



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
MAY 20, 2009
4:30 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

4:30 P.M. ROLL CALL Lewis, Dobbie, Marsala, McKeithen, Carlson

4:32 P.M. PUBLIC COMMENTS

4:45 P.M. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6

Agency Negotiators: Council Member Dobbie, Council Member Lewis

Unrepresented Employee: City Manager

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subsection (a) of Government Code Section 54956):

John P. Johns vs. the Town of Atherton, San Mateo County Superior Court
Case No. CIV 479972

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subsection (a) of Government Code Section 54956):

Buckheit v. Town of Atherton, et al., San Mateo County Superior Court
Case No. CIV 482668

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subsection (a) of Government Code Section 54956):

Ortiz v. Town of Atherton, et al., San Mateo County Superior Court Case
No. CIV 483525

E. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: two (2) potential case

RECONVENE TO OPEN SESSION

Report of action taken.

ADJOURN

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 752-0500. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
MAY 20, 2009
6:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

6:00 P.M. ROLL CALL Lewis, Dobbie, Marsala, McKeithen, Carlson

6:02 P.M. PUBLIC COMMENTS

6:05 P.M. REGULAR AGENDA

- 1. GASB 45 ACTUARIAL VALUATION OF POST-EMPLOYMENT
HEALTHCARE PROGRAM ACCRUED OBLIGATIONS**
Report: Finance Director Louise Ho

6:45 P.M. PUBLIC COMMENT

6:55 P.M. ADJOURN

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AGENDA
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
MAY 20, 2009
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
REGULAR MEETING

PLEASE NOTE:

Times listed on the Agenda are an approximation and not a time certain. The Council may take up items out of order. Please arrive well in advance of the time listed for any item in which you are interested.

- 7:00 P.M. 1. **PLEDGE OF ALLEGIANCE**
- 7:02 P.M. 2. **ROLL CALL** Lewis, Dobbie, Marsala, McKeithen, J. Carlson
- 7:03 P.M. 3. **PRESENTATIONS**
- Swearing in of new Sergeant Kristin Nichols
- Proclamation for Marion Oster
- 7:15 P.M. 4. **PUBLIC COMMENTS** *(This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the Agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the Council from acting on items not listed on the Agenda except by special action of the City Council under specified circumstances. Speakers' time is limited to three minutes.)*
- 7:20 P.M. 5. **REPORT OUT OF CLOSED SESSION**
- 7:25 P.M. 6. **CITY MANAGER'S REPORT**
- 7:30 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed by Resolution No. 99-6)
- None
- 7:30 P.M. **CONSENT CALENDAR** (Items 8-22)

(Consent Calendar items are routine in nature and are generally considered in one motion and adopted by a single vote of the City Council. If discussion regarding a Consent Calendar item is desired, the member(s) of the City Council, public, and/or staff wishing to pull the item should so indicate at the time the Mayor calls for consideration of the Consent Calendar.)

8. **APPROVAL OF SPECIAL CITY COUNCIL MINUTES OF MARCH 2, 2009 AND APRIL 7, 2009; REGULAR CITY COUNCIL MINUTES OF APRIL 15, 2009, AND SPECIAL CITY COUNCIL CLOSED SESSION OF MAY 12, 2009**
Recommendation: Approve March 2, April 7, April 15 and May 12 minutes

9. **APPROVAL OF BILLS AND CLAIMS FOR APRIL 2009 IN THE AMOUNT OF \$ 971,137**
Recommendation: Approve Bills and Claims in the amount of \$971,137

10. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR THE TEN MONTHS ENDED APRIL 30, 2009**
Recommendation: Accept Monthly Financial Report

11. **ACCEPTANCE OF TREASURER'S REPORT FOR FIRST, SECOND AND THIRD QUARTER OF FISCAL YEAR 2009**
Report: Director of Finance Louise Ho
Recommendation: Accept Treasurer's Report for First, Second and Third Quarter of Fiscal Year 2009

12. **APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH CHRISTOPHER A. JOSEPH & ASSOCIATES FOR PREPARATION OF ENVIRONMENTAL IMPACT DOCUMENTS AND REIMBURSEMENT AGREEMENT WITH SACRED HEART SCHOOLS**
Report: Deputy Town Planner Lisa Costa Sanders
Recommendation: Approve Professional Services Agreement with Christopher A. Joseph & Associates and Reimbursement Agreement with Sacred Heart Schools and authorize the City Manager to sign the agreement on behalf of the Town

13. **ADOPT A RESOLUTION APPROVING REALLOCATION OF REMAINING PROPOSITION 1B FUNDS FROM STEVICK DRIVE TO STREET RECONSTRUCTION PHASE 6 AND RECLASSIFYING STEVICK DRIVE FROM MAJOR PROJECT (OVER \$400,000) TO MINOR PROJECT (UNDER \$400,000)**
Report: Public Works Director Duncan Jones
Recommendation: Adopt Resolution 09-13 approving reallocation of remaining Proposition 1B funds from Stevick Drive to the Street Reconstruction Phase 6 project and reclassifying Stevick Drive from major project (over \$400,000) to minor project (under \$400,000)

14. **ACCEPTANCE OF WORK AND AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE EMERGENCY SEWER REPLACEMENT PROJECT AT HOLBROOK PALMER PARK**
Report: Public Works Director Duncan Jones
Recommendation: Accept work and authorize recording of a notice of completion for the Emergency Sewer Replacement Project

15. ADOPT A RESOLUTION APPROVING A “NO STOPPING ANY TIME” ZONE ON THE NORTH SIDE OF WALSH ROAD BETWEEN ALAMEDA DE LAS PULGAS AND THE DRIVEWAY TO 306 WALSH ROAD

Report: Public Works Director Duncan Jones

Recommendation: Adopt Resolution 09-14 approving a “No Stopping Any Time” zone on the North side of Walsh Road between Alameda de las Pulgas and the driveway to 306 Walsh Road (the first driveway in from Alameda de las Pulgas

16. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$17,125.64 FOR THE 2009 SPRING PATCHING PROJECT NUMBER 08-007

Report: City Manager Jerry Gruber, Director of Public Works Duncan Jones

Recommendation: Accept work, authorize recording of a notice of completion and approve contract change orders in the amount of \$17,125.64 for the Spring Patching Contract Project Number 08-007

17. AWARD OF CONTRACT TO FBD VANGUARD CONSTRUCTION INC. FOR THE LAS LOMITAS SAFE ROUTE TO SCHOOL PROJECT NUMBER 08-028 IN AN AMOUNT NOT TO EXCEED \$60,126.28 PLUS A TEN PERCENT CONSTRUCTION CONTINGENCY, FOR A TOTAL AUTHORIZATION OF \$66,138.91

Report: Public Works Director Duncan Jones

Recommendation: Award the contract for Las Lomitas Safe Route to School Project number 08-028 to FBD Vanguard Construction, Inc., the low bidder on the May 14, 2009 bids, for \$60,126.28, with a 10% construction contingency of \$6,012.63, for a total authorization of \$66,138.91; and to authorize the City Manager to sign the contract on behalf of the Town

18. AMEND THE CENTERLINE MARKING LIST TO INCLUDE A DOUBLE YELLOW CENTERLINE AND WHITE PAINTED WALKWAY CURB ON WATKINS AVENUE FROM MIDDLEFIELD ROAD TO THE CALTRAIN TRACKS

Report: City Manager Jerry Gruber, Public Works Director Duncan Jones

Recommendation: Amend the Centerline Marking List to include a double yellow centerline and white painted walkway curb on Watkins Avenue from Middlefield Road to the Caltrain tracks

19. POLICE DEPARTMENT VEHICLE PURCHASE

Report: Police Chief Glenn Nielsen

Recommendation: Authorize the purchase of one unmarked police hybrid vehicle (Toyota Camry) for a cost not to exceed \$29,150.00

20. **ADOPT THE PENINSULA PARTNERSHIP LEADERSHIP COUNCIL'S (PPLC) BILL OF RIGHTS FOR CHILDREN AND YOUTH OF SAN MATEO COUNTY**
Report: Police Chief Glenn Nielsen
Recommendation: Adopt Resolution 09-15 adopting the Peninsula Partnership Leadership Councils Bills of Rights for Children and Youth of San Mateo County

21. **REVISIONS TO MOU AMONG PENINSULA CITIES REGARDING HIGH SPEED RAIL**
Report: City Attorney Wynne Furth
Recommendation: Authorize the Mayor to sign the revised Memorandum of Understanding for the Peninsula Cities Consortium ("MOU") and authorize the Mayor to sign a further-revised initial MOU if in the opinion of the Mayor and the City Attorney the modifications are not substantive

22. **APPROVAL OF RESOLUTION FROM THE LEAGUE OF CALIFORNIA CITIES DECLARING A FISCAL HARDSHIP WILL EXIST IF ADDITIONAL LOCAL PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA**
Report: City Manager Jerry Gruber and Finance Director Louise Ho
Recommendation: Adopt Resolution 09-16 Finding a Severe Fiscal Hardship Will Exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California

7:40 P.M. **PUBLIC HEARINGS** (Item 23)

23. **APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO DENY A HERITAGE TREE REMOVAL PERMIT AT 54 BARRY LANE**
Report: Deputy Town Planner Lisa Costa Sanders
Recommendation: Deny the appeal and uphold the decision of the Planning Commission to deny the heritage tree removal permit

REGULAR AGENDA (Items 24-33)

7:55 P.M. 24. **SECOND READING AND ADOPTION OF AN ORDINANCE 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**
Report: City Attorney Wynne Furth
Recommendation: Read the Ordinance by title, Waive further reading, and adopt Ordinance amending section 15.32.040 regulating deposits for Environmental Impact Reports

- 8:05 P.M. 25. **SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING SECTION 17.16.020 OF THE ATHERTON MUNICIPAL CODE REZONING PARCEL 2 AND THE LEGACY PARCEL OF MENLO SCHOOL AND MENLO COLLEGE (50 VALPARAISO)**
Report: Deputy Town Planner Lisa Costa Sanders
Recommendation: Read the Ordinance by title, Waive further reading, and adopt Ordinance rezoning portions of Menlo School and Menlo College Property (50 Valparaiso)
- 8:15 P.M. 26. **DESIGNATE A COUNCIL MEMBER AS A REPRESENTATIVE TO MENLO PARK FIRE PROTECTION DISTRICT TO ACT AS A LIAISON**
Report: City Manager Jerry Gruber
Recommendation: Designate one Council Member to act as liaison to help develop and improve communications and form collaborative efforts with the Menlo Park Fire Protection District
- 8:20 P.M. 27. **ENVIRONMENTAL PROGRAMS COMMITTEE RECOMMENDS APPROVAL OF NORCAL WASTE INC. AS THE COLLECTION CONTRACTOR**
Report: City Manager Jerry Gruber
Recommendation: Consider the Environmental Programs Committee recommendation to approve Norcal Waste Inc. as the Collection Contractor for the Town of Atherton
- 8:30 P.M. 28. **ENVIRONMENTAL PROGRAMS COMMITTEE RECOMMENDS APPROVAL OF AN APPROPRIATE SURVEY TO GAUGE RESIDENT PREFERENCES FOR SERVICE LEVELS AS THE COLLECTION CONTRACT IS NEGOTIATED**
Report: City Manager Jerry Gruber
Recommendation: Consider the Environmental Programs Committees recommendation for approving an appropriate survey to gauge resident preferences for service levels as the collection contract is negotiated
- 8:40 P.M. 29. **ENVIRONMENTAL PROGRAMS COMMITTEE RECOMMENDS CITY COUNCIL RECONSIDER THEIR VOTE AND APPROVE BOND FINANCING FOR THE SHOREWAY FACILITY IN VIEW OF BETTER COST NUMBERS THAT ADDRESS COUNCIL'S CONCERNS**
Report: City Manager Jerry Gruber
Recommendation: Consider the Environmental Programs Committee recommendation to reconsider City Council vote and approve bond financing for the Shoreway Facility
- 8:50P.M. 30. **RECOMMENDATION OF THE BLUE RIBBON TASK FORCE TO REQUEST PERMISSION TO USE A VALIDATED PORTION OF ATHERTON'S DONOR CITY FUNDS TOWARDS A NEW TOWN**

CENTER IN EXCHANGE FOR THE LIBRARY GETTING EXCLUSIVE USE OF THE VACATED COUNCIL CHAMBERS

Report: City Manager Jerry Gruber

Recommendation: Town of Atherton to approach the San Mateo Library Joint Powers Authority (JPA) and request permission to use a validated portion Atherton's Donor City Funds towards a new town center in exchange for the Library getting exclusive use of the vacated Council Chambers

9:10 P.M. 31. ACCEPTANCE OF GASB 45 ACTUARIAL VALUATION OF POST-EMPLOYMENT HEALTHCARE PROGRAM ACCRUED OBLIGATIONS

Report: Director of Finance Louise Ho

Recommendation: Accept and Approve the Actuarial Valuation of Post-Employment Health-Care Benefits (GASB 45) Report

9:20 P.M. 32. TOWN RESPONSE TO CIVIL GRAND JURY REPORT ON SPECIAL EVENTS ORDINANCE

Report: City Manager Jerry Gruber and City Attorney Wynne Furth

Recommendation: To Be Determined

9:40 P.M. 33. COLLEAGUES' MEMO: COUNCIL MEMBERS CODE OF CONDUCT AND PROTOCOLS **Report:** Council Members Lewis and Marsala

Report: Council Members Lewis and Marsala

Recommendation: To Be Determined

CONSENT, CONTINUED (Item 34)

9:59 P.M. 34. ADOPTION OF RESOLUTION ACCEPTING THE 2008/2009 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS) GRANT

Report: Police Chief Glenn Nielsen

Recommendation: Adopt a resolution accepting the recommended expenditures of the remaining balance of FY 2008-09 Supplemental Law Enforcement Services Fund (SLESF), Citizen's Option for Public Safety (COPS) Grant in the amount of \$100,000.00 in accordance with state requirements.

10:00 P.M. 35. COUNCIL REPORTS

10:10 P.M. 36. FUTURE AGENDA ITEMS

10:20 P.M. 37. PUBLIC COMMENTS

10:30 P.M. 38. ADJOURN

PLEASE NOTE THE FOLLOWING INFORMATION:

If you challenge a Town zoning, planning, or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any Town administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period.

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection by 5:00 p.m. the Friday before each regularly scheduled City Council meeting at the Atherton Library, 2 Dinklespiel, Station Lane, and the Town Administrative Offices, 91 Ashfield Road, Atherton, CA 94027. Additionally, agendas and staff reports may be accessed on the town website at: www.ci.atherton.ca.us

In compliance with SB 343, materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the Town Administrative Offices, 91 Ashfield Road, during normal business hours.

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PROCLAMATION

IN RECOGNITION OF ATHERTON PLANNING COMMISSIONER MARION OSTER

WHEREAS, Marion Oster served on the Atherton Planning Commission for over 17 years; and

WHEREAS, the City Council of the Town of Atherton, along with the entire community, would like to honor the contributions that Marion Oster has made during her tenure on the Planning Commission; and

WHEREAS, Marion Oster also served on the General Plan Committee as the Planning Commission's representative, was highly respected by her fellow Commissioners and was selected as Chair of the Planning Commission for several years; and

WHEREAS, Marion Oster was always fair and thoughtful in her deliberations on the Planning Commission and would put the Town's best interest first and foremost; and

WHEREAS, Marion Oster is fondly known as the Tree Goddess and named as a California Releaf Tree Hero, she also serves on the Tree Committee and advocates tree preservation and planting; and

WHEREAS, Marion Oster also volunteers with the Atherton Heritage Association and the Lindenwood Homeowners Association, and is passionate about preserving the Town's historical artifacts; and

WHEREAS, Marion Oster loves the Town of Atherton and rarely says "no" when asked to help. Marion has been an inspiration and the results of her efforts and dedication to the Town will endure through the ages.

NOW, THEREFORE I, as Mayor of the Town of Atherton, and on behalf of the Atherton City Council, do hereby commend the outstanding contribution by Marion Oster during her tenure on the Atherton Planning Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Atherton to be affixed this 20th day of May, 2009.

Jerry Carlson, MAYOR
Town of Atherton



MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
MONDAY, FEBRUARY 2, 2009

8:45 A.M.

Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California

SPECIAL MEETING

The meeting was called to order by Mayor Jerry Carlson at 9:04 a.m.

ROLL CALL

PRESENT: Elizabeth Lewis
Jerry Carlson
Kathy McKeithen

ABSENT: Jim Dobbie (Excused)
Charles E. Marsala (Excused)

PUBLIC COMMENTS

There were no public comments.

**PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYMENT –
pursuant to Government Code Section 54957(b)(1)**

Title: City Attorney

RECONVENE TO OPEN SESSION

Report of action taken.

Mayor Carlson reported out of Closed Session that no reportable action was taken.

ADJOURN

Mayor Jerry Carlson adjourned the Closed Session at 12:04 p.m.

Respectfully submitted,

Jerry Carlson
Mayor

Minutes Prepared by:
Kathi Hamilton



DRAFT MINUTES
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
APRIL 7, 2009
9:00 A.M
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

SPECIAL MEETING

Mayor Carlson called the meeting to order at 9:00 a.m.

- 1. ROLL CALL Lewis, Dobbie, Marsala, J. Carlson, McKeithen**

Vice Mayor Kathy McKeithen and Council Member James Dobbie were absent.

REGULAR AGENDA (Items)

- 2. DISCUSSION OF SURVEY OF ATHERTON RESIDENTS ON LONG TERM FUNDING MECHANISMS**
GODBE Research Consultants in Attendance

Robert Godbe and Alice Chan, GODBE, gave a presentation on their process for surveying Atherton residents on long term funding mechanisms.

Chan informed the Council that they plan to conduct a 15-minute telephone survey of 300 Atherton voters. They will then present their finding to the Council.

Carlson said the Council would like to be able to maintain current levels of services.

Louise Ho, Director of Finance stated that she will have a draft long term financial plan available at the May Council meeting.

Carlson said the Council needs to know if the residents are amenable to continuing the parcel tax and whether it would be feasible to bring forth different taxes. Carlson concluded that they would need to know resident concerns as well.

Marsala stated that Council needs to hear the options GODBE can provide so they can provide direction.

Council held a short discussion on what the current amount for parcel and utility taxes are and what changes were feasible.

Lewis said Atherton needs to know how much Atherton relies on parcel taxes. Carlson said he supports increasing the business license tax instead.

Robert Godbe said strategically Council should first inquire about the parcel tax and secondarily the utility tax.

Lewis suggested that Council create an ad-hoc committee for discussion with GODBE.

Carlson directed staff to add this proposal to the City Council April 15th Agenda.

3. REPORT FROM NBS ON TOWN FEES AND CHARGES AND RECOMMENDATIONS FOR NEW FEE SCHEDULE

Presentation by NBS

Jeanette Hahn, NBS Government Solution, gave a PowerPoint presentation on a report on Town fees and charges and recommendation for a new Town fee schedule. [A copy of the presentation is available in the City Clerks office.]

Hahn introduced the concept of the report to the Council and gave an overview of the methods involved. She added that a proposed master fee schedule should be ready by the May Council meeting.

Hahn stated that the fees being looked at are user fees and regulatory fees. She reviewed areas of focus for the project and distribution of the fee revenues for each department.

Hahn added that they are conducting a cost allocation plan to review how the Town apportions its Town-wide overhead and administrative services across various departments and funds.

Hahn reviewed cost of services and gave a sample master fee schedule to the Council. Hahn discussed preliminary observations for each department.

Hahn said the Council will receive several pages of proposed fees at the next meeting. The fees will be developed and recommended by each Department head once they see the maximum fee amounts. Hahn stated that they hope to hear feedback from Council on where they stand on cost recovery.

Hanh said she hopes to work closely with Council on a new fee schedule that satisfies their requirements.

Carlson said the Town ought to go for 100 percent cost recovery where real costs of service provided can be documented. Carlson concluded that he hopes to find rationale as to why things are done they way they are and anticipates this will provide comfort to Town residents.

Marsala congratulated Carlson and Gruber for pushing for this analysis. Marsala added that this should give the Town credibility with the public. Marsala concluded that he said he would like to see 100 percent cost recovery.

Carlson stated that he is impressed with Hahn's knowledge and looks forward to seeing her reports.

4. PRESENTATION ON FISCAL YEAR 2009/2010 BUDGET
Presentation by Finance Director Louise Ho

Louise Ho, Director of Finance gave Council a Power Point presentation on the 2009/2010 budget. [A copy of the presentation is available in the City Clerk's office].

Ho reviewed changes to the 2009/2010 Budget, sought direction on budget priorities, and fund balance policy for general fund.

Carlson requested a breakdown of each line item in the 2009/2010 budget. He would like this included in the budget packet.

Ho said she would like to hold a budget study session before the May 20th City Council meeting to review the budget.

5. PUBLIC COMMENTS

6. ADJOURN

MOTION by Lewis, second by Carlson to adjourn the meeting. The motion passed unanimously at 1:50 p.m.

Mayor Carlson adjourned the meeting at 1:50 p.m.

Respectfully submitted,

Theresa DellaSanta
Deputy City Clerk



DRAFT 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**



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
MAY 12, 2009
9:00 A.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

ROLL CALL Lewis, Dobbie, Marsala, McKeithen, Carlson

Marsala and McKeithen were absent

PUBLIC COMMENTS

None

CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6

Agency Negotiators: Jerry Gruber, City Manager; Glenn Berkheimer, I.E.D.A.

Employee Organization: Atherton Police Officers Association (APOA)

Employee Organization: Freight Checkers, Clerical Employees and Helpers: Teamsters Local Union No. 856

Employee Organization: Management

RECONVENE TO OPEN SESSION

There was no reportable action from Closed Session.

ADJOURN

Mayor Carlson adjourned the meeting at 10:00 a.m.

Respectfully submitted,

Jerry Carlson
Mayor

Minutes Prepared by:
Theresa DellaSanta

**TOWN OF ATHERTON
CLAIMS LIST APRIL 2009**

	04/10/09	04/24/09	
Payroll Checks #	13085-13095	13156-13161	\$ 4,279
Direct Deposit	13096-13155	13162-13219	280,620
Electronic Transfer			92,441
 A/P Checks #	 28191-28346		 593,797
	(28191,28192, 28202,28262 void)		

TOTAL \$ 971,137

I, Jerome Gruber, City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 13085-13219 (payroll) and 28191-28346 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$971,137 are true and correct, and that there are sufficient funds for payment.

Jerome Gruber
City Manager

The above claims, check numbers 13085-13219 (payroll) and 28191-28346 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$971,137 are true and correct, and are authorized for payment.

