



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT

March 21, 2012

5:30 P.M.

Meeting Room

Town Administrative Offices

91 Ashfield Road
Atherton, California

Special Meeting

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

5:32 P.M. PUBLIC COMMENTS

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

5:40 P.M. CLOSED SESSION

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

Agency Negotiators: Theresa DellaSanta, Interim City Manager; Geoffrey Rothman, Renne Sloan Holtzman Sakai, LLP.
Employee Organization: Miscellaneous - Teamsters Local Union 856

Agency Negotiators: Theresa DellaSanta, Interim City Manager; Geoffrey Rothman, Renne Sloan Holtzman Sakai, LLP.
Employee Organization: Management Employees & Confidential Unit

Agency Negotiators: Theresa DellaSanta, Interim City Manager; Geoffrey Rothman, Renne Sloan Holtzman Sakai, LLP.
Employee Organization: APOA

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to Government Code Section 54957(b)

City Attorney

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to subsection (b) of Government Code Section 54956.9):

One potential case

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
March 21, 2012
7:00 p.m.
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, Widmer, McKeithen, Carlson
- 7:03 P.M. 3. **PRESENTATIONS**
- ***REALIGNMENT** – Presented by Assistant Sheriff Trisha Sanchez
*The state has taken away or reduced funding to the counties which has resulted in the “realignment” of various aspects of the criminal justice system potentially impacting local jurisdictions
- 7:30 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.)*
- 7:45 P.M. 5. **REPORT OUT OF CLOSED SESSION**
- 7:45 P.M. 6. **CITY MANAGER’S REPORT**
- 7:50 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**
- 7:50 P.M. **CONSENT CALENDAR** (Items 8-22)
- (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 FEBRUARY 16, 2012 REGULAR MEETING**

Recommendation: Approve February 16, 2012 regular meeting minutes

9. APPROVAL OF BILLS AND CLAIMS FOR FEBRUARY, 2012 IN THE AMOUNT OF \$763,615

Recommendation: Approve Bills and Claims in the amount of \$763,615

10. FINANCIAL REPORT FOR THE EIGHT MONTHS ENDED FEBRUARY 29, 2012

Report: Finance Director Debra Auker

Recommendation: Receive the General Fund Financial Report for the eight months ended February 29, 2012

11. ACCEPTANCE OF QUARTERLY TREASURERS REPORT FOR DECEMBER 31, 2011

Report: Finance Director Debra Auker

Recommendation: Accept Quarterly Report

12. APPROVAL OF TOWN DISASTER COUNCIL

Report: Police Chief Ed Flint

Recommendation: Approve the appointment by the Town Manager of five (5) civilian members to the Town Disaster Council

13. RESOLUTION TO REJECT CLAIM OF COURTNEY SCHRIER, BY ELIZABETH SCHRIER, MOTHER AND GUARDIAN

Report: Interim City Manager Theresa DellaSanta

Recommendation: Adopt Resolution 12-xx denying the claim filed by Elizabeth Schrier on behalf of Courtney Schrier for damages

14. APPROVE FOURTH AMENDMENT WITH MENLO-ATHERTON LITTLE LEAGUE ASSOCIATION TO PERMIT THE LITTLE LEAGUE TO OPERATE AT HOLBROOK-PALMER PARK

Report: Interim City Manager Theresa DellaSanta

Recommendation: Approve amendment between the Menlo-Atherton Little League Association and the Town of Atherton for operation of Little League activities at Holbrook-Palmer Park

15. BAYFRONT CANAL/ATHERTON CHANNEL STORM MANAGEMENT ANALYSIS – LETTER OF SUPPORT

Report: Public Works Director Mike Kashiwagi

Recommendation: Authorize the Mayor to sign a letter of support for the Bayfront Canal/Atherton Channel Storm Management analysis to Don Edwards San Francisco Bay National Wildlife Refuge

16. APPROVAL OF LETTER TO SENATOR DOUG LAMALFA SUPPORTING SENATE BILL 985 TO PREVENT THE SALE OF BONDS FOR CALIFORNIA HIGH SPEED RAIL (HSR); AND

APPROVAL OF RESOLUTION IN SUPPORT OF ASSEMBLY BILL 1455 (HARKEY) – HIGH SPEED RAIL LEMON LAW

Report: Interim City Manager Theresa DellaSanta

Recommendation: Approve letter to Senator Doug LaMalfa supporting Senate Bill 985 and Adopt Resolution 12-xx Supporting Assembly Bill 1455

17. ATHERTON LIBRARY BUILDING PROJECT – SECOND AMENDMENT TO GROUP 4 ARCHITECTURE, RESEARCH AND PLANNING, INC. AGREEMENT

Report: Public Works Director Mike Kashiwagi

Recommendation: Approve the Second Amendment to the Group 4 Architecture, Research and Planning, Inc. agreement which expands the scope of services to provide additional details and adds \$1,400 to the compensation, and authorize the City Manager to execute the amendment

18. SELECTION OF EXECUTIVE RECRUITMENT FIRM FOR CONDUCTING SEARCH FOR A PERMANENT CITY MANAGER

Report: Interim City Manager Theresa DellaSanta

Recommendation: Approve selection of recommended recruitment firm in an amount not to exceed \$17,000

19. CONSIDERATION OF SUPPORT FOR THE LEAGUE OF CALIFORNIA CITIES LEGISLATIVE ACTIVITIES

Report: Interim City Manager Theresa DellaSanta

Recommendation: Authorize the Mayor to Respond to Requests from the League of California Cities for Legislative Advocacy as deemed appropriate by the City Manager and City Attorney

20. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR THE 2012 CAPE/ SLURRY SEAL PROJECT

Report: Public Works Director Mike Kashiwagi

Recommendation: Approve the plans and specifications and authorize advertisement for bids for the 2012 Cape/Slurry Seal Project, Project No.56052

21. APPROVAL OF AMENDMENT TO AGREEMENT FOR ACCESS WITH FELTON GABLES HOMEOWNERS ASSOCIATION AND AMENDMENT TO EASEMENT AGREEMENT BETWEEN JOSEPHINE LEE AND FELTON GABLES, INC.

Report: Interim City Manager Theresa DellaSanta

Recommendation: Approve amended access agreement and side letter agreement with Felton Gables Homeowners Association, and approval of amended easement agreement between Josephine Lee and Felton Gables, Inc.

8:00 P.M. PUBLIC HEARINGS - None

8:00 P.M. REGULAR AGENDA – (Items 22-24)

22. ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR BUDGET ADJUSTMENTS FOR FY 2011-2012

Report: Finance Director Debra Auker

Recommendation: Adopt the Resolution Approving the Mid-Year Budget Adjustments for FY 2011-2012 (FY 2012)

23. TOWN COMMITTEES & COMMISSIONS AND RULES & PROCEDURES

Report: Interim City Manager Theresa DellaSanta

Recommendation:

1. Reinstate the Environmental Programs Committee, and review the charters and purpose of all current Town Committees and Commission and decide whether there is a need to alter, merge or dismiss certain committees based on existing staff resources.
2. Extend all Committee and Commission expiration dates to June 30, 2012.
3. Review and approve rules and procedures for Committees and Commissions.

24. POSSIBLE START UP OF EVENT BOOKINGS AT HOLBROOK-PALMER PARK THROUGH THE 2012 CALENDAR YEAR

Report: Community Services Director Mike Kashiwagi

Recommendation: Provide direction to staff regarding starting full event bookings at Holbrook-Palmer Park through December 31, 2012

10:15 P.M. 25. COUNCIL REPORTS

10:20 P.M. 26. FUTURE AGENDA ITEMS

10:25 P.M. 27. PUBLIC COMMENTS

10:30 P.M. 28. 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: THERESA DELLASANTA, INTERIM CITY MANAGER

DATE: FOR THE REGULAR MEETING OF MARCH 21, 2012

SUBJECT: CITY MANAGER WRITTEN REPORT

ADMINISTRATION:

Library Project Manager Proposals

The last day to submit Proposals for the Library Project Manager was 4pm, Friday, March 9th. The Town received 11 proposals. The proposal will now be reviewed by the selection panel which consists of two Town staff, a member of the Atherton Library Building Steering Committee, and a representative from San Mateo County Library. It is anticipated that the selection panel will interview the highest ranked persons or firm during the week of March 26th. The recommended person or firm will be brought to City Council for action at the April 18th meeting.

Library Design Architect Request for Proposals (RFP)

Town staff is soliciting proposals for the Library Design Architect. Proposals are due 4pm on April 27, 2012. The RFP is available on the Town website. A non-mandatory pre-proposal meeting is scheduled for April 3rd. The proposals will be reviewed, ranked, and interviewed by a selection panel which consists of members of the Atherton Library Building Steering Committee, San Mateo County Library and the Library Project Manager. It is anticipated that a recommendation will be presented at the June meeting of the City Council.

Library EIR timeline and process:

There are 2 phases: First the EIR preparation and review phase, second the project entitlement phase.

The EIR preparation and review phase stated on Nov. 16, 2011 when the Council approved the LSA agreement to prepare the EIR.

PHASE 1

- First LSA prepares a draft EIR (DEIR). That is currently in preparation. It is scheduled for completion and release to the public in late March 2012.
- When the DEIR is made public there is a 45 calendar day "public review period". That should end early May 2012.
- During the public review period the Planning Commission holds a public hearing to receive comments on the DEIR. That is currently scheduled for April 25, 2012.
- At the end of the 45 day public review period all of the written comments and comments made at the Planning Commission meeting must be responded to. LSA prepares a response to each comment. We have scheduled about 30 days for preparation of the Response to Comments. The DEIR plus the Response to Comments comprise the Final EIR (FEIR).
- The FEIR is made publicly available for a minimum of 10 days (we have scheduled about 30 days).
- The City Council then holds a public hearing on the FEIR and is required to certify that it is adequate and prepared in accordance with CEQA. We have tentatively scheduled this hearing on July 18, 2012.
- That concludes the EIR preparation and review phase.

The project entitlement phase involves a General Plan amendment, Zoning Ordinance amendment and amendment to the Holbrook-Palmer Park Master Plan.

PHASE 2

- First the City Council must "initiate" the General Plan amendment, Zoning Ordinance amendment and amendment to the Holbrook-Palmer Park Master Plan and request the General Plan Committee, Planning Commission and Parks and Recreation Commission to hold hearings and make recommendations on the proposals. That is done by resolution and is scheduled for the July 18, 2012 Council meeting; after the Council has certified the FEIR. The "initiation" cannot take place until the Council certifies the FEIR.
- Next, the General Plan Committee holds a hearing on the proposed General Plan amendment and Zoning Ordinance amendment and makes a recommendation on those proposals. That is scheduled for August 1, 2012.
- Next, the Planning Commission holds a hearing on the proposed General Plan amendment and Zoning Ordinance amendment and makes a recommendation on those proposals. That is scheduled for August 22, 2012.
- Next, the Parks and Recreation Commission hold a hearing on the proposed Holbrook-Palmer Park Master Plan amendment and make a recommendation on that proposal. That is scheduled for Sept. 5, 2012.
- Finally, the City Council holds a public hearing on the proposed General Plan amendment, Zoning Ordinance amendment and amendment to the Holbrook-Palmer Park Master Plan. That is scheduled for Sept. 19, 2012. The Council must

certify that it has considered the FEIR in making its decision on whether to approve these proposals.

- If the FEIR cites any "Significant and Unavoidable Impact" (e.g. demolition of a historic building) then the Council must make a written "Statement of Overriding Considerations" (i.e. other economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental impacts of the project).
- After the public hearing the Council may act on the General Plan amendment (by resolution), the Zoning Ordinance amendment (introduction of an ordinance) and the Holbrook-Palmer Park Master Plan amendment (by resolution).

These dates are very tentative. Dates can easily slip if information isn't supplied in a timely manner or if a Commission or the Council continues a hearing. So far the project is on schedule.

Interwest Agreement for Building & Life Safety Services

The Town has had successful transition of building services with Interwest Consulting Group. At this time, Town staff recommends certain modifications to the Interwest agreement that would include performance measures and the addition of a revised termination clause that would protect the Town during transfer of services. Suggestions for minor clarifications and amendments will be forthcoming at the April City Council meeting where staff will also request extension of the contract.

COMMUNITY SERVICES DEPARTMENT: - See attached report

FINANCE DEPARTMENT:

Mid-Year Review of the Financial Position of the General Fund

The draft Mid-Year Review was presented at the joint Audit Committee and Finance Committee meeting held March 13, 2012. The report was accepted as presented.

FY 2012-2013 (FY 2013) Budget Season

1. Budget Calendar – The City Council has confirmed the FY 2013 Budget Calendar below, which will list the public meetings and other deadlines related to adopting the FY 2013 Operating and Capital Budgets for the Town. Historically the Council has held one or two budget study sessions prior to the introduction and adoption of the budget.

Final Dates for Budget Review	
Mid-year Review	March 21, 2012 7PM
First Council Budget Study Session	Tues. March 27, 2012 at 2PM
Second Council Budget Study Session	Mon. April 30, 2012 at 2PM
Finance Committee Review	Tues. May 1, 2012 at 2PM
Park & Recreation Commission to review Park budget	Wed. at May 2, 2012 at 6PM
Introduction of Budget	Wed. May 16, 2012 7PM
Planning Commission to confirm Budget conforms with General Plan	Wed. May 23, 2012 6PM
Final adoption of Budget	June 20, 2012 7PM

2. **Budget Study Session** – Tuesday, March 27, 2012 – All Departments will participate in the presentation at the first Council Budget Study Session. Council can expect the meeting to include the following components. Staff will be seeking Council input in order to develop the FY 2013 Budget.
 - a. **Departmental Review** – Each department will provide a brief overview of the mission and major services provided in their area. Departments will highlight the differences between core services, mandated services/activities, and what could be called discretionary services. Staff will discuss the resources necessary to provide these services.
 - b. **Organizational Review** – Staff will provide a matrix of the core operational services provided by the Town, and a summary of the discretionary services in which staff is recommending the Town consider including in the FY 2013 Budget. This will allow the Council to see the organization as a whole, which will be necessary to allocate the Town’s limited resources.
 - c. **Major Town Strategic Goals** – Staff will provide a proposed format for discussing major strategic and operational goals for the Town. Receiving feedback and direction from the Council related to the top goals, specifically prioritizing these goals will be an important and necessary first step for developing the budget for FY 2013.

Purchasing Ordinance

The draft purchasing ordinance has been revised and updated by the Finance Director. Both the City Attorney and Director of Public Works have participated in the development and review of the ordinance. On Tuesday, March 13, 2012 the purchasing ordinance was reviewed by a joint meeting of the Audit Committee and the Finance Committee. The Committee members shared

valuable comments and the Audit Committee made a unanimous recommendation related to the purchasing limits to be included in the ordinance. As directed by Council, Mayor Widmer has spent a significant amount of time reviewing and providing input related to the ordinance. The Finance Director, City Attorney and Mayor will meet next week to confirm final revisions and the proposed Purchasing Ordinance will be presented to Council at the April meeting.

PLANNING DEPARTMENT: - See attached Community Services Department update

POLICE DEPARTMENT:

I. Police Activity-This reporting period’s activity includes 53 criminal investigations.

The table below depicts the most frequently reported crime classifications for this period and compares it to 2011 data for the same time period:

Feb. 2012 Classification	Feb. 2012 Count	Feb. 2011 Classification	Feb. 2011 Count
1. Coroners Case/Disturbances	3 ea	1. Theft (Grand and Petty)	10
2. Burglary/Fraud/Hit and Run (Misd)	2 ea	2. Fraud/DUI	3
3. Assault/Harassing Phone calls/Sex Offense/5150/Attempt Suicide	1	3. Domestic Dist/Vandalism	3

During this period, 33 offenders were cited, arrested or referred to the District Attorney’s office for prosecution. 26 of those cases were for vehicle code violations that included not having a driver’s license, and driving with a suspended driver’s license. An eighteen year old East Palo Alto resident was suspected of stealing a bike at Menlo Atherton High School (MAHS). The theft was captured on the MAHS’ video surveillance system. APD sent the case to the San Mateo County Juvenile District Attorney’s office for prosecution. A misdemeanor hit and run case was sent to the District Attorney’s office for review. While conducting investigative follow up on an attempted residential burglary in Lindenwood, Detectives discovered that APD officers had stopped a suspicious vehicle and driver across the street from the location where the burglary occurred, during the time frame when the burglary occurred. The driver had a history of narcotics use, and the case remains under investigation.

There were 609 Officer initiated incidents, which resulted in 398 citations being issued for vehicle code violations. Officers also initiated 217 other types of incidents that

include contacting suspicious people on the street or those in cars, as well as security checks at schools and at HP Park.

There were 1144 total incidents and no citizen's complaints this reporting period.

II. Schools:

Number of incidents this reporting period:

Menlo-Atherton High School: 28

Encinal School: 14

Sacred Heart School/St. Josephs: 7

Laurel School: 8

Menlo School: 4

Menlo College: 16

Las Lomas School: 3

Selby Lane School: 14

This month's incidents at Menlo Atherton High School consisted of thefts, security checks, traffic enforcement, several suspicious vehicles, juvenile problems, and case follow-up from on-going criminal cases.

III. HP Park:

Holbrook Palmer Park had 26 incidents this reporting period. 12 of the incidents were ordinance violations for off leash dogs. 6 incidents were security checks conducted by Officers. The other incidents included calls of suspicious vehicles and people, found property (black duffel bag), and traffic enforcement.

IV. Ordinance Violations:

Officers responded to 20 ordinance violation calls this month. These calls were for construction ordinance violations, leash law violations, trash cans left out after pick up days, and illegal solicitors.

V. Traffic Safety:

There were 9 traffic collision calls for service, and two of which were misdemeanor hit and runs.

VI. Presidential/Dignitary Visits:

None.

VII. Vacation House Checks: APD performed a total of 542 home security checks during February.

Our monitoring showed there was an average of 42 total calls for service/officer initiated incidents per day for a total of 1297 incidents. The table below depicts the activity:
Patrol Statistics February 2012

Calls for Service	535
Officer Initiated Incidents	609
Total Incidents	1144

VIII. Response Times:

The average response time for Priority 1 Calls for Service (Incidents are categorized from 1 to 3 with one being the highest priority) was 5 minutes during this time period, which met our goal of having an average response time of less than 8 minutes. The average response time for all calls for service within this time period was 14 minutes. The data is depicted in the table below:

Priority	# Calls for Service	Average Response Time
1	231	5
2	104	10
3	200	27
Total/Avg.	535	14

***Note: Priority 3 Calls include the automated traffic complaint areas that generate in the same way a meeting reminder generates in MS Outlook.

IX. Newest Hire -

I am pleased to introduce to you the Police Department's newest member, Karli (see attached photo). Karli is a three year old female German Sheppard and is residing comfortably with her K-9 handler, Officer David Gomez. The department was able to purchase Karli due to a generous donation to the Police Activities League (P.A.L). The donation has also paid for the fencing at the Officer's home, kennels, the basic handler's course, and the 2 week tracking courses Karli will complete after her one month dog handler's course in March.

As you are aware, the Department is currently budgeted for two (2) K-9 police dogs and Karli was purchased to replace K-9 Lotty.



X. Administration -

2 candidates are currently in the background process for Police Officer. Testing includes: a polygraph examination and medical and psychological screenings based on the guidelines from Commission on Peace Officer Standards and Training (P.O.S.T.). Potential start date and commencement of the Field Training Program (FTO) is tentatively set for May 1, 2012.

XI. Investigations -

On February 9, 2012 the San Mateo County Sheriff's Office arrested three burglary suspects who were involved in a residential burglary in their jurisdiction. One of the suspects was a person of interest in our Home Invasion. The suspect invoked his right to Miranda and refused to offer a statement. A DNA sample was taken from the suspect and submitted to the San Mateo County Forensic Laboratory. We have requested that the suspect's DNA be compared to any DNA collected from the gun and knife that was used during the commission of the home invasion which was then later recovered.

XII. Disaster Preparedness -

On February 14, 2012, Chief Flint, Lieutenant Wade, Sergeant Lopez and I met with members of A.D.A.P.T. (Atherton Disaster And Preparedness Team) They discussed budget allocation priorities for the disaster preparedness fund. A.D.A.P.T. is putting together a proposal for the cost of equipment caches that will be distributed to the various Districts within Atherton. A.D.A.P.T.'s next meeting is scheduled for March 3, 2012 at 9:00 a.m.

Disaster Preparedness: Sgt. Lopez is currently working with the Menlo Park Fire District, East Palo Alto Police Department, and Menlo Park Police Department to prepare

and plan for a countywide Emergency Operation Center exercise that will be conducted on May 24, 2012. Our four agencies will be working jointly during the exercise.

XIII. Special Events:

On February 9, Chief Flint and Council Member Elizabeth Lewis attended the D.A.R.E. (Drug Abuse Resistance Education) graduation held at Encinal School. Both the Chief and Ms. Lewis spoke at this very popular event where 200+ children from the 5th grade classes received graduation from the D.A.R.E. program.

On February 14, 2012, Chief Flint, Lt. Wade, Sgt. Kockler, Officer Metzger and Officer Gomez attended the M.A.D.D. (Mothers Against Drunk Drivers) luncheon in Palo Alto honoring the 3 officers for their commitment to cite and arrest drunk drivers in our community. This event is highly attended with agencies from San Mateo County and nearby counties for their participation with M.A.D.D.

PUBLIC WORKS PROJECT UPDATES:

- Sweep contracted monthly streets – 39 miles, 18 yards of debris, 9.76 tons.
- Cleaned up islands in West Atherton neighborhood.
- HVAC serviced (32 units)
- Alameda de las Pulgas – weeds and litter
- Build, paint and install 6 new concrete road markers
- Reopened the Jennings Pavilion to some events, including a Valentines dance for the Atherton Dames and a dinner for the Council of Cities. These events required work on the lighting, landscaping and general clean-up of the building and grounds.
- Power wash patio areas.
- Headed back all roses in the park (under the tutelage of Marion Oster).
- Carpets cleaned in Pavilion, Main House and Council Chambers.
- Town Center clean-ups (4 ea)
- Litter removal concentrated effort – ECR and Marsh Road
- Gutter cleaning – Various buildings
- Repair parking lot lights in park.
- Service requests;
 - Specialty Council Chambers set ups (3)
 - HVAC repair at CM house
 - Lights out – PD report writing room

- Storm patrol/drain cleaning during rains
- Upkeep sand bag area for residents (new sand, stock bag bin, tools).
- General duties – Garbage cans, town wide and ECR litter, Town Center landscape, ECR landscape, corp yard clean-up, vehicle/tool maintenance,.
- Prep ballpark for little league season.
- Extensive work on extension of two wire irrigation system.

- Resolved “old well” problem that was causing problems in playground restrooms.
- Aerated all park turf.
- Weed control.
- Tennis court clean-ups (weekly).
- Changed tennis court locks for new year.
- General daily duties – mowing, empty garbage/recycling, restroom oversight, fire extinguishers (checked/recharged), playground inspections, elevator inspections, open/close buildings, meeting room set-ups/tear downs,.
- Work on irrigation system upgrades, programming and repairs.



Town of Atherton
Building Department

91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0560
Fax: (650) 688-6539

Community Services

Monthly Report

February 2012

Submitted by:
Mike Kashiwagi, PE
Director of Community Services

**Town of Atherton
Building Safety & Inspection**

*Construction and Permit Summary
February 1, 2012 to February 29, 2012*

	November	Fiscal Year 2011-12
Total Construction Valuation¹:	\$ 10,430,520.00	\$ 125,198,708.00

REVENUE

Plan Check Fees Collected:	\$37,251.93	\$ 258,939.63
Permit Fees Collected:	\$20,360.70	\$ 666,532.25
TOTAL:	\$ 57,612.63	\$ 925,471.88

PLAN CHECK

Applications Received:	46	457
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PERMITS

<u>Residential:</u>		
New Single Family Residential Permits Issued:	0	22
New Accessory Structures Issued:	4	81
Addition / Alteration Permits Issued:	11	110
Reroof / Water Well Permits Issued:	5	49
Plumbing/Mechanical/Electrical Permits Issued:	8	98
<u>Non-Residential:</u>		
New Permits Issued:	0	1
New Accessory Structures Issued:	0	2
Addition / Alteration Permits Issued:	0	0
TOTAL Permits Issued:	28	363

INSPECTIONS

Inspections Performed:	549	3880
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Footnotes:

¹Valuation: For permitted projects during this period.

**Town of Atherton
Building Safety & Inspection**

Code Enforcement Activity Summary

February 1, 2012 to February 29, 2012

CE responded to the following types of cases:

1. Dangerous Trees	2 o / 2 c	10. Early Set Out-trash	12 c
2. Construction Law	3 c	11. Neighbor Law	3 c
3. Dog Barking	1 o / 2 c	12. Animal	0
4. Building without permits	1 o	13. Litigation	2 o
5. Encroachments	1 o / 12 c	14. Vehicles	2 c
6. Fence Violations	3 c	15. Unsecured Prop	0
7. Accessory Bld.	3 c	16. HOA Contact	0
8. Refuse	0	17. Admin/finance	1 c
9. Zoning	1 o / 1 c	18. Admin/ordinance	1 c
		19. Public Nuisance	3 c
Number of Cases Closed = 49		Number of Cases Still open = 8	

c: Closed

o: Open

CRW Cases: 104 Open

Planning projects

February 1, 2012 to February 29, 2012

	This Month Activity	Year to Date Activity
Staff Level Reviews	21	144
Planning Commission Items	3	10

The following items are tentatively scheduled for consideration at the March 21, 2012 Planning Commission meeting

- Consideration of the Sacred Heart Schools Master Plan Update
- Request for a Conditional Use Permit to allow a basement at 95 Stern
- Heritage Tree Removal request for the removal of two heritage trees at 39 Laburnum
- discussion of possible changes to the limitations for lighting on entry gates and columns

Arborist Activity Summary

February 1, 2012 to February 29, 2012

	Site Visits			Plan Review
	Tree Removal	Inspections	Info. / Consu.	
TOTAL	13	16	10	9

**Town of Atherton
Building Safety & Inspection**

Summary of New Single Family Residential

Month	2012	2011
January	2	-
February	0	-
March		-
April		-
May		-
June		-
July		3
August		4
September		6
October		5
November		1
December		1
Total New SFD Permits:	2	20

Plan Check Performance

February 1, 2012 to February 29 2012

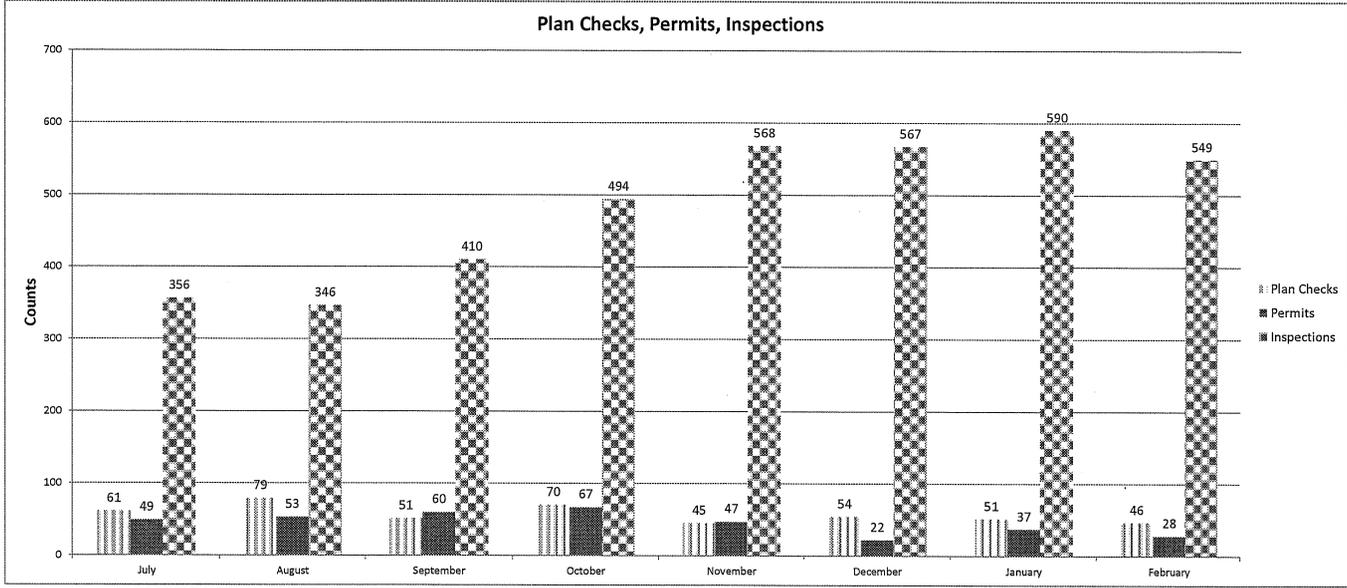
	Cycles	Target	No. of days exceeded	Average Review Days
Major Plan Check	1st Review	10	0	7
	Subsequent Rev.	5	0	3
Minor Plan Check	1st Review	3	0	3
	Subsequent Rev.	2	0	2

Target: in working days

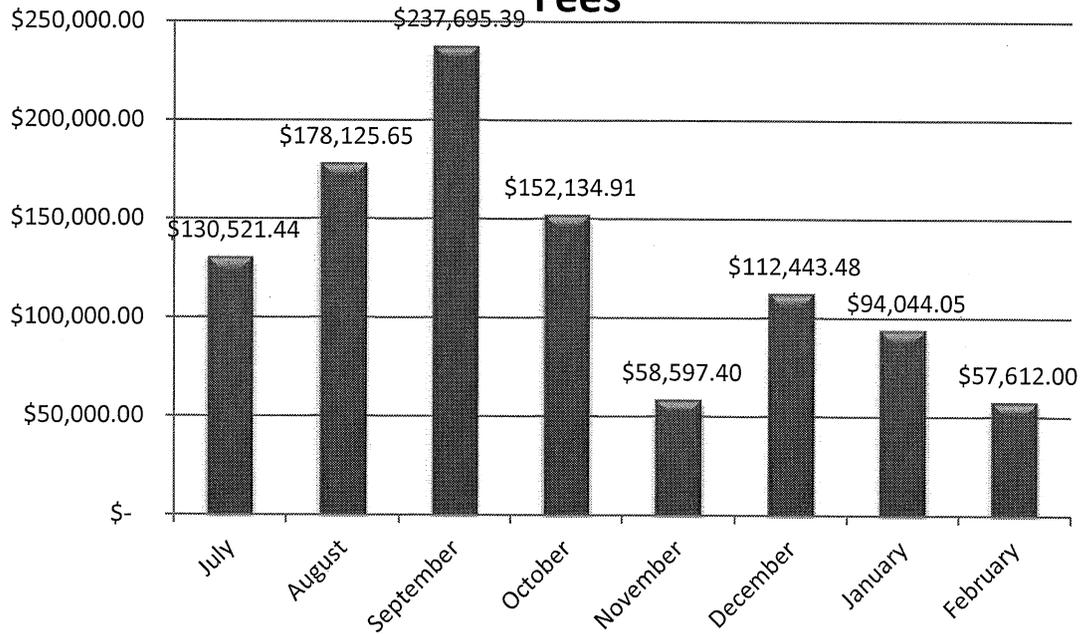
Major Plan Check: New Houses, New Accessory Structures, New non-Residential

Minor Plan Check: Additions, alterations, Misc.

