



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL**  
**ATHERTON CHANNEL DRAINAGE DISTRICT**  
**May 18, 2011**  
**7:00 p.m.**  
**JENNINGS PAVILION AT THE PARK**  
150 Watkins Ave  
Atherton, California  
**REGULAR MEETING**

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL** Lewis, Dobbie, Widmer, McKeithen, Carlson

3. **PRESENTATIONS**

-David Silva Award to Officer Bruce Potts and Proclamation to Bruce & Ruth Potts for their contributions to the D.A.R.E program

Mayor Dobbie read and presented Bruce and Ruth Potts a proclamation from City Council honoring their service and dedication to the Town of Atherton through the D.A.R.E program.

Chief Guerra presented Bruce Potts with an award which was named after a past Captain of Atherton named David Silva who was employed with the Atherton Police Department from 1946 to 1967 when he passed away. The award was created for employees who dedicate their service to the youth. Guerra recognized former Chief Richard Moore, Glenn Nielsen, and Ron Harris, all three of which are retired Atherton Police Department Chiefs who were present in the audience during the presentation. Guerra concluded that staff searched long and hard to find a relative of Captain David Silva and located his first cousin Joan Stickney Bird who was present in the audience.

Representatives from Encinal School and Sacred Heart Schools presented the Potts' with awards and thanked them for their continued support and dedication.

4. **PUBLIC COMMENTS**

Melinda Tevis, Atherton resident, requested status of the organizational efficiency studies that began last February. Tevis said she was concerned that previous Management has always set a precedence of making staff cuts by slashing from the bottom and she suggested starting from the top.

Virginia Rugeiro, Atherton resident, thanked Vice Mayor Widmer who was instrumental in helping get the speed signs back up and working on Stockbridge Avenue.

Joe Aiello, Atherton Building Inspector, said the Building Department is based off of an enterprise fund which when run correctly is self-sustaining. Aiello said he replaced the last person who was outsourced when he came to work for the Town three years ago. Aiello concluded that the Town paid \$15,000 per month for that [contracted] person while his total compensation package is about 2/3 of that.

Jon Buckheit, Atherton resident, concurred with Melinda Tevis. He urged Council to look at what the major cost contributors are to the Town. Buckheit concluded that the Police Department is the largest component to the Town's deficit.

Eric McMillian, a contractor who has worked in the Town, said Atherton has a first-class Building Department with some of the best staff he has worked with.

Natalie Furd, General Contractor doing business in Atherton, said the Building Department has made it easy for contractors and homeowners to get their work done.

5. **REPORT OUT OF CLOSED SESSION** - None

Nothing to report.

6. **CITY MANAGER'S REPORT**

Nothing further to add to written report.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** - None  
**CONSENT CALENDAR** (Items 8-14)

Vice Mayor Widmer said he had comments on item 8 and 9.

8. **APPROVAL OF APRIL 20, 2011 SPECIAL MEETING MINUTES AND REGULAR MEETING MINUTES**

**Recommendation:** Approve April 20, 2011 special meeting minutes and regular meeting minutes

Widmer gave Deputy City Clerk DellaSanta edits to the minutes, in particular, he wanted Item 17 (Change order for Fletcher Ridgeview) to add the discussion/debate in regards to the fact why the change order was so high and the request of Council to have the City Attorney to review the contract and find out why the Town is incurring such high costs. Staff took note and the changes will be made.

9. **APPROVAL OF BILLS AND CLAIMS FOR ~~MARCH~~ APRIL, 2011 IN THE AMOUNT OF \$1,023,504**

**Recommendation:** Approve Bills and Claims in the amount of \$1,023,504

Widmer said the Agenda should be changed to reflect that the bills and claims are for the month of April.

10. **FINANCIAL REPORT FOR THE TEN MONTHS ENDED APRIL 30, 2011**  
**Report:** Finance Director Louise Ho  
**Recommendation:** Receive the General Fund Financial Report for the ten months ended April 30, 2011
  
11. **ACCEPTANCE OF TREASURER’S REPORT FOR THIRD QUARTER ENDED MARCH 31, 2011**  
**Report:** Finance Director Louise Ho  
**Recommendation:** Accept the Treasurer’s Report for the Third Quarter Ended March 31, 2011
  
12. **APPOINTMENT OF MARJORY WILSON TO THE ARTS COMMITTEE AND APPOINTMENT OF GREG CONLON TO THE AUDIT COMMITTEE**  
**Report:** Deputy City Clerk Theresa DellaSanta  
**Recommendation:** Appoint Marjory Wilson to the Arts Committee and Appoint Greg Conlon to the Audit Committee
  