Jerry Carlson
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$863,000
105	Tennis	867
201	Special Parcel Tax	22,075
202	Transportation	-
203	Gas Tax	-
210	Road Construction Impact Fees	46,107
211	Park Grants	-
213	Library	7,568
401	General Capital Projects	-
402	Storm Drainage	-
403	Atherton Channel District	2,659
610	Vehicle Replacement	-
611	Computer Maint. & Replacement	4,435
612	Administrative Services	24,264
715	Evans Estate	162
716	Flex Spending	
740	Tree Committee	

TOTAL \$971,137

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028193	04/07/09	DOUGLAS PRINTERS	03/30/09	8041	Building	Office Supplies	462.23	PRINTING 500 PLAN CHECK ENVELOPES FOR PE
						Check Totals	462.23	
028194	04/07/09	NICK HILLARD	03/26/09	03.26.09	Police	Training - POST	13.05	LUNCH & BRIDGE TOLL, K-9 LEGAL UPDATE 3/
					Police	Gas & Oil	26.78	REIMB MILEAGE,K K-9 LEGAL UPDATE 3/26/0
						Check Totals	39.83	
028195	04/07/09	I.M.P.A.C. GOVERNMENT SERVI	03/23/09	5424/03-09	Building	Training & Safe	30.00	EPP CONFERENCE, K.ANDERSON
028195	04/07/09	I.M.P.A.C. GOVERNMENT SERVI	03/23/09	7190/03-09	Finance	Membership/Dues	395.00	CALCPA DUES, L.HO 5/1/09-4/30/10
028195	04/07/09	I.M.P.A.C. GOVERNMENT SERVI	03/23/09	5432/03-09	Police	Training - POST	576.00	LODGING CALNENA CONF J.MILLER 2/22-2/25/
					Police	Training - POST	225.92	LODGING PUBLIC RECORDS ACT, J.MILLER3/4-
					Police	Training - POST	150.00	FIT TESTING FOR GAS MASKTTT, WADE/KOCKLE
					Police	Other Contract	88.95	ENTERSECT POLICE ONLINE FEB 09
					Police	Training - POST	15.00	BAGGAGE FEE UNITED AIRLINES 3/2/09 G. NI
					Police	Training - POST	638.61	LODGING CAL CHIEFS CONF 3/2-3/5/09 G. NI
					Police	Training - POST	15.00	BAGGAGE FEE UNITED AIRLINES 3/5/09 G. NI
					Police	Machinery & Equ	550.84	SPEED SENTRY UNIT AC CONVERSION KIT
					Police	Office Supplies	36.81	LASER MOUSE, J.MATTES
					Police	Other Contract	3.50	TRAK SERVICES 2/1-2028/09
028195	04/07/09	I.M.P.A.C. GOVERNMENT SERVI	03/23/09	4324/03-09	City Manager	Travel & Meetin	11.67	LUNCH, J.GRUBER COUNTY CITY MGR MEETING
					City Manager	Computer Suppli	15.00	CONSTANAT CONTACT SOFTWARE
					City Manager	Special Events	71.25	DINNER FOR P.D. 03/22/09
						Check Totals	2,823.55	
028196	04/07/09	KREFELDS AWARDS	03/31/09	19792	Police	Special Events	204.03	ENGRAVED PLAQUES FOR JOHN WARREN & PAULA
						Check Totals	204.03	
028197	04/07/09	MID-PENINSULA ANIMAL HOSPIT	03/17/09	400909	Police	K-9 Expenses	416.91	OFFICE VISIT & SHOTS, CANINE REX 3/17/09
			03/22/09	401836	Police	K-9 Expenses	125.55	METACAM 100 ML BOTTLE, CANINE ZAR 3/22/0
			03/30/09	401923	Police	K-9 Expenses	140.75	OFFICE VISIT EXPLORE WOUND, MEDICINE, CA
						Check Totals	683.21	
028198	04/07/09	SPRINT	03/29/09	130538811-01	Police	Communication	400.91	MOBILE DATA COMPUTERS 02/26-03/25/09

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028199	04/07/09	TEAMSTERS LOCAL 856 H & W	04/01/09	APR09	NON-DEPARTMENTAL	Payroll Benefit	6,864.00	DENTAL PREMIUMS APR 09
						Check Totals	400.91	
028200	04/07/09	VOYAGER	03/24/09	869016477903	Police	Gas & Oil	15.46	MOTORCYCLE FUEL MAR 09
						Check Totals	15.46	
028201	04/07/09	WITMER-TYSON IMPORTS, INC.	03/31/09	17174	Police	K-9 Expenses	400.00	POLICE SERVICE DOG MONTHLY TRAINING MARC
						Check Totals	400.00	
028203	04/16/09	A-A-A RENTALS INC	03/26/09	504398	Public Works Admin	Rent - Tools &	60.50	SUMP PUMP RENTAL
						Check Totals	60.50	
028204	04/16/09	ABAG POWER PURCHASING POOL	04/01/09	8002043	Public Works Park	Utilities	205.93	LEVELIZED GAS HP PARK 2/26-3/26/09
					Public Works Admin	Utilities	77.23	LEVELIZED GAS 160 WATKINS 2/26-3/26/09
					Police	Utilities	115.84	LEVELIZED GAS P.D. 2/25-3/25/09
					NON-DEPARTMENTAL	Utilities	102.97	LEVELIZED GAS TOWN HALL 2/25-3/25/09
					NON-DEPARTMENTAL	Utilities	51.48	LEVELIZED GAS LIBRARY 2/25-3/25/09
					Public Works Admin	Utilities	90.10	LEVELIZED GAS CORP YARD 2/25-3/25/09
						Check Totals	643.55	
028205	04/16/09	ACCOMTEmps FILE 73484	03/30/09	23527841	NON-DEPARTMENTAL	Temporary Help	2,113.27	ACCOUNTANT J.PAN 3/23-3/27/09
			04/07/09	23573722	NON-DEPARTMENTAL	Temporary Help	2,195.60	ACCOUNTANT J.PAN 3/30-4/3/09
						Check Totals	4,308.87	
028206	04/16/09	ALHAMBRA & SIERRA SPRINGS	03/29/09	6491584/3-09	Building	Office Supplies	35.74	WATER, PERMIT CENTER MARCH 09
			03/29/09	4981889/3-09	NON-DEPARTMENTAL	Office Supplies	67.21	WATER, ADMIN MARCH 09
			03/29/09	6491592/3-09	Public Works Admin	Building Suppli	46.53	WATER PUBLIC WORKS MARCH 09
			03/29/09	4981881/3-09	Public Works Park	Building Suppli	18.76	WATER PARKS DEPT MARCH 09

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028207	04/16/09	AT&T PAYMENT CENTER	03/19/09	650-325-2677	Public Works Park	Communication	26.12	ELEVATOR PHONE HP PARK 3/19-4/18/09
						Check Totals	168.24	
028208	04/16/09	AT&T ADVERTISING & PUBLISHI	03/25/09	8103362367/3	Public Works Park	Advertising/Pub	29.26	ADVERTISING HP PARK MARCH 09
						Check Totals	26.12	
						Check Totals	29.26	
028209	04/16/09	AT&T CALNET 2	03/25/09	505433	Police	Communication	30.88	322-8691 02/25-03/24/09
			03/27/09	513772	Police	Communication	30.87	330-0686 02/27-03/26/09
			03/27/09	513773	Police	Communication	418.00	566-0280 02/27-03/25/09
			03/25/09	534627	Police	Communication	29.54	323-1014 2/25-3/24/09
			03/25/09	534628	Police	Communication	14.15	323-1801 2/25-3/24/09
			03/25/09	534629	Police	Communication	45.09	323-1802 2/25-3/24/09
			03/25/09	534630	Police	Communication	29.82	323-3612 2/25-3/24/09
			03/25/09	534631	Police	Communication	71.36	323-6131 2/25-3/24/09
			03/25/09	534632	Police	Communication	15.44	323-6452 2/25-3/24/09
			03/25/09	534633	Police	Communication	28.82	323-7653 2/25-3/24/09
			03/25/09	534634	Police	Communication	295.52	326-2801 2/25-3/24/09
			03/25/09	534635	Police	Communication	29.54	328-3220 2/25-3/24/09
			03/25/09	534636	Police	Communication	16.14	473-9743 2/25-3/24/09
			03/25/09	534637	Building	Communication	18.98	CENTREX BLDG 688-6500 2/25-3/24/09
			03/27/09	513774	Police	Communication	164.48	CENTREX PD 688-6500 2/25-3/24/09
			04/01/09	573212	Public Works Park	Communication	208.76	CENTREX HP PARK 688-6500 2/25-3/24/09
					Public Works Admin	Communication	44.28	CENTREX P.W. 688-6500 2/25-3/24/09
					NON-DEPARTMENTAL	Communication	196.11	CENTREX ADMIN 688-6500 2/25-3/24/09
					Building	Communication	7.05	PRI SVC 752-0600 2/27-3/26/09
					Police	Communication	146.52	PRI SVC PD 752-0600 2/27-3/26/09
					Public Works Park	Communication	37.59	PRI SVC PARK 752-0600 2/27-3/26/09
					Public Works Admin	Communication	7.48	PRI SVC P.W. 752-0600 2/27-3/26/09
					NON-DEPARTMENTAL	Communication	14.95	PRI SVC ADMIN 752-0600 2/27-3/26/09
					City Manager	Communication	15.51	327-4866 03/01-03/31/09
			02/16/09	460418	Public Works Park	Communication	48.20	327-3232 1/16-2/15/09
			03/16/09	518183	Public Works Park	Communication	15.44	327-3232 2/16-3/15/09
			04/01/09	573211	Public Works Park	Communication	55.13	327-4859 3/1-3/31/09
			04/01/09	573210	Public Works Park	Communication	15.44	327-3232 3/1-3/31/09

Town of Atherton
 Check Disbursement by Vendor for the Check Dates 04/01/2009 through 04/30/2009

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028211	04/16/09	BKF ENGINEERS	03/23/09	9030068	NON-DEPARTMENTAL	Other Contract	1,315.13	CREEK STABILIZATION DESIGN SERVICES FOR
						Check Totals	2,051.09	
028212	04/16/09	BPS REPROGRAPHIC SERVICE	03/03/09	712300	Public Works Admin	Advertising/Pub	11.47	SUB-HUB PUBLISHING SPECS
						Check Totals	11.47	
028213	04/16/09	CA STATE DISBURSEMENT UNIT	04/10/09	200092772	NON-DEPARTMENTAL	Payroll Deducti	100.62	CHILD SUPPORT W/H 3/22-4/4/09
			04/10/09	0750106244-0	NON-DEPARTMENTAL	Payroll Deducti	339.80	CHILD SUPPORT W/H 3/22-4/4/09
						Check Totals	440.42	
028214	04/16/09	CALIFORNIA WATER SERVICE	03/31/09	4726166666/0	Public Works Park	Utilities	108.69	WATER 150 WATKINS 2/26-3/25/09
			04/03/09	9293092658/0	Public Works Admin	Utilities	26.39	WATER FIRE PROTECTION 3/1-3/31/09
					NON-DEPARTMENTAL	Utilities	31.73	WATER 2 STATION LANE 2/4-3/4/09
					Police	Utilities	31.73	WATER 83 ASHFIELD 2/4-3/4/09
					Public Works Admin	Utilities	15.62	WATER 91 ASHFIELD 2/4-3/4/09
					NON-DEPARTMENTAL	Utilities	28.51	WATER 94 ASHFIELD 2/4-3/4/09
					Public Works Admin	Utilities	66.80	WATER ALAMEDA & ATHERTON AVE 2/4-3/4/09
					Public Works Admin	Utilities	115.14	WATER EL CAMINO REAL 2/4-3/4/09
					Public Works Admin	Utilities	57.12	WATER EL CAMINO 2/26-3/25/09
					Public Works Admin	Utilities	24.10	WATER MAPLE 2/4-3/4/09
					Building	Utilities	22.07	WATER STATION LANE 2/4-3/4/09
					Public Works Admin	Utilities	38.81	WATER 99 ASHFIELD 3/5-4/2/09
						Check Totals	566.71	
028215	04/16/09	THE CITIES GROUP A JOINT PO	03/31/09	03.31.09	NON-DEPARTMENTAL	Payroll Benefit	6,200.40	GROUP LIFE/ADD AND WI 1/1/09-6/30/09
					NON-DEPARTMENTAL	Payroll Benefit	14,978.52	LTD PROGRAM ASSESSMENT 1/1/09-6/30/09
						Check Totals	21,178.92	
028216	04/16/09	CODE PUBLISHING INC	04/08/09	32772	City Manager	Advertising/Pub	658.50	ATHERTON MUNICIPAL CODE SUPPL UPDATE MAR

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
028217	04/16/09	COLANTUONO & LEVIN, PC	04/01/09	18309	City Attorney	Attorney - Othe	70.50	LEGAL FEES MARCH 09
						Check Totals	658.50	
028218	04/16/09	COMMERCIAL ENVIRONMENT LAND	04/01/09	2213-0409	Public Works Admin	Contract Lndscp	2,557.19	MONTHLY LANDSCAPE SRVCE APRIL 09
						Check Totals	70.50	
028219	04/16/09	CONTRACT SWEEPING SERVICES	03/28/09	INV000005034	Public Works Admin	Other Contract	992.70	SWEEPING SERVICES MARCH 09
						Check Totals	992.70	
028220	04/16/09	DIVERSIFIED MAINTENANCE SER	04/01/09	D60826	NON-DEPARTMENTAL	Custodial Servi	308.17	JANITORIAL SERVICES APR 09 TOWN HALL
					NON-DEPARTMENTAL	Custodial Servi	445.59	JANITORIAL SERVICE APR 09 LIBRARY
					Police	Custodial Servi	417.85	JANITORIAL SERVICE APR 09 POLICE DEPT
					Building	Custodial Servi	115.08	JANITORIAL SERVICE APR 09 PERMIT CENTER
					Public Works Admin	Custodial Servi	145.98	JANITORIAL SERVICE APR 09 P.W.
					Public Works Admin	Custodial Servi	193.09	JANITORIAL SERVICE APR 09 CORP YARD
						Check Totals	1,625.76	
028221	04/16/09	DOUGLAS PRINTERS	04/10/09	8050	City Manager	Office Supplies	65.55	BUSINESS CARDS, T.DELLASANTA
						Check Totals	65.55	
028222	04/16/09	DUNBAR ARMORED INC.	04/01/09	2539789	NON-DEPARTMENTAL	Other Contract	181.90	ARMORED CAR SERVICE APRIL 09
						Check Totals	181.90	
028223	04/16/09	FIRST CHOICE	04/13/09	198118	NON-DEPARTMENTAL	Office Supplies	37.95	COFFEE - ADMIN APR 09
			03/28/09	192827	Public Works Admin	Office Supplies	25.00	COFFEE MAKER RENTAL APR 09 P.W.
						Check Totals	62.95	
028224	04/16/09	CITY OF FOSTER CITY	04/01/09	5324	City Manager	Membership/Dues	1,500.00	CALOPPS ANNUAL FEE - 2009

Town of Atherton
 Check Disbursement by Vendor for the Check Dates 04/01/2009 through 04/30/2009

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
						Check Totals	1,500.00	
028225	04/16/09	JOANN GASAWAY	03/28/09	03.28.09	NON-DEPARTMENTAL	Park Deposits	900.00	REFUND DEPOSIT - WEDDING 03/28/09
						Check Totals	900.00	
028226	04/16/09	HOME DEPOT CREDIT SERVICES	03/23/09	1254/3-09	Public Works Park	Landscape Suppl	172.33	PLANTS HP PARK MARCH 09
						Check Totals	172.33	
028227	04/16/09	IEDA, INC.	04/01/09	15103	City Attorney	Labor Relations	1,000.00	LABOR RELATIONS CONSULTING 4/1-4/30/09
						Check Totals	1,000.00	
028228	04/16/09	INTERSTATE TRAFFIC CONTROL	03/23/09	120441	Public Works Admin	Construction Ma	22.73	TEMP SIGN, 24"
						Check Totals	22.73	
028229	04/16/09	JENSEN LANDSCAPE SERVICE, I	03/25/09	072062	Public Works Admin	Contract Lndscp	2,225.00	LANDSCAPE SERVICE HP PARK APRIL 09
						Check Totals	2,225.00	
028230	04/16/09	K2 SOLAR INC	04/09/09	04.09.09	NON-DEPARTMENTAL	Business Licens	100.00	REIMB BUSINESS LIC OVERPAYMENT
						Check Totals	100.00	
028231	04/16/09	LYNGSO GARDEN MATERIAL	03/24/09	771789	Public Works Park	Landscape Suppl	36.81	NURSERY MIX
			03/25/09	771872	Public Works Admin	Construction Ma	95.50	BASE ROCK FOR SHOULDERS
			03/25/09	771887	Public Works Admin	Construction Ma	98.59	BASE ROCK FOR SHOULDERS
			03/23/09	771693	Public Works Park	Landscape Suppl	36.81	NURSEY MIX
028231	04/16/09	LYNGSO GARDEN MATERIAL	03/25/09	771931	Public Works Park	Landscape Suppl	1,236.15	24 TON GOLD COLORED DECOMPOSED GRANITE,
						Check Totals	1,503.86	
028232	04/16/09	LYNX TECHNOLOGIES	03/17/09	5820	Public Works Admin	Other Contract	455.00	GIS IMPLEMENTATION SERVICES ONSIGHT JAN
			04/10/09	5860	Public Works Admin	Other Contract	500.00	GIS IMPLEMENTATION 2009/10 MARCH 09
028232	04/16/09	LYNX TECHNOLOGIES	04/12/09	5876	Public Works Admin	Computer Softwa	5,495.80	2 EA CONCURRENT USE ARCVIEW LICENSE

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028233	04/16/09	PAMELA MADEIRA	03/27/09	03.27.09	NON-DEPARTMENTAL	Check Totals	6,450.80	
						Park Deposits	500.00	REFUND DEPOSIT - SOCIAL 03/27/09
						Check Totals	500.00	
028234	04/16/09	CHRIS MADSEN	04/03/09	02.24-02.26.	Police	Training - POST	35.50	REIMB MEALS 2/24-2/26/09 ASSERTIVE SUPER
					Police	Gas & Oil	47.55	REIMB MILEAGE 2/24-2/26/09 ASSERTIVE SUP
						Check Totals	83.05	
028235	04/16/09	KATHLEEN MCKEITHEN	04/16/09	04.16.09	City Council	Travel & Meetin	7.70	REIMB MILEAGE PENINSULA TRAFFIC CONGESTI
						Check Totals	7.70	
028236	04/16/09	NBS	03/31/09	S03310930-JH	NON-DEPARTMENTAL	Other Contract	12,572.50	COST ALLOCATION PLAN, FULL COST RECOVERY
						Check Totals	12,572.50	
028237	04/16/09	OFFICE DEPOT	04/02/09	469555428-00	City Manager	Office Supplies	55.21	CALCULATOR & MAGNIFYING RULER
			04/09/09	470676861-00	NON-DEPARTMENTAL	Office Supplies	274.16	(7) BOXES COPY PAPER
			04/09/09	470722757-00	City Manager	Office Supplies	155.37	DRY ERASE BOARD
			04/09/09	470728310-00	NON-DEPARTMENTAL	Office Supplies	19.01	AUDIO TAPE & BLUE COPY PAPER
						Check Totals	503.75	
028238	04/16/09	OIL CHANGER	03/23/09	202-0338774	Public Works Admin	Equipment Maint	39.16	OIL CHANGE, FORD F250 HD PICKUP, LIC# 10
						Check Totals	39.16	
028239	04/16/09	ORCHARD SUPPLY HARDWARE	04/06/09	1359/3-09	Public Works Admin	Building Suppli	48.65	ADMIN RESTROOMS, ODD SIZED FLOURESCENT B
					Public Works Park	Training & Safe	29.64	FUNNEL, BLOW GUN & FLARED FOR P.W. TRUCK
					Public Works Park	Facility Repair	31.97	BOLTS & WASHERS TO REPAIR PLAYGROUND STR
					Public Works Park	Facility Repair	40.53	KITS USED TO REPAIR PLAYGROUND RESTROOM
					Public Works Park	Building Suppli	16.75	HOSE FOR PARK
					Public Works Park	Landscape Suppl	44.62	ANNUALS FOR HP PARK
					Public Works Admin	Building Suppli	25.94	FLOOD LIGHT BULBS
					Public Works Admin	Minor Tools & E	17.30	RAKES

Town of Atherton
 Check Disbursement by Vendor for the Check Dates 04/01/2009 through 04/30/2009

Check#	Check Dt	Vendor Name	Inv Date	Invc #	Department	GL Account	Amounts	Detail Description
					Public Works Admin	Building Suppli	19.45	SPOT LIGHT BULBS
					Public Works Admin	Construction Ma	5.67	SWAG HOOKS FOR ADMIN UPSTAIRS ACCESS
					Public Works Admin	Construction Ma	48.00	CONCRETE FOR NO PARKING ZONE INSTALL OAK
					Public Works Admin	Construction Ma	29.00	TOOLS
						Check Totals	357.52	
028240	04/16/09	PENINSULA CUSTOM HOMES	04/14/09	11 FAXON FOR	Building	Building Deposi	729.00	REFUND RECYCLING DEPOSIT 11 FAXON FOREST
						Check Totals	729.00	
028241	04/16/09	PUBLIC EMPLOYEES RETIREMENT	04/10/09	04.10.09	NON-DEPARTMENTAL	Payroll Deducti	3,306.60	PERS W/H 3/22-4/4/09
					NON-DEPARTMENTAL	Payroll Benefit	49,979.12	PERS 3/22-4/4/09
						Check Totals	53,285.72	
028242	04/16/09	PG & E	03/25/09	9166302556-6	NON-DEPARTMENTAL	Utilities	505.68	ELECTRIC-LIBRARY 2/25-3/25/09
			03/25/09	7457969332-1	Police	Utilities	1,403.13	ELECTRIC-83 ASHFIELD RD P.D. 2/25-3/25/0
			03/25/09	9291302548-9	Public Works Admin	Utilities	61.71	ELECTRIC-99 STATION LANE 2/25-3/25/09
			03/26/09	3457969588-2	Public Works Admin	Utilities	37.58	ELECTRIC-SIGNAL EL CAMINO/ATHERTON 2/25-
			03/25/09	9531312943-9	Public Works Admin	Utilities	136.00	ELECTRIC-93 DINKELSPIEL STATION LN 2/25-
			04/02/09	5678831191-0	NON-DEPARTMENTAL	Utilities	53.08	ELECTRIC-91 ASHFILED TOWN HALL 2/25-3/25
					Building	Utilities	39.01	ELECTRIC-STATION LN BLDG 2/25-3/25/09
					Public Works Admin	Utilities	117.04	ELECTRIC-STATION LN P.W. 2/25-3/25/09
					Public Works Park	Utilities	267.01	ELECTRIC-ACTIVITY BLDG 150 WATKINS 2/26-
					Public Works Park	Utilities	393.48	ELECTRIC-MODULAR BLDG 150 WATKINS 2/26-3
					Public Works Park	Utilities	112.08	ELECTRIC-PUMP 150 WATKINS 2/26-3/26/09
					Public Works Admin	Utilities	40.75	ELECTRIC-SIGNAL MIDDLEFIELD/OAK GROVE 2/
					Public Works Admin	Utilities	54.55	ELECTRIC-E/S MIDDLEFIELD 2/26-3/26/
					Public Works Admin	Utilities	20.69	ELECTRIC-SIGNAL MARSH/MIDDLEFIELD 2/26-3
					Public Works Admin	Utilities	4,218.60	ELECTRIC-STREET LIGHTS 3/4-4/2/09
						Check Totals	7,460.39	
028243	04/16/09	PODS PORTABLE ON DEMAND STO	04/06/09	050-136393	Public Works Park	Rent - Faciliti	189.44	ON SITE STORAGE, HP PARK APR 09
			04/06/09	050-136394	Public Works Park	Rent - Faciliti	189.44	ON SITE STORAGE, HP PARK APR 09
						Check Totals	378.88	