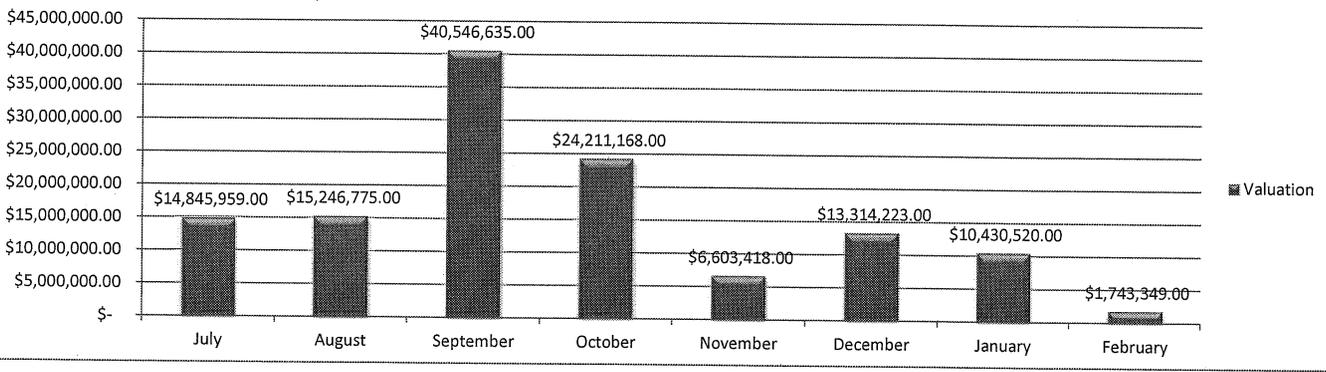
Plan Checks, Permits, Inspections



Fees



Valuation





Draft Minutes
Town of Atherton
CITY COUNCIL
February 15, 2012
7:00 p.m.
COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
REGULAR MEETING

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL** Lewis, Dobbie, Widmer, McKeithen, Carlson – All Present

3. **PRESENTATIONS**- No Presentations

4. **PUBLIC COMMENTS**

William Grindley, reported on high-speed rail. Council Member Dobbie stated that Mr. Grindley was on the radio with Ron Owens discussing the topic of high speed rail. Dobbie noticed that advertising for high speed rail seems to have stepped up and he would like to know how the advertising is funded. William Grindley responded that they are paying KCBS a fair amount to have favorable comments aired. He also noted that a recent poll result shows that 2/3 of the California voters would vote against high speed rail if it were on the ballot today. Mr. Grindley is scheduled to speak in May at the Silicon Valley Leadership Forum on the topic.

5. **REPORT OUT OF CLOSED SESSION**

City Attorney Bill Connors reported on closed session. The first item was a conference with a labor negotiator regarding three different units; Teamsters Local 856, Management Employees & Confidential Unit and the APOA. The Council heard a report and gave instruction to the negotiator. The second item was a conference with legal counsel for a report on several existing cases. Of the four matters the council was briefed on, no action was taken. Anticipated litigation in one particular case was reported and the Council gave instructions on that matter.

6. **CITY MANAGER'S REPORT**

Interim City Manager DellaSanta reported that she met with a representative from Menlo College about having one of the City Council meetings on their campus. This will be a good opportunity to get students involved. If the Council agrees, she would like to have the April meeting on the Menlo College campus.

Council Member Carlson asked about the timing of strategic goals as well as the fiscal budget for 2013. DellaSanta responded that staff will provide a timeline for budget meetings and setting strategic goals.

DellaSanta stated that there is now a Google search engine on Atherton's web site which allows you to more easily search the entire web site. This enables persons to find a certain topic on each staff report that has been archived on the site.

Mayor Widmer asked about the progress of addressing Wi-Fi in the Council Chambers. DellaSanta responded that the library is going share their Wi-Fi so that it is accessible to those attending Council meetings.

Vice Mayor Lewis asked about the Building Department customer surveys. Interim Public Works Director Mike Kashiwagi explained that there are three customer surveys; one for each of the building services: Plan Examining Services, Building Inspection Services and Permit Counter Services. These are printed out in hard copy form and are also available on-line.

Council Member McKeithen asked how the surveys would be distributed. Kashiwagi responded that when a citizen comes to the counter they will fill out a survey or after a building inspection they will be asked to fill out a survey. Also, once a permit is sent in the mail a survey is sent with it. McKeithen asked if there have been any responses yet. Kashiwagi answered that none have been received as of yet. The survey was implemented two weeks ago. McKeithen asked if these will routinely be available. Kashiwagi answered in the affirmative. McKeithen suggested having the surveys available at the front office and not just in the building department. Kashiwagi noted that he would like to capture current data since the new Building Services has been put into place, and not to capture impressions of previous operations.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** None

CONSENT CALENDAR (Items 8-18)

8. **APPROVAL OF NOVEMBER 8, 2011 SPECIAL MEETING AND JANUARY 18, 2012 REGULAR MEETING**

Recommendation: Approve November 8, 2011 special meeting and January 18, 2012 regular meeting minutes

9. APPROVAL OF BILLS AND CLAIMS FOR JANUARY, 2012 IN THE AMOUNT OF \$1,713,867

Recommendation: Approve Bills and Claims in the amount of \$1,713,867

16. APPROVAL OF ADDING A LINK FOR FEEDBACK TO THE ATHERTON LIBRARY BUILDING STEERING COMMITTEE WEBSITE AND RECEIVE STATUS REPORT ON PUBLIC OUTREACH EFFORTS

Report: Interim City Manager Theresa DellaSanta

Recommendation: Approve adding a feedback link to the Atherton Library Building Steering Committee website and receive status report on public outreach efforts

17. TOWN OF ATHERTON COMMENTS TO FACEBOOK DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

Report: Interim Public Works Director Mike Kashiwagi

Recommendation: Receive informational report

Councilmember Carlson wanted to compliment Staff on getting a consultant to review the EIR on the Facebook project. The project will have significant impact on not only Marsh and Middlefield but on other Town streets. The Town should consider a long-range plan. For example, the Town doesn't have a bicycle and pedestrian plan like most other cities. Carlson commended the staff for their outreach to East Palo Alto and to the Fire District.

MOTION by Carlson, second by Vice-Mayor Lewis to approve the consent agenda excluding items 10, 11, 12, 13, 14, 15, and 18. The motion passed.

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

Council then took up items that were removed.

10. FINANCIAL REPORT FOR SIX MONTHS ENDED DECEMBER 31, 2011 POST OFFICE

Report: Interim Finance Director Debra Auker

Recommendation: Receive the General Fund Financial Report for the six months ended December 31, 2011

Council Member McKeithen would like to propose looking at whether the Town wants to continue providing postal services since the Post Office continues to lose money (\$40,000 a year) and on a daily basis there are only on average of 10 Atherton residents using the post office and 9 Menlo Park residents with the exception being on April 15. Council Member Dobbie would like to see the Post Office remain but if a staff report is prepared, he would like it to include option of machines/automation. Vice-Mayor Lewis agrees the Council should discuss the Post Office including possible enhancements, possible remodel, but doesn't think it should be closed down.

MOTION by Carlson, second by Vice-Mayor Lewis to Receive the General Fund Financial Report for the six months ended December 31, 2011. The motion passed.

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

11. APPROVAL OF AGREEMENT FOR PROFESSIONAL SERVICES WITH RENNE SLOAN HOLTZMAN SAKAI LLP

Report: Interim City Manager Theresa DellaSanta

Recommendation: Authorize the Interim City Manager to execute an agreement for Professional Services with Renne Sloan Holtzman Sakai LLP for labor negotiation services in an amount not to exceed \$12,300

Council Member McKeithen requests that when an agreement needing counsel's signature is brought before Council that it be signed by City Attorney so the Council knows that the City Attorney has in fact had a chance to look at the agreement. Bill Connors remarked that he prepared the agreements so he had seen them.

MOTION by McKeithen, second by Vice-Mayor Lewis to approve agreement for professional services with Renne Sloan Holtzman Sakai LLP for labor negotiation services in an amount not to exceed \$12,300. The motion passed.

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

12. REVISIONS AND EXTENSION OF AGREEMENT FOR LEGAL SERVICES

Report: Interim City Manager Theresa DellaSanta

Recommendation: Authorize Interim City Manager to execute an agreement with William B. Connors for legal services in an amount not to exceed \$12,800 per month.

Council Member McKeithen would like to suggest that Council meet in closed session and review the City Attorney's performance before authorizing an increase and a new contract.

Council Member Dobbie has no problem approving the new contract as is without a review. Carlson agrees but states that perhaps there is a reason it should be discussed.

Council Member McKeithen said when the agreement was entered into it was agreed that in six months it would be revisited. As a Council it is good stewardship to meet and discuss what has occurred.

McKeithen would like to amend the agreement, Section 3 – J regarding Duties. The current language references "monitor pending and current legislation and case law and report," Councilmember McKeithen would like that wording broadened to include legal developments pertinent to municipalities.

McKeithen would like clarification about the clause regarding the City Attorney not being required to carry errors and omissions insurance. What implications does it hold for the Town?

Bill Connors remarked that the original legal services agreement did not require insurance since none of the other Town employees must have insurance. He found the practice of requiring insurance coverage discriminatory. He could get insurance but would need to renegotiate the agreement and compensation.

Open for public Comment.

Jon Buckheit, Atherton resident, as a former CEO of a company, I have seen many contractors that provide professional services to companies be required to carry E & O insurance. On the subject of the increase, the proposed is a 30% raise. It was mentioned that this increase can be justified and that the net legal budget has gone down during the tenure of Mr. Connors. Is there conclusive evidence that the reduction was directly related to the work of Mr. Connors? I would support offering Mr. Connors a performance bonus of some amount if in fact certain benchmarks are reached (i.e. budget stays under a certain amount.)

MOTION by Widmer, second by Lewis to approve the agreement pending a satisfactory performance review with the increase being retroactive to February 1, 2012. Additionally, the City Attorney will monitor legislation and legal developments pertaining to municipalities and report to the Council accordingly. The motion passed.

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

13. DESTRUCTION OF RECORDS

Report: Interim Police Chief Ed Flint

Recommendation: Adoption of Resolution 12-xx approving destruction of records authorized by Town approved Records Destruction Policy number 1.1

Council Member McKeithen would like to know how much space the records take up. Police Chief Flint stated that this is standard operating procedure. Records are not destroyed if there is pending litigation or if an employee has recurring problems or deficiency with regards to performance. McKeithen asked how much space the records use. Flint said that the records take up a few four-foot file cabinets.

McKeithen wants to know if any of the records are formal complaints or investigations and if any involve persons still employed by Atherton. Flint responded in the affirmative. McKeithen feels it would make sense to keep files pertaining to those employees no matter how old the files.

Flint noted that it is his responsibility to oversee the records and make a determination to see if the records contain pertinent information.

McKeithen states that since Flint was not the Chief at the time of these incidents that it may not be readily evident. She would like retain records, even if the complaint wasn't sustained, it might be something of a pattern. If the officer is still active – it should be kept as a historical employment record.

Jon Buckheit, Atherton resident, it's not a space/financial issue. There is no law to be broken to keep the records longer. The article in the Daily Post said that none of the records reference current employees. There should be a "permanent record." The assertion that none of the complaints were sustained is not necessarily relevant. Some of the records do involve repeat complaints with officers that are still on the force. The records should not be destroyed.

Council Members Carlson and Dobbie noted that they trust Flint's judgment here. Vice Mayor Lewis asked the Interim City Manager DellaSanta about the language that says someone can review and decide to dispose of the records. What are the standards by which the decision will be made and who will make the decision? DellaSanta answered that the Chief of Police is given the authority to review documents and determine if they are relevant in current litigation and if they might be

necessary in the future. Vice-Mayor Lewis has confidence that the Chief of Police can handle this responsibly.

Council Member McKeithen feels that public perception will be negative. It involves a minimum amount of space, a minimal number of years. Given the public perception, everything possible should be done to show that the Town is above board. If that means retention of records in a small amount of space they should do it.

Mayor Widmer feels that police have improved performance and public perception. Mayor Widmer states that if someone is still on the force the records should be maintained. If an officer is no longer on the force and the 5 years have passed then the records can be destroyed.

Flint responded that he understands the Council's concerns. Destruction of records is a standardized policy supported by law and he was trying to follow policy.

Interim City Manager DellaSanta commented that this is going to come up more often now that the Town has a records retention policy.

MOTION by Widmer, second by McKeithen to Adopt Resolution approving destruction of records authorized by Town approved Records Destruction Policy number 1.1 only for records that involve employees who no longer work for the Town. The motion passed.

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

14. APPROVAL OF ONE -YEAR LEASE EXTENSION WITH KNOX PLAYSCHOOLS, INC. AT HOLBROOK-PALMER PARK

Report: Interim City Manager Theresa DellaSanta

Recommendation: Approve a lease extension from July 1, 2012-August 30, 2013 with Knox Playschools, Inc. for the operation of the Playschool in Holbrook-Palmer Park

Council Member McKeithen stated the rental produces \$90,000 for 14 months, serves 31 Atherton children and the school gives preference to Atherton children. If the school were only to receive a one-year lease extension the operators would have no reason to make the necessary renovations to the buildings. McKeithen would like to extend it beyond the one year with the understanding that Knox Playschool makes the necessary renovations. The Town would have an improved asset and the Playschool would have additional years in its contract.

Dobbie understands they want a multi-year lease, but the Town has told them they will only get a one-year extension. It is uncertain at this time what's going on with the park. Dobbie suggests revisiting in 6 months when we have a better idea of what's going on with the park.

Carlson stated that the Town owns the building and the playschool would be required to make the renovations. If the Council wants the Playschool to stay we should give them a one-year lease and then come back with the conditions for a multi-year lease. The buildings in question are portable buildings that have a life span of 20 years and are beyond their useful life. As part of that negotiation they might want to look at replacement rather than repair.

Carlson suggested looking at other locations for the school. There appears to be a traffic bottleneck where it is located right now. Carlson recommended a one-year extension at this time and then look at a long-term decision.

Vice Mayor Lewis agrees with Councilmember Carlson. The staff report did not include information on the possible cost of renovations. The buildings are in poor condition and the renovations may be more extensive than the current operator may be willing to undertake. Traffic is still a problem.

McKeithen expressed concern that the lessee was not contacted. She thinks that once the EIR for the library site is finalized, that might be a perfect opportunity since they will have looked at the traffic. It will be known then if it is an issue. This might give the operator more of an idea of what to do and make some informed decisions.

Susan Knox, Knox Playschool owner, noted that she had conversations with former City Manager John Danielson. She stated one building is about 40 years old. And the other building is approximately 10 years old. They may need replacement of the older building. She would prefer a multi-year extension but feels the one year is reasonable at this time to allow the Council to decide the future of the park and library.

McKeithen asked Ms. Knox how she would feel about contributing to the upgrades. Ms. Knox said it is possible. Replacing the buildings is very expensive. Ten years ago she had the acquired the second building. To offset the cost of the second building, the Town waived the rent for a period of five years at which time the building is owned by the Town. McKeithen asked if this might be possible for future improvements. Ms. Knox would need to review the cost.

Carlson asked Knox if the building can withstand one additional year. Ms. Knox answered that it can.

Carlson would like a Staff report regarding the building renovation or replacement and financial options. Interim City Manager DellaSanta responded in the affirmative. McKeithen wants to know if the structure can be renovated or repaired and the cost of each option and financing options. Staff should also review the EIR about where it might be best located.

MOTION by Mayor Widmer, second by McKeithen to approve the one-year lease adding that in six months there will be a staff report and the Interim City Manager will open discussions with the applicant for Council consideration following completion of the Library EIR that Council will review the issue in six months. The motion passed.

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

15. PROPERTY TAX EXCHANGE FOR THE PROPERTY AT 70 CAMINO POR LOS ARBOLES (APN 070-302-300)

Report: Interim Finance Director Debra Auker

Recommendation: Approve resolution 12-xx, a property tax exchange with the County of San Mateo for the property located at 70 Camino Por Los Arboles (APN 070-302-300)

Councilmember McKeithen asked if the Town will receive 6% of the property tax and the county gets approx 20% because of Fire district etc. Based on assessed value we get \$192 a year in

property tax from this parcel. McKeithen asks why it is assessed at only \$299,000 with an accessory structure. McKeithen would like to know if this property is going to be reassessed. Finance Director Debra Auker answered that it should not trigger a new assessment but any new construction would. Town Planner Neal Martin said that a change of ownership or new construction would trigger a new assessment.

Councilmember McKeithen wants to know why they're doing this other than they want their property to be in the same place since some of it is in Atherton and some of it is unincorporated. McKeithen expressed the opinion that the property will be more valuable to have it all in Atherton. Auker answered that there is a county policy for LAFCO (Local Agency Formation Commission). It has to do with some of the policies of the ownership of properties. Councilmember McKeithen asked if the Town can assess a parcel tax. Debra Auker responded that the parcel is subject to a parcel tax.

MOTION by Carlson, second by Lewis to approve resolution 12-xx, a property tax exchange with the County of San Mateo for the property located at 70 Camino Por Los Arboles (APN 070-302-300). The motion passed.

Ayes: 4 Nays: 0 Abstain: 1 Absent: 0

18. REORGANIZATION OF POLICE DEPARTMENT COMMUNICATIONS CENTER

Report: Police Chief Ed Flint

Recommendation: Reclassify the Communications Supervisor position to Dispatcher

Police Chief Flint provided the staff report and noted that before his tenure the Communication center was structured with four dispatchers and one supervisor. At some point the Dispatcher left and the position was not filled because it was frozen due to budget. In the interim, the supervisor filled in and started doing a dispatch job. The Dispatch Supervisor currently does very little supervision. The staff is on different shifts so he doesn't see the employees he is supposed to be reviewing. Operational supervision falls to the police sergeant who is the watch commander for the shift.

Police Chief Flint's recommendation is to allow the operational supervision to go to the police sergeant that are working the shift and do away with the position of Supervisor. He recommends the individual remain as a dispatcher, which he's been doing with 90% of his time anyway. The remainder of administrative tasks will be divided up among administrative staff.

Council Member Dobbie appreciates the \$29,000 in savings. Vice Mayor Lewis thinks it's a good management analysis and a good move to streamline the organization.

Jon Buckheit, Atherton resident, this proposal is right on. The supervisor gets an extra \$30,000 for being a supervisor without any supervisor duties. It's outrageous. Would he continue to be the records supervisor?

Police Chief responded that he will be doing what he's primarily been doing; dispatching and some of the records management is going to go to administrative staff. All of the dispatchers have some training in records management, pulling police reports etc. There is staff on every watch that is familiar with what they need to do as far as records are concerned. There will be supervisors in the

field and in the office that are working those shifts and some of the administrative staff will deal with some of the records management issues.

Citizen recommends that if the public wants to get access to police records that the City Attorney handles it, not a dispatcher.

MOTION by McKeithen, second by Carlson to approve Reorganization of Police Department Communications Center. The motion passed.

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

PUBLIC HEARINGS - None

REGULAR AGENDA – (Items 19-20)

19. TOWN CENTER TASK FORCE (NEW TOWN CENTER) PROGRAMMING ANALYSIS AND PUBLIC OUTREACH PHASE REPORT AND REQUEST FOR \$5,000 TO COVER COSTS

Report: Interim City Manager Theresa DellaSanta

Recommendation: Approve Nichols Melburg and Rossetto AIA & Associates, Inc. (NM&R) to meet with Town of Atherton staff to re-assess current head-count and space needs to determine appropriate programming for project and authorize the Town Center Task Force to begin the Public Outreach Phase in coordination with NM&R for a total amount not to exceed \$5,000

Vice Mayor Lewis reported that at the January 26, 2012 meeting the Town Center Task Force discussed the preferred architect Nichols, Melberg & Rossetto (NM&R) and discussed how to proceed with the town center task force project. The firm needs to evaluate and verify the staffing needs, the facility needs, the sizing of the project as the conceptual design that was presented by the architects was based on very little information. No square footage was provided and programming information was from 2010. Les Melberg suggested that he and his staff meet with the department heads and evaluate current and future needs and verify the space requirement to resize the building accordingly. Estimated cost for this task \$2,500. The Task Force would also like the City Attorney to review the contract that NM&R has submitted and to authorize the Town Center Task Force to begin public outreach phase in coordination with the architectural firm and to use the balance of funds, approximately \$2,500 to use for marketing.

Vice Mayor Lewis also announced that the Mayor had replaced Council Member Carlson on the task force. The new town center will be built with the approval of the citizens and fundraising efforts. The Task Force is not asking the Town to fund the project, just need a kick start to get it going.

Mayor Widmer commented that the Town Center Task Force is very dedicated and are already talking to potential donors. The diagrams were conceptual and were made a long time ago. Before the Town moves forward it would be prudent to revise the space needs to have something more relevant to talk to potential donors. The firm is very accommodating and will set up virtual tours of the building to have relevant information for the neighborhood meetings. It takes money to make money. The Town will not fund the project, but needs to help get it started.

Councilmember Dobbie cannot agree to the requested \$5,000 authorization. The architectural firm came in knowing it would be pro bono work. He doesn't think we should be paying for it. The key is to determine what space we're going to need. He wasn't impressed by the drawings as it didn't tie in with Atherton. He would be happy to let the Town Center Task Force move ahead but not pay NM&R. The agreement was simple; we wouldn't spend any Town money.

Councilmember Carlson is surprised to see the request. He would like to see more background information.

Town Center Task Force member Phil Lively reported they had a great meeting with the architects. The example provided is if they are going to design a residence, they need to meet with the family. The architect would like to be a part of assessing needs for project. The architect has great background in public outreach. Need to get preliminary ideas based on new space needs and take them to public meetings early this spring and certainly by the middle of June. The Task Force thought the \$5,000 was a good place to start.

Vice Mayor Lewis addressed Councilmember Carlson's comment about where this came from, noting we can spend a couple of thousand of dollars to re-verify the space and utilize his forms. The Architect would like to be part of the analysis because of his experience with new building, he can analyze the needs; common space needs, etc. We also need marketing pieces. Mayor Lewis doesn't want to utilize Town funds as there are donors ready to give money. But the legal entity hasn't been finalized so we can't accept private donations yet.

Vice Mayor Lewis stated that the Architect already did a lot of work on the conceptual design. They've done some good work. Maybe it could work as a loan to be paid back from the fundraising efforts. Vice Mayor Lewis thinks it a minimal amount.

Councilmember McKeithen never wants to spend money without understanding why it's being done but expressed that it's important to spend money here. The Town needs to do some good things. The Town has been confronted with some negative items in the past and will continue to face negative issues. The Town Center is something positive to work on. It's a good faith donation from the Town. Councilmember McKeithen wants to know what the public outreach will be like. She has confidence in the task force that they will do some fine marketing. The City Attorney's time is covered under the retainer.

Councilmember Dobbie wants the funds repaid.

Mayor Widmer thinks it's a small price to pay. Agrees with Councilmember McKeithen. Remarked that the task force members were so impassioned about the project that they were talking about coming up with the money themselves. After all the fundraising is done – if there is enough to pay it back it gets paid back. No interest.

MOTION by Carlson, second by McKeithen to approve Town Center Task Force (New Town Center) Programming Analysis And Public Outreach Phase Report And Request For \$5,000 To Cover Costs. The motion passed.

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

20. AUTHORIZATION FOR INCLUSION AND EVALUATION OF ATHERTON LIBRARY BUILDING STEERING COMMITTEE PROPOSED PLAN FOR RELOCATION OF MAIN HOUSE USES IN THE ENVIRONMENTAL IMPACT REPORT (EIR)

Report: Community Service Director Mike Kashiwagi

Recommendation: Adopt a motion authorizing the EIR Consultant to include and evaluate the ALBSC proposed plan for relocation of Main House uses in the Library Building EIR. That evaluation may then be used by the Parks and Recreation Commission and others in formulating its recommendation concerning the location of the library in the Park to the City Council.

Neal Martin presented the staff report. He noted that under CEQA, an EIR needs to include a complete description for a proposed project and that means all of the actions that are necessary to complete or carry out a project. In this case the Council directed preferred alternative for the location of the new library is the current location of the Main House. Current uses in the Main House includes; the park supervisor's office, meeting space, foundation office, art committee office and other uses. The project description must have a proposed disposition for these uses. The steering committee prepared the proposed project description and disposition of uses. Most of the proposed relocations would be within the new library building, with the exception of the park supervisor, which would be located in the park corporation yard office or the Carriage House. The Dames storage is recommended being moved to the second floor of the Carriage House. The details of the relocation is not necessary at this time, Council can state that relocation of uses will occur in either the new Library building or other town buildings.

Councilmember Carlson expressed concern enumerating the specific designations at this time. Organizations should have a voice once they know what the options are. Neal Martin noted that we need to ensure that another building won't be needed that would cause environmental impact. Carlson asked why the specifics need to be decided at this time and would prefer to have some flexibility. He also asked for clarification of what is meant by "basic library services". Does this include residents in the unincorporated area? Staff should meet with the County to resolve this issue for Council discussion at a later date.

Vice Mayor Lewis wants to know why they have to be enumerated now and why they are so limited. There are several other places that these uses could be. Are we redefining terms of what a library is?

Neal Martin thinks it's best to be more specific rather than less. He noted that in his experience with CEQA. It is better to be more specific.

Vice Mayor Lewis still wants to know how some of these uses can be incorporated into the Library. Some of these uses are not library related.

Mayor Widmer suggested analyzing worst case scenario in the EIR.

Neal Martin answered that this is true. This is not being brought up for Council to approve the new designations. This is the part of the project description for the EIR.

Councilmember McKeithen adds that the Committee did consult with the park supervisor, the arts committee, and the Dames. Meeting rooms can be in a library. They can even rent them out to people outside of the jurisdiction. The arts committee would be part of the library.

Denise Kupperman reiterated that this is for the purpose of the EIR, part of the planning process. Meeting rooms are typically in new libraries. Some groups meet there every month. It could be part of the final plan. She also noted that all groups concerned have been reached.

Vice Mayor Lewis wants an amendment to encompass the new Town Center in the EIR. Mayor Widmer asked staff if this would be appropriate. Neal Martin answered that it would not be appropriate at this time. The EIR should reference existing buildings.

Council Member Carlson noted that the Council needs to decide whether the library should be for the use of Atherton residents or for people in and around the unincorporated area.

MOTION by McKeithen, second by Dobbie to approve authorization for inclusion and evaluation of Atherton library building steering committee proposed plan for relocation of main house uses in the Environmental Impact Report (EIR). The motion passed.

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

21. COUNCIL REPORTS

Council Member Carlson noted that PGE is continuing to provide C/CAG and member cities with monthly updates of corrective action they are taking with their gas pipelines. There are still problems with not notifying an agency before beginning some significant work. Members on the C/CAG board have expressed their dissatisfaction that the chairman of the PUC is acting as one of the co-chairs to determine what penalties should be assessed against PGE since the PUC's lack of effective oversight contributed to the pipeline problems and tragedy in one of our cities.

Vice Mayor Lewis reported on the League of Cities boot camp. She recommends council members attend future sessions in order to gain further knowledge of the roles of elected officials. She also attended DARE graduation with 191 DARE graduates.

Mayor Widmer asked fellow Councilmembers to submit monthly reports to help keep other Councilmembers informed.

22. FUTURE AGENDA ITEMS

- A. **2012 EVENT BOOKING AT HOLBROOK PALMER PARK** – Vice-Mayor Lewis/Widmer

MOTION by Lewis, second by Widmer to add to a future agenda. The motion passed unanimously.

- B. **HANDBOOK FOR COMMITTEE & COMMISSION MEMBERS** –Vice-Mayor Lewis/Widmer

MOTION by Lewis, second by Widmer to add to a future agenda. The motion passed unanimously.

23. PUBLIC COMMENTS - None.

24. ADJOURN

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

Mayor Widmer adjourned the meeting at 9:09 p.m.

Respectfully submitted,

**Theresa DellaSanta
Deputy City Clerk**

TOWN OF ATHERTON
CLAIMS LIST **FEBRUARY 2012**

	<u>Amount</u>
A/P Checks (#13464-13544)	\$ 355,083
Payroll Checks (#326-329)	1,957
Direct Deposit - Payroll	194,388
Electronic Transfer - A/P & Payroll	212,187
FEBRUARY 2012 Total	763,615

I, Theresa DellaSanta, Interim City Manager of the Town of Atherton, do hereby certify that the demand listed above, check numbers 326-329 (payroll), and 13464-13544 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$763,615 are true and correct based on the information provided to me and that there are sufficient funds for payment.

Theresa DellaSanta
Interim City Manager

The above claims, check numbers 326-329 (payroll), and 13464-13544 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$763,615 are true and correct and are authorized for payment.

