



MINUTES
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
OCTOBER 15, 2008

7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Janz called the meeting to order at 7:03 p.m.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

PRESENT Jim Dobbie
Jerry Carlson
Charles E. Marsala
James R. Janz
Kathy McKeithen

City Manager Jerry Gruber and City Attorney Marc Hynes were also present.

3. PRESENTATIONS

A. Proclamation – Robert Jenkins

Mayor Janz presented a Proclamation to Robert Jenkins in recognition of his longtime commitment and dedicated service to the Town of Atherton.

B. Final 2020 Gateway Report

Richard Napier, Executive Director, City/County Association of Governments (C/CAG) presented an update on the 2020 Gateway Corridor Study. John Hoang, C/CAG, noted the study was initiated in 2004 to identify short-, medium-, and long-range roadway improvement options for addressing traffic congestion and local community impact due to regional traffic between Hwy 101 and the Dumbarton Bridge within the project study area. The project study area encompassed Hwy 101 from Hwy 84, Woodside Road in Redwood City, to Hwy 85 in Mountain View and included Hwy 84, the Bay Front Expressway portion, and the connections from the Dumbarton Bridge landing to Hwy 101. The study objectives included defining and evaluating alternative traffic improvements within the study area that addressed the study goals.

Study goals included facilitating access from Hwy 101 and the Dumbarton Bridge, enhancing economic opportunities, optimizing use of existing infrastructure, and minimizing environmental impacts on sensitive resources. Mr. Napier explained the accomplishments that had taken place; the action plan for stakeholders' consideration, the near-term projects, and the long-term projects, etc. He responded to Council's questions.

C. Sustainable San Mateo County

Tina King, Sustainable San Mateo County, commended Atherton on its Environmental Programs Committee's efforts and the Atherton Green website. The 10th Annual Sustainability Awards and Green Building Awards event would be held in March 2009. The "Indicators" report was in its 13th year of publication. The Pathway to Sustainable Communities web tool would be launched in the spring. Sustainability meant the ability to continue for a long time, i.e., meeting the needs of today without compromising the needs of future generations. Making wise decisions about the way our remaining land, energy, and resources were used was critical. Another billion people would be added to the world's population in the next 12 years. California was adding the equivalent of a Los Angeles every eight years. In the Bay Area, 2 million people would be added in the next 25 years. Ms. King reported on the various challenges that would arise. Change was coming and resources were needed. The Annual Sustainability Awards nominations were due December 3, 2008. She responded to Council's questions.

D. Menlo Park Fire Protection District – Evacuation Plan for West Atherton

Chief Schapelhouman and Battalion Chief Frank Fraone, Menlo Park Fire Protection District (MPFPD), updated Council on the Walsh Road/Mutual Threat Zone Evacuation Planning Area. Preliminary plans were made with the Menlo Circus Club for a staging area and an evacuation area. There were various options: 1) the red option went along the Cal Water property and would require the road to be widened from 12 feet to 16 feet for a 1.2 mile stretch and a cost of \$450,000; another option was to turn the electric gate on the Cal Water property into a gate that worked without electric power and could be activated by radio waves through the police dispatch center, as well as installing another gate at the other end on Moore Road for approximately \$25,000; 2) the yellow option was at the end of Valley Court and required two emergency road easements on two private properties for a cost of \$46,000 for the shorter option and \$95,000 for the other; 3) the brown option went along the horse trail and horse tunnel between two properties on Valley Court. Along with Caltrans, an emergency access gate would be installed at the top of the road to Hwy 280 for \$146,000. The issue was who would bear the cost. Chief Fraone asked for guidance from the Council. Chief Schapelhouman and Chief Fraone responded to Council's questions.

Berna Davis, Atherton, said there was not only a concern about fire in the Walsh Road area but also of flooding and earthquake. She believed the Moore Road option would work as an alternative but not as the primary egress.

Vice Mayor Carlson suggested that the City Manager should work with the MPFPD and the Woodside Fire Protection District to find options that included funding and what would be the most beneficial for all the residents in that region.

Robert Jenkins, Atherton, commended MPFPD for its progress since July. One project for the committee members was to draft a Memorandum of Understanding with the Sharon Heights Golf Course to gain access from the south into the golf course and into the golf club.

Mayor Janz moved Item No. 5 forward to be heard before Item No. 4.