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028244	04/16/09	PURCHASE POWER	04/03/09	15433368881/	NON-DEPARTMENTAL	Postage	49.34	POSTAGE SUPPLIES MAR 09
						Check Totals	49.34	
028245	04/16/09	REPUBLIC ITS	04/10/09	0903534	Public Works Admin	Traffic Mainten	418.68	TRAFFIC SIGNAL MAINT MARCH 09
						Check Totals	418.68	
028246	04/16/09	SHARP ELECTRONICS CORPORATI	03/16/09	AR174704	Public Works Admin	Equipment Maint	156.52	COPIER CONTRACT, P.W. S450N, 3/12-4/11/
						Check Totals	156.52	
028247	04/16/09	SILVERCREEK DEVELOPMENT GRO	04/14/09	04.14.09	NON-DEPARTMENTAL	Business Licens	100.00	REFUND BUSINESS LIC OVERPAYMENT
						Check Totals	100.00	
028248	04/16/09	SMC & ASSOCIATES INC	04/14/09	91 STOCKBRID	Building	Building Deposi	9,984.00	REFUND RECYCLING DEPOSIT 91 STOCKBRIDGE
						Check Totals	9,984.00	
028249	04/16/09	R.J.SMITH & ASSOCIATES	04/14/09	137 STOCKBRI	Building	Building Deposi	1,000.00	REFUND RECYCLING DEPOSIT 137 STOCKBRIDGE
						Check Totals	1,000.00	
028250	04/16/09	STUBBS & LEONE	04/09/09	04.09.09	City Attorney	Attorney - Othe	642.50	LEGAL SERVICES MARCH 09
			04/09/09	04-09-09	City Attorney	Attorney - Othe	330.55	LEGAL SERVICES MARCH 09
						Check Totals	973.05	
028251	04/16/09	TEAMSTERS UNION LOCAL 856	04/10/09	04.10.09	NON-DEPARTMENTAL	Payroll Deducti	401.55	UNION DUES W/H 3/22-4/4/09
						Check Totals	401.55	
028252	04/16/09	TERMINIX PROCESSING CENTER	03/23/09	285194037	NON-DEPARTMENTAL	Other Contract	108.00	PEST CONTROL, LIBRARY, MARCH 09
						Check Totals	108.00	
028253	04/16/09	ANDREA THURBER	04/14/09	301 GREENOAK	NON-DEPARTMENTAL	Building Deposi	5,000.00	REFUND LANDSCAPE SCREENING DEPOSIT

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028254	04/16/09	TOWNE FORD SALES	03/20/09	F0CS163373	Public Works Admin	Equipment Maint	297.94	REPAIR ENGINE, FORD F250, CA LIC# 102375
						Check Totals	5,000.00	
028255	04/16/09	UNIFIRST CORP.	03/24/09	312820	Public Works Admin	Uniforms	151.43	LAUNDRY STREETS DEPT 3/17-4/7/09
			03/31/09	313816	Public Works Park	Uniforms	69.55	LAUNDRY PARKS DEPT 3/17-4/7/09
			04/07/09	314789	Public Works Park	Uniforms	34.62	LAUNDRY HP PARK 3/17-4/7/09
			03/17/09	311828	Public Works Park	Custodial Servi	150.51	MATS HP PARK 3/17-4/7/09
			03/24/09	312821				
			03/31/09	313817				
						Check Totals	406.11	
028256	04/16/09	UNITED STATES TREASURY INTE	04/13/09	CP134B	NON-DEPARTMENTAL	Taxes Withheld	85.78	MEDICARE TAX DUE DEC 08-PIERCE
						Check Totals	85.78	
028257	04/16/09	AGI PUBLISHING DBA: VALLEY	04/01/09	998221/4-09	Public Works Park	Advertising/Pub	939.00	ADVERTISING HP PARK APRIL 09
						Check Totals	939.00	
028258	04/16/09	THE WATER WORKS	04/08/09	04.08.09	Public Works Admin	Facility Repair	63,000.00	1 EA HOLBROOK PALMER PARK SEWER REPLACEM
						Check Totals	63,000.00	
028259	04/16/09	WEST BAY SANITARY DISTRICT	04/01/09	2009 046	Public Works Admin	Utilities	526.50	EXCESS WASTE WATER DISCHARGE 99 DINKELSP
						Check Totals	526.50	
028260	04/16/09	EILEEN WILKERSON	04/08/09	04.08.09	NON-DEPARTMENTAL	Postage	352.50	POSTAGE, SPRING AHERTONIAN
						Check Totals	352.50	
028261	04/16/09	WILLIAMS SCOTSMAN	03/29/09	89564223	Public Works Admin	Rent - Faciliti	690.16	MONTHLY LEASE PAYMENTS, P.D. TRAILER 3/2

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028263	04/30/09	A-A-A RENTALS INC	04/16/09	505643	Public Works Admin	Check Totals	690.16	
						Rent - Tools &	54.50	BRUSH MOWER FOR MARSH RD & EL CAMINO REA
						Check Totals	54.50	
028264	04/30/09	ACQUITEMPS FILE 73484	04/13/09	23591508	NON-DEPARTMENTAL	Temporary Help	2,195.60	ACCOUNTANT J.PAN 4/6-4/10/09
			04/20/09	23934836	NON-DEPARTMENTAL	Temporary Help	2,195.60	ACCOUNTANT J.PAN 4/13-4/17/09
						Check Totals	4,391.20	
028265	04/30/09	AFLAC ATTN: REMITTANCE PROC	04/17/09	531701	NON-DEPARTMENTAL	Payroll Deducti	1,635.70	MARCH 09 PREMIUMS
						Check Totals	1,635.70	
028266	04/30/09	JOSEPH AIELLO	04/16/09	04.16.09	Building	Training & Safe	30.00	REIMB IAPMO TRAINING/MEETING
						Check Totals	30.00	
028267	04/30/09	ALHAMBRA & SIERRA SPRINGS	03/29/09	4981709/03-0	Police	Other Supplies	247.37	WATER P.D. MARCH 09
						Check Totals	247.37	
028268	04/30/09	AT&T PAYMENT CENTER	04/19/09	325-2677/04-	Public Works Park	Communication	26.29	ELEVATOR PHONE HP PARK, 325-2677 4/19-5/
						Check Totals	26.29	
028269	04/30/09	AT&T CALNET 2	04/20/09	555591	Public Works Park	Communication	168.40	251-1053 3/20-4/19/09
			04/20/09	555598	Police	Communication	153.30	451-6691 03/20-04/19/06
			04/20/09	555592	Police	Communication	194.16	281-1953 3/20-4/19/09
			04/20/09	555593	Police	Communication	85.44	252-8343 3/20-4/19/09
			04/20/09	555594	Police	Communication	531.72	271-5840 3/20-4/19/09
			04/20/09	555596	Police	Communication	132.68	451-6689 3/20-4/19/09
			04/20/09	555597	Police	Communication	123.00	451-6689 3/20-4/19/09
			04/11/09	560191	Police	Communication	22.90	462-1470 3/11-4/10/09
			04/01/09	573209	Police	Communication	55.43	324-5396 3/1-3/31/09
			04/10/09	558060	Police	Communication	15.45	289-9297 3/10-4/9/09
			04/10/09	589659	Police	Communication	28.95	323-1014 3/10-4/9/09

Town of Atherton
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Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028269	04/30/09	AT&T CALNET 2	04/10/09	589660	Police	Communication	13.85	323-1801 3/104/9/09
			04/10/09	589661	Police	Communication	42.97	323-1802 3/10-4/9/09
			04/10/09	589662	Police	Communication	29.21	323-3612 3/10-4/9/09
			04/10/09	589663	Police	Communication	93.53	323-6131 3/10-4/9/09
			04/10/09	589664	Police	Communication	15.14	323-6452 3/10-4/9/09
			04/10/09	589665	Police	Communication	28.19	323-7653 3/10-4/9/09
			04/10/09	589666	Police	Communication	155.59	326-2801 3/10-4/9/09
			04/10/09	589667	Police	Communication	28.95	328-3220 3/10-4/9/09
			04/10/09	589668	Police	Communication	15.87	473-9743 3/10-4/9/09
			04/13/09	544622	Police	Communication	31.23	326-1167 3/13-4/12/09
			04/10/09	589669	Building	Communication	18.80	CENTREX BLDG 688-6500 3/10-4/9/09
					Police	Communication	162.94	CENTREX P.D. 688-6500 3/10-4/9/09
					Public Works Park	Communication	206.81	CENTREX PARK 688-6500 3/10-4/9/09
					Public Works Admin	Communication	43.87	CENTREX P.W. 688-6500 3/10-4/9/09
					NON-DEPARTMENTAL	Communication	194.28	CENTREX ADMIN 688-6500 3/10-4/9/09
					Check Totals		2,592.66	
028271	04/30/09	ATKINSON-FARASYN	03/04/09	03.04.09	City Attorney	City Attorney R	8,412.28	LEGAL FEES FEB 09
			04/03/09	04.03.09	City Attorney	Litigation Serv	3,493.92	LITIGATION FEES FEB 09
					City Attorney	City Attorney R	1,108.37	LEGAL FEES MARCH 09
					City Attorney	Litigation Serv	366.50	LITIGATION FEES MARCH 09
					Check Totals		13,381.07	
028272	04/30/09	THE BARRICADE CO & TRAFFIC	04/07/09	18392	Public Works Admin	Construction Ma	3,340.32	1 EA SPRING 2009 SIGNS AND CONES PER RFQ
					Check Totals		3,340.32	
028273	04/30/09	TODD BEARDSLEY	04/30/09	338 GREENOAK	NON-DEPARTMENTAL	Business Licens	896.40	REFUND #4 BATCH #2, 338 GREENOAKS DR
					Check Totals		896.40	
028274	04/30/09	BKF ENGINEERS	04/14/09	9040295	NON-DEPARTMENTAL	Other Contract	1,343.45	CREEK STABILIZATION DESIGN SERVICES FOR
					Check Totals		1,343.45	
028275	04/30/09	MELANIE BRABENEC	04/16/09	04.16.09	City Manager	Travel & Meetin	20.39	REIMB MILEAGE 04/03-04/17/09

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
						Check Totals	20.39	
028276	04/30/09	CA STATE DISBURSEMENT UNIT	04/24/09	92772/04-24-	NON-DEPARTMENTAL	Payroll Deducti	100.62	CHILD SUPPORT W/H 4/5-4/19/09
			04/24/09	0750106244-0	NON-DEPARTMENTAL	Payroll Deducti	339.80	CHILD SUPPORT W/H 4/5-4/19/09
						Check Totals	440.42	
028277	04/30/09	CALIFORNIA DETAILERS, INC.	04/15/09	22099	Police	Equipment Maint	105.00	DETAIL INTERIOR, FORD CROWN VIC LIC#9591
						Check Totals	105.00	
028278	04/30/09	CALPERS HEALTH BENEFITS DIV	04/15/09	H20090500680	NON-DEPARTMENTAL	Payroll Deducti	2,692.34	EMPLOYEE CONTRIBUTION MAY 09
					NON-DEPARTMENTAL	Payroll Benefit	42,227.02	ACTIVE MAY 09
					Non-Department	Retiree Health	11,445.85	RETIRED MAY 09
					NON-DEPARTMENTAL	Payroll Benefit	257.57	ADMIN COST MAY 09
						Check Totals	56,622.78	
028279	04/30/09	CAPORICCI & LARSON, CPAS	04/20/09	3714	Finance	Audit & Financi	10,350.00	AUDIT SERVICES FISCAL YEAR 2007-2008
						Check Totals	10,350.00	
028280	04/30/09	CLARK PEST CONTROL	04/27/09	8278749	Public Works Admin	Grounds Mainten	200.00	SPRAY FOR ANTS-TOWN HALL & RAT POISON
			04/21/09	8279105	Public Works Admin	Grounds Mainten	780.00	WEED CONTROL HP PARK APRIL 09
						Check Totals	980.00	
028281	04/30/09	CLEAN SOURCE	04/20/09	1862863-00	Public Works Admin	Building Suppli	629.01	TISSUE, TOWELS, SOAP, DEODERIZER, DISINF
						Check Totals	629.01	
028282	04/30/09	COMMERCIAL ENVIRONMENT LAND	04/15/09	2842-04.09	Public Works Admin	Contract Lndscp	2,890.00	REPLACED (3) CONTROL VALVES, REPLCED (4)
						Check Totals	2,890.00	
028283	04/30/09	COMMUNICATIONS MGRS. ASSOC.	04/14/09	04.14.09	Police	Membership/Dues	50.00	DISPATCH AWARDS INVOICE FOR 1 ADDITIONAL

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
						Check Totals	50.00	
028284	04/30/09	OFFICE OF THE SHERRIFF CONT	04/21/09	05/11-05/15/	Police	Training - POST	471.00	TRAFFIC COLLISION INVESTIGATION, T.MARKS
						Check Totals	471.00	
028285	04/30/09	COMMUNITY OVERCOMING RELATI	01/12/09	ATH 09-1	Police	Other Contract	2,358.00	SERVICES RENDERED 7/1/08-6/30/09
						Check Totals	2,358.00	
028286	04/30/09	THE CROSBY GROUP ENGR ARCHI	04/13/09	11558	Public Works Admin	Contract Engine	14,600.00	PRELIMINARY TIER II EVALUATION OF COUNCI
						Check Totals	14,600.00	
028287	04/30/09	CSG CONSULTANTS, INC.	04/21/09	015778	Public Works Admin	Contract Engine	10,351.25	MUNICIPAL CIVIL ENGINEERING 2/28-3/27/09
						Check Totals	10,351.25	
028288	04/30/09	CITY OF DALY CITY	02/27/09	02.27.09	City Council	Travel & Meetin	70.00	SMC COUNCIL OF CITIES DINNER, 2/27/09, E
						Check Totals	70.00	
028289	04/30/09	DELL MARKETING L.P. C/O DEL	04/15/09	XD6DFXXN1	Police	Machinery & Equ	1,337.09	12 EA 56 WHR 6-CELL LITHIUM-ION PRIMARY
028289	04/30/09	DELL MARKETING L.P. C/O DEL	04/17/09	XD6J65D93	City Manager	Computer Equipm	27.10	REPLACEMENT BATTERY CITY CLERKS COMPUTER
						Check Totals	1,364.19	
028290	04/30/09	DEPARTMENT OF JUSTICE ACCOU	04/06/09	729892	City Manager	Other Contract	32.00	FINGERPRINT APPS, T.DELLASANTA
						Check Totals	32.00	
028291	04/30/09	DOUGLAS PRINTERS	04/17/09	8062	City Council	Office Supplies	92.86	BUSINESS CARDS E. LEWIS
						Check Totals	92.86	
028292	04/30/09	EMBARCADERO PUBLISHING CO	03/31/09	XHS01/03-09	Public Works Admin	Advertising/Pub	2,552.00	ADVERTISEMENT FOR BIDS 2009 SPRING PATCHI
					City Council	Advertising/Pub	435.00	ADVERTISEMENT COMMITTEES/COMMISSIONS RECR

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028293	04/30/09	FEDERAL EXPRESS CORP	04/17/09	9-162-15055	Public Works Admin	Other Contract	18.40	OVERNIGHT SHIPPING, J.HOWARD ENGR
						Check Totals	2,987.00	
028294	04/30/09	FIRST CHOICE	04/22/09	199936	NON-DEPARTMENTAL	Office Supplies	94.00	COFFEE, ADMIN
			04/22/09	199937	Building	Office Supplies	33.65	COFFEE & TEA BLDG DEPT
			04/08/09	197038	Building	Office Supplies	34.00	COFFEE PERMIT CENTER
					Public Works Admin	Office Supplies	34.00	COFFEE, CORP YARD
						Check Totals	195.65	
028295	04/30/09	FOLGER GRAPHICS	04/09/09	59711	City Manager	Advertising/Pub	1,839.77	SPRING 2009 ATHERTONIAN PRINTING
						Check Totals	1,839.77	
028296	04/30/09	KELLY & JOHN FORSE	04/30/09	34 LINDEN AV	Building	Building Permit	1,402.55	REFUND CANCELED PERMIT FEE 34 LINDEN
					NON-DEPARTMENTAL	Road Impact Fee	1,228.30	REFUND CANCELED ROAD IMPACT FEE 34 LINDE
						Check Totals	2,630.85	
028297	04/30/09	GALEDRIGE CONSTRUCTION INC.	02/28/09	6 RETENTION	NON-DEPARTMENTAL	Other Contract	11,352.71	1 EA STEVICK RECONSTRUCTION PROJECT 08-0
			02/28/09	366 STEVICK	NON-DEPARTMENTAL	Other Contract	22,254.94	1 EA STEVICK RECONSTRUCTION PROJECT 08-0
					NON-DEPARTMENTAL	Other Contract	-1,000.00	LESS DAMAGE AT 366 STEVICK
						Check Totals	32,607.65	
028298	04/30/09	MANDEEP GHUNMAN	04/30/09	77 FREDERICK	NON-DEPARTMENTAL	Business Licens	13,802.40	REFUND #6 BATCH #2, 77 FREDERICK
					NON-DEPARTMENTAL	Business Licens	1,789.20	REFUND #6 BATCH #2, 77 FREDERICK
						Check Totals	15,591.60	
028299	04/30/09	GODBE RESEARCH & ANALYSIS	04/07/09	11298	NON-DEPARTMENTAL	Other Contract	14,770.00	SURVEY OF ATHERTON VOTERS TO ASSESS THE
						Check Totals	14,770.00	
028300	04/30/09	SHERMAN HALL	04/16/09	03/23-4/3/09	Police	Training - POST	50.70	REIMB MEAL;S ICI HOMICIDE INVESTIGATION

Town of Atherton
 Check Disbursement by Vendor for the Check Dates 04/01/2009 through 04/30/2009

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028300	04/30/09	SHERMAN HALL	03/20/09	03.20.09	Police	Training - POST	44.05	REIMB MEALS ICI HOMICIDE INVESTIGATION 3
					Police	Other Supplies	58.55	REIMB SUPPLIES USED TO INSTALL CAMERA AT
						Check Totals	153.30	
028301	04/30/09	HARRIS COMPUTER SYSTEMS	04/27/09	MN0022141	NON-DEPARTMENTAL	Equipment Maint	1,634.65	MONTHLY TECH SUPPORT-MAY 09
						Check Totals	1,634.65	
028302	04/30/09	HORIZON	04/14/09	12375496-00	Public Works Park	Landscape Suppl	266.14	SPRINKLER HEADES FOR IRRIGATION REPAIR
028302	04/30/09	HORIZON	04/21/09	12376500-00	Public Works Park	Landscape Suppl	132.77	PVC PIPE, TEFLON TAPE, BUSHINGS-PARK IRR
						Check Totals	398.91	
028303	04/30/09	DAVID HUYNH	04/20/09	04.20.09	Public Works Admin	Travel & Meetin	50.20	REIMB MILEAGE, DISADVANTAGED BUSINESS EN
					Public Works Admin	Travel & Meetin	6.23	REIMB MEALS, DISADVANTAGED BUSINESS ENTE
028303	04/30/09	DAVID HUYNH	04/24/09	04/21-04/24/	Public Works Admin	Travel & Meetin	295.00	REIMB REGISTRATION FEE-RESIDENT ENGINEER
					Public Works Admin	Travel & Meetin	49.28	REIMB MILEAGE RESIDENT ENGINEERS ACADEMY
					Public Works Admin	Travel & Meetin	16.03	REIMB MEALS RESIDENT ENGINEERS ACADEMY 4
					Public Works Admin	Travel & Meetin	16.00	REIMB BRIDGE TOLL RESIDENT ENGINEERS ACA
						Check Totals	432.74	
028304	04/30/09	I.M.P.A.C. GOVERNMENT SERVI	03/23/09	5408/03-09	Public Works Admin	Instruction & T	90.00	TREES-PRICELESS SEMINAR, S.TYLER 3/27/09
					Public Works Admin	Construction Ma	536.16	LUMBER-READ PARK BENCHES
					Public Works Admin	Construction Ma	92.45	FLASHING-EMERGENCY REPAIR
					Public Works Park	Building Suppli	479.55	DOG WASTE BAGS FOR HP PARK
					Public Works Admin	Training & Safe	170.41	WORK GLOVES
					Public Works Admin	Construction Ma	154.89	WIRE BRUSH, SPRAY PAINT, DROP CLOTH-READ
					Public Works Admin	Construction Ma	202.07	LUMBAR TO REPAIR SOUNDWALL AT EL CAMINO
					Public Works Park	Computer Softwa	208.10	INTERNET FEES FOR CONTROLLERS
					NON-DEPARTMENTAL	Sales/User Use	-36.55	SALES TAX PAYABLE
					NON-DEPARTMENTAL	Sales/User Use	-12.99	SALES TAX PAYABLE
028304	04/30/09	I.M.P.A.C. GOVERNMENT SERVI	03/23/09	0596/03-09	Police	Training - POST	15.00	UNITED BAGGAGE FEES M.GUERRA 2/20/09
					Police	Training - POST	68.52	TRAINING COMPUTER LUNCH, GUERRA, MADE, K
028304	04/30/09	I.M.P.A.C. GOVERNMENT SERVI	03/23/09	5465/03-09	Police	Machinery & Equ	114.15	EXTERNAL DVD DRIVE-P.D. DET.HALL FOR CRE
					Police	Other Supplies	478.48	PAPER, PADS STAPLER, BATTERIES, TAPE
					NON-DEPARTMENTAL	Sales/User Use	-8.67	SALES TAX PAYABLE

Town of Atherton
 Check Disbursement by Vendor for the Check Dates 04/01/2009 through 04/30/2009

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028305	04/30/09	INFORMATION SERVICES ATTN:	03/31/09	1YAT10903	Police	Check Totals	2,551.57	
						Other Contract	1,318.33	MICROWAVE AND MESSAGE SWITCH MARCH 2009
						Check Totals	1,318.33	
028306	04/30/09	INTERMOUNTAIN ELECTRIC COMP	04/07/09	013669	Public Works Admin	Other Contract	2,472.65	TROUBLESHOOT HIGH-VOLT SERIES STREETLIGHT
						Check Totals	2,472.65	
028307	04/30/09	IWORQ SYSTEMS	04/16/09	2838	Public Works Admin	Computer Softwa	75.00	INTERNET PAVEMENT MANAGEMENT AND SUPPORT
						Check Totals	75.00	
028308	04/30/09	EDWARD A. JASMIN	04/14/09	AT 041409-02	City Manager	Advertising/Pub	1,330.00	GRAPHIC DESIGN SERVICE 3/13-4/8/09 SPRIN
						Check Totals	1,330.00	
028309	04/30/09	DUNCAN JONES	03/23/09	03-23-09	Public Works Admin	Travel & Meetin	9.00	REIMB PARKING & BRIDGE TOLL ATHERTON AVE
028309	04/30/09	DUNCAN JONES	04/20/09	04.20.09	Public Works Admin	Travel & Meetin	22.00	REIMB CCEA MEETING 3/19/09
					Public Works Admin	Travel & Meetin	22.00	REIMB CCEA MEETING 4/16/09
						Check Totals	53.00	
028310	04/30/09	KIKUCHI & ASSOCIATES	04/02/09	04.02.09	NON-DEPARTMENTAL	Other Contract	810.00	CONSTRUCTION ADMINISTRATION FOR HOLBROOK
						Check Totals	810.00	
028311	04/30/09	KREFELDS AWARDS	04/24/09	19884	Police	Other Supplies	69.92	PLATES FOR ENGRAVING, SGT NICHOLS & SRO
						Check Totals	69.92	
028312	04/30/09	LIEBERT CASSIDY WHITMORE IN	04/22/09	05.06.09	City Manager	Training & Safe	28.00	EMBRACING DIVERSITY, E.WILKERSON, M.WASIM
					City Manager	Training & Safe	28.00	ANNUAL AUDIT OF YOUR PERSONNEL RULES, E.
						Check Totals	56.00	
028313	04/30/09	LARRY LOWRY	04/30/09	137 STOCKBRI	NON-DEPARTMENTAL	Business Licens	5,952.96	REFUND #5 BATCH #2, 137 STOCKBRIDGE