13. **REVIEW AND APPROVAL OF A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION IN THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AND APPROVAL OF THE JOINT POWERS AGREEMENT**  
**Report:** Interim City Manager John Danielson  
**Recommendation:** Review and approve a Resolution authorizing continued participation in the City/County Association of Governments of San Mateo County (C/CAG) and approval of the Joint Powers Agreement in accordance with the staff recommendations
  
14. **LETTER TO ASSEMBLY MEMBER BOB WIECKOWSKI OPPOSING AB506 WHICH WOULD REMOVE THE TOWNS ABILITY TO MAKE THEIR OWN FINANCIAL DECISIONS IN THE EVENT OF BANKRUPTCY**  
**Report:** Interim City Manager John Danielson  
**Recommendation:** Approve opposition letter opposing AB506

**MOTION by McKeithen, second by Carlson to approve the consent calendar which includes items 8 through 14. The motion passed.**

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

**PUBLIC HEARINGS (15)**

15. **INTRODUCTION OF AN ORDINANCE TO ADOPT REFUSE AND RECYCLING COLLECTION RATES**  
**Report:** Interim City Manager John Danielson  
**Recommendation:** Hold a public hearing, determine whether a majority protest has been received, and if there is no majority protest, and introduce the attached Ordinance increasing refuse and recycling rates. A two-thirds vote is required (i.e.; four affirmative votes).

Vice Mayor Widmer gave a PowerPoint presentation on the refuse and recycling rates. Ad-hoc committee members Carlson and Widmer met with representatives from SBWMA and Recology to review the contracts with Recology and analyze the actual costs of picking up garbage in the Town.

Widmer reviewed how the Town got to where they are now, contract and cost drivers, Allied’s final bill, the Towns projected 2011 financial obligations, organic recycling (primary driver in high costs), comparisons with other cities, and exact costs of a green cart which amounts to \$19.35 per month.

Widmer presented Council with three rate options for discussion.

Option 1:

Adopt the rates per the notification to residents

<b>Black Garbage Container</b>	<b>2011 rates</b>	<b>Amount increase</b>
20 gallon	\$20.00	\$2.69
32 gallon	\$44.01	\$16.32
64 gallon	\$101.23	\$45.85
96 gallon	\$163.29	\$81.11

Option 2:

Adopt the rates per the March 16 City Council consensus:

<b>Container Size</b>	<b>2011 rates</b>	<b>Amount increase</b>
20 gallon	\$24.04	\$6.73
32 gallon	\$38.46	\$10.77
64 gallon	\$76.92	\$21.54
96 gallon	\$114.15	\$31.97

Option 3:

Addition of a mid-point rate created by Ad-hoc committee:

<b>Container Size</b>	<b>2011 rates</b>	<b>Amount increase</b>
20 gallon	\$20.00	\$2.69
32 gallon	\$44.00	\$16.31
64 gallon	\$83.00	\$27.62
96 gallon	\$125.00	\$42.82

Widmer discussed the Towns projected revenues versus its obligations and then ended his presentation. [A copy of the presentation is available in the City Clerk’s office.]

Council Member Carlson commended Widmer for his work on the presentation. Carlson said he continues to be an advocate of an oversight board of elected officials to the SBWMA Board to review cost increases and negotiations.

Council Member McKeithen said previously she opted for a complete rate recovery since there was going to be a considerable debt obligation the Town had. McKeithen said she now has even more concern because of a recent experience she witnessed with a Recology driver who spent a considerable amount of time picking up one single waste can because the dump truck was not proportioned with the arm that picks up the cans, nor does it actually pick up or place down the can correctly. McKeithen concluded that the contract should be reopened very soon to figure out why the rates are so different from surrounding jurisdictions.

Mayor Dobbie said he has received complaints that range from what Council Member McKeithen just mentioned to trash all over the street. He suggested a complaint line with Recology. City Manager Danielson said he would look into it.

Mayor Dobbie opened up for public comment.

Sandy Crittenden, Atherton resident, said he is impressed with Widmer's presentation. Crittenden said he is paying for one green can and the rest is being subsidized. He concluded that it's only a matter of time before this explodes.

James Devoy, Atherton resident, said Recology is the one who caused this mess without input from elected officials. Devoy questioned how the green cans are counted.