Bill Widmer
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$ 613,235
201	Special Parcel Tax	944
213	Library	38,676
614	Worker's Comp Insurance	40,803
616	Employee Benefits	69,957
	TOTAL	763,615

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of February 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13464	2/2/2012	TEAMSTERS LOCAL 856 H & W		General Fund		PR Batch 501 1 2012 Dental Insurance	3,888.00
13464	2/2/2012	TEAMSTERS LOCAL 856 H & W	Feb 2012	General Fund	Police	Dental S. Pardorla Feb 2012	144.00
13464	2/2/2012	TEAMSTERS LOCAL 856 H & W	Feb 2012	General Fund	Police	Dental N. Bonnevie Feb 2012	144.00
13464 Total							4,176.00
13465	2/2/2012	TEAMSTERS UNION LOCAL 856		General Fund		PR Batch 502 1 2012 Teamsters Dues	53.54
13465	2/2/2012	TEAMSTERS UNION LOCAL 856		General Fund		PR Batch 501 1 2012 Teamsters Dues	53.54
13465 Total							107.08
13466	2/2/2012	VISION SERVICE PLAN		General Fund		PR Batch 501 1 2012 Vision Insurance	464.99
13466	2/2/2012	VISION SERVICE PLAN	Feb 2012	General Fund	DPW-Street Maint.	Vision M. Rubalcava for Feb 2012	10.88
13466 Total							475.87
13467	2/9/2012	CAPITOL ADVOCATES, INCORPORATED	November2011	General Fund	Non-Dept	HSR consulting services 10/1/11 - 10/31/11	2,650.00
13467 Total							2,650.00
13468	2/9/2012	JAIN SUZANNE	BP11-00759	General Fund		Refund Recycling deposit BP11-00759, 326 Atherton Ave.	1,000.00
13468 Total							1,000.00
13469	2/9/2012	MONTALVO ALMA	074	General Fund		Replace stale check# 12509	200.00
13469 Total							200.00
13470	2/9/2012	PACIFIC PENINSULA GROUP	BP12-00003	General Fund		Refund recycling deposit BP12-00003, 70 Elena Ave.	2,764.00
13470	2/9/2012	PACIFIC PENINSULA GROUP	BP11-00562	General Fund		Refund recycling deposit BP11-00562, 91 Inglewood Ln	6,648.00
13470 Total							9,412.00
13471	2/9/2012	PLANTAG INC	Plan Tag 2/6/12	General Fund	Building	(200) Plan tags	115.95
13471 Total							115.95
13472	2/9/2012	REES CONSTRUCTION	BP10-00791	General Fund		Refund recycling deposit BP10-00791, 95 Maple Leaf Way	1,000.00
13472 Total							1,000.00
13473	2/9/2012	SMELLY MEL'S PLUMBING	APW11-00112	General Fund		Refund road bond deposit APW11-00112, 175 Fair Oaks Ln	2,500.00
13473 Total							2,500.00
13474	2/9/2012	ABAG POWER PURCHASING POOL	8004147	General Fund	Administration	91 Ashfield - Admin 12/23/11 - 1/24/12	27.04
13474	2/9/2012	ABAG POWER PURCHASING POOL	8004147	General Fund	Planning	Station Lane/Town Hall 12/23/11 - 1/24/12	12.07
13474	2/9/2012	ABAG POWER PURCHASING POOL	8004147	General Fund	Building	Station Lane/Town Hall 12/23/11 - 1/24/12	72.40
13474	2/9/2012	ABAG POWER PURCHASING POOL	8004147	General Fund	Police	91 Ashfield - PD 12/23/11 - 1/24/12	46.04

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13474	2/9/2012	ABAG POWER PURCHASING POOL	8004147	General Fund	DPW-Engineering	Station Lane/Town Hall 12/23/11 - 1/24/12	36.20
13474	2/9/2012	ABAG POWER PURCHASING POOL	8004147	General Fund	DPW-Street Maint.	99 Dinkenspiel Corp Off/Storage 12/23/11 - 1/24/12	86.59
13474	2/9/2012	ABAG POWER PURCHASING POOL	8004147	General Fund	DPW-Park Maint.	160 WATKINS (CM House) 12/24/11 - 1/25/12	125.87
13474	2/9/2012	ABAG POWER PURCHASING POOL	8004147	General Fund	DPW-Park Program	150 Watkins HP Activities 12/24/11 - 1/25/12	28.72
13474	2/9/2012	ABAG POWER PURCHASING POOL	8004147	General Fund	DPW-Park Program	150 Watkins Town of Atherton 12/24/11 - 12/31/11	52.24
13474	2/9/2012	ABAG POWER PURCHASING POOL	8004147	Library Fund	Non-Dept	Library/Dinkenspiel/Sta Ln 12/23/11 - 1/24/12	63.04
13474 Total							550.21
13475	2/9/2012	ACCONTEMPS	34814892	General Fund	Finance	Temp Phonpradith, Noy 1/17/12 - 1/19/12	964.32
13475	2/9/2012	ACCONTEMPS	34857325	General Fund	Finance	Temp Phonpradith, Noy 1/23/12 - 1/26/12	1,285.76
13475 Total							2,250.08
13476	2/9/2012	AT&T CALNET 2	000002989314	General Fund	Non-Dept	0600 PBX line 12/27/11 - 1/26/12	112.74
13476	2/9/2012	AT&T CALNET 2	000002989315	General Fund	Non-Dept	8099 Town Hall front desk line 12/27/11 - 1/26/12	409.85
13476	2/9/2012	AT&T CALNET 2	000003000966	General Fund	Non-Dept	4866 Fax post office credit card Admin 1/1/12-1/31/12	0.32
13476	2/9/2012	AT&T CALNET 2	000003003776	General Fund	Non-Dept	4866 Fax post office credit card Admin 1/1/12-1/31/12	15.56
13476	2/9/2012	AT&T CALNET 2	000003000963	General Fund	Police	5396 ESL service line PD 1/1/12 - 1/31/12	60.82
13476	2/9/2012	AT&T CALNET 2	000002989313	General Fund	Police	0280 Disaster line PD 12/27/11 - 1/26/12	212.96
13476	2/9/2012	AT&T CALNET 2	000002989312	General Fund	Police	0686 Alarm PD shed 12/27/11 - 1/26/12	15.82
13476	2/9/2012	AT&T CALNET 2	000003000965	General Fund	DPW-Park Program	4859 HP Main House 1/1/12 - 1/31/12	60.50
13476 Total							888.57
13477	2/9/2012	CAL WATER SERVICE	62126158/112	General Fund	City Council	94 Ashfield 12/6/11 - 1/4/12	585.29
13477	2/9/2012	CAL WATER SERVICE	91512681/112	General Fund	Administration	91 Ashfield 12/6/11 - 1/4/12	18.67
13477	2/9/2012	CAL WATER SERVICE	91512699/112	General Fund	Planning	Station Lane Meter 12/6/11 - 1/4/12	1.87
13477	2/9/2012	CAL WATER SERVICE	91512699/112	General Fund	Building	Station Lane Meter 12/6/11 - 1/4/12	11.20
13477	2/9/2012	CAL WATER SERVICE	91512664/112	General Fund	Police	83 Ashfield 12/6/11 - 1/4/12	112.22
13477	2/9/2012	CAL WATER SERVICE	91512699/112	General Fund	DPW-Engineering	Station Lane Meter 12/6/11 - 1/4/12	5.60
13477	2/9/2012	CAL WATER SERVICE	62051499/112	General Fund	DPW-Street Maint.	El Camino Real 12/6/11 - 1/4/12	72.59
13477	2/9/2012	CAL WATER SERVICE	90069321/112	General Fund	DPW-Street Maint.	Station Lane 1/5/12 - 2/2/12	18.64
13477	2/9/2012	CAL WATER SERVICE	62040688/112	General Fund	DPW-Street Maint.	99 Ashfield Rd 1/5/12 - 2/2/12	53.76
13477	2/9/2012	CAL WATER SERVICE	62051509/112	General Fund	DPW-Street Maint.	Alameda/Atherton 12/6/11 - 1/4/12	72.59
13477	2/9/2012	CAL WATER SERVICE	97947324/112	General Fund	DPW-Street Maint.	El Camino Real (2)	136.74
13477	2/9/2012	CAL WATER SERVICE	62051537/112	General Fund	DPW-Park Program	150 Watkins 12/28/11 - 1/26/12	141.99

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13477	2/9/2012	CAL WATER SERVICE	62051537FirePro	General Fund	DPW-Park Program	150 Watkins (Fire Protection) 1/1/12 - 1/31/12	29.31
13477	2/9/2012	CAL WATER SERVICE	89783897/112	Library Fund	Non-Dept	Maple 12/6/11 - 1/4/12	32.15
13477	2/9/2012	CAL WATER SERVICE	97127159/112	Library Fund	Non-Dept	2 Station Lane 12/6/11 - 1/4/12	34.26
13477 Total							1,326.88
13478	2/9/2012	CITY OF REDWOOD CITY	BR26855	General Fund	Police	Heater/ defroster services Crwn Victoria PD Jan 2012	186.64
13478	2/9/2012	CITY OF REDWOOD CITY	BR26855	General Fund	Police	Replace battery Command unit PD Jan 2012	119.49
13478	2/9/2012	CITY OF REDWOOD CITY	BR26855	General Fund	Police	Modify radar wiring Command unit PD Jan 2012	430.17
13478	2/9/2012	CITY OF REDWOOD CITY	BR26894	General Fund	Police	Fuel charges PD 12/16/11 - 1/15/12	4,110.04
13478	2/9/2012	CITY OF REDWOOD CITY	BR26894	General Fund	DPW-Engineering	Fuel charges DPW Eng 12/16/11 - 1/15/12	106.71
13478 Total							4,953.05
13479	2/9/2012	CONTRACT SWEEPING SERVICES	INV120000139	General Fund	DPW-Street Maint.	Monthly sweeping service Jan 2012	992.70
13479 Total							992.70
13480	2/9/2012	DUNBAR ARMORED INC	3017249	General Fund	Finance	Armored car service fee Jan 2012	100.00
13480	2/9/2012	DUNBAR ARMORED INC	3017249	General Fund	Finance	Armored car service Fuel surcharge Jan 2012	15.35
13480	2/9/2012	DUNBAR ARMORED INC	3017249	General Fund	Non-Dept	Armored car service maintenance fee Jan 2012	10.66
13480	2/9/2012	DUNBAR ARMORED INC	3017249	General Fund	Non-Dept	Armored car service excess time fee Jan 2012	10.00
13480	2/9/2012	DUNBAR ARMORED INC	3017249	General Fund	Non-Dept	Armored car service cash processing fee Jan 2012	5.75
13480 Total							141.76
13481	2/9/2012	EDH, INC.	362503	General Fund	Police	(200) D.A.R.E Gold foil certificate PD	50.00
13481 Total							50.00
13482	2/9/2012	GROUP 4 ARCHITECTURE, RESEARCH PLANING, INC.	8216	Library Fund	Non-Dept	Architectural service library Jan 2012	7,595.00
13482 Total							7,595.00
13483	2/9/2012	KOFF & ASSOCIATES, INC.	1339	General Fund	Administration	HR services - PDQ review, employee interviews/conference call	1,390.00
13483 Total							1,390.00
13484	2/9/2012	MUNISERVICES LLC	JFK Fire Pro	General Fund		Bus Lic JFK Fire Protection	50.00
13484	2/9/2012	MUNISERVICES LLC	J. Reofern Inc.	General Fund		Bus Lic J. Reofern Inc. dba: Golden State Inc.	75.00
13484	2/9/2012	MUNISERVICES LLC	LBN General Con	General Fund		Bus Lic LBN General Contractor	125.00

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13484	2/9/2012	MUNISERVICES LLC	Michael Jayko	General Fund		Bus Lic Michael W Jayko	50.00
13484 Total							300.00
13485	2/9/2012	NEAL MARTIN & ASSOCIATES	1192	General Fund		Pass thru - Sacred Heart deposit Dec 2011	112.88
13485	2/9/2012	NEAL MARTIN & ASSOCIATES	1192	General Fund	Planning	Contract Planner services Dec 2011	7,780.63
13485	2/9/2012	NEAL MARTIN & ASSOCIATES	1193	Library Fund	Non-Dept	Library relocation planning services Dec 2011	9,362.51
13485 Total							17,256.02
13486	2/9/2012	NEC CORPORATION OF AMERICA	TM0000029553	General Fund	Police	Add a phone line, relocated ext & reset mailbox PD	326.00
13486 Total							326.00
13487	2/9/2012	PG & E	5678831050/112	General Fund	Administration	Ashfield/Town Hall 12/23/11 - 1/24/12	753.96
13487	2/9/2012	PG & E	5678831560/112	General Fund	Planning	Station Lane 12/23/11 - 1/24/12	18.38
13487	2/9/2012	PG & E	5678831560/112	General Fund	Building	Station Lane 12/23/11 - 1/24/12	110.26
13487	2/9/2012	PG & E	5678831560/112	General Fund	DPW-Engineering	Station Lane 12/23/11 - 1/24/12	55.13
13487	2/9/2012	PG & E	5678831015/112	General Fund	DPW-Street Maint.	Signal E/S Middlefield 12/24/11 - 1/25/12	56.23
13487	2/9/2012	PG & E	5678831020/112	General Fund	DPW-Street Maint.	Signal-Marsh/Middlefield 12/24/11 - 1/25/12	10.58
13487	2/9/2012	PG & E	5678831002et/11	General Fund	DPW-Street Maint.	Street Lights 12/31/11 - 1/31/12	4,062.48
13487	2/9/2012	PG & E	5678831025/112	General Fund	DPW-Street Maint.	Signal-Middlefield/Oak Grove 12/24/11 - 1/25/12	45.74
13487	2/9/2012	PG & E	5678831040/112	General Fund	DPW-Park Maint.	Pump 150 Watkins 12/25/11 - 1/25/12	171.35
13487	2/9/2012	PG & E	5678831030/112	General Fund	DPW-Park Program	Activity Bldg 150 Watkins 12/24/11 - 1/25/12	283.85
13487	2/9/2012	PG & E	5678831035/112	General Fund	DPW-Park Program	Modular Building 150 Watkins 12/24/11 - 1/25/12	324.55
13487 Total							5,892.51
13488	2/9/2012	SAN MATEO CNTY INFO SERV DEPT	1YAT11201	General Fund	Police	Microwave micro channel PD Jan 2012	152.00
13488	2/9/2012	SAN MATEO CNTY INFO SERV DEPT	1YAT11201	General Fund	Police	MessageSwitch lines PD Jan 2012	1,154.08
13488 Total							1,306.08
13489	2/9/2012	SHARP ELECTRONICS CORPORATION	C726669-541	General Fund	Administration	Sharp MXM550N copier usage Admin 12-16-11 - 1/16/12	991.89
13489 Total							991.89
13490	2/9/2012	TOWNE FORD SALES	FOW602611	General Fund	Police	(2) k-9 car keys PD	11.90
13490 Total							11.90
13491	2/9/2012	TURBO DATA SYSTEMS INC	18581	General Fund	Police	Citation processing Jan 2012	36.47
13491 Total							36.47

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13492	2/9/2012	US BANCORP EQUIPMENT FINANCE INC.	195956537	General Fund	Police	Lease Sharp MXM283N copier PD 1/25/12 - 2/25/12	237.18
13492 Total							237.18
13493	2/9/2012	VERIZON WIRELESS	1050848041	General Fund	Building	Wireless services Bldg 12/22/11 - 1/21/12	0.51
13493	2/9/2012	VERIZON WIRELESS	1050848041	General Fund	Police	Wireless services PD 12/22/11 - 1/21/12	105.99
13493	2/9/2012	VERIZON WIRELESS	1050848041	General Fund	DPW-Engineering	Wireless services DPW Eng 12/22/11 - 1/21/12	8.55
13493	2/9/2012	VERIZON WIRELESS	1050848041	General Fund	DPW-Street Maint.	Wireless services DPW Street Maint 12/22/11 - 1/21/12	5.50
13493	2/9/2012	VERIZON WIRELESS	1050848041	General Fund	DPW-Park Maint.	Wireless services DPW Park Maint 12/22/11 - 1/21/12	0.17
13493	2/9/2012	VERIZON WIRELESS	1050848041	General Fund	DPW-Park Program	Wireless services DPW Park Program 12/22/11 - 1/21/12	0.34
13493 Total							121.06
13494	2/9/2012	WILLIAMS SCOTSMAN, INC	96171577	General Fund	Police	Trailer rental PD 1/29/12 - 2/28/12	698.33
13494 Total							698.33
13495	2/9/2012	WITMER-TYSON IMPORTS INC	T9055	General Fund	Police	Monthly K-9 maintenance training Jan 2012	500.00
13495 Total							500.00
13496	2/9/2012	AFLAC		General Fund		PR Batch 503 12 2011 AFLAC Accident Indemnity	186.66
13496	2/9/2012	AFLAC		General Fund		PR Batch 503 12 2011 AFLAC Cancer Ins	176.28
13496	2/9/2012	AFLAC		General Fund		PR Batch 503 12 2011 AFLAC Dental Ins PreTx	109.43
13496	2/9/2012	AFLAC		General Fund		PR Batch 503 12 2011 AFLAC Hospital Indemnity	76.76
13496	2/9/2012	AFLAC		General Fund		PR Batch 503 12 2011 AFLAC Intensive Care	24.39
13496	2/9/2012	AFLAC		General Fund		PR Batch 503 12 2011 AFLAC Specified Health	27.90
13496	2/9/2012	AFLAC		General Fund		PR Batch 503 12 2011 AFLAC-STD After Tax	41.35
13496	2/9/2012	AFLAC	Dec 2011-Adj	General Fund		Corrected Dec 2011 Aflac contribution	1,285.54
13496 Total							1,928.31
13497	2/9/2012	AFLAC		General Fund		PR Batch 533 12 2011 AFLAC Accident Indemnity	10.98
13497	2/9/2012	AFLAC		General Fund		PR Batch 533 12 2011 AFLAC Dental Ins PreTx	17.03
13497	2/9/2012	AFLAC		General Fund		PR Batch 533 12 2011 AFLAC Intensive Care	8.13

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13497	2/9/2012	AFLAC		General Fund		PR Batch 502 1 2012 AFLAC Accident Indemnity	175.68
13497	2/9/2012	AFLAC		General Fund		PR Batch 502 1 2012 AFLAC Cancer Ins	176.28
13497	2/9/2012	AFLAC		General Fund		PR Batch 502 1 2012 AFLAC Dental Ins PreTx	92.40
13497	2/9/2012	AFLAC		General Fund		PR Batch 502 1 2012 AFLAC Hospital Indemnity	76.76
13497	2/9/2012	AFLAC		General Fund		PR Batch 502 1 2012 AFLAC Intensive Care	16.26
13497	2/9/2012	AFLAC		General Fund		PR Batch 501 1 2012 AFLAC Accident Indemnity	160.77
13497	2/9/2012	AFLAC		General Fund		PR Batch 501 1 2012 AFLAC Cancer Ins	176.28
13497	2/9/2012	AFLAC		General Fund		PR Batch 501 1 2012 AFLAC Dental Ins PreTx	73.38
13497	2/9/2012	AFLAC		General Fund		PR Batch 501 1 2012 AFLAC Hospital Indemnity	76.76
13497	2/9/2012	AFLAC		General Fund		PR Batch 501 1 2012 AFLAC Intensive Care	16.26
13497	2/9/2012	AFLAC		General Fund		PR Batch 501 1 2012 AFLAC Specified Health	27.90
13497	2/9/2012	AFLAC		General Fund		PR Batch 501 1 2012 AFLAC-STD After Tax	41.35
13497	2/9/2012	AFLAC		General Fund		PR Batch 502 1 2012 AFLAC Specified Health	27.90
13497	2/9/2012	AFLAC		General Fund		PR Batch 502 1 2012 AFLAC-STD After Tax	62.81
13497	2/9/2012	AFLAC	Jan 2012	General Fund		Jan 2012- Aflac contribution T. Lynch (reimburse by Lynch)	31.16
13497 Total							1,268.09
13498	2/16/2012	USPS	Feb 2012-Cards	Library Fund	Non-Dept	(2492) pcs Post cards for library project	361.34
13498	2/16/2012	USPS	Feb 2012-Bulk	Library Fund	Non-Dept	(2492) pcs Bulk mailing for library community meetings	353.86
13498 Total							715.20
13499	2/16/2012	ACCOUNTEMPS	34922026	General Fund	Finance	Temp Phonpradith, Noy 1/30/12 - 2/2/12	1,285.76
13499 Total							1,285.76
13500	2/16/2012	CA EMPLOYMENT DEV DEPT (UI)	L0961147392	Employee Benefits F	Administration	Unemployment Ins benefit charges Admin 10/1/11 - 12/31/11	5,203.00
13500	2/16/2012	CA EMPLOYMENT DEV DEPT (UI)	L0961147392	Employee Benefits F	Building	Unemployment Ins benefit charges Bldg 10/1/11 - 12/31/11	18,000.00

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13500	2/16/2012	CA EMPLOYMENT DEV DEPT (UI)	L0961147392	Employee Benefits F	DPW-Street Maint.	Unemployment Ins benefit charges DPW Street 10/1/11 - 12/31/11	5,593.00
13500	2/16/2012	CA EMPLOYMENT DEV DEPT (UI)	L0961147392	Employee Benefits F	DPW-Park Maint.	Unemployment Ins benefit charges DPW Park 10/1/11 - 12/31/11	1,350.00
13500	2/16/2012	CA EMPLOYMENT DEV DEPT (UI)	L0961147392	Employee Benefits F	DPW-Park Program	Unemployment Ins benefit charges Park Prog 10/1/11 - 12/31/11	6,047.00
13500 Total							36,193.00
13501	2/16/2012	CENTRAL MAINTENANCE COMPANY	3152-0212	General Fund	DPW-Park Maint.	Janitorial services Park Feb 2012	550.00
13501	2/16/2012	CENTRAL MAINTENANCE COMPANY	3152-0212	General Fund	DPW-Building Maint.	Janitorial services PD Feb 2012	419.00
13501	2/16/2012	CENTRAL MAINTENANCE COMPANY	3152-0212	General Fund	DPW-Building Maint.	Janitorial services Admin Feb 2012	319.00
13501	2/16/2012	CENTRAL MAINTENANCE COMPANY	3152-0212	General Fund	DPW-Building Maint.	Janitorial services Bldg/Planning Feb 2012	245.00
13501	2/16/2012	CENTRAL MAINTENANCE COMPANY	3152-0212	General Fund	DPW-Building Maint.	Janitorial services Public Work Feb 2012	130.00
13501	2/16/2012	CENTRAL MAINTENANCE COMPANY	3152-0212	Library Fund	Non-Dept	Janitorial services Library Feb 2012	332.00
13501 Total							1,995.00
13502	2/16/2012	CITIES GROUP THE	Jan-Mar 2012	Worker's Comp Insur	Non-Dept	Workers' compensation assessment 1/1/12 - 1/31/12	38,465.77
13502	2/16/2012	CITIES GROUP THE	Jan-Mar 2012	Worker's Comp Insur	Non-Dept	Safety/Compliance program assessment 1/1/12 -1/31/12	2,336.96
13502 Total							40,802.73
13503	2/16/2012	CSG CONSULTANTS INC	021689	General Fund	Non-Dept	Code enforcement services 12/31/11 - 1/27/12	3,811.00
13503 Total							3,811.00
13504	2/16/2012	FOODVILLE MEAT, INC.	1660	General Fund	DPW-Park Program	Rental Pavilion & Main house Inv# 238, 1/14/12	2,000.00
13504 Total							2,000.00
13505	2/16/2012	GALLAGHER & BURK, INC	R410108A	Special Tax		10% Retention Fletcher Dr/Ridgeview pvmt & Drainage	744.14
13505	2/16/2012	GALLAGHER & BURK, INC	R410108A	Special Tax		10% Retention Fletcher Dr/Ridgeview pvmt & Drainage	200.00
13505 Total							944.14
13506	2/16/2012	INTERWEST CONSULTING GROUP, INC	12007	General Fund	Building	Inspection services for permits issued prior 8/22/11	7,240.00
13506	2/16/2012	INTERWEST CONSULTING GROUP, INC	12007	General Fund	Building	58% Total Revenue January 2012	58,509.15

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13506	2/16/2012	INTERWEST CONSULTING GROUP, INC	12005	General Fund	DPW-Engineering	Interim Public Works Director January 2012	14,500.00
13506 Total							80,249.15
13507	2/16/2012	J & N PRINTING	9617	General Fund	Planning	(250) Business cards N. Martin Planning	28.15
13507	2/16/2012	J & N PRINTING	9351	General Fund	Building	(500) Customer service survey cards Bldg	243.56
13507 Total							271.71
13508	2/16/2012	MCE CORPORATION	1201097	General Fund	DPW-Street Maint.	Maintenance services Street January 2012	14,253.71
13508	2/16/2012	MCE CORPORATION	1201097	General Fund	DPW-Park Maint.	Maintenance services Park January 2012	9,678.53
13508	2/16/2012	MCE CORPORATION	1201097	General Fund	DPW-Building Maint.	Maintenance services Facilities January 2012	2,100.06
13508	2/16/2012	MCE CORPORATION	1201097	Library Fund	Non-Dept	Maintenance services Library January 2012	204.19
13508 Total							26,236.49
13509	2/16/2012	MUNISERVICES LLC	Diego's Paint	General Fund		Bus Lic Diego's Painting & Decorating	75.00
13509 Total							75.00
13510	2/16/2012	PITNEY BOWES INC	739271	General Fund	Non-Dept	Rental postage meter 3/16/12 - 6/15/12	165.00
13510 Total							165.00
13511	2/16/2012	SAN MATEO CNTY CONTROLLERS OFFICE	January 2012	General Fund		Allocation of parking penalties Jan 2012	92.50
13511 Total							92.50
13512	2/16/2012	SANAI MOHSEN	BP10-00528	General Fund		Refund recycling deposit BP10-00528, 110 Tuscaloosa Ave	1,000.00
13512 Total							1,000.00
13513	2/16/2012	STEAM SYSTEM	Feb2012-MainH	General Fund	DPW-Park Program	Steam clean all carpets Main House	245.00
13513	2/16/2012	STEAM SYSTEM	Feb2012-Jenning	General Fund	DPW-Park Program	Steam clean all carpets Jennings Pavilion	245.00
13513	2/16/2012	STEAM SYSTEM	Feb2012-Council	General Fund	DPW-Building Maint.	Steam clean all carpets Council Chambers	225.00
13513 Total							715.00
13514	2/23/2012	AT&T CALNET 2	000003023248	General Fund	Police	6500 Main line PD 1/10/12 - 2/9/12	493.41
13514	2/23/2012	AT&T CALNET 2	000003023247	General Fund	Police	9743 Direct connect fax line PD 1/10/12 - 2/9/12	16.19
13514	2/23/2012	AT&T CALNET 2	000003023246	General Fund	Police	3220 Fax admin PD 1/10/12 - 2/9/12	15.94
13514	2/23/2012	AT&T CALNET 2	000003023244	General Fund	Police	7653 Fax request service PD 1/10/12 - 2/9/12	14.62
13514	2/23/2012	AT&T CALNET 2	000003023242	General Fund	Police	6131 Emergency line PD 1/10/12 - 2/9/12	104.19
13514	2/23/2012	AT&T CALNET 2	000003023245	General Fund	Police	2801 Trailer PD 1/10/12 - 2/9/12	155.50
13514	2/23/2012	AT&T CALNET 2	000003022609	General Fund	Police	9297 Dinkelspiel alarm line PD 1/10/12 - 2/9/12	15.89

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of February 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13514	2/23/2012	AT&T CALNET 2	000003023243	General Fund	Police	6452 Voice print-911 PD 1/10/12 - 2/9/12	15.87
13514	2/23/2012	AT&T CALNET 2	000003024774	General Fund	Police	1804 Dispatch fax PD 1/10/12 - 2/9/12	15.44
13514 Total							847.05
13515	2/23/2012	PAW PRINTS, INC	25139	General Fund	Police	Alarm sign - #74 PD	27.06
13515	2/23/2012	PAW PRINTS, INC	25140	General Fund	Police	Alarm sign - #355 PD	27.06
13515 Total							54.12
13516	2/23/2012	RECALL SECURE DESTRUCTION SERV	2307557356	General Fund	Police	Shred documents service PD 12/30/11	40.00
13516	2/23/2012	RECALL SECURE DESTRUCTION SERV	2307557356	General Fund	Police	Shred documents service PD 1/13/12	40.00
13516 Total							80.00
13517	2/23/2012	RENNE SLOAN HOLTZMAN SAKAI LLP	20172	General Fund	Administration	2012 Police officers assoc negotiations	1,258.94
13517 Total							1,258.94
13518	2/23/2012	SAN MATEO CNTY FORENSIC LAB	CL03114	General Fund	Police	Phlebotomy services for arrested subjects PD	780.00
13518	2/23/2012	SAN MATEO CNTY FORENSIC LAB	CL03138	General Fund	Police	RCFL cost allocation	49.18
13518 Total							829.18
13519	2/23/2012	SAN MATEO REGIONAL NETWORK INC	20006	General Fund	Police	Monthly T-1 access fee PD Feb 2012	385.00
13519 Total							385.00
13520	2/23/2012	TELECOMMUNICATIONS ENGINEERING	41702	General Fund	Police	Facilities mgmt and maint for public safety comm center	934.00
13520 Total							934.00
13521	2/29/2012	ACCONTEMPS	34943417	General Fund	Finance	Temp Phonpradith, Noy 2/6/12 - 2/9/12	1,285.76
13521 Total							1,285.76
13522	2/29/2012	COMCAST	0122498/0112	General Fund	Non-Dept	High speed internet 1/21/12 - 2/20/12	209.90
13522	2/29/2012	COMCAST	0122498/0212	General Fund	Non-Dept	High speed internet 2/21/12 - 3/20/12	209.90
13522 Total							419.80
13523	2/29/2012	CRAIG ADAM R.	BP11-00632	General Fund		Refund permit deposit withdrawn BP11-00632, 198 Oak Grove Ave.	301.80
13523 Total							301.80
13524	2/29/2012	HEXAGON TRANSPORTATION CONSULTANTS, INC.	6921	General Fund	DPW-Engineering	Transportation planning consulting service-facebook EIR review	8,422.50
13524 Total							8,422.50
13525	2/29/2012	LEE WINNIE	BP10-00888	General Fund		Refund grading & drainage dep. BP10-00888, 352 Atherton Ave.	1,000.00
13525 Total							1,000.00
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Administration	(1) dz Uni-gel black pen Admin	13.29

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of February 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Administration	(1) pk AAA Battery Admin	8.54
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Administration	(1) pk 8oz Paper cups Admin	4.25
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Administration	(1) dz Uni-tel pens Admin	13.29
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Administration	(1) ea Handheld calculator Admin	4.86
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Administration	(4) ca Copier papers Admin	164.97
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Administration	(1) ca Desktop Admin	14.77
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Administration	(2) ea 2012 Wall calendar Admin	60.60
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Administration	(1) rm Copier paper-20# Admin	5.48
13526	2/29/2012	OFFICE DEPOT	597781583001	General Fund	City Attorney	(1)St Marker for erase board City Attorney	7.71
13526	2/29/2012	OFFICE DEPOT	597780845001	General Fund	City Attorney	(1) ea Erase board City Attorney	158.13
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Finance	(1) ea Cartridge HP laserjet printer Fin	138.03
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Finance	(2) pk Index tabs Fin	5.48
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Finance	(3) ea Notebooks Fin	7.11
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Finance	(1) dz Uni-gel black pens Fin	13.29
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Finance	(1) ea 2012 Monthly calendar Fin	15.36
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Planning	(1) bx 3-1/3X4 Label Planning	26.03
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Planning	(2) ea Moistener envelope Planning	3.44
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Building	(1) pk AA Battery Bldg	8.40
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Building	(2) pk Plastic wall file Bldg	37.87
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Building	(2) ea refill ink, black Bldg	5.15
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Police	(1) ea refill ink, blue PD stamp	2.58
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Police	(1) pk refill pre-ink, red PD stamp	3.02
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	Police	(1) ca Copier paper PD	41.24
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	DPW-Engineering	(2) ea Cartridge HP ink DPW Eng	37.74
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	DPW-Engineering	(2) ea Cartridge HP laserjet 57 plus DPW Eng	81.61
13526	2/29/2012	OFFICE DEPOT	596665848001	General Fund	DPW-Engineering	(1) ea Business card holder DPW Eng	1.62
13526 Total							883.86
13527	2/29/2012	PAN JUN	PDF Converter	General Fund	Finance	PDF Converter Pro software Fin	159.90
13527 Total							159.90
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	4960/2-22-12TD	General Fund	City Council	Food for city council meeting 2/15/12	41.78
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	4960/2-22-12TD	General Fund	Administration	Jobs posting for city manager position	150.00
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	4960/2-22-12TD	General Fund	Building	1997 Uniform Code for the Abatement of dangerous buildings	21.32
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	4960/2-22-12TD	General Fund	Building	Uniform Housing Code 1997	34.85

