsibility of the law firm.

1. Please describe what is included in the retainer (including typical number of office hours on site each week).
2. Please provide an hourly rate for all of the individuals who may be working with the Town of Atherton from the firm. In addition, please provide a rate for special legal services.

Please provide the retainer fee and rates in a **table** format.

Please define what type of work you would consider to be extra or specialized work which would be billed in addition to basic services. Please state the hourly rates for the designated city attorney and associates for such specialized services.

L. Additional Information

Any other information that the proposer feels applicable to the evaluation of the proposal or of their qualification for accomplishing the legal services should be included in this section. You may use this section to address those aspects of your services that distinguish your firm from other firms.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: NADINE P. LEVIN, INTERIM CITY MANAGER

DATE: FOR THE REGULAR MEETING OF NOVEMBER 17, 2010

SUBJECT: APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR CITY ATTORNEY SERVICES FOR THE TOWN OF ATHERTON & ESTABLISH A DEADLINE DATE FOR PROPOSALS

RECOMMENDATION:

Approve publishing a request for proposal for City Attorney services for the Town of Atherton and establish a date for proposal deadline.

BACKGROUND:

On July 1, 2010 Council received a correspondence from McDonough, Holland & Allen, PC (MHA) referencing cessation of operations of their law firm. MHA terminated its contract with the Town as of August 31, 2010 due to closure of the firm. Council entered into a contract with Burke, Williams and Sorenson (BWS) at the August 18th meeting to retain the services of the Town's current lawyers for reasons of continuity and legal stability.

Council will need to set up a meeting to interview the five candidates who submitted applications to be on the Legal Counsel Services Committee with Council Members Carlson and Lewis. The Committee was established to review the Attorney proposal submittals and make recommendations to the entire Council.

FISCAL IMPACT:

The City Attorneys approved budget for FY2010/11 is \$300,000.

COUNCIL REPORTS ITEM 28

Jerry Carlson - Council Comments – November 2010

Council of Cities – Shared City Services

Pacifica hosted the October Council of Cities dinner meeting featuring a panel discussion moderated by San Mateo Police Chief Susan Manheimer on sharing Police services.

Advantages cited by the panel included:

- Ensures training is similar and standardizes policies and procedures;
- Crime tracking and sharing of information more quickly and identifying ‘hot spots’; quicker identification of crime trends spanning agency boundaries;
- Provides for economies of scale in carrying out various functions such as traffic, dispatch and records maintenance;
- Greater ability to respond to natural disasters in a coordinated manner;
- Reduction in overhead as a percent of total cost – often same command could handle 2 to 3 times size organization.

The concerns most often mentioned about sharing police services with another agency usually are:

- Loss of local identity
- Lower service levels
- Loss of local control

The San Mateo County City Managers met earlier in the day to discuss the same topic. Unfortunately, Atherton was not represented at the meeting. Their conclusion is that in order to achieve a more sustainable financial model each city will need to seriously consider sharing services. Interestingly, the city managers feel that service sharing should not be just for the reason to achieve higher efficiency (lower cost) but also as a means to enhance the level of services being provided. Burlingame City Manager, Jim Nantell committed to inform our interim city manager of the group’s discussion.

San Mateo County has 21 cities and 109 special agencies within its boundaries– all with their own overhead functions. It’s interesting to note that more than 28 percent of California’s 488 cities are considered contract cities including Lafayette and Hercules. In these cases they have turned to contracts for nearly everything leaving only a city council and four or five employees who manage the contracts.

The other issue the city managers agreed on was that the present compensation systems would have to be changed. They stressed the importance in having all stakeholders be involved in the process, including the unions.

High Speed Rail Board and Senate Transportation Committee meetings were attended in Sacramento. I testified once again about the necessity of including below ground options as part of the Alternatives Analysis for the San Jose to San Francisco segment. The rail board

agreed to add a trench option to the Redwood City portion of the route. It is important that all options be studied before the project EIR is issued late this year or early next.

The Senate hearing featured the State Auditor, Legislative Analyst and the California Transportation Institute critiquing HSR on its short comings. Senators Smitian and Lowenthal laid into the authority for not meeting their commitments. After sitting through both meetings I wrote a personal letter to CEO van Ark expressing my loss of confidence and trust in the authority. The authority has not completed action on many of the audit findings (although van Ark stated earlier they were 90% “essentially complete”), dealing with the potential conflict of interest in board members holding two or more incompatible offices, and fixing the payment of invoices without adequate confirmation/documentation. The authority had publically promised to have a revised Business Plan by February 1st, 2011 and confirmed the date, in May, with a face to face meeting with Smitian. The budget bill included language to that effect along with the appropriated amount. The Governor ‘vetoed’ the language, but not the money, apparently at the request of the authority. (Sen. Smitian said their legal analyst has opined that the veto is ‘illegal’.)

The authority has blamed the Legislature for not giving them all the money they were asking for as the reason for meeting their commitments. However, both Elaine Howe, State Auditor, and both senators pointed out the authority has been spending millions of dollars during the time period in other areas. This is one more case where the authority has demonstrated its disregard for the legislature’s oversight role.

The Transportation Institute, an independent body created by the state legislature, in 1942, is part of U.C. Berkeley. At the Senate hearing two professors provided their data that suggested that the authority’s ridership model had been ‘doctored’ in a way to bias it against the Altamont route. The institute personnel offered to take the run the raw data through their model to see how the results compare. Instead, the authority wants another \$5 million to ‘update’ their own model.

Burlingame’s High Speed Rail Boondoggle Rally was well attended by nearly 40 Atherton residents. Since it was held on the weekend many of us were able to use the Atherton station to go to and from the rally.

