



Minutes
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
JUNE 16, 2010
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
REGULAR MEETING

Mayor McKeithen called the meeting to order at 7:02 p.m.

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

John Rugeiro, Atherton resident, read for the record, an editorial in the Almanac regarding Council Member Lewis' home.

Jeff Wise, Atherton resident and Finance Committee member, said reaching back and investigating anybody's project that took place that long ago makes no sense.

5. **REPORT OUT OF CLOSED SESSION**

McKeithen stated that Item 26 on the regular agenda has been continued.

April 22, 2010
Item B from May 19, 2010
June 16, 2010

City Attorney Furth reported that at the April 22, 2010 closed session meeting Council directed staff to resolve a potential dispute that arose from incorrect charges to employees for short term disability premiums. Furth said employees have been refunded going back six years.

Furth concluded that there is no reportable action for Item B from the May 19, 2010, or from the June 16, 2010 meeting.

6. **CITY MANAGER'S REPORT**

Nothing further to add to written report.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** - None
CONSENT CALENDAR (Items 8-23)

Council Member Carlson removed item 18 and had comments on item 8.

Mayor McKeithen had a question on item 14, typographical corrections for the resolution under item 22 and removed item 19.

8. **APPROVAL OF MAY 19, 2010 REGULAR MEETING, MAY 25 SPECIAL MEETING MINUTES AND JUNE 8 JOINT COUNCIL AND PARK & RECREATION MEETING**

Recommendation: Approve May 19, 2010 regular, May 25 special meeting minutes, and June 8 Joint Council and Park & Recreation meeting

Council Member Carlson suggested editing the June 8th joint meeting minutes to add the following under item 2:

Recommended follow up actions that were discussed:

1. Research sub contracting park maintenance for the 22 acres of ground to a qualified third party
2. Developing a park Use Balance policy to address both facilities and playing field use by organizational parties in order to balance such use with individual and family usage within the park. Should capping organized event usage be considered to achieve balance? Should limits be placed on size, duration, and frequency usage? Potentially furthering the limit of hours or days of such use and/or pricing differentials to achieve desired results.

9. **APPROVAL OF BILLS AND CLAIMS FOR FEBRUARY 2010 IN THE AMOUNT OF \$884,376**

Recommendation: Approve Bills and Claims in the amount of \$884,376

10. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR THE ELEVEN MONTHS ENDED MAY 31, 2010**

Recommendation: Accept Monthly Financial Report

11. **TREASURER'S REPORT FOR THE THIRD QUARTER ENDED MARCH 31, 2010**

Report: Finance Director Louise Ho

Recommendation: Accept the Treasurer's Report for the Third Quarter Ended March 31, 2010

12. **APPROVAL FOR THE TOWN ARBORIST TO ATTEND THE INTERNATIONAL SOCIETY OF ARBORICULTURE 86TH ANNUAL INTERNATIONAL CONFERENCE AND TRADE SHOW**

Report: Town Arborist Kathy Hughes Anderson

Recommendation: Approve the request for the Town Arborist to attend the ISA International Conference and Trade Show in Chicago, Illinois, July 26-28, 2010

13. AWARD OF CONTRACT FOR THE MIDDLEFIELD ROAD AT ENCINAL AVENUE INTERSECTION IMPROVEMENT PROJECT NUMBER 56009

Report: Public Works Director Duncan Jones

Recommendation: Award the contract for Middlefield Road at Encinal Avenue Intersection Improvement Project, project number 56009 to the lowest responsive bidder on the June 16, 2010 bids; and to authorize the City Manager to sign the contract on behalf of the Town

14. AWARD OF CONTRACT FOR THE HOLBROOK-PALMER PARK BRIDGE LANDSCAPING PROJECT NUMBER 56046

Report: Public Works Director Duncan Jones

Recommendation: Award the contract for Holbrook-Palmer Park Bridge Landscaping Project, project number 56046 to Commercial Environmental Landscaping, the low bidder on the May 27, 2010 bids, for \$16,961.33, with a 10% construction contingency of \$1,696.13, for a total authorization of \$18,657.46; and to authorize the City Manager to sign the contract on behalf of the Town

Mayor McKeithen questioned whether or not the Dames had consented to the additional \$4,600 of funding needed and she was informed that they had.

15. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS FOR THE HOLBROOK-PALMER PARK WATER TOWER LAWN PHASE 2 PROJECT, PROJECT NUMBER 08-026

Report: Public Works Director Duncan Jones

Recommendation: Accept work, authorizing recording of a notice of completion and approving contract change orders for the Holbrook-Palmer Park Water Tower Lawn Phase 2 Project, Project Number 08-026

16. APPROVE A ONE-WAY ENTRANCE ROADWAY AT HOLBROOK-PALMER PARK

Report: Public Works Director Duncan Jones

Recommendation: Approve a one-way entrance roadway at Holbrook-Palmer Park

17. AWARD OF CONTRACT FOR THE 2010 STREET PATCHING CONTRACT PROJECT NUMBER 56047

Report: Finance Director Louise Ho

Recommendation: Award the contract for the 2010 Street Patching Contract, project number 56047 to the lowest responsible bidder on the June 16, 2010 bids; and to authorize the City Manager to sign the contract on behalf of the Town.

18. APPROVE CONSULTANT SERVICES AGREEMENT WITH CSG CONSULTANTS, INC. FOR CODE ENFORCEMENT

Report: City Manager Jerry Gruber

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

Mayor McKeithen wanted code enforcement consolidation with another jurisdiction to be reviewed by staff.

Council Member Carlson said alternative options should be explored as well.

City Manager Gruber asked how Council would like to maintain the code enforcement the Town currently has which expires June 30, 2010.

Council agreed that code enforcement should be maintained on a month-to-month basis under the present contract until further studies are conducted. The item was tabled.

19. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH THE CITY OF REDWOOD CITY TO PROVIDE INFORMATION TECHNOLOGY SUPPORT

Report: Assistant City Manager Eileen Wilkerson

Recommendation: Approve the agreement for information technology support between the City of Redwood City and the Town of Atherton; authorize the City Manager to execute the agreement

20. APPOINT ALAIN ENTHOVEN TO THE FINANCE COMMITTEE

Report: City Manager Jerry Gruber

Recommendation: Appoint Alain Enthoven to the Finance Committee for a term to take effect immediately and expires on April 30, 2011

21. APPROVE COMMENT LETTER ON HIGH SPEED RAIL ALTERNATIVES ANALYSIS

Report: Public Works Director Duncan Jones

Recommendation: Approve a letter to the California High Speed Rail Authority (CHSRA) providing comments on Preliminary Alternatives Analysis Report (PAAR), and authorize the Mayor to sign the letter

22. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REQUESTING THAT THE COUNTY OF SAN MATEO DENY THE APPLICATION FOR A NEW FACILITY AT 2991 EL CAMINO REAL AND REVISE THE ORDINANCE RELATING TO REGULATION OF COLLECTIVE CULTIVATION AND DISTRIBUTION OF MEDICAL MARIJUANA

Report: City Manager Jerry Gruber

Recommendation: Approve Resolution No. 10-29 requesting that the County of San Mateo deny the application for a new facility at 2991 El Camino Real and revise the ordinance relating to regulation of collective cultivation and distribution of medical marijuana

MOTION by Lewis, second by Dobbie to approve the consent calendar except item 18. The motion passed.

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

PUBLIC HEARINGS - None

REGULAR AGENDA (Items 23-34)

23. LIBRARY TASK FORCE REPORT AND RESOLUTION NO. 10-30

Report: City Manager Jerry Gruber

Recommendation: Adopt Resolution No. 10-30 for the Town of Atherton to partner with the San Mateo County Library, Friends of the Library and other key stakeholders to support and participate in the process of planning and building a new library and establish an Atherton Library Building Steering Committee based on recommendations from the Atherton Library Needs Assessment Task Force

Joanne Sanders, Friends of the Library, introduced and thanked members of the Library Task Force which was charged with evaluating, discussing and making recommendation to council n regards to the library needs assessment study.