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of February 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	5432/2-22-12JF	General Fund	Police	Car wash PD Jan 2012	150.00
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	2431/2-22-12JW	General Fund	Police	DeWalt mobile lock fee PD Feb 2012	19.95
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	5432/2-22-12JF	General Fund	Police	Lodging/k-9 mgmt training D. Metzger PD 3/20/12 -3/23/12	211.20
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	5432/2-22-12JF	General Fund	Police	Lodging/SLI training A. Kockler PD 11/4/12 -11/7/12	291.21
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	5432/2-22-12JF	General Fund	Police	2012 Public Records Act training J. Wade PD 4/26/12 -4/27/12	250.00
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	5432/2-22-12JF	General Fund	Police	Airfare/k-9 mgmt training D. Metzger PD 3/20/12 -3/23/12	137.60
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	5432/2-22-12JF	General Fund	Police	Credit-Cancelled Latent print dev training J Yoakum PD 2/22/12 -2/24/12	(240.00)
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	5432/2-22-12JF	General Fund	Police	Monthly Crime Report PD 2/1/12 - 2/29/12	99.00
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	2431/2-22-12JW	General Fund	Police	Fuel charge PD 2/15/12 Corp yard pumps down	76.80
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	2431/2-22-12JW	General Fund	Police	Fuel charge PD 2/14/12 Corp yard pumps down	26.00
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	2431/2-22-12JW	General Fund	Police	Fuel charge PD 2/15/12 Corp yard pumps down	55.80
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	5432/2-22-12JF	General Fund	Police	Shipping fee- Equip for new motorcycle PD	36.67
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	5408/2-22-12ST	General Fund	DPW-Park Program	Internet fee HP Park Feb 2012	67.58
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	5408/2-22-12ST	General Fund	DPW-Park Program	(2) Pods rental, onsite storage HP Park Feb 2012	378.88
13528	2/29/2012	IMPAC. GOVERNMENT SERVICES	5408/2-22-12ST	General Fund	DPW-Building Maint.	Roller shades to cover white board City Attorney	72.00
13528 Total							1,880.64
13529	2/29/2012	ACCONTEMPS	34991804	General Fund	Finance	Temp Phonpradith, Noy 2/13/12 - 2/16/12	1,285.76
13529	2/29/2012	ACCONTEMPS	35006815	General Fund	Finance	Temp Phonpradith, Noy 2/21/12 - 2/23/12	964.32
13529 Total							2,250.08
13530	2/29/2012	AT&T CALNET 2	000003149990	General Fund	Police	6691 Cal water bear gulch/voter PD 1/20/12 - 2/19/12	76.51
13530	2/29/2012	AT&T CALNET 2	000003149984	General Fund	Police	1953 Circuit# PD to 590 Hamilton RC 1/20/12 -2/1912	97.20
13530	2/29/2012	AT&T CALNET 2	000003149988	General Fund	Police	6689 Mp fire to Pd voter 1/20/12 - 2/19/12	66.22

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of February 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13530	2/29/2012	AT&T CALNET 2	000003149989	General Fund	Police	6690 Mp police to Pd voter 1/20/12 - 2/19/12	66.22
13530	2/29/2012	AT&T CALNET 2	000003149985	General Fund	Police	8343 83 Ashfield & KCEA radio PD 1/20/12 - 2/19/12	57.18
13530	2/29/2012	AT&T CALNET 2	000003149983	General Fund	Police	1053 Teleminder loop line PD 1/20/12 - 2/19/12	84.05
13530	2/29/2012	AT&T CALNET 2	000003149986	General Fund	Police	5840 83 Ashfield to Industrial Rd PD 1/20/12 -2/19/12	265.37
13530	2/29/2012	AT&T CALNET 2	000003149987	General Fund	Police	7360 Circuit data line PD 1/20/12 -2/19/12	359.15
13530	2/29/2012	AT&T CALNET 2	000003026151	General Fund	DPW-Street Maint.	1470 PW Corp Yard 1/11/12 - 2/10/12	22.81
13530	2/29/2012	AT&T CALNET 2	000003023626	General Fund	DPW-Park Program	2677 Park elevator 1/10/12 - 2/9/12	15.63
13530 Total							1,110.34
13531	2/29/2012	AUKER DEBRA C.	B-3	General Fund	Finance	Interim Finance Director February 2012	9,744.00
13531 Total							9,744.00
13532	2/29/2012	CONNERS WILLIAM B.	February 2012	General Fund	City Attorney	City Attorney Retainer Feb 2012	9,800.00
13532 Total							9,800.00
13533	2/29/2012	COTTON SHIRES & ASSOC INC	24574	General Fund	DPW-Engineering	Broadacre Rd drainage Project# E5112 2/6/12 - 2/19/12	1,802.75
13533 Total							1,802.75
13534	2/29/2012	CUTWATER INVESTOR SERVICES CORP.	15887A	General Fund	Finance	Investment advisory services 1/1/12 - 1/31/12	1,000.00
13534 Total							1,000.00
13535	2/29/2012	D-PREP LLC	May7-9, 2012	General Fund	Police	Basic Internal Affairs training B. Mill 5/7/12 - 5/9/12	338.00
13535 Total							338.00
13536	2/29/2012	DELLASANTA THERESA	Feb 9, 2012	General Fund	Administration	Mileage -HR Conference T. DellaSanta 2/9/12 -2/10/12	62.71
13536	2/29/2012	DELLASANTA THERESA	Feb 9, 2012	General Fund	Administration	Lodging -HR Conference T. DellaSanta 2/9/12 -2/10/12	124.26
13536 Total							186.97
13537	2/29/2012	FLINT EDWIN F.	12-02	General Fund	Police	Interim Police Chief February 2012	14,500.00
13537 Total							14,500.00
13538	2/29/2012	FOODVILLE MEAT, INC.	1591	General Fund	City Council	Council of Cities dinner/meeting 2/24/12	2,600.98
13538 Total							2,600.98
13539	2/29/2012	JOBS AVAILABLE, INC.	1205002	General Fund	Administration	Job posting for city manager position 2/28/12	262.50
13539 Total							262.50
13540	2/29/2012	LSA ASSOCIATES, INC.	113652	Library Fund	Non-Dept	Environmental consulting service Library Jan 2012	20,337.57
13540 Total							20,337.57

Town of Atherton							
Checks by Date - Detail by Check Number							
For the Month of February 2012							
Check#	Check Date	Vendor Name	Invoice#	Fund	Dept	Description	Amount
13541	2/29/2012	PENINSULA COUNCIL OF LION	March30, 2012	General Fund	Police	Police Awards Dinner honoring officer D. Gomez for saving a child	50.00
13541 Total							50.00
13542	2/29/2012	PG & E	74579693321/212	General Fund	Police	83 Ashfield Rd PD 1/25/12 - 2/23/12	1,514.79
13542 Total							1,514.79
13543	2/29/2012	POTTS BRUCE	Feb 28, 2012	General Fund	Police	DARE Engraver/ Drug free is me	21.62
13543	2/29/2012	POTTS BRUCE	Feb 28, 2012	General Fund	Police	DARE Graduation ribbon	8.00
13543	2/29/2012	POTTS BRUCE	Feb 28, 2012	General Fund	Police	Ice cream meet Rex/DARE winners	27.34
13543	2/29/2012	POTTS BRUCE	Feb 28, 2012	General Fund	Police	DARE Pictures/ Drug free is me	9.15
13543	2/29/2012	POTTS BRUCE	Feb 28, 2012	General Fund	Police	(8) Laminations DARE class picture	21.57
13543	2/29/2012	POTTS BRUCE	Feb 28, 2012	General Fund	Police	Painter tape marking floor for DARE graduation	19.36
13543	2/29/2012	POTTS BRUCE	Feb 28, 2012	General Fund	Police	Helium ballon filler for DARE graduation	65.76
13543	2/29/2012	POTTS BRUCE	Feb 28, 2012	General Fund	Police	DARE Lesson - transfer VHS to DVD	24.90
13543	2/29/2012	POTTS BRUCE	Feb 28, 2012	General Fund	Police	DARE Essay winner cash prizes	400.00
13543	2/29/2012	POTTS BRUCE	Feb 28, 2012	General Fund	Police	(24) DARE Stress balls	80.19
13543	2/29/2012	POTTS BRUCE	Feb 28, 2012	General Fund	Police	(12) DARE Stress balls	47.73
13543 Total							725.62
13544	2/29/2012	REPUBLIC ITS INC	RR-125936	General Fund	DPW-Street Maint.	Traffic signals maintenance Middlefield/Encinal Jan 2012	104.67
13544	2/29/2012	REPUBLIC ITS INC	RR-125936	General Fund	DPW-Street Maint.	Traffic signals maintenance Middlefield/Marsh Jan 2012	104.67
13544	2/29/2012	REPUBLIC ITS INC	RR-125936	General Fund	DPW-Street Maint.	Traffic signals maintenance Middlefield/Oak Grove Jan 2012	104.67
13544	2/29/2012	REPUBLIC ITS INC	RR-125937	General Fund	DPW-Street Maint.	Repair NB Middlefield light signal not cycling	279.08
13544	2/29/2012	REPUBLIC ITS INC	RR-125937	General Fund	DPW-Street Maint.	Removed dirt in pullbox/replaced new lid Middlefield/Marsh	322.87
13544 Total							915.96
Grand Total							355,082.78



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
THERESA DELLASANTA, INTERIM CITY MANAGER**

FROM: DEBRA AUKER, INTERIM FINANCE DIRECTOR

DATE: FOR THE MEETING OF MARCH 21, 2012

**SUBJECT: FINANCIAL REPORT FOR THE EIGHT MONTHS ENDED
FEBRUARY 29, 2012**

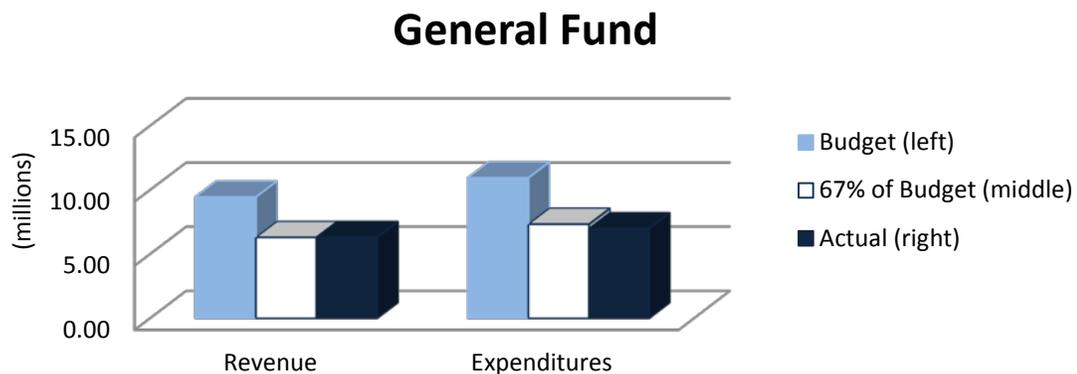
RECOMMENDATION

Receive the General Fund Financial Report for the eight months ended February 29, 2012.

DISCUSSION

If revenues and expenditures are assumed to be distributed evenly for the eight months ended February 29, 2012, 67% of the annual FY 2011-12 Budget (8/12) should be earned or incurred. However, due to the timing nature of many governmental revenues and expenditures, the actual amounts received and paid may vary. Major variances are explained below.

The overall General Fund Revenues and Expenditures are presented in the chart below with the details in the attached financial report.



General Fund Revenues

For the eight months ended February 29, 2012, the General Fund reported revenues of \$6,307,663, which is 66.7% of the annual revenue budget for the FY 2012.

Total property taxes are 71% of the General Fund revenue budget. For secured property tax, the Town receives 5% in November, 45% in December, 5% in March, 35% in April, 5% in May and 5% in June, therefore secured property tax is on target, at 50% of the annual budget. Unsecured property tax is paid to the Town in August and is also on target with 101% received in August as expected.

ERAF Subvention is another component of property tax which is difficult to estimate because it is calculated by the county based on a very complex State statute. Over the past four years this revenue has been between \$490,000 and \$750,000. This year the Town received \$718,479, which is \$118,000 greater than budgeted.

Sales and Use Tax revenue is budgeted at \$110,000 and due to a one-time payment of use tax for \$62,800, the current amount of revenue received as of February 2012 is \$111,987. Without that one-time receipt this revenue source would be about \$15,000 below target. Also local sales tax includes a \$50,424 true-up payment which was only \$2,256 for the same period last year.

Overall development related fees are 12% of the General Fund revenue budget. Building permit revenue is at 108.1% of the annual budget and 77.3% of budget after the proposed mid-year adjustment to increase the revenue by \$240,000. Plan checking revenue is at 85.5% of the annual budget as of February 2012.

Total franchise fee revenue is 7% of the General Fund revenue budgeted at \$612,500 in the current year and \$288,663 has been received through February 2012. Various franchise fees are either received annually (PG&E and Cal water) or quarterly (cable) with the exception of solid waste franchise which is now paid to the Town on a monthly basis. The solid waste fees were increased during the year and therefore the solid waste franchise revenue is projected to be approximately \$80,000 greater than the budget.

General Fund Expenditures

For the eight months ended February 29, 2012, the General Fund reported expenditures of \$6,990,242 which is 63.9% of the annual expenditure budget for FY 2012. The departments of City Council, Administration, City Attorney, Finance, Planning and Public Works/Parks are all within the target budgets as of February.

The Building Department expenditures are trending higher than the eight month average at 88.0% due to separation incentive costs and increased development activities. A budget adjustment to increase building related revenue and expenditures is proposed in the mid-year review.

The Police department expenditures are at 66.3% of the annual budget. The general operation costs include annual payments to San Mateo County for animal control services, narcotics task force and emergency services support. A \$9,200 grant received from ABAG will cover the capital outlay technology expenses.

Non-Department expenditures are higher than average due to annual liability insurance premium paid at the beginning of the fiscal year, and unbudgeted expenditures of \$84,332 to BFI Waste Systems. The total amount due to the Waste System of \$337,328 was brought to the Council's attention in September 2011 as a true up payment for prior years and the Council agreed to pay this amount using General Fund reserves. There is a mid-year budget adjustment proposed to pay 75% of the total in the current fiscal year and the remaining 25% will be paid in FY 2013.

FISCAL IMPACT

There is no fiscal impact associated with accepting this report. The Council is also presented with a mid-year review of the General Fund at the March meeting. The mid-year review will provide projections through the end of the fiscal year for both revenues and expenditures. Staff has made recommended budget amendments within the mid-year review for Council consideration.

Prepared by:

Approved by:

Debra C. Auken, Interim Finance Director

Theresa DellaSanta, Interim City Manager

Attachment: Financial Report

**Town of Atherton
 Quarterly Treasurer's Report
 Portfolio Summary
 December 31, 2011**

	Par Value	Market Value	Book Value	Portfolio	% of
Cash In Bank (Schedule A)	5,283,462	5,283,462	5,283,462	24.8%	
Investments (Schedule B)	15,958,756	15,994,341	15,980,554	75.2%	
Total Cash and Investments	21,242,218	21,277,803	21,264,015	100%	

The above investments are consistent with the Town's Statement of Investment Policy and are allowable under current legislation of the State of California. Investments are selected using safety, liquidity, and yield as the criteria. The Town has sufficient cash flow to cover anticipated expenditures through the next six months.


 Debra Auken, Interim Finance Director

2/28/12
 Date

Town of Atherton
Quarterly Treasurer's Report
Portfolio Details - Cash In Bank
December 31, 2011

Schedule A

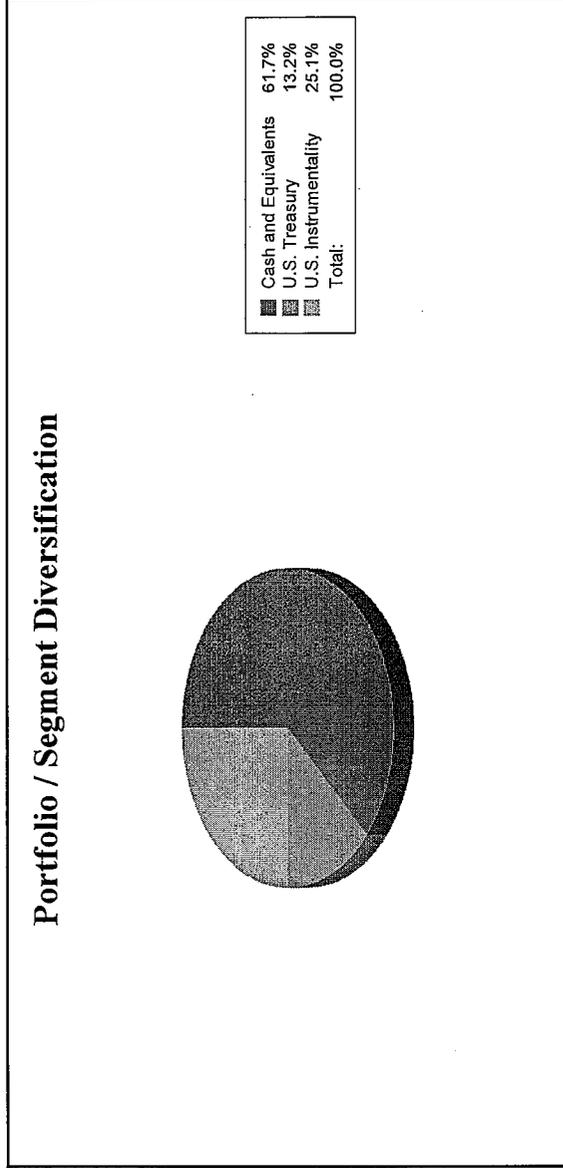
Name of Depository	Investment Type	Reconciled Bank Balance
Wells Fargo	General Account	1,695,847
Wells Fargo	Wells Fargo Adv Treasury Plus MMF	<u>3,587,615</u>
Total		<u><u>5,283,462</u></u>

**Town of Atherton
Recap of Securities Held
December 31, 2011**

Schedule B

	Historical Cost	Amortized Cost	Fair Value	Unrealized Gain (Loss)	Weighted Average Final Maturity (Days)	Weighted Average Effective Maturity (Days)	% Portfolio/Segment	Weighted Average Yield *	Weighted Average Market Duration (Years)
Cash and Equivalents	9,858,756.13	9,858,756.13	9,858,756.13	0.00	1	1	61.69	0.40	0.00
U.S. Treasury	2,109,906.26	2,109,943.58	2,121,351.80	11,408.22	662	662	13.20	0.75	1.77
U.S. Instrumentality	4,011,891.15	4,005,243.51	4,014,233.50	8,989.99	771	225	25.10	0.86	0.61
TOTAL	15,980,553.54	15,973,943.22	15,994,341.43	20,398.21	282	145	100.00	0.56	0.39

* Weighted Average Yield is calculated on a "yield to worst" basis.



Town of Atherton
Activity and Performance Summary
for the period December 1, 2011 - December 31, 2011

<u>Amortized Cost Basis Activity Summary</u>	
Beginning Amortized Cost Value	15,221,582.46
Additions	
Contributions	737,650.00
Interest Received	16,037.50
Accrued Interest Sold	0.00
Gain on Sales	328.03
Total Additions	754,015.53
Deductions	
Withdrawals	0.00
Fees Paid	1,000.00
Accrued Interest Purchased	0.00
Loss on Sales	0.00
Total Deductions	(1,000.00)
Accretion (Amortization) for the Period	(654.77)
Ending Amortized Cost Value	15,973,943.22
Ending Fair Value	15,994,341.43
Unrealized Gain (Loss)	20,398.21

<u>Detail of Amortized Cost Basis Return</u>				
	Interest Earned	Accretion (Amortization)	Realized Gain (Loss)	Total Income
Current Holdings				
Cash and Equivalents	2,721.60	0.00	0.00	2,721.60
U.S. Treasury	1,457.35	(119.66)	0.00	1,337.69
U.S. Instrumentality	3,416.68	(553.05)	0.00	2,863.63
Sales and Maturities				
U.S. Instrumentality	750.28	17.94	328.03	1,096.25
Total	8,345.91	(654.77)	328.03	8,019.17

<u>Annualized Comparative Rates of Return</u>			
	Twelve Month Trailing	Six Month Trailing	For the Month
Fed Funds	0.10%	0.08%	0.07%
Overnight Repo	0.05%	0.05%	0.05%
3 Month T-Bill	0.04%	0.01%	0.00%
6 Month T-Bill	0.08%	0.04%	0.04%
1 Year T-Note	0.18%	0.13%	0.12%
2 Year T-Note	0.45%	0.28%	0.26%
5 Year T-Note	1.52%	1.06%	0.89%

<u>Summary of Amortized Cost Basis Return for the Period</u>			
	Total Portfolio	Excl. Cash Eq.	
Interest Earned	8,345.91	5,624.31	
Accretion (Amortization)	(654.77)	(654.77)	
Realized Gain (Loss) on Sales	<u>328.03</u>	<u>328.03</u>	
Total Income on Portfolio	8,019.17	5,297.57	
Average Daily Historical Cost	15,106,730.85	7,008,640.04	
Annualized Return	0.63%	0.89%	
Annualized Return Net of Fees	0.55%	0.72%	
Annualized Return Year to Date Net of Fees	0.67%	0.79%	
Weighted Average Effective Maturity in Days	145	376	

Town of Atherton
Activity and Performance Summary
for the period December 1, 2011 - December 31, 2011

<u>Fair Value Basis Activity Summary</u>		
Beginning Fair Value		15,239,459.28
Additions		
Contributions	737,650.00	
Interest Received	16,037.50	
Accrued Interest Sold	0.00	
Total Additions		753,687.50
Deductions		
Withdrawals	0.00	
Fees Paid	1,000.00	
Accrued Interest Purchased	0.00	
Total Deductions		(1,000.00)
Change in Fair Value for the Period		2,194.65
Ending Fair Value		15,994,341.43

<u>Detail of Fair Value Basis Return</u>			
	Interest Earned	Change in Fair Value	Total Income
Current Holdings			
Cash and Equivalents	2,721.60	0.00	2,721.60
U.S. Treasury	1,457.35	1,976.90	3,434.25
U.S. Instrumentality	3,416.68	608.00	4,024.68
Sales and Maturities			
U.S. Instrumentality	750.28	(390.25)	360.03
Total	8,345.91	2,194.65	10,540.56

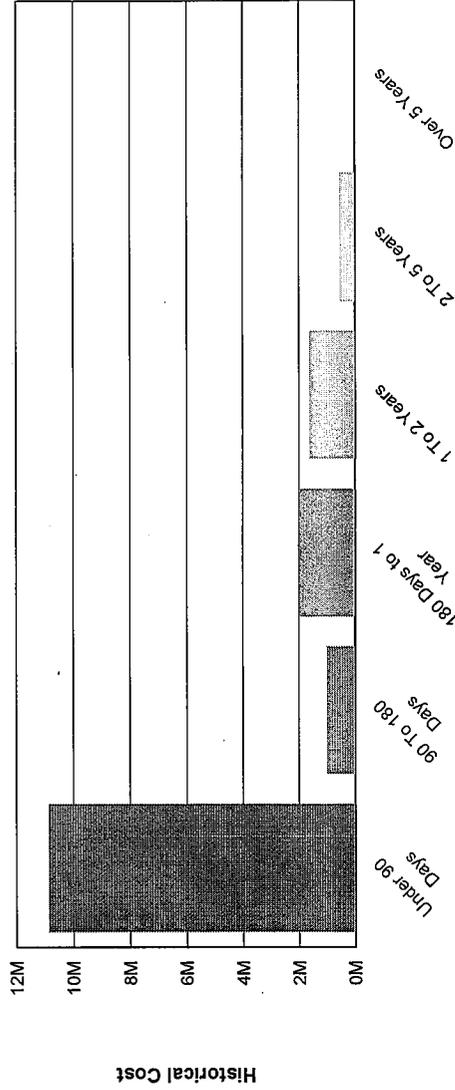
<u>Annualized Comparative Rates of Return</u>			
	Twelve Month Trailing	Six Month Trailing	For the Month
Fed Funds	0.10%	0.08%	0.07%
Overnight Repo	0.05%	0.05%	0.05%
3 Month T-Bill	0.11%	0.04%	0.00%
6 Month T-Bill	0.29%	0.24%	0.24%
1 Year T-Note	0.51%	0.38%	0.24%
2 Year T-Note	1.53%	1.19%	0.47%
5 Year T-Note	9.01%	11.43%	9.07%

<u>Summary of Fair Value Basis Return for the Period</u>			
	Total Portfolio	Excl. Cash Eq.	
Interest Earned	8,345.91	5,624.31	
Change in Fair Value	<u>2,194.65</u>	<u>2,194.65</u>	
Total Income on Portfolio	10,540.56	7,818.96	
Average Daily Historical Cost	15,106,730.85	7,008,640.04	
Annualized Return	0.82%	1.31%	
Annualized Return Net of Fees	0.74%	1.15%	
Annualized Return Year to Date Net of Fees	0.73%	0.90%	
Weighted Average Effective Maturity in Days	145	376	

**Town of Atherton
Maturity Distribution of Securities Held
December 31, 2011**

Maturity	Historical Cost	Percent
Under 90 Days	10,861,613.94	67.97%
90 To 180 Days	1,000,000.00	6.26%
180 Days to 1 Year	2,000,000.00	12.52%
1 To 2 Years	1,607,103.66	10.06%
2 To 5 Years	511,835.94	3.20%
Over 5 Years	0.00	0.00%
	15,980,553.54	100.00%

Maturity Distribution



**Town of Atherton
Securities Held
December 31, 2011**

CUSIP/ Description	Purchase Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Historical Cost/ Accrued Interest Purchased	Amortized Cost/Accretion (Amortization)	Fair Value/ Change In Fair Value	Unrealized Gain (Loss)	Interest Received	Interest Earned	Total Accrued Interest	% Port Cost	Yield
<u>Cash and Equivalents</u>													
LAI	12/31/11	0.401V		9,856,068.63	9,856,068.63	0.00	9,856,068.63	0.00	0.00	2,721.60	6,383.56	61.68	0.40
Int Receivable	12/31/11	0.000	01/03/12	2,687.50	2,687.50	0.00	2,687.50	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL				9,858,756.13	9,858,756.13	0.00	9,858,756.13	0.00	0.00	2,721.60	6,383.56	61.69	
<u>U.S. Treasury</u>													
912828MQ0 T-Note	03/18/10	0.875	02/29/12	500,000.00	499,257.81	32.26	500,664.00	725.42	0.00	372.60	1,478.37	3.12	0.95
912828PW4 T-Note	01/25/11	0.625	12/31/12	500,000.00	500,078.13	(3.43)	502,344.00	2,303.61	1,562.50	263.35	8.59	3.13	0.62
912828RA0 T-Note	06/30/11	0.375	06/30/13	600,000.00	598,734.38	53.67	601,429.80	2,375.12	1,125.00	189.60	6.18	3.75	0.48
912828QX1 T-Note	08/12/11	1.500	07/31/16	500,000.00	511,835.94	(262.16)	516,914.00	6,004.07	0.00	631.80	3,118.21	3.20	1.01
TOTAL				2,100,000.00	2,109,906.26	(119.66)	2,121,351.80	11,408.22	2,687.50	1,457.35	4,611.35	13.20	
<u>U.S. Instrumentality</u>													
3137EACJ6 FHLMC	03/23/11	1.625	04/15/13	500,000.00	508,291.15	(340.89)	508,402.00	3,233.78	0.00	677.09	1,715.28	3.18	0.81
3133702W7 FHLB	08/04/10	1.400	07/12/13 01/12/12	500,000.00	503,600.00	(212.16)	500,125.50	50.21	0.00	583.33	3,286.11	3.15	0.90
31331KTH3 FFCB	08/01/11	0.600	08/01/13 08/01/12	500,000.00	500,000.00	0.00	500,640.00	640.00	0.00	250.00	1,250.00	3.13	0.60
3133747F1 FHLB	06/27/11	0.700	09/27/13 06/27/12	1,000,000.00	1,000,000.00	0.00	1,001,418.00	1,418.00	3,500.00	583.34	77.78	6.26	0.70
3134G2NK4 FHLMC	07/11/11	1.125	07/11/14 07/11/12	500,000.00	500,000.00	0.00	501,458.50	1,458.50	0.00	468.75	2,656.25	3.13	1.13
3135G0EQ2 FNMA	11/07/11	1.000	11/07/14 11/07/12	500,000.00	500,000.00	0.00	501,200.00	1,200.00	0.00	416.67	750.00	3.13	1.00
3136FRP80 FNMA	08/24/11	1.050	08/24/15 08/24/12	500,000.00	500,000.00	0.00	500,989.50	989.50	0.00	437.50	1,852.08	3.13	1.05
TOTAL				4,000,000.00	4,011,891.15	(553.05)	4,014,233.50	8,989.99	3,500.00	3,416.68	11,587.50	25.10	

**Town of Atherton
Securities Held
December 31, 2011**

CUSIP/ Description	Purchase Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Historical Cost/ Accrued Interest Purchased	Amortized Cost/Accretion (Amortization)	Fair Value/ Change In Fair Value	Unrealized Gain (Loss)	Interest Received	Interest Earned	Total Accrued Interest	% Port Cost	Yield
GRAND TOTAL				15,958,756.13	15,980,553.54 244.57	15,973,943.22 (672.71)	15,994,341.43 2,584.90	20,398.21	6,187.50	7,595.63	22,582.41	100.00	

V = variable rate, current rate shown, average rate for Cash & Equivalents

**Town of Atherton
Quarterly Treasurer's Report
Cash & Investments Balance By Fund
December 31, 2011**

Fund No.	Fund Name	Dec Balance
101	General Fund	7,785,414
105	Tennis Fund	12,988
610	Equipment Replacement Fund	441,691
614	Worker's Compensation	437,641
615	General Liability	218,849
616	Employee Benefits	1,801,154
	Total Non-Restricted	<u>10,697,738</u>
201	Special Tax Fund	1,229,303
202	County Measure A Fund	107,378
203	Gas Tax Fund	254,019
209	SLES/COPS Grant	48,274
210	Road Constructions Impact Fee	1,041,605
213	Library Fund	5,459,813
215	Evans Creative Design (formerly fund 715)	84,608
401	GF Projects	221,526
402	Storm Drainage	29,263
403	Atherton Channel Drainage District	49,275
406	Facilities Construction	2,010,747
730	H-P Park Improvement	5,936
740	Tree Committee	24,531
	Total Restricted	<u>10,566,278</u>
	Total Cash & Investments	<u><u>21,264,015</u></u>



Town of Atherton

ITEM 12

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: EDWIN F. FLINT, CHIEF OF POLICE
DATE: MARCH 21, 2012
SUBJECT: TOWN DISASTER COUNCIL

RECOMMENDATION:

Staff recommends that the Town Council give its consent to the appointment by the Town Manager of five (5) civilian members to the Town Disaster Council.

