



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**ATHERTON CHANNEL DRAINAGE DISTRICT**  
**MAY 19, 2010**  
**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California  
**REGULAR MEETING**

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

McKeithen stated that an error in a notice that was sent to some neighborhoods regarding the rezoning issue caused residents to show up for a 6:00 p.m. meeting. McKeithen suggested moving item 25 earlier up on the Agenda.

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL      Lewis, Dobbie, Marsala, McKeithen, J. Carlson**

**3 PRESENTATIONS**

**NATIONAL POLICE WEEK – Chief Mike Guerra**

Chief Guerra informed Council that National Police week was held the prior week. Guerra said he wanted to reflect on the week which is to honor California Peace Officers' who gave their lives in the line of duty.

**4. PUBLIC COMMENTS**

John Rugeiro, Atherton resident, said there is a proposed medical marijuana facility at El Camino and Selby Lane which is on the Atherton border. Rugeiro read a letter from Charles Ramorino, a 47 year resident, for the record.

Melinda Tevis, Atherton resident, asked why Council Member Marsala did not recuse himself when the Buckheit issue came up in Closed Session. Tevis added that she is disturbed by the conflict of interest issues with the Committee appointments.

Jon Buckheit, Atherton resident, questioned why there is a Town Center Task Force to discuss a new town center when there is no funding for a new center. Buckheit concluded that Council should research a two-tier pension as other Cities are doing.

**5. REPORT OUT OF CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Subsection (b) of Government Code Section 54956.9): One (1) potential case:**

*Jonathan B. Buckheit v. Tony Dennis, Dean DeVlugt, The Town of Atherton, The County of San Mateo, and Does 1-500, inclusive - U.S. District Court for the Northern District of California, San Francisco Division, Case No. CV 09-5000*

**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: (Significant exposure to litigation pursuant to subsection (b) of Government Code Section 54956.9): One potential case:**

City Attorney Furth said Item A is continued to after the regular meeting and there is no reportable action from Item B.

**6. CITY MANAGER’S REPORT**

Council Member Carlson stated that he read an article about the new garbage company giving staff pay raises and said he is advocating with the Board of Supervisors to get elected oversight of the SBWMA. Gruber said the SBWMA Board member would have to recommend to their individual governing bodies that changes be made. Gruber concluded that he will echo Council Member Carlson’s concerns at the next SBWMA meeting.

Council Member Dobbie requested further clarification on the twenty dollar surcharge for backyard service. Dobbie said it is very unfair to charge older people the surcharge if they are physically unable to bring their garbage cans to the sidewalk. Dobbie requested that the City Manager report back to Council on the provisions of the twenty dollar surcharge and to send a letter to resident’s with an explanation.

City Attorney Furth reported that she received an inquiry about when a public official has a conflict with the respect to the railroad right-of-way. Furth said there is a four-part test which includes being 300 feet away from the railroad; house has to be not more than 1 ¼ times the median residential lot size in Atherton. Furth said once staff verifies the median lot size she will report back.

**7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

**Library eBranch Presentation – Presented by Atherton Branch Manager Carine Risley**

Carine Risley, Atherton Library Branch Manager, presented the new eBranch website to the Council and highlighted the various elements of the new site. [A copy of the presentation is available in the City Clerks office].

Vice Mayor Dobbie asked if books can be transferred from one library to the other online. Risley said the new website gives the user the ability to request a transfer.

Council Member Marsala asked if the hits and the activities on the website are measured. Risley said yes.

Council Member Lewis asked how the Library is conducting public outreach to get the community to the new website. Risley said they are still ironing out details but a large public outreach will come soon.

Mayor McKeithen said it would not serve anyone for the people who show up later to speak about Item 25. McKeithen said Item 25 will stay where it is on the Agenda.

**CONSENT CALENDAR (Items 8-17)**

Council Member Lewis pulled Items 10 and 12.

Public Works Director Jones requested removing Item 11 and 14. Jones said Item 11 is within the Gann limit and does not need any action and Item 14 because the lowest bidder is not responsive.

Atherton resident Jon Buckheit requested removal of Item 17.