Denise Kupperman, Library Task Force, discussed the pros and cons of having a library at Holbrook-Palmer Park. Kupperman said the community would be able to enjoy the park and the library at the same time, donor funds can be used for maintenance costs in the park adjacent to the library, park supporters would become library supporters, and it would reduce the train noise levels.

Kupperman added that cons include that it would require alternate work space for park staff, tearing down the main house, and it could potentially reduce income from park events.

Kupperman concluded that putting a library in the park would require community consensus.

Council Member Lewis said she thinks this is a golden opportunity and libraries are usually the center of a community.

Council Member Carlson said there needs to be a more formal process before moving the library to the park. Carlson added that the environmental concerns need to be addressed and a more definitive process should be outlined including the composition and charter of the steering committee, how the Park & Recreation Commission fits in and how all departments in the park will interrelate. Carlson concluded that it should be clearly defined that no money is expected from the Town for this proposal.

Vice Mayor Dobbie said there are a lot of ideas that need clarification, but the process should begin now. Dobbie said Council should do whatever is necessary to get to a final decision.

Council Member Marsala said a lot of people will be happy about this proposal, and in fact there are surveys that date back to the late 1950's that show people were in favor of a library in the park. Marsala concluded that the Library Joint Powers Authority has grown over the years and the Town is fortunate to have the number of events that go on such as movie night, concerts and speakers.

Joanne Sanders informed Council that the idea of putting a library in the park is an important piece in decision-making for the Town Center Task Force, who is charged with research and funding options for a new town center.

Mayor McKeithen said the demographics in the Town have changed and so should we. McKeithen said open forum meetings with the public need to take place before anything is decided. McKeithen concluded by thanking Denise Kupperman and Joanne Sanders and added that the Library Task Force did a great job.

Council Member Lewis questioned whether approval of this resolution would give the go ahead for relocating the library to the park and added that she was not ready for that until after community consensus.

City Attorney Furth said this is only a vision and no entity can move forward without following environmental reviews and other California laws.

A short discussion ensued regarding the public perception on whether the action taken on this item would mean the library is moving to the park.

Sandy Crittenden, read a letter from the Atherton Arts Committee for the record.

Council Member Carlson suggested removing item 2 in the second whereas clause. Council Member Lewis agreed. Lewis added that although she thinks the idea is great but she also believes all opportunities should be weighed before making a final decision.

MOTION by Carlson, second by Lewis to Adopt Resolution No. 10-30 for the Town of Atherton to partner with the San Mateo County Library, Friends of the Library and other key stakeholders to support and participate in the process of planning and building a new library and establish an Atherton Library Building Steering Committee based on recommendations from the Atherton Library Needs Assessment Task Force, with the removal of section 2 in the second whereas. The motion passed.

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

Denise Kupperman said that an environmental review can not begin without a location.

Vice Mayor Dobbie said Council is here to represent the residents of Atherton and Council should make judgment calls at times instead of having several public meetings for everything.

A discussion took place on what the motion and action taken where for.

Vice Mayor Dobbie clarified, for the record that he supports the entire resolution brought to Council.

City Attorney Furth clarified that the report on the library needs assessment does not take a position on the location of the library so the document you adopted supports the location to be explored seriously but does not mean that it is the decided location.

Vice Mayor Dobbie said the vote, he believed, was only for the amendment in which Council Member Carlson removed section 2 of the second whereas. Dobbie stated that he wants to vote for the resolution.

**24. REQUEST FOR ADJUSTMENT TO LEGAL SERVICES BUDGET
FOR FISCAL YEAR 2010-11**

Report: City Manager Jerry Gruber

Recommendation: Staff recommends that the legal services budget for 2009-2010 be increased by \$38,000 to cover necessary legal expenses through the end of the current fiscal year

City Manager Gruber gave a brief background on the legal service budget over the last three years.