Peninsula Cities Consortium has gained its 6th city – Brisbane joining the other members Palo Alto, Menlo Park, Atherton, Belmont and Burlingame.

Senator Joe Smitian invited Palo Alto Mayor Pat Burt and me to discuss High Speed Rail issues. While stopping the project is my ultimate goal, I underscored the following points:

- An independent ridership study must be undertaken to determine if the conclusions in the Program EIR have a reasonable basis.
- The San Jose to San Francisco AA must include a study of underground options.

- The Project level EIR for SJ to SF should be delayed indefinitely since the project start date is indefinite and the study will become 'stale' before the project begins.



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

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL** Lewis, Dobbie, Marsala, McKeithen, J. Carlson

3. **PRESENTATIONS**

Oath of Office – Level I Reserves

Deputy City Clerk Della Santa administered the oath of office to David Gomez and Bill Lane.

Tree Awards – Kathy Hughes Anderson

Town Arborist Kathy Hughes Anderson presented the following residents with the 2010 Tree Awards:

Zan Jones for a Chinese Elm and Palm Tree
Virginia and John Rugeiro for Persimmon, *Diospyros kaki* 'Hachiya'
Pat and Ralph Haines for a Live Oak
Evelyn Arata for a Monkey Puzzle, *Araucaria araucana*
Julia & Mike Samachisa for a Cork Oak, *Quercus suber*
Adelman Family (Derek & Etsuko) for a Valley Oak, *Quercus lobata* and a grove of mature Redwoods

4. **PUBLIC COMMENTS**

Public Comment received from Atherton residents:

Loren Gruner regarding recent fatalities in Atherton.
Denise Kupperman regarding Grand Boulevard project.
Jon Buckheit regarding false arrest charges and encouragement of a citizen police review board.
Don Way regarding admiration for City Manager Gruber.

5. **REPORT OUT OF CLOSED SESSION**

The Mayor called the October 20, 2010 special meeting to order at 5:00 p.m.

Furth reported that Council Member Marsala was absent.

A. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6

Agency Negotiators: Jerry Gruber, City Manager; Glenn Berkheimer, I.E.D.A.

Employee Organization: Miscellaneous - Teamsters Local Union 856

Agency Negotiators: Jerry Gruber, City Manager; Glenn Berkheimer, I.E.D.A.

Employee Organization: Management Employees

Agency Negotiators: Jerry Gruber, City Manager; Assistant City Manager Eileen Wilkerson

Employee Organization: Confidential Employees

Agency Negotiators: Jerry Gruber, City Manager; Glenn Berkheimer, I.E.D.A.

Employee Organization: APOA

Furth reported that Item A was tabled to a future Agenda.

B. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Subsection (b) of Government Code Section 54956.9):

1. *Pacific Peninsula Group v. Town of Atherton, and Does 1 through 50*, San Mateo Superior Court, Case No. CIV 497841

2. *Jonathan B. Buckheit v. Tony Dennis, Dean DeVlugt, Anthony Kockler, The Town of Atherton, The County of San Mateo, and Jerry Carlson* U.S. District Court for the Northern District of California, San Francisco Division, Case No. CV 09-5000

Furth reported that there is no reportable action from Item B.

C. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION (Subsection (c) of Government Code Section 54956.9)

One potential case

Furth reported that there is no reportable action from Item C.

D. PUBLIC EMPLOYEE APPOINTMENT: INTERIM CITY MANAGER (Subsection (b)(1) of Government Code Section 54957)

Furth reported that Item D was reported during the previous special meeting and action was taken to appoint Nadine Levin as the Interim City Manager for the Town of Atherton.

6. CITY MANAGER'S REPORT

Council Member Carlson asked if Gruber was successful in getting a meeting set up with Caltrans. Gruber said he has directed Public Works Director Jones and Police Chief Guerra to meet with Caltrans representatives to address the issue of the recent fatalities on El Camino Real.

Jones added that he is attending a meeting at Senator Simitian's office with Caltrans to address the issue.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Disaster Plan Presentation by Ryan Zollicoffer – Emergency Services Coordinator, Menlo Park Fire Protection District

Ryan Zollicoffer presented the Council with a PowerPoint presentation on the proposed Disaster Plan. Zollicoffer discussed the timeline and flowchart of the process from start to finish in developing the Disaster Plan.

Zollicoffer explained that the purpose of a Disaster Plan is to put processes in place to protect citizens, property, environment and local businesses. It provides responders with documentation and checklist to effectively manage local emergencies and it conforms to NIMS and SEMS standards in order to receive Federal Disaster Assistance.

Zollicoffer discussed emergency response with recent disasters which included a plane crash in Palo Alto this past February and the pipeline explosion in San Bruno this past September.

Zollicoffer concluded that the Town may be exposed to increased liability claims, could risk state disaster funding/recovery and could be exposed to limited grant funding if there is no disaster plan in place.

Council discussed the fact that they were all given a NIMS test last year which they all took for certification. Zollicoffer explained that it is one step in the process and will soon be an annual requirement.

Chief Schapelhouman discussed the location of the Emergency Operations Center and options the Town has. Schapelhouman stressed how important it is for the Town and the Fire District along with all other agencies to have a professional and trusting relationship at all times. Schapelhouman said if you don't have a professional working relationship and constant interaction between all agencies including Police, Fire and Public Works then we will not succeed in an emergency.

Chief Guerra discussed the implementation of the command vehicle the Police Department currently has.