**8. APPROVAL OF APRIL 7, 2010 SPECIAL, APRIL 21, 2010 REGULAR MEETING AND APRIL 21, 2010 6PM AND 7PM SPECIAL MEETING MINUTES**

**Recommendation:** Approve April 7, 2010 special, April 21, 2010 regular and April 21, 2010 6PM and 7PM special meeting minutes

**9. APPROVAL OF BILLS AND CLAIMS FOR MARCH 2010 IN THE AMOUNT OF \$1,042,335**

**Recommendation:** Approve Bills and Claims in the amount of \$1,042,335

**10. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE STREET RECONSTRUCTION PHASE 7 PROJECT NUMBER 56006**

**Report:** Public Works Director Duncan Jones

**Recommendation:** Approve the plans and specifications and authorize advertisement for bids for the Street Reconstruction Phase 7 Project, Project No. 56006

Council Member Lewis felt Council should push back on some construction projects because of the current budget situation.

Public Works Director Jones said this item is only asking for approval to advertise the project and the Town has not spent enough to satisfy the GANN limit. Lewis asked how much the Town needs to spend. Jones said approximately \$200,000, but staff would feel more comfortable going slightly over so when the Town is audited Staff knows the Town has satisfied the limit.

Finance Director Ho explained the GANN limit as it relates to the project. Ho said spending 1.9 million would be the safest approach for satisfying the limit.

**11. REMOVE THE CONTINGENCY THAT THE AWARD OF THE FLETCHER/RIDGEVIEW DRAINAGE AND STREET PROJECT NUMBER 08-010 BE WITHIN THE GANN LIMIT**

**Report:** Public Works Director Duncan Jones

**Recommendation:** Remove the contingency that the award of the Fletcher/Ridgeview Drainage and Street Project be within the GANN limit

**12. APPROVAL OF AGREEMENT WITH CSG CONSULTANTS FOR CODE ENFORCEMENT IN AN AMOUNT NOT TO EXCEED \$56,925**

**Report:** City Manager Jerry Gruber

**Recommendation:** Approve a Professional Services Agreement with CSG Consultants, Inc. to provide Code Enforcement Services to the Town of Atherton in the amount of \$56,925.00 for fiscal year 2010-11

Council agreed to defer this item to the June Agenda when the Fiscal Year 2010/11 budget is approved.

**13. RESCIND AWARD OF CONTRACT TO METHOD CONSTRUCTION FOR THE GARDEN ROOM RENOVATION PROJECT NUMBER 09-025 AND REJECT ALL BIDS FOR THE GARDEN ROOM RENOVATION PROJECT**

**Report:** Public Works Director Duncan Jones

**Recommendation:** Rescind the contract for Garden Room Renovation Project, project number 09-025 to Method Construction; and reject all bids for the Garden Room Renovation Project.

**14. AWARD OF CONTRACT TO GALLAGHER & BURK, INC. FOR THE MIDDLEFIELD ROAD AT ENCINAL AVENUE INTERSECTION IMPROVEMENT PROJECT NUMBER 56009 IN AN AMOUNT NOT TO EXCEED \$326,021.00 PLUS A TEN PERCENT CONSTRUCTION CONTINGENCY, FOR A TOTAL AUTHORIZATION OF \$358,623.10**

**Report:** Public Works Director Duncan Jones

**Recommendation:** Award the contract for Middlefield Road at Encinal Avenue Intersection Improvement Project, project number 56009 to Gallagher & Burk, Inc., the low bidder on the May 12, 2010 bids, for \$326,021.00, with a 10% construction contingency of \$32,602.10, for a total authorization of \$358,623.10; and to authorize the City Manager to sign the contract on behalf of the Town

**15. PROCLAMATION DECLARING ATHERTON POLLINATOR WEEK JUNE 21 THROUGH JUNE 27, 2010**

**Recommendation:** Approve Proclamation Declaring Atherton Pollinator Week June 21 through June 27, 2010

**16. ADOPT A RESOLUTION TO REDUCE THE SPEED LIMIT ON ALAMEDA DE LAS PULGAS FROM 35 MPH TO 30 MPH**

**Report:** Public Works Director Duncan Jones

**Recommendation:** Approve Resolution 10-25 reducing the speed limit on Alameda de las Pulgas from 35 mph to 30 mph.

**17. ADOPT RESOLUTION APPROVING POLICY 1.6 – RECORDS RETENTION AND DESTRUCTION**

**Staff Report:** Deputy City Clerk Theresa DellaSanta

**Recommendation:** Approve Resolution 10-26 adopting Policy 1.1 Records Management

Jon Buckheit, stated that there should be a discussion about certain police misconduct records and how they are destroyed.