Jeff Wise, Atherton resident, said this is clearly an area where the budget needs to be reduced. Mayor McKeithen said that at one time legal costs were below \$200,000 and suggested a citizen's review committee to analyze the legal bills to get the budget back to where it was at one time. McKeithen said there have been at least two investigations that she did not feel should have been handled in-house.

Council Member Marsala questioned whether this would come from reserves. Gruber said staff is recommending it come from projected excess revenue after the 2009/10 books close. Marsala asked what happens if this amendment is not approved. Furth said whether it is approved or not she will do her best to hold the Towns expenses.

Council Member Lewis asked if all requests for City Attorney time go through the City Manager. Gruber said two instances in which they do not route through him are personnel issues and public records requests.

Council Member Lewis questioned whether the budget going forward is much lower. Gruber said it was originally reduce by 80,000 and the Finance Director reduced it by an additional 43,000. Furth added that the principal driver of the legal services budget was uninsured litigation. Furth said the majority of litigation has been resolved and additional insurance has been added.

Vice Mayor Dobbie asked how much was spent on the report done on Council Member Lewis' home. Dobbie added that he would like to see what it would cost to separate general attorney services and litigation services.

Finance Director clarifies in her staff report that from July 2009 to May of 2010 the Attorney expenditure is \$410,640 and other Attorneys outside of that is \$12,143.

MOTION by Carlson, second by Lewis to approve the legal services budget increase for 2009-2010 by \$38,000 to cover necessary legal expenses through the end of the current fiscal year. The motion passed.

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

25. ADOPT REVISED COST ALLOCATION PLAN

Report: Finance Director Louise Ho

Recommendation: Accept and approve the revised overhead cost allocation plan developed by NBS

Finance Director Ho gave a brief background on the revised cost allocation plan. On February 1, 2010, the City Council directed NBS to exclude certain overhead percentages particularly from the Administration Department.

Mayor McKeithen said Finance Committee member Conlon suggested looking at a 75% overhead recovery of the Building Department.

Council Member Lewis said there were exhaustive interviews and research with the Building Department and staff to come up with these numbers.

Mayor McKeithen suggested allowing the Finance Committee to meet and discuss the cost allocation plan with NBS and/or the Finance Director.

Ho said that this is a policy plan and the auditor needs this as a basis for their agreed upon procedures.

Vice Mayor Dobbie said the numbers were set by a lot of judgment and he isn't sure whether the numbers are correct or not.

MOTION by Carlson, second by Lewis to accept and approve the revised overhead cost allocation plan developed by NBS. The motion passed.

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

26. ADOPTION OF RESOLUTION 10-31 OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADOPTING SALARIES AND FOR MANAGEMENT STAFF FOR FISCAL YEARS 2009-10, 2010-11, 2011-12, and 2012-13

Report: City Manager Jerry Gruber

Recommendation: Adopt Resolution 10-31 of the City Council of the Town of Atherton Adopting Salaries and Benefits for Management Staff for Fiscal Years 2009-10, 2010-11, 2011-12 and 2012-13

Item 26 was removed from the Agenda.

27. RECOMMENDATIONS FROM THE FINANCE COMMITTEE FOR FISCAL YEAR 2010/11 BUDGET

Report: City Manager Jerry Gruber

Recommendations: To Be Determined

Mayor McKeithen made typographical corrections to the staff report.

Council Member Carlson questioned the purpose of some of the recommendations, particularly policy issues such as irrevocable trusts, not filling vacancies and the Muniservices tax audit. Carlson said the Finance Committee makes recommendations based on Council direction.

Council discussed the role of the Finance Committee.

Council Member Carlson said he does not take issue with the Finance Committee reviewing certain things but thinks it should have full Council support.

Council Member Lewis said she would like the Finance Committee to work with staff on a revised five-year projection budget.

No action taken by Council.

28. APPROVAL OF A RESOLUTION ADOPTING THE FISCAL YEAR 2010-11 OPERATING AND CAPITAL BUDGET

Report: Finance Director Louise Ho

Recommendation: Approve Resolution No. 10-32 adopting the Fiscal Year 2010-11 Operating and Capital Budget.