Town of Atherton
 Check Disbursement by Vendor for the Check Dates 04/01/2009 through 04/30/2009

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028314	04/30/09	LYNGSO GARDEN MATERIAL	04/22/09	773520	Public Works Admin	Construction Ma	94.46	CLASS II BASE ROCK-SHOULDER BACKING
						Check Totals	5,952.96	
028315	04/30/09	NEAL MARTIN & ASSOCIATES	03/31/09	969	Planning Department	Contract Planne	16,308.18	CONTRACT PLANNING SERVICES 3/1-3/31/09
028315	04/30/09	NEAL MARTIN & ASSOCIATES	03/31/09	970	Planning Department	HOUSING ELEMENT	4,721.63	PLANNING SERVICES-HOUSING ELEMENT 3/1-3/
						GENERAL PLAN UP	511.50	PLANNING SERVICES GENERAL PLAN UPDATE 3/
						Check Totals	21,541.31	
028316	04/30/09	MAZE & ASSOCIATES CERTIFIED	04/16/09	04.16.09	Non-Department	Audit & Financi	597.50	INDEPENDENT AUDITOR FOR TOWN'S FINANCIAL
						Check Totals	597.50	
028317	04/30/09	MCDONOUGH, HOLLAND & ALLEN	04/16/09	211296	City Attorney	City Attorney R	11,000.00	RETAINER SERVICES FEB 09
						Attorney - Othe	11,169.00	LEGAL SERVICES FEB 09
						Attorney - Othe	486.69	TOTAL COSTS FEB 09
						Check Totals	22,655.69	
028318	04/30/09	METROMOBILE COMMUNICATIONS	02/23/09	31413	City Manager	DISASTER PREPAR	10,181.16	1 EA EMERGENCY RADIO SYSTEMS PACKAGE PER
						Check Totals	10,181.16	
028319	04/30/09	MICRO KEY SOFTWARE	04/03/09	985930	Police	Other Contract	1,265.00	MILL. MOITORING UPGRADES & SUPPORT 5/1/0
						Check Totals	1,265.00	
028320	04/30/09	MUNI SERVICES LLC	04/27/09	04.30.09	NON-DEPARTMENTAL	Business Licens	75.00	BUSINESS LICENSE CASH DEPOSIT-MANUELS CO
					NON-DEPARTMENTAL	Business Licens	150.00	BUSINESS LICENSE CASH DEPOSIT-DOUGLAS SN
					NON-DEPARTMENTAL	Business Licens	75.00	BUSINESS LICENSE CASH DEPOSIT-PRECISION
					NON-DEPARTMENTAL	Business Licens	125.00	BUSINESS LICENSE CASH DEPOSIT-V&B GRADIN
					Finance	Business Licens	100.00	MUNI SERVICES PROCESSING FEE
						Check Totals	525.00	

Town of Atherton
 Check Disbursement by Vendor for the Check Dates 04/01/2009 through 04/30/2009

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028321	04/30/09	SAMIRA MAVAS-PLESMAN	04/19/09	04.19.09	NON-DEPARTMENTAL	Office Supplies	54.83	REIMB REFRESHMENTS FOR FLETCHER CONCERT
						Check Totals	54.83	
028322	04/30/09	GLENN NIELSEN	03/31/09	03/30-03/31/	Police	Training - POST	61.62	REIMB MEALS, CHIEFS TRAINING SESSION 3/3
						Check Totals	61.62	
028323	04/30/09	OFFICE DEPOT	04/09/09	470720867-00	City Manager Building	Office Supplies	336.85	TONERS, DRY ERASERS, AUDIO TAPES, FOLDER
						Office Supplies	90.94	PAD, PENS, PAPER, FOLDERS
						Check Totals	427.79	
028324	04/30/09	PENINSULA UNIFORMS & EQUIPM	03/03/09	39818	Police	Uniforms	173.09	(2) PANT-BLACK, METZGER
						Uniforms	811.82	BODY ARMOR W/OUTER CARRIER, GUERRA
						Check Totals	984.91	
028325	04/30/09	THE POLICE & SHERIFF PRESS,	04/06/09	20817	Police	Other Supplies	12.42	SECURE ID CARDS, GRIMM
						Check Totals	12.42	
028326	04/30/09	PUBLIC EMPLOYEE'S RETIREMEN	04/24/09	04.24.09	NON-DEPARTMENTAL	Payroll Deducti	4,729.45	04/05/09-04-18/09
					NON-DEPARTMENTAL	Payroll Benefit	47,879.37	04/15/09-04-18/09
						Check Totals	52,608.82	
028327	04/30/09	RECALL SECURE DESTRUCTION S	03/21/09	002303073091	Police	Other Contract	70.56	SHRED DOCUMENTS, P.D. 2/20-3/19/09
						Check Totals	70.56	
028328	04/30/09	CITY OF REDWOOD CITY FINANC	03/31/09	BR22920	Police	Gas & Oil	2,235.84	FUEL, P.D. 2/16-3/15/09
					Public Works Admin	Gas & Oil	55.08	FUEL, P.W. 2/16-3/15/09
					Public Works Park	Gas & Oil	98.94	FUEL, PARKS 2/16-3/15/09
					Public Works Admin	Gas & Oil	683.81	FUEL, STREETS 2/16-3/15/09
						Check Totals	3,073.67	
028329	04/30/09	CITY OF REDWOOD CITY INFORM	03/31/09	BR22958	NON-DEPARTMENTAL	Other Contract	2,800.63	SUPPORT BY I.T. DIVISION MARCH 09

Town of Atherton
 Check Disbursement by Vendor for the Check Dates 04/01/2009 through 04/30/2009

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
						Check Totals	2,800.63	
028330	04/30/09	CITY OF REDWOOD CITY FINANC	03/31/09	BR22878	Police	Equipment Maint	2,156.41	P.D. VEHICLE REPAIR/MAINT. 02/16-03/15/0
						Check Totals	2,156.41	
028331	04/30/09	COUNTY OF SAN MATEO AIRPORT	04/28/09	07.01.08	City Council	Membership/Dues	1,500.00	ANNUAL CONTRIBUTION 08-09
						Check Totals	1,500.00	
028332	04/30/09	SAN MATEO COUNTY CHAPLAINCY	03/31/09	03.31.09	Police	Other Contract	500.00	ON-CALL CHAPLAINCY SERVICE MARCH 09
						Check Totals	500.00	
028333	04/30/09	S.M. CO. DEPT. OF PUBLIC WO	04/17/09	179-09	Public Works Admin	Other Contract	1,558.59	GRAFFITTI ABATEMENTB FY 08-09
						Check Totals	1,558.59	
028334	04/30/09	S M CO SHERIFF'S OFFICE COU	04/09/09	8073	City Manager	Other Contract	18.00	LIVE SCAN SERVICE MARCH 09, T.DELLASANTA
						Check Totals	18.00	
028335	04/30/09	S M CO SHERIFF'S OFFICE TRA	04/15/09	06/02-06/03/	Police	Training - POST	450.00	DRIVER TRAINING UPDATE, S.MARSHALL 6/2-6
						Check Totals	450.00	
028336	04/30/09	SAN MATEO REGIONAL NETWORK,	04/10/09	18028	Police	Other Contract	385.00	MONTHLY ACCESS FEE T-1 SERVICE APRIL 09
						Check Totals	385.00	
028337	04/30/09	JEAN SCHAAF	04/19/09	04.19.09	NON-DEPARTMENTAL	Office Supplies	106.93	REFRESHMENTS FOR FLETCHER CONCERT AT LIB
						Check Totals	106.93	
028338	04/30/09	SHARP ELECTRONICS CORPORATI	04/16/09	AR181478	NON-DEPARTMENTAL	Office Machines	194.16	COPIER COVERAGE 3/16-4/15/09 ADMIN, SHARP
			04/14/09	AR181479	Public Works Admin	Equipment Maint	152.00	COPIER CONTRACT BASE RATE 4/12-5/11/09 P
					Public Works Admin	Equipment Maint	177.66	COPIER COVERAGE 3/12-4/11/09 P.W. SHARP S

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028339	04/30/09	TEAMSTERS UNION LOCAL 856	04/24/09	04-24-09	NON-DEPARTMENTAL	Payroll Deducti	401.55	DUES W/H 4/5-4/19/09
						Check Totals	523.82	
028340	04/30/09	DARYL D. JONES, INC. DBA TE	04/10/09	40020	Police	Other Contract	934.00	MANAGEMENT & MAINTENANCE OF COMMUNICATIO
						Check Totals	934.00	
028341	04/30/09	TOWNE FORD SALES	03/31/09	FOCS163616	Police	Equipment Maint	3,221.77	REPAIR TRANSMISSION, 07 CROWN VIC LIC# 9
						Check Totals	3,221.77	
028342	04/30/09	TURBO DATA SYSTEMS INC.	03/31/09	15326	Police	CITATION PROCES	80.86	CITATION PROCESSING JAN-MAR 09
						Check Totals	80.86	
028343	04/30/09	UNIFIRST CORP.	04/07/09	314790	Public Works Park	Uniforms	38.16	LAUNDRY SERVICE PARKS DEPT 4/7-4/14/09
			04/14/09	315769	Public Works Park	Uniforms	38.16	LAUNDRY SERVICE HP PARK 4/7-4/14/09
			04/14/09	315768	Public Works Admin	Uniforms	47.12	LAUNDRY SERVICE STREETS DEPT 4/14/09
			12/31/08	237676	Public Works Admin	Uniforms	45.32	LAUNDRY STREETS DEPT 12/31/08
					Public Works Park	Custodial Servi	154.15	REPLACE MATS AND DRY MOP HP PARK 12/31/0
028343	04/30/09	UNIFIRST CORP.	04/28/09	317697	Public Works Admin	Uniforms	47.12	LAUNDRY SERVICE-STREETS DEPT 4/28/09
						Check Totals	370.03	
028344	04/30/09	VERIZON WIRELESS	03/21/09	0746976140	Building	Communication	137.96	CELL PHONE BLDG DEPT 2/22-3/21/09
					Police	Communication	567.31	CELL PHONE POLICE 2/22-3/21/09
					Public Works Admin	Communication	175.73	CELL PHONE P.W. 2/22-3/21/09
					Public Works Admin	Communication	176.79	CELL PHONE PW STREETS 2/22-3/21/09
					Public Works Park	Communication	42.95	CELL PHONE PARKS 2/22-3/21/09
					Public Works Park	Communication	91.93	CELL PHONE HP PARK 2/22-3/21/09
					City Manager	Communication	50.41	CITY MGR MODEM 2/22-3/21/09
						Check Totals	1,243.08	
028345	04/30/09	WILSEY HAM	04/14/09	6234	Public Works Admin	Other Contract	13,499.69	FINAL DESIGN SERVICES FOR THE FLETCHER-R

Town of Atherton
 Check Disbursement by Vendor for the Check Dates 04/01/2009 through 04/30/2009

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
028345	04/30/09	WILSEY HAM	04/14/09	6235	NON-DEPARTMENTAL	Other Contract	6,494.55	CONCEPTUAL AND FINAL DESIGN SERVICES FOR
						Check Totals	19,994.24	
028346	04/30/09	YOUTH & FAMILY ENRICHMENT S	03/31/09	1080	Police	Other Contract	2,891.50	FIRST CHANCE SOUTH PROGRAM APR-SEPT 09
						Check Totals	2,891.50	
						Grand Totals	593,797.03	



Item 10

Report to Follow



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF MAY 20, 2009

**SUBJECT: TREASURER'S REPORT FOR THE QUARTER ENDED SEPTEMBER
2008, DECEMBER 2008, AND MARCH 2009**

RECOMMENDATION

Accept the Treasurer's Report for the Quarter Ended September 30, 2008, December 31, 2008, and March 31, 2009.

DISCUSSION

Based on the Town's Investment Policy, the City Manager or designee is required to submit quarterly and annual Treasurer's Report to the City Council. The Treasurer's Report provides an update on the cash and investment position of the Town of Atherton.

Due to the transition in the Finance Department, there was a delay in submitting the September 2008 and December 2008 Treasurer's Report. In April 2009, Finance staff was able to catch up on all the monthly bank reconciliations and completed the interest allocations. As a result, staff is presenting to the City Council all three quarters report.

The Town invests in liquid or near liquid investments where the principal is protected and earns the highest interest possible for such investments. By taking a conservative approach to investing, the Town achieves the investment goals of safety and liquidity. By not taking risk, there is a trade-off on yields and investment returns.

FISCAL IMPACT

None

Prepared by:

Approved by:

Louise Ho, Finance Director

Jerome Gruber, City Manager

Attachment: Treasurer's Report for First Quarter Ended September 30, 2008
Treasurer's Report for Second Quarter Ended December 31, 2008
Treasurer's Report for Third Quarter Ended March 31, 2009

**Town of Atherton
Quarterly Treasurer's Report
Portfolio Summary
September 30, 2008**

	Par Value	Market Value	Book Value	% of Portfolio
Cash In Bank	-	247,898	247,898	1.5%
Investments				
Local Agency Investment Fund	-	9,313,257	9,313,257	55.1%
San Mateo County Investment Fund	-	7,345,255	7,345,255	43.4%
Total Investments	-	16,658,512	16,658,512	98.5%
Total Cash and Investments	-	16,906,410	16,906,410	100%

The above investments are consistent with the Town's Investment Policy and are allowable under current legislation of the State of California. Investments are selected using safety, liquidity, and yield as the criteria. The Town has sufficient cash flow to cover anticipated expenditures through the next six months.



 Louise Ho, Finance Director

5/11/09

 Date

Town of Atherton
Quarterly Treasurer's Report
Portfolio Details - Cash In Bank
September 30, 2008

Name of Depository	Investment Type	Reconciled Bank Balance
Comerica Bank	Checking - Operating	227,955
	Checking - Payroll	17,329
	Checking - Flex Spending	2,615
Total		<u>247,898</u>

Town of Atherton
Quarterly Treasurer's Report
Portfolio Details - Investments
September 30, 2008

CUSIP	Name of Depository	Purchase Date	Par Value	Market Value	Book Value	Interest Rate	YTM	Days to Maturity
Local Agency Investment Fund								
	State of California, Office of Treasurer	Various	-	9,313,257	9,313,257	2.770%	2.770%	
San Mateo County Investment Fund								
	San Mateo County Treasurer's Office	Various	-	7,345,255	7,345,255	3.440%	3.440%	
Total			-	16,658,512	16,658,512			

**Town of Atherton
Quarterly Treasurer's Report
Cash Balance By Fund
September 30, 2008**

Fund No.	Fund Name	Sept. Balance
101	General Fund	7,827,706
105	Tennis Fund	35,234
201	Special Tax Fund	1,183,191
202	County Measure A Fund	161,568
203	Gas Tax Fund	52,807
206	SLESF	140
208	Police on the Street Fund	4,675
209	COPS Grant	922
210	Road Constructions Impact Fee	1,249,064
211	State Grants	(142,408)
213	Library Fund	3,270,109
401	GF Projects	182,935
402	Storm Drainage	41,416
403	Atherton Channel Drainage Dt	87,508
406	Facilities Construction	1,896,759
411	Park Well	12,147
610	Equipment Operations	370,924
611	Computer Services	154,416
612	Administrative Services	112,938
614	Worker's Compensation Insurance	227,489
715	Evans Estate	123,918
716	Flex Spending	5,053
725	Linden wood Gate Trust	254
730	H-P Park Improvement	5,940
740	Tree Committee	41,707
	Total	16,906,410

**Town of Atherton
Quarterly Treasurer's Report
Portfolio Summary
December 31, 2008**

	Par Value	Market Value	Book Value	% of Portfolio
Cash In Bank	-	3,810,107	3,810,107	20.9%
Investments				
Local Agency Investment Fund	-	6,131,673	6,131,673	33.6%
San Mateo County Investment Fund	-	7,391,921	7,391,921	40.5%
US Treasury Bills	900,000	898,723	898,723	4.9%
Total Investments	900,000	14,422,316	14,422,316	79.1%
Total Cash and Investments	900,000	18,232,423	18,232,423	100%

The above investments are consistent with the Town's Investment Policy and are allowable under current legislation of the State of California. Investments are selected using safety, liquidity, and yield as the criteria. The Town has sufficient cash flow to cover anticipated expenditures through the next six months.



 Louise Ho, Finance Director



 Date

Town of Atherton
Quarterly Treasurer's Report
Portfolio Details - Cash In Bank
December 31, 2008

Name of Depository	Investment Type	Reconciled Bank Balance
Comerica Bank	Checking - Operating	3,670,378
	Checking - Payroll	139,729
Total		<u>3,810,107</u>

Town of Atherton
 Quarterly Treasurer's Report
 Portfolio Details - Investments
 December 31, 2008

CUSIP	Name of Depository	Purchase Date	Par Value	Market Value	Book Value	Interest Rate	YTM	Days to Maturity	Maturity Date
Local Agency Investment Fund									
	State of California, Office of Treasurer	Various	-	6,131,673	6,131,673	2.540%	2.540%		
San Mateo County Investment Fund									
	San Mateo County Treasurer's Office	Various	-	7,391,921	7,391,921	2.540%	2.540%		
US Treasury Bills									
912795K59	Dept of Treasury, Legacy Treasury Direct	11/28/08	450,000	449,831	449,831	0.150%	0.152%	57	02/26/09
912795M24	Dept of Treasury, Legacy Treasury Direct	11/28/08	450,000	448,891	448,891	0.490%	0.498%	148	05/28/09
	Sub-total		900,000	898,723	898,723				
	Total		900,000	14,422,316	14,422,316				

**Town of Atherton
Quarterly Treasurer's Report
Cash Balance By Fund
December 31, 2008**

Fund No.	Fund Name	Dec. Balance
101	General Fund	8,473,689.12
105	Tennis Fund	34,103.94
201	Special Tax Fund	2,067,761.18
202	County Measure A Fund	32,176.44
203	Gas Tax Fund	81,162.73
206	SLESF	136.52
208	Police on the Street Fund	4,559.05
209	COPS Grant	114.41
210	Road Constructions Impact Fee	918,100.13
211	State Park Grants	280,252.30
213	Library Fund	3,254,752.94
220	Traffic Congest. Relief	18,346.79
401	GF Projects	126,848.37
402	Storm Drainage	36,769.88
403	Atherton Channel Drainage Dt	89,056.53
406	Facilities Construction	1,849,682.64
411	Park Well	11,990.71
610	Equipment Operations	252,491.05
611	Computer Services	164,426.81
612	Administrative Services	153,217.86
614	Worker's Compensation Insurance	225,116.49
715	Evans Estate	119,197.33
716	Flex Spending	7,776.81
725	Linden wood Gate Trust	247.24
730	H-P Park Improvement	5,792.72
740	Tree Committee	24,652.91
	Total	18,232,423

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**Town of Atherton
Quarterly Treasurer's Report
Portfolio Summary
March 31, 2009**

	Par Value	Market Value	Book Value	% of Portfolio
Cash In Bank	-	633,712	633,712	3.6%
Investments				
Local Agency Investment Fund	-	7,426,662	7,426,662	42.0%
San Mateo County Investment Fund	-	6,157,842	6,157,842	34.9%
US Treasury Bills	3,450,000	3,449,491	3,448,516	19.5%
Total Investments	3,450,000	17,033,995	17,033,020	96.4%
Total Cash and Investments	3,450,000	17,667,708	17,666,733	100%

The above investments are consistent with the Town's Investment Policy and are allowable under current legislation of the State of California. Investments are selected using safety, liquidity, and yield as the criteria. The Town has sufficient cash flow to cover anticipated expenditures through the next six months.



Louise Ho, Finance Director

5/11/09
Date

Town of Atherton
Quarterly Treasurer's Report
Portfolio Details - Cash In Bank
March 31, 2009

Name of Depository	Investment Type	Reconciled Bank Balance
Comerica Bank	Checking - Operating	636,023
	Checking - Payroll	<u>(2,310)</u>
Total		<u><u>633,712</u></u>

Town of Atherton
 Quarterly Treasurer's Report
 Portfolio Details - Investments
 March 31, 2009

CUSIP	Name of Depository	Purchase Date	Par Value	Market Value	Book Value	Interest Rate	YTM	Days to Maturity	Maturity Date
Local Agency Investment Fund									
	State of California, Office of Treasurer	Various	-	7,426,662	7,426,662	1.910%	1.910%		
San Mateo County Investment Fund									
	San Mateo County Treasurer's Office	Various	-	6,157,842	6,157,842	1.860%	1.860%		
US Treasury Bills									
912795L25	Dept of Treasury, Legacy Treasury Direct	01/02/09	3,000,000	2,999,625	2,999,625	0.051%	0.050%	2	04/02/09
912795M24	Dept of Treasury, Legacy Treasury Direct	11/28/08	450,000	449,866	448,891	0.490%	0.498%	58	05/28/09
	Sub-total		3,450,000	3,449,491	3,448,516				
	Total		3,450,000	17,033,995	17,033,020				

**Town of Atherton
Quarterly Treasurer's Report
Cash Balance By Fund
March 31, 2009**

Fund No.	Fund Name	March Balance
101	General Fund	8,353,510
105	Tennis Fund	26,942
201	Special Tax Fund	1,798,846
202	County Measure A Fund	92,690
203	Gas Tax Fund	(15,350)
206	SLESF	137
208	Police on the Street Fund	4,575
209	COPS Grant	115
210	Road Constructions Impact Fee	1,073,399
211	State Park Grants	20,753
213	Library Fund	3,246,356
220	Traffic Congest. Relief	32,402
401	GF Projects	108,764
402	Storm Drainage	36,897
403	Atherton Channel Drainage Dt	90,118
406	Facilities Construction	1,824,748
411	Park Well	12,032
610	Equipment Operations	254,702
611	Computer Services	139,252
612	Administrative Services	192,487
614	Worker's Compensation Insurance	210,049
715	Evans Estate	118,442
716	Flex Spending	13,820
725	Linden wood Gate Trust	248
730	H-P Park Improvement	5,813
740	Tree Committee	24,988
	Total	17,666,733



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: THE HONORABLE MAYOR AND CITY COUNCIL
CITY MANAGER, JERRY GRUBER**

FROM: NEAL J. MARTIN, TOWN PLANNER

DATE: FOR THE MEETING OF MAY 20, 2009

**SUBJECT: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH
CHRISTOPHER A. JOSEPH & ASSOCIATES FOR PREPARATION OF
ENVIRONMENTAL IMPACT DOCUMENTS AND REIMBURSEMENT
AGREEMENT WITH SACRED HEART SCHOOLS**

RECOMMENDATION:

Approve the attached:

1. Professional Services Agreement with Christopher A. Joseph & Associates for the preparation of Environmental Impact documents for the St. Joseph's School reconstruction and other Master Plan projects at Sacred Heart Schools.
2. Reimbursement Agreement with Sacred Heart Schools of reimbursement of consultant and staff costs related to environmental and land use entitlement services for the St. Joseph's School Reconstruction and other Master Plan Projects at Sacred Heart Schools.

BACKGROUND and DISCUSSION:

Please see the attached January 21, 2009 Staff Report for background.

The City Council has requested assurances that the consultant and staff costs expended by the Town related to environmental and land use entitlement services will be reimbursed by Sacred Heart Schools. Staff has prepared the attached Reimbursement Agreement, which has already been executed by Sacred Heart Schools, assuring that the Town will be reimbursed for its expenses associated with this project. The agreement provides for deposits in increments of \$50,000 up to the maximum estimated cost of \$169,605. Deposits are to be made prior to depletion of previously deposited funds.