Heidi Welch, Atherton resident, said the Recology trucks are constantly speeding down roads. Welch supported charging more for green waste if that is the true cause. Welch said she may opt out of the system and hire a private individual to remove her trash.

Jon Buckheit, Atherton resident, asked if he has a 32-gallon can and 2 green cans is he paying the same amount as someone in Menlo Park or Redwood City. Vice Mayor Widmer said Atherton's costs are different because of the profile of the community and the mix of some residents having more green cans.

Gino Gasparini, Recology Operations Manager, said with one can in Atherton (regardless of size) versus one can in Foster City with one driver during an 8 hour day they can pick up 1,000 homes in Foster City and in Atherton they can pick up less than 500.

Virginia Ruggeiro, Atherton resident, urged Council to bring forth an ordinance requiring limits on the length of time someone can leave their can out.

Mayor Dobbie added that a letter should be sent to all residents notifying them that they need to take their cans in once the trash is removed.

Colleen Anderson, Atherton resident, suggested Council actually enforce the ordinances they have before creating any new ones. Anderson asked what the difference between Atherton and Emerald Hills is since Emerald Hills has very large lots as well.

Mayor Dobbie closed the public hearing.

Council Member Lewis asked if the costs have gone up at all because of food waste. Widmer said organics have increased by 50% from the first quarter this year, compared to last year. Lewis said

she is saving money with the new set up and if everyone used the same methodology then Recology would not make enough money. Lewis suggested smaller trucks for smaller cul-de-sacs for improved mobility.

Mayor Dobbie said he supports the highest rate structure possible to reduce the deficit at the end of the year.

MOTION by Carlson, second by Lewis to approve option 3 which consists of the mid-point rate created by the ad-hoc Committee. The motion failed because it needs a 4/5 vote.

Ayes: 3 Nays: 2 (Dobbie, McKeithen) Abstain: 0 Absent: 0

Council Member McKeithen supported the highest (noticed) rates in option 1 and if Council needs to lower the rates in the future it can be done. Council Member Lewis said the same can be done by starting with the lower rates and raising them if needed.

MOTION by Dobbie, second by McKeithen to approve option 1 which consists of the noticed rates. The motion failed.

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

McKeithen said in order not to hold the rates hostage and continue to incur debt she will agree to the mid-point rates as a compromise. Dobbie concurred. Both reiterated that they do not favor the rate structure.

**MOTION by McKeithen, second by Dobbie to approve option 3 which consists of the mid-point rates created by the ad-hoc committee. The motion passed.**

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

Council Member Lewis requested that staff look into creation of an agreement that stops residents from getting five 20-gallon cans rather than a 96-gallon.

### **REGULAR AGENDA (Items 16-18)**

Council moved Item 17 up on the agenda since there were several young children present for the item.

#### **17. MENLO-ATHERTON LITTLE LEAGUE PROPOSAL TO REBUILD THE BALLPARK AT HOLBROOK-PALMER PARK**

**Report:** Interim City Manager John Danielson

**Recommendation:** Discuss and provide direction on conceptually approving support of the Menlo-Atherton Little League investment in rebuilding the ballpark at Holbrook-Palmer Park, and provide direction to the Planning Commission to work with the Menlo-Atherton Little League to develop

Bob Hellman, Menlo-Atherton Little League (MA-LL) representative, said he operates Build Our Ballparks which is a charitable organization that rebuilds baseballs parks for financially struggling cities.

Hellman made it clear that the League is seeking authorization to work with the Planning Commission to develop plans before moving forward.

Hellam gave a PowerPoint presentation to Council. [A copy of the presentation is available in the City Clerk's office.]

Hellman said initial discussions of rebuilding the ballpark began approximately 9 months ago with the Atherton Dames, Felton Gables and other park neighbors, City Council, Park & Recreation Commission, Planning Commission and the Atherton little league parents.

MA-LL is proposing a permanent back stop, seating, dugouts, scoreboard, complete overhaul of turf, drainage and irrigation system and ongoing care and maintenance. The outfield fence will be removed during the offseason so as not to interfere or disrupt other activities in the Park which include soccer and lacrosse. The total proposed capital project amounts to \$500,000 which is proposed to be paid through fundraising efforts by the MA-LL. This amount includes funding for tennis court resurfacing, park expansion and walkways to the field, storage for the DAMES equipment, trees for sound reduction and additional park beautification as needed.

Mayor Dobbie opened up for public comment.