Finance Director Ho said staff is recommending that City Council approve the use of \$888,463 of parcel tax fund for police services and the use of \$499,221 of the Building Department operating reserve to fund the Building Department projected operating shortfall. Ho added that the finance committee recommended 100% funding of GASB 45 when the draft budget only had 50% funding, but since then, staff has funded it 100%.

Council Member Carlson questioned the projected revenue column on page 1 in particular the \$885,000 figure under the library fund. Ho said she recently received a letter from the County saying they would refund approximately \$900,000 in excess revenues.

Carlson questioned whether all authorized positions were filled this past year. Chief Guerra said last year the Police Department unfunded one officer and one dispatch position and this year we have two officer positions and one dispatch position unfunded. Ho concluded that the only change in the Police Department is reducing the officer position from 13 to 12 and converting the Administrative Assistant from 0.75FTE to a full time, fully benefited position.

Mayor McKeithen opened up for public comment.

Jon Buckheit, Atherton resident, questioned whether salary increases for management employees is part of the budget or not. Buckheit concluded that the Police Department should not be reduced or diminished due to salary increases for management.

Denise Kupperman, Atherton resident, concurred with Buckheit and questioned how an operating budget can be passed if management salaries are not being considered.

Mayor McKeithen said she can not approve the budget until she reviews a classification study.

Council Member Marsala questioned what happens if the budget is not approved, and are there consequences.

Vice Mayor Dobbie said that an advantage of delaying this budget is that we may be able to answer questions in regards to employee compensation.

City Attorney Furth clarified that there is no state requirement for local governments to adopt a budget but warrants needs to be approved and payment policies should be adhered to.

Finance Director Ho added that in order for the parcel tax to be assessed for the next fiscal year the Council would need to pass a budget.

Assistant City Manager Wilkerson said that the 70th percentile will not be determined until mid August to early September therefore Council should not wait to pass the budget until they determine what employee wages will be.

City Manager Gruber said the classification study is not going to save the Town from its long term financial challenges. Gruber said it will not make a significant improvement in the budget.

Mayor McKeithen said there were studies done in the past that did change the budget.

Council Member Marsala said he supports the City Manager and added that changes can be made to the budget as we move forward.

Council Member Lewis said staff and the Finance Committee did a great job dwindling down the budget. Lewis said building department reserves should be used in tough economic times. Lewis concluded that the Town needs to look at outsourcing as much as it can and get solid figures on how it would help the budget.

Mayor McKeithen said this budget does not dip into general reserves but she believes there is still work to be done on it.

City Manager Gruber thanked the Department Managers for all of their work on the budget. Gruber said Guerra did an exceptional job at reducing the Police Department budget. Gruber concluded that if the Town continues to make cuts it will affect the levels of service to the residents.

Jeff Wise, Finance Committee member, encouraged Council to adopt the budget in order for the Town to move forward and operate. Wise said there are opportunities to amend it.

Denise Kupperman, Atherton resident, said she is surprised the classification study is not a public document. Kupperman questioned how the Town can operate if there is no understanding of the needed functions in the organization.

MOTION by Marsala, second by Lewis to Approve Resolution No. 10-32 adopting the Fiscal Year 2010-11 Operating and Capital Budget. The motion passed.

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

Dobbie stepped out.

29. CONSIDERATION AND POSSIBLE ADOPTION OF A RESOLUTION ASSESSING A SPECIAL TAX FOR MUNICIPAL SERVICES FOR THE FISCAL YEAR 2010-11

Report: City Manager Jerry Gruber, Finance Director Louise Ho

Recommendation: Open public hearing, receive testimony, and close public hearing. After consideration, adopt Resolution 10-33 assessing a Special Tax for Municipal Services for the Fiscal Year 2010-11 as set forth in Ordinance No. 555

MOTION by Lewis, second by McKeithen to adopt Resolution 10-33 assessing a Special Tax for Municipal Services for the Fiscal Year 2010-11 as set forth in Ordinance No. 555. The motion passed.

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

Dobbie returned to the Chambers.