Mayor McKeithen asked if the schedule follows current California guidelines. Assistant City Manager Wilkerson said that each item follows either Federal, State and/or Local guidelines and staff either chose the minimum requested retention or increased the minimum retention for specific items.

Buckheit asked if police misconduct complaints are being destroyed at the minimum. Buckheit said Penal Code 832.7 permits, but does not require the Police Department to maintain complaint records in a separate file from the personnel file and asked which retention schedule Atherton would follow.

Chief Guerra said the complaint files are kept separate and kept for the minimum amount of time which is five years.

Buckheit asked if an Officer got into trouble in Atherton and wanted to get a job somewhere else would the complaint follow him. Guerra said it would surface during a background investigation of an applicant.

City Attorney Furth said that staff needs written approval of the City Attorney and Council authorization before any records can actually get destroyed.

**MOTION by Lewis, second by Dobbie to approve Consent Calendar Items 8, 9, 10 13, 15, and 16 and remove Items 11 and 14 indefinitely and table Item 12 to the June Agenda. The motion passed.**

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

**PUBLIC HEARINGS (18)**

**18. FISCAL YEAR 2010-2011 OPERATING AND CAPITAL IMPROVEMENT BUDGET**

**Report:** Finance Director Louise Ho

**Recommendation:** Take public testimony and continue public hearing on the proposed Town of Atherton Operating and Capital Improvement Budget for Fiscal Year 2010-11 to June 16, 2010

City Manager Gruber said the draft budget has been updated since Council last met on April 26 to discuss and review the draft FY2010/11 budget.

Finance Director Ho said the Town is projecting operating revenue of 9,156,696 and the Town has a parcel tax use of \$888,470 and building department reserve use of \$499,221; the sum of these three equals \$10,544,387 which is the proposed general fund operating expenditure.

Ho stated that the General Fund budget was prepared with the assumption of 1.25% increase in secure property tax revenue, but today the County's website shows the Town's projected property tax revenue to drop between 1.0 and 1.5 percent. Ho said the unexpected decline from the property tax revenue would be offset by a higher-than-expected pay-out to the town from the ERAF (Educational Revenue Augmentation Funds) refunds from the county. The Excess ERAF revenue had been projected at \$530,000, but is now projected at \$630,000. Ho added that this budget is

prepared with the assumption that the State does not borrow from the local governments, no salary increases, and that GASB 45 is funded at 50%.

Ho said the Building Department has a projected revenue shortfall of \$499,000. The Building Department, in the past, has had a reserve of almost \$1,000,000; staff is recommending a 50% funding of annual required contribution (ARC) for GASB 45 (unfunded retiree health care liabilities), use of \$888,470 from Special Parcel Tax Fund for police services and \$499,221 from Building Department Operating Reserve to make up for the projected revenue shortfall from the Building Department.

Ho discussed and reviewed the expenditures for the draft FY2010/11 budget. A chart was passed out which shows the General Fund Expenditures by Department.

Mayor McKeithen asked what the recommendation was based on to use the building department reserve bringing it down by approximately a half a million dollars. City Attorney Furth said the building department fees need to be set at a level that covers the reasonable cost of that service so the Town can show that revenues and expenditures balance out. Furth said fees should be set at a level that makes some use of reserves.

Mayor McKeithen said the biggest expenses for the Town are employees; furloughs, percentage cuts and pension reform need to be discussed. McKeithen concluded that she believes GASB 45 should be funded in total and should not be pushed into the future.

Vice Mayor Dobbie said it is unacceptable to have a budget that shows expense to be nearly \$1.5 million more than revenue and said he would like to see a budget that shows several different alternatives for balancing the budget.

City Manager Gruber said staff has brought a balanced budget. Gruber said the parcel tax is to be used as a revenue source and to balance the budget and Council has, historically, not acknowledged that it is a revenue source passed by a majority of Atherton residents.

Council Member Carlson said the Town can not continue on as it is now and needs to figure out how to stabilize the General Fund. Carlson said he has not been persuaded to fund GASB 45 at 100% and this should be reviewed by the Audit and Finance Committee. Carlson concluded that there is a need for a mechanism to be able to size the building department cost to projected income.

Council Member Marsala said when it was passed the parcel tax said it would fund to balance the budget for police services and there is an obligation to residents to do that. Marsala said that in the future that parcel tax will not be sufficient enough to cover expenses and the Town will have to look to other revenue sources.