Jennifer Jeffries, Atherton resident, supported the concept but had concerns with field space and sharing with other user groups such as lacrosse and soccer. Jefferies suggested that other activities in the park need to be accounted for before moving forward.

Michael Millano, AYSO representative, said he has concerns with the fence and whether it will become permanent and with trees being put up in the middle of the field. Millano suggested that AYSO and MA-LL work together to create new areas and fund part of the project to make it flexible for AYSO.

MJ Davey, Atherton resident, said she supports all sports and urged Council to give fair consideration and representation to all sport activities. Davey noted that she supports the concept but doesn't want it to restrict any other activities and hopes that everyone can get together and agree on a cohesive plan.

Bill Fremel, Atherton resident, said he is excited about the proposal and it enhances the park across the board.

Colleen Anderson, Atherton resident, said she doesn't recall anyone ever proposing to pay for a remodel of the ballpark in the park. Anderson concluded that sports teach kids at a very young age so many great things including teamwork and it will keep them off the street.

Alan Margot, Tennis Pro at Holbrook Palmer Park, said the proposal is a win-win situation since it includes a remodel of the tennis courts which is desperately needed. Margot said the proposal is inclusionary and not exclusionary, and there is willingness for flexibility.

Brian Rodriguez, MA-LL coach, supported the proposal and added that it will improve the landscaping in the park. He concluded that there is a lot of space for soccer and lacrosse.

Rosemary Maulbetsch, Atherton resident, said he kids grew up in the park the way it is now and they were not deprived. She suggested that Council look at the original gift of the park to the Town before anything is done.

John Davey, former Park & Recreation chair, said there is a severe field shortage in the mid-peninsula which impacts the Town. Davey urged Council to let the process begin so the various groups can work together and come to an agreement for a plan.

Gina Ryan, Atherton resident, said the park is wasting away and it is such a nice gift to have the MA-LL offer this proposal.

Mike Wyatt, Atherton resident, said this is an exciting proposal and supported it.

David Wright, Park & Recreation Commission, said he has concerns with the field because it is such a disaster. Wright added that the MA-LL pours money into maintaining the field every single year.

Mike McPherson, Atherton resident, said he was on the Park & Recreation when the current field was put in and it was a long, drawn out process with many public meetings and input. McPherson said it very critical to getting all user groups input to this proposal.

Kristi Waldron, Atherton resident, said she is an advocate for improving the park. Waldron supported allowing all user groups having input into the process.

Shirley Carlson, Park & Recreation Commission, urged Council to allow the process to begin.

Paul Quinlan, Planning Commissioner, said this is a much wider community issue if the library ends up in the park. Quinlan said that if Council pushes this to the Planning Commission they probably won't be certain how to handle it unless they had a holistic view for the future of the park.

Richard Moore, Atherton resident, said the Park & Recreation Commission approved moving forward with the process which would be to go to the Planning Commission for review.

Denise Kupperman, Atherton resident, encouraged an open, public process. She asked that Council look at the proposal independent of the funding.

Sandy Crittenden, Atherton resident, concurred with Kupperman. Crittenden stressed more outreach.

Melinda Tevis, Atherton resident, said this issue reminds her of another issue in particular the process many years ago when a firm planned to build a swimming pool.

Mayor Dobbie closed the public comment.

Council Member Lewis said some people had concerns with the will. Lewis said the Town was given a legal opinion that essentially said if the charter was not effected after 30 years then the Town can do what they wanted to with the park. Lewis questioned whether there would be increased traffic.

Hellman said the usage does not increase with this proposal.

Council Member Lewis said her only concerns are the increased traffic from the potential relocation of the library in the park and concerns with the unknowns.

Council Member Carlson said this is a rare and unique opportunity that the Town should capitalize on. He supported sending it to Planning Commission and making sure there is good public outreach and education.

Council Member McKeithen had concerns that the outreach has not been done properly or well enough. McKeithen added that she worries it will bring other subsequent issues such as adult softball at night, lights at night and extended parking. McKeithen favored extensive public outreach for a fair and favorable approach.

Vice Mayor Widmer said he thinks this is a great opportunity but it definitely needs more outreach. Widmer said he spoke with several different user groups and most of them hadn't heard a thing about the proposal. Widmer concluded that he does not favor a fence or scoreboard.

Mayor Dobbie questioned whether Holbrook-Palmer Park is the place for this type of ballpark. Dobbie believed the Town serves a minority of the MA-LL and suggested that Council determine what the facility will serve. Dobbie supported postponing any kind of decision until extensive outreach is conducted.

