



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**

**January 19, 2005**

**7:00 p.m.**

**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

Mayor Conwell called the meeting to order at 7:00 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

**PRESENT:** James R. Janz  
Alan B. Carlson  
William R. Conwell  
Kathy McKeithen

**ABSENT:** Charles Marsala (Excused)

City Manager Jim Robinson and City Attorney Marc Hynes were also present.

3. **PRESENTATION**

Christine Maley-Grubel, Executive Director, Peninsula Traffic Congestion Relief Alliance, spoke to the Council regarding the organization's activities and requested that Atherton consider joining this Joint Powers Authority, which is funded through C/CAG and the Transportation Authority. Its mission is to reduce the number of single-occupancy vehicles traveling through the County and to improve air quality.

Mayor Conwell suggested that membership in the Peninsula Traffic Congestion Relief Alliance be placed on a future agenda to ascertain Council interest in joining the group.

#### **4. COUNCIL REPORTS**

- Council Member McKeithen announced that the next Office of Emergency Services meeting will be held next Thursday at 5:30 p.m. in the Jury Room and the topic of discussion will be tsunami relief and mapping.
- Council Member Carlson stated he attended the Transportation Committee's January 11<sup>th</sup> meeting and the high points of the meeting included discussion of a channelizing plan for the intersection of Green Oaks and Acorn in Lindenwood, which will be referred to the Lindenwood Homes Association for its input. Another item was a request for speed bumps which was referred to General Plan Committee. Furthermore, there has been a request for the installation of a traffic light at Encinal Avenue and Middlefield Road, and staff is going to put together a report and bring it to the City Council at a future meeting. There was also a request for placing a 4-way stop sign at Alameda and Stockbridge and this was referred to the Police for review and input. In addition, a lengthy discussion ensued regarding the Middlefield Road corridor, and there was a request to look at left-turn arrows at Oak Grove and Middlefield at Menlo-Atherton High School. A member of the public reminded the Committee that the Town had a traffic enforcement plan in 1995, and the issue was referred to the Police Department as to the advisability of updating that plan. Traffic accidents are down. The next Transportation Committee meeting will be held on April 12<sup>th</sup>.
- Council Member Janz announced that he attended the Peninsula 2020 Policy Advisory Committee meeting, the committee formed to come up with a solution to improve connections between the Dumbarton Bridge and the 101. He also attended the Caltrain Corridor Committee and a meeting with other cities to discuss working together on Caltrain corridor related issues, and the goal is to have some impact as a group on what happens along the corridor. He suggested that clusters of cities work together on Caltrain issues to cover the Peninsula. A high speed rail board meeting is coming up in Sacramento on January 26<sup>th</sup> which he will be attending. In response to Mayor Conwell's question, Council Member Janz replied that he believed that Caltrain would have eminent domain powers over areas to expand the track right of way.
- Mayor Conwell stated that no Airport Roundtable was held this month. He stated that the Criminal Justice Council is in preparation for its annual March retreat. At the C/CAG meeting, there was a discussion on El Camino Real and how to beautify the corridor and he differed with the majority at the meeting. He asked Council Member Janz if he would like to elaborate on the meeting.
- Council Member Janz stated that there were two break out sessions at the C/CAG meeting, regarding the beautification of El Camino Real, as well as housing density, development and the allocation of housing. There will be a need for increased development in existing areas and in areas under development.
- Mayor Conwell continued that he was part of the D.A.R.E. graduation at Encinal School which was inspiring and gratifying.

5. **PUBLIC COMMENTS**

Bob Jenkins, Atherton, spoke regarding the Menlo Park Fire Protection District Board meeting he attended where the recent Atherton fire was discussed. He also announced he was the first resident to attend and complete CERT training.

6. **STAFF REPORTS**

City Attorney Hynes reported out of the closed session held at 6:15 p.m.

A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code Section 54956.9(c):  
3 potential cases

No action was taken.

B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9 (b): 1 potential case

No action was taken.

