



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
October 20, 2010
5:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

5:00 P.M. ROLL CALL Lewis, Dobbie, Marsala, McKeithen, Carlson

5:02 P.M. PUBLIC COMMENTS

5:12 P.M. PUBLIC ANNOUNCEMENT OF CLOSED SESSION ITEMS

5:15 P.M. CLOSED SESSION

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

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

C. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION (Subsection (c) of Government Code Section 54956.9)

One potential case

D. 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)



AGENDA
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

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**
- Oath of Office – Level I Reserves
- David Gomez
 - Bill Lane
- Tree Awards – Kathy Hughes Anderson
- 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**
- October 20, 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)
- Disaster Plan Presentation by Ryan Zollicoffer – Emergency Services Coordinator, Menlo Park Fire Protection District
- 7:30 P.M. **CONSENT CALENDAR** (Items 8-20)

(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 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.
- 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
- 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
- 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
- 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.

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”

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

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

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

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

REGULAR AGENDA (Items 22-25)

22. RECRUITMENT OF INTERIM CITY MANAGER; RESIGNATION OF ASSISTANT CITY MANAGER; TRANSITIONAL APPOINTMENT OF INTERIM CITY MANAGER

Report: Oral

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

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

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

10:05 P.M. 26. **COUNCIL REPORTS**

10:10 P.M. 27. **FUTURE AGENDA ITEMS**

10:20 P.M. 28. **PUBLIC COMMENTS**

10:30 P.M. 29. **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: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF OCTOBER 20, 2010

SUBJECT: CITY MANAGER WRITTEN REPORT

CITY ATTORNEY DEPARTMENT:

The Town has filed a demurrer in response to litigation filed by Pacific Peninsula Group demanding refund of road impact fees beyond the refunds already authorized by the City Council. The matter is set for hearing in mid-December. Non-litigation services for the month of September were lower than normal but litigation costs were higher because of the defense of the Pacific Peninsula litigation. The City Attorney attended a special Planning Commission meeting concerning establishment of new zoning standards for Parker Avenue and will be working with Assistant Town Planner Lisa Costa Sanders on preparing a proposed zoning amendment and zone change for the regular October Planning Commission meeting.

ADMINISTRATION:

The City Clerk's Department received the pre-election form 460 statements, which covered July 1 through September 30, 2010, from the four Atherton City Council candidates on October 5th. The next pre-election statement is due on October 21st and covers the period from October 1 through October 16th. Copies of the forms are filed with the City Clerk and are available for review.

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

SB90 claims have been filed by the City Clerk's Department for FY09/10. The SB90 Service offers a full range of services and programs to assist member agencies in maximizing reimbursement of State Mandated local programs. The goal is to increase revenue and protect agencies against efforts by the State to deny reimbursement of unfunded State Mandates. The Town contracted with AK & Company to obtain SB90 claim preparation and filing services in connection with state mandated cost reimbursement claims for preparation and posting of all regular Town Committees, Commission and Council meeting Agendas.

November 2, 2010 Gubernatorial General Election:

Any person may check if they are registered to vote by going to www.shapethefuture.org and clicking on Check My Registration/Election Information button. Voters can find their polling place at this link as well.

September 23 – October 23: Sample Ballot & Voter Information Pamphlet mailing period
October 18: Last day to register to vote
October 19 – October 26: registration and voting period for new citizens
October 26: Last day to request a vote by mail
November 2: Polls are open between 7 a.m. and 8 p.m.

BUILDING DEPARTMENT:

The Building Official has recently reviewed the NBS report that estimates the time it takes to do certain tasks in the Building Department.

For example:

New Residential Construction over \$1,000,000 in valuation is estimated to take between 16 and 37 hours to plan review and approve (including rechecks). A residential remodel project over \$1,000,000 in valuation is estimated to take between 12 and 32 hours to plan review and approve.

In discussing the plan review times with Staff the Building Official has concluded that:

- A new entire house plan is taking approximately four weeks from the time it is submitted until the plans are reviewed and available to the applicant with corrections or approved by the Building Department.
- Smaller projects (known as green stripe projects) like covered patios, trellises, gates, walls, minor remodel projects and swimming pools are currently taking between two and three weeks to review.
- Rechecks take 5 days or less after the plans are been resubmitted.

The Building Department currently has four full site developments, 8 significant projects, and 12 green stripe projects under submission.

The Building Official is currently evaluating the plan routing and plan review process to determine if the Town can improve efficiency and, hopefully, reduce the time needed in the plan review process.

Recommendations are anticipated from the Building Official on or before October 29, 2010.

ROAD IMPACT FEE REFUNDS – The Building Department has been working to collect the necessary information to provide refunds for the previously paid Road Impact Fees. Because the information was collected during a period of time where several different methods of record keeping were used this is continuing to be a time consuming task. All of the information for the first group listing all those receiving 100% of the fees paid has been send to Muni Services for processing and they are well into the process. Transmittal letters and request forms with releases for those receiving refunds are being developed by Staff with the assistance of the City Attorney. Processing of the first refunds is tentatively scheduled to begin within two weeks.

The second partial group of partial refunds is being researched and processed and letters will be sent out as a single mailing once the entire list has been established.

CONSTRUCTION AND DEMOLITION DEPOSITS - There are a large number of deposits for Construction and Demolition (C&D) recycling. These deposits are collected to ensure that persons doing construction in the Town of Atherton recycle the debris generated by the demolition and/or construction projects diverting these materials from the landfills. Those persons who fail to do the necessary recycling and provide the required documentation forfeit the deposits. The Building Department in reviewing all of these deposits has determined that a large number of those deposits should be forfeited.

The C&D ordinance, Chapter 15.52 states:

*“The deposit or cash bond shall be returned without interest, in total or in proportion, upon proof to the satisfaction of the building official, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and/or construction project have been diverted from the landfills and have been recycled or reused. If a lessor percentage of tons or cubic yards than required is diverted, a proportionate share of the deposit will be returned. **The deposit shall be forfeited entirely if there is failure to comply with the requirements of this chapter.**”*

Chapter 15.52.090 further states:

*“Within sixty days following the completion of any covered project, the contractor shall, as a condition precedent to the return of any cash deposits, submit documentation to the building official which proves compliance with the requirements of Section 15.52.040. **Any deposit posted pursuant to Section 15.52.060 shall be forfeited if the permittee does not meet the timely reporting requirements of this section**”*

Given the language in the ordinance, any completed project that did not submit weight tags within sixty days has forfeited the deposits. A final report will be prepared once the research of the deposits has been completed.

NEW BUILDING CODES - The California Building Standards Commission has taken final action to adopt new codes for California. The new codes, collectively known as the 2010 California Codes, include all of the various model codes including Building Code, Fire Code, Mechanical Code, Electrical Code and several others. 2010 CA Codes were made available for review July 1, 2010 and will take effect January 1, 2011. Pursuant to State Law local agencies, like the Town of Atherton, can further amend these 2010 CA Codes by City Council action to take effect concurrently with the new State Codes.

The Building Department is currently reviewing these new 2010 CA Codes and will be forwarding recommended amendments to the City Council for their review and first reading at the November City Council Meeting with the second reading and final action in December.

ARBORIST - As was reported in Monday's SF Chronicle, the results of the 2010 SOD Blitz (Sudden Oak Death) are available on Matteo Garbeletto's website www.matteolab.org. The spring SOD Blitz that Atherton participated in was to collect samples of bay trees to be tested for SOD. The theory is that since the bays are the host for SOD, if we can identify the disease early on the bays before the oaks are infected, we have a better chance of protecting our oaks. Atherton submitted 19 samples of bay leaves for testing. We had 3 positive results, one on Knoll Vista and two on Moulton Drive. These tested DNA positive, but not culture positive, which means SOD is there, but may not be living. The other 16 samples were negative from various locations in town. Kathy Anderson attended a SOD training workshop on Wednesday at Matteo's lab in Berkeley. She is working with the Tree Committee and residents on Walsh Road to set up a treatment training workshop. A date will be set in the near future as this is the time to apply the preventative Agrifos treatment. Matteo is out of the country so she was not able to confirm a date. The Tree Committee will also hold another SOD Blitz next spring.

FINANCE DEPARTMENT PROJECTS AND UPDATES:

As part of the Five-Year Financial Forecast to address pension liability, Finance Director joined Council member Jerry Carlson and Committee member Alain Enthoven in meeting with Joe Nation of Stanford University to discuss concerns over CalPERS pension liability projection. The Town is requesting assistance for a long-range pension liability projection that is not currently available from CalPERS. The next meeting is set for October 18, 2010.

Maze & Associates completed the final field work for FY 2009-10 audit. The Audit Committee is scheduled to meet on October 28, 2010, to review the audit draft and audit recommendation letter. The audit report is to be presented to City Council for their

acceptance in December. The auditor will return in December or January to complete the Single Audit for federal grants expended in FY 2009-10.

Finance Department completed the Calendar Year 2009 Local Government Compensation Report to the State of California Controller's Office. This is a new reporting requirement.

POLICE DEPARTMENT:

The Police Department engaged in several community outreach efforts during this reporting period. Staff attended the Lindenwood Home Association annual event. We explained the capabilities of our Field Command Vehicle, which we brought to the event. In addition, the first neighborhood newsletter was sent to every household in Atherton as a way of letting residents know more about their Department. There was also a fatal traffic accident on El Camino Real involving a bicycle and car. We also had a sexual battery that occurred near the intersection of Nora and Adam at 4:00 AM on October 10th. Staff is also exploring a process for a quality control system for our personnel investigations. For criminal investigations, we already have a process where the District Attorney provides feedback on our criminal investigations that are sent to them, which helps to improve our investigative process. Currently, we do not have a standardized process for obtaining feedback on the quality and thoroughness of our personnel investigations. One approach that the Chief is looking at is modeled on the Santa Cruz system whereby an external auditor reviews the investigation for accuracy and completeness, and provides feedback to the investigator so they can improve themselves.

PUBLIC WORKS PROJECT UPDATES:

- Fletcher/Ridgeview Drainage and Reconstruction – the drainage phase of the project is now complete and operational. During the next few weeks, the sewer and water districts will replace some of their facilities that were found to need replacement. The street will then be winterized for the rainy season and the street replacement phase will begin in the spring. This will avoid opening the street down to dirt with the possibility of rain this late in the season. This will also allow a major dirt haul project set to start soon on Fletcher Drive to haul on the existing pavement instead of through an ongoing street project or on the new pavement. Most of all, this will avoid disturbing the residents by construction activity during the holidays.
- Encinal Traffic Signal – Construction of traffic signal is complete. Complications arose with PG&E for connection to power, and these have been resolved. We still do not have a timeline for power. We will notify the school and Menlo Park when the turn-on date is set. The existing pedestrian crossing will remain operational until the new signal comes on line.
- Street Reconstruction 7 – includes Park Lane and the right turn lane from Alejandra to El Camino Real. The concrete valley gutters are nearing completion. Those will be

followed by installation of the header boards and final paving. The project is scheduled to be completed in October.

- Hoover/Valparaiso Crosswalk – staff met with Caltrans staff to conduct the field review for the project, a prerequisite to funding approval. Caltrans is now requiring several environmental technical studies and an updated DBE plan. Caltrans also noted that the MTC has not 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.
- Park Pedestrian Bridge – the project is complete. The contractor elected to install the “no-mow” grass as sod rather than the seeding specified at no additional cost, so we now see an immediate improvement to the area.
- Park/Street striping and signing – Revised Atherton/Fair Oaks/El Camino intersection striping will be installed in coming weeks once the revised signs are received. Modification to left turn lane striping on Middlefield Road at Oak Grove Avenue and the Marsh Road approach at Heritage Court and the approved signing and striping for Acorn Way at Catalpa Drive and Greenoaks Drive will also be included. The “No Stopping” signs for Surrey Lane have also been ordered and will be installed when they arrive.
- 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 680% 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. Despite encouragement by staff to use landscape based systems, many developers prefer underground tanks.
- Sacred Heart Grading and Drainage - The drainage tie-in for the Sacred Heart West Fields projects is being installed in the pavement at the intersection of Park and Elena. The detention basins have already been dug, and underdrains in the fields are being installed. Staff also met with the engineer for the St. Joseph’s School project and discussed the variety of Low Impact Development (LID) methods they plan to use for treatment and detention of stormwater runoff. While the new C.3 provisions do not yet require LID measures (required after December 1, 2011), Sacred Heart is seeking to create an award winning project that will provide us with examples for green ways to handle stormwater.
- NPDES – staff prepared and submitted the Unfunded Mandate Claim to the State based on the unfunded activities required by the new Municipal Regional Permit. The

document required several days to prepare and turned out to be several hundred pages (with 8 copies to be submitted).

- Library – staff worked with the City Attorney to hire an outside attorney to evaluate the park will to determine if a library in the park is an acceptable use. Public Works and Planning staff attended the Library Steering Committee and gave information and advice on the process to move the project forward, and on preparation of an RFQ for an architect/site planner.
- Town Center – staff attended the TCTF meeting and gave advice on the architect RFQ related to the design-build process. Staff then met with the City Attorney to determine additional language that should be added to the RFQ for design-build to be considered at a later date.
- Upper Atherton Channel – the California Department of Fish and Game Streambed Alteration Agreement (permit) for the project was received. We are still working with the federal agencies to obtain their permit and get ready for spring construction.
- Park – staff participated in the semi-annual walk-through with the Park and Recreation Commission. As a part of the walk-through, the Commissioners were given a list of the various elements of park maintenance and asked to give their impressions of the performance measures for each that would be included in a contract for outsourcing park maintenance. Staff is also preparing to inspect and perform any needed repairs to the City Manager's house once it is vacated, including a list of items the current City Manager noted that need to be taken care of during the interim.

PLANNING DEPARTMENT:

The Planning Commission, at its September 22, 2010 meeting, approved a Lot Line Redesignation request at 43 Selby Lane to designate Shearer Drive as the front property.

The Planning Commission conducted a Special meeting on October 6, 2010 to consider an overlay zone for Parker Avenue. The Planning Commission directed staff to prepare an overlay zone ordinance for Parker Avenue properties that would contain the following provisions;

- Retain the current R1-A setbacks for both the front and rear yards
- Lower the height to the R1-B standards (28' main building and 18' sidewall) and require end walls to be perpendicular to the lot depth (consistent with R1-B requirements)
- Increase the allowed floor area to the maximum allowed under the R1-B zoning district, which results in 2,787 square feet. Also increase the allowed floor area on the second floor to 1,132 square feet (the second floor area would be included within the maximum floor area allowed for the lot of 2,787 square feet).

The Planning Commission cancelled its special meeting of October 13, 2010 and will consider the overlay ordinance at its October 27, 2010 meeting.

The following items are tentatively scheduled for the October 27, 2010 Planning Commission meeting;

- Master Plan Update for Menlo College
- Conditional Use Permit for St. Joseph School Improvements at the Sacred Heart campus located at 150 Valparaiso
- Zoning Ordinance Amendment for Parker Avenue overlay zone
- Zoning Ordinance Amendments for Housing Element Implementation (second units, emergency shelters, etc)
- Heritage Tree Removal at 8 Heritage Court
- Conditional Use Permit at 157 Fair Oaks Lane

The next Planning Commission meeting is scheduled for December 1, 2010

Staff is working on the Green Building Ordinance for consideration by the General Plan Committee at its November 3, 2010 meeting.

The Town Deputy Planner is now taking over for the City Manager as the SBWMA representative.

CODE ENFORCEMENT:

The large abandoned property on Barry Lane has undergone a cleanup. The owners have cut the weeds, removed several large furniture items that were dumped in the yard and have secured the construction fencing to reduce trespassing. The residents on Brittany Place no longer have to deal with early morning trash pickup. Menlo College has rearranged the pickup hours with the waste hauler. Two properties on Northgate, with a common owner and multiple complainants were red tagged due to construction without permits. The owner and employees have violated the order several times. Code Enforcement and the Police responded and were in the process of issuing citations to the owner and employees. The individuals agreed to cease all construction until permits were secured.

The property on Shearer with a continuing weed abatement problem has been brought into compliance. A property on Fletcher with illegal grading was red tagged until the owner obtains permits. The issue was magnified due to a number of complainants and the large amount of earth that was moved. A large parcel on Park which has been fenced and the source of numerous weed complaints for several years is under consideration for removal of the construction fencing and grading of the lot. This outcome was also expressed as a preference by the surrounding neighbors in an effort to improve the appearance of the neighborhood.

Administrative Citation Update:

As we prepare to implement the Code Enforcement Citation Process I wanted to discuss the policy that we intend to follow and the benefits of having this process as one of the tools in our enforcement of the Atherton Municipal Code.

The code enforcement administrative citation is intended as a tool to be used when other techniques have been unsuccessful or when the nature of the violation is so egregious that it warrants immediate action.

The types of violations that we are finding in Atherton lend themselves to resolution through an established series of verbal and written warnings. With the strong commitment to the community of our residents and contractors we have found that a very small number of issues reach a point where an alternative mode of enforcement is necessary. In these few cases research in other communities has proven that administrative citations work effectively.

With the grace period included in our citations we expect that a very small number of cases will proceed to a point where penalties are invoked. However, should they get to that point we have designed the process to encourage cooperation through an aggressive fine schedule.

We have designed the citation to be used by our code enforcement personnel as well as other qualified town employees. There are many safeguards built into the process from clear warning language, discussion of penalties and a hearing process for those who wish to take advantage of it. The process also includes fee waivers for those who are unable to pay and a payment schedule for those who need time to pay their penalties. For those who take advantage of the system especially those who fail to pay their penalties we intend to use the property lien process.

We feel that the administrative citation will be an important tool in the overall code enforcement effort in the Town of Atherton and help support the high quality of living that we enjoy.

FUTURE MEETINGS AND EVENTS:

City Council meeting to review applications received for Interim City Manager - TBD



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
September 8, 2010
10:00 A.M.
Town Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

Mayor McKeithen called the meeting to order at 10:01 a.m.

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

PUBLIC COMMENTS

Jon Buckheit, Atherton resident, said he knows the difference between a good lawyer and a bad lawyer. Buckheit discussed the conflict of interest sections of the draft RFP.

Colleen Anderson, Atherton resident, urged Council to find an Attorney who cares about the Town.

REGULAR

- 1. REVIEW AND DISCUSS CITY ATTORNEY REQUEST FOR PROPOSAL PROCESS; DISCUSS COMPOSITION, TERMS AND DUTIES OF THE AD-HOC COMMITTEE AND REVIEW WORK IN PROGRESS BY AD-HOC LEGAL SERVICES COMMITTEE**

Report: City Manager Jerry Gruber

Recommendation: To Be Determined.

Vice Mayor Dobbie said he and Council Member Lewis met and put together criteria for choosing three applicants to the committee.

Mayor McKeithen believed that Council agreed they would put together the RFP with staff and residents would not be involved until after the RFP has been published.

Council Member Carlson and Marsala agreed.

Council Member Lewis said she felt residents should be involved in the entire process including the RFP process.

Mayor McKeithen suggested that Council focus on modifying the RFP. Council discussed certain items and issues that the City Attorney should be experienced in and should be included in the RFP. Expectations that are not currently being met were discussed.

Council Member Marsala suggested including a requirement for someone who is experienced in high speed rail, labor negotiations and state mandates.

Council Member Carlson requested that the new attorney work closer with the City Manager to mediate with potential litigants.

Mayor McKeithen said the Town needs an Attorney who understands what an Atherton resident wants and to make sure that the Town and its residents are being represented.

Council Member Lewis requested that Attorney response time be included in the scope of work.

Council agreed that the City Attorney needs to have a better response time than what they are currently receiving. Council wanted revised old Town documents and forms and regular updates from the attorney.

Vice Mayor Dobbie suggested that Council Member Carlson take his place on the ad-hoc committee to help revise the RFP.

Council concurred to allow Council Members Lewis and Carlson to revise the RFP and bring it back to a special meeting one Thursday, September 30th for final review.

ADJOURN

MOTION by Lewis, second by Carlson to adjourn the meeting. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 11:11 a.m.

Respectfully submitted,

Theresa DellaSanta
Deputy City Clerk



DRAFT MINUTES
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
September 15, 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**

4. **PUBLIC COMMENTS**

Jon Buckheit, Atherton resident, questioned what kind of “house cleaning” has been accomplished within the Town since he was awarded a factual innocence declaration. Buckheit concluded that said Council’s silence has been deafening.

Craig Falkenhagen, Atherton resident, spoke in support of Menlo-Atherton High School lights.

Colleen Anderson, requested that Council Members recuse themselves from voting matters if they are on medication.

Marshall Moore, spoke in support of the lights at the Menlo-Atherton football field.

Menlo-Atherton Pop Warner President spoke in favor of lights at the M-A field.

Denise Kupperman, Atherton resident, said the annual Swing in the Park will be held on Sunday, September 19th to benefit the park and the entire community.

Peter Carpenter, Atherton resident, felt Council was using the Brown Act as an inappropriate cover on items specific to public interest and the community.

5. **REPORT OUT OF CLOSED SESSION**

Public Comment:

Peter Carpenter said he believed Council was overusing the Brown Act for closed sessions. Carpenter could not understand why the Town chose to put High Speed Rail on a closed session

agenda when the Council's position is well known and it is in the public's best interest to be able speak on it.

Jon Buckheit said he supports having his litigation case on an open session agenda. Buckheit added that there have been multiple complaints by multiple residents about the particular officer who is responsible for his lawsuit.

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

No Reportable Action.

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

No Reportable Action.

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subsection (a) of Government Code Section 54956):

Atherton et al v. High-Speed Rail Authority Case No. 34-2008-80000022

City Attorney Furth reported that Council directed staff to set a public meeting on Monday, September 30th at 8:00 a.m. for further consideration of next steps the Town should take in regard to High Speed Rail Authority's decision that their CEQA document is fine.

D. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (Subsection (c) of Government Code Section 54956.9)

City Attorney Furth said the Sequoia Union High School District (SUHSD) adopted a resolution exempting itself from the Town's zoning regulations for the temporary football stadium lights program. Furth said the Town can sue asking a court to hold the judgment aside on the grounds that it is arbitrary. Council concurred not to file that lawsuit.

Furth said there is a lawsuit against SUHSD filed by residents challenging the CEQA procedures followed by the school in adopting the temporary program.

**E. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:
(Significant exposure to litigation pursuant to subsection (b) of Government Code
Section 54956.9): One potential case:**

No Reportable Action.

6. CITY MANAGER’S REPORT

City Manager Gruber said the finance department closed out the books for FY2009/10 and general funds ended with better than expected results. Finance was able to carry over the un-reconciled balances from the old software to the new software. Gruber said the building department revenues have augmented due to increased activity. Gruber thanked the Department Managers for “tightening their belts,” all around.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

None.

CONSENT CALENDAR (Items 8-24)

Council Member Marsala removed items 8, 10 and 20.

Vice Mayor Dobbie said he spoke with Finance Director Ho on item 10 earlier that day on expanding the report.

Mayor McKeithen removed items 19, 22, 23 and 24. McKeithen gave typographical edits for item 21 to staff.

Loren Gruner, Atherton resident, requested removal of item 16.

Jon Buckheit requested removal of item 9.

8. APPROVAL OF AUGUST 18, 2010 REGULAR MEETING

Recommendation: Approve August 18, 2010 regular meeting minutes

Council Member Marsala requested expanding items 31 and 33 on the minutes, particularly to include the fact that the Finance Committee made the recommendation. Lewis added that the Public Works and Finance Directors should be included since they worked hard to scrub the numbers which end up totaling \$902,000. The Finance Committee researched the recommendation and approved it. Council concurred.

**9. APPROVAL OF BILLS AND CLAIMS FOR AUGUST 2010 IN THE AMOUNT OF
\$1,271,543**

Recommendation: Approve Bills and Claims in the amount of \$1,271,543

Buckheit questioned a \$154.00 dinner reimbursement and K-9 training in the police budget, and the specific amounts spent on environmental programs. Council Member Lewis said the Environmental Programs Committee budgeted for these items. Council Member Marsala added that some of the materials purchased are hats and caps for kids to take home and educate their parents.

Denise Kupperman, Atherton resident, asked for everyone to realize that K-9's are an incredibly important asset and Town residents should be thankful to have the luxury.

Council Member Lewis added that the K-9's were donated by Town residents and it costs money to continually train the dogs.

Mayor McKeithen said K-9's are expensive to maintain and the K-9 handler gets extra money which goes into the individual's pension.

Chief Guerra said P.O.S.T has caps for breakfast lunch and dinner reimbursement, so the \$154.00 is more then likely for one entire week.

[*It was later determined that the \$153.94 charge was for an Employee of the Quarter dinner which is included in the approved fiscal year 2010/11 budget].

Mayor McKeithen concluded that the Town should not be purchasing coffee any longer. McKeithen believes that people should buy their own coffee.

10. FINANCIAL REPORT FOR THE TWO MONTHS ENDED AUGUST 31, 2010

Recommendation: Receive the General Fund Financial Report for the two months ended August 31, 2010

Council Member Marsala questioned whether there will be a surplus this year. Finance Director Ho said it is too early to tell overall but the increase in building department activity has helped, plus the certified assessment roll from San Mateo County for secured property tax has not gone up the normal 2% under proposition 13.

11. TREASURER'S REPORT FOR THE FOURTH QUARTER ENDED JUNE 30, 2010

Report: Finance Director Louise Ho

Recommendation: Accept the Treasurer's Report for the Fourth Quarter Ended June 30, 2010

12. APPROVAL OF A RESOLUTION ADOPTING THE FINAL FISCAL YEAR 2009-2010 BUDGET AMENDMENT FOR POLICE ON THE STREET, STATE GRANTS, GENERAL CAPITAL IMPROVEMENT PROJECTS, AND EVAN CREATIVE DESIGN FUNDS

Report: Finance Director Louise Ho

Recommendation: Approve Resolution 10-50 of the City Council of the Town of Atherton adopting the final FY2009-2010 budget amendment for Police on the Street, State Grants, Capital Improvement Projects, and Evan Creative Design Funds

14. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$ 19,822.32 FOR THE PROJECT NUMBER 09-006
Report: Public Works Director Duncan Jones
Recommendation: Accept work, authorize recording of a notice of completion and approve contract change orders in the amount of \$19,822.32 for the Holbrook-Palmer Park Master Irrigation and Well Installation Project Number 09-006

15. APPROVE A CONTRACT CHANGE ORDER FOR GALLAGHER AND BURK, INC. FOR THE FLETCHER DRIVE/RIDGEVIEW DRIVE PAVEMENT AND DRAINAGE IMPROVEMENT PROJECT NUMBER 08-010 IN THE AMOUNT OF \$140,300
Report: Public Works Director Duncan Jones
Recommendation: Approve a Contract Change Order for Gallagher and Burk, Inc. for the Fletcher Drive/Ridgeview Drive Pavement and Drainage Improvement Project, project number 08-010 in the amount of \$140,300

16. ADOPT A RESOLUTION APPROVING A NO PARKING ANY TIME ZONE ON SURREY LANE AND ON MIDDLEFIELD ROAD FROM 157 FEET NORTH OF SURREY LANE TO 100 FEET SOUTH OF SURREY LANE
Report: Public Works Director Duncan Jones
Recommendation: Adopt Resolution 10-43 approving a “No Parking Any Time” zone on Surrey Lane and on Middlefield Road from 157 feet north of Surrey Lane to 100 feet south of Surrey Lane

Loren Gruner said the City Manager put together a productive meeting with the Fire Department, Menlo Park, the School District and parents to discuss resolutions. Gruner said the school has over 700 students and she asked Council to seriously consider allow parking along the side of Encinal School which was used for staff during the past year.

Mayor McKeithen suggested Gruner speak with Public Works Director Jones who can explain the ideas that were discussed at the previous night’s Transportation meeting.

17. AMENDMENT TO CENTERLINE MARKING LIST TO INCLUDE TOYON ROAD
Report: Public Works Director Duncan Jones
Recommendation: Amend the Centerline Marking List to include a double yellow stripe with reflectors on the Toyon Road s-curve in front of 153 Toyon Road

18. RECOMMENDATION FROM THE ENVIRONMENTAL PROGRAMS COMMITTEE TO SUPPORT CALIFORNIA’S CLEAN CARS PROGRAM
Report: Town Arborist Kathy Hughes-Anderson
Recommendation: The Environmental Programs Committee recommends that the City Council support California’s Clean Cars Program and that the Mayor sign a letter of endorsement to the California Air Resources Board

19. RECOMMENDATION FROM THE ENVIRONMENTAL PROGRAMS COMMITTEE TO ADOPT RESOLUTION NO. 10-51 IN OPPOSITION OF PROPOSITION 23
Report: Town Arborist Kathy Hughes Anderson

Recommendation: The Environmental Programs Committee recommends that the City Council adopt Resolution 10-51 in opposition to Proposition 23

Mayor McKeithen said she supports the intent but the resolution language needs to be seriously toned down. Council concurred.