30. ADOPTION OF RESOLUTION 10-34 CALLING THE NOVEMBER 2, 2010, GENERAL MUNICIPAL ELECTION, REQUEST CONSOLIDATION; AND CONTRACT WITH THE CHIEF ELECTIONS OFFICE FOR ELECTION SERVICES

Report: Deputy City Clerk Theresa DellaSanta

Recommendation: Adopt Resolution 10-34 calling for a General Municipal Election, for the purpose of electing three (3) members of the Atherton City Council, to be held on November 2, 2010; requesting the San Mateo County Board of Supervisors to consolidate the election with any other elections to be held on November 2, 2010; contracting with the Chief Elections Official for the purpose of providing election services; and authorizing the City Manager to sign the service agreement with the County Elections Officer

MOTION by Carlson, second by Lewis to approve Resolution 10-34 calling for a General Municipal Election, for the purpose of electing three (3) members of the Atherton City Council, to be held on November 2, 2010; requesting the San Mateo County Board of Supervisors to consolidate the election with any other elections to be held on November 2, 2010; contracting with the Chief Elections Official for the purpose of providing election services; and authorizing the City Manager to sign the service agreement with the County Elections Officer. The motion passed.

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

31. ADOPTION OF RESOLUTION 10-35 REQUIRING CANDIDATES TO BE CHARGED A DEPOSIT TO COVER THE COST OF PUBLICATION FOR STATEMENT OF QUALIFICATIONS

Report: Deputy City Clerk Theresa DellaSanta

Recommendation: Adopt Resolution 10-35 requiring candidates to pay the prorated cost of publication and distribution of the Statement of Qualifications and specifying the length of the Statement

Jon Buckheit, Atherton resident, questioned why Atherton makes the candidate pay for the cost of publication of their statement of qualifications.

Deputy City Clerk DellaSanta said that it is a policy decision by Council and historically Atherton has required that candidates pay for the costs of publication.

MOTION by Dobbie, second by Carlson to Adopt Resolution 10-35 requiring candidates to pay the prorated cost of publication and distribution of the Statement of Qualifications and specifying the length of the Statement. The motion passed.

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

32. AMENDMENT TO RESOLUTION 10-13 TO APPOINT A COUNCIL MEMBER TO THE ARTS COMMITTEE; AND TO INCREASE THE TOWN CENTER TASK FORCE FROM FIVE (5) MEMBERS TO SIX (6) MEMBERS

Report: City Manager Jerry Gruber

Recommendation: Amend Resolution 10-13 to appoint a Council Member to the Arts Committee; and to expand the Town Center Task Force from Five (5) Members to Six (6) Members and appoint Phil Lively

Mayor McKeithen said the Arts Committee has requested discussing expanding their committee to include a Council Member before Council debate and removed that section of item 32.

MOTION by Carlson, second by Lewis to expand the Town Center Task Force from Five (5) Members to Six (6) Members and appoint Phil Lively. The motion passed.

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

33. RESOLUTION DIRECTING THE PLANNING COMMISSION TO CONSIDER AN AMENDMENT TO TITLE 17 OF THE ATHERTON MUNICIPAL CODE REGARDING THE R1-A ZONING REGULATIONS TO INCORPORATE PROVISIONS FROM THE R1-B ZONING DISTRICT FOR LOTS WITH AN AREA LESS THAN 10,000 SQUARE FEET OR, IN THE ALTERNATIVE, REZONING LOTS FRONTING PARKER AVENUE FROM R1-A TO R-1B

Report: Deputy Planner Lisa Costa Sanders

Recommendation: Adopt the Resolution directing the Planning Commission consider an amendment to the R1-A zoning regulations for lots with an area less than 10,000 square feet

Deputy Town Planner Costa Sanders said Council, at its May 19 meeting, voted to direct staff to prepare a resolution for consideration by the City Council at its next meeting to initiate changes to the R1-A zoning district to incorporate the provisions of the R1-B zoning district to apply to lots with an area less than 10,000 square feet. As there was much discussion at the City Council meeting and the vote on the item was split (3 in favor, 1 opposed and 1 abstained), staff has also prepared an alternate resolution in the event the City Council would prefer at this time to rezone Parker Avenue rather than make changes to the R1-A zoning regulations. From an implementation of the Zoning Code perspective, rezoning Parker Avenue would be the more straightforward approach and reduce the potential for errors and confusion in the future.