City Manager Gruber said it is a minimal cost to utilize the regional facility in Menlo Park and it should be looked into. Gruber added that it is important for the Town to continue to have quarterly exercises with emergency plans and allocate funds to restock the emergency supplies which are very old and outdated. Gruber concluded that it is very important to put together a joint meeting of the City Council and the Menlo Park Fire District officials during implementation of the plan.

Action was taken on the consent calendar under Item 20.

CONSENT CALENDAR (Items 8-20)

Vice Mayor Dobbie had questions for items 11 and 16.

Council Member Lewis had edits for item 8, questions on items 10 and 11, and pulled item 14.

Council Member Carlson had a comment on item 19.

Mayor McKeithen had a statement to make on item 10, and typographical revisions to items 12, 17, 19 and 20.

Atherton resident Loren Gruner had a question on item 13.

8. APPROVAL OF SEPTEMBER 8, 2010 SPECIAL MEETING, SEPTEMBER 15, 2010 REGULAR MEETING, SEPTEMBER 20, 2010 SPECIAL MEETING, AND SEPTEMBER 30, 2010 MEETING MINUTES (2)

Recommendation: Approve September 8, 2010 Special meeting, September 15, 2010 regular meeting, September 20, 2010 special meeting and two September 30 special meeting minutes.

Council Member Lewis gave non-substantive edits to the September 15th and September 30th minutes. The changes will be implemented.

9. APPROVAL OF BILLS AND CLAIMS FOR FEBRUARY 2010 IN THE AMOUNT OF \$1,218,191

Recommendation: Approve Bills and Claims in the amount of \$1,218,191

10. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2010

Report: Finance Director Louise Ho

Recommendation: Receive the General Fund Financial Report for the three months ended September 30, 2010

Council Member Lewis asked what upward trend the Building Department is seeing. Finance Director Ho said it is approximately up by 18%.

Mayor McKeithen requested comparisons of expenditures and revenues from prior years in the future monthly financial reports. Ho will implement the changes.

11. PURCHASE OF A 15TB HARD DRIVE TO RECORD POLICE DEPARTMENT BUILDING SECURITY VIDEO & ALLOW THE DESTRUCTION OF “ROUTINE VIDEO MONITORING” RECORDS AFTER ONE YEAR AS DEFINED BY GOVERNMENT CODE SECTION 34090.6(A) AND TOWN OF ATHERTON POLICY 1.1

Report: Police Chief Mike Guerra

Recommendation: Authorize the purchase of a 15TB hard drive that will be used to record video from the PD’s security camera system, which will have the capacity to record one year of data in compliance with Government Code Section 34090.6(a). Staff also recommends that Council authorize the destruction of “routine video monitoring” records as defined by 34090.6(a), and in a manner that is already defined in Atherton Records Policy 1.1

Vice Mayor Dobbie questioned why the Town has video monitoring on the premises in areas that include the Post Office and parking lots. Police Chief Guerra said the video monitoring does not include any audio recording and the server capacity only records up to 15 days and depends on motion which activates the system. Guerra added that it is not uncommon to have video recording devices at a Post Office.

Council Member Lewis said upgrading of video monitoring systems was approved by Council in 2008 and it seems reasonable to have the video surveillance in place.

Mayor McKeithen said she was not aware that surveillance would be installed in the Administrative offices at Town Hall. McKeithen asked representatives from the Menlo Park Fire District if it was common to have surveillance at a Post Office.

Ryan Zollicoffer said that in the past he worked with the United States Postal Service during their terror scare on Capitol Hill and surveillance cameras were installed at a lot of postal offices for anti-terror measures in light of suspicious packages.

City Manager Gruber said the Town has posted signs letting individuals know that surveillance is on the premises.

12. RESOLUTION 10-55 AUTHORIZING INDIVIDUALS TO ACT ON BEHALF OF THE TOWN OF ATHERTON STARS DEFERRED COMPENSATION PLAN

Report: Assistant City Manager Eileen Wilkerson

Recommendation: Approve Resolution 10-55 adopting a Resolution authorizing specified individuals to act on behalf of the Plan while serving as Town employees

Mayor McKeithen questioned why the resolution refers to Eileen Wilkerson whose last day is tomorrow. City Attorney Furth informed Council that Wilkerson intends to sign the resolution and have the paperwork done by tomorrow to close out a program she has been working on. Furth said Wilkerson only has the power to administer this while employed by the Town.

13. ADOPT A RESOLUTION APPROVING A “NO PARKING FROM 7-9 AM AND 2-4 PM” ZONE ON ALTREE COURT

Report: Public Works Director Duncan Jones

Recommendation: Adopt resolution 10-56 approving a “No Parking from 7-9 AM and 2-4 PM” zone on Altree Court.

Loren Gruner, Atherton resident, questioned the reason for this particular item.

Public Works Director Jones said this is the same issue the Town had with Surrey Lane where residents are parking in areas that block emergency access and resident access to their properties. Jones added that the Transportation Committee made the recommendation.

Gruner said Altree Court is the only place to park if you do not want to be on a busy street waiting to pick up your children. Gruner said the parking for parents is slowly being eroded in many areas and it causes very serious safety issues.

Council Member Lewis said if this is a true issue of blocking emergency access shouldn't the resolution state that there shall be no parking at all.

Jones said the Committee and staff only addressed when the issue actually occurs.

Council member Carlson asked if there is anything that can be done to allow for more parking on Ringwood Avenue.

City Manager Gruber said he plans to incorporate considerations from the Menlo Park Fire District, the School District, the residents and Town officials to come up with viable solutions.

Council Member Carlson recommended that the Transportation Committee set up an ad-hoc committee to work with the parents of the schools.