20. APPROVE THE SELECTION OF AN ATTORNEY TO REVIEW THE OLIVE PALMER WILL FOR A LIBRARY IN THE PARK

Report: Public Works Director Duncan Jones

Recommendation: Approve the selection of McCracken, Byers & Haesloop to review the Olive Palmer will for a library in the Holbrook-Palmer Recreational Park. In the event staff is unable to negotiate a scope of work and fee with the selected firm, the scope and fee will be negotiated with the firm of Siegle McClure, followed by Hannig Law firm if unable to negotiate with the second firm

Council Member Marsala asked what the justification is for going outside the retainer of the Town's current legal services. Mayor McKeithen said the Committee wanted someone apart from the Town so the opinion would withstand any potential scrutiny or bias in the future.

Council supported the justification.

21. TOWN RESPONSE TO CIVIL GRAND JURY REPORT ON THE SEX OFFENDER LAW ENFORCEMENT IN SAN MATEO COUNTY

Report: Police Chief Mike Guerra

Recommendation: Accept the attached final proposed draft as the Town's response to the civil grand jury sex offender law enforcement in San Mateo County

22. APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR CODE ENFORCEMENT SERVICES

Report: City Manager Jerry Gruber

Recommendation: Approve publishing a request for proposal for Code Enforcement services for the Town of Atherton

Mayor McKeithen said she believed Redwood City should be able to give a straightforward presentation on what services they would offer the Town if selected. McKeithen added that the RFP shuts the door for outsourcing because the language is not "inviting" to a non profit agency. McKeithen said Council is hoping to partner with another agency or jurisdiction to save money and that would be very hard based on the criteria included in this RFP.

City Manager Gruber said staff supports the recommended process because the current municipal code is being adhered to. Gruber added that the Town is creating a competitive environment by putting out an RFP and he is receptive to changing the language in order to avoid eliminating anyone from the process.

Vice Mayor Dobbie requested a verbal proposal from Redwood City on what they have to offer.

Council Member Lewis said that in an outsource situation you should go out to all commercial for-profit services who have the infrastructure to do the services you are requesting. Lewis said this will bring competitive bids and the current RFP is fine the way it is.

McKeithen said she wants to make sure all agencies are included and nobody is eliminated based on experience and capabilities.

City Attorney Furth said the Town can follow the staff recommendation with revised language in the RFP or Council can waive its own procedure and negotiate directly with another agency.

Council concurred to direct staff to revise the language so as not to foreclose or eliminate any agency. Staff will bring the RFP back to Council at a special meeting on September 30th.

23. APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR BUILDING OFFICIAL SERVICES

Report: City Manager Jerry Gruber

Recommendation: Approve publishing a request for proposal for Building Official services for the Town of Atherton

Mayor McKeithen felt the position of Building Official has too many responsibilities and duties to handle in only three days per week.

Council Member Lewis said she agreed that the Town needs a full time building official. Lewis felt the RFP starts the position out for three days per week and slowly works its way into more hours.

Council Member Carlson said he would leave this up to the City Manager's discretion. Council Member Marsala concurred.

Vice Mayor Dobbie said he assumed the current interim official is temporary until the Town is able to find a full time employee.

City Manager Gruber said the Town currently has a consultant from CSG Consultants which is working out very well at the moment. Gruber added that he would like to go out for an RFP and come back to Council with the understanding that there will be no unfunded liability associated with the position. Gruber said if he can not find someone who is qualified he will suggest Council waive their procedures to hire the current CSG consultant.

Mayor McKeithen said she has heard very good things about the current consultant.

Loren Gruner said she believes the Building Department is professional, but the permits need to get through quicker than they have been.

Bill Widmer suggested being more specific on the Building Official qualifications desired.

Cary Wiest said this is a crucial time to redevelop confidence in the community and an adequate search for a proper building official would help reduce risk and liability and bring assurance back to the public.

Assistant City Manager Wilkerson said in the past this normally would have been an Atherton employee but staff is choosing to contract this position out and is not intending to hire an employee in the future.

Council Member Lewis suggested adding a certain amount of years of experience in certain fields.

Council Member Carlson asked how the performance of the position will be measured.

City Manager Gruber said the master fee schedule was passed based on analysis done to determine how long it really takes to review sets of plans and staff is in the process of measuring this now.

Mayor McKeithen requested a report on the turn-a-round time for reviewing a set of plans.

The Mayor moved on to motion for the consent item.

Motion by McKeithen, second by Carlson to approve item 8 with additional language, item 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, with a rewrite of the language subject to Mayor review, item 20, 21 with typographical corrections. [Items 22 and 23 will come back to Council on September 30]. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

- 24. ADOPTION OF A RESOLUTION APPROVING BUDGET AMENDMENT FOR FY 2010-11 – CIP & ADMIN SERVICE ROAD IMPACT FEE FUND**
Report: Finance Director Louise Ho
Recommendation: Adopt Resolution 10-52 approving the budget amendment for FY 2010-11 for the General Fund

MOTION by Carlson, second by Lewis to approve adoption of Resolution 10-52 approving the budget amendment for FY 2010-11 for the General Fund. The motion passed.

Ayes: 4 Nays: 1 (McKeithen) Abstain: 0 Absent: 0

PUBLIC HEARINGS (25)

- 25. INTRODUCTION OF AN ORDINANCE REZONING PROPERTIES ON PARKER AVENUE FROM R1-A TO R1-B**
Report: Deputy Town Planner Lisa Costa Sanders
Recommendation: To Be Determined – Options:
1. Do not rezone Parker Avenue from R1-A to R1-B.
2. Introduce Ordinance Amending the zoning map to Title 17 of the Atherton Municipal code to rezone twenty-two (22) legal lots on Parker Ave from R1-A Zoning District to R-1B Zoning 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 pass the ordinance.

Deputy Planner Costa Sanders said the Planning Commission recommended against rezoning Parker Avenue. If Council does decide to rezone Parker Ave to R1-B primarily the changes would include changes in the allowed floor area, the setbacks and a change in the height limits. It would not require a change in the general plan.

Mayor McKeithen feels this is a unique neighborhood with small lots and should be treated differently, but since the issue is so divisive a compromise should be given which would give each person something they desire. McKeithen said the compromise would include retention of the

R1-A rear yard setbacks, a 28 foot overall height limit, slightly reduce the allowable building space on a second-floor addition, but, overall, give homeowners an additional 547 square feet of floor space.

Mayor McKeithen suggested assurance from Planning Commissioners that they will be open to reviewing this and having a final recommendation to Council no later the November so the current Council can make the last and final determination on this issue.

Council Member Carlson said he met with some of the residents on Parker Ave and he learned there is a 70-foot right-of-way on the street even though the street is only 40-feet wide and so the compromise the Mayor has given would be uniquely fitted to Parker residents.

Vice Mayor Dobbie said he voted against the rezoning because the support for and against was not a good ratio, but he believes the compromise the Mayor has put forth is reasonable and he will support it.

Council Member Marsala said he and Council Member Lewis took this exact same position last March of 2009 to give additional square footage to be same as R1-B without setbacks because of the yard situation, and allow a second floor and garage.

Council Member Lewis said in March of 2009 she gave an overhead presentation and she and Marsala on their idea to keep the rear setbacks at 39 feet, the side setbacks as is now, decrease the height limit to 28 feet rather than the current 30-feet and allow the front to be enlarged to have more room to build on.

Herm Christensen, Planning Commissioner, said the Planning Commission is willing to look into the idea.

Phil Lively, Planning Commission agreed that this is the framework of a good solution to an ongoing and contentious situation.

Mayor McKeithen opened up for public comment.

The following residents spoke:

John Freschini

Bill Widmer

Loren Gruner

Jon Buckheit

Ann Anderson

Colleen Anderson

Duane Wadsworth

Michael Bennett

Art Martin

Kathy Huo

Denise Kupperman

Cary Weist

The Mayor closed public comment.

MOTION by McKeithen, second by Marsala to prepare a resolution to keep the rear setbacks the same, front setbacks to 23 feet 3 inches, height decrease to 28 feet and a second story to have an additional building area of approximately 457 feet which would increase the buildable area, to go to Planning Commission and come back to City Council no later than November 2010. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

City Attorney Furth recommended sending flexible variations to the Planning Commission for review. Council concurred.

REGULAR AGENDA (Items 26-30)

City Manager Gruber requested that Council table item 29 until the October agenda.

26. TOWN CENTER TASK FORCE UPDATE AND REPORT

Report: Town Center Task Force Members

Recommendation: To Be Determined

Council Member Lewis said the Town Center Task Force 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. Council requested the Task Force report back to Council no later than September 2010. Lewis thanked the Task Force members for all of their help and Phil Warnes who created valuable cost estimates for the project on a pro bono basis. Lewis concluded that the Task Force created a Statement of Qualifications (SOQ) and all associated exhibits, cost estimates and a financing alternatives report.

Steve Dostart, Task Force member, stated that the Committee was productive and worked amicably together. He thanked Council, Town Center Task Force members and Phil Warnes. Dostart said the Task Force worked with staff on the legalities of the SOQ. The Task Force interviewed all of the department heads and reviewed their space need numbers to establish a current and accurate picture in light of the new economic climate and discussed where positions can share offices, counter space and break rooms. Dostart said the Task Force took into consideration how staff and the public would feel about spacing needs. Dostart said after speaking with department staff the underground parking concept outlined in the Blue Ribbon Task Force report was eliminated which saves the Town millions of dollars. Dostart said the Task Force looked exhaustively at several different scenarios for the project which Phil Warnes gave cost estimates for. Dostart concluded that the documents created by the Task Force can be used now or in the future.

Phil Lively, Town Center Task Force member, said he tasked with creating the matrix for scoring the architects. Lively said the matrix creates a process which eliminates any bias in choosing an architect.

Dostart said the said the cost benefit for renovating a new town center as opposed to rebuilding is about three to five percent. Dostart added that the Task Force is recommending 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. Dostart said the Task Force had

regular input from the Library Task Force liaison and took into consideration the possible opportunity of that building becoming available to the Town. The Task Force recommends using it as Town storage if it were to become available to free up space in the proposed new facilities. Dostart discussed possible financing options outlined in the report which include potential donations and a ballot measure for Build America Bonds or traditional tax-exempt bonds.

Phil Warnes, SigmaTech, said he went through documents at Planning and Building and toured the entire facilities within the Town to create the cost estimates in the report. Warnes said he completed a similar project in San Carlos for the Police Department.

Mayor McKeithen said she recently toured the new Portola Valley facilities and questioned whether their process could work for the Town.

Council Member Lewis said the process document was carefully looked at and the Task Force looked at several different options and all steps that need to be taken in order to complete the project from beginning to end.

Council Member Marsala said the Town Center Task Force did great work. He encouraged the Task Force to look at Build America Bonds and review the work done on new facilities in the Town of Orinda.

Council Member Carlson thanked the Town Center Task Force members for their professional interaction with each other and Town staff.

Mayor McKeithen suggested that the Task Force go ahead with the SOQ and continue to research financing options while taking into consideration potential outsourcing.

Mayor McKeithen opened up public comment.

Jon Buckheit said he would not want to see the Town spend money on new facilities if they are choosing to outsource the Police Department in the near future.

Mayor McKeithen explained that if the Police Department is ever outsourced they could still be housed in Atherton.

Denise Kupperman encouraged Council to look at options of pursuing the SOQ because staff needs more appropriate work space.

Pat Haines, Town Center Task Force member said she is very proud of the process document and added that a timeline needs to be established.

Bill Widmer said that at the last Council meeting Council said the Town is heading for a financial disaster; Widmer questioned why they are thinking of spending this money.

Mayor McKeithen questioned whether there needs to be a design to move forward.

Rose Hau, Task Force member, said an honorarium is being recommended for three architects.

Council Member Marsala said the building department has raised \$1.8 million in a reserve for the building department for the new facilities. Marsala said it would be fair to give the residents the option on whether they will support Build America Bonds.

Dostart concluded that the developing process takes a long time and now is the Town's chance to lock in lower costs.

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.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

27. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF REAFFIRMING THE TOWNS COMMITMENT TO THE PUBLIC RECORDS ACT

Report: City Manager Jerry Gruber

Recommendation: Approve Resolution 10-54 reaffirming the Towns commitment to the Public Records Act

Jon Buckheit said the Town's history with the Public Records Act has been horrible. Buckheit said he made a request for a police report that is now the worst example of a response in California. Buckheit said a YouTube video of the City Manager reading from a script to obstruct records is horrendous and there is a pattern of this within the Town. Buckheit concluded that the legal fees associated with reviewing and redacting public records is not a good use of taxpayers' dollars.

Vice Mayor Dobbie felt a paralegal ought to be doing the redacting.

Council Member Lewis said if the majority of the Town knew how much some of these requestors are asking for they would not be happy; in some cases entire databases full of resident names and personal information and phone numbers are being requested.

City Attorney Furth said typically most requests are handled by staff. Furth said her firm will review special circumstances such as review and redaction of a police report and personnel issues and balancing privacy matters with the general public. Furth concluded that responding to public records request can be complicated when you have competing goods such as transparency and privacy.

Council Member Marsala supports staff efforts and pointed out that a lot of the hours spent on the responding are done at the lower level.

Council Member Carlson said the underlying issue is that the Town is committed to becoming more efficient from here forward.

MOTION by Lewis, second by Carlson to approve Resolution 10-54 reaffirming the Towns commitment to the Public Records Act. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

- 28. FIRST PROGRESS REPORT FROM THE FINANCE COMMITTEE ON THE FIVE-YEAR FINANCIAL FORECAST AND APPROVE THE USE OF ACTUARY**
Report: Finance Director Louise Ho
Recommendation: Receive the first progress report from the Finance Committee and approve the use of actuary

Finance Director Ho said The Finance Committee met on September 7, 2010, to discuss the materials distributed by Committee Member Alain Enthoven on pension, post retirement health care and alternative sources of police services for the Town. The Committee is requesting approval of an outside actuary, an intern for special projects and software for financial forecasting.

Council Member Lewis asked how much the actuary would cost. Ho said the Committee needs to meet to further discuss costs and a detailed scope of work.

Assistant City Manager Wilkerson said the use of an intern would require fingerprinting and background checks for security purposes and the Town would need to offer the proper amount of college credits. Wilkerson said an intern needs to recognize the seriousness of the environment they will be working in.

Mayor McKeithen and Vice Mayor Dobbie both expressed concerns with the amount of time it takes for the Town to process free services.

MOTION by Carlson, second by Lewis to receive the first progress report from the Finance Committee and approve the use of actuary, an intern for special projects and software for financial forecasting. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

- 29. 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

Council tabled this item to a future agenda.

- 30. CODE OF CONDUCT TRAINING**
Report: City Manager Jerry Gruber
Recommendation: To Be Determined

Mayor McKeithen recommended waiting for code of conduct training until the new Council is in place in January.

Council Member Carlson agreed.

Vice Mayor Dobbie said he does not believe he needs the training.

Council agreed to table this until 2011 when a new Council is in place.

31. COUNCIL REPORTS

Nothing further to add to written reports.

32. FUTURE AGENDA ITEMS

None.

33. PUBLIC COMMENTS

None.

34. ADJOURN

MOTION by Lewis, second by Carlson to adjourn the meeting. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 10:47 p.m.

Respectfully submitted,

**Theresa DellaSanta
Deputy City Clerk**



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
September 20, 2010
8:00 A.M.
Town Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

Mayor McKeithen called the meeting to order at 8:18 a.m.

ROLL CALL **Lewis, Carlson, Marsala, Dobbie, McKeithen – All Present**

PUBLIC COMMENTS

Peter Carpenter – handout given.

Walter Sleeth- handout given.

Bob McLane

REGULAR

**1. CONSIDERATION OF LITIGATION OPTIONS REGARDING
RECERTIFICATION OF PROGRAM EIR FOR CALIFORNIA HIGH SPEED
RAIL AUTHORITY (CHSRA)**

Report: City Manager Jerry Gruber

Recommendation: To Be Determined

Stuart Flashmann, Town High Speed Rail Attorney gave a brief background on high speed rail.

-How does high speed rail go from SF to Valley?

-If Pacheco pass is used the high speed rail would move up and down Peninsula.

-Court ordered to go back and revise EIR revision in his understanding is inadequate;

-Court said that high speed rail authority had not explained land use sufficiently;

-Alternatives have been discussed but impacts not thought out. More rails, significant local impact and refusal to look at options.

-Town should challenge adequacy of EIR – court has issued a writ of mandate – Town should file objections and tell them to go back and do it right. Town has option of opening new litigation and broadening scope.

-If pursue both options – file objectives and participate in new challenge of EIR.

- The cities of Palo Alto, Burlingame and Menlo Park meeting to consider whether to join in litigation. San Mateo and Gilroy may also be on board against high speed rail.

-If you combine litigation with non-profits – they are the prior client and we would need outside litigation. Hope that conflict would not arise where Flashmann can still assist.

Council Comments –

Council Member Carlson –

Has attended prior meetings with Flashmann and appreciate his arguments.

First option is objecting to the return.

Has heard that Sacramento may not be on board with cities objecting.

Stuart Flashmann –

Issues will all depend on how the court looks at the return on the writ. Both objections would be non-compliance. Risk that court would look at narrowly and if you fixed those areas then they will accept writ.

Some issues of widening of Caltrain route would be able to be added in a new lawsuit

Flashmann recommends doing both options.

Public comments –

William Grindley

Julie Quinlan

Morris Brown

Jack Ringham

Greg Conlon

Carol Smith

Mayor McKeithen –

At a minimum cost risks are too great and this broadens basis for appeal, such as ridership. A second lawsuit is very relevant and it doesn't matter if a new judge presides over the new litigation. It is necessary to file both and join with other cities. We need to move forward for strategic and legal necessity.

Vice Mayor Dobbie –

Agreed with McKeithen. No other choice but to move forward and file.

Council member Carlson-

“This could have potential impact on the Town forever” – we must move forward.

Council member Lewis –

“File both lawsuits vigorously – we cannot not move forward” – if we have to obtain private funds to defray costs we will work on that. Thank you to William Grindley, Julie and the Rail Committee to take such an active role.

Mayor McKeithen –

Thank you to the entire Rail Committee.

Council member Marsala –

Thank those who have been effective – League of Cities and efforts combined – many focus on land that would be taken – with continued pressure, “I am in favor of moving forward.”

Motion – by Carlson, second by Lewis to appeal the writ and file a new action. The motion passed unanimously.

- 2. CONSIDERATION OF A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON INITIATING A ZONING CODE AMENDMENT TO CREATE A NEW OVERLAY ZONE FOR APPLICATION TO THE PARKER AVENUE NEIGHBORHOOD AND REQUESTING THE PLANNING COMMISSION TO CONSIDER THE PROPOSED AMENDMENT**
Report: Deputy Town Planner Lisa Costa Sanders
Recommendation: Adopt Resolution No. 10-53 of Intention of Town to initiate a zoning code amendment to create a new overlay zone for application to the Parker Avenue neighborhood and request Planning Commission to consider proposed amendment

Clarification of resolution

Section 2 – Initiation of Zoning Code Amendment:

Bullet point 3:

Reduction of the front yard setback to 18% of the lot depth with a minimum 20 foot front yard setback, equivalent to 23’3”.

Bullet point 4:

Increase the allowable floor area to 16.5% of lot size plus 1500 square feet – addition of up to 547 square feet to first or second story.

Additional bullet point:

At five feet to front setback.

Section 3 – Direction to Planning Commission:

Report its findings back to the City Council no later than the November 17, 2010 City Council meeting.

Motion by Lewis, second by Carlson to adopt said resolution with changes noted to item 2 and the changes articulated by the Mayor. The motion passed unanimously.

MOTION to adjourn to closed session at 9:21 a.m. The motion passed unanimously.

CLOSED SESSION

- 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subsection (a) of Government Code Section 54956):**

Atherton et al v. High-Speed Rail Authority Case No. 34-2008-80000022

- 4. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (Subsection (c) of Government Code Section 54956.9)**

Town of Atherton City Council Amended Agenda, Special Meeting Minutes September 20, 2010

High-Speed Rail Authority

RECONVENE TO OPEN SESSION

ADJOURN

**Respectfully Submitted,
Jennifer Frew**



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
September 30, 2010
10:00 A.M.
Town Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

Mayor McKeithen called the meeting to order at 10:07 a.m.

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

All present.

PUBLIC COMMENTS

Jon Buckheit, Atherton resident, said he spoke under public comments two weeks ago at Closed Session about his experiences with the Police Department and he received a letter from attorneys who represent the Town warning him that he should not make negative comments about Police Officers. Buckheit said he believes this is a violation of his first amendment rights.

REGULAR

Mayor McKeithen noted that in order to save on legal fees the meeting will begin with item 2 and end with item 1.

2. APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR CODE ENFORCEMENT SERVICES

Report: City Manager Jerry Gruber

Recommendation: Approve publishing a Request for Proposal for Code Enforcement services for the Town of Atherton

City Manager Gruber said Staff elaborated on the RFP to include a broader definition of services requested in order to allow non-profit agencies to bid.

Council Member Lewis asked what the selection process is and if resident input will be a part of the process. Lewis asked if Staff has thought about using Police Officers for code enforcement purposes.

City Manager Gruber said Staff is receptive to community input to the process. Gruber said Staff will consider the option of using police for code enforcement purposes.

Vice Mayor Dobbie said residents call him often for code violations and he thinks it is important to have these services available to the residents.

Mayor McKeithen said this idea of having a Police Officer perform code enforcement services was discussed years ago and it was determined that having officers perform these services has a “chilling effect” for people who do not want a Police Officer in their home. McKeithen said residents want these services performed in a friendly and neighborly way. (Mayor McKeithen suggested edits to the RFP. Staff took note and will implement the changes.)

Council Member Lewis said a Police Officer performing these services does not have to be in uniform. Lewis added that Police Officers should not be viewed as a threat.

Council Member Marsala suggested that when Council Members receive code violation calls to defer them to Code Enforcement so Staff can track the hours.

Jon Buckheit said that once a Police Officer is admitted into a home they are obligated to do searches on your home that could put the homeowner or the Town in a conflict.

Colleen Anderson, Atherton resident, hopes that the new Code Enforcement Officer targets safety issues and reduces the formation of conflicts between neighbors.

Gene Elsbery, Atherton resident, described a very positive experience he had with the current Code Enforcement Officer.

Bill Widmer, Atherton resident, encouraged Council to work with Chief Guerra on viable options.

MOTION by Carlson, second by Dobbie to approve publishing a Request for Proposal for Code Enforcement Services for the Town of Atherton with changes made by the Mayor and with an application deadline of November 1st to be sent to City Clerk’s Department. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

3. APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR BUILDING OFFICIAL SERVICES

Report: City Manager Jerry Gruber

Recommendation: Approve publishing a Request for Proposal for Building Official Services for the Town of Atherton

City Manager Gruber suggested for reasons of consistency to send out the Building Official RFP simultaneously with the RFP for Code Enforcement Services and have the same application deadline.

Council Member Lewis pointed out that Staff is requesting approval to publish the RFP and approval to continue the current temporary services.

Mayor McKeithen said she was concerned about having a temporary Building Official but after speaking with the current temporary Building Official she no longer feels this way. McKeithen said the current temporary Building Official is a wonderful asset to the Town.

Council Member Lewis said the new temporary Building Official is very knowledgeable and she would be interested in hearing the public's impression of him.

MOTION by Carlson, second by Lewis to continue the current temporary services and approve publishing a Request for Proposal for Building Official Services for the Town of Atherton with an application deadline of November 1st to be sent to City Clerk's Department. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

4. RECOMMENDATION BY TOWN CENTER TASK FORCE FOR APPROVAL TO PUBLISH REQUEST FOR STATEMENT OF QUALIFICATIONS FOR DESIGN OF A NEW TOWN CENTER

Report: City Manager Jerry Gruber

Recommendation: Approval to publish Request for Statement of Qualifications for design of a new Town Center

Council Member Lewis explained that an extensive presentation was made at the last Council meeting. Lewis said there were a few revisions to be made and Council agreed to bring it back for final approval once the document was revised.

Council agreed that questions regarding the SOQ should be sent to Public Works Director Duncan Jones and submittal of SOQ's should be sent to the City Clerk's office. Council changed the word "value" in section 5D to "cost."

Council Member Lewis informed Council that the next Town Center Task Force meeting will be held on October 12th where the Task Force members will determine a timeline for publication and a deadline submittal.

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.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

5. DISCUSSION OF CITY MANAGER SEPARATION, NEXT STEPS AND RECRUITMENT OF BUILDING OFFICIAL, CODE ENFORCEMENT AND ANY OTHER POSITIONS DURING THE TRANSITION

Recommendation: To Be Determined

Mayor McKeithen said that as of October 22nd City Manager Jerry Gruber will no longer be with the Town. McKeithen said she contacted the League of California Cities to see if they had any Interim City Managers and they do not. McKeithen said Management Partners and IPM in Arizona both have Interim City Managers available. McKeithen suggested putting out an ad for an Interim City Manager.

Council Member Carlson said he believed this is an opportunity to find experienced, retired City Managers who may be looking for a six month position.

Council Member Lewis said she sent a memorandum to the Mayor outlining her suggested method on searching for a City Manager. Lewis said now is the time for true transparency and it is a good way to get the residents involved in the course of selecting the next City Manager and the process needs to be identified clearly and very early on. Lewis said she is sad to see Gruber go and he has done a great job at assembling the Staff that has made amazing positive progress for the Town over the last couple of years. Lewis concluded that it is time for the Town to surround themselves with bright individuals in the community who can help advise the Town in the process.

Council Member Marsala said Council needs to separate two topics with one being what to do in the meantime and the other being what to do in the future. Marsala said he has been impressed by Assistant City Manager Eileen Wilkerson who he believes is capable of running the Town while there is a void. Marsala said with the Management staff the Town currently has he is confident that Wilkerson can run the Town during the recruitment period for a regular City Manager. Marsala suggested a professional recruiting firm for the process of selecting a regular City Manager because it gives a feeling of impartiality. Marsala concluded that a clear timeline should be established.

Council Member Carlson said an experienced City Manager with a proven track record who is not a candidate for the job allows Council to consider everyone for the job later on. Carlson added that Council should set specific goals for an Interim City Manager.

Vice Mayor Dobbie agreed with the idea of advertising for an Interim City Manager. Dobbie added that an advantage of an Interim who is not a candidate is that it does not inhibit qualified individuals from applying because they feel there is an inside candidate. Dobbie concluded that when it comes time to recruit for a final City Manager the job needs to be very attractive in order to get good quality, experienced individuals applying for the position.

Mayor McKeithen said the Town needs someone who can look at the litigation, potential outsourcing, and five-year financial plan and be able to add their knowledge to it. McKeithen said it is very important not to rush into trying to find a permanent City Manager. McKeithen discussed past experiences with a professional firm doing the recruitment for the position of City Manager and it has been biased in the past. McKeithen said she believes that it might be time to begin running the Town like a business and an individual from a private firm should be considered. McKeithen concluded that Council has the obligation to appoint the City Manager position and so they should have the first look at applications and afterward citizens should have the same opportunity.

Bill Widmer, Atherton resident, said he agrees there needs to an Interim with a “fresh set of eyes” as Council suggested. Widmer added that private business practice should be considered because municipalities usually lag on industry standard procedures.

Jon Buckheit, Atherton resident, said the Town should recruit a resident of their own community who will do the job because they care about the Town.

Colleen Anderson, Atherton resident, asked that when Council begins recruitment to not allow potential personal friendships with applicants to make their decisions. Anderson concluded that Gruber had a true level of compassion and she hopes the next City Manager will as well.

Jeff Wise, Atherton resident, said the City Manager is really critical and this is a very important issue for Council. He agreed that an Interim City Manager should be recruited. Wise concluded that he thinks residents should be involved in the process.

Council Member Lewis read two letters (written by Atherton residents Marylue Timpson and Steve Dostart) into the record.

Council Member Carlson said City Manager Gruber is leaving on October 22nd and suggested that Council meet on Saturday, October 16th to accomplish appointing an ad-hoc committee to assist the process of soliciting interest in the Interim City Manager position and request letters of intent and resumes within two weeks. Carlson said residents should be allowed to submit their specifications and submit letters by that deadline as well so the process continues to move along.

Council Member Marsala said he believed the process used when Ralph Freedman was selected as Interim City Manager many years ago worked well for Council and the community. Each Council Member was able to select one candidate for the Committee and the process flowed well and allowed for diversity.

Vice Mayor Dobbie said it is very important to separate the Interim and the final City Manager position and advertising for the Interim should be done promptly.

Council discussed setting up an Ad-hoc Committee to write a specification for the Interim position and agreed to advertise the specification quickly. Council agreed that compensation will be open.

Council Member Carlson said the ad should be broad to allow a range of applicants and subsequently Council will have a chance to get more detailed with the applicants. Mayor McKeithen suggested putting out the previous RFP with a deadline and then working with the residents who are interested in working on the RFP for a permanent City Manager.

Mayor McKeithen, Vice Mayor Dobbie and Council Member Lewis expressed interest in sitting on the Committee.

Council Member Marsala said given that Vice Mayor Dobbie and Council Member Carlson are up for re-election, that Mayor McKeithen and Council Member Lewis should be the Ad-hoc Committee members for creating the Interim City Manager specification because it gives the Town the ability to have adversity.