The closed session adjourned at 6:30 p.m.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

Jerry Carlson and Jenny Redo of the Atherton Civic Interest League (ACIL) reviewed the history of the ACIL and its activities, including an update of ACIL's efforts with Selby Lane School, and a briefing on the upcoming school district parcel tax.

Mayor Conwell announced that on the issue of day workers congregating in the Key Market area of Fifth Avenue, he addressed this issue with the County Manager and Board of Supervisors and was told that a focal point for the workers would be created along Middlefield.

John Riggeiro and Jim Dobbie also spoke on the issue of day workers.

**CONSENT CALENDAR** (Items 8 - 14)

City Manager Robinson announced that Item No. 12 needed a correction.

**MOTION – to approve the Consent Calendar with an amendment to Item No. 12, replacing the references to “Committee for Green Foothills” to “Atherton Tree Committee.”**

8. **APPROVED MINUTES OF REGULAR AND SPECIAL MEETINGS OF DECEMBER 15, 2004**
9. **APPROVED BILLS AND CLAIMS FOR DECEMBER 2004 IN THE AMOUNT OF \$684,260**
10. **ACCEPTED MONTHLY FINANCIAL REPORT FOR DECEMBER 2004**
11. **ADOPTED RESOLUTION NO. 05-29 AUTHORIZING APPLICATION FOR A DEPARTMENT OF WATER RESOURCES URBAN STREAMS RESTORATION PROGRAM GRANT FOR THE UPPER ATHERTON CHANNEL REHABILITATION PROJECT AND COMMITTING THE REQUIRED TWENTY PERCENT LOCAL MATCH**

**Adopted Resolution No. 05-29 authorizing staff to submit an application for a Department of Water Resources (DWR) Urban Stream Restoration program grant to rehabilitate the Upper Atherton Channel above Reservoir Road and committing the required local match of 20%.**

12. **ADOPTED RESOLUTION NO. 05-30 AUTHORIZING APPLICATION FOR A DEPARTMENT OF WATER RESOURCES URBAN STREAMS RESTORATION PROGRAM GRANT FOR THE ATHERTON CHANNEL AT HOLBROOK-PALMER PARK RESTORATION PROJECT AND COMMITTING THE REQUIRED TWENTY PERCENT LOCAL MATCH**

**Adopted Resolution No. 05-30 authorizing staff to submit an application for a Department of Water Resources (DWR) Urban Stream Restoration program grant to restore and expand the Atherton Channel adjacent to the Holbrook-Palmer Park south meadow and committing the required local match of 20% (as amended, replacing the references to "Committee for Green Foothills" to "Atherton Tree Committee.")**

13. **HELD SECOND READING AND ADOPTED ORDINANCE NO. 553 AMENDING ATHERTON MUNICIPAL CODE CHAPTER 17.36.050 REGULATING ACCESSORY STRUCTURE SETBACK REQUIREMENTS AND CHAPTER 17.36.055 REGULATING WINDOW OPENINGS ON ACCESSORY STRUCTURES**

**Waived further reading and adopted Ordinance No. 553.**

14. **APPROVED APPLICATION FOR ARTSHARE GRANT – ATHERTON ARTS COMMITTEE**

**Authorized the Atherton Arts Committee to apply for an ArtShare grant in the amount of \$1,000, to help fund a Selby Lane School student mural project, and if granted, authorized the expenditure of \$2,000 from the Rita Corbett Evans Fund**

(\$1,000 from the proposed grant and \$1,000 from the Rita Corbett Evans fund as matching funds for the grant).

**PUBLIC HEARINGS** (Items 15 - 16)

**15. APPROVAL OF PARCEL MAPS - 85 ISABELLA AVENUE (APN 070-250-130)  
TENTATIVE AND FINAL PARCEL MAP**

**Building Official Mike Hood presented the staff report.**

**Tom Helegas, applicant, stated that no healthy heritage trees would be removed.**

**There were no further speakers during the public hearing.**

**MOTION – to approve the Tentative and Final Parcel Maps at 85 Isabella Avenue for the division of one parcel into two parcels based on the findings as outlined in the staff report.**