Vice Mayor Dobbie reiterated his support for a five-year financial plan.

Council Member Lewis said in the past the Building Department was providing a much larger percentage of the revenue, and since several excessive fees have been rescinded, the Town may have to go out and look at another special tax if the budget is not balanced. Lewis concluded that several items need to be cut from the draft budget.

Valerie Gardner, Environmental Programs Committee (EPC) member, gave Council a brief overview of discussion the EPC has held about a possible user's utility tax (UUT) where residents would be taxed on their usage. Gardner said the tax would address environmental concerns and help to get people to conserve.

Denise Kupperman, Atherton resident, said a survey to the residents asking them what type of services they want from the parcel tax should be done. Kupperman said she does not believe there was ever a clear determination that road impact fees are illegal and road usage should be studied.

Council discussed sending the draft FY2010/11 budget to the Finance Committee for their input and encouraged the public to attend and participate.

Council Member Marsala said staff needs to explain staff salaries and the limitations Council has with Town Unions and MOU's. City Manager Gruber said there is a process that needs to be adhered to for staff reductions. McKeithen said that a memo with information pertaining to the duties the Town is under to negotiate with each labor groups should be given when the Finance committee is ready to review.

Council agreed that the classification study is a critical element to the budget.

**MOTION by Lewis, second by Carlson to review the draft FY2010/11 budget in detail with all necessary reports, memorandum's and contracts that relate to staff. The motion passed.**

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

**REGULAR AGENDA (Items 19-28)**

**MOTION by Dobbie, second by Lewis to take up Item 25 next. The motion passed unanimously.**

**25. REPORT FROM PLANNING COMMISSION ON POSSIBLE CHANGES TO THE R1-A ZONING DISTRICT FOR LOTS THAT ARE LESS THAN 10,000 SQUARE FEET IN AREA**

**Report:** Deputy Planner Lisa Costa Sanders

**Recommendation:** The Planning Commission recommends the City Council take no further action regarding possible changes to the R1-A zoning regulations for lots with an area less than 10,000 square feet

Deputy Town Planner Costa Sanders said the Council requested the Planning Commission review the provisions contained in the R1-B zoning district to determine if these provisions should also be included in the R1-A zoning district for properties that are less then 10,000 square feet in area. The Planning Commission discussed this at their April meeting where three people who spoke under public comment in support of changes and eight people were opposed to changes. Costa Sanders concluded that the Planning Commission voted 3-0 to not recommend any changes to the R1-A zoning regulations for lots that are less than 10,000 square feet in area.

Council Member Carlson asked for clarifications of what was being requested by the residents at the Planning Commission meeting. Costa Sanders said residents spoke about what kind of changes they wanted to see personally such to have a reduced front yard setback when compared to the

current R1-A zoning regulations to accommodate a garage in the front yard, to retain the rear yard setbacks as it exists today to have a larger buffer from the R1- residence and to maintain the current height limit which is currently in the R1-A district to have the floor area of R1-B and eliminate the second floor limitation in the R1-A.

Mayor McKeithen asked if R1-A were to be rezoned to R1-B with the rear setbacks to remain as is would this be considered spot zoning. City Attorney Furth said spot zoning is illegal, but if the Town can state a rationale basis for treating a particular set of property owners differently then its not spot zoning.

The following members spoke during public comment.

John Freschini  
Jeff Wise  
Phil Lively  
Ann Anderson  
Barb Corson  
Jon Buckheit  
Kathy Huo  
Jeannette Frenster  
Colleen Anderson  
Richard Pike

Council Member Lewis said she does not believe the Town should impose R1-A zoning on lots less than 10,000 square feet because it is not fair and not equitable. Lewis said all residents should be treated fairly to every extent possible. Lewis concluded that she would like to see an ordinance amending the R1-A zoning regulations to incorporate provisions of the R1-B zoning district for lots in the R1A district for lots with less than 10,000 square feet.

Vice Mayor Dobbie said last year he voted against this, but felt at that time he hadn't done enough research. Dobbie said he is sympathetic towards the people on Parker Avenue; but he felt that if the regulations are changed there should be a public hearing to include all the people who have lots with less than 10,000 square feet.