Mayor McKeithen felt that since Council Members Lewis and Carlson are on the City Attorney Search Committee that Vice Mayor Dobbie should be on the Interim City Manager Committee.

Mayor McKeithen appointed herself and Vice Mayor Dobbie to work on the Interim City Manager process and the permanent City Manager process.

Carlson clarified that the Ad-hoc Committee should be created to solicit interest in the Interim job and solicitation from citizens to sit on the Committee. Carlson said if the Mayor agrees Council should proceed that way with McKeithen and Dobbie as the Ad-hoc Committee members. Mayor McKeithen said okay.

Gene Elsbrey, Atherton resident, suggested that the current City Manager draft a specification for Council.

City Manager Gruber said there is a current job description for the City Manager position and he can get that to the Committee right away.

Colleen Anderson said that from the public's perspective there has been a real divide on Council and the idea of McKeithen and Lewis on the Ad-hoc Committee is a good one.

Jeff Wise requested clarification on what the Ad-hoc Committee is doing. He said if the Committee is only approving the advertisement and soliciting resident input then two weeks is not enough time to get very many applicants for the Interim position.

Mayor McKeithen said the Ad-hoc Committee would not cull any of the applicants, Council and the public will do that. It is only a clearing house to solicit documents and bring them to the residents. McKeithen added that citizens will be involved in creating the RFP for the permanent City Manager as well.

Council Member Carlson suggested having the Ad-hoc Committee put together their specifications for the City Manager so the entire Council can discuss.

Council Member Lewis said the Town is being very optimistic thinking that they can hire a good, qualified individual in two weeks. Lewis said the Town has an Assistant City Manager who can step into the role on an Interim basis.

Jon Buckheit said it is a challenge to get people to apply in such a short period of time and the Mayor should go to the newspapers and media to solicit residents to apply.

Mayor McKeithen said the Ad-hoc Committee will give it a try by working on the specifications and discuss those specifications at the next meeting. McKeithen said the Ad-hoc Committee will create criteria for resident Committee members and discuss it in Open Session for review and edits. Afterward the Committee will proceed with the RFP for a permanent City Manager and resident specifications. McKeithen concluded that resumes should be sent straight to the City Clerk.

Council Member Lewis suggested redacting applicant's names and assigning a number to each application. Lewis said a scoring matrix should be created for evaluating the applicants on an objective basis.

Mayor McKeithen opposed a matrix because there may be qualities in an applicant that were not included on the matrix.

MOTION by Carlson, second by Dobbie to proceed with forming an Ad-hoc Committee comprised of McKeithen and Dobbie to work on specifications from the current City Manager job description for the position of Interim City Manager, create criteria for selecting residents to the Committee and discuss, review and edit both at a special City Council meeting in two weeks. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

[Note for historical purposes:

The Town's City Attorney spoke with the Mayor on Friday, October 8, 2010 in part because the time needed to prepare the advertisement was longer than anticipated, and there was concern that there was insufficient time for candidates to respond if the ad hoc subcommittee kept to the original time table. The Mayor realized that the deadline could be extended for a short period of time after Jerry Gruber's departure, with the assistant city manager serving as interim city manager until the interim city manager search process was completed.

The Mayor realized that this was a deviation from the timetable authorized by the City Council, but the City Council had also authorized the creation of an *ad hoc* committee to make needed decisions during the time before the next council meeting.

The Brown Act makes it impossible for the Mayor to consult with her colleagues, but it was apparent from council discussion at the last council meeting that a council majority has confidence in the current Assistant City Managers ability to be Interim City Manager. It was therefore concluded that the best choice was to modify the timetable.]

1. REVIEW AND DISCUSS CITY ATTORNEY REQUEST FOR PROPOSAL PROCESS; DISCUSS COMPOSITION, AND REVIEW WORK IN PROGRESS BY AD-HOC LEGAL SERVICES COMMITTEE

Report: City Manager Jerry Gruber

Recommendation: To Be Determined.

City Attorney Furth recused herself due to a conflict of interest with being the Town's current City Attorney.

Council Member Carlson said he and Council Member Lewis created a very detailed Request for Proposal and an advertisement for qualifications for Committee members.

Council Member Lewis said that the RFP was created so that any attorney who would be applying for the position would have a clear understanding of what the Town wants such as avoiding and mitigating litigation and controlling legal expenses. A clear understanding of high speed rail issues, Public Records Act and the Brown Act, and how to conduct Council meetings in a high degree of transparency are a few of the issues of concerns in the RFP.

Mayor McKeithen said her biggest concern is making sure a new attorney will reach out to the residents and really listen to them as people who may know more then we think and she would like something to that effect included in the RFP. McKeithen said "following through with residents" and being "open-minded" would be a good way to put it.

MOTION by McKeithen, second by Lewis to approve the content of the Request for Proposal for a City Attorney. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

Council discussed the advertisement for criteria to select Committee members. Council disagreed on an edit in section three to add the word "corporations."

[3. Experience in recruitment, selection and hiring (or making hiring recommendations) of counsel for public entities, or corporations.]

Council Member Lewis felt it would preclude someone from applying if others are more qualified who had that specific experience.

Mayor McKeithen did not feel it made a difference if they know public sector law.

Vice Mayor Dobbie said that in his experience if you are recruiting for a private corporation you are going to look for an entirely different type of attorney.

Council Member Lewis felt it should be narrow since there are only going to be three members on the Committee and those members should have experience in recruiting in the public sector only.

MOTION by McKeithen, second by Dobbie to publish the recruitment ad created by the Ad-hoc Committee for resident Committee members to a Legal Counsel Services Committee with an application deadline of November 5th and bring the applications back to Council for review at the November 17, 2010 City Council meeting; and add the word corporations to section 3 of the criteria. The motion passed.

Ayes: 3 Nays: 2 (Marsala, Lewis) Abstain: 0 Absent: 0

ADJOURN

MOTION by Dobbie, second by Carlson to adjourn the meeting. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 12:27 p.m.

Respectfully submitted,

**Theresa DellaSanta
Deputy City Clerk**

TOWN OF ATHERTON
CLAIMS LIST SEPTEMBER 2010

	<u>Amount</u>
A/P Checks (#10847-10991)	\$ 631,660
Payroll Checks (# 98-111)	8,965
Direct Deposit - Payroll	294,806
Electronic Transfer - A/P & Payroll	282,760
SEPTEMBER 2010 Total	1,218,191

I, Jerome D. Gruber, City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 98-111 (payroll), and 10847-10991 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$1,218,191 true and correct, and that there are sufficient funds for payment.

Jerome D. Gruber
City Manager

The above claims, check numbers 98-111 (payroll), and 10847-10991 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$1,218,191 are true and correct, and are authorized for payment.

Kathy McKeithen
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$ 820,433
105	Tennis	1,463
201	Special Parcel Tax	197,745
202	Road Construction Impact	62,859
203	Gas Tax	3,920
213	Library	1,578
215	Evan Creative Design	438
401	GF Projects	104,096
403	Atherton Channel Drainage	15,990
610	Equipment Replacement	6,400
615	General Liability	2,944
616	Employee Benefits funds	325
TOTAL		1,218,191

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10847 08/15/2010	Check Date: 09/03/2010 Confidential Personnel Investigation	Vendor: 00105 LANCE BAYER	08/15/2010	975.00
			Check Total:	975.00
Check No: 10848 BR24763	Check Date: 09/03/2010 Vehicle Repair/Maint PD 6/16/10-7/	Vendor: 00281 CITY OF REDWOOD CITY	07/31/2010	3,849.81
			Check Total:	3,849.81
Check No: 10849 10-125	Check Date: 09/03/2010 Custom Programming Install TimeTR	Vendor: 00373 CRW SYSTEMS INC	05/21/2010	1,750.00
10-125	Custom Programming reports for dep		05/21/2010	1,200.00
10-125	Custom Programming implement ne		05/21/2010	2,450.00
10-125	Custom Programming Financial Inter		05/21/2010	1,000.00
			Check Total:	6,400.00
Check No: 10850 018582	Check Date: 09/03/2010 Code Enforcement 07/05/10 - 07/30/	Vendor: 00377 CSG CONSULTANTS INC	08/16/2010	4,438.47
			Check Total:	4,438.47
Check No: 10851 315847	Check Date: 09/03/2010 Coffee Admin 08/27/2010	Vendor: 00501 FIRST CHOICE SERVICES	08/27/2010	33.08
312701	Coffee/Tea Bldg 08/27/2010		08/27/2010	58.20
			Check Total:	91.28
Check No: 10852 7755	Check Date: 09/03/2010 Hat badge gold and blue-Lieut J. Wa	Vendor: 00685 IRVINE & JACHENS INC.	08/23/2010	93.90
			Check Total:	93.90
Check No: 10853 225439	Check Date: 09/03/2010 Planning deposits Sacred Heart July	Vendor: 00869 MCDONOUGH HOLLAND & ALLEN PC	08/25/2010	485.16
225439	Planning deposits Menlo School July		08/25/2010	245.44
225439	Monthly Retainer July 2010		08/25/2010	11,000.00
225439	Planning July 2010		08/25/2010	2,041.00
225439	Building July 2010		08/25/2010	629.20
225439	Other Legal July 2010		08/25/2010	15,868.84
			Check Total:	30,269.64
Check No: 10854 WE R ROOFING	Check Date: 09/03/2010 Bus Lic We R Roofing 08/23/10	Vendor: 00929 MUNI SERVICES LLC	08/23/2010	150.00
ANAGNOSTOU	Bus Lic Anagnostou Properties 08/30		08/30/2010	100.00
			Check Total:	250.00
Check No: 10855 7457969322-8/10	Check Date: 09/03/2010 Police Dept 07/27/10 - 08/25/10	Vendor: 01037 PG & E	08/25/2010	2,506.49
			Check Total:	2,506.49
Check No: 10856 480971	Check Date: 09/03/2010 Red Ink Cartridge DM 500/550	Vendor: 01045 PITNEY BOWES INC	08/23/2010	191.27
			Check Total:	191.27
Check No: 10857 10-RCFFA	Check Date: 09/03/2010 9th Annual SMCO Memorial Svc 09/	Vendor: 01099 RCFFA SMCO MEMORIAL SERVICE	07/28/2010	200.00
			Check Total:	200.00
Check No: 10858 DRIVER TRNG	Check Date: 09/03/2010 Vehicle Opera 10/19/10-10/20/10 T.	Vendor: 01237 SAN MATEO CNTY SHERIFF'S OFFIC	08/30/2010	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: 10860	Check Date: 09/03/2010	Vendor: 01313	SPRINT	
130538811-033	Mobile Data Comm PD 7/26/10 - 8/2		08/29/2010	440.50
			Check Total:	440.50
Check No: 10861	Check Date: 09/03/2010	Vendor: 01445	VERIZON WIRELESS	
0899482795	Building Dept 07/22/10 - 08/21/10		08/21/2010	133.35
0899482795	Police Dept 07/22/10 - 08/21/10		08/21/2010	515.66
0899482795	DPW Engineering 07/22/10 - 08/21/1		08/21/2010	124.62
0899482795	DPW Street Maint 07/22/10 - 08/21/		08/21/2010	204.25
0899482795	DPW Park Maint 07/22/10 - 08/21/1		08/21/2010	36.28
0899482795	DPW Park Program 07/22/10 - 08/21		08/21/2010	72.58
			Check Total:	1,086.74
Check No: 10862	Check Date: 09/03/2010	Vendor: 01482	ANNA-NICOLE WRIGHT	
08/17/2010	Wedding deposit refund 08/17/2010		08/17/2010	400.00
			Check Total:	400.00
Check No: 10863	Check Date: 09/03/2010	Vendor: 00037	AFLAC	
	PR Batch 502 7 2010 AFLAC Hospit		07/28/2010	76.76
	PR Batch 502 7 2010 AFLAC Intensi		07/28/2010	24.39
	PR Batch 502 7 2010 AFLAC Life Pr		07/28/2010	34.14
	PR Batch 502 7 2010 AFLAC PersDi		07/28/2010	22.29
	PR Batch 502 7 2010 AFLAC Specif		07/28/2010	50.24
	PR Batch 502 7 2010 AFLAC-STD		07/28/2010	41.35
	PR Batch 502 7 2010 AFLAC Accide		07/28/2010	227.46
	PR Batch 502 7 2010 AFLAC Cance		07/28/2010	159.75
	PR Batch 502 7 2010 AFLAC Dental		07/28/2010	90.41
	PR Batch 501 8 2010 AFLAC Specif		08/11/2010	50.24
	PR Batch 501 8 2010 AFLAC-STD		08/11/2010	41.35
	PR Batch 501 8 2010 AFLAC Hospit		08/11/2010	76.76
	PR Batch 501 8 2010 AFLAC Intensi		08/11/2010	24.39
	PR Batch 501 8 2010 AFLAC Life Pr		08/11/2010	34.14
	PR Batch 501 8 2010 AFLAC PersDi		08/11/2010	22.29
	PR Batch 501 8 2010 AFLAC Accide		08/11/2010	227.46
	PR Batch 501 8 2010 AFLAC Cance		08/11/2010	159.75
	PR Batch 501 8 2010 AFLAC Dental		08/11/2010	90.41
	PR Batch 501 8 2010 Flex Participati		08/11/2010	23.00
	PR Batch 501 8 2010 Flex Participati		08/11/2010	22.00
			Check Total:	1,498.58
Check No: 10864	Check Date: 09/10/2010	Vendor: 01349	TEAMSTERS LOCAL 856 H & W	
	PR Batch 501 8 2010 Dental Insuran		08/11/2010	6,721.00
			Check Total:	6,721.00
Check No: 10865	Check Date: 09/13/2010	Vendor: 00013	A-A-A RENTALS INC	
533060	Steel banding crimping tool, Steel S		08/27/2010	24.16
			Check Total:	24.16
Check No: 10866	Check Date: 09/13/2010	Vendor: 00025	ACCONTEMPES	
31742679	Temp Dean, Hazel 08/23/10 - 08/27/		09/01/2010	1,700.00
31703123	Temp Dean, Hazel 08/16/10 - 08/20/		08/25/2010	1,700.00
			Check Total:	3,400.00
Check No: 10867	Check Date: 09/13/2010	Vendor: 00077	AT&T CALNET 2	
000001587428	752-8099 07/27/10 - 08/26/10		08/27/2010	508.88
000001587427	752-0600 07/27/10 - 08/26/10		08/27/2010	111.68
000001585256	322-8691 07/25/10 - 08/24/10		08/25/2010	15.69
000001587425	330-0686 07/27/10 - 08/26/10		08/27/2010	15.54
000001587426	566-0280 07/27/10 - 08/26/10		08/27/2010	211.86

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
			Check Total:	863.65
Check No: 10868	Check Date: 09/13/2010	Vendor: 00125	BKF ENGINEERS	
10080361	Atherton Chann-Phase II 6/21/10-7/2		08/23/2010	15,990.17
			Check Total:	15,990.17
Check No: 10869	Check Date: 09/13/2010	Vendor: 00131	BLUE SPRUCE LANDSCAPE	
67 MARYMONT	Refund 67 Marymont P#APW10-000		09/02/2010	2,500.00
			Check Total:	2,500.00
Check No: 10870	Check Date: 09/13/2010	Vendor: 00146	BRIAN BRADFORD AVERY	
2 LARCH DR	Refund 2 Larch Dr P#APW10-00080		09/07/2010	2,500.00
			Check Total:	2,500.00
Check No: 10871	Check Date: 09/13/2010	Vendor: 00205	CAL WATER SERVICE	
62126158/8-10	94 Ashfield 07/03/10 - 08/03/10		08/30/2010	44.67
91512681/8-10	91 Ashfield 07/03/10 - 08/03/10		08/30/2010	41.12
91512699/8-10	Station Lane Meter 7/3/10 - 8/3/10		08/30/2010	3.04
91512699/8-10	Station Lane Meter 7/3/10 - 8/3/10		08/30/2010	18.25
91512664/8-10	83 Ashfield 07/03/10 - 08/03/10		08/30/2010	80.33
91512699/8-10	Station Lane Meter 7/3/10 - 8/3/10		08/30/2010	9.13
62051509/8-10	Alameda/Atherton 07/03/10-08/03/10		08/30/2010	79.73
62061499/8-10	El Camino Real 07/03/10 - 08/03/10		08/30/2010	158.19
97947324/8-10	El Camino Real (2) 7/27/10 - 8/24/10		08/30/2010	620.93
89783897/8-10	Maple 07/03/10 - 08/03/10		08/30/2010	224.18
62051537/8-10	150 Watkins 07/27/10-08/24/10		08/30/2010	210.95
6051537	FirePro/ 50 Watkins (Fire Pro) 8/1/10-8/31/10		08/30/2010	26.37
97127159/8-10	2 Station Lane 07/03/10 - 08/03/10		08/30/2010	48.27
			Check Total:	1,565.16
Check No: 10872	Check Date: 09/13/2010	Vendor: 00289	CLARK PEST CONTROL	
10100303	Weed Control HP Park Maint Svc Au		08/25/2010	855.00
10149706	Pest Control Library August 2010		08/27/2010	95.00
			Check Total:	950.00
Check No: 10873	Check Date: 09/13/2010	Vendor: 00341	CONTRACT SWEEPING SERVICES	
INV100000908	Contract Sweeping Service August 2		08/28/2010	992.70
			Check Total:	992.70
Check No: 10874	Check Date: 09/13/2010	Vendor: 00449	DUNBAR ARMORED INC	
2767686	Armored Car Service September 201		09/01/2010	110.90
2767686	Maint/fee change for Pst office Sept		09/01/2010	22.70
			Check Total:	133.60
Check No: 10875	Check Date: 09/13/2010	Vendor: 00453	DONALD DUNPHY	
SEPTEMBER 2010	Long Post lunch D.Dunphy 8/17/10-8		09/02/2010	16.40
SEPTEMBER 2010	Mileag Reimb D.Dunphy 8/17/10-8/1		09/02/2010	79.24
			Check Total:	95.64
Check No: 10876	Check Date: 09/13/2010	Vendor: 00482	EPS, INC	
012216P	Sewage pump replacement		08/16/2010	1,275.00
			Check Total:	1,275.00
Check No: 10877	Check Date: 09/13/2010	Vendor: 00514	STEVEN GADDIS	
420 SELBY LANE	Refund 420 Selby Lane P#39232		08/20/2010	5,000.00
			Check Total:	5,000.00
Check No: 10878	Check Date: 09/13/2010	Vendor: 00518	GALLAGHER & BURK, INC	
41010801	Fletcher Dr/Ridgeview Pvmt&Draina		08/27/2010	128,407.50

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
41010802	Fletcher Dr/Ridgeview Pvmt&Draina		09/01/2010	33,277.50
			Check Total:	161,685.00
Check No: 10879	Check Date: 09/13/2010	Vendor: 00570	GUY PLUMBING AND HEATING INC.	
0127536-IN	Instll Badger garbge disposal 160 Wa		08/30/2010	304.62
			Check Total:	304.62
Check No: 10880	Check Date: 09/13/2010	Vendor: 00617	HORIZON DISTRIBUTORS, INC.	
1N021988	Red Blushing, Slip Coupling,Marlex		08/20/2010	11.40
			Check Total:	11.40
Check No: 10881	Check Date: 09/13/2010	Vendor: 00645	IDEAL RV AND TRAILER SUPPLY	
26429	Propane Outdoor Heaters HP Park		08/25/2010	79.64
			Check Total:	79.64
Check No: 10882	Check Date: 09/13/2010	Vendor: 00649	IEDA INC	
16208	Monthly Retainer 09/01/10 - 09/30/2		09/01/2010	1,030.00
			Check Total:	1,030.00
Check No: 10883	Check Date: 09/13/2010	Vendor: 00673	INTERMOUNTAIN ELECTRIC CO	
0032162	Repair Lights/Photo electrical contr		08/20/2010	3,088.75
0032162	Foundation,conduits and anchor bolts		08/20/2010	680.00
0032161	Preliminary electrical work		08/20/2010	230.00
0032161	Electrical work material, site vists		08/20/2010	1,746.35
0032159	Replaced three way dimmer switch,v		08/20/2010	416.25
			Check Total:	6,161.35
Check No: 10884	Check Date: 09/13/2010	Vendor: 00681	INTERSTATE TRAFFIC CONTROL PRO	
130686	No Right Sign, Park Sign		08/27/2010	89.26
130715	Round Sign, SQ Sign, Anchormate		08/30/2010	111.16
			Check Total:	200.42
Check No: 10885	Check Date: 09/13/2010	Vendor: 00689	IWORQ SYSTEMS, INC	
3423	Iworq Internet Pavement Mgmt Sept		08/17/2010	75.00
			Check Total:	75.00
Check No: 10886	Check Date: 09/13/2010	Vendor: 00733	THE KELLER CENTER	
T.DENNIS TRNG	Sexual Assault/Interv 9/15,9/16 T.De		09/06/2010	50.00
			Check Total:	50.00
Check No: 10887	Check Date: 09/13/2010	Vendor: 00741	KIMLEY-HORN & ASSOC INC	
4233419	Valparaiso Ave Crosswalk July 2010		07/31/2010	2,783.78
4234363	Atherton Enc_Mid Signal July 2010		07/31/2010	2,640.00
			Check Total:	5,423.78
Check No: 10888	Check Date: 09/13/2010	Vendor: 00794	KASEY LI	
50 FAIRVIEW	Refund 50 Fairview Ave P#LLR10-0		08/03/2010	2,000.00
			Check Total:	2,000.00
Check No: 10889	Check Date: 09/13/2010	Vendor: 00830	MARK KELLEY CONSTRUCTION	
74 ALEJANDRA	Refund 74 Alejandra P#BP10-00398		08/26/2010	1,050.00
			Check Total:	1,050.00
Check No: 10890	Check Date: 09/13/2010	Vendor: 00829	MARK THOMAS & CO INC	
13929	Topographic Surveying Svc August 2		08/17/2010	5,800.00
			Check Total:	5,800.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10891	Check Date: 09/13/2010	Vendor: 00929	MUNI SERVICES LLC	
O'HALLORAW	Bus Lic O'Halloraw Plastering 09/07/		09/07/2010	150.00
VALENTINS	Bus Lic Valentins Gardening 09/08/1		09/08/2010	100.00
			Check Total:	250.00
Check No: 10892	Check Date: 09/13/2010	Vendor: 00947	NEC CORPORATION OF AMERICA	
TM0000018616	Labor Fee, Upshaw, Mccarthur 07/19		08/25/2010	158.00
TM0000018616	Labor Fee, Upshaw, Mccarthur 07/21		08/25/2010	237.00
TM0000018616	Expense, Trip Charge 07/21/2010		08/25/2010	60.00
			Check Total:	455.00
Check No: 10893	Check Date: 09/13/2010	Vendor: 00977	OFFICE DEPOT	
528651058002	Duster		08/18/2010	36.04
			Check Total:	36.04
Check No: 10894	Check Date: 09/13/2010	Vendor: 00993	ORCHARD SUPPLY HARDWARE	
1359/AUG 2010	Wood Stakes, Pink Flag Tapes		08/25/2010	16.85
1359/AUG 2010	Circus Club T-Control, Pink Flag Ta		08/25/2010	24.49
1359/AUG 2010	Cement for Signs		08/25/2010	22.37
1359/AUG 2010	Circus Club T-Control, Pink Flag Ta		08/25/2010	5.44
1359/AUG 2010	Double Pack		08/25/2010	18.56
1359/AUG 2010	Line Cord, Door Closer		08/25/2010	53.51
1359/AUG 2010	Irrigation Repairs		08/25/2010	1.77
1359/AUG 2010	Window Scrubber, Hand Operated S		08/25/2010	43.50
1359/AUG 2010	Gaffers Tape, Casement Fast		08/25/2010	33.18
			Check Total:	219.67
Check No: 10895	Check Date: 09/13/2010	Vendor: 00992	CAROLYN ORIDA	
50 FAIRVIEW	Refund 50 Fairview Ave P#HTR10-0		08/03/2010	2,000.00
			Check Total:	2,000.00
Check No: 10896	Check Date: 09/13/2010	Vendor: 01001	PACIFIC PENINSULA GROUP	
282 PARK LANERefund	282 Park lane P#BP08-00474		09/02/2010	5,000.00
			Check Total:	5,000.00
Check No: 10897	Check Date: 09/13/2010	Vendor: 01037	PG & E	
3457969588-2/8	Signl El Camino Atherton 7/28/10-8/		08/25/2010	42.48
9531312943-9/8	93 Dinkelspiel Station 7/27/10-8/25/		08/26/2010	222.43
9291302548-9/8	Station Lane 7/27/10-8/25/10		08/26/2010	129.82
9166302556-6/8	Atherton Library 7/27/10-8/25/10		08/26/2010	737.17
			Check Total:	1,131.90
Check No: 10898	Check Date: 09/13/2010	Vendor: 01133	REDWOOD GENERAL TIRE CO. INC	
473700	Flat Tire repair		08/27/2010	16.00
			Check Total:	16.00
Check No: 10899	Check Date: 09/13/2010	Vendor: 01141	REDWOOD PLUMBING CO. INC	
W37154	Replaced Air Conditioning filter HP		08/04/2010	131.32
			Check Total:	131.32
Check No: 10900	Check Date: 09/13/2010	Vendor: 01145	REPUBLIC ITS	
1007534	Traffic Signal Maint July 2010		08/12/2010	314.01
			Check Total:	314.01
Check No: 10901	Check Date: 09/13/2010	Vendor: 01162	DAVID ROZAKIS	
15 VALLEY ROADRefund	15 Valley Road P#BP10-002		08/17/2010	1,000.00
			Check Total:	1,000.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10902	Check Date: 09/13/2010	Vendor: 01217	SAN MATEO CNTY DEPT. PUBLIC WO	
014-11	Town of Atherton Graffiti Abatemen		08/23/2010	190.00
			Check Total:	190.00
Check No: 10903	Check Date: 09/13/2010	Vendor: 01265	SCAPES INC	
5091	SRTS - Las Lomitas Phase 2		08/20/2010	11,119.50
5091	SRTS Las Lomitas Phase 2 (cont		08/20/2010	727.65
			Check Total:	11,847.15
Check No: 10904	Check Date: 09/13/2010	Vendor: 01328	STREAMLINE INC	
113 AHERTONRefund 113 Atherton Ave P#APW10			09/07/2010	2,500.00
			Check Total:	2,500.00
Check No: 10905	Check Date: 09/13/2010	Vendor: 01364	THE B-PAD GROUP INC	
2446	Maint fee candidate asses 9/1/10-8/3		08/27/2010	500.00
			Check Total:	500.00
Check No: 10906	Check Date: 09/13/2010	Vendor: 01417	UNIFIRST CORPORATION	
380 0384084	Uniform service DPW Street Maint B		08/18/2010	14.12
380 0385026	Uniform Service DPW Street Maint		08/25/2010	14.12
380 0384084	Uniform service DPW Street Maint J.		08/18/2010	14.12
380 0384084	Uniform service DPW Street Maint E		08/18/2010	14.12
380 0384084	Uniform service DPW Street Maint T		08/18/2010	14.12
380 0385026	Uniform Service DPW Street Maint J		08/25/2010	14.12
380 0385026	Uniform Service DPW Street Maint		08/25/2010	14.12
380 0385026	Uniform Service DPW Street Maint		08/25/2010	14.12
380 0385026	Mats HP Park 08/25/10		08/25/2010	8.10
			Check Total:	121.06
Check No: 10907	Check Date: 09/13/2010	Vendor: 01453	VOYAGER FLEET SYSTEMS INC.	
869016477008	Motorcycle Fuel August 2010		08/24/2010	91.82
			Check Total:	91.82
Check No: 10908	Check Date: 09/15/2010	Vendor: 00657	IMPAC. GOVERNMENT SERVICES	
4324/08-23-10	CM Work breakfast Peter Ingrim-Red		08/23/2010	23.70
4324/08-23-10	CM Working lunch at City Hall		08/23/2010	4.36
4324/08-23-10	CM Working lunch - M.Guerra		08/23/2010	31.54
4832/08-23-10	White noise machine - Admin		08/23/2010	59.33
4832/08-23-10	White noise machine - Admin		08/23/2010	59.29
4832/08-23-10	Table for ACM office		08/23/2010	204.18
7190/08-23-10	Airfare-Cal Pers Educational forum L		08/23/2010	212.40
7190/08-23-10	GFOA membership 10/1/10-9/30/11		08/23/2010	170.00
5424/08-23-10	Soft cover books,permit tech stdy co		08/23/2010	74.95
5424/08-23-10	Permit technician exam K.Robertson		08/23/2010	69.00
5424/08-23-10	Soft cover books,permit tech stdy co		08/23/2010	134.95
4324/08-23-10	Constant Contact City Website		08/23/2010	30.00
5432/08-23-10	Monthly entersect agreement/shield c		08/23/2010	106.85
5432/08-23-10	TAK response trng J. Wade		08/23/2010	200.00
5432/08-23-10	Airfare Mgmt Course # 1 - J.Wade		08/23/2010	179.40
5432/08-23-10	Airfare Mgmt Course # 2 - J.Wade		08/23/2010	179.40
5465/08-23-10	Costco business renewal - S.Pardola		08/23/2010	50.00
5432/08-23-10	Crime reports Monthly Subscription		08/23/2010	99.00
5465/08-23-10	Toner for dispatch fax machine PD		08/23/2010	216.29
5432/08-23-10	Black/white tape,color/black ink PD		08/23/2010	213.14
5465/08-23-10	Hot cups,liquid paper,notebooks PD		08/23/2010	538.96
5465/08-23-10	Coffee filter,steno notebook,drawstr		08/23/2010	269.63
5465/08-23-10	Gloves for PD		08/23/2010	496.31
5465/08-23-10	Marking paint for traffic PD		08/23/2010	161.35
5465/08-23-10	Credit for Costco damaged item		08/23/2010	-17.65
5465/08-23-10	Coffee for PD		08/23/2010	168.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
5465/08-23-10	Scotch double sided,tape,staples,cup		08/23/2010	79.57
5432/08-23-10	Working lunch sketch artist Jim Ruiz		08/23/2010	15.00
5432/08-23-10	PD staff meeting - breakfast items		08/23/2010	17.66
5465/08-23-10	Flashlights for officers PD		08/23/2010	651.90
0612/08-23-10	FinePrint Software PD		08/23/2010	540.00
5408/08-23-10	US EPA fees		08/23/2010	150.00
5408/08-23-10	Arborist edu class S.Tyler		08/23/2010	90.00
5408/08-23-10	Bee awareness signs		08/23/2010	30.93
5408/08-23-10	Litter pickers - 12		08/23/2010	94.48
5408/08-23-10	Rent port a pottys and sink		08/23/2010	531.48
5390/08-23-10	Rebar,basalite plastic cement,sand		08/23/2010	76.41
5408/08-23-10	Repaired leaks at playground restroo		08/23/2010	18.99
5408/08-23-10	Park Internet fees		08/23/2010	60.00
5408/08-23-10	Park reroute traffic banners		08/23/2010	132.15
4954/08-23-10	Pod rental August 2010		08/23/2010	382.38
4954/08-23-10	Printing, 3 part park contract		08/23/2010	142.03
4954/08-23-10	Cartridge world-3 refills(color) pri		08/23/2010	18.55
5408/08-23-10	Combo lock for permit center rear do		08/23/2010	578.47
Check Total:				7,544.38
Check No: 10909	Check Date: 09/15/2010	Vendor: 01353	TEAMSTERS UNION LOCAL 856	
	PR Batch 502 8 2010 Teamsters Due		08/25/2010	401.55
Check Total:				401.55
Check No: 10910	Check Date: 09/23/2010	Vendor: 01086	RENE PULIDO	
09/24/10	Arts Committe event 09/24/10		09/24/2010	437.50
Check Total:				437.50
Check No: 10912	Check Date: 09/24/2010	Vendor: 00005	ABAG	
9011100829	GL SIR 8/22/10 - 8/28/10		08/29/2010	2,944.00
Check Total:				2,944.00
Check No: 10913	Check Date: 09/24/2010	Vendor: 00017	ABAG POWER PURCHASING POOL	
8003121	91 Ashfield - Admin 7/27/10-8/25/10		09/01/2010	41.47
8003121	Station Lane/Town Hall 7/27/10-8/25		09/01/2010	11.21
8003121	Station Lane/Town Hall 7/27/10-8/25		09/01/2010	67.24
8003121	91 Ashfield - PD 7/27/10-8/25/10		09/01/2010	70.60
8003121	Station Lane/Town Hall 7/27/10-8/25		09/01/2010	33.62
8003121	99 Dinkenspiel Corp Stor 7/27/10-8/		09/01/2010	45.75
8003121	150 Watkin HP Activities 7/28/10-8/		09/01/2010	98.80
8003121	150 Watkins 7/28/10-8/26/10		09/01/2010	44.62
8003121	HP PARK 160 WATKINS (CM) 7/2		09/01/2010	123.23
8003121	Library/Dinkenspiel/Sta 7/27/10-8/2		09/01/2010	33.46
Check Total:				570.00
Check No: 10914	Check Date: 09/24/2010	Vendor: 00049	ALHAMBRA & SIERRA SPRINGS	
4981709 082510	Water Police Dept 08/09/10 - 08/23/1		08/25/2010	239.11
Check Total:				239.11
Check No: 10915	Check Date: 09/24/2010	Vendor: 00077	AT&T CALNET 2	
000001599151	327-4866 08/01/10 - 08/31/10		09/01/2010	15.80
000001599149	327-3232 08/01/10 - 08/31/10		09/01/2010	15.68
000001599150	327-4859 08/01/10 - 08/31/10		09/01/2010	55.36
000001615545	323-3612 08/10/10 - 09/09/10		09/10/2010	30.29
000001615547	323-6452 08/10/10 - 09/09/10		09/10/2010	15.68
000001615548	323-7653 08/10/10 - 09/09/10		09/10/2010	29.29
000001615544	323-1802 08/10/10 - 09/09/10		09/10/2010	44.35
000001615546	323-6131 08/10/10 - 09/09/10		09/10/2010	115.39
000001615550	328-3220 08/10/10 - 09/09/10		09/10/2010	30.03
000001615542	323-1014 08/10/10 - 09/09/10		09/10/2010	30.03