The Reimbursement Agreement was prepared by City Attorney Wynne Furth in consultation with

the Sacred Heart Schools' attorney.

FINANCIAL IMPACT:

All costs of the services will be paid for by Sacred Heart Schools. Costs for Staff time associated with the project will also be paid for by Sacred Heart Schools through deposits with the Town Finance Department.

FORMAL MOTION:

I move that the City Council approve the Professional Services Agreement with Christopher A. Joseph & Associates for the preparation of Environmental Impact documents for the St. Joseph's School Reconstruction and other Master Plan Projects at Sacred Heart Schools and authorize the City Manager to sign the Agreement. I further move that the City Council approve the Reimbursement Agreement with Sacred Heart Schools for reimbursement of consultant and staff costs related to environmental and land use entitlement services for the St. Joseph's School Reconstruction and other Master Plan Projects at Sacred Heart Schools and authorize the City Manager to sign the Agreement.

Prepared By:

Approved by:

Neal J. Martin, Town Planner

Jerome D. Gruber, City Manager

Attachments:

1. Draft Professional Services Agreement
2. Draft Reimbursement Agreement
3. City Council Staff Report for January 21, 2009, including *Proposal for Environmental Document Preparation for the St. Joseph's School Reconstruction Project*, Christopher A. Joseph & Associates, December 8, 2008

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is made and entered into as of the ____ day of _____, 2009 by and between the **TOWN OF ATHERTON**, hereinafter referred to a “TOWN” and Christopher A. Joseph & Associates hereinafter referred to as “CONSULTANT”.

RECITALS

THIS AGREEMENT is entered into with reference to the following facts and circumstances:

- A. That TOWN desires to engage CONSULTANT to render certain professional services to the TOWN;
- B. That CONSULTANT is qualified to provide such services to the TOWN; and
- C. That TOWN has elected to engage the services of CONSULTANT upon the terms and conditions as hereinafter set forth.

TERMS AND CONDITIONS

1. Services

The services to be performed by CONSULTANT under this Agreement shall include those services set forth in Exhibit A, which is by this reference incorporated herein and made a part hereof as though it were fully set forth herein.

Performance of the work specified in said Exhibit A is hereby made an obligation of CONSULTANT under this Agreement, subject to any changes that may be made subsequently hereto upon the mutual written agreement of said parties.

Where in conflict, the terms of this Agreement supersede and prevail over any terms set forth in Exhibit A.

2. Term of Agreement

Said services shall commence on execution and shall continue until completion of the task set forth in Exhibit A as described in the preceding section, or until terminated by ten (10) days written notice by either party.

3. Compensation

Payment under this agreement shall be as per Exhibit A. This is a time and materials agreement with a not-to-exceed budget of \$139,605.

4. Authorization and Termination

This Agreement becomes effective when endorsed by both parties in the space provided below.

5. **Reliance of Professional Skill of Consultant**

CONSULTANT represents that it has the necessary professional skills to perform the services required and TOWN shall rely on such skills of the CONSULTANT to do and perform the work.

6. **Relationship of Parties**

It is understood that the relationship of CONSULTANT to TOWN is that of an independent contractor and all persons working for or under the direction of CONSULTANT are its agents or employees and not agents or employees of TOWN.

7. **Non-assignment**

This Agreement is not assignable either in whole or in part.

8. **Amendments**

This Agreement may be amended or modified only by written agreement signed by both parties.

9. **Validity**

The invalidity, in whole or in part, of any provisions of this Agreement shall not void or affect the validity of any other provisions of this Agreement.

10. **Governing Law/Litigation**

This Agreement shall be governed by the laws of the State of California and any suit or action initiated by either party shall be brought in the County of San Mateo, California. In the event of litigation between the parties hereto to enforce any provision of the Agreement, the unsuccessful party will pay the reasonable expenses of litigation of the successful party.

11. **Mediation**

Should any dispute arise out of this Agreement, the parties shall meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. Neither party shall be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution. The costs of the mediator, if any, shall be paid equally by the parties. If a mediated settlement is reached, neither party shall be deemed the prevailing party for purposes of the settlement, and each party shall bear its own legal costs.

12. **Entire Agreement**

This Agreement, including Exhibit A, comprises the entire Agreement.

13. **Indemnity**

CONSULTANT shall defend, indemnify and hold TOWN and its officers and employees harmless from any and all claims and liabilities related to or as a result of CONSULTANT's performance of this Agreement.

14. **Insurance**

CONSULTANT shall not commence work under this Agreement until all insurance required under this Paragraph has been obtained. CONSULTANT shall furnish TOWN with certificates of insurance evidencing the required coverage. The TOWN will be named as additional insured in the policy. These certificates shall specify or be endorsed to provide that thirty (30) days notice must be given, in writing, to the TOWN office of any pending change in the limits of liability or of any cancellation or modification of the policy.

a) **Workers' Compensation and Employers' Liability Insurance**

CONSULTANT shall have in effect during the entire life of this Agreement Workers' Compensation and Employers' Liability Insurance providing full statutory coverage. In signing this Agreement, CONSULTANT makes the following certification, required by Section 1861 of the California Labor Code:

I am aware of the provisions of Section 37900 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of the work of this Agreement.

b) **Liability Insurance**

CONSULTANT shall take out and maintain during the life of this Agreement such bodily injury liability and property damage liability insurance as shall protect CONSULTANT while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all claims from property damage which may arise from CONSULTANT's work under this Agreement, whether such work be by CONSULTANT or by any subcontractor or by anyone directly or indirectly employed by either of them. The amounts of such insurance shall be Two Million and no/100 Dollars (\$2,000,000.00) combined single limit bodily injury and property damage for each occurrence. The TOWN, its officers, employees and agents shall be maintained as additional insureds on said policy, and a certificate of said coverage shall be delivered to the TOWN before any work commences. All insurance shall be with insurance carriers licensed in the State of California and in good standing with the California Department of Insurance.

15. **Notice**

All notices required by this Agreement shall be given to TOWN and CONSULTANT in writing, by first class mail, postage prepaid, addressed as follows:

TOWN:

City Manager
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

CONSULTANT:

President
Christopher A. Joseph & Associates
610 16th Street, Suite 514
Oakland, CA 94612

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first written by their respective officers duly authorized in that behalf.

TOWN OF ATHERTON

BY: _____
Jerry Gruber, City Manager

Date: _____

APPROVED AS TO FORM:

BY: _____
Wynne S. Furth, City Attorney

Date: _____

CONSULTANT:
CHRISTOPHER A. JOSEPH & ASSOCIATES

BY: _____

Date: _____

**Reimbursement Agreement
Between Town of Atherton and Sacred Heart Schools**

This Reimbursement Agreement (this "Agreement") is entered into effective as of ___ day of May, 2009 (the "Effective Date") by and between the TOWN of Atherton, a California municipal corporation (referred to as "TOWN") and Sacred Heart Schools, a California 501(c)(3) non-profit corporation (referred to as "SCHOOL").

RECITALS

- A. SCHOOL is in the process of preparing plans for the demolition and reconstruction of the St. Joseph's School buildings and other improvements located at 150 Valparaiso. In order to proceed with such a project SCHOOL will need to make application and receive approval for a conditional use permit from the TOWN. SCHOOL may also make other applications to the TOWN during this process.
- B. SCHOOL acknowledges that TOWN's processing of the project applications are for SCHOOL's benefit and agrees to reimburse TOWN for all costs associated with preparing environmental studies and documents, processing its project applications, including but not limited to TOWN staff time, outside consultants, and legal costs, in accordance with the terms of this Agreement.

NOW, THEREFORE, TOWN and SCHOOL agree as follows:

- 1. Reimbursement of Costs. SCHOOL shall reimburse TOWN for the following costs that are incurred in preparing environmental studies and documents, processing the project applications, managing the project applications, and completing the entitlement review process:
 - 1.1 All actual costs incurred for services rendered by Christopher A. Joseph & Associates (CAJA) and their subconsultants in connection with the preparation of environmental studies and documents as generally outlined in the CAJA proposal dated December 8, 2008. The total cost is estimated to be \$139, 605.
 - 1.2 All actual TOWN staff and other costs, such as providing public notice, and TOWN legal costs, estimated to be between \$20,000-\$30,000. TOWN shall calculate staff time at rates established from time to time by resolution of the City Council; City Attorney costs and any other services provided under contract shall be reimbursed at the actual cost to the Town under the contract then in effect between the Town and the contract service provider. However, City Attorney charges shall be calculated at the rates set forth under the agreement between the Town and the City Attorney in effect at the execution of this Agreement.
- 2. Deposit. Within fifteen (15) calendar days of executing this Agreement, SCHOOL agrees to pay to the TOWN the sum of \$20,000 as an initial deposit ("initial deposit") for the work to be performed by TOWN and its consultant or consultants. TOWN and SCHOOL acknowledge that this is only an initial payment and will not be sufficient to cover the anticipated actual cost of consultant services and TOWN's staff costs and attorneys' fees.

TOWN may use the initial deposit, and additional amounts paid under Section 3 of this Agreement, to cover the costs described in Section 1.

3. Additional Deposits. SCHOOL shall pay to the Town a further deposit of \$50,000 within fifteen (15) calendar days of receipt of written notice from TOWN that the initial deposit balance is \$5,000 or less ("additional deposit"). Thereafter, within fifteen (15) calendar days of receipt of written notice from TOWN that the deposit balance is \$5,000 or less, SCHOOL shall pay an additional \$50,000 deposit to TOWN, until the total deposit totals \$169,605. (The last deposit will be \$49,605.). The total deposit shall consist of the initial deposit and additional deposits. If SCHOOL fails to submit funds to TOWN as described in this Section 3, TOWN will notify its consultants to stop work and will suspend processing permit applications until SCHOOL provides adequate funds to increase the Deposit amount to at least the amount requested by the TOWN. Thirty days after applicant has either obtained all land use entitlements or TOWN has made a final decision denying them, TOWN shall refund the remaining Deposit amount to SCHOOL. If upon completion of TOWN's land use entitlement process the Deposit amount is insufficient to cover all of the costs described in Section 1, SCHOOL will promptly pay the remaining balance to TOWN. TOWN shall not issue final approval certificate documents until all monies due are paid.
4. Accounting by Town. TOWN shall provide SCHOOL with monthly invoices for work performed under this Agreement. Such invoice must provide sufficient detail from which SCHOOL may confirm who performed the services, the nature of the work performed, the hours worked, the rate charged to the TOWN, and that the services were reasonably and directly related to the review and processing of SCHOOL's project. Provided, bills for legal services shall be presented in summary form.
5. Condition Precedent and Failure to Pay. As long as SCHOOL makes the deposit payments and reimburses TOWN for the costs of consultant work, processing, and coordinating, as outlined in this Agreement, TOWN shall perform those functions described herein. SCHOOL acknowledges that failure to pay said amounts when due under this Agreement shall result in the inability of the TOWN to complete its required activities and will result in the immediate cessation of any work in progress and the subsequent inability of the TOWN to continue processing said work.
6. Termination. Should SCHOOL withdraw its applications, it may terminate this Agreement by providing notice in the manner indicated below. SCHOOL shall be responsible for the payment of Consultant's and TOWN's cost for all work performed up to and including the date of termination. Any additional unexpended funds deposited with TOWN pursuant to this Agreement shall be returned to SCHOOL.
7. Indemnity. TOWN shall have no liability for any loss, cost, expense, or damage, direct or indirect, to SCHOOL on account of any act or omission of any consultant or on account of the quality, content, or conclusions of the materials prepared by any consultant engaged by TOWN pursuant to this Agreement. In the event a third party brings a claim, action, or proceeding against TOWN or its officials, agents, officers, or employees involving the work of TOWN and its consultant pursuant to this Agreement, including any claims, actions, or proceedings to attack, set aside, void or annul an approval of TOWN with respect to SCHOOL's project, any advisory agency, appeal board, or legislative body, which claim, action or proceeding is brought within the time period provided for in California law,

SCHOOL agrees that if it decides to proceed with the Project, SCHOOL will be responsible to defend, indemnify or hold harmless TOWN. Provided however, that SCHOOL shall only be responsible for such indemnification, defense and hold harmless to the extent such claims do not arise from TOWN's sole, gross or willful negligence or intentional misconduct. TOWN will promptly notify SCHOOL of any claim, action or proceeding subject to this provision. TOWN will cooperate fully in the defense of any such claim, action, or proceeding. If TOWN elects to participate directly in the defense of any such claim, action, or proceeding, TOWN shall bears its own attorney's fees and costs and TOWN defends the action in good faith. If TOWN fails to promptly notify SCHOOL of any claim, action, or proceeding, or if TOWN fails to cooperate fully in the defense, SCHOOL shall not thereafter be responsible to defend, indemnify, or hold harmless TOWN.

8. Notices. Any written notice to SCHOOL shall be sent to:

Mr. Richard A. Dioli
Director of Schools
Sacred Heart Schools
150 Valparaiso Avenue
Atherton, CA 94027

with a copy to:

Ms. Sandy Dubinsky
Chief Operations Officer
Sacred Heart Schools
150 Valparaiso Avenue
Atherton, CA 94027

Any written notice to TOWN shall be sent to:

City Manager
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

with a copy to:

Wynne Furth, City Attorney
McDonough Holland & Allen PC
1901 Harrison Street, 9th Floor
Oakland, CA 94612-3501

9. Time of the Essence. For the purpose of this Agreement and of each provision of this Agreement, time is of the essence.
10. Entire Agreement. This Agreement contains the entire agreement of the Parties with respect to the subject matter hereof, and no other agreement, statement or promise made by any

party, or to any employee, officer, or agent of any party, which is not contained in this Agreement shall be binding or valid. This Agreement is not subject to modification except in writing signed by all parties.

11. Attorneys' Fees. If any legal action or any arbitration or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing Party will be entitled to recover reasonable attorneys' fees and other costs incurred in that action or proceeding, in addition to any other relief to which it or they may be entitled.
12. Cooperation. Each Party to this Agreement shall cooperate fully in the execution of any and all other documents and in the completion of any additional actions that may be necessary or appropriate to give full force and effect to the terms and intent of this Agreement. The Parties shall act in good faith toward each other and shall act in a fair, diligent, expeditious and reasonable manner, and no Party shall take any action that will prohibit, impair or impede any other Party's exercise or enjoyment of its rights and obligations secured through this Agreement.
13. Relationship of the Parties. SCHOOL acknowledges and agrees that the work performed by Consultant shall be directed and controlled by the TOWN completely independently of SCHOOL and that SCHOOL has no right to direct or control that work.
14. Authorized Signatories. Each of the undersigned hereby warrants and represents that he/she is duly authorized to execute this Agreement on behalf of the entity for whom he/she signs.
15. Governing; Jurisdiction; Venue. This Agreement shall be interpreted under the laws of the State of California. Jurisdiction and venue of litigation arising from this Agreement shall be in the County of San Mateo, State of California.

TOWN OF A THERTON

Jerry R. Gruber, City Manager

Attest:

Theresa dellaSanta, Deputy City Clerk

Approved as to form:

Wynne Furth
City Attorney

SACRED HEART SCHOOLS

By: *[Signature]*
Its: *Superintendent of Schools*

By: *[Signature]*
Its: *Chief Financial Officer*



DATE: FOR THE CITY COUNCIL MEETING OF JANUARY 21, 2009

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: NEAL J. MARTIN, TOWN PLANNER

SUBJECT: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH CHRISTOPHER A. JOSEPH & ASSOCIATES FOR PREPARATION OF ENVIRONMENTAL IMPACT DOCUMENTS FOR SACRED HEART SCHOOLS

RECOMMENDATION:

Approve the attached Professional Services Agreement with Christopher A. Joseph & Associates for the preparation of Environmental Impact documents for the St. Joseph's School reconstruction and other Master Plan projects at Sacred Heart Schools.

BACKGROUND and DISCUSSION:

Sacred Heart Schools is in the process of preparing plans for the demolition and reconstruction of the St. Joseph's School buildings and other improvements. In order to proceed with such a project SHS will need to make application and receive approval for a Conditional Use Permit from the Atherton Planning Commission.

The St. Joseph's School Reconstruction Project ("The Project") as currently conceptualized, consists of demolishing Buildings 100 and 200 which were built in 1956 and replacing them with a new two story classroom building accommodating Lower School grades 1 through 5. The Project also includes replacing Buildings 300 and 400 with a second new two story classroom building accommodating the Middle School grades 6 through 8. A third proposed building would house the library and administrative functions. It is anticipated that the buildings would be constructed in two phases. A revised pick up and drop off area for both the Lower and Middle Schools would be constructed so that automobile stacking occurs on School property and not on the adjoining streets. Other components include renovation or replacement of current storage buildings adjacent to the St. Joseph's field, sports field realignment and relocated faculty parking. The Foley Center would also be remodeled/expanded to house the drama, choral and band programs.

A letter from Cassidy, Shimko, Dawson, Kawakami dated October 17, 2008 on behalf of David Wollenberg, 85 Michaels Way, was sent to Mayor Janz, the City Council and the Planning Commission outlining certain information that they state should be presented "in order for the

community and Town decision-makers fully to assess the impacts of the St. Joseph's Project in particular and the Master Plan in general ..." The letter contains several references to the California Environmental Quality Act (CEQA) and compliance with that law.

Prior to taking action on a Conditional Use Permit the Planning Commission is required to identify and analyze any potential adverse environmental effects of the proposed project. Such identification and analysis may take the form of an Initial Study and Negative Declaration if there are no potential impacts as a result of the project or an Environmental Impact Report if there may be potential impacts as a result of the project.

The Town of Atherton is the Lead Agency in the environmental review process since it will be reviewing and potentially issuing the primary permits for the proposed project. There may be other Responsible Agencies, for example the City of Menlo Park if there are permits required to be issued by that City. As the Lead Agency, Atherton is required to prepare or cause to be prepared, any environmental documents required by law to be completed prior to Town review of the Conditional Use Permit or other discretionary permits

At the request of SHS Planning Staff sent out requests for proposals to six qualified consulting firms to perform environmental services in connection with the proposed project. Three firms responded with proposals. Interviews of the three firms were conducted on January 8 and 12, 2009. The interviews were conducted by City Planner Neal Martin and City Engineer Duncan Jones with Sacred Heart Chief Operations Officer Sandy Dubinsky and SHS Traffic Consultant Mark Spencer also in attendance. Although Town Staff reserved the right to make the final recommendation, there was unanimous consensus to recommend Christopher A. Joseph & Associates as the Town's consultant. Christopher A. Joseph & Associates had the strongest management and presentation skills of the consultants interviewed. They also proposed to collaborate with Crane Transportation Group on the traffic portion of the project. Crane Transportation had the depth of experience and strong presentation skills needed to round out the team.

All of the costs associated with the preparation of environmental documents will be paid for by Sacred Heart Schools. The total agreement budget is \$139,605. Staff recommends that deposits of funds for payment of the consultant be made in four deposits to be paid to the Town prior to anticipated billing by the consultant. An initial deposit of \$34,901.25 will be requested prior to authorizing the consultant to proceed with the project.

The proposed Professional Services Agreement is in a form that the Town has used in the past. The contract is a time and materials agreement with a maximum. Since environmental services contracts often require additional time due to unanticipated issues arising during the research and analysis phase, it is requested that the City Council authorize the proposed amount of \$139,605 plus a 20% contingency to be authorized, if needed by the City Manager. Sacred Heart Schools has agreed to this approach and contingency.

FINANCIAL IMPACT:

All costs of the services will be paid for by Sacred Heart Schools. Costs for Staff time associated

with the project will also be paid for by Sacred Heart Schools through deposits with the Town Finance Department.

FORMAL MOTION:

I move that the City Council approve the Professional Services Agreement with Christopher A. Joseph & Associates for the preparation of Environmental Impact documents for the St. Joseph's School reconstruction and other Master Plan projects at Sacred Heart Schools and authorize the City Manager to sign the Agreement. I further move that the City Council permit Sacred Heart Schools to deposit funds for consultant invoices in four deposits to be paid to the Town prior to anticipated billing by the consultant. The amount of \$139,605 is hereby authorized as the maximum fee associated with this agreement, however, should additional funds be required due to unforeseen circumstances, the City Manager is hereby authorized to approve up to an additional \$27,921 in funds without additional City Council authorization.

Neal J. Martin, Town Planner

Attachments:

1. *Proposal for Environmental Document Preparation for the St. Joseph's School Reconstruction Project*, Christopher A. Joseph & Associates, December 8, 2008
2. Draft Professional Services Agreement

Proposal for Environmental Document
Preparation for the St. Joseph's School
Reconstruction Project
is available for review at the City Clerks
Office.



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MAY 20, 2009

**SUBJECT: ADOPT A RESOLUTION APPROVING REALLOCATION
OF REMAINING PROPOSITION 1B FUNDS FROM
STEVICK DRIVE TO STREET RECONSTRUCTION
PHASE 6 AND RECLASSIFYING STEVICK DRIVE FROM
MAJOR PROJECT (OVER \$400,000) TO MINOR PROJECT
(UNDER \$400,000)**

RECOMMENDATION:

Adopt a resolution approving reallocation of remaining Proposition 1B funds from Stevick Drive to the Street Reconstruction Phase 6 project and reclassifying Stevick Drive from major project (over \$400,000) to minor project (under \$400,000).

INTRODUCTION:

Proposition 1B resulted in the Town of Atherton receiving \$400,000 in funding for local streets and roads. The FY 2008-09 budget allocated the entire \$400,000 to Stevick Drive, which was estimated at more than \$400,000. Proposition 1B projects exceeding \$400,000 are categorized as major projects.

The actual cost of the Stevick Drive project was \$336,076.51. This leaves \$63,923.49 not allocated to a project. The reduced cost also moved Stevick Drive into the Minor Project category of Proposition 1B.

Proposition 1B requires city action to designate projects to receive Proposition 1B funds, and to reclassify projects on the Proposition 1B worksheet at the State of California Department of Finance.

ANALYSIS:

Staff recommends that the Proposition 1B funds be allocated to the next local street project to be advertised for bids. That project is the Street Reconstruction Phase 6 project, which is the Economic Stimulus project on Atherton Avenue. This will allow the funds to be used as soon as possible and avoid any possibility of the State asking for their return.

Reclassifying Stevick Drive as a minor instead of a major project is merely a needed clarification required for the Department of Finance's records.

FISCAL IMPACT:

The reallocation of the Proposition 1B funds from Stevick Drive to Atherton Avenue has no net fiscal impact to the Town of Atherton. The funds can only be used for street rehabilitation projects. If not reallocated and used for this purpose, the state could ask for the funds to be refunded. Reclassifying Stevick Drive as a minor instead of a major project also has no fiscal impact.

Parcel Tax (\$500,000), Measure A (\$410,000), Prop 1B (\$400,000) and Road Impact (\$690,000) funds in the amount of \$2,000,000 are budgeted for street reconstruction in FY 2008-09. These funds were budgeted for Street Reconstruction 4, Stevick Drive, Street Reconstruction 5 and Ridgeview Drive (as part of the Fletcher/Ridgeview Drainage project).

The Street Reconstruction Phase 6 project is estimated at \$641,574.56. Currently the Town has experienced savings of \$123,493 on Street Reconstruction 4, \$161,472 on Stevick Drive, \$23,260 on Lloyd Park Sidewalks and \$28,835 on Street Reconstruction 5 for a total savings of \$337,060. Currently \$468,000 of Economic Stimulus funding is allocated to the project. Of the total economic stimulus funding, \$221,000 would be reimbursed to the Town of Woodside from Atherton funds and \$247,000 is Atherton's Share. The total funding available from these savings and funding sources is \$584,060. Further savings on the Ridgeview Drive bids are anticipated to make up the balance of the funding.