BACKGROUND:

Ordinance 318 (Attachment 1) was adopted in 1973. This ordinance established a Town Disaster Council and provides for the appointment (Section 2.44.030) by the Town Manager, as the Director of Emergency Service under this ordinance, of individuals to said Town Disaster Council subject to the advice and consent of the Town Council. The Town Manager and the Police Chief have selected these five individuals to serve on the Town Disaster Council (Attachment 2).

FISCAL IMPACT: None.

Attachments:

- 1 – Ordinance
- 2 – Biographical Summaries

(Attachment 1, Ordinance)

Chapter 2.44 EMERGENCY SERVICES

SECTIONS:

- 2.44.010 Purpose.
- 2.44.020 Emergency defined.
- 2.44.030 Disaster council—Membership.
- 2.44.040 Disaster council—Powers and duties.
- 2.44.050 Director and assistant director of emergency services—Offices created.
- 2.44.060 Director and assistant director of emergency services—Powers and duties.
- 2.44.070 Emergency organization.
- 2.44.080 Emergency plan.
- 2.44.090 Expenditures.

2.44.010 Purpose.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within the Town in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of the Town with all other public agencies, corporations, organizations and affected private persons. (Ord. 318 § 1, 1973)

2.44.020 Emergency defined.

As used in this chapter, “emergency” means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the Town caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the Town, requiring the combined forces of other political subdivisions to combat. (Ord. 318 § 2, 1973)

2.44.030 Town Disaster Council—Membership.

The Town Disaster Council is created and shall consist of the following:

- A. The Mayor, who shall be chairman;
- B. The director of emergency services, who shall be vice-chairman;
- C. The assistant director of emergency services;
- D. Such chiefs of emergency services as are provided for in a current emergency plan of the Town, adopted pursuant to this chapter;
- E. Such representatives of civic, business, labor, veterans, professional or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the Town Council. (Ord. 318 § 3, 1973)

2.44.040 Disaster Council—Powers and duties.

It shall be the duty of the Town Disaster Council, and it is empowered to develop and recommend for adoption by the Town Council emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Town Disaster Council shall meet upon call of the chairman, or, in his absence from the town or inability to call such meeting, upon call of the vice-chairman. (Ord. 318 § 4, 1973)

2.44.050 Director and assistant director of emergency services—Offices created.

A. There is created the office of director of emergency services. The Town manager shall be the director of emergency services.

B. There is created the office of assistant director of emergency services, who shall be appointed by the director. (Ord. 318 § 5, 1973)

2.44.060 Director and assistant director of emergency services—Powers and duties.

A. The director is empowered to:

1. Request the Town Council to proclaim the existence or threatened existence of a “local emergency” if the Council is in session. Whenever a local emergency is proclaimed by the director, the Town council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;

2. Request the Governor to proclaim a “state of emergency” when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;

3. Control and direct the effort of the emergency organization of the town for the accomplishment of the purposes of this chapter;

4. Direct cooperation between and coordination of services and staff of the emergency organization of the town; and resolve questions of authority and responsibility that may arise between them;

5. Represent the town in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter;

6. In the event of the proclamation of a “local emergency,” as provided in this section, the proclamation of a “state of emergency” by the Governor or the Director of the State Office of Emergency Services, or the existence of a “state-of-war emergency,” the director is empowered to:

a. To make an issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Town Council,

b. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the Town for the fair value thereof and, if required immediately, to commandeer the same for public use,

c. To require emergency services of any Town officer or employee and in the event of the proclamation of a “state of emergency” in the county in which the town is located or the existence of a “state-of-war emergency,” to command the aid of as many citizens of the community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers,

d. To requisition necessary personnel or material of any Town department or agency, and

e. To execute all of his ordinary power as Town Manager, all of the special powers conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the city council, and by any other lawful authority.

B. The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the city council.

C. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency programs of the town, and shall have such other powers and duties as may be assigned by the director. (Ord. 318 § 6, 1973)

2.44.070 Emergency organization.

All officers and employees of the Town, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons impressed into service under the provisions of subsection (A)(6)(c) of Section 2.44.060, be charged with duties incident to the protection of life and property in the town during such emergency, shall constitute the emergency organization of the town. (Ord. 318 § 7, 1973)

2.44.080 Emergency plan.

The Town Disaster Council shall be responsible for the development of the Town's emergency plan, which shall provide for the effective mobilization of all of the resources of the Town both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the Town Council. (Ord. 318 § 8, 1973)

2.44.090 Expenditures.

Any expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the Town. (Ord. 318 § 9, 1973)

(Attachment 2, Biographical Summaries)

PAUL JEMELIAN

Paul was raised in the Bay area and attended Woodside Priory High School, UC Berkeley, and graduate school at Stanford University. He attended medical school at Loyola University Stritch School of Medicine in Chicago and received a traditional medical education with an emphasis on clinical examination, basic sciences, and medical ethics. He completed his internal medicine internship and residency at UCLA with the opportunity to develop a thorough background in general internal medicine and multiple sub specialty fields including cardiology, pulmonary medicine and critical care.

Paul is HAM Radio operator Amateur Extra FCC license, participates in Military Auxiliary Radio Service (MARS)-Navy Marine Corps, serves as a Medical and Communications Consultant to Menlo Park Fire Department and the Town of Atherton Current, was responsible for the Development and Design of the Atherton Police Command Communications Vehicle, CERT trained, responsible for the Development and Design of Mobile Trauma Unit Trailers, and is the Director of the Menlo Atherton Medical Reserve Corps (an organization coordinated through the Office of the Surgeon General for developing a localized medical response to treat individuals in the San Mateo County and Menlo Fire Protection District in an event of a disaster.)

PHILIP LIVELY

Phil has been an Atherton resident for 33 years. He is a founding member of all of Atherton Disaster Preparedness groups. He has participated in all of the MPFPD disaster drills and is continuing to work of organizing Districts 1, 2, and 3, District Leaders and Block Coordinators. He is a licensed HAM operator (KI 6 LGA), and has completed CERT, First Aid, and CPR training. He is a Board member of Lindenwood Home Owners' Association and Atherton Civic Interest League and is a registered Professional Engineer in California.

DOUGLAS DeVIVO

Doug has been a resident of Atherton since 1980 and has served on the Board of Sacred Heart Schools where he was also the Chairman of the Finance Committee. For the last five years he has been actively involved with the Atherton Disaster committees and has worked with the Atherton Police Department together with Paul Jemelian on the design and specifications for the police command vehicle and interfaced with the local firm which outfitted the vehicle and assembled the multi-radio communication system for the vehicle. He assisted the Menlo Fire Control providing flights over the Walsh Road area in his aircraft along with a Menlo Fire Control Chief to observe and photograph the area for documentation and mapping purposes. He has participated in multiple Silver Dragon

exercises as well as attending CERT and first aid training courses. He holds a General Class amateur radio license and participates in local Ham Radio emergency exercises.

Doug has more than 40 years business experience in both the investment and operating arenas having served on numerous technologies company boards and as interim CEO of three companies. He holds an Airline Transport Pilot license and a helicopter rating and has been an Angel Flight pilot for patients of Lucille Packard Children's Hospital. He holds an undergraduate engineering degree from Rensselaer, a Ph.D. from Northeastern University and an MBA from UC Berkeley Haas School of business. He is currently Chairman of Acqis Technology and a director of Gabelli Securities.

SCOTT BARNUM

Mr. Barnum is a 12 year resident of Atherton. He has been involved with Atherton's emergency preparedness efforts for the last 7 years as a civilian participant. He is currently an officer and moderator of the Atherton Disaster and Preparedness Team (ADAPT) and is his local Neighborhood Emergency Coordinator (Area #8). He is also ADAPT's website coordinator and developer and is both CERT trained and a licensed HAM radio operator. He has been involved the San Mateo County "Silver Dragon" emergency drill as an incident command center coordinator for the MPFPD. Mr. Barnum was also very involved in the Menlo-Atherton Little League as a long time coach and board member and is currently the treasurer of his neighborhood homeowners association.

PETER CARPENTER

Mr. Carpenter is a long time Atherton resident who has served as a Director of the MPFPD for nine years, a member of ADAPT, a board member and President of ACIL, Executive Director of the Stanford University Medical Center, and Director and President and Chairman of InSTEDD (Innovative Support to Emergencies, Diseases and Disasters). He served six years in the US Air Force including service in Vietnam, in ARPA in the Office of the Secretary of Defense and the White House. He is a licensed HAM operator, has completed CERT training, is a licensed Private Pilot and was a US Forest Service Smokejumper, USAF and USMC Parachutist.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: THERESA N. DELLASANTA, INTERIM CITY MANAGER

DATE: CITY COUNCIL MEETING OF MARCH 21, 2012

SUBJECT: RESOLUTION TO REJECT CLAIM OF COURTNEY SCHRIER, BY ELIZABETH SCHRIER, MOTHER AND GUARDIAN

RECOMMENDATION

Adopt Resolution 12-xx denying the claim filed by Elizabeth Schrier on behalf of Courtney Schrier for damages.

BACKGROUND

The Town received a claim presented by Elizabeth Schrier on behalf of her daughter Courtney Schrier. Courtney Schrier was eastbound in a crosswalk on the south side of Alejandra Avenue crossing El Camino Real where she was struck by a moving vehicle. Schrier is alleging a dangerous condition because there are no traffic controls or an alert to the pedestrian's presence and sought a claim for personal injury damages.

The Association of Bay Area Governments (ABAG) reviewed the claim and determined that jurisdiction is an issue. The incident occurred in the crosswalk crossing El Camino Real, aka SR-82, a State of California roadway.

The loss location was inspected and observed on 01-25-2012, and although El Camino Real is a busy street, it was determined that there were gaps in traffic allowing a safe crossing. The roadway is straight with good visibility and the areas maintained by the Town appeared to be properly maintained.

The Town of Atherton does not appear to be liable for Courtney Schrier's injuries. They are responsible for maintaining certain areas of El Camino Real, but the jurisdiction rests with the State of California.

Staff recommends that Council reject the claim and send a non-jurisdiction/rejection notice to Courtney Schrier in care of her attorney.

FISCAL IMPACT

No fiscal impact.

Attachment: Resolution 12-xx rejecting the claim of Courtney Schrier, by Elizabeth Schrier

RESOLUTION 12-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
REJECTING THE CLAIM OF COURTNEY SCHRIER AND SENDING A
NOTICE OF NON-JURISDICTION/REJECTION LETTER**

[Re: claim for personal injury damages filed by Courtney Schrier's attorney, Kristina Velarde.]

BE IT RESOLVED by the City Council of the Town of Atherton that the January 19, 2012 claim filed by Courtney Schrier is hereby rejected.

DULY AND REGULARLY ADOPTED this 21st day of March, 2012.

TOWN OF ATHERTON

William R. Widmer, Mayor

ATTEST

Theresa N. DellaSanta, Deputy City Clerk



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: THERESA N. DELLASANTA, INTERIM CITY MANAGER

DATE: FOR THE REGULAR MEETING OF MARCH 21, 2012

**SUBJECT: APPROVE FOURTH AMENDMENT WITH MENLO-ATHERTON
LITTLE LEAGUE ASSOCIATION TO PERMIT THE LITTLE
LEAGUE TO OPERATE AT HOLBROOK-PALMER PARK**

RECOMMENDATION:

Approve amendment between the Menlo-Atherton Little League Association and the Town of Atherton for operation of Little League activities at Holbrook-Palmer Park.

DISCUSSION

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, outsourcing park maintenance, and evaluating wedding events and classes, it has been determined that it would be practical to extend the contract for an additional one-year period instead of obligating the Town to an extended period of time.

FISCAL IMPACT

None.

FOURTH AMENDMENT TO
LICENSE AGREEMENT

(HOLBROOK-PALMER PARK LITTLE LEAGUE BASEBALL FIELD)

This Fourth 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 currently expires on or about July 18, 2012;

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. Article VII of the Agreement is amended by deleting the current expiration date of July 18, 2012, and in its place, substituting the new term “July 18, 2013.”

Dated: March 22, 2012.

ATHERTON:

TOWN OF ATHERTON, a California
Municipal corporation

By: _____
William R. Widmer, Mayor

Attest:

Approved as to Form

By: _____
Theresa DellaSanta, City Clerk

By: _____
William B. Connors, 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
THERESA DELLASANTA, INTERIM CITY MANAGER**

FROM: MICHAEL KASHIWAGI, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MARCH 21, 2012

**SUBJECT: BAYFRONT CANAL/ATHERTON CHANNEL STORM
MANAGEMENT ANALYSIS – LETTER OF SUPPORT**

RECOMMENDATION:

Authorize the Mayor to sign a letter of support for the Bayfront Canal/Atherton Channel Storm Management analysis to Don Edwards San Francisco Bay National Wildlife Refuge.

INTRODUCTION:

The Bayfront Canal was built by Leslie Salt Company (currently Cargill) in 1945. It extends from Douglas Court to Marsh Road just south of Cargill's salt ponds. The Canal, maintained by Redwood City through easement, is the primary stormwater transmission canal for the Bayfront Canal and six drainage basins, discharging through a single outlet to Flood Slough and into the Bay. Redwood City, unincorporated San Mateo County, and the cities of Atherton and Menlo Park, and the Town of Woodside, all generate runoff into the Bayfront Canal via flows from the Atherton Channel and other drainage basins.

The Bayfront Canal incorporates a tidal gate structure, located at the Canal outlet off Marsh Road, which eliminates backflow of bay water into the Canal at periods of high tide and allows outflow at low tide. During storms that coincide with high tides, the Canal and Channel cannot discharge sufficient stormwater flows to the Bay because of tide gate limitations which results in flooding in low-lying neighborhoods and communities adjacent to the Bayfront Canal.

ANALYSIS:

On March 25, 2011 a multi-jurisdictional meeting was held to explore the flooding issue, to propose a regional approach that will be required to address the challenge, and to identify and evaluate mitigation alternatives. This meeting was attended by policymakers and/or staff from Redwood City, Menlo Park, Atherton, Woodside, and San Mateo County. Based on this meeting, it was recognized and agreed that the jurisdictions outside of Redwood City contribute the majority of the stormwater flow that causes the flooding in Redwood City, as well as in Menlo Park.

Flooding in the subject area is generally connected to two events: an intense storm and high tide. Based on earlier studies and preliminary hydrologic analysis, Redwood City staff is studying a conceptual alternative that potentially provides flood protection during a 30-year reoccurrence storm event at daily high tides. A key element to this solution is the ability to utilize existing ponds under the control and management of the Don Edwards San Francisco Bay National Wildlife Refuge as a flood control detention basin. Detailed engineering study and environmental evaluation to determine hydraulic effects, constructability, and feasibility of improvements are needed to provide a complete analysis of the situation and the range of mitigation options.

Redwood City staff has taken the lead and will continue to communicate and coordinate with other jurisdictions, neighborhood associations, and commercial property owners to explore technical and financial alternatives to mitigate flooding for the communities near the Bayfront Canal and will provide regular updates to the Atherton town staff.

FISCAL IMPACT:

This letter of support signed by the Mayor dictates no promise of financial or continued support by the Town of Atherton in the future. It only supports the ongoing endeavors of the multi-jurisdictional group to further inquire of Don Edwards Reserve staff into the possibility of using ponds R5 and S5 to help solve our periodic flooding issues.

Prepared By:

Approved:

Michael Kashiwagi, P.E.
Public Works Director

Theresa DellaSanta,
Interim City Manager

Attachments:

Letter from Atherton Mayor
Site Plan of suggested area



Town of Atherton

91 Ashfield Road
Atherton, California 94027
650-752-0500 Fax 650-688-6528

DATE: March 21, 2012

TO: Eric Mruz
Refuge Manager
Don Edwards San Francisco Bay National Wildlife Refuge
1 Marshlands Road
Fremont, CA 94555

FROM: Bill Widmer
Mayor, Town of Atherton

RE: Ponds S5 & R5 Restoration and Bayfront Canal/Atherton Channel Storm
Management

Dear Mr. Mruz,

The communities of Redwood City, Menlo Park, Atherton, Woodside, and County of San Mateo express strong support for the opportunity to partner with the Refuge and the State Coastal Conservancy in the habitat restoration of Ponds S5 & R5. Our communities promote environmentally responsible stormwater management, which we believe is compatible with the South Bay Salt Pond Restoration Project objective of habitat restoration.

Stormwater flood management is a regional issue that is of great significance to the neighborhoods and communities within our collective jurisdictions. We recognize that further study is required to assess the hydraulics, water quality, and pond habitat management associated with using our stormwater to benefit your project, but are nonetheless excited for the opportunity to explore this unique collaborative effort. The timing of your studies and the collaboration of our agencies to resolve our mutual needs is fortuitous and it is important for the health of the Bay that we all continue to work together to find mutually beneficial solutions within this opportunity. To that end, we would like to request that stormwater management be part of the project consideration as it moves through the environmental analysis.

We appreciate this partnership opportunity with your organization and look forward to a successful multi-agency project.

Sincerely,

Enclosure (Site Map)

cc: John Bourgeois, Executive Project Manager, South Bay Salt Pond Restoration Project



**South Bay Salt Pond
Restoration Project**

**Ponds
S5 & R5**

Bayfront Canal

Google earth

© 2011 Europa Technologies
© 2011 Google

Imagery Date: 8/19/2011 1948

37° 29' 21.83" N 122° 09' 44.35" W elev. 4 ft

Eye alt 10870 ft



Office of the Mayor
Town of Atherton

91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 614-1212

ITEM 16

March 22, 2012

The Honorable Senator Doug LaMalfa
State Capitol, Room 3070
Sacramento, CA 95814

Subject: **Senate Bill 985 – SUPPORT**

This letter will serve as notice that the Town of Atherton supports Senate Bill (SB) 985. SB 985 is needed in order to prevent the sale of bonds for California High Speed Rail (HSR) under Proposition 1A upon approval by the voters at the next statewide general election. The Town of Atherton supports SB 985 for the following reasons:

The current project fundamentally contradicts the measure presented to the voters under Prop 1A in 2008;

The Business plan is based on inaccurate ridership assumptions;

The voters passed a bond measure for HSR project based on grossly understated construction costs, understated fares, and no public operating subsidy;

The project cost has soared to nearly \$100 Billion and is supported by vague and convoluted funding sources

The California State Auditor confirms many of the statements above in their January 2012 report titled “High Speed Rail Authority Follow-Up: Although the Authority Addressed Some of Our Prior Concerns, Its Funding Situation Has Become Increasingly Risky and the Authority’s Weak Oversight Persists.” Quotes in that report that affirm this statement include:

“The program’s overall financial situation has become increasingly risky;”

“The Authority more than doubled its previous cost estimates for phase one of the program, to between \$98.1 billion and \$117.6 billion;”

“The Authority’s 2012 draft business plan still lacks key details about the program’s costs and revenues;” and

“We also identified a number of critical, ongoing problems involving its oversight of the program.”

For these specific reasons, among others, the Town of Atherton would like to convey its strong support for SB 985. If you have any questions regarding the Town of Atherton's position on HSR in California, please do not hesitate to contact me.

Sincerely,

TOWN OF ATHERTON

William R. Widmer
Mayor
Town of Atherton

RESOLUTION NO. 12-XX

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON IN SUPPORT OF ASSEMBLY BILL 1455 (HARKEY) HIGH SPEED RAIL LEMON LAW

WHEREAS, voters approved Proposition 1A in November 2008 providing for a \$9.95 billion bond, of which \$9 billion was approved to fund high speed rail from San Francisco to San Diego in California; and

WHEREAS, the California High Speed Rail Authority (CHSRA) business plan is not in keeping with what voters approved in 2008, nearly tripling the original cost, now estimated at \$98.5 to \$117 billion for construction costs for Phase I only (San Francisco to Los Angeles-Anaheim) which does not include maintenance and operating costs; and

WHEREAS, the CHSRA ridership, revenue and job estimates have been inexplicably and without justification inflated in order to continue to move the project forward; and

WHEREAS, the CHSRA has \$3.3 billion in federal funding awarded to construct high speed rail in the Central Valley with future funding sources unknown; and

WHEREAS, the proposed CHSRA business plan has suffered criticism and legal challenges from many communities that oppose the proposed route and the state's use of the power of Eminent Domain to destroy prime agricultural land, neighborhoods and existing business centers; and

WHEREAS, the Legislative Analyst's Office (LAO) identified a number of serious deficiencies with the CHSRA business plan related to compliance with the voter approved bond, Proposition 1A, funding, ridership, route, and overall viability of the project; and

WHEREAS, the California High Speed Rail Peer Review Group recommend that the legislature not approve the appropriation of the voter approved bond proceeds for the project; and

WHEREAS, the California State Auditor report released on January 24, 2012 states the high-speed rail network's overall financial situation has become "increasingly risky;" and

WHEREAS, any existing rail monies would be better used on the extension and expansion of existing regional and commuter passenger rail systems, and their maintenance; and

WHEREAS, AB 1455 would remove the remaining available balance of the \$9 billion in state debt funding for the high speed rail project, while allowing for the \$950 million segment allowed for local transportation to remain available for future funding.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Atherton does hereby support AB 1455.

ADOPTED this 21 day of March, 2012.

AYES: Council Members:
NOES: Council Members:
ABSTAIN: Council Members:

ABSENT: Council Members:

William R. Widmer
Mayor

ATTEST:

Theresa N. DellaSanta
Deputy City Clerk

William Conners
City Attorney

AMENDED IN ASSEMBLY FEBRUARY 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1455

Introduced by Assembly Member Harkey
(Principal coauthor ~~coauthors~~: Assembly Member Members Garrick and Valadao)

(Principal coauthor: Senator La Malfa)
(Coauthors: Assembly Members Achadjian, Bill Berryhill, Donnelly, Grove, Hagman, Jeffries, Jones, Logue, Mansoor, Nielsen, Silva, and Wagner)

January 9, 2012

An act to add Section 2704.30 to the Streets and Highways Code, relating to high-speed rail.

LEGISLATIVE COUNSEL'S DIGEST

AB 1455, as amended, Harkey. High-speed rail.

Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of ~~\$9.95~~ \$9 billion in general obligation bonds for high-speed rail *purposes* and \$950 million for other related rail purposes. Article XVI of the California Constitution authorizes the Legislature, at any time after the approval of a general obligation bond act by the people, to reduce the amount of the indebtedness authorized by the act to an amount not less than the amount contracted at the time of the reduction or to repeal the act if no debt has been contracted.

This bill would reduce the amount of general obligation debt authorized for *high-speed rail purposes* pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the amount contracted as of January 1, 2013.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2704.30 is added to the Streets and
2 Highways Code, to read:
3 2704.30. Pursuant to Section 1 of Article XVI of the California
4 Constitution, the amount of indebtedness authorized by ~~Chapter~~
5 ~~20 (commencing with Section 2704)~~ *this chapter for high-speed*
6 *rail purposes pursuant to Section 2704.06* is hereby reduced to
7 the amount contracted as of January 1, 2013, notwithstanding
8 anything in ~~that~~ *this chapter to the contrary. This section does not*
9 *apply to the amount of indebtedness authorized by this chapter for*
10 *other rail purposes pursuant to Section 2704.095.*

O



Item No. 17

DATE: FOR THE CITY COUNCIL MEETING OF MARCH 21, 2012

**TO: HONORABLE MAYOR AND CITY COUNCIL
THERESA DELLASANTA, INTERIM CITY MANAGER**

**FROM: MICHAEL KASHIWAGI, PUBLIC WORKS DIRECTOR
NEAL J. MARTIN, TOWN PLANNER**

**SUBJECT: ATHERTON LIBRARY BUILDING PROJECT – SECOND AMENDMENT TO
GROUP 4 ARCHITECTURE, RESEARCH AND PLANNING, INC.
AGREEMENT**

RECOMMENDATION:

It is recommended that the City Council approve the Second Amendment to the Group 4 Architecture, Research and Planning, Inc. agreement which expands the scope of services to provide additional details and adds \$1,400 to the compensation, and authorize the City Manager to execute the amendment.

BACKGROUND:

On April 20, 2011 the City Council approved an agreement with Group 4 Architecture, Research and Planning, Inc. (Group 4) for conceptual design services, planning, building programming, site analysis, site selection, site design, cost modeling, and participation services related to the Atherton Library Building Project. The maximum amount of compensation approved in the agreement was \$147,050.

On June 15, 2011 the City Council approved a second amendment to the agreement with Group 4 for attending and preparing for two additional community meetings as requested by the Atherton Library Building Steering Committee. The maximum amount of compensation approved in the amendment was increased from \$147,050 to \$156,050.

DISCUSSION:

During preparation of the draft Environmental Impact Report for the Library Project it became evident that certain specific landscape and pavement improvements were shown on the project plans. The EIR Consultant requested a detailed description of those improvements and Group 4, having included them in its conceptual design, is the logical firm to provide that detailed description. However, Group 4 had used the entire budget pursuant to the April 20 agreement and

the June 15 amendment. The cost estimate for this additional work is \$1,400.

Staff has prepared the attached Second Amendment to the Agreement for City Council consideration which authorizes the additional work and increases the budget by \$1,400.

FISCAL IMPACT:

Costs associated with this project are paid for from the Atherton Library Building Fund.

Prepared by:

Approved by:

Michael Kashiwagi, P.E.
Public Works Director

Theresa DellaSanta, Interim City Manager

Neal J. Martin,
Town Planner

Attachments:

1. *Agreement for Architectural Services, Town of Atherton and Group 4 Architecture, Research + Planning, Inc.; Atherton Library Project, April 29, 2011*
2. *First Amendment to the Agreement for Architectural Services by and Between the Town of Atherton and Group 4 Architecture, Research and Planning, Inc.: Atherton Library Project, June 15, 2011*
3. *Draft Second Amendment to the Agreement for Architectural Services by and Between the Town of Atherton and Group 4 Architecture, Research and Planning, Inc.: Atherton Library Project*
4. *Exhibit "A" – Second Amendment*

**SECOND AMENDMENT TO THE AGREEMENT FOR ARCHITECTURAL SERVICES
BY AND BETWEEN THE TOWN OF ATHERTON AND GROUP 4 ARCHITECTURE,
RESEARCH AND PLANNING, INC.: ATHERTON LIBRARY PROJECT**

THIS SECOND AMENDMENT (“Second Amendment”) to the Agreement for conceptual design services, planning, building programming, site analysis, site selection, site design, cost modeling, and participation services by and between the Town of Atherton ("TOWN") and Group 4 Architecture, Research + Planning, Inc. ("CONSULTANT") is entered into as of the ___ day of _____, 2012 (“Effective Date”) by and between Town and Consultant.

RECITALS

WHEREAS, on April 29, 2011, TOWN and CONSULTANT entered into that certain Agreement for conceptual design services, planning, building programming, site analysis, site selection, site design, cost modeling, and participation services (“Agreement”);

WHEREAS, TOWN and CONSULTANT desire to enter into this Second Amendment to amend the Agreement to expand the Scope of Services and increase the cost ceiling by one thousand four hundred dollars (\$1,400.00) described herein.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby amend the Agreement as follows:

- 1. Exhibit A, Scope of Services. Exhibit A to the Agreement is amended by adding the items listed in Exhibit A attached and made a part of this Second Amendment.
- 2. Compensation: Section 3(B-3). “Not to Exceed Compensation” is hereby amended as follows:

The current text of this paragraph is deleted, and in its place the following paragraph is inserted: The compensation payable to Consultant for the services identified in Exhibit “A” shall not exceed the combined sum of One Hundred Fifty-seven Thousand Four Hundred Fifty Dollars (\$157,450.00). Consultant shall not perform any services beyond the service identified in Exhibit “A” without prior written authorization from the Town’s City Manager.

- 3. Agreement in Effect. The parties acknowledge and agree that the Agreement, except as amended by the First Amendment and Second Amendment, remains unmodified and in full force and effect in accordance with its terms.
- 4. Counterpart Signatures. This Second Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

IN WITNESS THEREOF, the parties have executed this First Amendment as of the Effective Date.

TOWN OF ATHERTON:

By: _____ / _____
Theresa DellaSanta, Interim City Manager
(Date)

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CONSULTANT:

By: _____ / _____
Name: _____ (Date)
Title: _____

By: _____ / _____
Name: _____ (Date)
Title: _____

Exhibit "A" - Second Amendment



GROUP 4

28 February 2012

ADD SERVICE REQUEST

ARCHITECTURE
RESEARCH +
PLANNING, INC

Neal J. Martin
TOWN OF ATHERTON
91 Ashfield Road
Atherton, CA 94027

211 LINDEN AVENUE
SO. SAN FRANCISCO
CA 94080 USA
T: 650-871-0709
F: 650-871-7911
www.g4arch.com

PROJECT #	PROJECT NAME	
11400-01	Atherton Library Project	
CLIENT ADD #	BILLING TYPE	G4 PHASE
002	LUMP SUM	A110
TOTAL OR MAXIMUM FEE		
\$1,400.00		
MAXIMUM REIMB.		

SCOPE SUMMARY

The following is a scope of work for additional services approved by the Town of Atherton as part of the EIR report:

- 1) Group 4 will develop a plan indicating exact number of trees to be removed/disturbed outside and inside the red dashed boundary and number of new trees to be added (LSA will determine what type of trees are being removed and if they are heritage trees).
- 2) Group 4 will develop a plan showing approximate sf of lawn/open space area to be removed/added (detailed breakdown of sf of pavements to be installed and removed).
- 3) Group 4 will make a summary of additional site improvement information that will describe site improvements proposed outside of the development footprint indicated on the site plan, LSA will review the provided information and identify their impacts. addressed).

The work included in this additional service will be submitted to the City for their review prior to the end of the day on March 2.

WAYNE GEHRKE
ARCHITECT

DAWN E. MERKES
ARCHITECT

DAVID SCHNEE
ARCHITECT

DAVID M. STURGES
ARCHITECT

CONSULT.	CNSLT A.S. #	PROPOSAL DATED	GROUP 4 PHASE #	FEE	FEE W/ MARKUP	MAX. REIMB.
Group 4	#2	2012-02-28	A110	\$1,400		
8 Hrs @	\$175/hr		SUB-TOTAL:	\$1,400		
TOTAL					\$1,400	

Dawn Merkes
Principal

JILL EYRES
ARCHITECT

JONATHAN HARTMAN
ARCHITECT

PAUL JAMTGAARD
ARCHITECT

WILLIAM LIM
ARCHITECT

ANDREA WILL
ARCHITECT

CLIENT AUTHORIZATION:

DATE

GROUP 4 AUTHORIZED:

DATE

Dawn Merkes

2/28/12

NOTES:



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: THERESA N. DELLASANTA, INTERIM CITY MANAGER

DATE: CITY COUNCIL MEETING OF MARCH 21, 2012

SUBJECT: AUTHORIZE THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT FOR EXECUTIVE RECRUITMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$17,000

RECOMMENDATION

Authorize the interim City Manager to execute an agreement with the recommended executive recruitment firm to complete an executive search for a City Manager, in an amount not to exceed \$17,000.

BACKGROUND

Staff developed a Request for Proposal and issued it to several firms on February 28, 2012. The Town received three proposals. As of the writing of this letter, the Council sub-committee of Mayor Widmer and Council Member McKeithen were in the process of individually interviewing the three firms on. Each committee member has a set of established criteria to rate the firms. Copies of the final ratings will be distributed as supplemental information before the Council meeting. Furthermore, staff is contacting various California cities and references for input on each firm.