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
000001615551	473-9743	08/10/10 - 09/09/10	09/10/2010	16.15
000001615549	326-2801	08/10/10 - 09/09/10	09/10/2010	155.33
000001618203	462-1470	08/10/10 - 09/09/10	09/10/2010	22.86
000001615552	688-6500	08/10/10 - 09/09/10	09/10/2010	619.13
000001615543	323-1801	08/10/10 - 09/09/10	09/10/2010	14.39
000001614904	289-9297	08/10/10 - 09/09/10	09/10/2010	15.69
Check Total:				1,225.45
Check No: 10916	Check Date: 09/24/2010	Vendor: 00102	BAY CITIES MOLD INSPECTION SER	
571198	Mold Inspec/Testing indoor air qual		08/02/2010	1,335.00
Check Total:				1,335.00
Check No: 10917	Check Date: 09/24/2010	Vendor: 00240	C/CAG	
17206	General fund assessment FY10-11		08/26/2010	2,507.00
17206	Congestion relief FY10-11		08/26/2010	24,845.00
17206	Gas tax assessment FY10-11		08/26/2010	3,920.00
Check Total:				31,272.00
Check No: 10918	Check Date: 09/24/2010	Vendor: 00181	CA DEPT JUSTICE ACCOUNTING OFF	
799244	Fingerprint Apps June 2010		06/30/2010	32.00
Check Total:				32.00
Check No: 10919	Check Date: 09/24/2010	Vendor: 00205	CAL WATER SERVICE	
90069321/8-10	Station Lane 08/04/10-09/02/10		09/03/2010	161.54
62040688/8-10	99 Ashfield 08/04/10-09/02/10		09/03/2010	44.15
Check Total:				205.69
Check No: 10920	Check Date: 09/24/2010	Vendor: 00261	THE CITIES GROUP	
SEPT 2010	Group life/ADD & WI Prgm 7/1/10-10		09/10/2010	5,134.68
SEPT 2010	LTD 7/1/10-12/31/10		09/10/2010	14,911.40
Check Total:				20,046.08
Check No: 10921	Check Date: 09/24/2010	Vendor: 00281	CITY OF REDWOOD CITY	
BR24921	IT Support August 2010		08/31/2010	2,307.00
Check Total:				2,307.00
Check No: 10922	Check Date: 09/24/2010	Vendor: 00345	COSMOS ROOFING	
100 SUTHERLAND	Refund 100 Sutherland Dr P#BP10-0		09/08/2010	500.00
Check Total:				500.00
Check No: 10923	Check Date: 09/24/2010	Vendor: 00665	COUNTY OF SAN MATEO-INFORMATIO	
IYAT11008	Microwave Message/Switch Aug 201		09/10/2010	1,198.50
Check Total:				1,198.50
Check No: 10924	Check Date: 09/24/2010	Vendor: 00377	CSG CONSULTANTS INC	
B100179	Revision-Seismic upgrde 8/1/10-8/31		09/01/2010	180.00
Check Total:				180.00
Check No: 10925	Check Date: 09/24/2010	Vendor: 00437	D-PREP LLC	
SEPT 2010	PAS Oprtn & Calibrtn 10/8/10 A.Ko		09/02/2010	146.00
Check Total:				146.00
Check No: 10926	Check Date: 09/24/2010	Vendor: 00389	DAILY JOURNAL CORP	
B1907908	Housing Element Govt notice publ 7/		09/07/2010	745.80
Check Total:				745.80
Check No: 10927	Check Date: 09/24/2010	Vendor: 00392	DANA & ROBERT STONE	
1 ACACIA	Refund 1 Acacia Drive P#39409		09/01/2010	5,000.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
			Check Total:	5,000.00
Check No: 10928	Check Date: 09/24/2010	Vendor: 00461	ELLISON'S TOWING	
28425	Ford crown vehicle service PD		08/15/2010	50.00
			Check Total:	50.00
Check No: 10929	Check Date: 09/24/2010	Vendor: 00465	EMBARCADERO PUBLISHING CO	
06/30/2010	2010 Spring patching		06/30/2010	1,856.00
06/30/2010	Street reconstruction		06/30/2010	1,856.00
06/30/2010	Encinal Ave Intersection Improve		06/30/2010	1,856.00
			Check Total:	5,568.00
Check No: 10930	Check Date: 09/24/2010	Vendor: 00609	HOME DEPOT CREDIT SERVICES	
6024692	Interior ceiling panels for playscho		09/05/2010	45.07
			Check Total:	45.07
Check No: 10931	Check Date: 09/24/2010	Vendor: 00696	J & A HOLDING GROUP INC	
2504378	Decontaminate PD - Servpro		08/04/2010	6,188.49
2504378	Commercial mold remediation		08/04/2010	504.98
2504378	Residential water damage restoration		08/04/2010	391.35
			Check Total:	7,084.82
Check No: 10932	Check Date: 09/24/2010	Vendor: 00753	KREFELD'S AWARDS, INC	
21813	Engraved plate E.Hammack, J.Wise		09/09/2010	75.55
			Check Total:	75.55
Check No: 10933	Check Date: 09/24/2010	Vendor: 00765	L3 COMMUNICATIONS MOBILE-VIS I	
0161426-IN	Cable,lead,monitor console replacem		09/08/2010	132.19
			Check Total:	132.19
Check No: 10934	Check Date: 09/24/2010	Vendor: 00797	LIEBERT CASSIDY WHITMORE	
121061	Professional Service 08/11/10		08/31/2010	81.00
			Check Total:	81.00
Check No: 10935	Check Date: 09/24/2010	Vendor: 00817	MAINTENANCE SUPERINTENDENTS AS	
MSA MEMBERSHIP	2010 membership S.Tyler,T.He		09/20/2010	120.00
			Check Total:	120.00
Check No: 10936	Check Date: 09/24/2010	Vendor: 00857	MAZE & ASSOCIATES	
25212	Aug 2010 Town audit and related reo		09/14/2010	978.75
			Check Total:	978.75
Check No: 10937	Check Date: 09/24/2010	Vendor: 00869	MCDONOUGH HOLLAND & ALLEN PC	
225622	Planning deposits Menlo school Aug		09/14/2010	140.40
225622	Monthly retainer August 2010		09/14/2010	11,000.00
225622	Planning August 2010		09/14/2010	2,009.80
225622	Building August 2010		09/14/2010	429.00
225622	Other legal August 2010		09/14/2010	6,175.84
			Check Total:	19,755.04
Check No: 10938	Check Date: 09/24/2010	Vendor: 00924	MSA/LA ORANGE AREA CHAPTER	
MSA 2010 CONF	MSA 2010 conf 10/3/10-10/9/10 S.T		09/16/2010	375.00
			Check Total:	375.00
Check No: 10939	Check Date: 09/24/2010	Vendor: 00948	NOLASCO CONSTRUCTION GROUP	
82 ATHERTON	Refund 82 Atherton Ave P#BP09-00		09/15/2010	1,000.00
			Check Total:	1,000.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10940	Check Date: 09/24/2010	Vendor: 00977	OFFICE DEPOT	
532425122001	Notebook - Admin		09/02/2010	7.11
532425102001	Paper,cartridge,clip,binder,pad,fold		09/02/2010	177.14
532425102001	File hanging folders,cartridge		09/02/2010	138.27
532425102001	Post-IT, bright, flag, tape, audio		09/02/2010	25.76
532425122001	Rubberbands - Bldg Dept		09/02/2010	3.80
			Check Total:	352.08
Check No: 10941	Check Date: 09/24/2010	Vendor: 00985	OJO TECHNOLOGY	
2246	Camera License 10/15/10-10/14/11		09/14/2010	2,885.00
			Check Total:	2,885.00
Check No: 10942	Check Date: 09/24/2010	Vendor: 01025	PENINSULA UNIFORMS & EQUIPMENT	
56482	Metal polish,shoe polish,kiwi M.Gue		09/01/2010	30.37
			Check Total:	30.37
Check No: 10943	Check Date: 09/24/2010	Vendor: 01037	PG & E	
5678831050/8-10	Ashfield/Town Hall		09/01/2010	703.73
5678831015/8-10	Signal E/S Middlefield		09/01/2010	50.11
5678831020/8-10	Signal-Marsh/Middlefield		09/01/2010	22.44
5678831002	et al Street Lights		09/01/2010	2,741.45
567883105/8-10	Signal-Middlefield/Oak Grove		09/01/2010	39.80
5678831040/8-10	Pump 150 Watkins		09/01/2010	593.84
5678831035/8-10	Modular Building 150 Watkins		09/01/2010	503.85
5678831030/8-10	Activity Bldg 150 Watkins		09/01/2010	312.25
			Check Total:	4,967.47
Check No: 10944	Check Date: 09/24/2010	Vendor: 01065	PRIMA PRINTING	
25225	Dare Books Police Dept		09/09/2010	489.66
			Check Total:	489.66
Check No: 10945	Check Date: 09/24/2010	Vendor: 01089	PURCHASE POWER	
38852315	Postage meter refill/Trans fee 08/29		09/03/2010	518.99
			Check Total:	518.99
Check No: 10946	Check Date: 09/24/2010	Vendor: 01113	RECALL SECURE DESTRUCTION SERV	
2303007448	Shred documents PD 07/23/10-08/19		08/21/2010	89.48
			Check Total:	89.48
Check No: 10947	Check Date: 09/24/2010	Vendor: 01119	REDGWICK CONSTRUCTION COMPANY	
MIDDLEFIELD,EN	Signal/Middlefield/Improv Project#		09/14/2010	35,965.47
MIDDLEFIELD,EN	Signal/Middlefield/Improv Project#		09/14/2010	53,166.36
MIDDLEFIELD,EN	Signal/Middlefield/Improv Project#		09/14/2010	35,965.47
			Check Total:	125,097.30
Check No: 10948	Check Date: 09/24/2010	Vendor: 01212	SAN MATEO CNTY CONTROLLERS OFF	
JULY 2010	Allocation of parking penalties Jul		08/01/2010	410.50
			Check Total:	410.50
Check No: 10949	Check Date: 09/24/2010	Vendor: 01257	SAN MATEO REGIONAL NETWORK INC	
19093	Access fee T-1 service September 20		09/10/2010	385.00
			Check Total:	385.00
Check No: 10950	Check Date: 09/24/2010	Vendor: 01289	SHARP ELECTRONICS CORPORATION	
AR303819	Contract overage 09/12/10 - 10/11/10		09/08/2010	190.12
			Check Total:	190.12
Check No: 10951	Check Date: 09/24/2010	Vendor: 01357	TEE'S PLUS	
333666	Sales tax payable		09/02/2010	-96.43

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
333666	187 Dare T-shirts		09/02/2010	1,205.38
			Check Total:	1,108.95
Check No: 10952	Check Date: 09/24/2010	Vendor: 01361	TELECOMMUNICATIONS ENGINEERING	
40879	Mgmt/maint comm center PD Sept 2		09/10/2010	934.00
			Check Total:	934.00
Check No: 10953	Check Date: 09/24/2010	Vendor: 01401	TURBO DATA SYSTEMS INC	
16963	Citation processing July and August		08/31/2010	94.22
			Check Total:	94.22
Check No: 10954	Check Date: 09/24/2010	Vendor: 01417	UNIFIRST CORPORATION	
380 0377452	Uniform service DPW Street Maint J.		06/30/2010	14.12
380 0377452	Uniform service DPW Street Maint E		06/30/2010	14.12
380 0377452	Uniform service DPW Street Maint T		06/30/2010	14.12
380 0383157	Uniform service DPW Street Maint B		08/11/2010	14.12
380 0383157	Uniform service DPW Street Maint J.		08/11/2010	14.12
380 0383157	Uniform service DPW Street Maint E		08/11/2010	14.12
380 0383157	Uniform service DPW Street Maint T		08/11/2010	14.12
380 0382202	Mats DPW Parks 08/04/10		08/04/2010	46.60
380 0382202	Uniform service DPW Street Maint B		08/04/2010	14.12
380 0382202	Uniform service DPW Street Maint J.		08/04/2010	14.12
380 0382202	Uniform service DPW Street Maint E		08/04/2010	14.12
380 0382202	Uniform service DPW Street Maint T		08/04/2010	14.12
380 0377452	Uniform service DPW Street Maint B		06/30/2010	14.12
380 0382203	Uniform service DPW Park M.Ander		08/04/2010	17.39
380 0385027	Uniform service DPW Park M.Ander		08/25/2010	17.39
380 0384085	Uniform service DPW Park M.Ander		08/18/2010	17.39
380 0381273	Uniform service DPW Park M.Ander		07/28/2010	17.39
380 0383158	Uniform service DPW Park M.Ander		08/11/2010	17.39
380 0382203	Uniform service DPW HP Park R.Es		08/04/2010	17.39
380 0385027	Uniform service DPW HP Park R.Es		08/25/2010	17.39
380 0384085	Uniform service DPW HP Park R.Es		08/18/2010	17.39
380 0381273	Uniform service DPW HP Park R.Es		07/28/2010	17.39
380 0383158	Uniform service DPW HP Park R.Es		08/11/2010	17.39
380 0382203	Mats HP Park 08/04/10		08/04/2010	7.48
380 0385027	Unifirst Bag HP Park 08/25/10		08/25/2010	7.48
380 0384085	Unifirst Bag HP Park 08/18/10		08/18/2010	7.48
380 0381273	Mats HP Park 07/28/10		07/28/2010	63.78
380 0383158	Mats HP Park 08/11/10		08/11/2010	63.78
380 0377452	Mops HP Park 06/30/10		06/30/2010	8.10
			Check Total:	548.04
Check No: 10955	Check Date: 09/24/2010	Vendor: 01437	USPS	
09/24/10	Fall Atherton newsletter		09/24/2010	360.00
			Check Total:	360.00
Check No: 10956	Check Date: 09/24/2010	Vendor: 01273	WILLIAMS SCOTSMAN, INC	
95197497	Rent PD Modular 08/29/10 - 09/28/1		08/29/2010	724.97
			Check Total:	724.97
Check No: 10957	Check Date: 09/24/2010	Vendor: 00581	WILSEY HAM, INC	
7054	Atherton-Polhemus Drain 6/1/10-6/3		07/26/2010	125.64
			Check Total:	125.64
Check No: 10958	Check Date: 09/24/2010	Vendor: 01477	WITMER-TYSON IMPORTS INC	
T8161	K-9 training maint Lotty,Rex August		09/01/2010	560.09
			Check Total:	560.09

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10959	Check Date: 09/30/2010	Vendor: 00025	ACCONTEMP	
31852128	Temp Dean, Hazel 9/13/10 - 9/17/10		09/21/2010	1,700.00
			Check Total:	1,700.00
Check No: 10960	Check Date: 09/30/2010	Vendor: 00037	AFLAC	
	PR Batch 502 8 2010 AFLAC Accide		08/25/2010	227.46
	PR Batch 502 8 2010 AFLAC Cance		08/25/2010	159.75
	PR Batch 502 8 2010 AFLAC Dental		08/25/2010	90.41
	PR Batch 502 8 2010 AFLAC Hospit		08/25/2010	76.76
	PR Batch 502 8 2010 AFLAC Intensi		08/25/2010	24.39
	PR Batch 502 8 2010 AFLAC Life Pr		08/25/2010	34.14
	PR Batch 502 8 2010 AFLAC PersDi		08/25/2010	22.29
	PR Batch 502 8 2010 AFLAC Specif		08/25/2010	50.24
	PR Batch 502 8 2010 AFLAC-STD		08/25/2010	41.35
	PR Batch 501 9 2010 AFLAC-STD		09/09/2010	41.35
	PR Batch 501 9 2010 AFLAC Accide		09/09/2010	227.46
	PR Batch 501 9 2010 AFLAC Cance		09/09/2010	159.75
	PR Batch 501 9 2010 AFLAC Dental		09/09/2010	90.41
	PR Batch 501 9 2010 AFLAC Hospit		09/09/2010	76.76
	PR Batch 501 9 2010 AFLAC Intensi		09/09/2010	24.39
	PR Batch 501 9 2010 AFLAC Life Pr		09/09/2010	34.14
	PR Batch 501 9 2010 AFLAC PersDi		09/09/2010	22.29
	PR Batch 501 9 2010 AFLAC Specif		09/09/2010	50.24
	PR Batch 501 9 2010 Flex Participati		09/09/2010	23.00
	PR Batch 501 9 2010 Flex Participati		09/09/2010	22.00
			Check Total:	1,498.58
Check No: 10961	Check Date: 09/30/2010	Vendor: 00077	AT&T CALNET 2	
000001639644	251-1053 8/20/10 - 9/19/10		09/20/2010	84.15
000001615930	325-2677 8/10/10 - 9/9/10		09/10/2010	15.50
000001621308	326-1167 8/13/10 - 9/12/10		09/13/2010	15.96
000001639645	281-1953 8/20/10 - 9/19/10		09/20/2010	97.02
000001639651	451-6691 8/20/10 - 9/19/10		09/10/2010	76.60
000001639650	451-6690 8/20/10 - 9/19/10		09/20/2010	66.30
000001639649	451-6689 8/20/10 - 9/19/10		09/20/2010	66.30
000001639646	252-8343 8/20/10 - 9/19/10		09/20/2010	56.60
000001639648	271-7360 8/20/10 - 9/19/10		09/20/2010	359.57
000001639647	271-5840 8/20/10 - 9/19/10		09/20/2010	265.68
			Check Total:	1,103.68
Check No: 10962	Check Date: 09/30/2010	Vendor: 00189	CA EMPLOYMENT DEV DEPT (UI)	
21760898	Per diem dispatcher-Silagi 4/1/10-6/		09/13/2010	325.00
			Check Total:	325.00
Check No: 10963	Check Date: 09/30/2010	Vendor: 00281	CITY OF REDWOOD CITY	
BR24900	Fuel charges Bldg 7/16/10-8/15/10		08/31/2010	37.45
BR24874	Vehicle/repair maint PD 7/16/10-8/1		08/31/2010	2,090.69
BR24900	Fuel charges PD 7/16/10-8/15/10		08/31/2010	3,646.88
BR24900	Fuel charges DPW park 7/16/10-8/15		08/31/2010	1,095.66
			Check Total:	6,870.68
Check No: 10964	Check Date: 09/30/2010	Vendor: 00384	CUTWATER INVESTOR SERVICES COR	
13670A	Invest advisory service 8/1/10 - 8/3		09/15/2010	1,000.00
			Check Total:	1,000.00
Check No: 10965	Check Date: 09/30/2010	Vendor: 00394	DEL RIO ROOFING	
196 SELBY LN	Refund 196 Selby lane P#BP10-0068		09/20/2010	500.00
			Check Total:	500.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10966	Check Date: 09/30/2010	Vendor: 00427	DMS FACILITY SERVICES, INC	
RC-DO63058	Town Hall/Police Dept September 20		09/10/2010	650.24
RC-DO63058	Police Modular office September 201		09/10/2010	115.70
RC-DO63058	DPW modular office September 2010		09/10/2010	121.41
RC-DO63058	Addition modular September 2010		09/10/2010	154.01
RC-DO63058	Corp Yard September 2010		09/10/2010	203.70
RC-DO63058	Atherton library September 2010		09/10/2010	470.10
			Check Total:	1,715.16
Check No: 10967	Check Date: 09/30/2010	Vendor: 00501	FIRST CHOICE SERVICES	
319041	Coffee Admin 09/21/10		09/21/2010	33.08
319042	Coffee/Tea Bldg 09/21/10		09/21/2010	27.69
			Check Total:	60.77
Check No: 10968	Check Date: 09/30/2010	Vendor: 00517	GALEDRIGE CONSTRUCTION INC	
11259	Change of order Spring St patching 5		08/24/2010	23,397.88
			Check Total:	23,397.88
Check No: 10969	Check Date: 09/30/2010	Vendor: 00578	HALLMARK EMBLEMS INC	
163769	Police Dept Work order 166194		09/07/2010	281.89
			Check Total:	281.89
Check No: 10970	Check Date: 09/30/2010	Vendor: 00584	HSIEH HAO	
99 LUPIN	Refund 99 Lupin P#24467		09/16/2010	5,000.00
			Check Total:	5,000.00
Check No: 10971	Check Date: 09/30/2010	Vendor: 00741	KIMLEY-HORN & ASSOC INC	
4247607	Vakparaiso Ave crosswalk August 20		08/31/2010	241.03
4252693	Atherton Enc_Mid Signal August 20		08/31/2010	192.63
4252693	Atherton Enc_Mid Signal August 20		08/31/2010	284.74
4252693	Atherton Enc_Mid Signal August 20		08/31/2010	192.63
			Check Total:	911.03
Check No: 10972	Check Date: 09/30/2010	Vendor: 00726	JOHN C LEE	
65 SLEBY LANER	Refund 65 Selby Lane P#22328		09/16/2010	5,000.00
			Check Total:	5,000.00
Check No: 10973	Check Date: 09/30/2010	Vendor: 00797	LIEBERT CASSIDY WHITMORE	
WORKSHOP OCS	Mateo ERC workshop Oct13 2010		09/28/2010	14.00
			Check Total:	14.00
Check No: 10974	Check Date: 09/30/2010	Vendor: 00801	LYNGSO GARDEN MATERIALS, INC	
801789	Wood chips		09/17/2010	98.33
			Check Total:	98.33
Check No: 10975	Check Date: 09/30/2010	Vendor: 00862	MARTHA MCCAINE	
2 MOSSWOOD	Refund 2 Mosswood Ave P#29042		09/16/2010	5,000.00
			Check Total:	5,000.00
Check No: 10976	Check Date: 09/30/2010	Vendor: 00977	OFFICE DEPOT	
533430941001	Fax Toner cartridge main fax - Admi		09/13/2010	51.74
533064375001	Tape,packing 48MMx50M		09/09/2010	47.47
			Check Total:	99.21
Check No: 10977	Check Date: 09/30/2010	Vendor: 00981	OIL CHANGER	
202-0363634	Oil change 1999 F450 pickup J.Andr		09/02/2010	39.42
			Check Total:	39.42

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10978 23103	Check Date: 09/30/2010 Alarm signs PD	Vendor: 01021	PAW PRINTS, INC 09/02/2010	54.63
			Check Total:	54.63
Check No: 10979 1520000004625 1520000004625	Check Date: 09/30/2010 Safety work boots B.Butler Safety work boots E.Lopez	Vendor: 01121	RED WING SHOE-REDWOOD CITY 09/09/2010 09/09/2010	200.00 190.35
			Check Total:	390.35
Check No: 10980 W37454	Check Date: 09/30/2010 Service call AC library 09/10/10	Vendor: 01141	REDWOOD PLUMBING CO. INC 09/10/2010	193.87
			Check Total:	193.87
Check No: 10981 17409	Check Date: 09/30/2010 Fed ex charge Aug 2010 E.Wilkerson	Vendor: 01142	RENNE SLOAN HOLTZMAN SAKAI LLP 08/31/2010	9.66
			Check Total:	9.66
Check No: 10982 1008534	Check Date: 09/30/2010 Traffic signal maint August 2010	Vendor: 01145	REPUBLIC ITS 09/12/2010	314.01
			Check Total:	314.01
Check No: 10983 WEST FIELDS PR SAINT JOSEPH 150 VALPARAISO	Check Date: 09/30/2010 Conditional use permits West Fields Conditional permits St Joseph's scho Refund 150 Valparaiso Ave P#BP10-	Vendor: 01165	SACRED HEART SCHOOLS 09/28/2010 09/28/2010 09/21/2010	2,000.00 2,000.00 11,640.00
			Check Total:	15,640.00
Check No: 10984 CL02547 CL02547	Check Date: 09/30/2010 AFIS prep/entry/comparison - 1 hr Phlebotomy services - 2 hrs	Vendor: 01241	SAN MATEO CNTY FORENSIC LAB 08/31/2010 08/31/2010	39.00 260.00
			Check Total:	299.00
Check No: 10985 GUI CONF TRN GUI CONF TRN GUI CONF TRN	Check Date: 09/30/2010 Intelligence trng 10/20-10/22/10 Mil Intelligence trng 10/20-10/22/10 Der Intelligence trng 10/20-10/22/10 Met	Vendor: 01233	SAN MATEO CNTY SHERIFF 09/28/2010 09/28/2010 09/28/2010	250.00 250.00 250.00
			Check Total:	750.00
Check No: 10986 AR304790	Check Date: 09/30/2010 Contract overage 8/16/10 - 9/15/10	Vendor: 01289	SHARP ELECTRONICS CORPORATION 09/13/2010	233.78
			Check Total:	233.78
Check No: 10987 PR Batch 501 9 2010	Check Date: 09/30/2010 Teamsters Due	Vendor: 01353	TEAMSTERS UNION LOCAL 856 09/09/2010	401.55
			Check Total:	401.55
Check No: 10988 380 0386875 380 0386875 380 0386875 380 0386875	Check Date: 09/30/2010 Uniform Svc DPW Street Maint T.He Uniform Svc DPW Street Maint B.B Uniform Svc DPW Street Maint J.An Uniform Svc DPW Street Maint E.Lo	Vendor: 01417	UNIFIRST CORPORATION 09/08/2010 09/08/2010 09/08/2010 09/08/2010	14.36 14.36 14.36 14.37
			Check Total:	57.45
Check No: 10989 PR Batch 501 9 2010	Check Date: 09/30/2010 Vision Insuran	Vendor: 01449	VISION SERVICE PLAN 09/09/2010	812.33
			Check Total:	812.33

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10990	Check Date: 09/30/2010	Vendor: 01466	WE R ROOFING	
1 ARTHUR LANRefund 1 Arthur lane P#BP10-00640			09/20/2010	500.00
			Check Total:	500.00
Check No: 10991	Check Date: 09/30/2010	Vendor: 01473	EILEEN WILKERSON	
SEPT 2010 CAJPA/AGRIP Regi E.Wilkerson to			09/23/2010	300.00
SEPT 2010 CAJPA Lodging 9/7/10-9/10/10 E.W			09/23/2010	584.64
SEPT 2010 CAJPA Ann Conf 9/7/10-9/10/10 E.			09/23/2010	207.35
			Check Total:	1,091.99
			Report Total:	631,659.55



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF OCTOBER 20, 2010

**SUBJECT: FINANCIAL REPORT FOR THE THREE MONTHS ENDED
SEPTEMBER 30, 2010**

RECOMMENDATION

Receive the General Fund Financial Report for the three months ended September 30, 2010.