Prepared By:

Approved:

Duncan L. Jones, P.E.
Public Works Director

Jerome D. Gruber
City Manager

Attachments: Resolution

RESOLUTION 09-13

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON

WHEREAS, Proposition 1B allocated \$400,000 to the Town of Atherton for use on local street and road rehabilitation; and

WHEREAS, the Town of Atherton allocated \$500,000, including the \$400,00 from Proposition 1B, to the Stevick Drive project in the FY 2008-09 budget, said allocation classifying Stevick Drive as a major project (over \$400,00); and

WHEREAS, the Stevick Drive project was completed for \$336,076.51, less than the budgeted Proposition 1B allocation, said total cost classifying Stevick Drive as a minor project (under \$400,000); and

WHEREAS, the Town of Atherton desires to use the remainder of the Proposition 1B funds for the next street rehabilitation project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Town of Atherton that:

1. The remaining Proposition 1B funds in the amount of \$63,923.49 shall be reallocated to the Street Reconstruction 6 project on Atherton Avenue, and
2. The Stevick Drive project shall be reclassified as a minor project (less than \$400,000) for purposes of reporting to the State Department of Finance.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 20th day of May, 2009, by the following vote:

<i>AYES:</i>	<i>COUNCILMEMBERS:</i>
<i>NOES:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSENT:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSTAIN:</i>	<i>COUNCILMEMBERS:</i>

ATTEST:

Jerry Carlson, MAYOR
TOWN OF ATHERTON

Eileen Wilkerson, City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MAY 20, 2009

**SUBJECT: ACCEPTANCE OF WORK AND AUTHORIZATION TO RECORD NOTICE
OF COMPLETION FOR THE EMERGENCY SEWER REPLACEMENT
PROJECT AT HOLBROOK PALMER PARK**

RECOMMENDATION

Pass a motion accepting work and authorizing recording of a notice of completion for the Emergency Sewer Replacement Project.

INTRODUCTION

The Council awarded a contract in January 2009 to The Water Works for \$63,000.00, with a \$6,300 construction contingency, for a total authorized amount of \$69,600. Work under the contract has been completed.

ANALYSIS

The original contract price was for \$63,000.00. There were no change orders bringing the total contract to \$63,000.

FISCAL IMPACT

Funding for this project in the amount of \$63,000.00 is included in the FY 08/09 budget. The final cost of this segment of work is \$63,000.00.

Prepared By:

Approved:

Duncan L. Jones, P.E.
Public Works Director

Jerome D. Gruber
City Manager

Attachment: Notice of Completion
Certificate of Completion

RECORD REQUESTED BY:

TOWN OF ATHERTON
AND WHEN RECORDED MAIL TO:

CITY CLERK, TOWN OF ATHERTON

91 ASHFIELD ROAD
(Street Address)
ATHERTON, CALIFORNIA 94027
(City, State and Zip Code)

No fee pursuant to Government Code Section 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TOWN OF ATHERTON
NOTICE OF COMPLETION

HOLBROOK-PALMER PARK
EMERGENCY SEWER REPLACEMENT PROJECT
ATHERTON, CALIFORNIA

NOTICE IS HEREBY GIVEN THAT Duncan L. Jones, Engineer of Work for the Town of Atherton, County of San Mateo, California, on the 7th day of May, 2009 did file with the City Clerk of said Town a Certificate of Completion for the work described in the construction contract awarded to The Water Works on the 3rd day of February, 2009, said contract being executed on the 3rd day of February, 2009.

That said work and improvements were accepted as completed on the 13th day of April, 2009 and that acceptance for completion of said work was ordered by Motion of the City Council of said Town, adopted on the 20th day of May, 2009. This was emergency contract and no surety company was involved.

That said work and improvements consisted of tapping into the sewer main on Watkins Avenue and running this new line under the Atherton Channel and into Holbrook-Palmer Park as described in the plans and specification approved by the City Council of the Town of Atherton pursuant to motion, adopted the 21st day of January, 2009.

That I, Duncan L. Jones, City Engineer of the Town of Atherton, am authorized by said Motion to execute and file this notice with the County Recorder of the County of San Mateo.

BY: _____
City Engineer

ATTEST: _____
City Clerk

Date

Date

'I declare under penalty of perjury that the foregoing is true and correct.'

(Date and Place)

(Signature)



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MAY 20, 2009

**SUBJECT: ADOPT A RESOLUTION APPROVING A NO STOPPING
ANY TIME ZONE ON THE NORTH SIDE OF WALSH
ROAD BETWEEN ALAMEDA DE LAS PULGAS AND THE
DRIVEWAY TO 306 WALSH ROAD**

RECOMMENDATION:

Adopt a resolution approving a “No Stopping Any Time” zone on the North side of Walsh Road between Alameda de las Pulgas and the driveway to 306 Walsh Road (the first driveway in from Alameda de las Pulgas).

INTRODUCTION:

A resident of Walsh Road requested a “No Parking Here to Corner” (or similar) sign on Walsh Road where vehicles routinely park blocking the westbound lane of Walsh Road. The parked vehicles create a potentially hazardous condition for vehicles turning onto Walsh Road from Alameda de las Pulgas, especially those turning right that cannot see the parked vehicles until they are part way around the turn. The turning vehicles are forced into the opposing lane to pass the parked vehicles. The matter was heard by the Transportation Subcommittee at their March 10, 2009 meeting and recommended for approval.

ANALYSIS:

There is a parking issue in this location where parents from La Lomas Elementary School often park in this block and obstruct sight distance and vehicular traffic.

Public Works staff evaluated the request and recommended that a “No Stopping Anytime” zone in front of 306 Walsh Road would be beneficial for vehicular traffic and safety, and would alleviate issues related to parking in the area.

FISCAL IMPACT:

The cost will be two signs with posts and staff time to install them. The signs will cost approximately \$300 each, for a total cost of \$600.

CEQA

This project is exempt from CEQA under Title 14, Section 15301 minor alterations to existing public facilities involving negligible expansion of use beyond the existing.

Prepared By:

Approved by:

Duncan L. Jones, P.E.
Public Works Director

Jerome D. Gruber
City Manager

Attachment: Resolution
 Request email
 Pictures



306 Walsh Looking North



306 Walsh Looking Southwest



Walsh @ Alameda de las Pulgas Looking South



Walsh @ Alameda de las Pulgas Looking Southeast



306 Walsh Looking South

RESOLUTION 09-14

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON GOVERNING TRAFFIC AND PARKING ON THE NORTH SIDE OF WALSH ROAD FROM ALAMEDA DE LAS PULGAS TO THE DRIVEWAY OF 306 WALSH ROAD PURSUANT TO ATHERTON MUNICIPAL CODE SECTION 10.04.010

WHEREAS, in the Atherton Municipal Code, Section 10.04.010, the City Council of the Town of Atherton was given authority to adopt by resolution such rules and regulations as it finds necessary for the governing of traffic and parking on various streets and highways within and under the jurisdiction of said Town; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton, California does hereby order, authorize and adopt the following regulations governing traffic and parking:

Establishment of a “NO STOPPING ANY TIME” zone, on the north side of Walsh Road for that portion extending from the intersection of Alameda de las Pulgas to the driveway of 306 Walsh Road.

IT IS FURTHER ORDERED AND DIRECTED, that pursuant to the provisions of the Vehicle Code of the State of California, proper signs shall be erected as hereinabove provided before these regulations shall be effective.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 20th day of May 2009 by the following vote:

*AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:*

ATTEST:

Jerry Carlson, MAYOR
TOWN OF ATHERTON

Eileen Wilkerson, City Clerk

APPROVED AS TO FORM:

Wynne S. Furth, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MAY 20, 2009

**SUBJECT: ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE
OF COMPLETION AND APPROVAL OF CONTRACT CHANGE
ORDERS IN THE AMOUNT OF \$17,125.64 FOR THE PROJECT
NUMBER 08-007**

RECOMMENDATION

Pass a motion accepting work, authorizing recording of a notice of completion and approving contract change orders in the amount of \$17,125.64 for the Spring Patching Contract Project Number 08-007.

INTRODUCTION

The Council awarded a contract in March 2009 to G. Bortolotto & Co., Inc. for \$124,054.56, with a \$12,405.00 construction contingency, for a total authorized amount of \$136,459.56. Work under the contract has been completed.

ANALYSIS

The original contract price was for \$124,054.56. There were quantity increases of 3691 square feet of patching at the low bid price of \$4.64 per square foot totaling \$17,125.64 bringing the total contract to \$141,180.20.

The reason for the additional square footage additions was that the estimated quantities were measured prior to the winter rains. Many of the patches grew in size over the winter and were remarked by staff prior to construction. The final pay quantity was based on measurement of the patching actually constructed (see attachment, "as built").

The contract changes were as follows:

1. Original Contract	\$124,054.56
2. Quantity Increases (3691 sq. ft. x 4.64)	\$17,125.64
	TOTAL \$141,180.20

FISCAL IMPACT

Funding for this project in the amount of \$250,000 (Road Impact Fee \$75,000 and Gas Tax \$175,000) is included in the FY 08/09 budget. The final cost of this segment of work is \$141,180.20, less than the budget estimate.

CONCLUSION:

It is appropriate for the Council to accept the work and authorize recording a Notice of Completion at this time.

Prepared By:

/s/ Duncan L. Jones

Approved:

/s/ Jerome D. Gruber

Duncan L. Jones, P.E.
Public Works Director

Jerome D. Gruber
City Manager

Attachment: Notice of Completion
Certificate of Completion

RECORD REQUESTED BY:

TOWN OF ATHERTON
AND WHEN RECORDED MAIL TO:

CITY CLERK, TOWN OF ATHERTON

91 ASHFIELD ROAD
(Street Address)
ATHERTON, CALIFORNIA 94027
(City, State and Zip Code)

No fee pursuant to Government Code Section 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TOWN OF ATHERTON
NOTICE OF COMPLETION

2009 SPRING PATCHING CONTRACT
PROJECT NO. 08-007
ATHERTON, CALIFORNIA

NOTICE IS HEREBY GIVEN THAT Duncan L. Jones, Engineer of Work for the Town of Atherton, County of San Mateo, California, on the 21th day of May, 2009, did file with the City Clerk of said Town a Certificate of Completion for the work described in the construction contract awarded to G. Bortolotto & Co., Inc. on the 18th day of March, 2009, said contract being executed on the 7th day of April, 2009.

That said work and improvements were accepted as completed on the 21st day of May, 2009 and that acceptance for completion of said work was ordered by Motion of the City Council of said Town, adopted on the 20th day of May, 2009, and that the name of the surety on the Contractor's bond for performance, labor and materials on said project is;

Travelers Casualty & Surety Company of America
2370 Watson Court, Suite 200
Palo Alto, Ca. 94303

That said work and improvements consisted of 6" grind and pave asphalt work as described in the plans and specification approved by the City Council of the Town of Atherton pursuant to motion, adopted the 18th day of March, 2009.

That I, Duncan L. Jones, City Engineer of the Town of Atherton, am authorized by said Motion to execute and file this notice with the County Recorder of the County of San Mateo.

BY: _____
City Engineer

ATTEST: _____
City Clerk

Date

Date

'I declare under penalty of perjury that the foregoing is true and correct.'

(Date and Place)

(Signature)

**TOWN OF ATHERTON
CERTIFICATE OF COMPLETION**

PROJECT NAME: 2009 SPRING PATCHING
PROJECT NUMBER: 08-007
LOCATION: VARIOUS

NOTICE IS HEREBY GIVEN:

1. That on May 4, 2009, the Public Works project known as 2009 Spring Patching Project Number 08-007 was completed in accordance with the plans and specifications as required by the Town of Atherton.

2. That the name and address of the party filling this notice is:
Town of Atherton
91 Ashfield Road
Atherton, California 94027.

3. That the name and address of the Contractor responsible for the construction of the project is:
G. Bortolotto & Co., Inc.
582 Bragato Road
San Carlos, Ca. 94070

4. That the name and address of the Contractor's surety is:
Travelers Casualty & Surety Company of America
2370 Watson Court, Suite 200
Palo Alto, Ca. 94303

5. That the project is described as:
2009 Spring Patching, as more particularly described in the plans and specification approved by the City Council of the Town of Atherton pursuant to Motion, adopted the 18th day of March, 2009.

BY: _____
Duncan L. Jones, P.E. _____
Public Works Director **Date**

ATTEST: _____
City Clerk _____
Date

PROJECT AS BUILT 5/5/09

2009 SPRING DIGOUTS - TOWN OF ATHERTON					
ADDRESS	STREET	LENGTH	WIDTH	SQUARE FEET	SQUARE YARDS
74	Atherton Ave.	70	7	490	
80	Atherton Ave.	23	13	299	
80	Atherton Ave.	24	6	144	
82	Atherton Ave.	86	14	1204	
88	Atherton Ave.				
96	Atherton Ave.	36	10	360	
96	Atherton Ave.	25	7	175	
120	Atherton Ave.	20	6	120	
146	Atherton Ave.				
146	Atherton Ave.				
146	Atherton Ave.				
170	Atherton Ave.				
170	Atherton Ave.				
170	Atherton Ave.				
170	Atherton Ave.				
165	Atherton Ave.				
165	Atherton Ave.				
	Ridgeview/Sutherland	42	9	378	
	Ridgeview/Sutherland	13	8	104	
123	Stockbridge	31	8	248	
43	Stockbridge	126	7	882	
36	Stockbridge	42	7	294	
30	Stockbridge	26	7	182	
29	Stockbridge	38	6	228	
29	Stockbridge	46	11	506	
288	Camino al Lago	54	8	432	
244	Camino al Lago	93	7	651	
240	Camino al Lago	20	10	200	
244	Park Ln.	58	6	348	
244	Park Ln.	32	6	192	
227	Park Ln.	41	20	820	
227	Park Ln.	28	11	308	
227	Park Ln.	42	7	294	
226	Park Ln.	24	7	168	
201	Park Ln.	75	7	525	
201	Park Ln.	9	6	54	
190	Park Ln.	35	8	280	
		74	7	518	
		162	6	972	
		14	4	56	
		38	9	342	
		9	8	72	
33	Emelie	130	10	1300	
School	Emelie	35	6	210	

PROJECT AS BUILT 5/5/09

1	Barry	172	6	1032
265	Polhemus	18	50	900
265	Polhemus	21	11	231
1	Maple Leaf	69	10	690
1	Maple Leaf	34	23	782
170	Encinal	23	12	276
146		90	15	1350
166		34	23	782
136		42	7	294
150	Watkins	25	15	375
	Glenwood	1879	6	11274
		155	8	1240
TOTALS				32582



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MAY 20, 2009

**SUBJECT: AWARD OF CONTRACT TO FBD VANGUARD
CONSTRUCTION, INC. FOR THE LAS LOMITAS SAFE ROUTE
TO SCHOOL PROJECT NUMBER 08-028 IN AN AMOUNT NOT
TO EXCEED \$60,126.28 PLUS A TEN PERCENT
CONSTRUCTION CONTINGENCY, FOR A TOTAL
AUTHORIZATION OF \$66,138.91.**

RECOMMENDATION:

Pass a motion to award the contract for Las Lomitas Safe Route to School Project, project number 08-028 to FBD Vanguard Construction, Inc., the low bidder on the May 14, 2009 bids, for \$60,126.28, with a 10% construction contingency of \$6,012.63, for a total authorization of \$66,138.91; and to authorize the City Manager to sign the contract on behalf of the Town.

INTRODUCTION:

Established in 1999 and administered by the Department of Transportation (Caltrans), the SR2S program came into effect from the passage and signing of Assembly Bill 1475. Several bills have been enacted to extend the program, the most recent bill is AB 57, which extends the program indefinitely.

Section 2333.5 of the Streets and Highways Code calls for Caltrans, in consultation with the California Highway Patrol, to make the SR2S grants available to local government agencies through a statewide competition.

The goals of the SR2S program are to reduce injuries and fatalities to school children and to encourage increased walking and bicycling among students. The program achieves

these goals by constructing facilities that enhance safety for pedestrians and bicyclists on pathways, trails, sidewalks, and street crossings.

The Town of Atherton submitted a state Safe Routes to School (SR2S) grant application in November 2007. The applications were granted in March 2008 and staff applied for funding allocation in August 2008. Funding allocation and approval to proceed with the projects was received on August 27, 2008.

ANALYSIS:

Six (6) bids were received for the Las Lomas Safe Route to School Project as follows:

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>BID</u>
FBD Vanguard Construction, Inc.	Livermore	\$60,126.28
JJR Construction, Inc.	San Mateo	\$62,575.00
Redgwick Construction Co.	Newark	\$69,417.00
Sposeto Engineering, Inc.	Union City	\$79,320.00
O'Grady Paving, Inc.	Mountain View	\$84,861.00
Streamline Builders	San Francisco	\$119,253.00

FISCAL IMPACT:

There will be no fiscal impact to the Town of Atherton. Safe Routes to School will provide 90% and the Las Lomas School District will provide 10% of the funds required for this project. FBD Vanguard Construction, Inc. was the low bidder at \$60,126.28. This bid was 30% below the engineer's estimate prepared by staff, the designer of the project, of \$86,289.04. A 10% construction contingency of \$6,012.63 would bring the total authorization to \$66,138.91.

CEQA

This is a Safe Routes to School project, exempt from CEQA under Title 14, Section 15314 Minor Additions to Schools for that portion on the school grounds. The portion of this project within the right of way is exempt from CEQA under Title 14, Section 15301 minor alterations to existing public facilities involving negligible expansion of use beyond the existing.

Prepared By:

/s/ Duncan L. Jones

Approved:

/s/ Jerome D. Gruber

Duncan L. Jones, P.E.
Public Works Director

Jerome D. Gruber
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MAY 20, 2009

**SUBJECT: AMEND THE CENTERLINE MARKING LIST TO
INCLUDE A DOUBLE YELLOW CENTERLINE AND
WHITE PAINTED WALKWAY CURB ON WATKINS
AVENUE FROM MIDDLEFIELD ROAD TO THE
CALTRAIN TRACKS**

RECOMMENDATION:

Amend the Centerline Marking List to include a double yellow centerline and white painted walkway curb on Watkins Avenue from Middlefield Road to the Caltrain tracks.

INTRODUCTION:

A resident requested that an additional centerline stripe be placed on the Watkins Avenue between Middlefield Road and the Caltrain tracks to prohibit passing and reduce speeding.

The resident also requested that the asphalt curb at the walkway be painted white from Middlefield Road to the Caltrain tracks to more clearly define the walkway and alert drivers that there is a walkway.

ANALYSIS:

In 2001 Watkins Avenue was resurfaced and striped with a double yellow center line with reflectors. In 2002, Public Works was directed to remove the double yellow line and reflectors, and place a single yellow line. At the same time, the Council adopted a

Centerline Marking List to define how the centerline of each street within Atherton is to be marked. Also in 2002, the residents of Barry Lane completed a survey that showed overwhelming support for retaining the double yellow stripe on Barry Lane, and the Centerline Marking List was revised to keep the double yellow stripe with reflectors on Barry Lane.

All of the residents of Watkins Avenue signed a petition with overwhelming support for a double yellow centerline stripe on Watkins Avenue from Middlefield Road to the Caltrain tracks (surveys attached). The request was reviewed by the Transportation Committee at their May 12 meeting and the Committee recommended that Council approve an amendment to the Centerline Marking List.

Staff also evaluated painting the asphalt curb on the south side of Watkins Avenue white. Years ago the curb was white, but was allowed to fade due to the expense of maintaining the curb white and removing tire marks that marred the white surface. The request was reviewed by the Transportation Committee at their May 12 meeting and the Committee recommended that Council approve painting the asphalt curb white.

FISCAL IMPACT:

The installation of the required striping and painting will be performed by Public Works crews during routine striping at a cost of approximately \$1000. It is anticipated that the asphalt curb will require several coats to cover. In the future the striping will be refreshed as needed during the annual summer striping program at a similar annual cost.

CEQA

This project is exempt from CEQA under Title 14, Section 15301 minor alterations to existing public facilities involving negligible expansion of use beyond the existing.

Prepared By:

Approved:

Duncan L. Jones, P.E.
Public Works Director

Jerome D. Gruber
City Manager

Attachments: Centerline Marking Policy (amended)

APPROVED CENTERLINE MARKING LIST

Street centerlines within the Town of Atherton shall be marked only at the locations listed and shall be of the specific type indicated.

DOUBLE YELLOW STRIPES WITH REFLECTORS AT STANDARD 24' SPACING
(* = stripes done with combination of "bott dots" and reflectors)

Alameda de las Pulgas - all*

Atherton Avenue - El Camino Real to 100 feet west of El Camino Real

Barry Lane - Atherton to Faxon, exclusive of areas with raised median barriers

Fair Oaks - Station Lane to east side of RR tracks

James Avenue - Middlefield to nearest Heather

Marsh Road - all within Town Limits

Middlefield Road - all*

Oak Grove Avenue - Middlefield to High School Driveway

SPLIT DOUBLE YELLOW STRIPES WITH REFLECTORS AT STANDARD 24'
SPACING (One yellow line on each side of raised median barrier)

Atherton Avenue - Inglewood to Mercedes

Barry Lane - at Atherton

Barry Lane - at Faxon

Elena Avenue - at Elena/Faxon

Fair Oaks Lane - at El Camino Real

Fair Oaks Lane - at Middlefield

DOUBLE YELLOW STRIPES WITHOUT REFLECTORS

Emilie Avenue - Park to Valparaiso - (School zone)

Encinal Avenue - All (School Zone)

Selby Lane - 190/196 Selby Lane Cul-de-sac to Serrano - (School zone)
Stockbridge - Alameda de las Pulgas to 50 feet west of Alameda de las Pulgas
Valparaiso - all (Shared responsibility with Menlo Park)
Walsh Road - Alameda de las Pulgas to 50 feet west of Alameda de las Pulgas
Watkins - El Camino Real to 100 feet east of El Camino Real
Watkins - railroad tracks to Middlefield

SINGLE YELLOW STRIPES WITHOUT REFLECTORS

Alta Vista Drive - Ridgeview to Fletcher
Atherton Avenue - Alameda de las Pulgas to Inglewood and Mercedes to 100 feet west of El Camino Real
Britton Avenue - Across the frontages of numbers 131 through 191 Britton - Also paint white stripes across private driveways forming triangle at hairpin turn. White stripes to be 8" wide, parallel to and 12 feet from the centerline.
Camino al Lago - Park Lane to west side of number 228, except in intersection
DeBell Drive - Middlefield Road through 11 DeBell Drive
Elena Avenue - Atherton to Elena/Isabella and Elena/Faxon to Valparaiso, exclusive of areas with raised median barrier
Fair Oaks Lane - El Camino Real to Station Lane and east side of railroad tracks to Middlefield, exclusive of areas with raised median barrier
Fletcher Drive - Ridgeview to Alta Vista
Glenwood Avenue - Middlefield to Laurel
Greenoaks Drive - Oak Grove Avenue to 170 Greenoaks Drive
James Avenue - Heather closest to Middlefield to Lilac
Melanie Lane - Stockbridge to end
Oak Grove - High School Driveway to Greenoaks

Oak Grove - Middlefield to Menlo Park jurisdiction

Polhemus Avenue - Alameda de las Pulgas to Euclid

Ridgeview Drive - Fletcher to Alta Vista

Ridgeview Drive/Atherton Avenue - Number 7 Ridgeview through number 397
Atherton - Ridgeview/Atherton curve

Selby Lane - Atherton to E/W Selby

Selby Lane - N/S Selby to 190/196 Selby Lane Cul-de-sac and Serrano to El
Camino Real

Stockbridge - Alameda de las Pulgas to El Camino Real

Walsh Road - 100 feet west of Reservoir to 50 feet east of Belbrook

Watkins - 100 feet east of El Camino Real to the railroad tracks

SINGLE WHITE STRIPES FOR RIGHT/LEFT TURN LANES WITH TURN ARROWS

Alejandra - 50 feet west of El Camino Real to El Camino Real

Watkins - 20 feet west of Middlefield to Middlefield

POLICY REGARDING CHANGES TO APPROVED CENTERLINE MARKING LIST

This list shall be adopted by majority vote of the Atherton City Council

Additions, deletions and changes may be proposed or requested by members of the public, Town staff or members of the Transportation Committee or City Council, and shall be reviewed and reported upon by the Transportation Committee to the City Council, which shall have final authority to change the list.