Mayor McKeithen said there are 160 properties with a lot size less than 10,000 square feet; 132 are R1-B, and 28 are R1-A and approximately 20 of the R1-A are on Parker Ave; McKeithen said she believed it is a mistake to look into lot size only when these are neighborhoods with properties clustered together that are so similar in size that they have a commonality of issues that are related to size. McKeithen concluded that there have been changes to zoning throughout time and they should be looked at from time to time to make sure they are conducive to the community.

Council Member Marsala said in the past he has leaned towards allowing garages in the front and he is staying with that as a compromise since this is a very sensitive and divided issue. Marsala added that by changing the zoning for R1-A district could cause issues with other lots to open up.

Mayor McKeithen asked if a compromise can be made to leave the front setback at a R1-B and keep the R1-A setback.

Council Member Lewis said a compromise would be to make it all R1-B so the height limit goes down overall and it would be a better deal for adjacent residents in the back. Lewis concluded that it would be cleaner to make it globally R1-B for all lots less than 10,000 square feet.

**MOTION by Lewis, second by McKeithen to direct staff to prepare a resolution for consideration at the next Council meeting to initiate an ordinance to amend the R1-A zoning regulations to incorporate provisions of the R1-B provisions to lots with less than 10,000 square feet.**

**Ayes: 3      Nays: 1 (Carlson)      Abstain: 1 (Dobbie)      Absent: 0**

City Attorney Furth clarified that a resolution will be brought to Council at their next meeting and if the resolution is passed that will initiate the hearing process before the Planning Commission.

**19. APPROVE RESOLUTION 10-20 RESCINDING RESOLUTION 09-26 AND APPROVING A MODIFICATION TO THE ESTABLISHMENT OF THE GENERAL FUND RESERVE POLICY**

**Report:** Finance Director Louise Ho

**Recommendation:** Adopt Resolution 10-20 Rescinding Resolution 09-26 and Approving a Modification to the Establishment of the General Fund Reserve Policy

Council Member Carlson said he is in support of the change because the budget is adopted each year with a simple majority of the Council so it should be consistent. Carlson said he would like to change the recommendation in Exhibit A from a 3/5 vote to a simple majority vote.

Council Member Marsala said the policy reads that a plan for replenishment must be brought to Council when reserves are recommended for use. Marsala questioned what the plan is for replenishment if the Town runs into a catastrophe.

Council Member Lewis said the City Manager is supposed to bring scenarios to Council for discussions and approval. Lewis said the word “plan” should be changed to “proposal.”

Mayor McKeithen said she felt the policy should be left as is with a supermajority vote for approval of use of reserves and only in very special circumstances should Council choose to utilize reserves.

Vice Mayor Dobbie said that taking money from reserves is very serious and the Town should steer away from doing this on a continuous basis.

Council Member Lewis said the condition for the use of reserves is limited to unanticipated non-recurring needs or anticipated future obligations. Lewis said the inappropriate use of funds from one account to fund capital improvements is clearly an unanticipated, non-recurring event that should be corrected.

Jon Buckheit, Atherton resident, questioned how Council could overturn a 4/5 vote with a 3/5 vote.

Denise Kupperman, Atherton resident, said a lot of things in this State are held up by a supermajority requirement and felt that a simple majority should be sufficient enough. Kupperman said that a proposal for replenishing road impact fees, if used from reserves, should be projected.

**MOTION by Carlson, second by Lewis to adopt Resolution 10-20 rescinding resolution 09-26 and approving a modification to the establishment of the General Fund Reserve Policy. The modification will be amended to require a simple majority vote for use of reserves and to change the word “plan” to “proposal” when referring to replenishment of the reserves. The motion passed.**

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

Mayor McKeithen said she questions the legality of the action Council is taking and should it be found to be an illegal action she would propose that any money removed by this action be returned immediately.

City Attorney Furth said it is not an illegal action.

**20.      ADOPTION OF A RESOLUTION APPROVING BUDGET AMENDMENT FOR FY 2009-10**

**Report:** Finance Director Louise Ho

**Recommendation:** Adopt Resolution 10-27 approving the budget amendment for FY 2009-10 for the General Fund

**(Needs 4/5 vote for approval, unless Item 19 is passed then it only needs a majority vote for approval)**

Council Member Marsala asked if we foresee any other large bills that the Town can not fund.