14. ADOPT A RESOLUTION REVISING THE “NO RIGHT TURN ON RED 7 AM TO 7 PM” AT OAK GROVE AVENUE AND MIDDLEFIELD ROAD TO “NO RIGHT TURN ON RED MON-FRI 7:30-9:30 AM AND 1:30-3:30 PM”

Report: Public Works Director Duncan Jones

Recommendation: Adopt Resolution 10-57 revising the “No Right Turn on Red 7 AM to 7 PM” at Oak Grove Avenue and Middlefield Road to “No Right Turn on Red Mon-Fri 7:30-9:30 AM and 1:30-3:30 PM”

Council Member Lewis felt that the proposed new time blocks were not well considered. Lewis said children pour into school after 9:30 a.m. and 3:30 p.m. Lewis said it would be better to keep the time block as is right now.

Denise Kupperman agreed with Council Member Lewis and felt the hours should remain at 7:00 a.m. to 7:00 p.m.

Mayor McKeithen said there was an overwhelming argument brought to the Transportation Committee that people do not pay attention to the sign because the hours are so inclusive and a lot of times there is no traffic whatsoever so it is largely ignored.

Vice Mayor Dobbie said residents came to the Transportation Committee and requested that the hours be removed mainly for Saturday and Sundays. Dobbie added that the 7:00 a.m. to 7:00 p.m. is largely ignored.

Council Member said the Police Department should begin enforcing it more and making drivers obey the law.

Jones said he spoke with Menlo-Atherton High School representatives and these times do fit in with the school’s bell schedule. Jones said there are some odd days with scheduling and there will always be some times when right turns will be allowed outside the hours while people are in the crosswalks but drivers should not they are to yield to pedestrians by law.

15. ADOPT A RESOLUTION SETTING A 10 MPH SPEED LIMIT IN ALL PUBLIC WORKS CONSTRUCTION ZONES

Report: Public Works Director Duncan Jones

Recommendation: Adopt Resolution 10-58 setting a 10 mph speed limit in all public works construction zones

16. AWARD OF CONTRACT FOR THE TOWN LANDSCAPE MAINTENANCE SERVICES

Report: Public Works Director Duncan Jones

Recommendation: Award the contract for Town Landscape Maintenance Services, to Frank & Grossman, the low bidder on the October 14, 2010 bids, for \$2,083 per month, for a

total of \$16,664 for the next 8 months and to authorize the City Manager to sign the contract on behalf of the Town. Approve staff recommendation to include the add-alternate price of \$480 per month for maintenance of the City Manager's house at 160 Watkins to the low base bid of \$1,603 for a total of \$2,083 per month

Vice Mayor Dobbie questioned why there is an addition of \$480 per month for maintenance of the City Manager's house and what it is paying for. Jones said it is for the landscape maintenance of the yards and bushes and it is on a twice a week basis. City Manager Gruber said the grounds at the house have significantly deteriorated.

Vice Mayor Dobbie said he felt \$480 is too expensive.

17. PROCLAMATION DECLARING RED RIBBON WEEK FROM OCTOBER 25 THROUGH OCTOBER 31, 2010

Report: Police Chief Mike Guerra

Recommendation: Approve Proclamation Declaring Red Ribbon Week from October 25 through October 31, 2010

18. APPROVE AMENDMENT TO AGREEMENT WITH MENLO ATHERTON LITTLE LEAGUE ASSOCIATION

Report: City Manager Jerry Gruber

Recommendation: Approve the amendment for little league baseball between the Menlo Atherton Little League Association and the Town of Atherton; authorize the City Manager to execute the agreement

19. AGREEMENT FOR LEGAL SERVICES WITH OFFICES OF STUART FLASHMANN (CALIFORNIA HIGH SPEED RAIL AUTHORITY)

Report: City Manager Jerry Gruber

Recommendation: Approve agreement for Legal Services with Office of Stuart Flashmann (California High-Speed Rail Authority); authorize City Manager to execute

Council Member Carlson requested that the contract include that there will be cost-sharing with the City of Palo Alto. City Attorney Furth said she will add a note to the contract.

20. ADOPT RESOLUTION 10-59 APPROVING THE EMERGENCY OPERATION PLAN 2010 AND ADOPT RESOLUTION NO 10-60 APPROVING THE NATIONAL INCIDENT MANAGEMENT SYSTEM AS THE CRITERIA FOR MEASURING THE PERFORMANCE

Report: City Manager Jerry Gruber

Recommendation: Adopt Resolution 10-59 approving the Emergency Operation Plan and adopt Resolution 10-60 approving the National Incident Management System (NIMS) as the criteria for measuring the performance

MOTION by Dobbie, second by Carlson to approve the consent agenda with the exception of Item 14 which will be voted upon separately. The motion passed.

Ayes: 4 Nays: 0 Abstain: 0 Absent: 1 (Marsala)

MOTION by McKeithen, second by Dobbie to approve Item 14. The motion passed.

Ayes: 3 Nays: 1 (Lewis) Abstain: 0 Absent: 1 (Marsala)

PUBLIC HEARINGS (21)

21. AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REPEALING AND REPLACING CHAPTER 15.48 OF THE ATHERTON MUNICIPAL CODE ESTABLISHING WATER-EFFICIENT LANDSCAPING STANDARDS

Report: City Manager Jerry Gruber

Recommendation: Introduce Ordinance repealing and replacing Chapter 15.48, Establishing Water Efficient Landscaping Guidelines, to the Atherton Municipal Code. Three votes are required to introduce the ordinance. A second vote, scheduled at least ten days from the date of this meeting, is required to adopt the ordinance. Staff is recommending rescinding Chapter 15.48, Establishing Water Efficient Guidelines, of the Atherton Municipal Code, in its entirety, and replacing it with a new Chapter 15.48, Water Efficient Landscaping Ordinance

City Manager Gruber said the water ordinance has been a long time coming for the Town and is a very important issues.