Council Member Carlson felt the Planning Commission is a good place for public outreach. Carlson encouraged all user groups to get together and discuss how to maximize the use of the park and create coexistence among all groups.

Council Member McKeithen said the best way for outreach is to include groups outside of Atherton including surrounding jurisdictions. McKeithen felt staff should be in charge of the outreach.

**MOTION by McKeithen, second by Lewis to approved forwarding the MA-LL proposal with the understanding that they will address all issues mentioned by the various user groups, in particular the issue of conducting more outreach. The motion passed.**

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

**16. INTERVIEWS AND APPOINTMENTS TO THE FINANCE AND TRANSPORTATION COMMITTEE AND THE PLANNING COMMISSION**  
**Report:** Deputy City Clerk Theresa DellaSanta

Each Council member was given a ballot for voting for members to the Finance, Transportation and Planning Commission. [A copy of the ballots can be obtained from the City Clerk's office.]

**MOTION by McKeithen, second by Dobbie to appoint Alain Enthoven to the Finance Committee, Jean Schaaf to the Transportation Committee, and Herman Christensen and Phil Lively to the Planning Commission. The motion passed.**

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

**18. PROGRESS REPORT ON CONSTRUCTION, 297 POLHEMUS, ATHERTON**

**Report:** Interim Building Official Dennis Lockard

**Recommendation:** Receive and File Report

Doug Ryder, CSG Consultants, was present on behalf of Interim Building Official Dennis Lockard.

Jeff Cunningham, neighbor to 297 Polhemus, said the construction of this home began four years ago and no landscaping has been done. He said it has been a nuisance to his family since it started. Cunningham gave Council a handful of pictures taken from his property which illustrate that there is no privacy for his family to enjoy their backyard.

Shawn Massiphour said he has submitted a landscape screening plan and it was recently approved by the Town. He said additional landscaping will be proposed beyond what has been agreed to.

Mayor Dobbie suggested that staff follow up on the Cunningham's concerns in regards to following the rules.

Council Member McKeithen said there have been several drainage issues with the property.

Massiphour said the drainage issues are coming from his neighbors. He added that he is doing everything he can to obey all the rules.

Mayor Dobbie said he has been out to the property and there is a serious drainage issue.

Council Member Lewis told the Cunningham's that they have a beautiful backyard, and impressed upon the Massiphour's that it is very important to get the landscape screening done to maintain privacy with neighbors.

Mayor Dobbie said the item will be continued to the June agenda, and in the meantime staff will work with the Cunningham's to address their concerns.

**19. COUNCIL REPORTS**

Nothing further to add to written report.

**20. FUTURE AGENDA ITEMS**

**1- COLLEAGUES' MEMO #1 –ANONYMOUS DONATIONS -  
MCKEITHEN/WIDMER**

MOTION by Dobbie, second by McKeithen to add item 1 to the June Council agenda. The motion passed unanimously.

**2- COLLEGAGUES' MEMO #2 - ETHICS OVERSIGHT BOARD –  
MCKEITHEN/WIDMER**

MOTION by Widmer, second by McKeithen to add item 2 to the June agenda. The motion failed 2-3 with Carlson, Lewis and Dobbie opposed.

Council Member Carlson said he is opposed due to the staff time involved.

Council Member Lewis mentioned that there is a League of California Cities boot camp that addresses and teaches elected officials ethics and there is the required AB1234 training that elected officials must take every two years.

Council Member McKeithen said the cost in litigation far exceeds the staff time involved with this item.

Jon Buckheit, Atherton resident, said an ethics committee is essential. Buckheit said with the amount of property taxes paid in this Town residents should have a sense of being treated fairly.

Vice Mayor Widmer said it can be restructured if staff time is an issue.

Mayor Dobbie said he doesn't believe that the Town needs other individuals besides the Council and City Manager to address resident concerns.

Council Member McKeithen supported the concept because she felt that getting the public involved beforehand makes it easier to address issues.

## **21. PUBLIC COMMENTS**

Paul Quinlan, Atherton resident, thanked Council for the projects they have completed in Town including the bridge into the park, and putting a signal light up at Encinal and Middlefield.

## **22. ADJOURN**

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

Mayor Dobbie adjourned the meeting at 10:53 p.m.

**Respectfully submitted,**

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**Theresa DellaSanta**  
**Deputy City Clerk**