Council Member Marsala said he has always been open to allowing the front yard and the second floor to be changed. Marsala asked what impact that would have on the back yards if R1A were to be rezoned to R1B. Costa Sanders said the current front and rear setbacks could be reduced to 23 feet 3 inches.

Council Member Carlson asked what specific features would be included. Costa Sanders said Council can choose to incorporate all provision of the R1A or just certain provisions.

Council Member Lewis said she has been in favor of rezoning all smaller lots, and she now recognizes Parker as a cluster of homes that if rezoned would all have the same setbacks and questioned whether the alternate resolution would be better for this particular neighborhood. Costa Sanders said it would be cleaner to rezone Parker Avenue. Parker Avenue is unique and the lots have identical size and shapes.

Mayor McKeithen said Parker is a unique cluster of homes and it should be treated differently from a 10,000 square foot home in R1A. McKeithen added that R1B makes more sense from a cost perspective because the Town doesn't need to incur \$27,000 of rezoning.

Mayor McKeithen opened for public comment.

Andrew Carlson, Parker Avenue, spoke in opposition.
Ann Anderson, Atherton resident, spoke in opposition.
Jeff Wise, Atherton resident, spoke in favor of the proposal and treating smaller lots equitably.
Michael Bennett, Atherton resident, spoke in favor.
Brooke Anderson, Atherton resident, spoke in opposition.
Colleen Anderson, Parker Ave, spoke in favor.
Linda Grossman, Parker Ave, spoke in opposition.
Kathy Huo, Atherton resident, spoke in favor.
Jonathan Buckheit, Atherton resident spoke in favor of rezoning for additional space.

Council Member Lewis said some people are in opposition because they are afraid neighbors will be up against each other's backyards. Lewis said the Town has strong landscape screening plans so that a neighbor cannot see into your backyards. Lewis concluded that she is in support of the alternate resolution to rezone Parker Avenue rather than make changes to the R1-A zoning regulations.

Mayor McKeithen agreed. She said it is only fair for the residents because the clusters of these size homes that are very unique.

Council Member Marsala said he is not in favor of rear setback changes but would support changes to the front setbacks.

Vice Mayor Dobbie said he supports the Planning Commission recommendation to leave the zoning as is and make no changes.

Council Member Carlson said Council is contemplating a decision which could change the character of the Town and suggested sending it back to the Planning Commission.

MOTION BY McKeithen, second by Lewis to adopt the alternate resolution directing the Planning Commission to rezone Parker Avenue rather than make changes to the R1-A zoning regulations. The motion passed.

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

Furth clarified that under State law this has to be heard in at a noticed public hearing by the Planning Commission who will make a recommendation to the City Council. Council will hold another public hearing to hear and review the recommendations.

- 34. 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 tabled item 34 indefinitely.

35. COUNCIL REPORTS

Nothing further to add to written reports.

36. FUTURE AGENDA ITEMS

A. CONSIDERATION OF RECONSIDERING THE ROAD IMPACT FEE REFUND

Report: Council Members Carlson and Marsala

Recommendation: Add reconsideration of refunding road impact fees to the July 21, 2010 agenda

MOTION by Marsala, second by Lewis to add reconsideration of refunding road impact fees to the July 21, 2010 agenda. The motion passed.

37. PUBLIC COMMENTS

Lou Berman, Atherton resident, thanked Council for approving the resolution under item 22. Berman said it is alarming that there is no notification or public notice from the County of applications for medical marijuana facilities.

38. ADJOURN

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

Mayor McKeithen adjourned the meeting at 10:54 p.m.

Respectfully submitted,

**Theresa DellaSanta
Deputy City Clerk**