5. REPORT OUT OF CLOSED SESSION

City Attorney Marc Hynes reported out of Closed Session as follows: 5:05,

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – *Significant exposure to litigation pursuant to Subsection (b) of Government Code Section 54956.9*

Three (3) potential cases

Two actions were taken on one of the cases: 1) Regarding the Town's Business License Tax, on a vote of 4 to 1, Marsala voting no, the City Manager was authorized to enter into an agreement with Muni Services to review the Business License Tax and its collection. Any previously stated public comments as to what was owed were premature and should be disregarded. A public report was expected to be available by the Regular City Council meeting in December. 2) Regarding the Town's Building Permit fees, staff was directed to prepare and circulate a Request for Proposals for a cost allocation study relative to Building Permit fees which was approved unanimously. There was no reportable action taken on the other two cases.

B. LIABILITY CLAIMS – pursuant to Government Code Section 54956.95

Claimant: Pilar Ortiz-Buckley

Agency Claimed Against: Town of Atherton

No reportable action was taken.

C. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9

Town of Atherton vs. P.G.&E CIV 471234 Superior Court of California, County of San Mateo

No reportable action was taken.

4. PUBLIC COMMENTS

Carol Flaherty, Atherton, noted she sent a letter to the City Manager with copies to the City Council regarding the Business License fees and Road Impact fee. She encouraged the Town to start acting legally and to not continue delaying refunds owed to residents for the past two years.

Elizabeth Lewis, Atherton, spoke regarding the guesthouse survey. She encouraged residents to sign up for email notification of upcoming Town meetings. She was encouraged that Council was addressing the Business License fee issue; however, she did not understand why it was handled in a Closed Session.

5. CITY MANAGER'S REPORT

City Manager Jerry Gruber reported on meetings he attended during the past month including: a meeting with Daniel Childs, General Manager of South Bayside System Authority, regarding the \$350 million bond for capital improvement projects; a Study Session on the update for the Housing Element; A Study Session on the High-Speed Rail; the League of California Cities Annual Conference in Long Beach; a training workshop for Atherton's Code of Conduct; a meeting with Don Maynard, Interim Finance Director Bill Yeomans and the Mayor regarding a Utilities User Tax; a meeting with Caltrain representatives regarding quad gates, quiet zones, and what was promised. He went on a Police ride-along. He attended the Annual Silicon Valley Leadership Public Policy luncheon. He noted the recent edition of the *Athertonian* was delivered to residents.

Finance Director Louise Ho updated the Council on her progress in her first seven days. Regarding the Monthly Financial Report, she indicated she would work with the Finance Committee to refine the format. Additionally, she would be meeting with the City Manager and Senior Staff to become knowledgeable about the budget and how it could be improved for 2010, as well as updating the Purchasing Policy. She would meet with the Public Works Director regarding Capital Improvement Projects to prioritize and identify funding, etc. The San Mateo County Investment Pool contacted her regarding its losses in connection with the Lehman Brothers' bankruptcy. The Town's share was \$552,000 which would be written off in October. There might be a chance to recover at least 50% of the loss. Additionally, CalPERS reported a 25% loss in its portfolio, or \$67 billion, which would impact the Town's funding requirement. She contacted the Local Agency Investment Fund (LAIF) and was told it was not experiencing any losses at the present time. The only risk LAIF was trying to minimize was some investments in foreign banks. She would be bringing forth recommended changes in the Town's Investment Policy. She responded to Council's questions.

Deputy Town Planner Lisa Costa Sanders noted the Housing Element Workshop was scheduled for October 29 and postcards were mailed to residents. Eight surveys were received on the second dwelling units, all hand delivered. She anticipated many more would be received in the mail.

14. APPROVE TOWN PARTICIPATION IN THE COST OF INSTALLING A TRAFFIC SIGNAL ON MIDDLEFIELD ROAD AT ENCINAL AVENUE

Approved participation of up to \$126,667 in the cost of installing a traffic signal on Middlefield Road at Encinal Avenue, provided that the Menlo Park School District and the City of Menlo Park agree to proportionate shares.

15. ADOPTION OF A RESOLUTION ENDORSING THE GUIDING PRINCIPLES OF THE GRAND BOULEVARD INITIATIVE

Adopted Resolution No. 08-40, "A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ENDORSING THE GUIDING PRINCIPLES OF THE GRAND BOULEVARD INITIATIVE."