Executive level recruitments are fairly straightforward consultant assignments. All three firms proposed a vigorous candidate outreach process that would last anywhere between 6 and 10 weeks.

The Town began advertising for the permanent City Manager position in early February when it had planned to use former interim City Manager John Danielson as the professional recruiter; however Mr. Danielson ultimately opted out of conducting the recruitment due to unforeseen issues with CalPERS. Since the Town has already begun the recruitment, the sub-committee recommends allowing them to

work with the City Manager and the City Attorney to negotiate a reduced cost and timeline associated with advertisements.

The sub-committee will be prepared to make a recommendation for the best suited firm at the March 21 Council meeting. Below is a list of the cost proposals.

Avery Associates - \$16,900 plus expenses (Expenses Not to Exceed \$4,000)

Bob Murray - \$17,500 plus expenses. (Expenses estimated at \$6,500)

Peckham & McKenney - \$16,500 plus expenses (Expenses estimated at \$7,000)

FISCAL IMPACT

Council approved a budget amendment for \$17,000 at the February Special Meeting.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: THERESA N. DELLASANTA, INTERIM CITY MANAGER

DATE: FOR THE MEETING OF MARCH 21, 2012

SUBJECT: CONSIDERATION OF SUPPORT FOR THE LEAGUE OF CALIFORNIA CITIES LEGISLATIVE ACTIVITIES

RECOMMENDATION:

Authorize the Mayor to Respond to Requests from the League of California Cities for Legislative Advocacy as deemed appropriate by the City Manager and City Attorney.

BACKGROUND:

The League of California Cities (League) makes requests of Cities to take action on a variety of legislative activities and topics. The League has an extensive review process that makes sure that recommended legislative activities are considered in the best interest of California cities. The vetting process includes both Board and Committee review and discussion.

Atherton City Council has taken action to support or oppose bills recommended by the League on a variety of legislative topics in the past. The timeline required to react to League requests is swift and may not align with regularly scheduled Council meetings. To ensure a timely response and action to the League, it is recommended that City Council authorize the Mayor to respond to legislative advocacy requests from the League of California Cities. All legislative advocacy letters will be reviewed and approved by the City Attorney and City Manager.

FISCAL IMPACT:

The recommendation will have no fiscal impact.



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
THERESA DELLASANTA, INTERIM CITY MANAGER**

FROM: MICHAEL KASHIWAGI, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MARCH 21, 2012

**SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS AND
AUTHORIZATION TO ADVERTISE FOR THE 2012 CAPE/
SLURRY SEAL PROJECT**

RECOMMENDATION:

Approve the plans and specifications and authorize advertisement for bids for the 2012 Cape/Slurry Seal Project, Project No.56052

INTRODUCTION:

The FY 2011-2012 adopted Capital Improvement Program includes funds for street maintenance. This project entails performing a Cape Seal and Micro-slurry along various streets in Atherton. It also includes replacement of all striping, raised pavement markers and other associated pavement markings within the project boundaries.

A Cape Seal is a treatment process where a heated polymer modified asphalt emulsion (oil) is applied to a cleaned street and scrubbed in with brooms. A 1/8" aggregate (chip) is immediately applied over the oil and is rolled into place with a rubber tired roller. The excess rock is then swept away. The next process follows a few days later. A micro-surface (oil and sand mixture) is applied over the top of the chips, and once again rolled into place with rubber tired rollers. Upon curing, the result is a street that is impervious to water as well as having about 1/2" of new wearing surface added to the top. This surface will remain flexible for years, and as cracks work their way up from the sub-base of the road they are filled by the pliable material.

This project falls under the Town's preventative maintenance program, which assures that good streets (streets with a pavement condition index of 60+) receive treatments,

which will greatly lengthen their lifespan. These treatments, when used on the correct streets at the correct times, can prolong the need for costly and disruptive street rehabilitation projects almost indefinitely.

The 2012 Cape/Slurry Seal project is budgeted for construction in FY 2010-11. The 2012 Cape/Slurry Seal Project plans and specifications are ready to be advertised for construction.

FISCAL IMPACT:

Funds (Gas Tax funds, Measure A funds, Vehicle Registration funds, and Road Impact Fee) in the amount of \$550,000 are budgeted for this project in FY 2011-12. The Engineer's Estimate for the 2012 Cape/Slurry Seal Project is \$491,964.00.

If the low bidder is above the Engineer's Estimate, staff will bring back a staff report for City Council approval and appropriation.

Prepared By:

Approved:

Michael Kashiwagi, P.E.
Public Works Director

Theresa DellaSanta
Interim City Manager

Attachments: Attachment A – List of streets to be sealed
Attachment B – Map of streets to be sealed

ATTACHMENT A

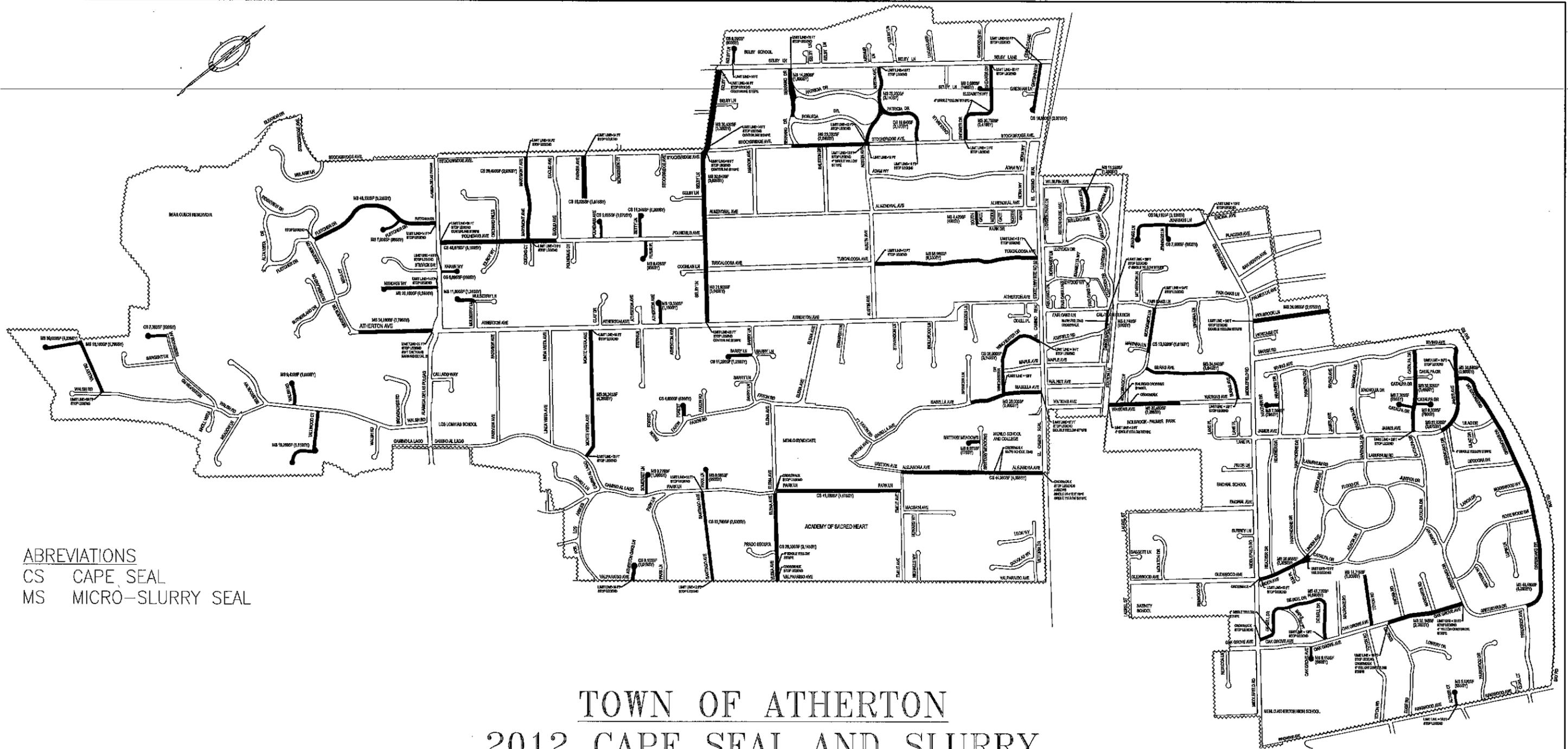
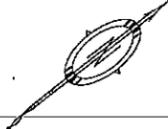
CAPE SEAL WORK SHEET

STREET	FROM	TO
BETTY	POLHEMUS AV	END
FAXON FORREST	FAXON RD (NORTH)	NORTH END
GRESHAM	SELBY LN	END
ATHERTON OAKS LN	VALPARAISO AV	END
KAREN WY	ALAMEDA DE LAS PULGAS	END
MCCORMICK LN	FAIR OAKS LN	MARIANNA LANE
POLHEMUS AV	ALAMEDA DE LAS PULGAS	EUCLID AV
SELBY LN	N/O 196 W SELBY LN	WEST END
JENNINGS LN	MIDDLEFIELD RD	END
POLHEMUS AV	POLHEMUS AV	END
PARKER AV	STOCKBRIDGE AV	END
SANTIAGO AV	PARK LN	VALPARAISO AV
PATRICIA DR	AUSTIN AV	STOCKBRIDGE AV
MARYMONT AV	STOCKBRIDGE AV	POLHEMUS
RESERVOIR RD	RESERVOIR RD	END
WINCHESTER DR	ISABELLA AV	EL CAMINO REAL
PARK LN	ELENA AV	EMILE AV
ELENA AV	PARK LN	VALPARAISO AV
JENNINGS LN	JENNINGS LN	END
ALEJANDRA AV	BRITTANY MEADOWS	EL CAMINO REAL
ALEJANDRA AV	EMILE AV	BRITTANY MEADOWS
BARRY LN	E/O 34 BARRY LN	SOUTH END

MICRO-SLURRY SEAL WORK SHEET

STREET	FROM	TO
VALLEY RD	WALSH ROAD	BEND
ATHERTON AV	RIDGEVIEW DRIVE	ALAMADA DE LAS PULGAS
CATALPA DR	E/O 249 CATALPA DR	SOUTH END
HEATHER DR	HEATHER DR	END
LINDEN AV	MIDDLEFIELD RD	CATALPA DR
OAK GROVE AV	EDGE RD	GREENOAKS DR
SOMERSET LN	CAMINO AL LAGO	END
VALLEY RD	BEND	NORTH END
FLEUR PL	POLHEMUS AV	END
GREENOAKS DR EAST	JAMES AV	DEODORA DR
SELBY LN	STOCKBRIDGE AV	WEST SELBY LN
TALLWOOD CT	WALSH RD	END
WALSH RD	WALSH RD	END
ATHERTON AV	N/O ATHERTON AV	END
CATALPA DR	E/O 250 CATALPA DR	NORTH END
ELIZABETH WY	SHEARER DR	END
ISABELLA AV	SPENCER LN	EL CAMINO REAL
JAMES AV	GREENOAKS DR	IRVING AV
MANDARIN WY	ALAMEDA DE LAS PULGAS	END
OAK GROVE AV	OAK GROVE RD	END
PATRICIA DR	AUSTIN AV	STOCKBRIDGE AV
SELBY LN	ATHERTON AV	POLHEMUS AV
SELBY LN	POLHEMUS	STOCKBRIDGE
SOUTH GATE	ALMENDRAL AV	PARK DR
BRITTANY MEADOWS	BRITTANY MEADOWS	END
CATALPA DR	IRVING AV	JAMES AV

FAIRFAX AV	WILBURN AV	BELLEAU AV
FLETCHER DR	RIDGEVIEW DR	ALAMEDA DE LAS PULGAS
HOLBROOK LN	MIDDLEFIELD RD	EAST CITY LIMIT
MONTE VISTA AV	ATHERTON AV	N/O CAMINO AL LAGO
MULBERRY LN	INTERSECTION @ MULBERRY LN	WEST END
PARK LN	PARK LN	END
SERRANO DR	SELBY LN	ROBLEDA DR
STOCKBRIDGE AV	SERRANO DR	AUSTIN AV
TOYON RD	OAK GROVE AV	END
TUSCALOOSA AV	AUSTIN AV	EL CAMINO REAL
VALLEY RD	BEND	WEST END
WATKINS AV	RR TRACKS	HOLBROOK PALMR E ENTR
ALTREE CT	RINGWOOD AV	END
AUSTIN AV	SELBY LN	STOCKBRIDGE AV
BURNS AV	MCCORMICK LN	WATKINS AV
DE BELL DR	MIDDLEFIELD RD	OAK GROVE AV
DINKELSPEIL STATION LN	FAIR OAKS LN	ASHFIELD
GREENOAKS DR EAST	DEODORA DR	FREDERICK AV
SHEARER DR	SELBY LN	STOCKBRIDGE AV
FLETCHER DR	FLETCHER DR	END



ABREVIATIONS
 CS CAPE SEAL
 MS MICRO-SLURRY SEAL

TOWN OF ATHERTON 2012 CAPE SEAL AND SLURRY SEAL PROJECT #56052

DWG File: SA\Projects\11-12 Maintenance Projects\Cape-Slurry Project\CAD\01 - Title Sheet - MicroSlurry.dwg

NO.	DATE	DESCRIPTION	BY
1	06-04-10	PLANS FOR BID	DGH

REGISTERED CIVIL ENGINEER DATE _____
 APPROVED BY: MICHAEL KASHIWAGI R.C.E. 33176
 DIRECTOR OF PUBLIC WORKS
 TOWN OF ATHERTON
 DEPARTMENT OF PUBLIC WORKS
 81 ASHFIELD ROAD
 ATHERTON, CA 94027

THIS PLAN WAS PREPARED UNDER MY DIRECTION
 DRAWN By D. HUYNH Checked M. KASHIWAGI
 DESIGN By D. HUYNH Checked M. KASHIWAGI
 QUANTITIES By _____ Checked _____
 SCALE: HORIZONTAL: 1"=20' VERTICAL: 1"=20'

TOWN OF ATHERTON
 DEPARTMENT OF PUBLIC WORKS



2012 CAPE/SLURRY SEAL PROJECT
TITLE SHEET

DISREGARD PRINTS BEARING EARLIER PLOT DATES	DATE PLOTTED	SHEET	OF
	02/28/12	1	1



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: THERESA N. DELLASANTA, INTERIM CITY MANAGER

DATE: FOR THE REGULAR MEETING OF MARCH 21, 2012

SUBJECT: APPROVAL OF AMENDMENT TO AGREEMENT FOR ACCESS WITH FELTON GABLES HOMEOWNERS ASSOCIATION AND AMENDMENT TO EASEMENT AGREEMENT BETWEEN JOSEPHINE LEE AND FELTON GABLES, INC.

RECOMMENDATION:

Approve amendments to access agreement and side letter agreement with Felton Gables Homeowners Association, and approval of amendments to easement agreement between Josephine Lee and Felton Gables, Inc.

DISCUSSION

Resident and Planning Commissioner Paul Quinlan approached the Town late last year to request access to the Felton Gables gate for purposes of taking their children to Encinal. Several residents had already approached the Association and the Association had taken the position that it could not grant such access as a result of the restrictions in the Agreement with Atherton.

As a result of the request by Paul Quinlan, the Town worked with Mr. Quinlan to take a close look into the issue of access between Felton Gables and the Park through the Gate. The conclusion is that it would be beneficial to the Town if Atherton residents residing near the Park were able to use the Gate. The main driver for this conclusion is the Town believes that travel through the Park, through the Gate and through Felton Gables is a safer and more desirable route to Encinal than the alternative along Middlefield Road.

Providing access to Atherton residents requires an amendment to the Agreement, and also to the Easement Agreement under which the Association itself has access to the Gate.

Staff believes that the opportunity of using the Gate to travel between Felton Gables and the Park, which the Town granted to the Association in 2004, should be extended to Atherton residents. Staff understands that this may increase traffic through the gate but believes this increase would be minimal. Mr. Quinlan canvassed nearby residents and estimated that if given the opportunity, approximately 4-6 families would regularly use the Gate for the purpose of taking their children to school.

Staff would like to thank Mr. Quinlan for the amount of time and efforts he put forth to get this on the agenda.

FISCAL IMPACT

None.



Office of the Mayor
Town of Atherton

91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 614-1212

March __, 2012

Felton Gables Homeowners Association
c/o Russ Peterson, President
466 Felton Drive
Menlo Park, CA 94025

Re: Agreements Re: Support

Dear Russ:

This letter will confirm that the Town of Atherton (the “**Town**”) staff will support, and recommend to the City Council that it support, any outreach efforts the Felton Gables Homeowners Association (the “**Association**”) needs to conduct in regard to either (i) the Amended and Restated Agreement for Access between the parties being entered into concurrently herewith and/or (ii) the Amended and Restated Easement Agreement between Association and Josephine Lee being entered into concurrently herewith. In particular, the Association should direct interested persons to contact Town staff about any questions they may have in regard to the agreements referenced above, the changes being made from the original agreements and the process followed in finalizing and implementing the agreements.

This letter also confirms that the City Council of the Town will be asked to direct Town staff to investigate and support the installation of traffic calming measures along Encinal Avenue. In particular, the City Council will be asked to direct that the staff look into the desirability of installing traffic humps along Encinal Avenue for the purpose of reducing the speed of vehicles along Encinal Avenue in the vicinity of the Felton Gables neighborhood and Encinal School.

Please let me know if I can provide any further assistance in regard to the above matters. Thanks again.

Yours truly,

Bill Widmer
Mayor

EASEMENT AGREEMENT

THIS AMENDED AND RESTATED EASEMENT AGREEMENT (the “**Agreement**”) is made and entered into as of March 9, 2012 (the “**Effective Date**”), by and between JOSEPHINE V. LEE, hereinafter referred to as “Grantor”, and FELTON GABLES, INC., a corporation, hereinafter referred to as “Grantee”.

WHEREAS, Grantor and Grantee entered into an Easement Agreement (the “**Original Agreement**”) dated February 2004; and

WHEREAS, Grantor and Grantee now desire to amend and restate the Original Agreement to allow access to and across the easement described in the Original Agreement to certain residents of Atherton.

NOW THEREFORE, in consideration of the covenants and promises set forth herein, and for other valuable consideration, Grantor and Grantee agree as follows:

1. Grantor is the owner of certain real property situated in the City of Menlo Park, County of San Mateo, California, know at 380 Felton Drive, Menlo Park, CA 94025 and more particularly described as follows:

Lot 16 and portion of Lot 15 in Block 7 as shown on that certain map entitled “Felton Gables, Menlo Park, Calif.” Filed in the Office of the County Recorder of San Mateo County on May 7, 1927 in Book 16 of Maps at pages 1 and 12, which portion of Lot 15 is more particularly described as follows:

BEGINNING at the most Westerly corner of said Lot; thence North 31° 21’ 40” East along the Northwesterly line of said Lot, 48.58 feet to the line dividing Lots 15 and 16 in said Block 7; thence North 83° 23’ 26” East along said dividing line, 198.35 feet to the Westerly line of Laurel Drive; thence Southerly along said Westerly line of Laurel Drive, 23.84 feet; thence Southwesterly crossing said lot, in a direct line to the point of beginning.

2. Grantee is the owner of certain real property situated in the City of Menlo Park, San Mateo County, California, more particularly described as follows:

BEGINNING at the most westerly corner of Lot 15 in Block 7, as shown on that certain map entitled “FELTON GABLES, MENLO PARK” filed in the office of the Recorder of San Mateo County, California on May 7, 1927 in Book 16 of Maps at pages 1 and 2; thence northeasterly in a direct line, to a point on the

westerly side of Felton Drive (formerly called Laurel Drive), which point, measured along said westerly line, is 23.84 feet northerly from the intersection thereof with the dividing line between Lots 14 and 15 in Block 7, as shown on said Map; thence southerly, along said westerly line of Felton Drive, to a point 5 feet from the first described line, measured at right angles thereto; thence southwesterly, parallel with the first described line, to a point on the southwesterly line of said Lot 15; thence northwesterly, along said southwesterly line of Lot 15 to the point of beginning.

3. Grantee desires to acquire an easement interest in an approximately 16'x16'x16' equilateral triangle located at the Westerly corner of Grantor's property for purposes of constructing a passageway from Grantee's property to the Holbrook-Palmer Park, a park owned and operated by the Town of Atherton and adjoining Grantor's property on its Northwesterly side. The purpose of the passageway will be to provide Grantee's members and certain residents of Atherton ingress to and egress from the Park.

4. Grantor hereby grants Grantee an easement for ingress and egress over the triangle described in Paragraph 3, supra, subject to the following terms and conditions:

(a) Grantee shall be responsible for constructing a fence enclosing the triangle and along the border between Grantor's property and the Holbrook-Palmer Park. Access to and from the Park shall be by means of a gate to be constructed by the Grantee. Grantee shall be responsible for all maintenance and repair of the fence enclosing the triangle and of the gate.

(b) The gate shall have a lock, maintained in good working order at all times by Grantee. Grantee shall issue keys to the lock only to Grantee's members, and to the Town of Atherton for provision to certain Atherton residents that reside in the Menlo Park City School District between El Camino Real and Middlefield Road. Grantee shall make certain that the gate is properly secured by the lock before and after each use by its members. The Town of Atherton shall require any residents to whom it issues a key to ensure that the gate is properly secured by the lock after each use by such resident.

(c) Grantee agrees that its members shall not park their vehicles in front of Grantor's property or along the street (Felton Drive) in the immediate vicinity of such property while visiting the Park and/or using the gate. The Town of Atherton shall require any residents to whom it issues a key to agree not to park their vehicles in front of Grantor's property or along the street (Felton Drive) in the immediate vicinity of such property while visiting the Park and/or using the gate.

(d) Grantee has entered into a written agreement with the Town of Atherton for access to the Holbrook-Palmer Park by means of the above-described triangle and gate, and a true and correct copy of such agreement is attached as Exhibit A. Grantee agrees that Grantor shall be named as an insured in the insurance required by said agreement, and that coverage shall be co-extensive with the coverage provided to the Town of Atherton. Grantee shall provide Grantor with written verification of such coverage and renewal of such coverage.

(e) The term of this easement shall be co-extensive with the right of access granted Grantee by the Town of Atherton as set forth in Exhibit A; provided, however, that Grantor may give thirty (30) days' notice of intent to terminate the easement in the event of violation of Paragraph 4(c) or in the event of activities constituting a nuisance, breach of the peace, or disorderly conduct [CAL. PENAL CODE Sections 415 and 647 are referred to as illustrative], or ninety (90) days in the event of any other breach of this Agreement. In either case, Grantee shall have the period specified to correct such condition or breach to Grantor's reasonable satisfaction; Grantor may thereafter terminate this Agreement if this is not done.

5. If any legal action of proceeding arising out of or relating to this Agreement is brought by either party thereto, the prevailing party shall be entitled to reasonable legal fees and costs of suit. Any written notice required or made under this Agreement shall be made to the following addresses:

Grantor
Josephine V. Lee
380 Felton Dr.
Menlo Park, CA 94025

Grantee
Felton Gables, Inc.
c/o Russ Peterson, President
466 Felton Drive
Menlo Park, CA 94025

6. This is the entire Agreement between the parties, and any amendments must be in writing and signed by them.

7. This Agreement shall be binding on the successors, assigns, heirs, executors, and administrators of the parties. In the event of sale or transfer of Grantor's property the existence and terms of this agreement shall be disclosed to, and be binding upon, any actual or prospective purchaser or transferee.

Executed on March 9, 2012, at Menlo Park, California.

FELTON GABLES, INC.

By: Russ Peterson
Name and Title: Russ Peterson,
Felton Gables, Inc. President

Josephine V. Lee
Josephine V. Lee

Agreed and accepted for the purposes of the last sentences of Sections 4(b) and 4(c):

TOWN OF ATHERTON

By: Bill Widmer
Bill Widmer, Mayor

AGREEMENT FOR ACCESS

THIS AMENDED AND RESTATED AGREEMENT FOR ACCESS (the “**Agreement**”) is made and entered into as of March 9, 2012 (the “**Effective Date**”), by and between the Felton Gable Homeowners Association (“**Association**”), a California non-profit association, and the Town of Atherton, a municipal corporation of the State of California (“**Town**”).

WHEREAS, Association and Town entered into an Agreement for Access (the “**Original Agreement**”) that commenced on May 12, 2004 (the “**Commencement Date**”) related to access by members of Association to Town’s Holbrook-Palmer Park through a gate constructed by Association; and

WHEREAS, Association and Town now desire to amend and restate the Original Agreement to (i) allow access through the gate for certain residents of Atherton and (ii) provide for a mechanism for controlling access to keys to the gate for such residents; and further to restate continued access to members of Association to Holbrook-Palmer Park in accordance with the Original Agreement as amended herein.

NOW THEREFORE, in consideration of the covenants and promises set forth herein, and for other valuable consideration, Association and Town agree as follows:

1. Association and Town agree that Association shall have access to and from Town’s Holbrook-Palmer Park at the location shown and described in Exhibit A attached and incorporated by this reference. In addition, Association and Town agree that residents of Atherton provided a key in accordance with Section 3(b) (Atherton Keyholders) shall also have access to and from Town’s Holbrook-Palmer Park at the location shown and described in Exhibit A.
2. The parties further agree that access to and from Town’s Holbrook-Palmer Park by members of Association and Atherton Keyholders shall be by means of a single locked gate, the design and construction of which shall be approved by Town’s Building Official which approval shall not be unreasonably withheld. Subject to the foregoing, Association shall arrange for the design and construction of the gate, pay for all construction costs, and be responsible for issuance of keys to the gate lock as set forth herein.
3. The parties further agree that Association shall be responsible for all monthly maintenance and repair of the gate to the satisfaction of Town and shall install a lock on the gate. Association shall maintain the lock in good working order at all times. Association members shall make certain that the gate is properly secured by the lock following each use by Association members of the

gate. Atherton Keyholders shall make certain that the gate is properly secured by the lock following each use by Atherton Keyholders of the gate.

(a) Association shall issue keys for the gate lock only to members of Association and as provided in the last sentence of this Section 3(a). Prior to issuance of a key to any such person, Association shall obtain an executed release and keyholder agreement in the form of Exhibit B attached and incorporated by this reference. Association shall retain such release and keyholder agreement in its records and shall provide such records to Town upon request. At least yearly, Association shall provide Town officials with a list of all Association members holding keys to the gate. Association shall also provide Town with sufficient keys to issue to Atherton Keyholders, or shall otherwise provide Town with the ability to issue keys to the gate to Atherton Keyholders.

(b) Town shall issue keys for the gate lock only to Atherton residents that live in the Menlo Park City School District between El Camino Real and Middlefield Road (persons issued such keys, "**Atherton Keyholders**"). It is anticipated that Town shall issue keys for the gate lock to no more than 20 Atherton Keyholders. Prior to issuance of a key to any such person, Town shall obtain an executed release and keyholder agreement in the form of Exhibit B. Town shall retain such release and keyholder agreement in its records and shall provide such records to Association upon request. At least yearly, Town shall provide Association officials with a list of all Atherton Keyholders. Notwithstanding the foregoing, Town may delegate its duties and responsibilities under this Section 3(b) to a committee of Atherton Keyholders and Association hereby accepts such delegated performance and agrees to work with such committee in receiving and managing Town's performance under this Section 3(b) and under the last sentence of Section 3(a).

(c) Atherton Keyholders shall be responsible for their *pro rata* share of Association's expenses in connection with the monthly maintenance and repair of the gate, and the insurance required by Section 7, based on the number of keys issued to the gate.

4. To meet the anticipated and ongoing maintenance, repair and insurance costs of Association required by this Agreement, all key holders shall be charged an initial key acquisition fee of \$150, and thereafter a key maintenance fee of \$25 per year. Such fees shall be paid to Association, and Association agrees to use such fees solely for the maintenance and repair of the gate and the insurance required by this Agreement. Association agrees to give access to Town (or its

designate) to inspect the books and records of Association on reasonable notice to confirm that the fees are being used solely for such approved purposes.

Association and Town will meet at least yearly to review such records and determine whether the fees should be adjusted to reflect the cost of maintenance, repair and insurance for the following year.

5. Association for itself and on behalf of its members shall indemnify and hold harmless Town, its officers, officials, employees, agents, attorneys and volunteers from and against any and all claims, damages, losses and expenses, including attorneys' fees arising out of the operation, maintenance and use of the access gate caused in whole or in part by any act or omission of Association and/or any one of Association's members except where caused by the gross negligence or willful misconduct of Town.

6. Association for itself and on behalf of its members waives, releases and discharges any and all claims for damages for death, personal injury or property damage which it or any of its members may have or which hereafter accrue to Association or any of its members against the Town, its officers, officials, employees, agents, attorneys and volunteers as a result of access provided to Association and any of Association's members to Town's Holbrook-Palmer Park through the above described gate. This release is intended to discharge Town, its officers, officials, employees, agents, attorneys and volunteers from and against any and all liability arising out of or connected in any way with the use by Association or any of its members of said gate, even though that liability may arise out of the negligence or carelessness on the part of third persons or Town, its officers, officials, employees, agents, attorneys and volunteers. Association understands that accidents and injuries can arise out of the access to the gate. Knowing the risks, nevertheless, Association for itself and each of its members hereby agrees to assume those risks and to release and hold harmless all the persons or agencies mentioned above who through negligence or carelessness might otherwise be liable to Association or any of its members for damages. This waiver, release and assumption of risk are to be binding on the heirs and assigns of Association and the heirs and assigns of each of its members.

7. Association shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damage to property which may arise from or in connection with the operation and use of the gate whether by members of the Association by Atherton Keyholders, or any other person. The cost of such insurance shall be borne by Association and Atherton Keyholders as set forth in Section 4.

a. *Minimum Scope of Insurance*

Coverage shall be at least as broad as:

Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).

b. Minimum Limits of Insurance

Association shall maintain limits no less than:

- i. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
- ii. Property Insurance: Full replacement cost with no coinsurance penalty provision.

c. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the Town. At the option of the Town, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the Town, its officers, officials, employees, agents, attorneys and volunteers; or the Association shall provide a financial guarantee satisfactory to the Town guaranteeing payment of losses and related investigations, claim administration and defense expenses.

d. Other Insurance Provisions

The general liability policy is to contain, or be endorsed to contain, the following provisions:

- i. The Town, its officers, officials, employees, agents, attorneys and volunteers are to be covered as additional insureds with respect to liability arising out of ownership, maintenance, repair and use of the gate as described in this Agreement.
- ii. The Association's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees, agents, attorneys and volunteers. Any insurance or self-insurance maintained by the Town, its officers, officials, employees, agents, attorneys or volunteers shall be excess of the Association's insurance and shall not contribute with it.

iii. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town.

e. Acceptability of Insurers

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

f. Verification of Coverage

Association shall furnish Town with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements shall be on forms provided by the Town. If on other than the Town's forms, those endorsements or policies must conform to the requirements of Town's forms. Endorsements shall be obtained by Association and provided to Town which specifically cover and include Association's obligations under paragraph 5 of this Agreement. All certificates and endorsements are to be received and approved by Town before work commences. Town reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

8. This Agreement shall commence upon the Commencement Date and shall, unless renewed by the parties, automatically terminate on the tenth anniversary of its commencement. If Association fails to perform any of its obligations in this Agreement, Town shall provide ninety (90) days written notice of the circumstances or conditions which constitute a failure to perform this Agreement and a demand to correct or cure such condition or breach to the reasonable satisfaction of the Town. In the event Association fails to do so within this time period, or any additional time as may reasonably be required based upon the particular circumstances or conditions, Town may terminate this Agreement. Upon termination of this Agreement, Association shall pay for all costs required to secure the gate. Thereafter, all obligations of Association to this Agreement shall be released.