**M/S McKeithen/Janz**

**Ayes: 4 Noes: 0 Absent: 1 Abstain: 0**

**16. CONSIDERATION OF INTRODUCTION OF AN ORDINANCE REGARDING  
CLAIMS AGAINST THE TOWN OF ATHERTON**

**City Attorney Marc Hynes presented the staff report.**

**No members of the public spoke at the public hearing.**

**MOTION - introduce for first reading, and waive further reading, an ordinance adding a new Chapter 1.22 to the Atherton Municipal Code pertaining to claims against the Town.**

**M/S Janz/McKeithen**

**Ayes: 4 Noes: 0 Absent: 1 Abstain: 0**

**REGULAR AGENDA** (Items 17 - 21)

**17. MID-YEAR BUDGET REVIEW**

**Finance Director John Johns presented the staff report and responded to Council questions.**

**MOTION - accept the Mid-Year Budget Report and approve the adjustments to estimated revenues and appropriations described within Attachment 1 to the staff report.**

**M/S McKeithen/Carlson**

**Ayes: 4 Noes: 0 Absent: 1 Abstain: 0**

**18. AMENDMENT TO ANIMAL CONTROL SERVICES AGREEMENT WITH THE COUNTY OF SAN MATEO**

**Acting City Clerk Linda Kelly presented the staff report. City Manager Robinson and Police Chief Bob Brennan responded to questions.**

**The Council requested to receive copies of the monthly service report from the Peninsula Humane Society.**

**John Sisson, Atherton, asked questions regarding services provided.**

**MOTION - approve an amendment to the agreement with San Mateo County for the provision of Animal Control Services increasing the contract term from three years to five years and amending the payment schedule to reflect a cost reduction.**

**M/S McKeithen/Janz**

**Ayes: 4 Noes: 0 Absent: 1 Abstain: 0**

**19. DISCUSSION AND CONSIDERATION – OPTIONS FOR THE PLACEMENT OF A REVENUE ENHANCEMENT MEASURE ON THE JUNE 7, 2005 SPECIAL ELECTION BALLOT, AND SELECTION OF DATES FOR COMMUNITY INFORMATIONAL MEETINGS (SPECIAL COUNCIL MEETINGS) REGARDING A BALLOT MEASURE**

**City Manager Robinson presented the staff report.**

**Council Member Carlson spoke in favor of a parcel tax longer than four years in duration, and indexed for inflation.**

**Council Member McKeithen stated she would consider a tax along the lines of five years, and the Town should look into impacts to the revenue stream and consideration of a senior exemption, as well as road impact and landscaping fees.**

**Council Member Janz stated that five years was the minimum that we should consider, and consider an exemption for seniors, as well as programmed increases.**

**Mayor Conwell stated that the measure needed to be made as attractive as possible to ensure passage at the polls.**

**Jim Dobbie, Atherton, spoke in favor of both a real estate tax and a parcel tax.**

**Sam Goodman, Atherton, spoke in favor of outreach meetings being held at schools.**

**Bob Jenkins, Atherton, stated the Audit Committee prepared a 10-page report on revenue enhancements and cost reductions.**

**John Sisson, Atherton, stated that one ballot measure was preferable over two.**



**Council Members discussed the need for a mechanism whereby Council Members could bring a committee issue to the full City Council if resolution was not possible at the committee level or if Council Members on a committee were outvoted.**

**Direction was given to staff to (1) revise the necessary documentation to change the current policy regarding the non-voting status of citizen advisors on Council committees to voting member status, (2) to establish a mechanism whereby Council Members could bring a committee issue to the full City Council if resolution was not possible at the committee level or if Council Members on a committee were outvoted, and (3) to eliminate the use of the designation “subcommittee” and use “committee” instead, as the standard designation to be used for Council committees.**

**22. PUBLIC COMMENTS**

**Bob Jenkins, Atherton, stated that in order to simplify the parcel tax, there could be a straight fee regardless of the size of the parcel.**

**23. ADJOURNMENT**

**Mayor Conwell adjourned the meeting at 10:19 p.m.**

**Respectfully submitted,**

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**Linda Kelly, Acting City Clerk**