16. ADOPTION OF A RESOLUTION APPROVING A NEW POLICY – POLICY AGAINST HARASSMENT AND RETALIATION

Adopted Resolution No. 08-41, "A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON TO APPROVE TOWN POLICY 2.3 HARASSMENT AND RETALIATION TO REPLACE ZERO TOLERANCE STANDARDS OF BEHAVIOR TO PREVENT DISCRIMINATION AND HARASSMENT."

17. ADOPTION OF A RESOLUTION APPROVING A NO PARKING ANY TIME ZONE ON THE SOUTH SIDE OF OAK GROVE AVENUE BETWEEN MIDDLEFIELD ROAD AND REBECCA LANE

Adopted Resolution No. 08-42, "A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON GOVERNING TRAFFIC AND PARKING ON THE SOUTH SIDE OF OAK GROVE AVENUE FROM MIDDLEFIELD ROAD TO REBECCA LANE PURSUANT TO ATHERTON MUNICIPAL CODE, SECTION 10.04.010."

18. A. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WILSEY HAM FOR CONCEPTUAL DESIGN SERVICES FOR THE MANDARIN, WALSH, MULBERRY, ELENA/FAXON, MACBAIN/ALEJANDRA/ BRITTANY AND FAIR OAKS CUL-DE-SAC PROJECTS

Accepted the proposal and authorized the City Manager to sign a Professional Services Agreement with Wilsey Ham to provide conceptual and final design services for the Mandarin, Walsh/Belbrook, Mulberry, Elena/Faxon, MacBain/Alejandra/Brittany and Fair Oaks Cul-De-Sac Projects, in an amount not to exceed \$44,184 plus a ten percent contingency, for a total authorization of \$48,602.

B. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WILSEY HAM FOR CONCEPTUAL AND FINAL DESIGN SERVICES FOR THE POLHEMUS AVENUE CUL-DE-SAC PROJECT

Accepted the proposal and authorized the City Manager to sign a Professional Services Agreement with Wilsey Ham to provide conceptual and final design services for the Polhemus Avenue Cul-De-Sac Project in an amount not exceed \$41,771, plus a 10% contingency, for a total authorization of \$45,948.

19. APPROVAL OF AN AGREEMENT BETWEEN THE TOWN OF ATHERTON AND MARC G. HYNES TO PROVIDE ATTORNEY SERVICES

Approved the agreement.

20. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF ATHERTON AND MANAGEMENT PARTNERS INCORPORATED FOR SELECTING A CITY ATTORNEY

Approved the agreement between the Town of Atherton and Management Partners incorporated for selecting a City Attorney for \$16,900.

21. ADOPT A RESOLUTION APPROVING A NO LEFT TURN FROM 4-6 PM MON-FRI ON WESTBOUND WATKINS AVENUE AT EL CAMINO REAL AND A NO PARKING ANY TIME ZONE ON THE EL CAMINO REAL FRONTAGE OF 1906 EL CAMINO REAL

Adopted Resolution No. 08-43, "A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON GOVERNING TRAFFIC AND PARKING PURSUANT TO ATHERTON MUNICIPAL CODE, SECTION 10.04.010."

22. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE HOLBROOK-PALMER PARK TRAIL AND BRIDGE PROJECT, PROJECT NO. 08-004

Approved the plans and specifications and authorized advertisement for bids for the Holbrook-Palmer Park Trail and Bridge Project, Project No. 08-004.

23. ADOPT A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY/ COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG), CALTRANS DISTRICT 4, THE COUNTY OF SAN MATEO, CITY OF BELMONT, CITY OF BURLINGAME, CITY OF FOSTER CITY, CITY OF MILLBRAE, CITY OF REDWOOD CITY, CITY OF SAN BRUNO, CITY OF SAN CARLOS, CITY OF SAN MATEO, TOWN OF ATHERTON, CITY OF SOUTH SAN FRANCISCO, CITY OF MENLO PARK, CITY OF EAST PALO ALTO, METROPOLITAN TRANSPORTATION COMMISSION (MTC), AND SAN MATEO COUNTY TRANSPORTATION AUTHORITY (SMCTA) TO ACKNOWLEDGE THE SMART CORRIDORS PROJECT, AND TO AGREE TO WORK COOPERATIVELY TO ASSIST IN DEVELOPMENT OF THE SMART CORRIDORS PROJECT

Adopted Resolution No. 08-44, "A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY/ COUNTY ASSOCIATION OF GOVERNMENTS