City Manager Gruber said the City Manager has authority to move funds within an existing department but to move funds from one department to another would need Council approval. Gruber said there may be certain areas in departments where reallocation can take place; however historically the Town has come to Council with mid year and year-end budget adjustments.

Jeff Wise, Atherton resident, noted that the previous item is on this Agenda in order to pass this item and not specifically to pass the road impact fee refunds coming in June.

**MOTION by Carlson to Adopt Resolution 10-27 approving the budget amendment for Fiscal Year 2009-10 for the General Fund. The motion failed due to lack of a second.**

City Attorney Furth said the money has already been paid and the expenditure was authorized by Council when they approved the settlement agreement.

**MOTION by Carlson to reconsider the prior motion. No second was made.**

Council Member Carlson asked his colleagues why they are not supporting this. Mayor McKeithen requested that staff look into whether there is any other source for these funds. Finance Director Ho said staff will not know if there are excess funds until the books are closed for the year.

**Mayor McKeithen amended the Motion to authorize the expenditure from reserves with the understanding that if there is any money left over in any account that it would be used to replenish this amount in the reserves. The Motion failed.**

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

**21. MODIFICATION TO FY 2009-10 CAPITAL IMPROVEMENT PROJECT (CIP) BUDGET**

**Report:** Public Works Director Duncan Jones

**Recommendation:** Approve a modified 2009-2010 Capital Improvement Program (CIP) to reflect the reduction in Road Impact Fee funds due to the cancellation of the Road Impact Fee

**MOTION by Dobbie, second by Carlson to approve a modified 2009-2010 Capital Improvement Program (CIP) to reflect the reduction in Road Impact Fee funds due to the cancellation. The motion passed.**

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

**22. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADDING CHAPTER 1.21 TO THE ATHERTON MUNICIPAL CODE ESTABLISHING ADMINISTRATIVE CITATIONS FOR VIOLATIONS OF THE ATHERTON MUNICIPAL CODE, RELATED STATE CODES AND CONDITIONS ON ENTITLEMENTS**

**Report:** City Manager Jerry Gruber

**Recommendation:** Waive further reading, and adopt Ordinance Adding Chapter 1.21 to the Atherton Municipal Code Establishing Administrative Citations for Violations of the Atherton Municipal Code, Related State Codes and Conditions of Entitlements; and Approve Resolution 10-28 Adopting Administrative Fines and Penalties for Violations of the Atherton Municipal Code, other Town Ordinances, Applicable State Codes, and Applicable Conditions on Entitlements and Land Use Approvals

**(Needs Roll Call Vote and Ordinance to be read by Title)**

Council Member Lewis asked who wrote the ordinance. Furth said Assistant Attorney Ben Winig wrote it. Lewis asked who the hearing officer is. Furth said typically Hearing Officers are lawyers who are specialized in administrative procedures. Lewis said she felt the Town would spend more money enforcing this.

Council Member Marsala said the code enforcement is complaint driven and this program could lead to the ability to leverage fines. Marsala said the negatives outweigh the positives of this program.

Vice Mayor Dobbie said he believes some form of ultimate authority is needed.

Denise Kupperman said enforcement in Atherton is weak and this would be a good way to enforce simple rules and obtain compliance.

Council member Marsala asked what the procedure would be if you cited a home for something that several other homes are in violation of.

Furth said if you are trying to bring a large number of people in compliance you would do this with public outreach and meetings.

**MOTION by Dobbie, second by Carlson to Waive further reading, and adopt Ordinance Adding Chapter 1.21 to the Atherton Municipal Code Establishing Administrative Citations for Violations of the Atherton Municipal Code, Related State Codes and Conditions of Entitlements; and Approve Resolution 10-28 Adopting Administrative Fines and Penalties for Violations of the Atherton Municipal Code, other Town Ordinances, Applicable State Codes, and Applicable Conditions on Entitlements and Land Use Approvals. The motion passed.**

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

**23.      APPOINTMENT OF ONE MEMBER TO THE TOWN CENTER TASK FORCE**  
**Report:** City Manager Jerry Gruber  
**Recommendation:** To Be Determined

Council Member Lewis said the Task Force is recommending appointment of Pat Haines to take the place of William Grindley. Lewis said Pat Haines was a member of the Blue Ribbon Task Force and part of the Central Atherton Residents Association (CARA).

Vice Mayor Dobbie said he is in support of Pat Haines, but believes the Lindenwood area needs representation on the Task Force and recommended Phil Lively as the representative.