DISCUSSION

Staff revised the format on how the financial report is to be presented. The new format incorporates a column “**Accrual**” to account for revenues and expenditures that need to be included to more accurately reflect the actual data. A new column “Variance of 3/12 of Budget” is also added per the request of Vice Mayor.

For the three months ended September 30, 2010, if revenues and expenditures are assumed to be distributed evenly, 25% of the annual FY 2010-11 Budget (3/12) should be earned or incurred.

The accrual amounts only reflect data up to October 8, 2010.

General Fund Revenues

For the three months ended September 30, 2010, the General Fund reported revenues of \$734,474 which is 8% of the annual revenue budget for FY 2010-11. Due to property tax revenues are not distributed by San Mateo County monthly, the revenue total prior to December would be lowered than budgeted. Building revenues continued to trend upward.

General Fund Expenditures

Monthly Financial Report

As to the expenditures for the three months ended September 30, 2010, the General Fund reported \$2,947,967 which is 27.8% of the annual expenditure budget for FY 2010-11.

Please see attached variance report for explanation.

FISCAL IMPACT

None

Prepared by:

Approved by:

Louise Ho
Finance Director

Jerome D. Gruber
City Manager

Attachment: Financial Report
Variance Explanation

Town of Atherton

General Fund

Financial Report for the Three Months Ended September 30, 2010

(Excl. Encumbrances)

Dept	Description	Adjusted Budget FY10/11	3/12 of Budget	Actual July 10 to Sept 10	Accrual	Adjusted Actual July 10 to Sept 10	Variance of 3/12 of Budget	% of 3/12 Budget	Year-To-Date Variance	% of Annual Budget	Adjusted Actual July 09 to Sept. 09
		(a)	(b)	(c)	(d)	(e)	(b-e)	(e/b)	(a-e)	(e/a)	(e)
	Revenues		25.0%								
	Secured	4,799,250	1,199,813			-	1,199,813	0.0%	4,799,250	0.0%	0
	Unsecured	250,000	62,500			-	62,500	0.0%	250,000	0.0%	0
	SB813 Redemption (Supplemental)	60,000	15,000	3,700		3,700	11,300	24.7%	56,300	6.2%	3,807
	Home Owners Exemption	40,616	10,154			-	10,154	0.0%	40,616	0.0%	0
	Local Sales & Use Tax	65,000	16,250		7,256	7,256	8,994	44.7%	57,744	11.2%	9,356
	Public Safety Sales Tax(Prop 172)	50,000	12,500	10,677	4,656	15,333	(2,833)	122.7%	34,667	30.7%	9,718
	In Lieu Sales Tax/Triple Flip	27,000	6,750			-	6,750	0.0%	27,000	0.0%	0
	Franchise Taxes-PG&E	220,000	55,000			-	55,000	0.0%	220,000	0.0%	0
	Franchise Tax-Cal Water	73,000	18,250			-	18,250	0.0%	73,000	0.0%	0
	Franchise Tax-Garbage	160,000	40,000			-	40,000	0.0%	160,000	0.0%	0
	Franchise Taxes-Cable	102,000	25,500			-	25,500	0.0%	102,000	0.0%	24,407
	Document TRSF Tax	210,000	52,500	39,457		39,457	13,043	75.2%	170,543	18.8%	43,850
	Property Tax In Lieu of VLF	600,000	150,000			-	150,000	0.0%	600,000	0.0%	0
	Motor Veh. Lic Fees (MVLf)	23,000	5,750	5,700		5,700	50	99.1%	17,300	24.8%	4,238
	Business Licenses	150,000	37,500	104,113		104,113	(66,613)	277.6%	45,887	69.4%	45,511
	Bus Lic Refund -FY 06/07	-	-			-	-	0.0%	-	0.0%	0
	Bus Lic Refund -FY 07/08	-	-			-	-	0.0%	-	0.0%	0
	Bus Lic Refund -FY 08/09	-	-			-	-	0.0%	-	0.0%	0
	Home Occupation	500	125	400		400	(275)	320.0%	100	80.0%	200
	Building Permit	516,000	129,000	194,811		194,811	(65,811)	151.0%	321,189	37.8%	95,686
	Encroachment Permit	140,000	35,000	34,775		34,775	225	99.4%	105,225	24.8%	15,500
	Grading & Drain Permit	48,000	12,000	22,743		22,743	(10,743)	189.5%	25,257	47.4%	10,000
	Other Licenses & Permit	500	125	284		284	(159)	227.2%	216	56.8%	150
	Landscape Fee	-	-			-	-	0.0%	-	0.0%	0
	Muni/Vehicle Code Fines (Parking)	4,000	1,000	2,540		2,540	(1,540)	254.0%	1,460	63.5%	555
	Other Fines & Forfeit (County)	20,000	5,000	1,785	2,507	4,292	708	85.8%	15,708	21.5%	2,329
	ERAF Subvention	530,000	132,500			-	132,500	0.0%	530,000	0.0%	0
	POST Reimbursement	8,500	2,125	291		291	1,834	13.7%	8,209	3.4%	1,230
	CALNENA Reimbursement	-	-			-	-	0.0%	-	0.0%	0
	CLEARs Reimbursement	-	-			-	-	0.0%	-	0.0%	0
	DOJ Grant (vest)	-	-			-	-	0.0%	-	0.0%	0
	DOC Grant	5,000	1,250			-	1,250	0.0%	5,000	0.0%	0
	ABAG Grant	12,300	3,075	-		-	3,075	0.0%	12,300	0.0%	0
	Other Reimbursements	-	-	10		10	(10)	0.0%	(10)	0.0%	0
	Highway Maint Reimbursement	35,700	8,925			-	8,925	0.0%	35,700	0.0%	
	SB 90 reimbursement	-	-			-	-	0.0%	-	0.0%	0
	Grants	-	-			-	-	0.0%	-	0.0%	0
	React Task Force Reimb	-	-			-	-	0.0%	-	0.0%	0
	NARCOTICS Task Force	-	-			-	-	0.0%	-	0.0%	0

Town of Atherton

General Fund

Financial Report for the Three Months Ended September 30, 2010

(Excl. Encumbrances)

Dept	Description	Adjusted Budget FY10/11	3/12 of Budget	Actual July 10 to Sept 10	Accrual	Adjusted Actual July 10 to Sept 10	Variance of 3/12 of Budget	% of 3/12 Budget	Year-To-Date Variance	% of Annual Budget	Adjusted Actual July 09 to Sept. 09
		(a)	25.0% (b)	(c)	(d)	(e)	(b-e)	(e/b)	(a-e)	(e/a)	(e)
	Elections Processing Fee	-	-			-	-	0.0%	-	0.0%	0
	Document/Research Fee	-	-			-	-	0.0%	-	0.0%	0
	Photocopy Fee	5,000	1,250	1,047		1,047	203	83.8%	3,953	20.9%	1,094
	Alarm Sign Fees	600	150	60		60	90	40.0%	540	10.0%	180
	Vehicle Release	1,000	250	1,173		1,173	(923)	469.2%	(173)	117.3%	40
	Fingerprinting Fee	-	-			-	-	0.0%	-	0.0%	15
	Affidavit of Cost	600	150			-	150	0.0%	600	0.0%	150
	Police Report	2,500	625	332		332	293	53.2%	2,168	13.3%	915
	Special Service Fee	250	63	53		53	9	84.8%	197	21.2%	0
	DUI Enforcement	1,200	300			-	300	0.0%	1,200	0.0%	0
	Post Office	25,000	6,250	12,941		12,941	(6,691)	207.0%	12,060	51.8%	12,941
	Solicitor's Fee	400	100			-	100	0.0%	400	0.0%	0
	Application Fee	-	-			-	-	0.0%	-	0.0%	500
	Zoning & Planning Fees	200,000	50,000	39,550		39,550	10,450	79.1%	160,450	19.8%	7,550
	Plan Check Fee Building	284,000	71,000	127,851		127,851	(56,851)	180.1%	156,149	45.0%	75,598
	Social Fees	70,000	17,500	21,400		21,400	(3,900)	122.3%	48,600	30.6%	16,150
	Meeting Fees	70,000	17,500	21,450		21,450	(3,950)	122.6%	48,550	30.6%	19,300
	Class Fees	13,000	3,250	3,088		3,088	162	95.0%	9,912	23.8%	4,419
	Weddings	150,000	37,500	39,289		39,289	(1,789)	104.8%	110,711	26.2%	35,000
	Misc. Use Fee	1,500	375	1,040		1,040	(665)	277.3%	460	69.3%	825
	Interest Income	60,000	15,000			-	15,000	0.0%	60,000	0.0%	0
	Cellular Antenna Lease	36,000	9,000	9,566		9,566	(566)	106.3%	26,434	26.6%	9,224
	Property Rental-Playschool	77,580	19,395	19,395		19,395	(0)	100.0%	58,185	25.0%	19,394
	Sale of Property	-	-			-	-	0.0%	-	0.0%	500
	Donations/Contributions	-	-			-	-	0.0%	-	0.0%	14,361
	Miscellaneous Income	10,000	2,500	533		533	1,967	21.3%	9,467	5.3%	2,436
	Total Revenues	9,158,996	2,289,749	720,055	14,419	734,474	1,555,275	32.1%	8,424,522	8.0%	487,129
	EXPENDITURES					-					
City Council	Advertising/Noticing	3,000	750	30		30	720	4.0%	2,970	1.0%	0
	Professional Services	-	-			-	-	0.0%	-	0.0%	0
	Office Supplies	1,750	438	14		14	423	3.3%	1,736	0.8%	554
	Membership/Dues	8,400	2,100	4,447		4,447	(2,347)	211.8%	3,953	52.9%	0
	Utilities	625	156	163		163	(7)	104.3%	462	26.1%	0
	Conferences	3,000	750			-	750	0.0%	3,000	0.0%	161
	Mileage Reimbursement	500	125			-	125	0.0%	500	0.0%	0
	Rent - Mach & Equipment	3,600	900			-	900	0.0%	3,600	0.0%	0
	Commission & Committee	2,000	500			-	500	0.0%	2,000	0.0%	0
	Special Events & Awards	-	-			-	-	0.0%	-	0.0%	0

Town of Atherton

General Fund

Financial Report for the Three Months Ended September 30, 2010

(Excl. Encumbrances)

Dept	Description	Adjusted Budget FY10/11	3/12 of Budget	Actual July 10 to Sept 10	Accrual	Adjusted Actual July 10 to Sept 10	Variance of 3/12 of Budget	% of 3/12 Budget	Year-To-Date Variance	% of Annual Budget	Adjusted Actual July 09 to Sept. 09
		(a)	(b)	(c)	(d)	(e)	(b-e)	(e/b)	(a-e)	(e/a)	(e)
			25.0%								
	Office Equip & Furniture	7,000	1,750			-	1,750	0.0%	7,000	0.0%	0
	City Council Totals:	29,875	7,469	4,655	-	4,655	2,814	62.3%	25,220	15.6%	715
Administration (CM,CC,HR)	Salaries & Benefits	731,339	182,835	162,408	23,541	185,949	(3,115)	101.7%	545,390	25.4%	180,276
	Professional Services	46,611	11,653	9,072	1,030	10,102	1,550	86.7%	36,509	21.7%	6,103
	Supplies & Materials	8,072	2,018	2,351	4,314	6,665	(4,647)	330.3%	1,407	82.6%	1,169
	General Operations	23,435	5,859	2,239	517	2,756	3,103	47.0%	20,679	11.8%	6,595
	Capital Outlay	2,000	500			-	500	0.0%	2,000	0.0%	1,094
	Administration Totals:	811,457	202,864	176,071	29,402	205,473	(2,608)	101.3%	605,984	25.3%	195,237
City Attorney	Professional Services	300,000	75,000	49,235	42,829	92,064	(17,064)	122.8%	207,936	30.7%	122,340
	General Operations	-	-	-	-	-	-	0.0%	-	0.0%	0
	Supplies & Materials	-	-	-	-	-	-	0.0%	-	0.0%	0
	City Attorney Totals:	300,000	75,000	49,235	42,829	92,064	(17,064)	122.8%	207,936	30.7%	122,340
Finance	Salaries & Benefits	434,027	108,507	91,322	14,247	105,569	2,938	97.3%	328,458	24.3%	104,822
	Professional Services	152,029	38,007	43,018	3,060	46,078	(8,070)	121.2%	105,951	30.3%	21,067
	Supplies & Materials	3,300	825	168		168	657	20.4%	3,132	5.1%	239
	General Operations	29,500	7,375	2,798	128	2,925	4,450	39.7%	26,575	9.9%	3,660
	Capital Outlay	2,000	500	-		-	500	0.0%	2,000	0.0%	0
	Settlement Expense	-	-	-		-	-	0.0%	-	0.0%	0
	Finance Totals:	620,856	155,214	137,305	17,435	154,740	474	99.7%	466,116	24.9%	129,789
					-	-					0
Planning	Professional Services	187,050	46,763	-	50,794	50,794	(4,032)	108.6%	136,256	27.2%	57,154
	Supplies & Materials	2,000	500	82		82	418	16.3%	1,918	4.1%	41
	General Operations	4,930	1,233	776		776	457	62.9%		15.7%	45
	Planning Totals:	193,980	48,495	857	50,794	51,652	(3,157)	106.5%	138,174	26.6%	57,239
Building	Salaries & Benefits	1,017,652	254,413	268,383	26,995	295,378	(40,965)	116.1%	722,274	29.0%	251,515
	Professional Services	21,070	5,268	10,428	17,918	28,347	(23,079)	538.1%	(7,277)	134.5%	13,825
	Supplies & Materials	15,700	3,925	677		677	3,248	17.2%	15,023	4.3%	765
	General Operations	15,950	3,988	2,947		2,947	1,040	73.9%	13,003	18.5%	3,285
	Capital Outlay	3,000	750	-	1,541	1,541	(791)	205.5%	1,459	51.4%	0
	Transfer to Bldg Const. Facility Fund	153,356	38,339	38,339		38,339	(0)	100.0%	115,017	25.0%	-
	Building Totals:	1,226,728	306,682	320,775	46,454	367,229	(60,547)	119.7%	859,499	29.9%	269,389
Non Dept.	Salaries & Benefits	3,510	878	551		551	326	62.8%	2,959	15.7%	1,130
	Professional Services	217,616	54,404	22,338		22,338	32,066	41.1%	195,278	10.3%	30,042
	Supplies & Materials	29,903	7,476	3,075		3,075	4,401	41.1%	26,828	10.3%	9,952

Town of Atherton

General Fund

Financial Report for the **Three** Months Ended September 30, 2010

(Excl. Encumbrances)

Dept	Description	Adjusted Budget FY10/11	3/12 of Budget	Actual July 10 to Sept 10	Accrual	Adjusted Actual July 10 to Sept 10	Variance of 3/12 of Budget	% of 3/12 Budget	Year-To-Date Variance	% of Annual Budget	Adjusted Actual July 09 to Sept. 09
			25.0%								
		(a)	(b)	(c)	(d)	(e)	(b-e)	(e/b)	(a-e)	(e/a)	(e)
	General Operations	269,819	67,455	284,791	630	285,420	(217,965)	423.1%	(15,601)	105.8%	246,103
	Non-Dept. Totals:	520,848	130,212	310,754	630	311,384	(181,172)	239.1%	209,464	59.8%	287,228
Police	Salaries & Benefits	4,486,853	1,121,713	999,688	149,176	1,148,864	(27,151)	102.4%	3,337,989	25.6%	1,164,843
	Professional Services	221,765	55,441	82,358	2,486	84,844	(29,403)	153.0%	136,921	38.3%	79,243
	Supplies & Materials	129,844	32,461	13,609		13,609	18,852	41.9%	116,235	10.5%	18,183
	General Operations	165,662	41,416	36,761	6,231	42,992	(1,577)	103.8%	122,670	26.0%	32,146
	Capital Outlay	12,100	3,025	6,554		6,554	(3,529)	216.7%	5,546	54.2%	7,262
	Settlement Expense	-	-			-	-	0.0%	-	0.0%	
	Police Totals:	5,016,224	1,254,056	1,138,970	157,894	1,296,864	(42,808)	103.4%	3,719,360	25.9%	1,301,677
Public Works & Parks	Salaries & Benefits	1,380,034	345,009	317,577	58,029	375,607	(30,598)	108.9%	1,004,427	27.2%	424,021
	Professional Services	40,833	10,208	3,870	13,000	16,870	(6,662)	165.3%	23,963	41.3%	51,024
	Supplies & Materials	74,950	18,738	11,419	279	11,698	7,039	62.4%	63,252	15.6%	14,109
	General Operations	366,432	91,608	48,781	9,677	58,458	33,150	63.8%	307,974	16.0%	34,367
	Capital Outlay	12,700	3,175	1,275	-	1,275	1,900	40.2%	11,425	10.0%	524
	Public Works Totals:	1,874,949	468,737	382,922	80,985	463,907	4,830	99.0%	1,411,042	24.7%	524,045
	Total Expenditures	10,594,917	2,648,729	2,521,544	426,423	2,947,967	(299,238)	111.3%	7,642,796	27.8%	2,887,659
	Excess (Deficiency) of Revenues over Expenditures	(1,435,921)	(358,980)	(1,801,490)	(412,004)	(2,213,493)	1,854,513	616.6%	781,726	154.2%	(2,400,530)
	Other Financing Sources/(uses)										
	Transfer from Special Parcel Tax Fund	888,463	222,116	222,116		222,116	0	100.0%	666,347	25.0%	195,216
	Transfer to Road Impact Fee Fund	(902,355)	(225,589)	(902,355)	-	(902,355)	676,766	400.0%	-	100.0%	-
	Total Transfer In(Out)	(13,892)	(3,473)	(680,239)	-	(680,239)	676,766	19587%	666,347	4897%	195,216
	Net Change in Fund Balance	(1,449,813)	(362,453)	(2,481,729)	(412,004)	(2,893,732)	2,531,279	798%	1,448,074	200%	(2,205,314)
	Beg. Fund Balance - general fund	5,595,401				5,595,401					
	Beg. Fund Balance - Bldg Dept. OP Reserve	1,030,636				1,030,636					
	Proj. Ending Fund Balance	5,176,224				3,732,305					

Town of Atherton
Financial Report for the Three Months Ended September 30, 2010
Variance Explanation

Expenditures

A. **Building Department**

Included a vacation payout of \$34,769 to retired Building Official which was not budgeted.

B. **Police Department**

Included \$26,699 contribution to San Mateo County Narcotics Task Force and \$27,915 to San Mateo County OES hazardous materials program. These expenditures were not amortized to reflect 3/12.

C. **Transfer to Road Impact Fee Fund**

The amount reflected approval by City Council to reimburse Road Impact Fee Fund from General Fund undesignated balance to correct prior year's charges including corp yard, CIP support, and administrative charges.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: ATHERTON TOWN COUNCIL

FROM: CHIEF MICHAEL GUERRA

DATE: FOR THE MEETING OF OCTOBER 20, 2010

**SUBJECT: PURCHASE OF A 15TB HARD DRIVE TO RECORD PD
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**

RECOMMENDATION:

It is recommended that Council 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.

BACKGROUND:

At the January 16, 2008 Atherton Town Council meeting, a staff report was presented to Council (Item #17) recommending an expenditure of \$20,993 for upgrading the video security system for the PD and adjoining areas. This recommendation was approved by Council at that meeting.

The upgraded video security system for the PD and adjoining area of the front counter at the Atherton Post Office continually records video when it senses motion (no audio) that is kept on a hard drive. However, the record keeping system functions much like other security systems at commercial locations where new video is recorded over old video as the hard drive fills up. The current system seems to be able to maintain video records for 10-14 days depending on the activity. This method is not in compliance with Government Code Section 34090, which requires routine video records to be maintained for two years unless Council authorizes the destruction after one year.

DISCUSSION:

When PD reviewed Government Code Section 34090.6(a) and the Atherton Town Policy concerning how long certain types of records must be maintained, staff realized the video recording system did not have the capacity to record video for up to two years. One year is authorized with Council approval.

A 15TB hard drive will allow PD to maintain routine video records for one year. If a record is required to be preserved for a criminal or civil case, it is downloaded and preserved in accordance with Departmental evidence procedures.

FISCAL IMPACT:

The cost of a 15TB hard drive is approximately \$5800, and the funds will be absorbed in the existing FY 2010-11 PD budget.

ATTACHMENT(S):

1. January 16, 2008 Town Council Agenda Item #17.
2. Government Code Section 34090.6(a).

Prepared By:

Approved:

/s/ Mike Guerra

/s/ Jerry Gruber

Michael Guerra
Chief of Police

Jerry Gruber
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
WENDÉ PROTZMAN, INTERIM CITY MANAGER**

FROM: CHIEF BOB BRENNAN

DATE: FOR THE MEETING OF JANUARY 16, 2008

SUBJECT: VIDEO MONITORING HARDWARE PURCHASE

RECOMMENDATION:

Staff recommends that Council authorize the Town to purchase from Ojo Technology new video cameras and accessories for the Police Department building and adjoining areas for a total cost not to exceed \$20,993.

INTRODUCTION:

The Police Department has old video cameras and monitors that provide the Police Dispatcher with a real-time visualization of the outside of the Police Department and of some interior rooms including the prisoner booking room. This video surveillance system is of poor quality and does not have the technological advantages of a modern system.

ANALYSIS:

The current system, installed in 1977, is of very poor quality and does not have a recording feature. The monitors in the dispatch center are also from 1977 and the resolution is very poor. The dispatchers use these cameras to see who is entering the Police Department, to monitor the back parking lot, and various rooms in the department. While a prisoner is being booked, the dispatchers can watch over the officer and obtain help for him or her if the prisoner becomes combative.

This new system will provide enhancements that the Police Department does not currently enjoy including the ability for residents to have their home monitoring systems

viewed by the police if they desire (like upon the activation of their burglar alarm). Additionally, the superior quality of the cameras will enable close-up, panning and recording of the CalTrain Station and parking lots.

Attached are three bids collected from local vendors. The bid from RFI (in the amount of \$18,363) does not include an "IP" feature that the Police Department desires. An Internet Protocol feature is required should a resident want his/her systems monitored by the Police Department. Please see the attachment for details.

FISCAL IMPACT:

Total cost is \$20,993. This is a budgeted item for 2007/2008.

Prepared By:

Approved:

Bob Brennan
Chief

Wendé C. Protzman
Interim City Manager

Attachments:

Attachment 2

California Government Code Section 34090.6(a)

34090.6. (a) Notwithstanding the provisions of Section **34090**, the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.

(b) For purposes of this section, "recordings of telephone and radio communications" means the routine daily recording of telephone communications to and from a city, city and county, or department, and all radio communications relating to the operations of the departments.

(c) For purposes of this section, "routine video monitoring" means video recording by a video or electronic imaging system designed to record the regular and ongoing operations of the departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security recording systems.

(d) For purposes of this section, "department" includes a public safety communications center operated by the city or city and county.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Eileen M. Wilkerson, Assistant City Manager

DATE: FOR THE MEETING OF OCTOBER 20, 2010

SUBJECT: RESOLUTION 10-55 AUTHORIZING INDIVIDUALS TO ACT ON BEHALF OF THE TOWN OF ATHERTON STARS DEFERRED COMPENSATION PLAN

RECOMMENDATION:

Approve Resolution 10-55 approving a Resolution authorizing specified individuals to act on behalf of the Plan while serving as Town employees.

INTRODUCTION:

Staff is working with CalPERS 457 Deferred Compensation Plan and their legal Counsel to assist the Town of Atherton in transitioning from VALIC deferred compensation to CalPERS 457 Plan. Resolution 10-xx authorizes identifies Town Staff to act on behalf of the Town in making changes to the VALIC Plan.

The Town has maintained a deferred compensation plan program that allows employees to directly contribute to a deferred compensation plan. The Town established the VALIC Plan under the sponsorship of the Association of Bay Area Governments (ABAG). ABAG has discontinued participation in STARS and VALIC no longer supports the program. In November 2009, the City Council approved offering CalPERS 457 Plan in anticipation of replacing VALIC.

Staff has been working closely with the CalPERS 457 transition team, ING (administrator), and VALIC with AIG (administrator) to prepare to transition all funds for accounts in VALIC to CalPERS 457. The VALIC agreement is in effect until the transition is complete.

Active employees have selected and opened new accounts with either CalPERS 457 or ICMA, the two remaining Town options for contributions to deferred compensation plans.

Retirees will be given a 30 day window to individually transition their funds to CalPERS 457 or ICMA. Representatives will be available to assist all retirees in this process.

Late in this transition process VALIC has notified the Town that it needs a new resolution authorizing individuals holding the positions of City Manager, Assistant City Manager, and Finance Director (Jerry Gruber, Eileen Wilkerson, and/or Louise Ho) to act on behalf of the Plan as updated with AIG in 2008. Those individuals that are on file are no longer employed by the Town and therefore, under the terms of the authorization resolution, can no longer act on behalf of the plan. Therefore, VALIC is requiring that Resolution 10-xx be in adopted prior to the transition of funds.

FISCAL IMPACT

The cost to the Town to implement this voluntary program is staff time to input data in an online environment and process invoices for contributions. There is no direct financial cost associated with individual employee accounts.

Prepared By:

/s/ Eileen M. Wilkerson

Eileen M. Wilkerson
Assistant City Manager

Approved by:

/s/ Jerome D. Gruber

Jerome D. Gruber
City Manager

Attachments:

Resolution 10-xx

RESOLUTION NO. 10-55

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AUTHORIZING INDIVIDUAL TO ACT ON BEHALF OF THE TOWN OF ATHERTON
STARS DEFERRED COMPENSATION PLAN**

WHEREAS, the Town of Atherton (hereinafter, the “Employer”) established Town of Atherton STARS Deferred Compensation Plan (hereinafter, the “Plan”), for the benefit of its employees and their beneficiaries; and

WHEREAS, Employer has established a Custodial account for which AIG Federal Savings Bank serves as Custodial; and

WHEREAS, the Employer desires to authorize individuals holding certain positions with the Employer to act on behalf of the Plan;

NOW, THEREFORE, BE IT RESOLVED that the fullest authority has been invested in any individual (each an “Incumbent”) holding a position identified below according to the title of the position (each a “Designated Position”) for the duration of the period (the “Incumbency Period”) in which such Incumbent holds the Designated Position; that each Incumbent is empowered during his or her Incumbency Period to execute any documents that AIG Federal Savings Bank requires relevant to the opening or maintaining of an account for the Plan; and that each Incumbent is empowered during his or her Incumbency Period to take any and all action deemed by any Incumbent to be proper in connection with said account, including, but not limited to, being empowered to give written or oral instructions to AIG Federal Savings Bank with respect to account transactions.