(C/CAG), CALTRANS DISTRICT 4, THE COUNTY OF SAN MATEO, CITY OF BELMONT, CITY OF BURLINGAME, CITY OF FOSTER CITY, CITY OF MILLBRAE, CITY OF REDWOOD CITY, CITY OF SAN BRUNO, CITY OF SAN CARLOS, CITY OF SAN MATEO, TOWN OF ATHERTON, CITY OF SOUTH SAN FRANCISCO, CITY OF MENLO PARK, CITY OF EAST PALO ALTO, METROPOLITAN TRANSPORTATION COMMISSION (MTC), AND SAN MATEO COUNTY TRANSPORTATION AUTHORITY (SMCTA) TO ACKNOWLEDGE THE SMART CORRIDORS PROJECT, AND TO AGREE TO WORK COOPERATIVELY TO ASSIST IN DEVELOPMENT OF THE SMART CORRIDORS PROJECT.”

24. ADOPTION OF A RESOLUTION:

- A. AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH CALTRANS FOR SAFE ROUTES TO SCHOOL PROGRAM FUNDING PROJECTS**
- B. APPROVAL OF GRANT FUNDING AGREEMENT FOR SAFE ROUTES TO SCHOOL GRANT PROJECTS ON VALPARAISO AVENUE AT SACRED HEART SCHOOLS AND ON CAMINO AL LAGO AT LAS LOMITAS ELEMENTARY SCHOOL**

Adopted Resolution No. 08-45, “AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH CALTRANS FOR SAFE ROUTES TO SCHOOL PROGRAM PROJECTS”

PUBLIC HEARINGS (Item 25)

25. APPEAL REGARDING PLANNING COMMISSION DECISION REGARDING 67 MARYMONT AVENUE

The appellant withdrew the appeal.

REGULAR AGENDA (Item 26)

26. TOWN CENTER PROJECT: UPDATE, SURVEY, PUBLIC OUTREACH (Oral Report)

Council Member Marsala updated Council on the activities of the Blue Ribbon Task Force (BRTF): 1) Reviewed the Portola Valley process for a new Town Center; 2) Received confirmation from the Library JPA that the \$3 million in the reserves could be used at the Council’s discretion; 3) Reviewed the Palo Alto Blue Ribbon Task Force’s report and utilized it with some additions; 4) Public tours of Town facilities would be conducted; 5) A meeting would be held in November regarding the pros and cons of remodeling versus new construction; 6) A meeting in December would provide more details regarding the budget, etc.; 7) Funding was discussed, as well as setting up a community foundation for accepting donations. The BRTF believed its mission was understanding, defining, and informing Atherton. He presented a GANT chart with timelines and continued with a photo presentation of recently constructed Town Centers. The next step was to conduct five tours of Town facilities. A survey form was

\$65 million facilities bond and Norcal waste collection. Duncan Jones and Rosemary Maulbetsch were interviewed by CBS Channel 5 regarding High-Speed Rail. ABAG's General Assembly meeting was scheduled for October 24. The Finance Committee met and discussed the unfunded liability of PERS. The Planning Commission elected Herman Christensen as Chair and Carol Smith as Vice Chair.

- **Council Member Marsala attended the Environmental Programs Committee meeting on October 1 where the Building Awards were discussed. "Green Light" was a program put on by the Media Center for schools to make videos on environmental issues, and the EPC was looking into becoming a part of it. The Green Ribbon Task Force met and Atherton's hot water consumption was larger than any other town as a ratio. The Green Start program with schools was discussed. He welcomed Eileen Wilkerson and Lousie Ho to the Town.**
- **Mayor Janz attended the Silicon Leadership Group, a meeting of local politicians, held at the new Stanford Medical facility in Redwood City, where local issues were discussed. He commented on the Housing Element Survey and was disappointed that it was not pre-stamped. He suggested any future surveys not require postage.**
- **Council Member McKeithen said the actuarial from CalPERS would be asked to review the unfunded liability again and update the Town. The Peninsula Congestion Relief Alliance would meet the next day regarding school congestion. The San Francisco Airport Roundtable noted that radar would not be used in the next few years. Satellites, Next Gen, would be used which saved millions of gallons of fuel and would alleviate problems with fog on the runways.**

28. PUBLIC COMMENTS

There were no public comments.

29. ADJOURN

The meeting was adjourned by Mayor Janz at 10:32

Respectfully submitted,

**Kathi Hamilton
Acting City Clerk**