Town Arborist Kathy Hughes-Anderson gave a brief presentation of the ordinance. Anderson said the State's model ordinance, Model Water Efficient Landscape Ordinance (MWELo), became effective for all cities and counties in California as of January 1, 2010. The Bay Area Water Supply and Conservation Agency (BAWSCA) developed a model ordinance that they are asking local jurisdictions to adopt instead of adopting the State ordinance. BAWSCA's ordinance is as effective as the state's. The Town can adopt the State's ordinance, adopt the BAWSCA ordinance, or create our own ordinance. The proposed water efficient landscaping ordinance is as effective and stringent as the State's Model Ordinance, but simpler and easier to implement. Staff is recommending that all projects subject to the Landscape Water Conservation Ordinance may be designed and certified by a licensed landscape architect, a licensed landscape contractor, or that of a certified landscape irrigation auditor. The proposed ordinance allows an option of exceeding the 25% turf limit by calculating a water budget. Staff is recommending that the Ordinance should read "separate meters for landscaped areas greater than 5,000 square feet is highly recommended."

Vice Mayor Dobbie asked if this applies to all water, including well water. Anderson said it includes all water, including well water.

Mayor McKeithen asked how well usage is monitored. Anderson said it is calculated by maximum water allowance and you have to stay within that when you calculate your usage.

Council member Carlson asked if there were landscape experts or residents involved. Anderson said not as many as she would have anticipate, but the landscape architects are aware of the ordinance and know they have to comply with it. Anderson concluded that staff plans to create education materials and outreach with residents.

MOTION by Dobbie, second by Lewis to Introduce Ordinance repealing and replacing Chapter 15.48, Establishing Water Efficient Landscaping Guidelines, to the Atherton Municipal Code with the intent of rescinding Chapter 15.48, Establishing Water Efficient

Guidelines, of the Atherton Municipal Code, in its entirety, and replacing it with a new Chapter 15.48, Water Efficient Landscaping Ordinance. The motion passed.

Ayes: 4 Nays: 0 Abstain: 0 Absent: 1 (Marsala)

REGULAR AGENDA (Items 22-25)

22. RECRUITMENT OF INTERIM CITY MANAGER; RETIREMENT OF ASSISTANT CITY MANAGER; CONSIDERATION OF APPOINTING A TRANSITIONAL INTERIM CITY MANAGER

Report: Oral

Recommendation: Consideration of Adoption of Resolution Appointing a Transitional Interim City Manager

Council Member Lewis felt that the Town is lucky with the “bridge” Interim City Manager appointment of Nadine Levin from Management Partners. Lewis said she is sad that the Town was unsuccessful in retaining City Manager Jerry Gruber and Assistant City Manager Eileen Wilkerson. Lewis said Wilkerson wore many hats and put many procedures into place that will protect the Town. Lewis said Gruber quickly assembled a qualified team of Town Administrative employees during very difficult times. Lewis said both employees deserve very high accolades.

Council Member Lewis read into the record a letter from Atherton resident and former Mayor Malcolm Dudley.

Council Member Carlson said he was very sorry to hear of Wilkerson’s departure and thanked her very much for her contributions to the Town. Carlson concluded that it is tough to be a City Manager because you are tugged and pulled in all different directions and he will miss Gruber’s constant smile during difficult times within the Town.

Vice Mayor Dobbie clarified that there was no pressure put on either the City Manager or the Assistant City Manager in their decision to depart the Town.

No Action was taken.

23. DISCUSS ESTABLISHING A DATE FOR SOLICITING COMMUNITY INPUT FOR QUALIFICATIONS FOR THE PERMANENT CITY MANAGER AS WELL AS ESTABLISHING A CITIZENS REVIEW COMMITTEE FOR THE PERMANENT CITY MANAGER

Report: Oral

Mayor McKeithen said she requested this item to be on the agenda for citizen input into the process. McKeithen said there are not enough citizens in the audience at this particular meeting to come to a conclusion and she hopes the current audience can spread the word that Council wants citizen input. McKeithen said she would like to hold a special community meeting specifically to listen to the residents’ views before an RFP is developed for the permanent City Manager position.

Loren Gruner, Atherton resident, questioned whether the residents will know more about candidates ahead of time. Gruner said this would allow for resident input in a more constructive way.

Council Member Lewis said she sent an email to the Mayor outlining several different items to what the process might entail.

Gruner suggested putting something on the Town website to allow for residents to give ideas and thoughts throughout the process.

Don Way, Atherton resident, said this is the most difficult decision Council will have to make. Way encouraged Council to form a citizens committee to articulate what is most important to residents in terms of characteristics of a City Manager.

No Action was taken.

24. RECLASSIFICATION OF THE “TEMPORARY” ADMINISTRATIVE ASSISTANT TO THE POLICE CHIEF TO “REGULAR” EXECUTIVE ASSISTANT/POLICE DEPARTMENT

Report: City Manager Jerry Gruber

Recommendation: Reclassify the employment status of the temporary Administrative Assistant to the Police Chief to regular employment status, approve designation to the job classification Executive Assistant, set full time equivalent to 1.0 FTE and Set the Bargaining Unit as Confidential

Police Chief Guerra discussed the roles of the current temporary Administrative Assistant. Guerra reiterated that this position is not secretarial to the Chief. Guerra concluded that the Police Department has no secretarial staff support, but it would be nice to have someone who can fill that void.