City Manager
Designated Position

Jerry Gruber
Current Incumbent Name (Print)

Current Incumbent Signature

Assistant City Manager
Designated Position

Eileen M. Wilkerson
Current Incumbent Name (Print)

Current Incumbent Signature

Finance Director
Designated Position

Louise Ho
Current Incumbent Name (Print)

Current Incumbent Signature

BE IT FURTHER RESOLVED that the responsibility and authority to take whatever actions and to execute whatever instruments that may be necessary or convenient for the day-to-day transactions and plan operations is granted to the person or persons in the position of HR Director, Benefits Manager or HR Specialist – Retirement (or any other position titles which replace these position titles and assume these responsibilities).

Assistant City Manager
Designated Position

Finance Director
Designated Position

Eileen M. Wilkerson
Current Incumbent Name (Print)

Louise Ho
Current Incumbent Name (Print)

Current Incumbent Signature

Current Incumbent Signature

PASSED AND ADOPTED at a meeting of the City Council of the Town of Atherton held on the 20th day of October, 2010 by the following vote:

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 20th day of October, 2010 by the following vote:

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

Kathy McKeithen, MAYOR
TOWN OF ATHERTON

ATTEST:

Theresa N. 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
JERRY GRUBER, CITY MANAGER

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF OCTOBER 20, 2010

SUBJECT: ADOPT A RESOLUTION APPROVING A “NO PARKING
FROM 7-9 AM AND 2-4 PM” ZONE ON ALTREE COURT

RECOMMENDATION:

Adopt a resolution approving a “No Parking from 7-9 AM and 2-4 PM” zone on Altree Court.

INTRODUCTION:

Residents of Altree Court requested a “No Parking” zone on because vehicles were parking on the street obstructing access to the street.

ANALYSIS:

Altree Court is a cul-de-sac with an 18 foot paved roadway in a 30 foot right of way. The required clear zone for fire access is 20 feet, leaving 5 feet of right of way remaining on each side, which is not sufficient to allow parking without encroaching in the fire access. Likewise the cul-de-sac bulb is only a 40 foot radius with an approximate 35 foot radius pavement, which is substandard according to current fire regulations which require a 48 foot radius pavement. For these reasons, staff recommends that parking be restricted on the entire cul-de-sac.

A meeting was held on September 1, 2010 with representatives from the Menlo Park School District, Menlo Fire, City of Menlo Park traffic, Police, Public Works, the City

Manger, and concerned residents relative to a similar situation on Surrey Lane related to Encinal School.

Altree Court is the identical situation related to Laurel School. At the meeting it was determined that parking was available elsewhere for those now parking on these courts with restricted width, and that making additional parking available would be studied, especially during school events, such as "Back to School Night" where significant additional parking is needed. It was agreed that parking on a small cul-de-sac was not appropriate or safe and that the parking restrictions should be placed there.

The residents of Altree Court prefer the restriction to be time limited to school drop-off and pick-up times.

FISCAL IMPACT:

The cost will be signs with posts and staff time to install them. The signs will cost approximately \$300 each, and 6 signs will be needed, for a total cost of \$1800.

Prepared By:

Approved:

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

Jerome D. Gruber
City Manager

Attachments: Petition

RESOLUTION 10-56

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
GOVERNING TRAFFIC AND PARKING ON ALTREE COURT PURSUANT TO
ATHERTON MUNICIPAL CODE, SECTION 10.04.010**

WHEREAS, in the Atherton Municipal Code, Section 10.04.010, the City Council of the Town of Atherton was given authority to adopt by resolution such rules and regulations as it finds necessary for the governing of traffic and parking on various streets and highways within and under the jurisdiction of said Town; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton, California does hereby order, authorize and adopt the following regulations governing traffic and parking:

Establishment of a “NO PARKING from 7-9 AM and 2-4 PM” zone on all of Altree Court.

IT IS FURTHER ORDERED AND DIRECTED, that pursuant to the provisions of the Vehicle Code of the State of California, proper signs shall be erected as hereinabove provided before these regulations shall be effective.

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 20th day of October 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

Eileen Wilkerson, City Clerk

APPROVED AS TO FORM:

Wynne S. Furth, City Attorney

Altree Court -

Petition to restrict parking on Altree Court during Laurel School a.m. drop off and p.m. pick up times:

Name Mike & Beth Stanek
Address 4 Altree Court Atherton CA 94027
Signature Mike Stanek Beth Stanek

Name Howard & Sue Slagen
Address 2 Altree Court Atherton, CA 94027
Signature Sue Slagen Howard Slagen

Name Dennis & Chris Nicholson
Address 1 Altree Ct
Signature Dennis Nicholson Chris Nicholson

Name Jill and Patricia Pollock
Address 3 Altree Court Atherton
Signature Jill Patricia



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF OCTOBER 20, 2010

**SUBJECT: 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”**

RECOMMENDATION:

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”.

INTRODUCTION:

Vehicles are ignoring the “No Right Turn on Red” signs at the Oak Grove/Middlefield Road signalized intersection. It was suggested this is because the restriction from 7:00 AM to 7:00 PM is too restrictive and does not bear a relationship to the need for the restriction.

ANALYSIS:

The Oak Grove Avenue/Middlefield Road intersection is located at the northwest corner of the Menlo-Atherton High School (MAHS) campus. The current “No Right Turn on Red 7 AM to 7 PM” restriction is intended to make the intersection safer for pedestrians crossing on the red signal. Most of these pedestrians are students at MAHS who traverse the intersection primarily at the beginning and end of the school day. The current MAHS bells schedule has period 1 starting at 8:45 AM on Monday, Tuesday and Friday and 9:25

AM on Wednesdays and Thursdays. This is when most students begin school, but there is a period 0 that begins at 7:50 AM for some students. The end of the school day is 3:15 PM, however some students do not attend period 6 and leave at 1:35 PM. The time restrictions of 7:30 to 9:30 AM and 1:30 to 3:30 PM on weekdays cover all of these start and end times.

The Transportation Committee considered this revision at their September 14, 2010 meeting and recommended approval. The Committee also recommended that advance signs be installed in addition to the signal pole mounted signs, and that the signal pole mounted signs be moved to the mast arm for better visibility.

FISCAL IMPACT:

This action will require the purchase of eight new signs, four new mast arm brackets and four ground mounted poles, plus hiring our signal maintenance contractor to install the mast arms mounted signs using their bucket truck. Staff can install the pole mounted signs. The estimated cost of installing the eight signs is estimated at \$3200. This cost is currently not budgeted.

Staff recommends that the Capital Improvement Budget be amended to add a signing and striping project in the amount of \$50,000 per year, funded by the Parcel Tax, for projects recommended through the Transportation Committee, such as this project, the Surrey Lane No Parking project, the Acorn Lane stop sign project, and the Atherton Avenue/Fair Oaks Lane right turn lane project, as well as for replacement of signs that have lost their required reflectivity.

Prepared By:

Approved:

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

Jerome D. Gruber
City Manager

Attachments: Resolution

RESOLUTION 10-57

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON GOVERNING TRAFFIC AND PARKING 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” PURSUANT TO ATHERTON MUNICIPAL CODE, SECTION 10.04.010

WHEREAS, in the Atherton Municipal Code, Section 10.04.010, the City Council of the Town of Atherton was given authority to adopt by resolution such rules and regulations as it finds necessary for the governing of traffic and parking on various streets and highways within and under the jurisdiction of said Town; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton, California does hereby order, authorize and adopt the following regulations governing traffic and parking:

Revise 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”

IT IS FURTHER ORDERED AND DIRECTED, that pursuant to the provisions of the Vehicle Code of the State of California, proper signs shall be erected as hereinabove provided before these regulations shall be effective.

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 20th day of October 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

Eileen Wilkerson, City Clerk

APPROVED AS TO FORM:

Wynne S. Furth, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF OCTOBER 20, 2010

SUBJECT: ADOPT A RESOLUTION SETTING A 10 MPH SPEED
LIMIT IN ALL PUBLIC WORKS CONSTRUCTION ZONES

RECOMMENDATION:

Adopt a resolution setting a 10 mph speed limit in all public works construction zones.

INTRODUCTION:

Vehicles are traveling too fast through street reconstruction and drainage construction projects currently underway. The regular posted speed of 25 mph is still too fast for safety.

ANALYSIS:

California Vehicle Code (CVC) Section 21100(f) allows local jurisdictions to regulate traffic at the site of road or street construction or maintenance. For the safety of construction and maintenance workers, a 10 mile per hour speed limit is recommended. With Council adoption of the speed limit, an enforceable speed limit zone can be signed for each such project. Violations of this speed limit zone would incur a double fine per CVC 42009.

Adopting this resolution will also protect Town workers in construction and maintenance zones, improving our risk management and potentially reducing workers compensation costs.

FISCAL IMPACT:

There will be no fiscal impact of this action.

Prepared By:

Approved:

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

Jerome D. Gruber
City Manager

Attachments: Resolution

RESOLUTION 10-58

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
GOVERNING TRAFFIC AND PARKING SETTING A 10 MPH SPEED LIMIT IN
PUBLIC WORKS CONSTRUCTION ZONES PURSUANT TO ATHERTON
MUNICIPAL CODE, SECTION 10.04.010**

WHEREAS, in the Atherton Municipal Code, Section 10.04.010, the City Council of the Town of Atherton was given authority to adopt by resolution such rules and regulations as it finds necessary for the governing of traffic and parking on various streets and highways within and under the jurisdiction of said Town; and

WHEREAS, California Vehicle Code Section 21100(f) provides that cities may adopt rules and regulations by ordinance or resolution regarding regulating traffic at the site of road or street construction or maintenance by persons authorized for that duty by the local authority.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton, California does hereby order, authorize and adopt the following regulations governing traffic and parking:

Establishment of a 10 mile per hour speed limit in all public works construction zones.

IT IS FURTHER ORDERED AND DIRECTED, that pursuant to the provisions of the Vehicle Code of the State of California, proper signs shall be erected as hereinabove provided before these regulations shall be effective.

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 20th day of October 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

Eileen Wilkerson, City Clerk

APPROVED AS TO FORM:

Wynne S. Furth, City Attorney



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 OCTOBER 20, 2010

**SUBJECT: AWARD OF CONTRACT FOR THE TOWN LANDSCAPE
MAINTENANCE SERVICES.**

RECOMMENDATION:

Pass a motion to 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.

Staff recommends including 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

INTRODUCTION:

As part of the restructuring process for Public Works, \$20,000 was budgeted (down from \$34,000) for a condensed version of the previous Town Landscape services contract. This contract will provide for weekly maintenance of Atherton Town Center, the Atherton Library, the Police Department back lot, the train station planters and the El Camino Real median islands.

An add-option was included in the bid for weekly maintenance of the landscape at the City Manager's House at 160 Watkins.

A mandatory pre-bid meeting was held on October 8, 2010 in which all contractors who wished to bid on this work were shown the areas to be maintained, had the scope of work presented to them and were given the chance to ask questions pertaining to this contract.

ANALYSIS:

3 bids were received for the Town Landscape Maintenance Services w/add alternate as follows:

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>BID</u>	<u>BID w/add alt.</u>
Jensen Landscape Services	San Jose	\$3,145/mo.	\$3,622/mo.
Commercial Environment Landscape	Gilroy	\$2,765/mo.	\$2,999/mo.
Frank & Grossman Landscape Contractors	San Francisco	\$1,603/mo.	\$2,083/mo.

FISCAL IMPACT:

General funds in the amount of \$20,000 are budgeted for these services in FY 2010-11. Bids were received on October 14, 2010. Frank & Grossman were the low bidder at \$1603.00 per month, for a total of \$12,824 for the next 8 months. With this low bid coming from a well qualified company, staff recommends including the add alternate for the City Manager's house maintenance to the contract for an additional \$480.00 per month, increasing the monthly cost to \$2,083.00 per month, for a total authorization of \$16,664 for the next 8 months, which is \$3,336 (17%) below the FY 2010-11 budget.

Prepared By:

Approved:

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

Jerome D. Gruber
City Manager

PROCLAMATION

ITEM 17

IN RECOGNITION OF RED RIBBON WEEK – OCTOBER 25 – OCTOBER 31, 2010

WHEREAS, For the honorable City Council to approve a proclamation adopting the week of October 25, 2010 as National Red Ribbon Week; and

WHEREAS, the City Council of the Town of Atherton, along with the Police Department and community, publicize the value of a drug-free, healthy lifestyle; and

WHEREAS, Historically, Red Ribbon Week is the nation's oldest and largest drug prevention program in the nation reaching millions of Americans during the last week of October every year. By wearing red ribbons and participating in community anti-drug events, young people pledge to live a drug-free life and pay tribute to DEA Special Agent Enrique "Kiki" Camarena; and

WHEREAS, Special Agent Camarena was an 11-year veteran of the DEA assigned to the Guadalajara, Mexico, office where he was on the trail of the country's biggest marijuana and cocaine traffickers; and

WHEREAS, On February 7, 1985, he was kidnapped, brutally tortured, and murdered by Mexican drug traffickers. His tragic death opened the eyes of many Americans to the dangers of drugs and the international scope of the drug trade; and

WHEREAS, In 1988, the National Family Partnership (NFP) coordinated the first National Red Ribbon Week with President and Mrs. Reagan serving as honorary chairpersons; and

WHEREAS, These pledges were delivered to First Lady Nancy Reagan at a national conference of parents combating youth drug use. Several state parent organizations then called on community groups to wear red ribbons during the last week of October as a symbol of their drug-free commitment; and

WHERE AS, We will be setting the example that "drug free is the way to be". Atherton's DARE Officer Bruce Potts will be working with two elementary schools in Town to complete our annual DARE poster contest entitled, "I'd rather be doing.....than drugs"; and

NOW, THEREFORE, as Mayor of the Town of Atherton, and on behalf of the Atherton City Council, I hereby deem the last week in October to be granted Red Ribbon Week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Atherton to be affixed this 20th day of October, 2010.

Mayor McKeithen
Town of Atherton



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF OCTOBER 20, 2010

SUBJECT: APPROVE CONTRACT WITH MENLO ATHERTON LITTLE LEAGUE ASSOCIATION

RECOMMENDATION:

Approve the agreement for little league baseball between the Menlo Atherton Little League Association and the Town of Atherton; authorize the City Manager to execute the agreement.

DISCUSSION

The Park and Recreation Commission met to review and discuss the proposed little league contract at their last meeting. Discussion ensued and it was agreed upon to extend the little league contract for a period of one year. The previous little league contract was for a ten year duration however, due to the uncertainties associated with the park such as potential relocation of the library to the park, outsourcing park maintenance and evaluating weddings events and classes it was determined that the prudent thing to do was to extend the contract instead of obligating the Town to an extended period of time.

FISCAL IMPACT

None.

SECOND AMENDMENT TO

LICENSE AGREEMENT

(HOLBROOK-PALMER PARK LITTLE LEAGUE BASEBALL FIELD)

This Second Amendment to the License Agreement (“Agreement”) originally entered into on July 19, 2000, is hereby entered into on the date set forth below by and between the Town of Atherton, a California municipal corporation (“Atherton”) and the Menlo-Atherton Little League, Inc., a 501(c)(3) tax exempt organization (“Little League”).

RECITALS

WHEREAS, Article XI, subparagraph 3 of the Agreement provides for modifications or waiver of the provisions of the Agreement when executed in writing by each of the parties;

WHEREAS, The Agreement expired on or about July 19, 2010;

WHEREAS, Little League has requested an extension of the Agreement for a period of one (1) year ; and

WHEREAS, Atherton desires to grant such extension;

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Atherton and Little League agree to extend the Agreement for an additional period of one (1) year commencing July 19, 2010 and shall remain in force until July 18, 2011, at which time the Agreement shall expire.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to License Agreement to be effective as of July 18, 2010.

ATHERTON:

TOWN OF ATHERTON, a California
Municipal corporation

By: _____
Kathy McKeithen, Mayor

Attest:

Approved as to Form

By: _____
Theresa DellaSanta, Deputy City Clerk

By: _____
Wynne Furth, City Attorney

LITTLE LEAGUE

MENLO-ATHERTON LITTLE LEAGUE,
INC., a 501(c)(3) tax exempt organization

By: _____

Name:

Title: Menlo-Atherton Little League
President and Board Member

By: _____

Name:

Title: Menlo-Atherton Little League



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF OCTOBER 20, 2010

SUBJECT: APPROVE CONTRACT WITH MENLO ATHERTON LITTLE LEAGUE ASSOCIATION

RECOMMENDATION:

Approve agreement for Legal Services with Office of Stuart Flashman (California High-Speed Rail Authority); authorize City Manager to execute.

DISCUSSION

The Town of Atherton was successful in its lawsuit against the California High-Speed Rail Authority alleging that the Program Environmental Impact Report ("EIR") failed to meet the legal standards of the California Environmental Quality Act ("CEQA.") The court ordered revisions to the Program EIR, even as the Authority continued to work on the Project EIR which focuses on the Peninsula section of the route. At its meeting of September 20, 2010, the City Council voted to continue litigation challenging defects in the CEQA process. The costs of the first lawsuit were paid by other plaintiffs, and following its successful completion, the Authority was required to pay a portion of those expenses. Atherton's co-petitioners in the second lawsuit, the cities of Palo Alto and Mountain View and the Community Coalition on High-Speed Rail have agreed to share the legal fees and litigation costs.

FISCAL IMPACT

The Town's share of legal fees is capped at \$13,333. The Town's share of costs, which include filing fees and the costs of preparing the record, is capped at \$2,500; if costs exceed the contract caps, Mr. Flashman may request an amendment to this agreement.

**PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN
THE TOWN OF ATHERTON AND
LAW OFFICES OF STUART M. FLASHMAN**

PREAMBLE

THIS AGREEMENT (“Agreement”) is made and entered into on this _____ day of October 2010, (the “Effective Date”) by and between the Town of Atherton California, a California municipal corporation (“Town”), with its principal place of business located at 91 Ashfield Road, Atherton, CA 94027 (“Town”) and LAW OFFICES OF STUART FLASHMAN , comprised of attorneys licensed to practice law in the State of California (“Special Counsel”) with its principal place of business located at 5626 Ocean View Drive, Oakland, CA 94618, in consideration of the mutual benefits, terms, and conditions hereinafter specified. Town and Special Counsel may be referred to herein individually as a “Party” or collectively as the “Parties” or the “Parties to this Agreement.”

1. Project Designation. Special Counsel is retained by the Town to provide a legal services regarding litigation against the California High-Speed Rail Authority as more particularly described in the Scope of Services.
2. Scope of Services. Special Counsel agrees to perform the legal services identified in Exhibit "A" attached hereto.
3. Time for Performance. Special Counsel has filed litigation against the California High-Speed Rail Authority pursuant to previous direction of the City Council.
4. Payment. Special Counsel has entered into representation agreements for this matter with the City of Palo Alto, the City of Menlo Park, The Transportation Solutions Defense and Education Fund (“TRANSDEF”), the Planning and Conservation League (“PCL”), the Community Coalition on High-Speed Rail (“CC-HSR”), Mid=Peninsula Residents for Civic Sanity, and Pat Giorni, (collectively, “Clients.”) Costs of litigation will be shared as shown on Exhibit B attached hereto, provided that the total amount of payments to Special Counsel shall not exceed \$13,333 for legal fees and \$2,500 for costs without express written modification of the agreement signed by the Town.
5. Compliance with Laws. Special Counsel shall, in performing the services contemplated by this agreement, faithfully observe and comply with all federal, state, and local laws, ordinances and regulations, applicable to the services to be rendered under this agreement.
6. Indemnification. Special Counsel shall indemnify, defend and hold harmless the Town from and against any claims or liabilities arising out of the negligent errors or omissions of Special Counsel in discharging its obligations under this Agreement, excluding claims or liabilities arising out of the Town’s active negligence or wrongful conduct.
7. Insurance. Special Counsel shall secure and maintain in force throughout the duration of this contract insurance coverage for professional liability. A certificate of insurance shall be provided to Town.

8. Independent Contractor. Special Counsel and the Town agree that Special Counsel is an independent contractor with respect to the services provided pursuant to this agreement. Nothing in this agreement shall be considered to create the relationship of employer and employee between the parties hereto. Neither Special Counsel nor any employee of Special Counsel shall be entitled to any benefits accorded Town employees by virtue of the services provided under this agreement. The Town shall not be responsible for withholding or otherwise deducting federal income tax or social security or for contributing to the state industrial insurance program, otherwise assuming the duties of an employer with respect to Flashman, or any employee of Flashman.
9. Assignment. Special Counsel shall not assign any of the services covered by this agreement without the express written consent of the Town.
10. Non-Waiver. Waiver by the Town of any provision of this agreement or any time limitation provided for in this agreement shall not constitute a waiver of any other provision.
11. Termination. The Town reserves the right to terminate this agreement at any time upon written notice to Flashman. In the event of such termination, the Town shall be responsible for fees and costs incurred as of the effective date of the termination. Special Counsel may terminate this agreement for good cause upon written notice to Town. Termination does not limit the obligations under this agreement relating to settlement of the action and reimbursement of fees and costs previously incurred. If any of the Clients terminated under this clause retain other counsel after Attorney's withdrawal, they must notify those attorneys of all provisions of this agreement.
12. Notices. Notices to the Town of Atherton shall be sent to the following address:

City Clerk
91 Ashfield Road
Atherton, CA 94027

Notices to Special Counsel shall be sent to the following address:

Law Offices of Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618

13. Integrated Agreement. This Agreement, together with attachments or addenda, represents the entire and integrated agreement between the Town and Special Counsel and supersedes all prior negotiations, representations, or agreements written or oral. This agreement may be amended only by written instrument signed by both Town and Flashman.

DATED this _____ day of _____, 2010.

Town of Atherton

Law Offices of Stuart Flashman

By: _____
City Manager

By: _____

Approved as to Form

By: _____
City Attorney

EXHIBIT "A"
SCOPE OF SERVICES

A. Authorization of Litigation. The Client has retained attorney to represent it in litigation against the Authority over the Authority's certification a Revised Programmatic Environmental Impact Report for the Central Valley to Bay Area High Speed Train Project and its subsequent approval of said project, and to defend them against any countersuits that may result from such litigation, should that be necessary. This contract authorizes the initiation of such litigation. In connection with the litigation, the Client may be asked to review attorney's written work. Attorney may also ask Client to assist him in preparing declarations about facts that they may be personally familiar with.

B. Consultation. Attorney will keep the Client fully informed of all developments, through their City Attorney, and will strive to conserve their financial resources to the greatest extent feasible. Attorney will consult with the Client before major undertakings to allow them to assess the cost-effectiveness of such actions. Attorney will also, upon request, provide the Clients with draft copies of pleadings and correspondence for their review, unless it is impractical to do so due to time constraints.

D. Appeals. This agreement is limited to legal representation in this matter through the trial court level. If an appeal is necessary and advisable, Attorney will consult with the Client about financial arrangements for representation on appeal.

E. Client Representative. Especially during litigation, it is important that communication be both accurate and prompt. Town designates its City Attorney and City Manager as representatives with whom attorney can communicate, and who will be authorized to speak on behalf of the Client to Attorney. .

F. Settlement. All written offers to settle this matter made by an opposing party will be communicated to the Client. Attorney will agree to no settlement of any of the Client's claims without their express approval. See the attached waiver of potential conflicts for further discussion of settlement.

y of the Clients terminated under this clause retain other counsel after Attorney's withdrawal, they must notify those attorneys of all provisions of this agreement.

EXHIBIT "B"

PAYMENT

I. FEES

A. Stuart Flashman's standard fee is \$600 per hour plus expenses. Given Client's status as public entity, Attorney has agreed to a partial fees deferral. Attorney will only bill Client at a rate of \$300 per hour plus expenses (\$300 per hour fee deferral). Attorney will bill for clerical and travel time at \$80 per hour plus expenses. Any agreement for additional partial fee deferral will be made through a written and signed amendment to this representation agreement. The deferred fees will not be billed to the client unless and until there is an award of fees either through successful litigation or through settlement and only to the extent such deferred fees can be paid out of the fee recovery.

B. As a standard matter, Attorney bills for time in quarter hour increments.

C. Attorney will notify Client whenever money is required for expected fees and/or costs. Client agrees that all payments to Attorney become the property of Attorney when paid, subject to the provisions of Section ____ below.

D. The financial responsibilities of the Client for payment of Attorney's fees and costs are set forth below, subject to revision in a future written agreement. Billing for fees and costs will be individually to each Client, except as otherwise set forth herein. If any of the Clients sharing responsibility for payment of fees and costs under this contract ("paying clients") terminates its participation in this contract for representation, the remaining paying clients will be responsible for that client's share of all subsequent fees and costs in accordance with the terms of this agreement. However, this provision does not modify the caps established in Section 4 of this Agreement. Any Clients terminating their participation will remain liable for all fees, expenses, and costs incurred that they have become liable for under this Contract up to the time of termination.

E. Fees and expenses for work done by Attorney at the request of individual Clients and not necessary for the litigation will be the sole responsibility of those Clients and will not count towards those Clients' share or the capped fees.

F. The paying Clients agree that those Clients that are not responsible for fees and costs under the attached Schedule A will not be required to pay for fees and costs associated with this litigation and, to that extent, and within the payment caps set under this Contract, the paying Clients agree that they will indemnify the remaining clients for any fees or costs incurred in this litigation, subject to the limitations of Section 4 of this Agreement.

II. COSTS

A. In addition to the fees for time and advice, all out of pocket costs (such as long distance telephone charges, copying costs, filing fees and travel costs) will be itemized and billed. All costs except the use of Attorney's own automobile will be billed at actual cost incurred. Where use of Attorney's automobile is necessary, those costs will be billed at the current rate allowed by the IRS (currently 58¢ per mile). Some costs can be substantial. After conferring with Client, attorney may conclude that this matter requires the assistance of experts; those costs will be included in Attorney's billings to the Client.

B. A major component of the litigation costs will be the cost of preparing the administrative record for the case. In the interest of reducing Client costs, Attorney intends to request that Clients, rather than the California High-Speed Rail Authority ("Authority"), prepare the administrative record, subject to certification by the Authority. TRANSDEF, CRF, and PCL, RESIDENTS, and the individual named plaintiff will assist in preparing the administrative record to the extent they are able by providing labor, while the remaining Clients will each pay a proportionate share of the costs and expenses involved.

C. Attorney will always attempt to inform Client in advance of major expenses so that funds can be provided in advance. In the event immediate payment of a cost item is needed beyond the amounts already provided by the Client, the Client agrees that Attorney may advance the required amounts from office funds, and that Client will promptly reimburse Attorney for such funds, subject to the caps established in Section 4 of the Agreement.

III. BILLINGS

Attorney will each submit to each of the paying Clients monthly statements of services and costs for review; and Attorney will also keep the Client informed on a regular basis as to the number of hours which become billable. Billing of cost items may be delayed as long as several months due to delays in receiving and processing bills from outside suppliers of goods and services. All bills are expected to be paid promptly upon receipt. Bills will be payable within 30 days of receipt. Delinquent payment may be cause for termination of any of the Clients' participation in this agreement

IV. ALLOCATION OF EXPENSES AMONG CLIENTS

Financial Commitments of Clients

The financial responsibilities of the Clients are as set forth below. However, any of the Clients may make voluntary contributions towards the fees and costs under this contract beyond the commitments required below.

Party	% of fees & costs	Cap on fees
Town of Atherton	25/33* up to \$2,500	\$13,333.00
City of Menlo Park	25/33*	\$13,333.00
Community Coalition on High-Speed Rail	25	\$5,000.00†
Planning & Conservation League	0	--
California Rail Foundation	0	--
TRANSDEF	0	--
Mid-Peninsula Residents for Civic Sanity	0	--
Pat Giorni	0	--

* - 25% of fees and costs for the first \$5000 of fees and costs, then 33% of fees up to the cap and 33% of costs

† - \$.5000.00 CAP ON FEES AND COSTS

IV. RECOVERY OF ATTORNEY FEES

A. If the Client prevails in litigation, certain of the fees and costs incurred under this contract may be recoverable from the opposing parties. At this time, Attorney can make no representation about the likelihood of this happening, or the recoverable amounts. The Client should be aware that, in general, fee recoveries are usually limited to legal fees incurred in connection with litigation. Also, in the event that the Client loses, it is conceivable the court could order the Client to pay fees and costs incurred by the Authority. While such fee awards are extremely uncommon, courts do routinely award reimbursement of court costs to the prevailing party. However, given the nature of the litigation authorized herein, those costs can be expected to be minor.

B. In any settlement of this matter, Attorney and Client have agreed to assist each other in obtaining reimbursement of all costs and attorney's fees. All deferred fees will be due and payable upon receipt of any such award or settlement. Attorney will make every effort to secure a settlement or court award that will pay all fees and costs, including repayment to the Client of all funds advanced. In the case of a partial recovery of fees, the priority of distribution will be as follows:

1. Attorney will recover all costs and fees billed to the Client that have not yet been paid by the Client.
2. The Clients will recover all fees and costs that they have paid.
3. Attorney will recover all fees up to his full standard billing rate, as given herein.