9. Except as required by paragraph 7 above, any written notice required or made under this Agreement shall be deemed effective upon the date the same is deposited in the United States mail, first class postage prepaid, and send to the parties at the following addresses. The President of the Association shall be responsible for the oversight and administration of this Agreement by Association and notice shall be given to the President of Association at the address set forth below and any subsequent addresses used by the Association.

Association

Felton Gable Homeowners Assn.
c/o Russ Peterson, President
466 Felton Drive
Menlo Park, CA 94025

Town

c/o City Manger
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

10. Amendments to this Agreement must be in writing and approved by the City Council of Town. This is the entire agreement between the parties and supersedes any prior written or oral agreements between the parties relating to the subject of this Agreement.

11. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

12. The prevailing party in any action brought to enforce the terms of this Agreement may recover from the other party its reasonable costs and attorneys' fees expended in connection with such an action.

ASSOCIATION

By Russ Peterson

Russ Peterson, President
(typed signature)

Date: March 9, 2012

Attachments: Exhibit A
Exhibit B

TOWN

By Bill Widmer

Bill Widmer, Mayor
(typed signature)

Date: March 21, 2012

EXHIBIT B

RELEASE AND KEYHOLDER AGREEMENT

In consideration of the acceptance of my application for entry through a locked gate accessible only by members of the Felton Gables Homeowners Association (the "**Association**") and certain Atherton residents, the undersigned agrees as follows:

1. I hereby waive, release and discharge any and all claims for damages for death, personal injury or property damage that I may have, or that hereafter accrue to me, against the Association and/or the Town of Atherton ("**Town**"), its officers, officials, employees, agents, attorneys and volunteers as a result of my access to or from Town's Holbrook-Palmer Park through the above described gate. This release is intended to discharge the Association and the Town, and their respective officers, officials, employees, agents, attorneys and volunteers, from and against any and all liability arising out of or connected in any way with my use of the gate, even though that liability may arise out of the negligence or carelessness on the part of third persons, the Association, the Town, or their respective officers, officials, employees agents, attorneys and volunteers. I further understand that accidents and injuries can arise out of the access to the gate. Knowing the risks, nevertheless, I hereby agree to assume those risks and to release and to hold harmless all of the persons or agencies mentioned above who (through negligence or carelessness) might otherwise be liable to me for damages. It is further understood and agreed that this waiver, release and assumption of risk is to be binding on my heirs and assigns.

Charges for Events

2. I agree to pay any fees or charges assessed for admission to any events held in Holbrook-Palmer Park on occasion of my entry to the park for the event.

Use of Gate

3. I agree to close and properly secure the gate each and every time I use it.

Parking

4. I agree that I will not park any vehicles in front of 380 Felton Drive or along Felton Drive in the immediate vicinity of such property while visiting Holbrook-Palmer Park and/or using the gate.

Fees

5. To defray the costs of maintenance and repair of the gate and maintain insurance in connection with my use of the gate, I agree to pay to the Association a key



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
THERRESA DELLASANTA, INTERIM CITY MANAGER**

FROM: DEBRA AUKER, INTERIM FINANCE DIRECTOR

DATE: FOR THE MEETING OF MARCH 21, 2012

**SUBJECT: ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR BUDGET
ADJUSTMENTS FOR FY 2011-2012**

RECOMMENDATION

Adopt the Resolution Approving the Mid-Year Budget Adjustments for FY 2011-2012 (FY 2012).

DISCUSSION

The FY 2012 budget was adopted in June 2011, and revised in September 2011. Upon review of the actual operating result for the eight months ended February 29, 2012, staff is proposing the attached adjustments (Attachment 1, Exhibit A & B) which result in a \$78,295 net increase to projected General Fund balance to more accurately reflect the revenue trends and anticipated expenditures through the end of the fiscal year.

Revenue - The overall increase to General Fund operating revenue is projected to be \$569,500. The table on the next page summarizes the proposed changes.

Account Number	Description	Amended Budget FY 2012	Mid-Year Adjustment	Projected FY 2012
General Fund	Revenues			
101-00-40008-000	Excess ERAF	\$ 600,000	\$ 118,000	\$ 718,000
101-00-41001-000	Sales & Use Tax General	110,000	55,000	165,000
101-00-42002-000	Franchise Tax-Cal Water	79,500	25,000	104,500
101-00-42003-000	Franchise Tax-Garbage	195,000	80,000	275,000
101-00-47019-000	Zoning & Planning Fees	180,000	(30,000)	150,000
101-00-47002-025	Building Permit Fee	602,000	240,000	842,000
101-00-47021-025	Building Plan Check Fee	304,000	63,500	367,500
101-00-47030-025	Tree Removal Plan Check	10,000	5,000	15,000
101-00-47003-050	Encroachment	140,000	18,000	158,000
101-00-48005-000	Post Office	12,500	(5,000)	7,500
			\$ 569,500	

Excess ERAF Subvention is a component of property tax which is difficult to estimate because it is calculated by the county based on a very complex State statute. Over the past four years this revenue has been between \$490,000 and \$750,000. This year the Town received \$718,479, which is \$118,000 greater than budgeted, therefore an increase of \$118,000 is proposed as a mid-year adjustment.

Sales and Use Tax revenue is budgeted at \$110,000 and due to a one-time payment of use tax for \$62,800, the current amount of revenue received as of February 2012 is \$111,987. Without that one-time receipt this revenue source would be about \$15,000 below target. There was also an increase in the triple-flip portion of the sales tax revenue; therefore, staff is proposing a conservative \$55,000 increase to sale and use tax revenue.

Franchise fee revenue is received on different schedules throughout the year. However, the revenue from Cal Water is received annually and this year the Town received \$105,418, which is \$25,918 greater than budget, and \$25,672 greater than the prior year. Therefore a \$25,000 increase to the revenue budget is proposed. Also the solid waste customer fees were increased during the year which is expected to increase the solid waste franchise revenue due to the Town by approximately \$80,000 greater than the budget.

Several types of development related services have seen more activity than was originally estimated. Building permit revenue is at 108.1% of the annual budget as of February 2012, and therefore a mid-year adjustment to increase the revenue by \$240,000 is proposed. Plan checking revenue is at 85.5% of the annual budget as of February 2012, and therefore a mid-year adjustment to increase the revenue by \$63,500 is proposed. Encroachment permit revenue is at 82.6% of the annual budget as of February 2012, and therefore a mid-year adjustment to increase the revenue by \$18,000 is proposed. Zoning and planning related revenue is only at 48.7% of the annual budget as of February 2012, and therefore a mid-year adjustment to decrease the revenue by \$30,000 is proposed.

Expenditures - The overall increase to General Fund operating expenditures is projected to be \$491,205. The table below summarizes the proposed changes, and Exhibit A and B of this report provide details.

Account Number	Description	Amended Budget FY 2012	Mid-Year Adjustment	Projected FY 2012
	Expenditures			
101-11	City Council Department	\$ 48,878	\$ 8,000	\$ 56,878
101-12	Administration Department	625,561	-	625,561
101-16	City Attorney Department	230,000	-	230,000
101-18	Finance Department	676,688	-	676,688
101-20	Planning Department	227,647	-	227,647
101-25	Building Department	1,163,015	262,534	1,425,549
101-30	Non-Department	654,017	252,996	907,013
101-40	Police Department	5,452,045	-	5,452,045
101-50:59	Public Works Department	1,865,952	(32,325)	1,833,627
		\$10,943,803	\$ 491,205	\$11,435,008

The City Council budget includes \$7,000 for replacement of the Council Chambers recording and sound system. Staff has received cost estimates of approximately \$15,000 and therefore an \$8,000 budget adjustment is proposed.

The Building Department expenditures are trending higher than the eight month average at 88.0% due to separation incentive costs and increased development activities. Budget adjustments to increase building related revenue by \$308,500 as noted above and to increase expenditures by \$262,534 are proposed. The expenditure increase is driven by the increase in projected revenues, based on the agreement for contract building department services which charges 58% of certain building related revenues.

Non-Department expenditures have increased due to unbudgeted expenditures to BFI Waste Systems. The total amount due to the Waste System of \$337,328 was brought to the Council's attention in September 2011 as a true up payment for prior years and the Council agreed to pay this amount using General Fund reserves. There is a mid-year budget adjustment proposed to pay \$252,996 or 75% of the total in the current fiscal year, and the remaining 25% will be paid in FY 2013.

The Public Works Department is proposing a net savings of \$32,325. The majority of this savings is realized because the street tree maintenance services have been reduced this year due to a mild winter. The details of all public works expenditure proposals are in Exhibit B.

FISCAL IMPACT

The overall fiscal impact to the General Fund as a result of all the proposed adjustments is a net increase to project fund balance of \$78,295.

The Building Department has undergone significant changes over the past eight months, including the Town deciding to contract out all building department services. The Town has received many compliments regarding the improved services provided by the Building Department. One of the components of contracting out these services was a potential cost savings. Included in the revised budget adopted in September 2011 was a target building department reserve of \$614,949. Based on staff's preliminary analysis and the proposed budget adjustments for the building department, the projected building department reserve is \$636,233. Attachment 2 provides additional details. As staff develops the FY 2012-2013 budget a clearer picture of the building department operations will develop, since the current year contains several one-time costs.

Prepared by:

Approved by:

Debra Auker
Interim Finance Director

Theresa DellaSanta
Interim City Manager

Attachment:

1. Resolution of the City Council of the Town of Atherton Approving Mid-year FY 2011-2012 Budget Adjustment
 - Exhibit A General Fund Mid-Year 2012 Revenues & Expenditures Review
 - Exhibit B General Fund Mid-Year 2012 Summary of Expenditure Adjustments
2. Building Department Summary

RESOLUTION NO. 12-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
APPROVING MID-YEAR BUDGET ADJUSTMENTS FOR FY 2011-2012**

WHEREAS, it is the goal of the City Council to continue to provide the highest level of cost-effective service to Atherton's residents within the funds available; and,

WHEREAS, the City Council annually conducts a mid-year budget review to ascertain the performance of all City departments in meeting their budget objectives, review revenue trends and make budgetary adjustments for unforeseen and emergency expenses; and,

WHEREAS, the City Council wishes to modify the FY 2011-2012 budget to reflect that mid-year budget review.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby approve an amendment to the FY 2011-2012 Town Budget to enact the changes identified on Exhibits A and B, attached hereto.

PASSED AND ADOPTED at a meeting of the City Council of the Town of Atherton held on the 21st day of March, 2012, by the following vote:

AYES: Council members:
NOES: Council members:
ABSENT: Council members:

William R. Widmer
Mayor

ATTEST:

Theresa N. DellaSanta
Deputy City Clerk

William Conners
City Attorney

Town of Atherton						Exhibit A
General Fund						
Mid-Year Revenues and Expenditures Review						
FY 2011-2012						
Account Number	Description	Amended Budget FY 2012	66.7% Adj. Actual Jul 11 thru Feb 12	% of Annual Budget	Mid-Year Adjustment	Projected FY 2012
	Revenues					
101-00-40001-000	Secured Property Tax	4,891,500	2,644,711	54.1%		4,891,500
101-00-40002-000	Unsecured	270,000	273,019	101.1%		270,000
101-00-40004-000	SB813 Redemption (Suppl)	70,000	41,738	59.6%		70,000
101-00-40006-000	Prop Tax in Lieu of VLF (motor vehicle)	660,000	342,059	51.8%		660,000
101-00-40008-000	Excess ERAF	600,000	718,479	119.7%	118,000	718,000
101-00-42005-000	Property Transfer Tax	250,000	188,639	75.5%		250,000
	Total Property Taxes	6,741,500	4,208,645	62.4%	118,000	6,859,500
101-00-41001-000	Sales & Use Tax General	110,000	111,987	101.8%	55,000	165,000
101-00-41004-000	In Lieu Sales Tax/Trip Flip	25,500	24,560	96.3%		25,500
101-00-41002-040	Prop 172 Sales Tax for Police	60,000	46,528	77.5%		60,000
	Total Sales Taxes	195,500	183,075	93.6%	55,000	250,500
101-00-42001-000	Franchise Taxes-PG&E	230,000	1,924	0.8%		230,000
101-00-42002-000	Franchise Tax-Cal Water	79,500	105,418	132.6%	25,000	104,500
101-00-42003-000	Franchise Tax-Garbage	195,000	154,882	79.4%	80,000	275,000
101-00-42004-000	Franchise Taxes-Cable	108,000	26,439	24.5%		108,000
	Total Franchise Fees	612,500	288,663	47.1%	105,000	717,500
101-00-40005-000	Homeowners Exemption	34,000	17,138	50.4%		34,000
101-00-40007-000	Motor Veh. Lic Fees (MVLFF)	-	3,737	n/a		-
101-00-45008-000	SB 90 (mandated cost) reimb.	-	1,002	n/a		-
	Total Intergovernmental	34,000	21,877	64.3%	-	34,000
101-00-43001-000	Business Licenses	160,000	136,078	85.0%		160,000
	Total Business License Tax	160,000	136,078	85.0%	-	160,000
101-00-47001-000	Home Occupation Permit	800	500	62.5%		800
101-00-47019-000	Zoning & Planning Fees	180,000	87,664	48.7%	(30,000)	150,000
	Total Planning Revenue	180,800	88,164	48.8%	(30,000)	150,800
101-00-47002-025	Building Permit Fee	602,000	650,686	108.1%	240,000	842,000
101-00-47021-025	Building Plan Check Fee	304,000	259,996	85.5%	63,500	367,500
101-00-47034-025	Contract Plan Review Services	-	-	n/a		-
101-00-47004-025	Grading & Drainage	60,000	39,501	65.8%		60,000
101-00-47030-025	Tree Removal Plan Check	10,000	13,510	135.1%	5,000	15,000
101-00-47009-000	Photocopy Fee	1,000	2,870	287.0%		1,000
	Total Building Revenue	977,000	966,563	98.9%	308,500	1,285,500
101-00-44001-040	Municipal & Vehicle Code Fines (Parking)	15,000	7,158	47.7%		15,000
101-00-44002-040	Other Fines & Forfeiture (County)	40,000	33,003	82.5%		40,000
101-00-45007-040	POST Reimb	6,500	13,851	213.1%		6,500
101-00-45011-040	DOJ Grant (vests)			n/a		-
101-00-45012-040	DUI Grant	6,000	1,257	21.0%		6,000
101-00-45017-040	ABAG Grant	7,000	12,505	178.6%		7,000
101-00-47005-040	Other Licenses & Permit	400	1,263	315.8%		400
101-00-47009-040	Photocopy fee			n/a		-

Town of Atherton						Exhibit A
General Fund						
Mid-Year Revenues and Expenditures Review						
FY 2011-2012						
Account Number	Description	Amended Budget FY 2012	66.7% Adj. Actual Jul 11 thru Feb 12	% of Annual Budget	Mid-Year Adjustment	Projected FY 2012
101-00-47011-040	Alarm Sign Fees	600	300	50.0%		600
101-00-47012-040	Vehicle Release	2,500	1,948	77.9%		2,500
101-00-47013-040	Police Report	1,000	120	12.0%		1,000
101-00-47014-040	Finger Printing Fee	325	424	130.5%		325
101-00-47015-040	Affidavit of Cost	300		0.0%		300
101-00-47016-040	Special Service Fee	3,000	1,689	56.3%		3,000
101-00-47017-040	Solicitor's Permit	100	141	141.0%		100
101-00-47018-040	DUI Enforcement			n/a		-
101-00-47018-040	Disaster Assistance Reimbursement	-		n/a		-
101-00-48501-040	Donations	-		n/a		-
101-00-48502-040	Miscellaneous Income	-		n/a		-
	Total Police Revenue	82,725	73,659	89.0%	-	82,725
101-00-47003-050	Encroachment	140,000	115,582	82.6%	18,000	158,000
101-00-45005-050	C/CAG AB 1546	12,535	11,942	95.3%		12,535
101-00-45017-050	PW ABAG Grant	5,000		0.0%		5,000
101-00-47009-050	Photocopy Fee			n/a		-
101-00-45021-053	Highway Maintenance Reimbursement	35,700		0.0%		35,700
101-00-48503-053	Property Damage Reimbursement	-		n/a		-
	Total DPW Revenue	193,235	127,524	66.0%	18,000	211,235
101-00-47022-058	Social Fees	35,000	21,450	61.3%		35,000
101-00-47023-058	Meeting Fees	30,000	13,175	43.9%		30,000
101-00-47025-058	Class Fees	10,000	15,775	157.8%		10,000
101-00-47028-058	Weddings	20,000	27,750	138.8%		20,000
101-00-47029-058	Park Day Use Fee	-		n/a		-
101-00-47024-058	Misc. Use Fee	1,000	1,400	140.0%		1,000
	Total Park Program Revenue	96,000	79,550	82.9%	-	96,000
101-00-45016-025	Grant			n/a		-
101-00-45017-000	ABAG Grant	-		n/a		-
101-00-47005-000	Application Fee			n/a		-
101-00-47005-000	Other Licenses & Permit			n/a		-
101-00-47009-000	Photocopy Fee	25		0.0%		25
101-00-47036-030	Administrative Citation-Code Enforcement	-		n/a		-
101-00-48001-000	Interest Income	45,000	25,412	56.5%		45,000
101-00-48002-000	Cell Antenna Lease	41,682	27,621	66.3%		41,682
101-00-48003-000	Property Rental - Playschool	77,600	52,079	67.1%		77,600
101-00-48004-000	Sale of Property	-	3,497	n/a		-
101-00-48005-000	Post Office	12,500	4,610	36.9%	(5,000)	7,500
101-00-48501-000	Donations/Contributions		100	n/a		-
101-00-48502-000	Miscellaneous Income	2,000	2,945	147.3%		2,000
101-00-48505-000	Escheated unclaimed property		3,641	n/a		-
	Other Reimbursements		13,961	n/a		-
	Total Misc. Revenues	178,807	133,866	74.9%	(5,000)	173,807
	Total Operating Revenues	9,452,067	6,307,663	66.7%	569,500	10,021,567

Town of Atherton						Exhibit A
General Fund						
Mid-Year Revenues and Expenditures Review						
FY 2011-2012						
Account Number	Description	Amended Budget FY 2012	66.7% Adj. Actual Jul 11 thru Feb 12	% of Annual Budget	Mid-Year Adjustment	Projected FY 2012
	Expenditures					
	City Council Department	48,878	10,457	21.4%	8,000	56,878
	Administration Department	625,561	298,553	47.7%	-	625,561
	City Attorney Department	230,000	80,695	35.1%	-	230,000
	Finance Department	676,688	396,771	58.6%	-	676,688
	Planning Department	227,647	113,859	50.0%	-	227,647
	Building Department	1,163,015	1,023,302	88.0%	262,534	1,425,549
	Non-Department	654,017	476,445	72.8%	252,996	907,013
	Police Department	5,452,046	3,616,145	66.3%	-	5,452,046
	Public Works Department	1,865,952	974,015	52.2%	(32,325)	1,833,627
	Total Operating Expenditures	10,943,804	6,990,242	63.9%	491,205	11,435,009
	Excess (Deficiency) of Revenues Over Expenditures	(1,491,737)	(682,579)	45.8%	78,295	(1,413,442)
	Other Financing Sources/(Uses)					
	Transfer in from Special Parcel Tax Fund	1,116,000	744,000	66.7%		1,116,000
	Total Transfers In	1,116,000	744,000	66.7%	-	1,116,000
	Net Change in Fund Balance	(375,737)	61,421	-16.3%	78,295	(297,442)
	Beginning Fund Balance	6,219,199	6,219,199			6,219,199
	Ending Fund Balance	5,843,462	6,280,620	107.5%	78,295	5,921,757
	Analysis of Fund Balance:					
	Budget Stabilization Reserve (15%)	1,641,571			73,681	1,715,251
	Emergency Disaster Reserve (15%)	1,641,571			73,681	1,715,251
	Working Capital (5%)	547,190			24,560	571,750
	Community Tree Plant & Maintenance	4,854				4,854
	Undesignated, Unreserved	1,393,328			(114,911)	1,278,417
		5,228,513	-	-	57,011	5,285,524
	Building Department Operating Reserve	614,949			21,284	636,233
		5,843,462	-	-	78,295	5,921,757

Town of Atherton		
Summary of Expenditure Adjustments		Exhibit B
General Fund Mid-Year Review		
		Mid-Year Adjustment
<u>City Council Dept</u>		
Additional cost of replacing sound and digital recording system	\$ 8,000	
(Originally budgeted at \$7,000)		\$ 8,000
<u>Administration Department</u>		
Increase salary expense - Interim City Manager DellaSanta	80,000	
Increase of expense - Interim City Manager DellaSanta	5,000	
Reduce professional services-Interim City Manager Danielson	(85,000)	
Interim City Manager recruitment cost	17,000	
Approved from General Fund reserves	(17,000)	
		-
<u>City Attorney Dept</u>		
City Attorney Retainer cost increase	15,000	
Reduce other legal services to cover retainer increase	(15,000)	
		-
<u>Building Dept</u>		
Contract plan review services (increased activity)	16,684	
Contract inspection services (did not include full year in budget)	91,300	
Reduced Arborist costs	(28,000)	
Contract Building and Life Safety (based on an estimated \$315,000 increase to revenue through the end of the year)	182,550	
		262,534
<u>Public Works Dept</u>		
Increase to Advertising/Noticing expense in Engineering	5,000	
Move Budget from street maint. to purchase printer for Engineering	500	
Reduction to street tree maintenance cost due to mild weather	(48,600)	
Originally overlooked budget for construction materials	3,000	
Increased cost for gas & oil for street maintenance	4,000	
Move Budget from street maint. to purchase printer for Engineering	(500)	
Originally overlooked budget for sewer utility in park maintenance	1,600	
Originally overlooked budget for pest control in park maintenance	1,500	
Originally overlooked budget for supplies in park maintenance	3,100	
Originally overlooked budget for custodial services in park programs	4,000	
Originally overlooked budget for construction materials	50	
Reduce budget for additional cost from MCE in building maintenance	(5,975)	
		(32,325)
<u>Non-Departmental</u>		
Contribution to solid waste true-up from prior years	252,996	
		252,996
Total Mid-Year Expenditure Increase		\$ 491,205

Town of Atherton		Attachment 2
Projected Building Department Revenues & Expenditures FY 2011-12		
Revenues		\$ 1,285,500
Expenditures	1,425,549	
City Attorney Service (estimate)	15,000	
Cost Allocation of 10%	142,555	1,583,104
Deficiency of Revenues over Expenditures		(297,604)
Building Dept Operating Reserve, 6/30/11		933,837
Projected Building Dept Operating Reserve, 6/30/12		\$ 636,233
Building Reserve Target - per FY 2012 budget of core operations		\$ 614,949
Notes:		
The Revised FY 2012 Budget estimated that the Building Department Reserve would be \$614,949. Based on staff's analysis of projected revenues and expenditures through June 30, 2012 the projected Building Fund Reserve is estimated to be \$636,233.		



ITEM 23

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: THERESA N. DELLASANTA, INTERIM CITY MANAGER

DATE: FOR THE MEETING OF MARCH 21, 2012

SUBJECT: TOWN COMMITTEES & COMMISSIONS AND RULES & PROCEDURES

RECOMMENDATION

1. Reinstatement of the Environmental Programs Committee, and review the charters and purpose of all current Town Committees and Commission and decide whether there is a need to alter, merge or dismiss certain committees based on existing staff resources.
2. Extend all Committee and Commission expiration dates to June 30, 2012.
3. Review and approve rules and procedures for Committees and Commissions.

INTRODUCTION

The Town has an approved resolution No. 10-13 that establishes the following Committees and Commission:

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

Furthermore, the Planning Commission was created in 1946 by Ordinance 468, which under and pursuant to Sections 65100 of the California Government Code, established the

Commission consisting of five members, each a resident of the town, appointed by and serving at the pleasure of the city council, each for a term of four years. The Planning Commission will not be considered in this report.

PURPOSE

The purpose of this report is to outline the charter and purpose of each Town Committee and Commission and to illustrate the existing representation and oversight of each committee and commission. Staff recommends that Council review the report, and all operations associated with committees for efficiencies, cost effectiveness, and productivity. Staff will make recommendations and include alternatives; however final decisions should be made as to what is best for the Town. Furthermore, staff has made recommendations for rules and procedures which should be adopted, applied, and enforced consistently with all Town Committees and Commissions.

DISCUSSION

Current Adopted Rules: Section two of Resolution 10-13 establishes rules for each committee/commission. Among some of the rules are that all committees and commissions follow the City Council Rules of Procedure and the provisions of the California Open Public Meeting Law (Brown Act), that they prepare action minutes, and that an annual report is submitted upon request. In the very near future staff recommends revising and updating the resolution (based on tonight's outcome) including omitting certain rules that are not followed nor needed.

In order to create consistency among Town committees and commissions, a professional trained staff person should be assigned to each committee/commission in order to apply and enforce the rules and guidelines established by City Council. Furthermore, it would serve to assist in guiding each committee and commission in accomplishing their mission. Staff recommends assigning a Department to each Committee.

All Town committees and commissions are advisory to the City Council. At this stage, it is good to review the nature, role, and responsibilities of the Town of Atherton and its volunteers and stakeholders. For consistency purposes, staff recommends transitioning the responsibilities for applying and enforcing guidelines of all committees and commission to a staff liaison who will also serve as the broker between Council and the committee/commission. Moreover, the responsibility and accountability for all work necessary to efficiently and cost effectively carry out the advisory functions of each committee/commission should rest exclusively with Town staff. Subsequently, each committee/commission will continue its intended purpose and role as an advisory committee appointed by Council. Each committee/commission will appoint a Chair who acts as the meeting moderator and has no further duties or powers.

At this juncture, it is also good to review the recruitment process. Every January the Town sends a letter to all Atherton residents to begin recruitment for all vacancies on Town committees and commissions. Term expirations take place on April 30th of each

year. Staff requests that City Council extend the expiration date for all Committee and Commissions to June 30, 2012.

Below are outlines of each committee and commission approved charter, and an analysis of how the committee is handled today. The purpose of this review is to gather facts necessary to decide whether it is worthwhile to appoint a staff liaison/department to the committee, reduce the charter, merge one or more committees and/or dismiss the committee. Final decisions are both important and necessary, and should be considered given the realities of other Town priorities, and limited staff resources.

This review is not intended to illustrate or discuss any past practices or committee deficiencies. Furthermore, this report is not meant to dismiss, alter, or halt any project of any committee that is currently in the middle of a Council approved assignment. The review is merely for Council to receive all information in order to make an informed decision and to give clear direction to staff on whether to alter, merge or dismiss certain committees based on the limited staff resources it has today.

OUTLINE OF COMMITTEES/COMMISSION:

An outline and each Committee are included below and each section contains the Committees charter, a discussion, a summary and a recommendation.

Staff chose to begin discussion around the Environmental Programs Committee which has been temporarily suspended by Council pending a review to gather facts about how they operate. Recommendations made under the Environmental Programs Committee should be applied to all Town appointed Committees and Commission.

Environmental Programs Committee.

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

- a. Act in an advisory capacity and make recommendations (programmatic and legislative) to the City Council upon request regarding matters pertaining to the Town's environmental issues, including the Town's local and regional roles.
- b. Develop and propose to the City Council timely and appropriate action plans for the Town regarding:
 - (i) environmental issues or threats that become matters of concern for the community;
 - (ii) any regulatory statute or legislative changes or policies coming from the county, state or Federal governments on matters of environmental protection or performance; and
 - (iii) report on and recommend programs related to technological advancements that can help the Town address environmental issues, threats or legislative requirements. Such issues would include, but not be limited to, potential climate change and clean air and greenhouse gas emissions, green building guidelines, conservation and diversion, ABAG policies, PG&E and Allied

- Waste programs or services, e-waste collection and Earth Day and other environmental events.
- c. Recommend to the City Council pro-active community engagement programs for residents, commercial and public enterprises active within the Town's jurisdiction.

Discussion: The committee was previously staffed by the Town's in-house Arborist. Arborist services are now contracted out. The Committee meets about 6 times per year and staff prepares and posts agendas, prepares minutes and prepares staff reports for consideration by the Committee. Staff approximates about 6 to 8 hours per meeting are needed for preparing for, attending, and following up on meetings.

Recommendation:

The Planning Department is willing to take on the responsibilities of staffing the Environmental Programs Committee. Staff concurs in this shift of responsibilities.

The following recommendations are more detailed because they are in response to an independent review of the Committee authorized by the City Council after a temporary suspension of the Committee in December, 2011. Although these recommendations are in response to the EPC review, the recommendations shall be applied to all Town committees and commissions.

1. It is highly recommended that all Committees and Commissions are assigned to one Department who has overall authority and assigns a staff person to act as primary administrative liaison for the Committee or Commission. Committees should be assigned to a specific Department because over time employees will come and go, and in order to ensure continuity and having resources available in the event of sickness or absences the Department head will have to make the adjustment. The person assigned by the Department must be trained regarding aspects of the Brown Act, Political Reform Act, Resolution 10-13 and its various policies, the Municipal Code, and the basic outline of powers and duties of the Committee or Commission they staff.
2. It is strongly suggested that the Finance Director develop clear guidelines to be followed by all Committees expending municipal funds or collecting donations, grants, or other funds from outside sources, and that all Committees handling funds be apprised of the requirements and policies associated with the handling of such funds. It cannot be a casual or informal action, and needs to be made uniform and appropriate. All substantial expenditures must be approved by the City Council, and as always, contracts may be executed only by the Mayor or City Manager.
3. The Town needs to take stock of all of its various websites and links and establish a policy for determining who has access to any and all of them. Ownership needs to be clarified, and where Town funds have been used to establish such sites, the ownership needs to be in the Town's name. Outside websites that capitalize on the Town's name in a way that may lead to confusion should be required to relinquish use of our name.

Staff recommends that the EPC be reinstated and allowed to function in accordance with the recommendations above regarding compliance with the Town's purchasing and other regulations, and (Planning Department) staff that is adequately trained to assist in carrying out the programs that have been approved by the City Council.

Arts Committee.

Under Resolution 10-13, the Arts Committee has the following powers and duties: Act in an advisory capacity and make recommendations to the City Council upon request in matters regarding art awareness including, without limitation, the following goals and objectives:

- i. Fulfill the requirements of the Rita Corbett-Evans estate;
- ii. Develop a unique arts program specific to the needs of Atherton and the surrounding community;
- iii. Provide a base and focal point for arts programs in Atherton;
- iv. Include a multi-disciplinary range of artistic endeavors including fine, performing, and literary arts as well as crafts.