Council Member Lewis asked how many more hours per week would the position fill. Guerra said a total of 8 more hours.

MOTION by Dobbie, second by Carlson to reclassify the employment status of the temporary Administrative Assistant to the Police Chief to Executive Assistant at a regular part-time employment status of 0.75FTE. The motion passed.

Ayes: 4 Nays: 0 Abstain: 0 Absent: 1 (Marsala)

25. REQUEST FROM AUDIT COMMITTEE TO ALLOW REVIEW AND DRAFTING OF POLICIES RELATED TO TOWN CREDIT CARD, INVENTORY, ACCOUNTS PAYABLE, AND USE OF INTERNS

Report: Finance Director Louise Ho

Recommendation: To be Determined

Mayor McKeithen made revisions to the minutes provided by the Finance Director.

MOTION by Dobbie, second by Carlson to approve allowing the Audit Committee to review and drafting of policies related to Town credit card, inventory, accounts payables and allow utilization of interns without Council approval. The motion passed.

Ayes: 4 Nays: 0 Abstain: 0 Absent: 1 (Marsala)

Furth clarified that interns would need to be obtained through staff.

26. COUNCIL REPORTS

Vice Mayor Dobbie thanked City Manager Gruber for his contributions to the Town and wished him well in his future.

City Manager Gruber thanked Council for allowing the opportunity to serve as the Town City Manager and said that it “has been fun.”

27. FUTURE AGENDA ITEMS

None.

28. PUBLIC COMMENTS

None.

29. ADJOURN

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

Mayor McKeithen adjourned the meeting at 9:42 p.m.

Respectfully submitted,

**Theresa DellaSanta
Deputy City Clerk**

ORDINANCE _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON ADDING CHAPTERS 15.02 AND 15.19 AND AMENDING
CHAPTERS 15.04, 15.08, 15.12, 15.16, 15.18, 15.20, 15.22 AND 15.44 IN
ORDER TO ADOPT BY REFERENCE THE 2010 CALIFORNIA BUILDING
STANDARDS CODE, INCLUDING THE RESIDENTIAL, FIRE (BY
RATIFICATION), ELECTRICAL, PLUMBING, MECHANICAL, ENERGY,
HISTORICAL BUILDING, GREEN AND EXISTING BUILDING CODES
AND CHAPTER 1 DIVISION II OF THE 2010 EDITION OF THE
CALIFORNIA BUILDING CODE AS THE ATHERTON
ADMINISTRATIVE CODE**

WHEREAS, the California Building Standards Code, also known as Title 24 of the California Code of Regulations, is updated by the California Building Standards Commission from time to time based upon published model codes specified in the California Health and Safety Code; and

WHEREAS, the 2010 modifications will take effect on January 1, 2011; and

WHEREAS, local jurisdictions responsible for enforcement of the California Buildings Standards Code must enact local administrative regulations in order to implement the California Building Standards Code; and

WHEREAS, the City Council wishes to ratify the adoption by Menlo Park Fire Protection District of the new Fire Code with local modification regarding the installation of automatic fire suppression systems and other fire safety enhancements as allowed by the Section 17958 of the California Health and Safety Code and Section ;

**NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF
ATHERTON DOES ORDAIN AS FOLLOWS:**

Section 1. Findings.

The City Council finds and determines that:

A. A duly noticed hearing before the City Council will be held on December 15, 2010. Copies of the codes to be adopted by reference are on file with the City Clerk and available for inspection.

B. The adoption of these codes is exempt from the California Environmental Quality Act under Section 15061(b)(3) of Title 14 of the California Code of Regulations because it will not have a significant effect on the environment.

C. This ordinance is adopted pursuant to Health and Safety Code Section 17958.5 and 17922.1 and Government Code Section 50022.2

Ordinance No.
Adopted December , 2010
Page 1 of 10

D. Greater than normal vulnerability to seismic events and to fire require the modification of the State Building Standards Code for the protection of the public health, safety and welfare due to local climatic, geologic or topographical conditions as follows:

1. Climate

The Town, on average, experiences an annual rainfall of 19.7 inches. This rainfall can be expected between October and April of each year. However, during the summer months there is little, if any measurable precipitation. During this dry period the temperatures are usually between 70 – 95 F degrees with light to gusty westerly winds. These drying winds, combined with the natural and imported vegetation which is dominant throughout the area, create a hazardous fuel condition that can cause extensive encroaching into these wooded and grass covered areas where wind-driven fires can have severe consequences. Because of variable weather patterns, normal rainfall cannot always be relied upon. This can result in water rationing and water allocation programs, as demonstrated in past drought patterns. Water shortages may also be expected in the future due to limited water storage capabilities and increased consumption.

2. Geology

The Town is situated on alluvial soils between San Francisco Bay and the San Andreas Fault zones. The location makes older structures particularly vulnerable to damage and caused by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the District sits between two active earthquake faults (San Andreas and the Hayward/Calaveras), and numerous potentially active faults. A majority of the Town's land surface is in the high-to-moderate seismic hazard zones. Bedrock lies beneath the area at depths generally 300 feet or more. The predominant soils patterns increase adverse effects on structures from major seismic events. A significant portion of the Town's residential and commercial structures are located in seismic risk zones. Fires following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

3. Topography.

The Town's topography does not lend itself to a systematic street and road layout which would promote easy traffic flow, especially during emergencies. The Town is divided by a major state highway (El Camino Real) and a rail road track. It includes hilly areas and heavily wooded areas with winding roads and numerous cul de sac streets. These conditions are likely to adversely affect response times of emergency personnel during periods of heavy traffic or conditions of major emergencies. The Town's location on the San Francisco Peninsula, where there is a strong north-south commute pattern between a number of cities and towns on limited transportation corridors, results in very congested roads during peak commute hours. This creates barriers that increase the response time of fire equipment and other emergency services.