4. Any pro bono assistance provided to the Client during the litigation will be compensated at its market rate.
5. Any additional fees awarded beyond the above amounts will accrue to the benefit of Attorney.

C. At Attorney's discretion, in any fee application to the court or in settlement, Attorney may assert a higher fee schedule than the standard rates identified in this contract. Any such additional fee award will be paid and distributed as set forth above.

Exhibit "C"

Waiver of Potential Conflicts of Interest

When representing multiple clients, there is a potential for conflicts of interest to develop between the clients. The clients in this litigation should be aware of the potential for a conflict of interest to develop. This section discusses possible potential conflicts and how any actual conflict would be resolved. If the clients agrees with the provisions of this clause, they should sign the waiver of potential conflicts at the bottom of this form.

A. Potential Conflicts of Interest

While the clients share similar interests and may have members in common, it is possible that a conflict could develop between the interests of the clients. Such a conflict is most likely to develop over the possible settlement terms for resolving litigation.

A conflict could arise over terms for settling the litigation. Assuming such a disagreement arose during settlement negotiations, some of the clients could choose to settle, leaving the other clients with the entire burden of continuing the litigation. This would place pressure on the remaining clients to settle even if they disagreed with the settling clients' settlement terms. Alternatively, a settlement proposal might require dismissal of the litigation, in which case it could not be accepted if any of the clients refused to dismiss. This would also place Attorney, as legal counsel for all the clients, in a conflict of interest.

Consequently, in either of these situations, or other situations under which a conflict of interest arose, at least one of the clients would need to seek separate representation. In addition, it is possible, though unlikely, that a conflict could arise over litigation strategy or tactics. In such a case, some of the clients would need to seek separate representation if they wished to pursue their strategy or tactics.

B. Resolution of Actual Conflicts

In case an actual conflict should arise in the course of Attorney's representation, Attorney will immediately bring the conflict to the attention of the clients involved. The clients will attempt to reach a good faith resolution of the conflict acceptable to all of the clients. If such a resolution is not possible, Attorney will continue to represent the clients seeking to continue the litigation. If the conflict does not involve a decision on whether to continue the litigation, the clients will attempt to reach agreement on which of the clients shall seek new representation. If no agreement is possible, the clients will use the following rules in determining which of the clients must seek separate representation: 1) The clients who were represented by Attorney in the prior litigation against the Authority (Atherton, Menlo Park, PCL, CRF, and TRANSDEF) will have priority in retaining Attorney in any conflict between one or more of them and the remaining clients 2) If there is a conflict involving clients in both groups, or among clients within one group, a random selection method to determine which clients Attorney will continue to represent. The other clients will, at that point, need to seek alternative legal counsel. Attorney will assist the other clients in obtaining alternative counsel, but cannot promise to obtain such counsel, nor can Attorney promise that their contractual

terms with substitute counsel will be the same as those in this contract. If the resolution of a conflict involves some of the paying clients terminating their representation under this contract, the remaining clients agree that they will renegotiate the fee arrangements for the litigation among the remaining clients to ensure continued representation.

The parties listed below hereby waive the potential conflict of interest during representation as outlined above, and agree to the contractual provisions regarding resolution of actual conflicts. [Signatures may be in counterpart form.]

Dated: _____
for Town of Atherton

Dated: _____
for City of Menlo Park

Dated: _____
for City of Palo Alto

Dated: _____
for TRANSDEF

Dated: _____
for California Rail Foundation

Dated: _____
for Planning and Conservation League

Dated: _____
for Community Coalition on High-Speed Rail

Dated: _____
for Mid-Peninsula Residents for Civic Sanity

Dated: _____
Pat Giorni



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Ryan Zollicoffer – Emergency Services Coordinator - MPFD

DATE: For the Meeting of October 20, 1010

SUBJECT: Emergency Operation Plan 2010

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.

BACKGROUND

In August of 2009 the Menlo Park Fire Protection District hired an Emergency Service Coordinator (Mr. Zollicoffer) to provide service to the Town of Atherton, City of Menlo Park, and East Palo Alto; in an effort to meet and sustain federal and state regulatory mandates in accordance with the National Incident Management System (NIMS) & Standardized Emergency Management System (SEMS). This position is fully funded by the Fire District and is intended to assist local governments maintain NIMS compliance. This Emergency Operation Plan (EOP) will ensure a state of emergency readiness within all levels of government if adopted, as well as, improve the Continuity of Government (COG) plan for the Town of Atherton. Mr. Zollicoffer conducted a gap analysis of each cities and Town's ability to comply with the NIMS/ SEMS standards from the month of September FY09 through November FY09.

On the 10th of March 2009, a meeting with the Town City Manager was scheduled to review these findings and discuss a strategic improvement plan to correct the Town's position of non-compliance. It was brought to the City Manager's attention that an EOP for the Town of Atherton does exist, although it is outdated by 3 years and does not meet the current standards. As a result of such findings, Mr. Zollicoffer

and Sgt. Kristin Nichols with the Atherton Police Department started the process of drafting a NEWLY revised plan for the Town of Atherton. This NEWLY created plan meets the current compliance standards and provides a special opportunity for the Town of Atherton as being the first governmental entity to have an approved plan within the district's servicing area. Atherton EOP is unique due to its ability to work seamlessly with the EOP's of Menlo Park and East Palo Alto in relation to sharing information, resources, equipment, and personnel during large scale emergencies through a unified command center. It was questionable early on if merging efforts among other municipalities violated SEMS protocols.

In fact Atherton's EOP may become a best management practice if adopted as Mr. Barberini with the San Mateo Office of Emergency Services says this will help to eliminate redundancy between competing Emergency Operating Centers (EOC) within the affected area, while enhancing the operational areas position of coordinating resources effectively. **See Exhibit 1& 2 of Letter to CalEMA.** However, it is important to recognize that the NIMS is a dynamic system, and the doctrine, as well as, the implementation requirements will continue to evolve as our emergency management capabilities nationwide change based on the hazards and threats to the nation.

EOP- STATUS OF JURISDICTIONS SERVED BY THE DISTRICT

Town of Atherton • Awaiting Council Approval • Out dated plan 3years
City of East Palo Alto • Awaiting New Appointed City Manager • Plan out dated 10 years
City of Menlo Park • TBD • Plan out dated 10years

DISCUSSION

On February 28, 2003 the President issued Homeland Security Presidential Directive 5(HSPD-5)" Management of Domestic Incidents." which directed the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS). This system provides a consistent nationwide template to enable Federal, State, tribal, and local governments, nongovernmental organizations (NGOs), and the private sector to work together prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size location, or complexity.

It is also important to know that Statewide self-certification of NIMS compliance has been eliminated. FY 07 and future NIMS requirements will use performance metrics that capture details on how a jurisdiction (Menlo, Atherton, and East Palo Alto) has met the FY 09 and FY 10 requirements. Compliance assessment through the use of these metrics is required for all future federal preparedness funding beginning with FFY 2008. Verification of NIMS compliance is required by all jurisdictions that receive federal preparedness funding.

The NIMSCAST on-line tool has been modified to reflect the FY 2007 requirements and to collect the metrics associated with NIMS compliance. The State of California Office of Emergency Services is using NIMSCAST to certify NIMS compliance and requests that San Mateo County also use this tool in order to “roll up” the information into an accurate assessment of California’s capabilities.

Menlo Park Fire Protection District was recently added to NIMSCAST by Mr. Zollicoffer and Mr. Zollicoffer continues to monitor its corrective action plan in an effort to bring the District and Town of Atherton into compliance. On September 24, 2010 Mr. Zollicoffer rolled up the Fire Districts evaluation associated with the requirements to the State along with a corrective action plan outlining each cities and town commitment to meet NIMS Preparedness Objective #7: **Revise and update local government emergency operations plan.** The County of San Mateo Office of Emergency Service is responsible for reporting out on the Town’s status of meeting NIMS compliance each year.

FISCAL IMPACT

NONE – incurred costs absorbed on-duty hours at the Districts expense through Emergency Service Coordinator position.

Prepared By:

Approved:

/s/ Ryan Zollicoffer

Ryan Zollicoffer
Emergency Service Coordinator
Menlo Park Fire Protection District

Jerry Gruber
City Manager

Exhibit 2- Request EOC Unified Command System



COUNTY OF SAN MATEO
Office of the Sheriff
Area Office of Emergency Services
and Homeland Security

GREG MUNKS
SHERIFF
CARLOS G. BOLANDS
UNDER-SHERIFF

103 COUNTY CENTER • REDWOOD CITY • CALIFORNIA 94063-1662 TELEPHONE (650) 882-4790 www.smcsheriff.com

41028-PS ALL COMMUNICATIONS TO THE SHERIFF

Cecile Rollinson - Pinto
Regional Administrator
CalEMA Coastal Region
1309 Clay Street Suite 400
Oakland CA 94612

November 4, 2009

Re: Joint Emergency Operations Centers

Dear Ms. Rollinson:

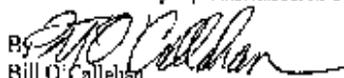
The San Mateo County Operational Area has twenty cities and numerous special districts which are coordinated through the Operational Area in an emergency. Two cities have developed plans to combine their Emergency Operation Centers into a single, joint Emergency Operations Center under Unified Command. The San Mateo County Operational Area is not opposed to this innovation. There are many reasons to support this form of emergency organization. Other cities in our county are interested in doing the same thing.

A potential concern is if two or more San Mateo County cities operate a joint Emergency Operations Center in a declared State or Federal emergency that this might pose a challenge in seeking assistance for post-disaster claims. In the Standard Emergency Management System (SEMS), is it permissible under the Emergency Services Act for two or more cities to combine them into one Emergency Operations Center? Article 10 of the Emergency Services Act § 8610 addresses the emergency organization but it references city and county in the singular. In the SEMS 2006 Guidelines it states that: "The operational areas may establish zones or other subdivisions to improve coordination and communication..." We are aware that other cities in other counties have developed joint EOCs but seek to clarify the SEMS compliance of this approach.

Would you please advise us if combined EOCs or zoned EOCs as an emergency organization complies with the Emergency Services Act? Your timely response would help our local planning efforts.

Sincerely

Sheriff Greg Munks
San Mateo County Operational Area Coordinator

By 
Bill O'Callahan
OES Supervisor

A JOINT POWERS REPRESENTING:

TOWN OF ATHERTON • CITY OF BELMONT • CITY OF BRISBANE • CITY OF BURLINGAME • CITY OF COLMA • CITY OF DAILY CITY • CITY OF EAST FAJANO AND
CITY OF FORTY CITY • CITY OF LA JALPACONDI • TOWN OF HILLSBOROUGH • CITY OF MENLO PARK • CITY OF MILLBRAE • CITY OF PACIFICA
TOWN OF PORTOLA VALLEY • CITY OF REDWOOD CITY • CITY OF SAN BERNARDINO • CITY OF SAN CARLOS • CITY OF SAN MATEO • COUNTY OF SAN MATEO
CITY OF SOUTH SAN FRANCISCO • TOWN OF WOODSIDE

Exhibit 2- Approved EOC Unified Command

ARNOLD SCHWARZENEGGER
GOVERNOR



Cal EMA
CALIFORNIA EMERGENCY
MANAGEMENT AGENCY

MATTHEW R. BEITENHALSEN
ACTING SECRETARY

December 21, 2009

Bill O'Callahan
OFS Supervisor
400 County Center
Redwood City, CA 94063

Subject: Joint Emergency Operations Centers

Dear Mr. O'Callahan

Thank you for your letter of November 4, 2009, requesting information on combined EOC's as emergency organizations, and whether or not that organization complies with the Emergency Services Act.

I have reviewed your letter and shared it with our Recovery Division, Regional Operations, and our Cal EMA legal counsel. It is in our opinion that two (or more) separate EOC's combined and operating under Unified Command, within a single Operational Area, would not be inconsistent with our interpretation of Emergency Services Act (in particular Govt Code §8610). A joint EOC or combined EOC consisting of two cities as described in your letter, would also not violate the requirements of the Standardized Emergency Management System (SEMS). The joint EOC would need to continue to meet all the individual local jurisdiction EOC requirements under SEMS, including 1) managing and coordinating the overall emergency response and recovery activities within their respective jurisdictions (19 CCR 2403) and 2) the ability to activate the EOC upon the discretion of either party. (19 CCR 2704)

We have also posed this question to Federal Emergency Management Agency to determine if a joint EOC may be eligible for reimbursement under provisions of the federal Stafford Act. FEMA's informal response indicates that a joint EOC, if operating under Unified Command, as being eligible for reimbursement under the federal Public Assistance program during a presidentially declared major disaster. FEMA states, however, that a signed agreement between the local jurisdictions must be in place prior to any event for which reimbursement will be requested. Public Assistance costs would likely be divided between the municipalities and in accordance on the division of responsibilities and reimbursement arrangement expressed in the executed agreement.

If you have any other questions, or need further clarification, please contact me at 510 286-0820.

Sincerely,


Cecile Rollinson-Pinto,
Regional Administrator

3650 SCHREVER AVENUE • MATHER, CA 95655
(916) 845-8506 • (916) 845-8511 FAX

RESOLUTION NO. 10-59

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
APPROVING THE 2010 EMERGENCY OPERATIONS PLAN**

WHEREAS, The Atherton Police Department, working with the Menlo Park Fire District updated the Emergency Operations Plan that was first completed in 2007; and

WHEREAS, both divisions updated the Plan which include the integration of shared information, resources equipment and personnel during large scale emergencies through a unified command center; and

WHEREAS, when agencies work together this will help in the elimination of redundancy or the competition of coordinating resources; and

WHEREAS, this updated Emergency Operations Plan is a living document subject to updating when new rules and regulations arise; and

WHEREAS, it is essential for the Town when responding to a natural disaster or other type of incident that the personnel have the guidance and direction the Emergency Operations Plan will provide; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Atherton, in the County of San Mateo, will integrate the 2010 Emergency Operations Plan; and

BE IT FURTHER RESOLVED that a copy of this resolution is forwarded to the Governor’s Office of Emergency Services and the San Mateo County Office of Emergency Services.

* * * * *

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 20th day of October, 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 N. DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney

RESOLUTION NO. 10-60

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
PROVIDING FOR THE INTEGRATION AND UTILIZATION OF THE NATIONAL
INCIDENT MANAGEMENT SYSTEM, TO THE EXTENT APPROPRIATE, INTO THE
EMERGENCY MANAGEMENT SYSTEM**

WHEREAS, the President, in Homeland Security Directive-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System, which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from disasters, regardless of cause, size, or complexity; and

WHEREAS, in the early 1970s, the California fire service, in partnership with the federal government, developed the seminal emergency incident command system that has become the model for incident management nationwide; and

WHEREAS, in 1993, California was the first state to adopt a statewide Standardized Emergency Management System for use by every emergency response organization and implemented a system to ensure the continual improvement of the Standardized Emergency Management System; and

WHEREAS, California emergency management professionals have contributed their expertise to the development of the new National Incident Management System; and

WHEREAS, it is essential for responding to disasters that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the California Standardized Emergency Management System substantially meets the objectives of the National Incident Management System; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System nationwide; and

WHEREAS, the Governor of the State of California has directed his Office of Emergency Services and Office of Homeland Security in cooperation with the Standardized Emergency Management System Advisory Board to develop a program to integrate the National Incident Management System, to the extent appropriate, into the state's Emergency Management System.

NOW, THEREFORE, BE IT RESOLVED that the Town of Atherton, in the County of San Mateo, will integrate the National Incident Management System, to the extent appropriate, into the Emergency Management System; and

BE IT FURTHER RESOLVED that the Town of Atherton, in the County of San Mateo, utilizes the National Incident Management System which shall be consistent with the integration of the National Incident Management System and the Standardized Emergency Management System in California; and

BE IT FURTHER RESOLVED that a copy of this resolution is forwarded to the Governor's Officer of Emergency Services.

* * * * *

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 20th day of October, 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 N. DellaSanta
Deputy City Clerk

APPROVED AS TO FORM:

Wynne Furth
City Attorney

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 OCTOBER 20, 2010

**SUBJECT: 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:

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.

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

Jerry Gruber
City Manager

Attachments:

1. State's Model Water Efficient Landscape Ordinance
2. BAWSCA Checklist and Worksheets

ORDINANCE _____

**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**

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 _____ day of _____, 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.

[KATHY, LET'S DISCUSS INCONSISTENCY (2,500 vs. 5,000.)

- 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.
- 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."

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- 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. 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

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structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, other non-irrigated areas 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:
$$\text{MAWA} = (0.8) (\text{ET}_o)(\text{LA})(0.62).$$
 - 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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Model Water Efficient Landscape Ordinance

California Code of Regulations
Title 23. Waters
Division 2. Department of Water Resources
Chapter 2.7. Model Water Efficient Landscape Ordinance

§ 490. Purpose.

(a) The State Legislature has found:

- (1) that the waters of the state are of limited supply and are subject to ever increasing demands;
 - (2) that the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
 - (3) that it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
 - (4) that landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development; and
 - (5) that landscape design, installation, maintenance and management can and should be water efficient; and
- (6) that Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

(b) Consistent with these legislative findings, the purpose of this model ordinance is to:

- (1) promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- (2) establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- (3) establish provisions for water management practices and water waste prevention for existing landscapes;
- (4) use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount;
- (5) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
- (6) encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
- (7) encourage local agencies to designate the necessary authority that implements and enforces the provisions of the Model Water Efficient Landscape Ordinance or its local landscape ordinance.

Note: Authority cited: Section 65593, Government Code. Reference: Sections 65591, 65593, 65596, Government Code.

§ 490.1 Applicability

- (a) After January 1, 2010, this ordinance shall apply to all of the following landscape projects:
- (1) new construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review;
 - (2) new construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;
 - (3) new construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review;

(4) existing landscapes limited to Sections 493, 493.1 and 493.2; and
(5) cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2.

(b) This ordinance does not apply to:

- (1) registered local, state or federal historical sites;
- (2) ecological restoration projects that do not require a permanent irrigation system;
- (3) mined-land reclamation projects that do not require a permanent irrigation system; or
- (4) plant collections, as part of botanical gardens and arboretums open to the public.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 491. Definitions.

The terms used in this ordinance have the meaning set forth below:

- (a) "applied water" means the portion of water supplied by the irrigation system to the landscape.
- (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) "Certificate of Completion" means the document required under Section 492.9.
- (e) "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.
- (f) "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.
- (g) "check valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- (h) "common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.
- (i) "conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year
- (j) "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.
- (k) "ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- (l) "effective precipitation" or "usable rainfall" (Eppt) means the portion of total precipitation which becomes available for plant growth.
- (m) "emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.
- (n) "established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
- (o) "establishment period of the plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.

(p) "Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in Section 492.4.

(q) "ET adjustment factor" (ETAF) means a factor of 0.7, 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.

A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor is $(0.7) \div (0.5/0.71)$. ETAF for a Special Landscape Area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

(r) "evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

(s) "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.

(t) "hardscapes" means any durable material (pervious and non-pervious).

(u) "homeowner-provided landscaping" means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

(v) "hydrozone" means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

(w) "infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

(x) "invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. "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. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

(y) "irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. 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.

(z) "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 ordinance is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

(aa) "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.

(bb) "irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

(cc) "landscape architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

(dd) "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, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

- (ee) "landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- (ff) "Landscape Documentation Package" means the documents required under Section 492.3.
- (gg) "landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under Section 490.1.
- (hh) "lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- (ii) "local agency" means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of a permit and plan check or design review of a project.
- (jj) "local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.
- (kk) "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. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
- (ll) "main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.
- (mm) "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 492.4. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.
- (nn) "microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.
- (oo) "mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.
- (pp) "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.
- (qq) "new construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.
- (rr) "operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- (ss) "overhead sprinkler irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).
- (tt) "overspray" means the irrigation water which is delivered beyond the target area.
- (uu) "permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.
- (vv) "pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.
- (ww) "~~plant factor~~" or "~~plant water use factor~~" is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant

factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species".

(xx) "precipitation rate" means the rate of application of water measured in inches per hour.

(yy) "project applicant" means the individual or entity submitting a Landscape Documentation Package required under Section 492.3, to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.

(zz) "rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.

(aaa) "record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

(bbb) "recreational area" means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

(ccc) "recycled water", "reclaimed water", or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

(ddd) "reference evapotranspiration" or "ET_o" means a standard measurement of environmental parameters which affect the water use of plants. ET_o is expressed in inches per day, month, or year as represented in Section 495.1, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

(eee) "rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 490.1, and the modified landscape area is equal to or greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are completed within one year.

(fff) "runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

(ggg) "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.

(hhh) "soil texture" means the classification of soil based on its percentage of sand, silt, and clay.

(iii) "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 dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

(jjj) "sprinkler head" means a device which delivers water through a nozzle.

(kkk) "static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

(lll) "station" means an area served by one valve or by a set of valves that operate simultaneously.

(mmm) "swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

(nnn) "turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

(ooo) "valve" means a device used to control the flow of water in the irrigation system.

(ppp) "water conserving plant species" means a plant species identified as having a low plant factor.

(qqq) "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). The surface area of water features is included in

the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

(rrr) "watering window" means the time of day irrigation is allowed.

(sss) "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.

Note: Authority Cited: Section 65595, Government Code. Reference: Sections 65592, 65596, Government Code.

§ 492. Provisions for New Construction or Rehabilitated Landscapes.

(a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.1 Compliance with Landscape Documentation Package.

(a) Prior to construction, the local agency shall:

(1) provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;

(2) review the Landscape Documentation Package submitted by the project applicant;

(3) approve or deny the Landscape Documentation Package;

(4) issue a permit or approve the plan check or design review for the project applicant; and

(5) upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

(b) Prior to construction, the project applicant shall:

(1) submit a Landscape Documentation Package to the local agency.

(c) Upon approval of the Landscape Documentation Package by the local agency, the project applicant shall:

(1) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;

(2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and

(3) submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.2 Penalties.

(a) A local agency may establish and administer penalties to the project applicant for non-compliance with the ordinance to the extent permitted by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.3 Elements of the Landscape Documentation Package.

(a) The Landscape Documentation Package shall include the following six (6) elements:

- (1) project information;
 - (A) date
 - (B) project applicant
 - (C) project address (if available, parcel and/or lot number(s))
 - (D) total landscape area (square feet)
 - (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
 - (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
 - (G) checklist of all documents in Landscape Documentation Package
 - (H) project contacts to include contact information for the project applicant and property owner
 - (I) applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".
- (2) Water Efficient Landscape Worksheet;
 - (A) hydrozone information table
 - (B) water budget calculations
 1. Maximum Applied Water Allowance (MAWA)
 2. Estimated Total Water Use (ETWU)
 - (3) soil management report;
 - (4) landscape design plan;
 - (5) irrigation design plan; and
 - (6) grading design plan.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.4 Water Efficient Landscape Worksheet.

(a) A project applicant shall complete the Water Efficient Landscape Worksheet which contains two sections (see sample worksheet in Appendix B):

- (1) a hydrozone information table (see Appendix B, Section A) for the landscape project; and
- (2) a water budget calculation (see Appendix B, Section B) for the landscape project. For the calculation of the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.

(b) Water budget calculations shall adhere to the following requirements:

- (1) The plant factor used shall be from WUCOLS. The plant factor ranges from 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.
- (2) All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
- (3) All Special Landscape Areas shall be identified and their water use calculated as described below.
- (4) ETAF for Special Landscape Areas shall not exceed 1.0.

(c) Maximum Applied Water Allowance

The Maximum Applied Water Allowance shall be calculated using the equation:

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

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are from the Reference Evapotranspiration Table in Appendix A, for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required and shall use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

(1) Example MAWA calculation: a hypothetical landscape project in Fresno, CA with an irrigated landscape area of 50,000 square feet without any Special Landscape Area (SLA= 0, no edible plants, recreational areas, or use of recycled water). To calculate MAWA, the annual reference evapotranspiration value for Fresno is 51.1 inches as listed in the Reference Evapotranspiration Table in Appendix A.

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

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

0.7 = ET Adjustment Factor (ETAF)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

$$MAWA = (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 0)]$$

$$= 1,108,870 \text{ gallons per year}$$

To convert from gallons per year to hundred-cubic-feet per year:

$$= 1,108,870 / 748 = 1,482 \text{ hundred-cubic-feet per year}$$

(100 cubic feet = 748 gallons)

(2) In this next hypothetical example, the landscape project in Fresno, CA has the same ETo value of 51.1 inches and a total landscape area of 50,000 square feet. Within the 50,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a Special Landscape Area.

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

$$MAWA = (51.1 \text{ inches}) (0.62) [(0.7 \times 50,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})]$$

$$= 31.68 \times [35,000 + 600] \text{ gallons per year}$$

$$= 31.68 \times 35,600 \text{ gallons per year}$$

$$= 1,127,808 \text{ gallons per year or } 1,508 \text{ hundred-cubic-feet per year}$$

(d) Estimated Total Water Use.

The Estimated Total Water Use shall be calculated using the equation below. The sum of the Estimated Total Water Use calculated for all hydrozones shall not exceed 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 0.71)

(1) Example ETWU calculation: landscape area is 50,000 square feet; plant water use type, plant factor, and hydrozone area are shown in the table below. The ETo value is 51.1 inches per year. There are no Special Landscape Areas (recreational area, area permanently and solely dedicated to edible plants, and area irrigated with recycled water) in this example.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	10,000	7,000
3	Medium	0.5	16,000	8,000
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	24,700

*Plant Factor from WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{24,700}{0.71} + 0 \right)$$

= 1,102,116 gallons per year

Compare ETWU with MAWA: For this example MAWA = (51.1) (0.62) [(0.7 x 50,000) + (0.3 x 0)] = 1,108,870 gallons per year. The ETWU (1,102,116 gallons per year) is less than MAWA (1,108,870 gallons per year). In this example, the water budget complies with the MAWA.

(2) Example ETWU calculation: total landscape area is 50,000 square feet, 2,000 square feet of which is planted with edible plants. The edible plant area is considered a Special Landscape Area (SLA). The reference evapotranspiration value is 51.1 inches per year. The plant type, plant factor, and hydrozone area are shown in the table below.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	9,000	6,300
3	Medium	0.5	15,000	7,500
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	23,500
6	SLA	1.0	2,000	2,000

*Plant Factor from WUCOLS

$$ETWU = (51.1)(0.62) \left(\frac{23,500}{0.71} + 2,000 \right)$$

= (31.68) (33,099 + 2,000)

= 1,111,936 gallons per year

Compare ETWU with MAWA. For this example:
MAWA = (51.1) (0.62) [(0.7 x 50,000) + (0.3 x 2,000)]
= 31.68 x [35,000 + 600]
= 31.68 x 35,600
=1,127,808 gallons per year

The ETWU (1,111,936 gallons per year) is less than MAWA (1,127,808 gallons per year). For this example, the water budget complies with the MAWA.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.5 Soil Management Report.

(a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

(1) Submit soil samples to a laboratory for analysis and recommendations.

(A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

(B) The soil analysis may include:

1. soil texture;
2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
3. pH;
4. total soluble salts;
5. sodium;
6. percent organic matter; and
7. recommendations.

(2) The project applicant, or his/her designee, shall comply with one of the following:

(A) If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the Landscape Documentation Package; or

(B) If significant mass grading is planned, the soil analysis report shall be submitted to the local agency as part of the Certificate of Completion.

(3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

(4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with Certificate of Completion.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.6 Landscape Design Plan.

(a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) Plant Material

(A) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:

1. protection and preservation of native species and natural vegetation;
2. selection of water-conserving plant and turf species;

3. selection of plants based on disease and pest resistance;
4. selection of trees based on applicable local tree ordinances or tree shading guidelines; and
5. selection of plants from local and regional landscape program plant lists.

(B) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 492.7(a)(2)(D).

(C) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:

1. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
2. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g., buildings, sidewalks, power lines]; and
3. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(D) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(E) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

(F) The use of invasive and/or noxious plant species is strongly discouraged.

(G) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(2) Water Features

(A) Recirculating water systems shall be used for water features.

(B) Where available, recycled water shall be used as a source for decorative water features.

(C) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

(D) Pool and spa covers are highly recommended.

(3) Mulch and Amendments

(A) A minimum two inch (2") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(B) Stabilizing mulching products shall be used on slopes.

(C) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(D) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 492.5).

(b) The landscape design plan, at a minimum, shall:

- (1) delineate and label each hydrozone by number, letter, or other method;
- (2) identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
- (3) identify recreational areas;
- (4) identify areas permanently and solely dedicated to edible plants;
- (5) identify areas irrigated with recycled water;
- (6) identify type of mulch and application depth;
- (7) identify soil amendments, type, and quantity;
- (8) identify type and surface area of water features;
- (9) identify hardscapes (pervious and non-pervious);

(10) identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are encouraged in the landscape design plan and examples include, but are not limited to:

(A) infiltration beds, swales, and basins that allow water to collect and soak into the ground;

(B) constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants; and

(C) pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.