Mayor McKeithen asked if the Task Force members would be willing to appoint another member to the Committee to represent the Lindenwood area.

Council Members Carlson and Lewis both welcomed appointing Phil Lively to the Task Force as a Lindenwood representative.

**MOTION by Carlson, second by Lewis to appoint Pat Haines to the Town Center Task Force and bring back an item to the June Agenda to modify Resolution 10-13 to expand the Task Force with the understanding of appointing Phil Lively. The motion passed.**

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

Denise Kupperman, Atherton resident, reminded Council that a mailing was sent out, an ad was placed and criteria was chosen in the selection process and no where did it mention that someone from each neighborhood should be represented.

**24.      CONSIDERATION OF ADDING A SECOND MEETING DATE PER MONTH FOR CITY COUNCIL MEETINGS IN LIEU OF SPECIAL MEETINGS**  
**Recommendation:** To Be Determined  
*(Continued from March 17, 2010)*

Council Member Carlson said that if a second meeting or study session per month is scheduled it will help Council get through the items that they keep deferring and tabling to future agendas.

Council Member Marsala said he would support that, however, if there is a second meeting per month then Council should not meet passed 10:30 p.m., particularly so residents know when their items may be taken up.

Mayor McKeithen said she does not support a second meeting because it requires additional staff time and extra work in getting another agenda packet created and distributed. McKeithen said Council should limit the time they talk.

Council Member Lewis suggested dividing items by Department so the Departments don't have to attend both meetings per month.

Vice Mayor Dobbie said he concurs with McKeithen and felt that Council should talk less and prevent pontification in order to be a more effective Council. Dobbie concluded the only way he would support a second meeting is if they are on consecutive days.

Council Member Carlson felt the number of special meetings held has grown tremendously and it is very difficult to plan ahead when you know special meetings will be held.

Mayor McKeithen suggested that the City Manager consult staff on their thoughts and concerns.

**MOTION by Lewis, second by Carlson to defer this item to the June Agenda in order for staff to discuss their concerns with the City Manager.**

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

Jeff Wise, Atherton resident, stated that he had to leave the meeting, but wanted to voice his support of Item 30A.

- 26.      RESPONSE TO COUNCIL QUERY REGARDING CIVIL GRAND JURY REPORT ON SPECIAL EVENTS ORDINANCE**  
**Report:** City Attorney Wynne Furth

No Action taken.

- 27.      CONSIDERATION OF THE REQUEST TO REFER THE REVIEW OF HOME OCCUPATION REGULATIONS TO THE GENERAL PLAN COMMITTEE**  
**Report:** Deputy Planner Lisa Costa Sanders  
**Recommendation:** Discuss the request and provide direction to staff as appropriate

Council agreed that this should be taken up when revenues are looked at in more detail.  
No action taken.

- 28.      APPROVE A CONTRACT CHANGE ORDER FOR BLOSSOM VALLEY CONSTRUCTION FOR THE HOLBROOK-PALMER PARK MASTER IRRIGATION PROJECT, PROJECT NUMBER 09-006 IN THE AMOUNT OF \$23,579.56**  
**Report:** Public Works Director Duncan Jones  
**Recommendation:** Approve a Contract Change Order for Blossom Valley Construction for Holbrook-Palmer Park Master Irrigation Project, project number 09-006 in the amount of \$23,579.56

**MOTION by Carlson, second by Dobbie to approve a Contract Change Order for Blossom Valley Construction for Holbrook-Palmer Park Master Irrigation Project, project number**

**09-006 in the amount of \$23,579.56. The motion passed.**

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

**29.      COUNCIL REPORTS**

Nothing further to add to written report.

**30.      FUTURE AGENDA ITEMS**

**A.      APPROVE ALAIN ENTHOVEN TO FILL THE OPEN SEAT OF THE TOWN  
FINANCE COMMITTEE**

**Report:** Council Members Carlson and Lewis

**MOTION by Carlson, second by Lewis to add approval of Alain Enthoven to fill the open seat of the Town Finance Committee to the June Agenda. The motion passed.**

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

**31.      PUBLIC COMMENTS**

None.

**32.      ADJOURN**

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

Mayor McKeithen adjourned the meeting at 12:01 a.m.

**Respectfully submitted,**

*/s/ Theresa DellaSanta*

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**Theresa DellaSanta  
Deputy City Clerk**