4. Built in Automatic Fire Suppression Systems

The increased risk to persons and property from fire makes it necessary to require the installation of built-in automatic fire protection systems that provide early detection and initial control until the arrival of emergency resources. During large scale disasters, such as seismic events, these fire protection systems reduce the hazard of the spread of multiple fires to adjacent properties. Therefore the Council ratifies the local modifications to the Fire Code adopted by the Menlo Park Fire Protection District.

Section 2. Chapter 15.02 is added to the Atherton Municipal Code to read as follows:

Chapter 15.02

ADMINISTRATIVE CODE

Sections:

15.02.010 Adoption of the Administrative Code

15.02.020 References to Other Codes

Section 15.02.010 Adoption of the Administrative Code.

That certain document, one printed copy of which is on file with the building official of the town, being marked and designated as Chapter 1 of Division II of the 2010 Edition of the *California Building Code* as published by the International Code Council is adopted and incorporated by reference and made a part of this chapter as if fully set out in this chapter, subject to amendments, deletions and additions to it as provided in this chapter. A copy of the *2010 California Building Code* printed in code book form shall be kept on file in the office of the City Clerk.

Section 15.02.020 References to Other Codes

Section 101.1 of this code is amended as follows:

A. Section 101.4.1 is amended to read:

Section 101.4.1 Gas. The provisions of the ~~*International Fuel Gas*~~ *California Plumbing Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

B. Section 101.4.2 of this code is amended to read:

Section 104.2 Mechanical. The provisions of the ~~*International*~~ *California Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

C. Section 101.4.3 of this code is amended to read:

Section 101.4.3 Plumbing. The provisions of the ~~International California Plumbing Code~~ shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. ~~The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.~~

D. Section 101.4.5 is amended to read:

Section 101.4.5 Fire prevention. The provisions of the California Fire Code (as described in Chapter 15.22) the Atherton Municipal Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

Section 3. Chapter 15.04 of the Atherton Municipal Code is hereby amended in its entirety to read as follows:

Chapter 15.04

BUILDING CODE

Sections:

15.04.010 Adopted.

15.04.020 Permit and license requirements.

15.04.025 Permit Fees.

15.04.030 Fee Disposition.

15.04.040 Cash Deposits – Early Utility Hookups

15.04.010 Adoption of the California Building Code and the California Residential Code, 2010 Edition.

That a certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the 2010 California Building Code, Volumes 1 and 2 (Title 24, Part 2) with Appendix Chapters F (Rodentproofing) & G (Flood Resistant Construction), and the 2010 California Residential Code (Title 24, Part 2.5) with Appendix Chapters G (Swimming Pools and Hot Tubs), H (Patio Covers) & J (Existing Buildings) as published by the International Code Council and adopted by the California Building Standards Commission as Title 24 California Code of Regulations, is adopted as the Building Code of the Town for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the Town; control of excavation and grading; providing for the issuance of permits and collection of fees; providing penalties for violation of such code; and each and all of the regulations, provisions, penalties of such 2010 California Building Code, and the 2010 California Residential Code and are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

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15.04.020 Permit and license requirements.

No building permit shall be issued to any contractor unless that contractor holds a business license duly issued by the Town. The Town may refuse to grant a final inspection of a structure until such time as all subcontractors and contractors working on the structure have obtained all necessary permits and licenses from the Town.

15.04.025 Permit Fees

Permit fees are as established and amended by resolution of the City Council.

15.04.030 Strong Motion Instrumentation Fee.

There is a Strong Motion Instrumentation Fee collected by the Town on all permits for construction or alterations of residential and commercial buildings, (excluding plumbing, electrical or mechanical permits) and this fee is submitted to the State Department of Conservation.

15.04.040 Cash Deposit – Early Utility Hookup.

Every person who makes application for a temporary certificate of occupancy or makes application to receive gas and electrical service prior to the final inspection shall post a deposit or cash bond of five thousand dollars (\$5,000.00). The deposit or cash bond shall be returned after a satisfactory final inspection is made. Any costs related to work performed by Town staff to effect compliance with the intent of this section shall be deducted from this deposit.

15.04.060 Fire Protection Systems

For requirements for installation of fire protection systems see Chapter 15.22

Section 4. Chapter 15.08 of the Atherton Municipal Code is hereby amended in its entirety to s added to read as follows:

Chapter 15.08

ELECTRICAL CODE

Sections:

15.08.010 Adopted.

15.08.020 Permit Fees.

15.08.010 Adoption of the California Electrical Code, 2010 Edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2010 California Electrical Code," California Code of Regulations, Title 24, Part 3, is adopted as the Electrical Code of the Town for the purpose of providing for the issuance of permits for the installation or alteration of electrical systems, and the collection of fees for the same, defining certain terms, establishing minimum regulations for the installation or alterations or additions or repairs of electrical systems and the inspection thereof, providing penalties for its violation; and each and all of the regulations , provisions, penalties,

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conditions and terms of such 2010 California Electrical Code, are referred to, adopted and made part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.08.020 Permit Fees

Permit fees are as established and amended by resolution of the City Council.