(11) identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);

(12) contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and

(13) bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code and Section 1351, Civil Code.

§ 492.7 Irrigation Design Plan.

(a) For the efficient use of water, 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. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

(A) Dedicated landscape water meters are highly recommended on landscape areas smaller than 5,000 square feet to facilitate water management.

(B) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.

(C) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(D) 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, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

(E) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

(F) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

(G) High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.

(H) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

(I) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

(J) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

(K) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 492.4 regarding the Maximum Applied Water Allowance.

(L) It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

(M) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

(N) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(O) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

(P) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.

(Q) Check valves or anti-drain valves are required for all irrigation systems.

(R) Narrow or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.

(S) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
3. the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 492.7 (a)(1)(H). Prevention of overspray and runoff must be confirmed during the irrigation audit.

(T) Slopes greater than 25% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(2) Hydrozone

(A) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

(B) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

(C) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.

(D) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

2. the plant factor of the higher water using plant is used for calculations.

(E) Individual hydrozones that mix high and low water use plants shall not be permitted.

(F) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

(b) The irrigation design plan, at a minimum, shall contain:

(1) location and size of separate water meters for landscape;

(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) recycled water irrigation systems as specified in Section 492.14;

(6) the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and

(7) the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.8 Grading Design Plan.

(a) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

(1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

(A) height of graded slopes;

(B) drainage patterns;

(C) pad elevations;

(D) finish grade; and

(E) stormwater retention improvements, if applicable.

(2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:

(A) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;

(B) avoid disruption of natural drainage patterns and undisturbed soil; and

(C) avoid soil compaction in landscape areas.

(3) The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.9 Certificate of Completion.

(a) The Certificate of Completion (see Appendix C for a sample certificate) shall include the following six (6) elements:

(1) project information sheet that contains:

(A) date;

(B) project name;

(C) project applicant name, telephone, and mailing address;

(D) project address and location; and

(E) property owner name, telephone, and mailing address;

(2) certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package;

(A) where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;

(3) irrigation scheduling parameters used to set the controller (see Section 492.10);

(4) landscape and irrigation maintenance schedule (see Section 492.11);

(5) irrigation audit report (see Section 492.12); and

(6) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 492.5).

(b) The project applicant shall:

(1) submit the signed Certificate of Completion to the local agency for review;

(2) ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.

(c) The local agency shall:

(1) receive the signed Certificate of Completion from the project applicant;

(2) approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the local agency shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.10 Irrigation Scheduling.

(a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

(1) Irrigation scheduling shall be regulated by automatic irrigation controllers.

(2) Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:

(A) the plant establishment period;

- (B) the established landscape; and
- (C) temporarily irrigated areas.
- (5) Each irrigation schedule shall consider for each station all of the following that apply:
 - (A) irrigation interval (days between irrigation);
 - (B) irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - (C) number of cycle starts required for each irrigation event to avoid runoff;
 - (D) amount of applied water scheduled to be applied on a monthly basis;
 - (E) application rate setting;
 - (F) root depth setting;
 - (G) plant type setting;
 - (H) soil type;
 - (I) slope factor setting;
 - (J) shade factor setting; and
 - (K) irrigation uniformity or efficiency setting.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.11 Landscape and Irrigation Maintenance Schedule.

- (a) Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
- (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 and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- (c) Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
- (d) A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.12 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

- (a) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
- (b) For new construction and rehabilitated landscape projects installed after January 1, 2010, as described in Section 490.1:
 - (1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the local agency that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule;
 - (2) the local agency shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.13 Irrigation Efficiency.

(a) For the purpose of determining Maximum Applied Water Allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.14 Recycled Water.

- (a) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in Section 492.14(b).
- (b) Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the local water purveyor stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.
- (c) All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.
- (d) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for Special Landscape Areas shall not exceed 1.0.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.15 Stormwater Management.

- (a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.
- (b) Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater ordinances and stormwater management plans.
- (c) Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.16 Public Education.

- (a) Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.
 - (1) A local agency shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.
- (b) Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.
 - (1) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
 - (2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.17 Environmental Review.

(a) The local agency must comply with the California Environmental Quality Act (CEQA), as appropriate.

Note: Authority cited: Section 21082, Public Resources Code. Reference: Sections 21080, 21082, Public Resources Code.

§ 493. Provisions for Existing Landscapes.

(a) A local agency may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 493.1 Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

(a) This section, 493.1, shall apply to all existing landscapes that were installed before January 1, 2010 and are over one acre in size.

(1) For all landscapes in 493.1(a) that have a water meter, the local agency shall 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 Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8)(ET_o)(LA)(0.62)$.

(2) For all landscapes in 493.1(a), that do not have a meter, the local agency shall 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.

(b) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 493.2 Water Waste Prevention.

(a) Local agencies shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

(b) Restrictions regarding overspray and runoff may be modified if:

(1) the landscape area is adjacent to permeable surfacing and no runoff occurs; or

(2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

Note: Authority cited: Section 65594, Government Code. Reference: Section 65596, Government Code.

§ 494. Effective Precipitation.

(a) A local agency may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance:

$$MAWA = (ET_o - Eppt) (0.62) [(0.7 \times LA) + (0.3 \times SLA)].$$

Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

Appendices.

Appendix A. Reference Evapotranspiration (ET_o) Table.

SECTION B. WATER BUDGET CALCULATIONS

Section B1. Maximum Applied Water Allowance (MAWA)

The project's Maximum Applied Water Allowance shall be calculated using this equation:

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

where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ETo = Reference Evapotranspiration from Appendix A (inches per year)
- 0.7 = ET Adjustment Factor (ETAF)
- LA = Landscaped Area includes Special Landscape Area (square feet)
- 0.62 = Conversion factor (to gallons per square foot)
- SLA = Portion of the landscape area identified as Special Landscape Area (square feet)
- 0.3 = the additional ET Adjustment Factor for Special Landscape Area (1.0 - 0.7 = 0.3)

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

Effective Precipitation (Eppt)

If considering Effective Precipitation, use 25% of annual precipitation. Use the following equation to calculate Maximum Applied Water Allowance:

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

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

OUTDOOR WATER USE EFFICIENCY CHECKLIST

To Be Completed by Applicant

I certify that the subject project meets the specified requirements of the Water Conservation in Landscaping Ordinance.

Signature _____ Date _____

Project Name: _____

Single Family Multi-Family Commercial Institutional Irrigation only Industrial Other:

Applicant Name (print): _____ Contact Phone #: _____

Project Site Address: _____ Agency Review

Project Area (sq.ft. or acre): _____ # of Units: _____ # of Meters: _____ (Pass) (Fail)

	Total Landscape Area (sq.ft.):		<input type="checkbox"/>	<input type="checkbox"/>
	Turf Irrigated Area (sq.ft.):		<input type="checkbox"/>	<input type="checkbox"/>
	Non-Turf Irrigated Area (sq.ft.):		<input type="checkbox"/>	<input type="checkbox"/>
	Special Landscape Area (SLA) (sq.ft.):		<input type="checkbox"/>	<input type="checkbox"/>
	Water Feature Surface Area (sq.ft.):			

Requirement	Compliance		(Pass)	(Fail)
Turf	Less than 25% of the landscape area is turf	<input type="checkbox"/> Yes <input type="checkbox"/> No, See Water Budget	<input type="checkbox"/>	<input type="checkbox"/>
	All turf areas are > 8 feet wide	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
	All turf is planted on slopes < 25%	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
Non-Turf	At least 80% of non-turf area is native or low water use plants	<input type="checkbox"/> Yes <input type="checkbox"/> No, See Water Budget	<input type="checkbox"/>	<input type="checkbox"/>
Hydrozones	Plants are grouped by Hydrozones	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
Mulch	At least 2-inches of mulch on exposed soil surfaces	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
Irrigation System Efficiency	70% ETo (100% ETo for SLAs)	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
	No overspray or runoff	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
Irrigation System Design	System efficiency > 70%	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
	Automatic, self-adjusting irrigation controllers	<input type="checkbox"/> No, not required for Tier 1 <input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
	Moisture sensor/rain sensor shutoffs	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
	No sprayheads in < 8-ft wide area	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
Irrigation Time	System only operates between 8 PM and 10 AM	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
Metering	Separate irrigation meter	<input type="checkbox"/> No, not required because < 5,000 sq.ft. <input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
Swimming Pools / Spas	Cover highly recommended	<input type="checkbox"/> Yes <input type="checkbox"/> No, not required	<input type="checkbox"/>	<input type="checkbox"/>
Water Features	Recirculating	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
	Less than 10% of landscape area	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
Documentation	Checklist	<input type="checkbox"/> Yes	<input type="checkbox"/>	<input type="checkbox"/>
	Landscape and Irrigation Design Plan	<input type="checkbox"/> Prepared by applicant <input type="checkbox"/> Prepared by certified professional	<input type="checkbox"/>	<input type="checkbox"/>
	Water Budget (optional)	<input type="checkbox"/> Prepared by applicant <input type="checkbox"/> Prepared by certified professional	<input type="checkbox"/>	<input type="checkbox"/>
Audit	Post-installation audit completed	<input type="checkbox"/> Completed by applicant <input type="checkbox"/> Completed by certified professional	<input type="checkbox"/>	<input type="checkbox"/>

WATER BUDGET CALCULATION WORKSHEETS

SECTION A. HYDROZONE INFORMATION TABLE

Please complete the hydrozone table(s) for each hydrozone. Use as many tables as necessary to provide the square footage of landscape area per hydrozone.

Hydrozone (a)	Zone or Valve Number	Irrigation Method (b)	Area (Sq. Ft.)	Percent (%) of Landscape Area
Total				100%

(a) Hydrozone:
HW = High Water Use Plants
MW = Moderate Water Use Plants
LW = Low Water Use Plants

(b) Irrigation Method:
MS = Micro-spray
S = Spray
R = Rotor
B = Bubbler
D = Drip
O = Other

OUTDOOR WATER USE EFFICIENCY CHECKLIST

To Be Completed by Agency

Auditor:

Materials Received and Reviewed:

- Outdoor Water Use Efficiency Checklist
- Water Budget
- Landscape Plan
- Post-Installation Audit

Date Reviewed:

- Follow up required (explain):

Date Resubmitted:

Date Approved:

Dedicated Irrigation Meter Required:

Meter sizing:

Material Distributed to Applicant

- Water Conservation in Landscaping Ordinance
- Outdoor Water Use Efficiency Checklist
- Water Budget Calculation Worksheets
- Plant List
- Other:

Material Recommended to Applicant

- Drip irrigation
- Self-adjusting Irrigation Controller
- Plant palate
- Three (3) inches of mulch
- Soil amendment (e.g., compost)
- Grading
- Pool and/or spa cover
- Dedicated irrigation meter
- Other:

Comments:

Selected Definitions:

Tier 1	New construction and rehabilitated landscapes with irrigated landscape areas between 1,000 and 2,500 square feet requiring a building or landscape permit, plan check or design review, or new or expanded water service.
Tier 2	New construction and rehabilitated landscapes with irrigated landscape areas greater than 2,500 square feet requiring a building or landscape permit, plan check or design review.
ETo	Reference evapotranspiration means the quantity of water evaporated from a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of estimating water budgets so that regional differences in climate can be accommodated.
SLA	Special Landscaped Area. Includes edible plants, areas irrigated with recycled water, surface water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.
Water Feature	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).

WATER BUDGET CALCULATION WORKSHEETS

SECTION B. WATER BUDGET CALCULATIONS

Section B2. Estimated Total Water Use (ETWU)

The project's Estimated Total Water Use is calculated using the following formula:

$$ETWU = (ET_o)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$$

where:

- ETWU = Estimated total water use per year (gallons per year)
- ET_o = Reference Evapotranspiration (inches per year)
- PF = Plant Factor from WUCOLS
- HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
- SLA = Special Landscape Area (square feet)
- 0.62 = Conversion Factor (to gallons per square foot)
- IE = Irrigation Efficiency (minimum 0.70)

Hydrozone Table for Calculating ETWU

Please complete the hydrozone table(s). Use as many tables as necessary.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)	Area (HA) (square feet)	PF x HA (square feet)

Estimated Total Water Use = _____ gallons

Show calculations.

WATER BUDGET CALCULATION WORKSHEETS

SECTION B. WATER BUDGET CALCULATIONS

Section B1. Maximum Applied Water Allowance (MAWA)

The project's Maximum Applied Water Allowance shall be calculated using this equation:

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

where:

MAWA = Maximum Applied Water Allowance (gallons per year)

ET_o = Reference Evapotranspiration (inches per year)

0.62 = Conversion factor (to gallons per square foot)

0.7 = ET Adjustment Factor (ETAF)

LA = Landscaped Area includes Special Landscape Area (square feet)

0.3 = the additional ET Adjustment Factor for Special Landscape Area (1.0 - 0.7 = 0.3)

SLA = Portion of the landscape area identified as Special Landscape Area (square feet)

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

Effective Precipitation (Eppt)

If considering Effective Precipitation, use 25% of annual precipitation. Use the following equation to calculate Maximum Applied Water Allowance:

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

Maximum Applied Water Allowance = _____ gallons per year

Show calculations.

ATTACHMENT A

TO: Honorable Mayor and City Council

FROM: Mike Guerra, Police Chief

SUBJECT: Additional Information – Re-Classification of Police Employee

DATE: October 4, 2010

As I know you have all read the recent Staff Report respectfully requesting the re-classification of the Temporary Administrative Assistant in the Police Department to a regular, full-time position, I'd like to add additional items that were not mentioned in this report.

BACKGROUND

Historically, this position was resurrected ten years ago when Interim Chief Brown Taylor eliminated the Administrative Assistant to the Chief as part of the reorganization in the Police Department. When former Chief Brennan re-instated this position with then City Manager Ralph Freedman, the status was a part-time position that was needed for a new Chief coming from a different organization.

As the decade has gone past, this position has evolved into completing tasks and duties that were once done by a Police Sergeant. This position is not a secretarial position in that I and the Lt. typically write our own reports, make scheduling decisions on our calendars and complete our day to day tasks. This Administrative staff member has, on their own, taken on duties and roles that if this position were not here, would typically not get done or not get done in an efficient manner.

One of the main goals this position provides is to coordinate, manage, track and plan all police department training for both sworn and non-sworn personnel. The California Peace Officer Standards and Training Commission (POST) has established guidelines for mandated, essential and desirable training for police employees. There are legislative requirements, perishable skills and specialized training requirements that all personnel must complete in order to be in compliance with P.O.S.T.

Prior to the incumbent completing these tasks, it was up to the Training Manager (a POST definition of the individual who has specialized training who is responsible for managing training within the specific law enforcement organization), who was a Sergeant, to make sure the Atherton Police Department remained in compliance. Some of this work was done off-duty and without pay under past FLSA guidelines that were less restrictive. FLSA and case law eventually required compensation for off-duty work under FLSA. The Sergeant who was also involved in 12-hour day to day patrol operations and other duties assigned, caused the police department to not be in compliance and thus all training duties were given to the Administrative Assistant. As a result of that change, we have achieved 100% compliance with P.O.S.T. and have maintained this status since with annual audits. These audits also

include: background investigations, medical and psychological reports, and the maintenance of police officer personnel files.

Other duties in this role that were not mentioned in detail in the original staff report include:

- Grant writing and monitoring for compliance ;
- Career development for police personnel as it relates to training, education, and succession planning;
- Risk Management and liability;
- Budget – monitoring, purchasing and tracking;
- Business management of the Police Activities League;
- Creation and maintenance of the Master Training Plan and Succession Planning Matrix (which has been used in other San Mateo County agencies);
- Developing and certifying law enforcement training with POST;
- Coordinator of Emergency Management training to be in compliance with NIMS/SEMS;
- Work with MPFD in the maintenance of the EOP and disaster preparedness;
- Maintain a positive working relationship with the San Mateo County Training Managers Association group that helps satisfy county-wide law enforcement training needs;
- Assist employees in the completion of Workers' Compensation reports of injury;

CONCLUSION

The Executive Assistant in the police department has been approved for the FY 10-11 budget and I respectfully request that this position become regular/full-time to provide the community with highly trained, skilled law enforcement personnel which the residents of the Atherton deserve. This can only be accomplished by keeping the incumbent in this position and changing the status to regular, full-time.

There is also an organizational effort to improve our ability to monitor Department expenditures, and to improve our purchasing efficiency for office supplies, equipment, etc. This position will be our primary procurement person for the Police Department within the Office of the Chief



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

**FROM: JEROME D. GRUBER, CITY MANAGER
MIKE GUERRA, POLICE CHIEF
EILEEN WILKERSON, ASSISTANT CITY MANAGER**

**DATE: FOR THE MEETING OF JULY 21, 2010
UPDATED SEPTEMBER 15, 2010**

**SUBJECT: RECLASSIFICATION OF THE "TEMPORARY" ADMINISTRATIVE
ASSISTANT TO THE POLICE CHIEF TO "REGULAR" EXECUTIVE
ASSISTANT/POLICE DEPARTMENT**

RECOMMENDATION:

That the City Council approves the following:

- 1) Reclassify the employment status of the temporary Administrative Assistant to the Police Chief to regular employment status
- 2) Approve designation to the job classification Executive Assistant
- 3) Set full time equivalent to 1.0 FTE
- 4) Set the Bargaining Unit as Confidential

INTRODUCTION:

City Council directed staff to bring this item back after Council discussed the Classification Study. Council discussed the classification study at the August Council meeting.

Approving the reclassification of the "temporary" Administrative Assistant to the Police Chief to "regular" Executive Assistant will result in establishing a new position in the Police Department replacing a temporary position and increasing the full-time equivalent staffing (FTE) from 0.75FTE to 1.0FTE.

The funding for the position was approved by the Council on June 16, 2010 in the FY2010-11 Budget.

A closed/promotional recruitment will be held for current employees including those in temporary classifications.

BACKGROUND:

Police 1.2 Types of Employment and Eligibility for Benefits

B. Regular Full-Time Employee: An employee who has successfully completed both the initial probationary period and any probationary period set by promotion or transfer, is assigned to a position which is expected to continue for an indefinite duration, and works a schedule which will total no less than 2080 hours per year.

C. Regular Part-Time Employee: An employee who has successfully completed both the initial probationary period and any probationary period set by promotion or transfer, is assigned to a position which is expected to continue for an indefinite duration, and works a schedule of 20 hours or more, but less than 40 hours per week.

E. Temporary Full-Time Employee: An employee whose work assignment is limited in duration to six months or less, and works a schedule which on an annual basis would total no less than 2,080 hours.

F. Temporary Part-Time Employee: an employee whose work assignment is limited in duration to six months or less, and works a schedule of 20 hours or more, but less than 40 hours, per week.

Since July 2000 the position of Administrative Assistant to the Police Chief has been a temporary position. Throughout the Town's history of having a similar position, the position has been part-time and full-time. The position has also been a regular position and a temporary position with a variety of titles but essentially the same duties.

The incumbent has served in the current temporary part-time position since September 11, 2000.

As part of the FY2010-11 budget the Police Communications Center is being reorganized. To provide minimal impact on the community and zero loss of service to the Department, it is anticipated the current Community Services Officer/Dispatcher and Executive Assistant positions will fill in where sworn safety personnel are not necessary such as:

- Driving cars to the repair yard
- Filing criminal cases in court
- Processing warrants and citations
- Booking evidence
- Transporting evidence to the crime lab

In addition, the position of Executive Assistant will maintain personnel records for the Police Department, coordinate the Police training program, and provide secretarial support to the Police Chief.

Safety personnel records retention is held to an extremely high standard outlined in the State of California Government Code Sections 3300 et al. The Town has a responsibility to insure that employee personnel records are held under the highest security possible.

Examples of Safety personnel records include:

- Background investigations
- Internal affairs investigations
- Training records
- Physiological results and other medical files
- Workers' Compensation

- Personnel File

The Town has a responsibility insure that privacy issues are complied within the areas of filing criminal cases in court, processing warrants and citations, booking evidence, and transporting evidence to the crime lab.

Providing a temporary employee with complete access to safety personnel records and information that is subject to privacy issues is not best practices.

In addition to the duties described above, the Executive Assistant position will fill the following specific duties:

- Participates in Department management meetings and decision-making; has access to confidential information and conversations regarding negotiation strategies
- Prepares draft Council staff reports and annual Department reports including research
- Manages all documentation for Department travel including tracking and any processing to finance
- Support the unique mandated training requirements of police officers and dispatchers. Schedules and tracks training for California Peace Officer Standards and Training (P.O.S.T.) and specialized training
- Coordinates and hosts Advanced Officer and Continuing Professional Training for the Police Department including Emergency Manager Training for compliance with the National Incident Management System (NIMS) and personnel compliance training (sexual harassment, code of conduct, officer safety, ethics, drivers training, laws of arrest)
- Identifies grant opportunities, and when applicable, prepares and submits grant applications. Ensures grant compliance
- Provides administrative assistant support in the areas of clerical needs such as scheduling, department memorandums and written documents from oral and written direction, phones, finance
- Frequently the first contact for citizen calls to the Police Chief, collects information for investigation later used by the formal investigator
- Tracking and data collection for Police Athletic League (PAL)
- Assists with recruitment including scheduling testing and background investigations, and payroll processing of all sworn and non-sworn position in the Police Department
- Coordinates performance evaluations for all Police staff
- Coordinates fleet management and facilities management
- Supports and coordinates the DARE program
- Duties listed on the current Executive Assistant job description

ANALYSIS:

Based on current Town Policy 1.2 Types of Employment and eligibility for Benefits, this position does not fall under "Temporary" status since it is designed to be in place for more than six months. In fact, the position has been budgeted each year since FY1999-2000 at 0.75FTE.

The incumbent has been in the position since September 11, 2000. The incumbent has received annual evaluations as if a regular employee. The incumbent has not received health or leave benefits but does receive retirement benefits. In every way except health and leave benefits the incumbent has been historically treated as a regular employee.

An argument could be made that due to the position being included on the Staffing List in each Town Budget since FY1999-2000, the intention was to designate the position as regular part-time position since only regular positions are listed.

It is true that under the best practices in place today the position is clearly designed as “temporary” in the budget although the amount originally budgeted reflected the cost of the position being designated as “regular”.

In addition, in order for the position to be designated as “regular” status best practices requires that the Council must act to make that determination.

Impact if Position Remains Temporary

From a risk management perspective, if the position remains temporary and all duties discussed above remain assigned to the position, the Town opens itself for potential legal issues from both employees and the public due to privacy law violations. Changing the position status from “temporary” to “regular” eliminates the perception that the personnel related files are not handled by “real” employees.

From an Assistant City Manager (ACM) and human resource perspective, if the position remains “temporary” status the personnel files and all related files should be moved to the ACM’s office and maintained by the ACM. The “temporary” position should not be used in any capacity that is privy to personal information of employees or the public.

Moving the duties to the ACM significantly impacts the ACM position in the amount of time involved with filing, researching specific information available in the files, and creating, tracking, and updating personnel action forms. The increase in workload will take priority over other ACM responsibilities due to the compliance issues related to personnel file maintenance for Safety members.

- The “temporary” position will not have sufficient volume of work remaining to justify the current or recommended hours
- The Chief of Police will continue to need secretarial assistance
- The Assistant City Manager will need secretarial assistance

Other Issues of Importance

- Proportionately the Police Department has less “regular” clerical support than the other Town Departments

Employees per Department including “temporary” Administrative Assistant to the Police Chief	Number of Department Employees	Number of Executive Assistant and Office Specialist Positions
Administration	4	1.5 – Office Specialist & Executive Assistant
Building	7	1.0 – Office Specialist
Finance	3	0 – Uses Administration Office Specialist as needed
Police	24 + .75temp	0.75 Temporary Administrative Assistant
Public Works	11	1.0 Office Specialist

The new Executive Assistant position will take on a greater role in risk management and claim filing and follow-up. The position will also take on a greater role in managing training for all Town employees.

Outside Agencies

Agency	Position Title	Top Step Hourly Rate FY09-10
City of Belmont	Administrative Assistant	\$30.07
City of Brisbane	Executive Administrative Assistant	\$32.91
City of Burlingame	Administrative Secretary	\$33.55
Town of Colma	Administrative Technician III	\$38.23
City of Daly City	Secretary III	\$36.68
City of East Palo Alto	Executive Assistant	\$33.43
City of Foster City	Management Assistant	\$33.64
City of Hillsborough	Executive Assistant	\$46.34
City of Menlo Park	Administrative Assistant	\$34.43
City of Millbrae	Administrative Assistant	\$31.86
City of Pacifica	Administrative Assistant	\$46.96
City of Redwood City	Administrative Assistant	\$35.64
City of San Bruno	Police Clerk II	\$29.22
City of San Carlos	Administrative Assistant	\$33.20
City of San Mateo	Executive Secretary	\$31.88
City of South San Francisco	Senior Administrative Assistant	\$32.13
Atherton	Temporary Administrative Assistant to the Police Chief	\$29.22 No benefits
Atherton	Recommended Executive Assistant	\$38.83 + benefits @ \$12.75 per hour

Portola Valley and Woodside contract with the San Mateo County Sheriff’s Department for their Police Services including this position. Half Moon Bay provides clerical assistance as needed by Police Clerks (a specific position the Town does not have).

FISCAL IMPACT:

The Council approved the FY2010-11 Budget on June 16, 2010. During the presentation, Finance Director Louise Ho pointed out to the Council that the Police Department budget included funding for a full-time Executive Assistant.

The total compensation for this position is estimated to be \$94,876 for FY2010-11. \$69,762 is attributed to wages, \$10,032 is attributed to health benefits, and \$15,081 is retirement and payroll costs. FY2009-10 the cost for the 0.75FTE temporary position was estimated to be \$55,483.

Prepared By:

Approved:

/s/ Eileen Wilkerson

/s/ Jerome D. Gruber

Eileen M. Wilkerson, ACM

Jerome D. Gruber, City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF OCTOBER 20, 2010

**SUBJECT: REQUEST FROM AUDIT COMMITTEE TO ALLOW REVIEW AND
DRAFTING OF POLICIES RELATED TO TOWN CREDIT CARD,
INVENTORY, ACCOUNTS PAYABLE, AND USE OF INTERNS**

RECOMMENDATION

To be determined by City Council.

DISCUSSION

The Audit Committee met on September 9, 2010, to review the draft Chapter 3.16 purchasing policy presented by Committee member Bill Widmer. Through the discussion, the Committee considered Town credit card use, inventory management, and accounts payable process as an integrated part of purchasing and is seeking City Council approval to review these three functions for proper internal control and effectiveness. The Committee made the following motion.

MOTION by McKeithen, second by Massey to request from the City Council the Audit Committee be allowed to review and where appropriate be permitted to draft policies related to Town credit card, inventory, and account payable process. The motion passed unanimously.

In addition, the Committee discussed the need to have manpower to assist the Finance Department in carrying out the inventory count and control and has made the following motion.

MOTION by McKeithen, second by Dobbie to the extent can or need to use interns to do inventory or other projects, the Committee be allowed to utilize the City Council and City Manager to support the Committee. The motion passed unanimously.

FISCAL IMPACT

None

Prepared by:

Approved by:

Louise Ho
Finance Director

Jerome Gruber
City Manager

Sept 19 Swing in the Park – Holbrook Palmer Park Foundation Dames' Annual Fundraiser. Purchased a table for 10, invited residents to event, put up a Live Auction item for a Day on SF Bay Sailing hosted by my husband and me.

Attendance was down by only about 20 people; however the net funds raised were only about \$8,000. Compared to about \$20,000 raised last year and the year before, it is clear that the downturn in the economy is still very real.

Sept 20 Special Council Meeting regarding High Speed Rail and Parker Ave rezoning overlay.

Sept 30 Special Council Meeting regarding filing test claim with California Commission on State Mandates for costs associated with unfunded mandates for stormwater permits.

Sept 30 Special Council Meeting regarding City Attorney Ad Hoc committee progress, RFQ for Code Enforcement Services, RFQ for Building Official Services, Recommendation by TCTF for approval to publish Request for SOQ for design of new town center, and discuss resignation of City Manager, next steps.

Oct 5 Environmental Programs Committee – attended meeting, but no quorum. Meeting rescheduled to November.

Oct 6 San Francisco Airport Community Roundtable. The Annual budget was approved with the proposed revision of a one-time 50% reduction in Roundtable Member Cities' fees. (see attached Budget)
This reduction results in Atherton's fee for FY2010/2011 being \$750 rather than \$1,500.

The Roundtable received a letter from the City of Daly City, after nearly 30 years membership in the Roundtable. withdrawing for the next two years because of economic hardship. It was not known whether the reduction in fees would make a difference at this point.

Oct 12 TCTF meeting – discussed revisions in the Request for Statement of Qualifications regarding insuring full disclosure in event Town decides to proceed with a "design-build" process rather than have chosen architect provide complete construction drawings throughout process. Requesting City Attorney to provide appropriate legal language for Town's protection.