The City Council may amend the list by a motion approved by a majority vote of its members.

Amended May 19, 2004

Amended September 15, 2004

Amended December 17, 2008



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: CHIEF GLENN NIELSEN

DATE: FOR THE MEETING OF MAY 20, 2009

SUBJECT: VEHICLE PURCHASE

RECOMMENDATION:

Staff recommends that Council authorize the purchase of an unmarked police hybrid vehicle (Toyota Camry) for a cost not to exceed \$29,150.00.

INTRODUCTION:

The history of replacing vehicles in the Police Department has been to rotate out the patrol car(s) with the highest maintenance costs and/or accumulated mileage. Over the past few years in light of budgetary concerns, the Police Department has reduced the number of vehicles purchased from three annually to only one in FY 08/09. This has now presented us with a fleet of vehicles that are aged and have accumulated many miles.

ANALYSIS:

It was the intent of the Atherton Police Department to purchase only one vehicle in FY 08/09. However, purchasing fewer vehicles has had a direct negative impact upon the fleet of vehicles used by the police department. Of the eight marked patrol vehicles we have in service, only two of them have less than 40,000 miles registered on the odometer. Two of them have transmission problems and another two are experiencing engine problems. The addition of the Ford Expedition (from the Atherton Disaster Preparedness Committee) to our fleet later this summer will help us make it through this FY in regards to marked patrol vehicles.

In March, we lost one of our unmarked police vehicles. The transmission on this 2002 Ford Crown Victoria with over 81,000 miles on it has failed (also won't go into reverse) and the fuel pump failed. It was towed away and the recommendation of the City of Redwood City's Corporation Yard is that the vehicle's serviceable life is too short to justify any repairs.

The remaining unmarked police vehicles are showing their age. One has over 76,000 miles on it and was just diagnosed with a leaking intake manifold.

At the April 2009 Council Meeting, Council suggested the PD look into hybrid vehicles as an option that could compliment the Green Initiative. PD staff has researched other police departments and dealers to identify high-mileage/low emission vehicles that are suitable for police work (emergency vehicles equipped with red lights and sirens ready to respond to emergencies and engage in pursuits). The Camry, Prius and Escape vehicles have been test driven.

Staff identified the Toyota Prius and Chevrolet Malibu as being unsatisfactory for law enforcement applications because of inadequate cabin size and storage capacity. The Ford Fusion was eliminated due to its price.

Staff identifies the Camry and Escape as satisfactory hybrid alternatives that can satisfy the requirements as an emergency vehicle. Other San Mateo County law enforcement agencies as well as the Redwood City Corporation Yard (who does our repairs) report that the Camry and the Escape have successfully joined their fleets as unmarked police vehicles. The City of Redwood City has deployed a number of Camrys as unmarked police vehicles.

The Toyota Camry at \$29,150.00 is the lowest responsive bid from a responsible bidder that matches our specifications, specifically, a high mileage/low emission vehicle suitable for police work.

The purchase of the Camry will be conducted through the City of Redwood City's competitive bid process (piggy-backing). This practice is in accord with Atherton Municipal Code Section 3.16.110 (A) 5. Other written bids were also collected as reflected on Exhibit A, with the City of Redwood City's bid being the least costly alternative. The City Manager, in his capacity as Purchasing Officer, has approved the procedures followed.

ALTERNATIVE:

Should the cost of the Toyota Camry Hybrid be considered unacceptable, the Ford Taurus (not a hybrid) is still considered an adequate alternative.

FISCAL IMPACT:

These hybrid vehicles are more expensive to buy than the previously requested Ford Taurus. No break even or cost-cycle studies were conducted.

<u>Vehicle</u>	<u>Cost</u>	<u>Mileage</u>
Ford Taurus (non-hybrid)	\$24,976.44	18 city/28 hwy
Toyota Camry Hybrid	29,150.00	33 city/34 hwy
Ford Escape Hybrid	30,781.00	34 city/31 hwy

The Vehicle Replacement Fund is the designated source of these funds. The Finance Manager reports that there are sufficient funds available in this account.

Prepared By:

Approved:

Glenn Nielsen
Chief of Police

Jerome D. Gruber
City Manager

Attachment: Exhibit A

DEALERSHIP	TYPE OF VEHICLE	YEAR	MAKE/MODEL	TOTAL COST
Towne Ford – SSF	3.5L V6	2008	Ford Taurus	\$25,749.60
Putnam	Hybrid	2009	Chevy Malibu	\$26,194.24
Towne Ford – SSF	3.5 L V6	2008	Ford Taurus	\$27,419.60
RC Corp Yard	Hybrid	2009	Toyota Camry	\$29,150.00
Towne Ford – SSF	Hybrid	2009	Ford Escape	\$30,781.00
Towne Ford – Redwood City	Hybrid	2010	Ford Fusion	\$30,003.98
Towne Ford – Redwood City	Hybrid	2009	Ford Escape	\$30,962.38
Toyota 101-RC	Hybrid	2009	Toyota Camry	\$31,148.70
Yahoo.com	Hybrid	2009	Toyota Prius	\$32,628.80
Towne Ford – SSF	Hybrid	2009	Ford Escape	\$33,092.00
Vehix.com	Hybrid	2009	Ford Escape	\$33,152.00
Towne Ford – SSF	Hybrid	2010	Ford Fusion	\$33,550.00
Vehix.com	Hybrid	2009	Toyota Camry	\$35,127.00
Towne Ford – Redwood City	Hybrid	2010	Ford Fusion	\$35,557.36
Towne Ford – Redwood City	Hybrid	2009	Ford Escape	\$36,140.50



Town of Atherton

City Council

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CHIEF GLENN NIELSEN

DATE: FOR THE MEETING OF MAY 20, 2009

SUBJECT: ADOPT RESOLUTION ADOPTING THE PENINSULA PARTNERSHIP LEADERSHIP'S COUNCIL'S (PPLC) BILL OF RIGHTS FOR CHILDREN AND YOUTH OF SAN MATEO COUNTY

RECOMMENDATION:

Staff recommends the Town Council adopt Resolution 09-15 adopting the PPLC's Bill of Rights for Children and Youth of San Mateo.

INTRODUCTION:

The Peninsula Partnership Leadership Council (PPLC) is comprised of leaders from multiple disciplines throughout San Mateo County, whose mission is to formulate policies that effectively address the needs and foster the healthy development of children, youth and families in San Mateo County. Members include representatives from government, education, as well as, health and social services. The PPLC believes that all children and youth regardless of where they live in the county, their race, ethnicity, or income, deserve to have the same rights. The PPLC believes the Bill of Rights is an important first step in effecting policy change to positively impact the lives of children and youth in San Mateo County. The PPLC also hopes that the Bill of Rights will lead to strategic conversations around how well a particular community is doing in achieving these rights and what kinds of policy changes are needed.

The PPLC has set a goal that every City Council, local school board and community & service provider organizations in San Mateo County that address the needs of children and youth adopt the Bill of Rights for Children and Youth of San Mateo County.

ANALYSIS:

The Town Of Atherton works closely with youth as part of the Town's Mission. The Town has several ongoing programs that support youth in the community, which include:

- Town Library; story telling programs, reading programs and youth chess program.
- Parks Department; summer sport programs (baseball, tennis, lacrosse, and soccer, and other Town sponsored events).
- Police Department; School Resource Officer, Police Explorer Program, PAL scholarship program, and Dare Program that targets the children in our private and public schools.

Jurisdictions that have already adopted the PPLC's Bill of Rights for Children and Youth of San Mateo County include:

- San Mateo County Board of Supervisors
- San Mateo County Board of Education
- Silicon Valley Community Foundation
- San Mateo County Youth Commission
- San Mateo County First Five
- Coast side Community School Partnership
- United Way of the Bay Area
- Youth and Family Enrichment Services
- 17th District Parent Teacher Association
- San Mateo County School Boards Association
- Cabrillo Unified School District
- Ravenswood City Schools District
- Jefferson Union High School District
- San Mateo County Health Department
- San Mateo County Human Services Department
- City of Half Moon Bay
- City of South San Francisco
- City of San Mateo

General Plan/Vision Statement:

Adoption of the PPLC's Bill of Rights for Children and Youth of San Mateo County aligns with the Town's intent to help, nurture, and support the children of our community

as well as others our staff encounters during their work. Our goal always will be to provide a positive environment for the youth of our community.

FISCAL IMPACT:

No fiscal impact.

Prepared By:

Approved:

Glenn Nielsen
Chief of Police

Jerome D. Gruber
City Manager

Attachments: Resolution
 Childrens Bill of Rights

RESOLUTION NO. 09-15

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ATHERTON ADOPTING THE PENINSULA PARTNERSHIP LEADERSHIP COUNCIL'S BILL OF RIGHTS FOR CHILDREN AND YOUTH OF SAN MATEO COUNTY

WHEREAS, the Peninsula Partnership Leadership Council (PPLC) is made up of leaders from multiple disciplines throughout San Mateo County, whose mission is to formulate policies that effectively address the needs and foster the healthy development of children and youth and families in San Mateo County; and ,

WHEREAS, the PPLC has set a goal of every City Council, local school board and community & service provider organizations in San Mateo County that address the needs of the children and youth adopting the Bill of Rights for Children and Youth of San Mateo County; and,

WHEREAS, various departments in the Town of Atherton work closely with youth as part of their respective missions and the on-going work of these departments exemplifies the Town's service alignment with the PPLC's Bill of Rights for Children and Youth;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Atherton adopt the Peninsula Partnership Leadership Council's Bill of Rights for Children and Youth of San Mateo County attached to this resolution as Exhibit A and a part of it.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 20th day of May 2009 by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

ATTEST:

Theresa DellaSanta, Deputy City Clerk

Jerry Carlson, MAYOR
TOWN OF ATHERTON



Peninsula Partnership Leadership Council Bill of Rights for Children and Youth of San Mateo County

We resolve to invest in all children and youth so that:

- They have a healthy mind, body and spirit that enables them to maximize their potential.
- They develop a healthy attachment to a parent, guardian, or caregiver and an ongoing relationship with a caring and supportive adult.
- Their essential needs are met – nutritious food, shelter, clothing, health care, and accessible transportation.
- They have a safe and healthy environment, including homes, schools, neighborhoods and communities.
- They have access to a 21st century education that promotes success in life, in future careers and a love of life-long learning.
- They have training in life skills that will prepare them to live independently, be self-sufficient and contribute to their community.
- They have employment opportunities with protections from unfair labor practices.
- They have freedom from mistreatment, abuse and neglect.
- They have a voice in matters that affect them.
- They have a sense of hope for their future.

Leaders in Action for Children, Youth, and Families



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: WYNNE FURTH, CITY ATTORNEY

DATE: FOR THE MEETING OF MAY 20, 2009

SUBJECT: REVISIONS TO MOU AMONG PENINSULA CITIES REGARDING HIGH SPEED RAIL; STATUS REPORT ON TOWN OF ATHERTON ET AL v. HIGH-SPEED RAIL AUTHORITY.

RECOMMENDATION:

Staff recommends that the City Council authorize the Mayor to sign the revised Memorandum of Understanding for the Peninsula Cities Consortium ("MOU"). Staff also recommends that the Council authorize the Mayor to sign a further-revised initial MOU if in the opinion of the Mayor and the City Attorney the modifications are not substantive. This authorization would not extend to amendments to the MOU after it begins to function. Those would be returned to the Council.

BACKGROUND:

At the March 18, 2009 Meeting of the Council the Council approved the Memorandum of Understanding for the Peninsula Cities Consortium ("MOU") and a joint mayoral letter to the High-Speed Rail Authority. Since approval at the March 18th meeting the MOU has had minor revisions made to it by the City of Palo Alto and Palo Alto has circulated the revised version which is attached to this report in "red- line" form. The changes remove the phrase "as it continues up the Peninsula" in a reference to the train, remove the provision that a tie vote will be resolved by the chair, and provide for signing the document in counter parts. The document in the form attached has been signed by the Cities of Palo Alto and Menlo Park.

Palo Alto has hired outside counsel and successfully petitioned to file an *amicus* brief in the Town's pending litigation against the High-Speed Rail Authority. The *amicus* brief argues that the environmental document certified by the High-Speed Rail Authority

started out as a comparative evaluation of how to cross the mountains between the Central Valley and the San Francisco Bay Area and then became an analysis of how to run a train between San Jose and San Francisco, without proper notice to the public and with insufficient analysis of the environmental issues, especially noise, land use incompatibility, and vibrations. The case is to be heard on May 29th.

FISCAL IMPACT:

None at this time. The MOU does not contain any provisions contemplating or requiring financial participation

Prepared By:

Approved by:

/s/Wynne Furth

Wynne Furth
City Attorney

Jerome D. Gruber
City Manager

Attachments: MOU redline revisions

**MEMORANDUM OF UNDERSTANDING
AMONG THE CITIES OF _____, AND _____
FOR THE PENINSULA CITIES CONSORTIUM**

This Memorandum of Understanding (this "Agreement,") dated _____, 2009, is
among the Cities of Palo
Alto

(collectively referred to as "Peninsula Cities").

RECITALS

THIS AGREEMENT is made with reference to the following:

- A. The Peninsula Cities of _____ collectively have agreed to come together as a group to form the Peninsula Cities Consortium ("Consortium") for the purpose of providing information and input for the purpose of working collaboratively with the California High-Speed Rail Authority, Caltrain, and any other entity involved, as of the date of this agreement or in the future, in approving and constructing the high-speed train project on the Peninsula (collectively "Rail Authority").
- B. The individual Peninsula Cities have come together to form the Consortium because they recognize that, although each individual city faces unique and location-specific challenges with respect to the high-speed train project, all of the Peninsula Cities also share many similar concerns and the strong underlying belief that particular care must be taken to integrate high-speed rail into the living fabric of the Peninsula.
- C. The purpose of the Consortium is to work toward collective policy and procedural positions to represent the united interests shared by all Peninsula Cities, while also supporting each city in achieving goals and solutions appropriate to their individualized location and needs.
- D. The Consortium desires to inform the Rail Authority of its concerns about environmental issues including, but not limited to, comments about the Environmental Impact Report/Environmental Impact Statement to be prepared pursuant to the California Environmental Quality Act and the National Environmental Policy Act.
- E. While all of the Peninsula Cities may have different points of view on some issues, this Agreement outlines a set of objectives that are common to all Peninsula Cities. The Consortium intends to speak as one voice on these and other issues of mutual agreement concerning the future of the High-Speed Rail.
- F. The Consortium's intent is to be the principal representative of the Peninsula Cities on all common interests concerning High-Speed Rail, ~~as it continues up the Peninsula.~~
- G. The Peninsula Cities continue to support Caltrain and its efforts to upgrade its rail service on the Peninsula and intends to supplement Caltrain's role regarding high-speed train

service by providing more direct interaction with the cities potentially affected by High-Speed Rail.

NOW, THEREFORE, the Peninsula Cities Consortium hereby agrees as follows:

1. This Agreement shall create the Peninsula Cities Consortium whose purpose shall be furthering the Peninsula Cities' mutual interests by conveying their opinions, input and information to the Rail Authority, while also supporting each city in achieving goals and solutions appropriate to their individualized location and needs.

2. The members of the Peninsula Cities Consortium agree to the following objectives:

a. The Rail Authority should consult with and obtain input from the Peninsula Cities Consortium prior to and throughout designing, analyzing and determining the final alignment of the High-Speed Rail through the Peninsula Cities.

b. The Rail Authority should consult with the Peninsula Cities Consortium in order to determine the range of project alternatives and mitigation measures to be evaluated in the Environmental Impact Report.

c. The Rail Authority should consult with the Peninsula Cities Consortium in order to determine the ultimate design of the train tracks, equipment, and technology.

d. The Rail Authority should consult with the Peninsula Cities Consortium in order to determine where the High-Speed Rail shall be located; be it underground, in a trench or any other design. The Rail Authority should evaluate the full range of grade options. The final design should minimize the impacts upon local communities and incorporate best practices of urban design ideas from rail communities around the world.

3. The Mayor of each participating City shall appoint one member and two alternates. The alternates may attend the meeting with the voting member, but each City will have one vote. One of the alternates may be a staff member of the City. The member and at least one alternate shall be an elected member of the governing body of the City.

4. Voting shall be by a majority vote of all Consortium Cities eligible to vote. A majority vote by all Cities eligible to vote is required to set the policy for the Consortium. ~~The Chair shall determine all tie votes.~~ However, each individual City may choose to take a policy position which is independent of the Consortium, and positions taken by the Consortium shall not be binding on any City.

5. The Consortium shall be established after five cities have formally agreed to join the Consortium. Once established, the Consortium shall select a Chair and a Vice Chair. The Chair shall call and chair each meeting and is appointed to speak on behalf of the Consortium consistent with the principles listed above. The Vice Chair shall serve in the event that the Chair is unavailable. The term of the Chair and Vice Chair shall be one year from the original date of election. The Chair and Vice Chair shall be from different cities and must be elected officials.

6. The Chair may appoint subcommittees which shall study issues and report back to the Consortium to further additional policy positions.

7. Any City may join the Consortium at any time upon approval of this Agreement by its City Council, and any City may withdraw from membership at any time by providing notice to the Chair.

8. A quorum shall consist of 50% of the member cities plus one.

9. This Memorandum of Understanding ("M.O.U.") does not create a new or separate legal entity, joint venture or Joint Powers Authority. The M.O.U. is an agreement amongst cities to work together utilizing their own resources.

10. This Agreement may be entered into in counterparts each of which shall be deemed an original, but all of which together shall be deemed an entire Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first set forth above.

CITY OF PALO ALTO

By: _____
Mayor

By: _____
City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF

By: _____
Mayor

By: _____
City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF

By: _____
Mayor

By: _____
City Manager

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APPROVED AS TO FORM:

City Attorney

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By: _____
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney

City Attorney

CITY OF

CITY OF

By: _____
Mayor

By: _____
Mayor

By: _____
City Manager

By: _____
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney

City Attorney

CITY OF

CITY OF

By: _____
Mayor

By: _____
Mayor

By: _____
City Manager

By: _____
City Manager

APPROVED AS TO FORM:

City Attorney

APPROVED AS TO FORM:

City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER.

DATE: FOR THE MEETING OF MAY 20, 2009

SUBJECT: **APPROVAL OF RESOLUTION FROM THE LEAGUE OF CALIFORNIA CITIES DECLARING A FISCAL HARDSHIP WILL EXIST IF ADDITIONAL LOCAL PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA**

RECOMMENDATION:

It is recommended that the Council Adopt Resolution 09-16 Finding a Severe Fiscal Hardship Will Exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California

BACKGROUND:

On May 5th the Department of Finance announced it had proposed to the Governor that the state "borrow" over \$2 billion in local property taxes from cities, counties and special districts to balance the State Budget. Resolution 09-16, developed by the League of California Cities, states that if this proposed state property tax raid is added to the pressures of the ongoing property tax losses and the serious revenue losses due to the economic recession. It helps demonstrate that part of the reason cities are cutting there budgets today, in fact, is because of past and continuing property tax raids.

Resolution 09-16 cites the cumulative property tax losses of cities statewide since the state began taking these funds in early 1990s – which is \$8.6 billion statewide even after deducting payments cities receive from the Prop. 172 public safety sales tax the state COPS grant program. The individual total loss to the Town of Atherton is -\$7,415,480.00 due to these raids.

FISCAL IMPACT:

If the State of California were to proceed with borrowing the Town's property tax revenues, the total impact (assuming 8% per jurisdiction allocation) is estimated to be \$528,547.

**RESOLUTION 09-16
OF THE
TOWN OF ATHERTON
FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY
PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED
MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA**

WHEREAS, the current economic crisis has placed cities under incredible financial pressure and caused city officials to reopen already adopted budgets to make painful cuts, including layoffs and furloughs of city workers, decreasing maintenance and operations of public facilities, and reductions in direct services to keep spending in line with declining revenues; and

WHEREAS, since the early 1990s the state government of California has seized over **\$8.6 billion** of city property tax revenues statewide to fund the state budget even after deducting public safety program payments to cities by the state; and

WHEREAS, in FY 2007-08 alone the state seized **\$895 million** in city property taxes statewide to fund the state budget after deducting public safety program payments and an additional \$350 million in local redevelopment funds were seized in FY 2008-09; and

WHEREAS, the most significant impact of taking local property taxes has been to reduce the quality of public safety services cities can provide since public safety comprises the largest part of any city's general fund budget; and

WHEREAS, in 2004 the voters by an 84% vote margin adopted substantial constitutional protections for local revenues, but the legislature can still "borrow" local property taxes to fund the state budget; and

WHEREAS, on May 5 the Department of Finance announced it had proposed to the Governor that the state "borrow" over \$2 billion in local property taxes from cities, counties and special districts to balance the state budget, causing deeper cuts in local public safety and other vital services; and

WHEREAS, in the past the Governor has called such "borrowing" proposals fiscally irresponsible because the state will find it virtually impossible to repay and it would only deepen the state's structural deficit, preventing the state from balancing its budget; and

WHEREAS, the Legislature is currently considering hundreds of bills, many of which would impose new costs on local governments that can neither be afforded nor sustained in this economic climate; and

WHEREAS, state agencies are imposing, or considering, many regulations imposing unfunded mandates on local governments without regard to how local agencies will be able to comply with these mandates while meeting their other responsibilities; and

WHEREAS, the combined effects of the seizure of the Town's property taxes, increasing unfunded state mandates, and the revenue losses due to the economic downturn have placed the town's budget under serious fiscal pressure; and

WHEREAS, our Town simply can not sustain the loss of any more property tax funds or to be saddled with any more state mandates as they will only deepen the financial challenge facing our Town; and

WHEREAS, a number of the Town's financial commitments arise from contracts, including long term capital leases and debt obligations which support securities in the public capital markets, that the Town must honor in full unless modified by mutual agreement of the parties.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE TOWN OF ATHERTON has determined that the Town will experience a severe fiscal hardship if the recommendation of the Department of Finance to "borrow" \$2 billion of local property taxes is supported by the Governor and the Legislature; and

RESOLVED FURTHER, that the City Council strongly and unconditionally opposes the May 5 proposal of the Department of Finance and any other state government proposals to borrow or seize any additional local funds, including the property tax, redevelopment tax increment, and the town's share of the Prop. 42 transportation sales tax; and

RESOLVED FURTHER, that the City Council strongly urges the state legislature and Governor to suspend the enactment of any new mandates on local governments until such time as the economy has recovered and urges the state to provide complete funding for all existing and any new mandates.