Discussion: The Arts Committee does not have a staff liaison. For a small period of time in 2010 the former Assistant City Manager attended Arts Committee meetings, and created agendas and minutes. On several occasions (and through no fault of their own) the Arts Committee has inadvertently sent the agenda for posting too late to meet the minimum requirements of the Brown Act. If the Committee had a staff liaison it would ensure that agendas are created and posted on time and minutes are created and recorded properly.

The Arts Committee has 10 seats, 8 seats are filled, 5 of which are due for expiration this April. The Arts Committee has no Council Members assigned to it. The Arts Committee is housed in the Main House where it occupies an 80 sq. ft. office to accommodate a desk and telephone.

The Arts Committee has a Council approved budget of \$13,265. Currently, the Committee Treasurer submits invoices or cost reimbursement requests after the Committee has met and voted to approve the expenditure. There has been no recent staff oversight as to the spending of the Arts Committee (Fund 215) budget although the City Manager has always signed off on all payments. No recommendations have been made to City Council for approval of expenditures.

Recommendation: To Be Determined by City Council. City Council may consider directing the City Attorney to review the Rita Corbett Evans Estate (i.e. has the committee fulfilled the requirements of the estate, etc.) and make recommendations based on the analysis. If the Committee stays in existence, Council should discuss appointing two City Council Members to the committee in order to stay consistent across committees.

Atherton Rail Committee:

Under Resolution 10-13, the Atherton Rail Committee has the following powers and duties:

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

Discussion: The Administration Departments office specialist attends the Rail Committee meetings, however this position does not have the qualifications to take part in technical meeting regarding the corridor and helping to prepare position papers. Staff prepares and posts agendas, prepares minutes and prepares staff reports for consideration by the Committee. The Committee meets on a bi-monthly basis. The office specialist approximates about eight to ten hours spent in preparing for, attending, and following up on meetings.

Staff Recommendation:

The Rail Committee follows proper procedures; however staff recommends that the Rail Committee be assigned to the Director of Public Works who will have overall responsibility for the committee. The Public Works Director should then determine and supply the resources required to properly staff the committee. Furthermore, staff recommends that City Council direct staff to work with the Rail Committee to revise the guiding principles and charter in light of recent developments in the Caltrain corridor.

Audit Committee:

Under Resolution 10-13 the Audit Committee has the following powers and duties:

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

Discussion: The Finance Director attends the Audit Committee meetings. The Finance Director prepares and posts agendas, prepares minutes and prepares staff reports for consideration by the Committee. The Committee meets on an as-needed basis. The Audit committee met four times in 2011 and six times in 2010.

Summary:

The Finance Director estimates the work effort required is about 8 to 10 hours per meeting; this includes preparation, attendance and follow-up.

Staff Recommendation:

The Audit Committee currently seats 4 resident members of the Town. 3 of those seats are due to expire this April. The duties of the Audit Committee can be assigned to the Finance Committee. Staff recommends dismissal of the Audit Committee and assigning the powers and duties to the Finance Committee which the Finance Department has overall responsibility for. Additionally, the one resident member whose Audit Committee term does not expire until 2014 would not be affected since that member is also a resident member of the Finance Committee.

Finance Committee.

Under Resolution 10-13, the Finance Committee has the following powers and duties:

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

Discussion: The Finance Director attends the Finance Committee meetings. The Finance Director prepares and posts agendas, prepares minutes and prepares staff reports for consideration by the Committee. The Committee meets on an as-needed basis. The Committee met six times in 2011 and nine times in 2010.

Summary:

The Finance Director estimates the work effort required is about 14 to 15 hours per meeting; this includes preparing, attendance and follow-up.

Recommendation:

The Finance Committee is properly staffed by the Finance Department and follows proper procedures; the Finance Department should continue to oversee this committee. The Finance Committee should assume the powers and duties of the Audit Committee. If Council agrees with the merge of Audit and Finance Committees, then finance committee member Greg Conlon's term could be extended to 2014 (since his term on Audit was to 2014), if the member so desires.

General Plan Committee:

Resolution 10-13 establishes the following powers and duties for the General Plan Committee:

1. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to Town Planning;
2. Review the General Plan and make recommendations to the City Council, Planning Commission and Town staff regarding the operation of the ordinances and policies on the subject of Town planning.
3. the General Plan Committee consists of nine members (two Council members, two Planning Commissioners and five resident members). The Committee meets quarterly or as needed.

The General Plan Committee is listed in the Atherton Municipal Code, under section 17.06.010 as a body of the Atherton planning agency. Further, the code states responsibilities of the General Plan Committee. The general plan committee has the planning and land use responsibilities established by city council resolution and as may be amended from time to time.

Discussion: The Deputy Town Planner is assigned to the General Plan Committee. Staff prepares and posts agendas, prepares minutes and prepares staff reports for consideration by the Committee. The Committee last met in May, 2011. Recent meetings have been cancelled due to a lack of agenda items. Staff time dedicated to the General Plan Committee varies, but on average, could be estimated at 15 - 20 hours per meeting for research, staff report preparation, agenda preparation, meeting minute preparation, correspondence with members and meeting attendance. There are currently two vacancies on the General Plan Committee.

Recommendation:

The duties of the General Plan Committee could be assigned to the Planning Commission. This would require a simple Municipal Code revision which staff can bring back to Council as a first reading.

Alternatively, if the Council disagrees with assigning General Plan duties to the Planning Commission then staff recommends that the Planning Department have overall responsibility for the General Plan Committee.

Library Building Steering Committee.

Under Resolution 10-13, the Library Building Steering Committee has the following powers and duties:

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

Discussion: Currently, the Public Works Director and the Planning Director attend several of the library meetings. The Public Works Director estimates about 4 to 6 hours needed for working on the project. The Planning Director estimates an average of 36 hours per month during the EIR preparation phase. This includes managing the environmental consultant, reviewing draft EIR sections, meeting with Steering Committee members, responding to questions from the public and Council, and managing the environmental review process.

A staff member from the library prepares and posts agendas, prepares minutes and prepares staff reports for consideration by the Committee.

Recommendations:

Staff is scheduled to go to City Council in April for approval of a contract with a Project Manager for the library project. One of key responsibilities for the project manager is to

attend and support town staff at meetings. Staff recommends assigning overall responsibility of the Library Committee to the Public Works Department. The project manager will report directly to the Public Works Director. The Public Works Director may request through the City Manager, that the City Clerk work with the selected project manager to prepare and post agendas, attend meetings, prepare minutes and staff reports and conduct follow-up. This will ensure that the project manager is following proper procedures and protocols associated with the law. Additionally, the Library Steering Committee should be added to the Town roster, while in existence. Lastly, the Library Committee is the only Town committee that seats only one Council Member. Council may discuss expanding the committee to add one more council member so it is consistent across committees.

Proper termination understandings should be discussed, agreed on, and clearly defined.

Park and Recreation Commission.

Under resolution 10-13, the Park and Recreation Commission has the following powers and duties:

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

Discussion: The Park & Recreation Commission is staffed by the Police Department's Executive Assistant and the Public Works Director. Staff prepares and posts agendas, prepares minutes and prepares staff reports for consideration by the Committee. The Executive Assistant approximates 5 hours per month in preparing, attending and following up on meetings. Additionally, the Public Works Director approximates about 6 to 10 hours per month between himself and the Public Works Superintendent.

Summary:

Hours necessary to properly staff the Committee
Executive Assistant: 5 hours per month

Public Works Director: 2 to 4 hours per month
Public Works Superintendent: 4 to 6 hours per month

Staff Recommendation:

The Parks & Recreation Commission follows proper procedure; however current use of police personnel is not suitable. Staff recommends that overall responsibility for the Parks & Recreation Commission be assigned to the Public Works Department who should then determine and supply the resources required to properly staff the committee.

The Town Center Committee.

Under Resolution 10-13, the Town Center Committee, an ad hoc committee, has the following powers and duties:

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

Discussion: The Town Center Task Force is staffed by the Deputy City Clerk. Staff prepares and posts agendas, prepares minutes and staff reports for consideration by the Committee and conducts a majority of the follow up. The Committee meets on an as-needed basis. In 2011 the Committee met 12 times. So far, in 2012 the committee has met 5 times. Staff approximates about 6 to 8 hours per meeting in preparing, attending and following up on meetings. Furthermore, the Public Works Director estimates the work effort required in the approaching stages is about 2 to 4 hours per meeting.

Staff Recommendation:

The Town Center Task Force follows proper procedure and should continue to be assigned to the City Clerks Department. However, when technical assistance is needed the City Clerks Department shall make a request for planning and/or public works resources to the City Manager. The City Manager shall then determine and supply the resources required on an as-needed basis.

Proper termination understandings should be discussed, agreed on, and clearly defined.

Transportation Committee:

Under Resolution 10-13, the Transportation Committee has the following powers and duties:

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

Discussion: The Transportation Committee is staffed by the Administration Departments Office Specialist, the Public Works Director, Police Chief, and a Sergeant. Staff prepares and posts agendas, prepares minutes and prepares staff reports for consideration by the Committee. The Committee meets bi-monthly.

Summary:

Hours necessary to properly staff the Committee
Public Works Director: 8 to 12 hours per meeting
Public Works Superintendent: 2 to 4 hours per meeting
Police Chief: 4 to 6 hours per meeting
Police Sergeant: 6 to 9 hours per meeting
Office Specialist: 4 to 6 hours per meeting

Staff Recommendation:

Consideration of two options:

1. Given the highly technical and legal issues surrounding traffic and transportation, staff recommends that these issues be handled by the Public Works and Police Department staff. An ad hoc committee should be constituted if the need arises.
2. Alternatively, if the Committee continues staff recommends that the Police Department has overall responsibility for the committee. The Chief of Police shall then determine and supply the resources required

STAFF RECOMMENDED COMMITTEE/COMMISSION RULES OF PROCEDURES AND OPERATING GUIDELINES:

A set of guidelines and procedures should be adopted immediately for all Town Committees and Commissions. Below is staff's recommendation for proper guidelines:

All committees and commissions shall follow the provisions of the California Open Public Meeting Law (Brown Act).

Agenda Preparation:

The agenda shall be prepared in accordance with the following guidelines.

Methods for placing an item on a Committee/Commission agenda:

1. Council: A majority vote of the Council may direct staff to add an item to a Committee or Commission agenda.
2. City Manager: The City Manager may receive requests for agenda items from the public, staff, a committee member or a Council Member. The City Manager will rely heavily on the professional opinion of staff to make his/her decision as to whether or not the item should be placed on an agenda. The City Manager will review the request with the Committee Chair. If there is disagreement on whether to agendize an item, the City Manager will have sole discretion regarding whether or not to place the item on the agenda. As an alternative, the City Manager may refer the Committee request to place an item on an agenda to the City Council at the next available meeting.

3. Staff and Committees: There may be a need for agenda items which were arise out of committee meeting discussion, and are requested and agreed on by a majority of the Committee; or created from staff follow up of previous meetings. In this case, staff will follow section 2.

Each committee or commission shall have a Chairperson. The Mayor shall have the discretion to appoint the Chair for each committee during reorganization which is done every January. The Mayor may also leave it up to the committee to make the decisions to appoint their chair.

The Department assigned to the committee shall have the authority to appoint staff member(s) to serve Town committees and commissions.

All committees and commissions shall prepare action minutes. Draft minutes, that is, unapproved minutes, shall be presented to the City Clerk within 5 days following the meeting. The City Clerk will summarize all minutes received and share appropriate information with the City Manager and City Council.

Members of committees and commissions are encouraged to advocate positions to the City Council on matters under the purview of their committee or commission. Otherwise, no committee or commission or any of its members shall represent itself or themselves as speaking on behalf of the Town, City Council, and/or committee or commission without prior approval of the City Council. Statements of previously approved City Council policy may be made without additional City Council approval.

Committees and commissions may provide approved educational materials to the public regarding the functions and actions of the committee or commission, but shall not engage in advocating to the public any particular position which is contrary to City Council policy. Any educational materials sent to the public shall be approved by the City Manager. It shall be the City Manager's discretion on whether or not the educational materials need Council approval beforehand.

An annual report shall be provided to the City Manager, City Clerk and City Council of committee and commission activities for the preceding year.

CONCLUSION:

This report is strictly intended to give Council the information it needs to decide which Council-appointed committees and commission need modifications. It may serve as a discussion starter for further analysis, however Council should be prepared to review and discuss each committee one-by-one and the recommendation made by staff. Council can reject or accept the staff recommendations, or Council may choose to alter staff recommendations. Alternatively, Council may choose to table the item and direct staff to initiate a workshop with each Committee to allow the committee members to weigh in. Attached to this staff report is a committee matrix to assist in making the initial decisions.

Based on tonight's discussion and any potential outcome, staff is prepared to ultimately come back to Council with a revised resolution governing town committees and commissions. The new resolution will replace resolution 10-13, and will contain clear guidelines and procedures for committees and commissions including newly developed rules for expending municipal funds or collecting donations, grants, or other funds from outside sources, and a policy for committee website links.

Attachment: Committee Matrix

Committee Background

	Reason for existence- Why (and when) it was created	Is it still needed? Dismiss, Alter or Merge	If needed- New charter/Guiding principles?
EPC	<p>The Environmental Programs Committee was originally the Waste Reduction Committee that was formed when the State adopted AB939 requiring each jurisdiction to reduce garbage by 50%. The Committee met with BFI to work on recycling programs, reviewed garbage rate structures and recommended unlimited green waste collection. They also recommended the Construction and Demolition recycling ordinance. The group evolved into more environmental programs and changed its name in the summer of 2006.</p>		
Arts	<p>Not clear when it was created. Needs further research. Designed to fulfill requirements of Evans Estate and provide art programs in Town.</p>		
Rail	<p>Originally the Caltrain Corridor Subcommittee created on November 19, 2003 and renamed itself to the Rail</p>		

Committee Background

	<p>Committee by City Council approval on March 15, 2006. Rail Committee was established to research and address the specific impact that High Speed Rail and other rail improvements may have on the Town of Atherton.</p>		
Audit	<p>Audit Committee was established by City Council on May 17, 2000 to provide oversight of the annual audit, make recommendations to the City Council on matters related to the annual audit. Established to restore public trust and confidence.</p>		
Finance	<p>Finance Committee dates back many decades as an ad-hoc committee. In early 2010 City Council expanded it to allow 3 residents to sit on the committee.</p>		
General Plan	<p>It is not clear exactly when the committee was created. Staff believes it was created to review the first Town General Plan that was being written. It generally reviews proposed general plan</p>		

Committee Background

	amendments and zoning ordinance amendments.		
Library	Library Steering Committee was created by the Library Task Force. City Council approved the Library Task Force recommended member selections on July 21, 2010. The Committee was created to make recommendations in all matters pertaining to the planning and design process for a new public library facility, including public outreach.		
Park & Rec	The Park and Recreation Commission advises the City Council on matters regarding Park and Recreation programs, develops and revises the master plan for the Park, reviews the annual budget for the Park, and makes recommendations concerning long-term capital projects. This is consistent with what municipal agencies do.		
Town Center	Task Force created in early 2010 to research finance options, be involved in the		

Committee Background

	<p>request for proposal process, public outreach and fundraising for a new town center. The Task Force picked up where the Blue Ribbon Task Force left off. In September, 2010 Council agreed to allow the Task Force to continue work with no specified timeline.</p>		
Transportation	<p>Created as a Council sub-committee Responsible for reviewing transportation/traffic issues that affect the Town. It expanded to a resident committee with 3 residents and 2 council members sometime in 2005. In 2010 it expanded to 7 5 resident members and 2 council members.</p>		



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
THERESA DELLASANTA, INTERIM CITY MANAGER**

**FROM: MICHAEL KASHIWAGI, COMMUNITY SERVICES
DIRECTOR**

DATE: FOR THE MEETING OF MARCH 21, 2012

**SUBJECT: POSSIBLE START UP OF EVENT BOOKINGS AT
HOLBROOK-PALMER PARK THROUGH THE 2012
CALENDAR YEAR**

RECOMMENDATION:

Provide direction to staff regarding starting full event bookings at Holbrook-Palmer Park through December 31, 2012.

INTRODUCTION:

On December 21, 2011, Council voted 3-2 to discontinue events at the park for the 2012 calendar year. On February 15, 2012, Council directed staff to prepare a report to facilitate a discussion concerning opening up events in the park for the remainder of the 2012 calendar year.

To assist this discussion, staff has developed criteria to identify which events are to be considered "Town Events" and those that should be considered "Other Events". Town Events would continue to take place as they have in the past and is not part of this discussion. The purpose of this report is to focus on "Other Events" to get City Council direction in terms of what should continue and how these events are administered and managed.

Please note this report is also not intended to address the recreational uses of Holbrook-Palmer Park, such as little league, lacrosse, tennis, and soccer. Staff assumes these

activities will also continue as they have in the past, unless otherwise directed by the City Council.

DISCUSSION:

A “Town Event” is associated with official Town business and is defined as follows:

- Must be the City Council or an advisory Committee or Commission appointed by the City Council.
- Must be City staff conducting official City business.

Attachment 1 identifies the groups and activities which meet the definition of “Town Events”. Attachment 2 provides a list of groups and types of functions which staff would identify as “Other Events”. As shown on Attachment 2, staff has categorized these events as Weddings, Social Events, and Meetings/Classes. This is not intended to be an all-inclusive list, but does represent a fairly comprehensive list of events and activities which typically occur at the park.

Staff is seeking City Council direction on what “Other Events” will be allowed at Holbrook-Palmer Park through the reservation and rental of spaces, such as the Main House, Pavilion, Carriage House, and other useable park spaces. For each event category shown on Attachment 2, staff is seeking Council direction in terms of:

- Which events will be allowed?
- Should a maximum group size be placed on any of the events?

Since by definition, “Other Events” are functions or meetings which are not associated with official Town business, staff recommends that appropriate fees are charged and necessary insurances recommended by ABAG are required. Per ABAG requirements, staff also recommends all building access and required set-ups are performed and controlled by authorized Town staff. In addition, staff recommends that prior to any “Other Event” being booked, the responsible parties will be required to:

- Fill out an application stating type, size and length of event. All applications for events will be approved by the City Manager.
- Pay a fee based on the location, size and set-up of the event. This fee will pay for staff to set-up, open/close buildings and clean-up following the event.
- Provide insurance in the form of a private policy naming the Town as additionally insured or purchase a Town provided policy.

REVENUE AND EXPENDITURE ESTIMATES:

Staff makes the following assumptions when calculating revenue/expenditure estimates for events for the 2012 calendar year:

- The booking of events could begin on April 1, 2012, by utilizing town staff for this purpose until a vendor would be available under contract to perform the duty.
- The first event would not take place until a vendor is awarded a contract, the contract is fully executed and the contractor is given time to hire and train appropriate staff. The earliest date staff estimates this could take place would be May 15, 2012, based on the following timeline (expedited):

Date	Action
March 21, 2012	Council approves event continuation.
April 2, 2012	Staff advertises for Event Manager.
April 16, 2012	Bids Due.
April 18, 2012	Council awards contract to low-bid vendor.
May 1, 2012	Contract in place and Notice to Proceed issued. Bookings handed over to vendor.
May 15, 2012	Park and vendor prepared for 1 st event to take place.

- Weddings are normally booked a minimum of six months prior to the event. If bookings open April 1st, the earliest wedding event we could reasonably expect would be October 1, 2012. Based upon 2011 bookings, we are estimating two wedding bookings for 2012.
- Since we missed the opportunity to advertise in industry publications, advertising park events would be 100% by word of mouth.
- For calculation purposes, staff is using 50% of the fees charged as the basis for projected Town revenues.

Given these assumptions, staff estimates revenue for 2012 as follows:

Event	Estimated Revenue	Period
Weddings	\$8,000	October - December
Social Events	\$50,000	May - December
Corporate Meetings	\$20,000	May - December
Day-Use Permits	\$3,000	May - December
Total Estimated Revenue:	\$81,000	

The reason for the large variance from the estimated 2012 revenue presented to Council in December 2011 (\$236,990) and the revised 2012 revenue estimate of \$81,000 is due to the following:

- Weddings were the biggest source of revenue in the past and we have missed the peak wedding season for 2012. Weddings have accounted for over half of all event revenues in the past.
- Also, given the later start date, our social event revenue was reduced from \$60,000 to \$50,000.
- Similar to weddings, corporate meetings are also booked well in advance. Accordingly, we reduced the estimated 2012 revenue from \$60,000 to \$20,000.

Staff estimates expenditures for 2012 as follows:

Type of Annual Expense	Cost With Events	Cost Without Events
Labor for Building/Grounds Maintenance (enhanced) (864 hrs @ \$25 per hr) (24 hrs/week x 36 weeks)	\$21,600	\$0
Facility Repairs – Carpet Repair/Maintenance, HVAC, Glass, Locks.	\$3,000	\$2,000
PODS – Storage	\$3,040	\$0
Custodial – Restrooms, Carpets, Kitchen (\$300 per mo share for MH, JP and CH)	\$2,400	\$2,400
Landscape Supplies – Plant Materials/Chips	\$1,500	\$500
Utilities - Electricity, Gas, Water, Sewer, Phone	\$3,467	\$2,250
Miscellaneous Supplies – Paper, Mats	\$500	\$150
Carpet Depreciation	\$1,250	\$1,250
Total Expenditures:	\$36,757	\$8,550

Additional costs associated with events is \$28,207.

FISCAL IMPACT:

Based upon an estimated gross revenue amount of \$81,000, staff estimates net revenue totaling \$12,293 for 2012.

Estimated Town Revenue	\$40,500
(50% of Gross)	
Estimated Event-Related Expenditures	(\$28,207)
Net Revenue:	\$12,293

Prepared By:

Approved:

Michael Kashiwagi, P.E.
Community Services Director

Theresa DellaSanta
Interim City Manager

Debra Auker
Interim Finance Director

Attachments: Attachment 1 – Town Events
Attachment 2 – Other Events

**Attachment 1
Town Events**

City Meetings	City Advisory Committee/Commission Meetings
City Council Meetings City Staff Meetings City Staff Training City Manager approved hosted events (i.e. Council of Cities)	Park & Recreation Commission Atherton Transportation Committee Atherton Planning Commission Atherton General Plan Committee Atherton Finance Committee Atherton Audit Committee Atherton Arts Committee Atherton Rail Committee Atherton Library Steering Committee Atherton Environmental Programs Committee

**Attachment 2
Other Events**

Weddings	Social Events	Meetings/Classes
Weddings	<p align="center"><u><i>Parties/Gatherings</i></u></p> <p>Birthdays</p> <p>Bah Mitzvahs</p> <p>Memorial Services</p> <p>Bridal Showers</p> <p align="center"><u><i>Group Activities/Fundraisers</i></u></p> <p>School Picnics</p> <p>Graduation Ceremonies</p> <p>Art Expositions</p> <p>Ice Cream Socials</p> <p>Family Picnics/BBQ</p> <p align="center"><u><i>Large Activities/Fundraisers</i></u></p> <p>Easter Egg Hunt</p> <p>Swing in the Park</p> <p>Jazz in the Park</p> <p>Valentine's Day Dance</p>	<p align="center"><u><i>Corporate Events</i></u></p> <p>Meetings</p> <p>Seminars</p> <p>Retreats</p> <p>Picnics</p> <p align="center"><u><i>Local Group Meetings</i></u></p> <p>Community Discussions</p> <p>Park Foundation</p> <p>Atherton Dames</p> <p>Friends of the Library</p> <p>Atherton Civic Interest League</p> <p align="center"><u><i>Classes</i></u></p> <p>Yoga</p> <p>Folk Dance</p> <p>Music for Families</p> <p>Dog Training</p> <p>Country Dance</p> <p>Team Sheeper</p>

ITEM 25

Council Report – Mayor Bill Widmer
March 21, 2012 City Council Meeting

I attended two significant meetings over the last month. The first one, attended by four of the five Council members and 3 staff members was the Council of Cities meeting in HP Park. It was well attended and many of the other City representatives have and continue to make comments on the meeting and the venue. Staff did a great job in preparing the grounds and planning the dinner. Atherton had its opportunity to speak about our recent outsourcing and Joe Nation provided great insight into the pension issues we are all sharing here in California. Joe's presentation highlighted the problems many cities and towns are facing both today and in the near future, and discussed what the end result may lead to.

Speaking to many other cities at the subsequent meeting, such as Belmont, San Carlos, Burlingame and Foster City, they are all facing similar situations and were very complimentary of the steps Atherton has taken to date.

On Thursday 8 March, I attended a Transportation Taskforce Meeting hosted by Supervisor Adrienne Tiessier and Mark Simon. The purpose of the meeting was to initiate discussions on finding a permanent revenue source for Caltrain by 2015. The Caltrain people were beginning to develop a long range plan which was not disclosed but which mentioned electrification which I will address later in this note. The County is planning a mass marketing program which will include a visit with every City or Town Council. This planning is in work and we should see an agenda item in the next few months.

The primary focus was on suggestions such as \$1 per annum car license tax, an increase in gas tax, a hotel tax., an increase in business tax as well as a .25cent sales tax increase. As three counties benefit from this service, it was also emphasized that any such taxes would have to come from all three counties.

I discussing Atherton's view, I mentioned that we Atherton, did not really benefit from this service, and the if the County was going to do mass communication on this potential tax impact, they might want to reconsider providing service the many of the areas they had since curtailed. I also suggested that before, or in parallel to this revenue planning, some analysis on the service levels and uses be made to make the system as efficient as possible. I presented analysis showing that 75% of the ridership on the trains was on 10 of 90 trains. Many concurrent trains were operating at less 10-15% capacity and were only running 20-30 minutes behind a second train. The suggestion was to eliminate 6-10 trains. Additionally I suggested that fare differential be assessed for time of usage, again highlighting the fact that the express trains which cut travel time in half are more widely ridden and, like use of the car pool lanes, a premium would be paid for faster service. A similar analysis was presented on the bus service as well where the Sam Trans goal is to continue to run busses on routes with 10-15 minute intervals, despite the ridership.

Finally, having received information on electrification from William Grindley and Mark Engle on the issues of Electrification or Diesel-technology trains, I asked why there had not been a public discussion on the proper technology. I presented a few of the facts that Mark had kindly provided me and pressed the team to hold such a forum. The team indicated that no final decision had yet been made in this area, but mentioned several times during the discussions the plan for electrification and track expansion to accommodate more express trains and mentioned a few times HSR.

Several other cities, such as Burlingame, were unified in our opposition to HSR program and indicated that any reference to HSR in their marketing plans would not assist in building any community support for any tax referendum, which would not occur for at least 2 years.

I will be meeting with the Caltrain people in the next month to conduct a more in depth study of their strategic plans and will invite a few members of our Rail Committee in the hope that they will attend this session(s) with me so they can weigh in on these plans and we can work together in the development of an adequate community response before we meet with the Caltrain team here in Atherton.

ITEM 25
Council Comments – March 2012 – Jerry Carlson

State Senators Lou Correa, Joe Smitian, Alan Lowenthal and Mark DeSaulnier took testimony from High Speed Rail chairman Dan Richard and board member Jim Hartnett re the direction of the revised Business Plan at the Mt. View Performing Arts Center. The plan will be released at the end of March. Members from the LAO office and Peer Review Group provided comments. It looks like HSR has no option but to spend the \$3.7 billion in federal money on the Initial Construction Project in the Central Valley. There was a lot of discussion about providing money for the ‘book ends’ – the Anaheim to LA and San Jose to San Francisco corridors on projects that later HSR could utilize – if it ever reaches that far. The Attorney General’s Office continues to keep quiet on the issue of whether the ‘blended system’ i.e. sharing Caltrain tracks rather than HSR having separate tracks is legal or not under Prop. 1A and AB 3034. Assemblyman Jerry Hill, the MTC, as well as Caltrain are pushing for HSR funding to electrify Caltrain and implement positive train control. In April, the legislature will start a series of funding discussions that may well determine what happens to HSR. Jim Hartnett will be speaking at this month's Council of Cities meetings touting the partnership between Caltrain and HSR.

The Park Foundation plans to send a formal letter outlining what that organization needs if the new library replaces the Main House, in the park. The board members were concerned that the organization had not yet pulled together and put in writing what they view as their space and functional requirements. The board spent considerable portion of the meeting discussing the proposed library.

The Mayor and town staff did a fine job in hosting the Council of Cities dinner meeting featuring Joe Nation talking about pensions. It looks like the governor is going to have to show leadership in this area if he wants voters to pass his tax measures in November.

I attended both the Peninsula Rail Consortium and Palo Alto’s Rail Committee meetings. As a result, letters of support for SB 984 (LaMalfa) and AB 1344 (Harkey) are on the Consent Agenda. In addition, a letter signed by the Mayor to the Caltrain JPB expressing concern about their working with MTC on a MOU updating their partnership with HSR. The camel is trying to get its nose under the Caltrain rail corridor tent. In return for support of Caltrain electrification funding from HSR, Caltrain will agree for HSR to share its tracks (Blended System) and support extending the Caltrain tracks to the new Trans Bay Terminal. Because the AG has not given an opinion on the blended two track system being in accord with Prop 1A, there is the basis for a potential law suit if the electrification plan goes ahead as being a means to facilitate HSR using Caltrain tracks. The letter as well as testimony at the Smitian hearing makes it clear that the Town of Atherton opposes HSR using the Caltrain corridor. The real purpose of the above two bills will come into play in May-June when the state legislature is forced to make budget choices. By that time there may be more answers to the legal questions biting HSR and the revised Business Plan will have been analyzed by many experts. [It should be noted - the Palo Alto Council’s legislative staff has been extremely helpful in providing early policy drafts concerning the rail corridor to help augment or own resources.]

At the Menlo Park Chamber Transportation Committee an update on the Dumbarton rail corridor described Alameda County’s current ½ cent sales tax would be replaced by a 1 cent tax to provide more transportation funding including the Dumbarton corridor.

Atherton Rail Committee continues to focus on Quad Gates at the Watkins crossing; resumption of weekday rail service; Caltrain electrification; MTC involvement in brokering a new MOU between Caltrain and HSR; quiet zone; CHSRA and JPB board meetings; and related legislative actions in Sacramento and Congress.

Meetings attended past month

Holbrook Palmer Park Foundation – Council representative

Menlo Park Chamber Transportation Committee – Chamber member

Council of Cities monthly meeting

Silicon Valley State of the Union (San Jose - Regional trends/Possible Prop. 13 revisions)

Dames Parent/Child Valentine Dance – (was ‘volunteered’ to pour wine)

Several meetings with San Mateo Co. supervisor candidates

Palo Alto Rail Committee (discussion of re Caltrain/MTC/HSR MOU)

Peninsula Cities Consortium (Brisbane)

Cities & County Association of Governments (San Carlos)

Senate Legislative Hearing on High Speed Rail (Mt. View)

San Mateo County Commission Aging (San Mateo – attended as observer)