Section 5. Chapter 15.12 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.12 is added to read as follows:

Chapter 15.12

PLUMBING CODE

Sections:

15.12.010 Adoption of the California Plumbing Code, 2010 Edition.

15.12.020 Permit Fees.

15.12.010 Adopted.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2010 California Plumbing Code," including Appendix Chapters as published by the International Association of Plumbing and Mechanical officials, and adopted by the California Building Standards Commission as Title 24, California Code of Regulations, Part 5, is adopted as the Plumbing Code of the Town, requiring a permit for the installation or alteration of plumbing and drainage systems; defining certain terms; establishing minimum regulations for the installation or alteration or addition or repairs of plumbing and drainage systems and the inspection thereof, providing penalties for its violation; and each and all of the regulations, provisions, penalties, conditions and terms of the 2010 California Plumbing Code are referred to, adopted and made a part of this chapter, as if fully set out in this chapter, subject to the amendments, deletions, and additions thereto, as provided in this chapter.

15.12.020 Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 6. Chapter 15.16 of the Atherton Municipal Code is hereby amended in its entirety to read as follows:

Chapter 15.16

MECHANICAL CODE

Sections:

15.16.010 Adopted.

15.16.020 Permit Fees.

15.16.010 Adoption of the California Mechanical Code, 2010 edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2010 California Mechanical Code," including Appendix Chapters, as published by the International Association of Plumbing and Mechanical officials, and adopted by the California Building Standards Commission as Title 24, Part 4, California Code of Regulations, is adopted as the Mechanical Code of the Town in order to provide complete requirements for the installation and maintenance of heating, ventilating, cooling and refrigeration systems; and each and all of the regulations, provisions, and penalties of such 2010 California Mechanical Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.16.020 Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 7. Chapter 15.18 of the Atherton Municipal Code is hereby amended in its entirety to read as follows:

Chapter 15.18

ENERGY CODE

Sections:

15.18.010 Adopted.

15.18.020 Permit Fees.

15.18.010 Adoption of the California Energy Code, 2010 edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the "2010 California Energy Code", including Appendix Chapter 1-A, as published by the California Building Standards Commission and identified as California Code of Regulations Title 24, Part 6, is adopted as the Energy Code for the Town regulating energy efficiency and conservation for all buildings and structures and each and all of the regulations, provisions, and penalties of such 2010 California Energy Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.18.020 Permit Fees.

Permit fees are established and amended by resolution of the City Council.

Section 8. Chapter 15.19 of the Atherton Municipal Code is hereby added to read as follows:

GREEN BUILDING CODE

Sections:

15.19.010 Adopted.

15.19.020 Permit Fees.

15.19.010 Adoption of the California Green Building Code, 2010 edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the “2010 California Green Building Standards Code or CalGreen”, as published by the California Building Standards Commission and identified as California Code of Regulations, Title 24, Part 11, is adopted as the Green Building Code for the Town regulating improving public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact for all buildings and structures and each and all of the regulations, provisions, and penalties of such 2010 California Green Building Standards Code, are referred to, adopted and made a part of this chapter as if fully set out in this chapter, subject to the amendments, deletions and additions thereto, as provided in this chapter.

15.19.020 Permit Fees.

Permit fees are established and amended by resolution of the City Council.

Section 9. Chapter 15.20 of the Atherton Municipal Code is hereby amended in its entirety to read as follows:

Chapter 15.20

HISTORICAL BUILDING CODE

Sections:

15.20.010 Adopted.

15.20.020 Permit Fees.

15.20.010 Adoption of the California Historical Building Code, 2010 edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the 2010 California Historical Buildings Code, as published by the International Code Council, and adopted by the California Building Standards Commission as California Code of Regulations Title 24, Part 8, regulating construction in an effort to preserve the character and nature of Historical Buildings within the Town.

15.20.20 Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 10. Chapter 15.22 is hereby added to read as follows:

Chapter 15.22

FIRE CODE

Sections:

15.22.010 Ratified

The Menlo Park Fire Protection District Ordinance Number 32-2010 entitled *District Fire Prevention Code*, which adopts the 2009 Edition of the International Fire Code (generally know as the California Fire Code, codified at 24 California Code of Regulations Part 9), with local amendments in response local conditions, is hereby ratified.

15.22.020 Permit Fees

Permit fees are as established and amended by resolution of the Menlo Park Fire Protection District.

Section 10. Chapter 15.44 of the Atherton Municipal Code is hereby repealed and a new Chapter 15.44 is added to read as follows:

Chapter 15.44

EXISTING BUILDINGS CODE

15.44.010 Adopted.

15.44.020 Permit Fees.

15.44.010. Adoption of the California Existing Buildings Code, 2010 edition.

That certain document, one copy of which is on file in the office of the Building Official of the Town, being marked and designated as the “2010 California Existing Buildings Code” Appendix Chapter A1, as published by the International Code Council and adopted by the California Building Standards Commission, as California Code of Regulations Title 24, Part 10, is adopted as the code for the maintenance of existing buildings and structures throughout the Town that are constructed of Unreinforced Masonry and establishing a program for the same.

15.44.020. Permit Fees.

Permit fees are as established and amended by resolution of the City Council.

Section 11 Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.

Section 12. If any section, subsection, sentence, clause, phrase, or portion of this 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 13. This Ordinance shall be posted in at least three 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 November , 2010, and was adopted by said City Council at a regular meeting held on _____ , 2010, by the following roll call vote:

AYES: Council Members:
NOES: Council Members: None
ABSENT: Council Members: None
ABSTAIN: Council Members: None

MAYOR
Town of Atherton

ATTEST:

City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney