



MINUTES
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
APRIL 15, 2009
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

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

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Dobbie, Marsala, McKeithen, J. Carlson
3. **PRESENTATIONS** None
4. **PUBLIC COMMENTS**

Mel Brittin, Atherton resident, representing the Lindenwood Home Owners Association, reported that the Association has concerns on whether their comments were included in a letter regarding light rail. Brittin added that there have been too many studies on the light rail that are redundant.

Brittin stated that some of the Almanac blogs are being attributed to people who did not make the comment.

Brittin concluded that the Grand Jury report contained numerous stories that were not correct. He felt that the report was politicized.

5. **REPORT OUT OF CLOSED SESSION**

City Attorney Wynne Furth reported out of Closed Session that there was no reportable action.

6. **CITY MANAGER'S REPORT**

City Manager Jerry Gruber informed Council that he and Finance Director Louise Ho are working with MBIA on asset management and investments with the Town. Gruber added that staff continues to work with GODBE on long-term finance mechanisms for the Town. Gruber said staff is working with Wells Fargo for the Town's banking services.

Gruber said that the Walsh Road evacuation plan is progressing, and that he and Police Chief Glenn Nielsen are working with the Menlo Park Fire Protection District.

Gruber said he plans to attend the San Mateo County City Managers meeting in order to discuss High Speed Rail.

Gruber reported that if anyone has concerns or issues with the Town they should not to hesitate taking it up with the staff. He added that the Management team is very engaged with the Community and turnaround time is always within 24 hours.

Gruber concluded that he is working with the Commissions and Committees to get minutes to the Deputy City Clerk in a timely fashion in order to keep the Council apprised.

Mayor Carlson noted that he really appreciates how fast staff responds to his questions. He thanked Gruber.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT (Directed by Resolution No. 99-6)

None

CONSENT CALENDAR (Items 8-21)

Council Member Marsala requested removal of item 8. Council Member Lewis requested removal of items 17, 19, and 21. Vice Mayor McKeithen requested removal of items 15, 20, and 21. Mayor Carlson removed the items.

9. APPROVAL OF BILLS AND CLAIMS FOR MARCH IN THE AMOUNT OF \$ 1,113,428

Recommendation: Approve Bills and Claims in the amount of \$1,113,428

10. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR THE NINE MONTHS ENDED MARCH 31, 2009

Recommendation: Accept Monthly Financial Report

11. PROCLAMATION FOR LET THEM HEAR FOUNDATION

Recommendation: Approve Proclamation

12. PROCLAMATION DECLARING ARBOR DAY IN THE TOWN OF ATHERTON

Recommendation: Approve Proclamation

13. PROCLAMATION DECLARING WEST NILE VIRUS AND MOSQUITO AND VECTOR CONTROL AWARENESS WEEK

Recommendation: Approve Proclamation

14. SET A DATE FOR A PUBLIC HEARING FOR AN APPEAL OF THE PLANNING COMMISSIONS DECISION REGARDING DENIAL OF APPLICATION TO REMOVE ONE HERITAGE TREE AT 54 BARRY LANE

Recommendation: In accordance with Atherton Municipal Code Section 17.64, staff recommends that the City Council set the date for the public hearing for the City Council meeting on May 20, 2009

16. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION FOR SOLICITATION OF BIDS FOR THE FLETCHER/RIDGEVIEW DRAINAGE PROJECT

Recommendation: Approve the plans and specifications and authorize solicitation for bids for the Fletcher Ridgeview Drainage and Street Project, Project No. 08-01

18. AWARD OF CONTRACT TO CASEY CONSTRUCTION FOR THE HOLBROOK-PALMER SEWER IMPROVEMENT PROJECT NUMBER 08-027 IN AN AMOUNT OF \$44,700.00, PLUS A TEN PERCENT CONSTRUCTION CONTINGENCY, FOR A TOTAL AUTHORIZATION OF \$49,170.00

Recommendation: Approve award of contract for Holbrook-Palmer Sewer Improvement Project, project number 08-027 to Casey Construction, for \$44,700.00, with a 10% construction contingency of \$4,470, for a total authorization of \$49,170.00; and to authorize the City Manager to sign the contract on behalf of the Town

MOTION by McKeithen, second by Dobbie to approve the Consent Calendar except for Items 8, 15, 17, 19, 20, and 21. The motion passed.

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

15. APPROVE A CONTRACT WITH THE TOWN OF WOODSIDE TO EXCHANGE ATHERTON ROAD IMPACT FUNDS FOR WOODSIDE ECONOMIC STIMULUS FUNDS IN THE AMOUNT OF \$185,000

Recommendation: Approve a contract with the Town of Woodside to exchange Atherton Road Impact Funds for Woodside Economic Stimulus Funds in the amount of \$185,000.

McKeithen clarified that the staff report has a typographical error under the analysis where it states that parcel tax funds will be used; McKeithen clarified that road impact fees will be used as stated under the fiscal impact section of the staff report.

MOTION by McKeithen, second by Lewis to approve Item 15. The motion passed.

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

20. APPROVAL OF AMENDMENT NO. 1 TO THE CONSULTANT SERVICES AGREEMENT DATED JANUARY 29, 2009, BETWEEN MUNISERVICES, LLC AND THE TOWN OF ATHERTON FOR BUSINESS LICENSE TAX MANAGEMENT AND ADMINISTRATION

Recommendation: Approve Amendment No. 1 to the consultant services agreement dated January 29, 2009 with Muniservices; and authorize the City Manager to execute the amendment

McKeithen stated that the public liability insurance is one million dollars per occurrence and requested consideration of increasing that to two million.

McKeithen said that the Amendment should not be titled as an Agreement because it is an exhibit which should be titled Amendment No. 1 to exhibit A to the Consultant Services Agreement.

MOTION McKeithen, second by Dobbie to approve Item 20 including the changes. The motion passed.

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

McKeithen requested additional language to item 21. Furth stated that this item should be taken up under regular Agenda items. Carlson said the item will be moved to the regular Agenda items.

- 8. APPROVAL OF REGULAR CITY COUNCIL MINUTES OF MARCH 18, 2009; SPECIAL CITY COUNCIL MINUTES OF MARCH 26, 2009; AND SPECIAL CITY COUNCIL MINUTES OF APRIL 4, 2009**
Recommendation: Approve March 18, March 26, and April 4 minutes

Marsala clarified his statement on the minutes of March 18 under Presentation Item C, to say that Council Member Marsala clarified that donor city funds should say “not authorized” as opposed to not permitted because the JPA had authorized legal counsel to allow it to be permitted.

MOTION by Lewis, second by Dobbie to approve Item 8 with the change. The motion passed.

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

- 17. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION FOR SOLICITATION OF BIDS FOR LAS LOMITAS SAFE ROUTES TO SCHOOL PROJECT**
Recommendation: Approve the plans and specifications and authorize solicitation for bids for the Las Lomitas Safe Routes to School Project No. 08-028

Council Member Lewis asked if there is a proposed plan. Jones said the plan is available for review in Public Works. Lewis asked if there are other safe routes to school. Jones said safe routes on Encinal have been done. Carlson said this should be discussed at the next Transportation Committee meeting.

MOTION by Lewis, second by Dobbie to approve Item 17. The motion passed.

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

19. POLICE DEPARTMENT VEHICLE PURCHASE

Recommendation: Staff recommends that Council authorize the purchase of one unmarked police vehicle for a cost not to exceed \$24,976.44 from Towne Ford in Redwood City

Lewis requested that Nielsen consider a Hybrid or Prius before this item is approved. Nielsen said he will look into it.

The item was tabled to May 20th.

PUBLIC HEARING

22. GENERAL PLAN AMENDMENT AND REZONING APPLICATION FROM MENLO SCHOOL AND COLLEGE (50 VALPARAISO)

Recommendation: City Council adopt the proposed General Plan amendment and rezoning.

Marsala recused himself at 7:25 p.m. due to a conflict of interest arising from the fact that he owns property within 500 feet of the Menlo School and Menlo College property.

Lewis said that the current environmental deposit fees are incorrect on the application. Lisa Costa Sanders, Principal Planner stated that an old application was used and that staff is in the process of updating it.

McKeithen stated that the ordinance refers to Menlo School and College as a single entity, and clarified that Menlo School and Menlo College are two distinct separate entities

MOTION by McKeithen, second by Lewis to approve the General Plan amendment with the changes. The motion passed.

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

MOTION by McKeithen, second by Dobbie to introduce the Ordinance amending section 17.16.020. The motion passed.

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

Marsala re-entered the meeting.

REGULAR AGENDA (Items 23-30)

23. AMENDMENT OF RESOLUTION 09-09 TO INCREASE TRANSPORTATION COMMITTEE TO SEVEN (7) MEMBERS

Recommendation: It is recommended that Amendment to Resolution 09-09 to increase the Transportation Committee membership by two (2) resident positions

John Ruggeiro, Atherton resident, stated that he is confused with the staggered terms on the roster and asked for clarification. McKeithen said to refer to the staff report on item 24 for terms of each Committee.

MOTION by Dobbie, second by Lewis to approve Item 23. The motion passed.

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

24. APPOINTMENTS TO TRANSPORTATION COMMITTEE, AUDIT COMMITTEE, GENERAL PLAN COMMITTEE, AND PLANNING COMMISSION

Recommendation: It is recommended that appointments to the Transportation Committee, Audit Committee, General Plan Committee, and Planning Commission be approved.

Lewis suggested expanding the Audit Committee to include the applicants who were not recommended. McKeithen felt like this has already been discussed and should be left alone.

Marsala requested voting each Committee item by item.

MOTION by Carlson, second by Dobbie to appointment members of the Transportation Committee. The motion passed.

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

Louis Paponis, John Ruggeiro, Larry Sweeney, Erv Ericksen and Joan Solari were appointed to the Transportation Committee for four year terms effective immediately and expiring on April 30, 2012.

Marsala stated that Randy Lamb had applied for the Audit Committee and had contacted Marsala over the last two years to discuss the reserves and some issues. Marsala felt Lamb is very qualified and suggested expanding the Audit Committee. Lewis concurred.

MOTION by McKeithen, second by Dobbie to appointment members of the Audit Committee. The motion passed.

Ayes: 3 Nays: 1 (Marsala) Abstain: 1 (Lewis) Absent: 0

Rose Hau and Jim Massey were appointed to the Audit Committee for four year terms effective immediately and expiring on April 30, 2012.

Sam Goodman was appointed to the Audit Committee for a two year term effective immediately and expiring on April 30, 2010.

MOTION by McKeithen, second by Lewis to appoint member of the General Plan Committee. The motion passed.

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

David Henig was appointed to the General Plan Committee for a two year term effective immediately and expiring on April 30, 2010.

MOTION by McKeithen, second by Dobbie to appoint member of the Planning Commission. The motion passed.

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

Paul Quinlan was appointed to the Planning Commission for a four year term commencing on May 1, 2009 and expiring on April 30, 2013.

Marsala stated that although Paul Quinlan is very qualified, he felt that Loren Gruner has been attending recent workshops and City Council meetings and has been very vocal with her opinions with issues in Atherton.

**25. APPOINTMENT OF TWO COUNCIL MEMBERS FOR
AD HOC COMMITTEE TO ADVISE CONSULTANTS IN
DEVELOPMENT OF A PROFESSIONAL OPINION RESEARCH
SURVEY OF ATHERTON VOTERS**

Recommendation: It is recommended that two Council Members be appointed to an Ad Hoc Committee to assist the Town's consultants in developing a professional opinion research survey of Atherton voters

Lewis and McKeithen volunteered to serve on the Committee.

John Ruggeiro, Atherton resident, stated that the Agenda does not state what the consultants are doing. McKeithen stated that it is funding mechanisms for the Town of Atherton.

MOTION by Carlson, second by Dobbie to approve Appointment of Vice Mayor McKeithen and Council Member Lewis to work with GODBE on the survey. The motion passed.

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

**26. APPROVAL OF RESOLUTION ADOPTING SAN MATEO COUNTY
ENERGY STRATEGY 2012 AND SELECTION OF CITY COUNCIL
LIAISON**

Recommendation: Adopt Resolution 09-xx to adopt the San Mateo County Energy Strategy 2012 and select a council member to serve as the City's liaison for the county climate action program

Gruber stated that representatives from the County were scheduled to attend and give a brief presentation but the meeting is running ahead of schedule.

Kathy Hughes-Anderson, Town of Atherton Arborist, gave a presentation on the San Mateo County Energy Strategy 2012 and background on the strategy. Hughes-Anderson informed the Council that a Council Member will need to be selected to act as liaison. She added that by adopting the resolution the Town is not required to follow and implement every action suggested in the strategy. Hughes-Anderson

concluded that the intention of the strategy is to support Town efforts, to provide resources, and promote collaboration.

Carlson clarified that the Town is not obligated to any future costs unless Council action is taken.

Lewis thanked Hughes-Anderson and commented that the staff report was well written and informative. Lewis added that she is in support of the energy strategy.

Marsala said it allows the Town to share best practices within the County.

MOTION by McKeithen, second by Marsala to approve Item 26 and appoint the Town's C/CAG representative as the Council liaison.

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

**27. 2008 ANNUAL REPORT TO THE CITY COUNCIL ON THE
 ATHERTON GENERAL PLAN IMPLEMENTATION**

Recommendation: Accept the Annual Report and authorize its transmittal to the California Governor's Office of Planning and Research and the California Department of Housing and Community Development pursuant to Section 65400 of the California Government Code (CGC).

Costa Sanders stated that this is the annual report and is on the Agenda for public comment.

Carlson asked if the General Plan Committee has been involved in the process. Costa Sanders said that in the future she will schedule to have the annual report on the General Plan Committee's first Agenda of the year.

MOTION by McKeithen, second by Dobbie to approve Item 27. The motion passed.

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

**21. INTRODUCTION OF AN ORDINANCE AMENDING SECTION
 15.32.040 OF THE ATHERTON MUNICIPAL CODE REGULATING
 DEPOSITS FOR ENVIRONMENTAL IMPACT REPORTS**

Recommendation: Introduce "An Ordinance Amending Section 15.32.040 of the City Council of the Town of Atherton Amending Section 15.32.040 of the Atherton Municipal Code Regulating Deposits for Environmental Impact Reports." Three votes are required to introduce the ordinance. A second vote, scheduled at least ten days from the date of this meeting, is required to pass the ordinance

Lewis stated that she felt the language in the municipal code needed to be revised.

McKeithen asked if the written reimbursement will be a separate contract. She added that language should be revised to include fees by City Engineers, City Attorney, *and* other experts.

Furth stated that in reviewing the Town Municipal Code she came across the environmental fees section and noticed that there is a provision that limits reimbursement for the cost of environmental impact reports. Furth stated that a figure should not be in the ordinance. Furth said the principal goal is to remove the dollar amount from the ordinance.

Furth stated that the following language will be added to the end of the section, as directed by Council: “for any such additional amount that may be determined to be owing.”

MOTION by McKeithen, second by Lewis to approve introduction of an ordinance amending section 15.32.040. The motion passed.

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

28. COUNCIL REPORTS

McKeithen stated that she attended the Rail Committee meeting and that she plans to attend a Pacific Traffic Congestion Alliance meeting and High Speed Rail meeting later this week.

Marsala stated that he has received false emails from someone posing as a Town employee. He added that the Environmental Programs event will be pushed back a month because other Cities are busy during Earth Week. Marsala said the Blue Ribbon Task Force met and compiled individual committee member reports to evaluate and bring back to the Council with their report.

Dobbie said he represented the Town of Atherton at the Little League opening day and got to throw out the first pitch. Dobbie added that he does not feel the Town will be able to raise \$15 million for the new Town Center building in the near future and feels like a new Police Department should be built first. Dobbie expressed his aversion for the Civil Grand Jury report on the Special Events Ordinance. He added that the report is biased in every possible way and it does a great disservice to the Town of Atherton.

Lewis said she feels that the Blue Ribbon Task Force has been doing an admirable job on analyzing Town needs. Lewis added that she felt there is enough money in to build a new building and feels that the Town does need a new Administration Building.

Carlson said he attended the Easter Egg Hunt at Holbrook Palmer Park organized by the Atherton Dames and it turned out a very successful event. Carlson added that the Rail Committee meeting received a presentation from the Transportation Authority on a Train Study which included 2-track and 4-track options and visuals. He added that they did not take into account High Speed Rail. Carlson stated that the Committee suggested that the Town and Menlo Park create a proposal for safety and quad gates along the six crossing through both Cities.

Carlson asked Gruber to comment on the parking situation on Elena and Faxon. Gruber said that Building Official Mike Wasmann has arranged for cars to park in the Train Station parking lot and take shuttles back and forth to the project site.

29. PUBLIC COMMENTS

Paul Quinlan, Atherton resident, stated that he plans to talk to his neighbors about the Train Station parking and the Council will hear back from him.

30. ADJOURN

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

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

Mayor Carlson adjourned the meeting at 8:36 p.m.

Respectfully submitted,

**Theresa DellaSanta
Deputy City Clerk**