RESOLVED FURTHER, that the City Clerk shall send copies of this resolution to the Governor, our state senator(s), our state assembly member(s) and the League of California Cities.

ADOPTED this 20TH day of May, 2009.

<i>AYES:</i>	<i>COUNCIL MEMBERS:</i>
<i>NOES:</i>	<i>COUNCIL MEMBERS:</i>
<i>ABSENT:</i>	<i>COUNCIL MEMBERS:</i>
<i>ABSTAIN:</i>	<i>COUNCIL MEMBERS:</i>

Jerry Carlson, Mayor

ATTEST:

Theresa DellaSanta, Deputy City Clerk



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

TO: City Officials
FROM: Chris McKenzie, Executive Director
RE: Sample Resolution Declaring Severe Fiscal Hardship
DATE: Friday, May 08, 2009

Background. On May 5 the Department of Finance announced it had proposed to the Governor that the state “borrow” over \$2 billion in local property taxes from cities, counties and special districts to balance the state budget, causing deeper cuts in local public safety and other vital service. In order to start that process, the Governor would have to issue a proclamation declaring the existence of a “severe fiscal hardship.” The legislature would then have to implement the “borrowing” program by passing urgency legislation (2/3 vote) which identifies how the “loan” will be repaid with interest.

Resolution. The League has developed the attached **Resolution Finding A Severe Fiscal Hardship Will Exist** if this proposed state property tax raid is added to the pressures of the ongoing property tax losses and the serious revenue losses due to the economic recession. The resolution in effect states that the idea of the state taking property tax funds from already stressed city budgets is ludicrous and irresponsible. It helps demonstrate that part of the reason cities are cutting there budgets today, in fact, is because of past and continuing property tax raids. If possible, we urge that a staff report be prepared with information on property tax losses (see below) and budget cuts the city has made and is facing.

Cumulative Property Tax Losses. The attached resolution cites the cumulative property tax losses of cities statewide since the state began taking these funds in the early 1990s— which is \$8.6 billion statewide even after deducting payments cities receive from the Prop. 172 public safety sales tax the state COPS grant program. If you want to see your individual city total, see: <http://www.californiacityfinance.com/ERAFbyCity08.pdf>. Please use the figure in the last column on the right if you want to insert the amount your city has lost to these state raids.

Where to Send Copies. The draft resolution directs the city clerk to send copies to your legislators, the Governor, and the League. We would appreciate you faxing copies to both your League Regional Public Affairs Manager and the League’s Sacramento Office (Fax 916-658-8240).

Note. The last WHEREAS clause was included on the advice of bond counsel to avoid any implication that the city would not honor any of its bond or other contractual obligations.

Questions. If you have any questions or need any information please contact your League Regional Public Affairs Manager.

City/County	Proposition		COPS (SLESF)	Net \$		Cumulative ERAF Loss	Cumulative ERAF/P-172/ COPS Loss (+ = gain)
	ERAF I&II FY 2007-08	172 Funds FY 2007-08		ERAF Loss FY 2007-08	ERAF Loss FY 2007-08		
SAN LUIS OBISPO COUNTY							
ARROYO GRANDE	-797,353	+116,213	+100,000	-891,140	-8,097,065	-5,875,643	
ATASCADERO	-539,199	+0	+100,000	-439,199	-5,814,508	-4,644,584	
EL PASO DE ROBLES	-420,174	+293,951	+100,000	-26,223	-10,179,860	-6,049,301	
GROVER BEACH	-719,320	+61,804	+100,000	-557,516	-5,692,503	-4,078,456	
MORRO BAY	-1,802,000	+121,927	+100,000	-1,580,073	-11,231,890	-9,039,808	
PISMO BEACH	-571,725	+71,548	+100,000	-400,177	-5,483,034	-3,825,673	
SAN LUIS OBISPO	-1,916,001	+304,558	+100,000	-1,511,443	-20,087,909	-15,547,410	
County of SAN LUIS OBISPO	-34,411,121	+20,000,000	+394,039	-14,017,082	-330,508,454	-114,442,291	
Special Districts in SAN LUIS OBISPO County	-7,725,936	+0	+0	-7,725,936	-77,258,204	-77,258,204	

SAN MATEO COUNTY							
ATHERTON	-1,024,339	+67,987	+100,000	-856,352	-9,226,814	-7,415,480	
BELMONT	-836,147	+96,097	+100,000	-640,050	-8,850,431	-6,411,376	
BRISBANE	-352,049	+28,764	+100,000	-223,285	-3,702,106	-2,470,783	
BURLINGAME	-1,614,041	+121,592	+100,000	-1,392,449	-17,636,084	-14,798,785	
COLMA	-9,142	+0	+100,000	+90,858	-588,234	+230,040	
DALY CITY	-3,994,464	+458,910	+204,018	-3,331,536	-41,919,639	-32,865,200	
EAST PALO ALTO	-530,054	+0	+100,000	-430,054	-5,002,969	-3,833,139	
FOSTER CITY	-1,161,410	+0	+100,000	-1,061,410	-3,881,247	-2,649,351	
HALF MOON BAY	-258,894	+17,650	+100,000	-141,244	-2,717,282	-1,524,245	
HILLSBOROUGH	-1,575,064	+103,288	+100,000	-1,371,776	-15,940,331	-13,595,444	
MENLO PARK	-1,746,445	+169,967	+100,000	-1,476,478	-18,481,051	-14,980,721	
MILLBRAE	-768,553	+73,216	+100,000	-595,337	-8,269,306	-6,189,572	
PACIFICA	-2,077,292	+210,497	+100,000	-1,766,795	-20,844,708	-16,681,238	
PORTOLA VALLEY	-159,730	+11,113	+100,000	-48,617	-1,652,406	-639,313	
REDWOOD CITY	-5,619,893	+595,538	+148,093	-4,876,262	-59,563,713	-49,497,198	
SAN BRUNO	-1,093,529	+95,443	+100,000	-898,086	-12,459,106	-9,798,739	
SAN CARLOS	-1,412,842	+125,514	+100,000	-1,187,328	-14,980,683	-12,106,006	
SAN MATEO	-3,757,066	+231,416	+183,572	-3,342,078	-40,225,901	-34,427,797	
SOUTH SAN FRANCISCO	-2,915,679	+301,364	+120,332	-2,493,983	-31,277,325	-25,504,225	
WOODSIDE	-317,436	+16,997	+100,000	-200,439	-3,023,870	-1,916,649	
County of SAN MATEO	-126,373,904	+62,646,503	+603,567	-63,123,834	-1,293,474,871	-445,307,218	
Special Districts in SAN MATEO County	-14,227,073	+0	+100,000	-14,127,073	-169,436,254	-169,436,254	



DATE: CITY COUNCIL MEETING OF MAY 20, 2009

TO: THE CITY COUNCIL

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

SUBJECT: APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO DENY A HERITAGE TREE REMOVAL PERMIT AT 54 BARRY LANE

RECOMMENDATION

Staff recommends that the City Council conduct the public hearing, deny the appeal and uphold the decision of the Planning Commission to deny the heritage tree removal permit for the reasons outlined in this report.

1. The removal of the tree would be contrary to the purpose and intent of the Atherton General Plan.

Basis for finding: Removing the tree would be contrary to the purpose and intent of the General Plan based on the General Plan policy that "trees shall be preserved to the maximum extent feasible while allowing for construction". The tree is in good health and is not in conflict with any improvements proposed for the site.

INTRODUCTION:

The subject site is located at the corner of Barry Lane and Barry Lane (cul de sac). The site is fairly level and approximately 42,000 square feet in area. A new main residence with a detached garage is currently under construction. The applicant requested a heritage tree removal permit to allow the removal of one heritage pine tree. The pine tree is located at the southwest corner of the property, approximately 18' from the left side property line, along the Barry Lane cul de sac side of the property and to the right of the vehicle entrance gate.

The Planning Commission reviewed this item at their March 25, 2009 meeting. At that meeting, Commissioners expressed concern with the removal citing no compelling reason to remove the tree.

The Planning Commission voted 4-1 to deny the request to remove the heritage pine tree (minutes attached).

Notice of the Appeal and the City Council meeting in which it will be considered was mailed to property owners within 500 feet of the subject site.

ANALYSIS:

The applicant in their letter of appeal expresses concern with the lean of the tree and that the failure of this tree would pose a safety risk. The applicant also states that the foliage of the tree is uneven and unsightly. Further, the applicant indicates that this tree has no screening capacity and is not consistent with their current screening plan. The applicant's arborist, Don Araki of The Tree Specialist, in his report dated February 26, 2009 states that; "This tree is leaning at an approximate 10 degree angle. Several trenches have been excavated at the base of the tree, but there is no evidence of any large diameter roots cut. Since this tree has a peculiar lean I (he) would not oppose the removal of the tree if it were replaced with one or more significant cultivars". The applicant's arborist does not indicate that the tree is at risk of failure or would pose a safety risk.

At the March 25, 2009 Planning Commission meeting, staff expressed support for the tree removal as this tree is growing into three pine trees located on the neighbor's property and staff understood the neighbor to be in agreement with the removal. Staff also noted the overall long term benefit to the site with the significant replacement planting requirement of four 60" box size native trees, two of which would be native oaks. These new trees would create a diverse tree palette of medium and large crowning trees that would have a beneficial long term effect on the site. There are four other heritage pine trees on this property. Pine trees are non-native and generally short lived trees.

At the Planning Commission meeting, the adjacent neighbor indicated that he is not supportive of the tree removal as this tree is part of a cluster of trees on his property. He also clarified the misunderstanding with the applicant's conversation with his wife and that they are not supportive of the tree removal. Staff also spoke with the neighboring property owner's wife and didn't realize it was not an appropriate time for her.

In the Commission's deliberations, it was noted that removing this tree could result in an unbalanced appearance of the cluster of trees and that the tree is generally in good health and is not in danger of failure. Other Commissioners stated that the replacement trees would provide better screening and felt the replacement planting would give the property better balance and would improve the site.

Kathy Hughes Anderson, Town Arborist has prepared an updated memo on the tree removal for 54 Barry Lane. Ms. Hughes Anderson states that the tree does have a slight lean, but is not an imminent hazard. She also notes that the issue of possible nesting birds can be addressed by requiring verification that no birds are nesting in the tree or that it is not nesting season. Ms. Hughes Anderson states that in her recommendation to the Planning Commission, she was looking at the long term benefit to the neighborhood of having four 60" box native trees (oaks), replace one non-native short lived tree.

Staff works closely with property owners and their neighbors on landscape screening plans to determine what would be best for the site and the immediate vicinity, taking into consideration adjacent trees. As the subject tree is growing into the neighbor's cluster of pine trees, the neighbor's opposition to the removal was an important factor in the Commissions' deliberations.

The Zoning Code requires that the Planning Commission grant a heritage tree removal permit unless it finds that the removal of the tree would be contrary to the purpose and intent of the General Plan. The Open Space and Conservation Element of the General Plan cites that "trees shall be preserved to the maximum extent feasible while allowing for construction within established

parameters for setbacks and lot coverage in accordance with the Municipal Code chapter regulating the removal of and damage to heritage trees.”

The Planning Commission voted 4-1 to deny the request as the removal of the tree would be contrary to the purpose and intent of the General Plan as the tree is in good health and is not in conflict with any improvements to the property. Staff recommends the Council deny the appeal thereby upholding the decision of the Planning Commission to deny the tree removal. Although the replacement trees would provide an overall long-term benefit to the site, the condition of the tree does not warrant its removal at this time.

ALTERNATIVES:

The Council has the following options:

- Uphold the decision of the Planning Commission and deny the appeal, thereby denying the request for a Heritage Tree Removal Permit.
- Approve the appeal and thereby approving a Heritage Tree Removal Permit to allow the removal of one heritage tree as requested or as further amended by the Council. Staff has prepared a draft Heritage Tree Removal Certificate as attached to this staff report in the event the Council approves the appeal.

FISCAL IMPACT:

All costs covering the processing of this application are paid for by the applicant.

ENVIRONMENTAL IMPACT:

The removal of two or fewer trees is exempt from CEQA review pursuant to Atherton Municipal Code Section 15.32.100.

Prepared By:

Approved:

Lisa Costa Sanders
Deputy Town Planner

Jerome D. Gruber
City Manager

Attachments:

1. Draft Heritage Tree Removal Permit
2. Updated memo from Kathy Hughes Anderson dated May 5, 2009
3. Letter of Appeal from John Malcolm, dated March 30, 2009
4. Planning Commission Staff Report for the March 25, 2009 meeting with attachments
5. Minutes from the March 25, 2009 Planning Commission meeting

Draft

**TOWN OF ATHERTON
CITY COUNCIL
HERITAGE TREE REMOVAL PERMIT**

THIS IS TO CERTIFY THAT the Atherton City Council at a regular meeting thereof, held on Wednesday, May 20, 2008, did grant a Heritage Tree Removal Permit to John Malcolm pursuant to Atherton Municipal Code Chapter 8.10 to permit the removal of one heritage pine tree at 54 Barry Lane, (Assessor's Parcel Number 070-191-090). The Permit was approved subject to the following conditions:

1. Heritage tree removal shall be limited to one Pine tree as indicated on the site plan prepared by Creative Habitat and dated February 16, 2009. Any substantive changes to the plans shall be reviewed by the Planning Commission.
2. Replacement planting shall be a minimum of four 60" box specimen native trees, two of which are native oaks, to the written satisfaction of the Town Arborist.
3. Prior to the removal of the tree, the applicant shall provide written verification that there are no nesting birds in the tree.

Lisa Costa Sanders
Deputy Town Planner

Effective Date: _____
Atherton, CA

Memo



To: The Mayor and City Council
From: Kathy Hughes Anderson, Town Arborist
CC: Lisa Costa Sanders, Deputy Town Planner
Date: 05/05/09
Re: Heritage Tree Removal Application, 54 Barry Lane

I have reviewed the appeal for tree removal for 54 Barry Lane and offer the following observations for your review:

- The applicant states that the tree leans and poses a safety risk. The tree has a slight lean and is not an imminent hazard. The lean most likely developed as a phototropic lean as there was a live oak in that area of the property that up-rooted approximately several years ago.
Trees that develop naturally with a lean can be as strong and stable as upright trees due to the development of reaction wood and compensating root growth on the side opposite the lean. Trees with leaning lower trunks and up-right trunks are called self-correcting. They are unlikely to fail without the presence of other contributing factors. Natural leans develop in trees at the edge of groves. Such trees are not prone to failure unless the adjacent trees are removed, exposing the leaning tree to unaccustomed wind stress. However tree lean may increase the potential for either root or ground failure, especially where excessive top weight and/or unbalanced canopies have developed and decay is present in the plane of lean. Soil mounding, cracking or similar disturbances at the base of the trunk are indicators of a higher probability of failure. (Reference: Evaluation of Hazard Trees in Urban Areas, Matheny & Clark)
I did not observe any decay in the lower trunk. There has been root disturbance from the utility connection, but no large supporting roots were cut.
- At the Planning Commission meeting of March 25, 2009, the opposition to the removal was not because there may be nesting birds in the tree, but that Commissioner Phil Lively stated that if the tree was approved for removal, that we should add a habitat review as an additional condition of approval in case there were nesting birds. We have made this a condition in other Planning Commission tree removal applications, that the tree permit not be issued until it is verified that no birds are nesting in the trees or that it is not nesting season. It is my recollection that the neighbor did not voice concern about birds nesting in the tree, but opposed the removal for other reasons.
- In his appeal letter, the applicant states that the tree “has no screening capacity and its foliage is uneven and unsightly”. Mature pines lose their lower branches and do not screen at the 10-15’ above grade level. However, they are large crowning and do add to

the visual landscape, as well as add perspective and balance to a large home. The tree has the typical growth habit for the species. Canary island pines are typically a slender, pyramid shape in youth, with a tiered look as they mature, and finally, becoming round headed at maturity. This tree is often used as a vertical accent for tall buildings. Mature trees become quite large and are best suited to parks and large public spaces. I have seen them used in median plantings in southern California.

- In making my recommendation to the Planning Commission to approve the removal, I was looking at the long term benefit to the neighborhood of having four 60" box native oaks replace one, non-native, short lived tree.

03-31-09 P01:49 IN

TD Revd Town of Atherton

March 30th 2009

Appeal of planning commission's decision.

Dear Town of Atherton official,

I hereby submit this formal request to appeal the planning commission decision made on March 25th, 2009, denying the removal of a pine tree on my property located at 54 Barry Lane., Atherton CA 94027

The bases for this appeal are consistent with the facts on which the original permit application was filled.

The subject tree is a pine tree, which is leaning and may topple anytime and as such poses a safety risk.

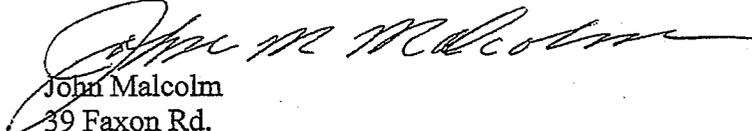
Furthermore, the specific tree does not harbor any nests so the impact on local ecosystem is non-existent. In addition, the tree has no screening capacity and its foliage is uneven and unsightly. As such, it is not consistent with our current screening plan that provides for much denser and lush foliage improving the screening and the street appeal.

Lastly, the opposition towards the removal of specified tree came from a sole neighbor, who was mostly concerned with a possibility that the tree provides a nesting location for birds. As we specified before there are no nests in the tree, so we do not believe removal poses a risk to the local ecosystem.

Based on all of the above we are confident that we deserve acceptance of our appeal.

Please let us know if there is anything else that would assist our appeal process.

Sincerely,


John Malcolm
39 Faxon Rd.
Atherton, CA 94027

Zach Sohns (Superintendent)
c- 650/575-7278

TOWN OF ATHERTON APPLICATION FOR TOWN ACTION HERITAGE TREE REMOVAL

Please complete the following:

Type of Application: Tree Removal Date: 2/26/2009

Application to: Planning Commission _____ City Council _____ Other _____

Under Provisions of Atherton Municipal Code: _____

Property Owner: John Malcolm Phone Number: ⁽⁶⁵⁰⁾ 207-2802

Property Address: 54 Barry Lane APN # 070-191-090

Applicant: Creative Habitat Inc. ZACHARY SOHNS Phone Number: (650) 566-8316

Owner's Signature: [Signature] Applicants Signature: [Signature]

- Attach a complete description of request as required by the Atherton Municipal Code, Title 17 and the appropriate procedural handout.

	Received By:	Date:
Description of Request:	<u>KR</u>	<u>2-26-09</u>
Application:	<u>KR</u>	<u>2-26-09</u>
Fee: \$ <u>3500.00</u>	# <u>P37 & P38</u>	<u>2-26-09</u>
Plans & Reduced Plans:	<u>16</u>	<u>2-26-09</u>

Notices Sent: Yes No Date _____

Planning Commission/City Council Hearing Date 3/25/09

Staff Recommendation APPROVE Date _____

Appeal Deadline: 4/16/09

Action Approved _____ Action Denied Signature [Signature]

Process Completed: Date _____ Signature _____

APPEALED 3/31/09
CITY COUNCIL HEARING 5/20/09



DATE: PLANNING COMMISSION MEETING OF MARCH 25, 2009
TO: THE PLANNING COMMISSION
FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER
SUBJECT: 54 BARRY LANE (APN 070-191-090)
HERITAGE TREE REMOVAL PERMIT

RECOMMENDATION

Staff recommends that the Planning Commission conduct the public hearing and approve the Heritage Tree Removal Permit for the removal of one heritage tree at 54 Barry Lane in Atherton based on the following finding and subject to the conditions listed in the draft Heritage Tree Removal certificate;

1. The removal of the tree would not be contrary to the purpose and intent of the Atherton General Plan.
Basis for finding: The tree has a lean and is currently growing into three neighboring trees. Removal of this tree will benefit the neighboring trees and with the replacement planting of new native specimen trees, there will be an overall beneficial long-term effect to the site.

INTRODUCTION

The subject site is located at the corner of Barry Lane and Barry Lane (cul de sac). The site is fairly level and approximately 42,000 square feet in area. A new main residence with detached garage is currently under construction. The applicant is requesting a heritage tree removal permit to allow the removal of one heritage pine tree. The pine tree is located at the southwest corner of the property approximately 18' from the left side property along Barry Lane cul de sac and to the right of the vehicle entrance gate. The applicant would like to remove this tree so that two matching specimen trees can be planted on either side of the entrance columns.

ANALYSIS

The applicant has submitted an arborist report prepared by Don Araki of The Tree Specialist, dated February 26, 2009. His arborist report describes the tree as an 85" Canary Island Pine. The report indicates that the tree is leaning at an approximate 10 degree angle. His arborist noted that several trenches have been excavated at the base of

the tree, but no evidence of any large diameter root cuts. As the tree has a lean, the applicant's arborist indicates that he would not oppose the removal of the tree if it were replaced with one or more significant cultivars.

Ms. Kathy Hughes Anderson, Town Arborist, has prepared a memo, based on her review, the arborist report and a site inspection. Ms. Hughes Anderson notes that no heritage trees were removed on the property for the new construction. The tree requested for removal is growing into three pine trees located on the neighbor's property. Ms. Hughes Anderson states that if this tree were removed, the three neighboring trees would have more room and would make a nice silhouette of a grouping of three. She also notes that there are four other heritage size Canary Island Pines on the subject site. Considering the neighboring trees and a desire to have more native trees added to the site, Ms. Hughes Anderson is supportive of the removal request with the condition that four (4) 60" box size native trees be planted for mitigation, two of which are native oaks. She also notes that new trees being proposed by the applicant will create a diverse tree palette of medium and large crowning species.

The Zoning Code requires that the Commission grant a heritage tree removal permit unless it finds that the removal of the trees would be contrary to the purpose and intent of the General Plan. The Open Space and Conservation Element of the General Plan cites that "trees shall be preserved to the maximum extent feasible while allowing for construction within established parameters for setbacks and lot coverage in accordance with the Municipal Code chapter regulating the removal of and damage to heritage trees." Although the tree appears to be in good health, it is growing into neighboring pine trees. Staff is supportive of the removal request as it would benefit the adjacent trees with the condition that large native trees be planted for mitigation. The planting of new native landscaping will have a beneficial long term effect at this site.

CONCLUSION

It is Planning Staff's professional opinion that the removal of one tree would be contrary to the purpose and intent of the General Plan and the Zoning Ordinance, as the tree is growing into neighboring trees and with the replacement planting requirement of four large native trees.

ALTERNATIVES

The Commission could approve removal of the tree as requested by the applicant, could deny the request, or request modification of the proposal.

FISCAL IMPACT

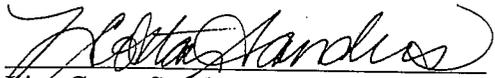
All costs covering the processing of this application are paid for by the applicant.

ENVIRONMENTAL IMPACT

The City Council has declared the removal of two or fewer trees to be less than significant environmental impact and exempt from further CEQA review.

FORMAL MOTION:

I move that the Planning Commission find that the proposed removal of one heritage tree at 54 Barry Lane in Atherton would not be contrary to the purpose and intent of the General Plan, for the reasons outlined in the Staff Report, and that the Commission approve the removal request subject to the conditions stated in the draft Heritage Tree Removal Certificate.



Lisa Costa Sanders, Deputy Town Planner

Attachments:

1. Draft Heritage Tree Removal Certificate
2. Memo from Kathy Hughes Anderson, Town Arborist, dated March 12, 2009
3. Letter of Request
4. Arborist Report prepared Don Araki, The Tree Specialist, dated February 26, 2009
5. Site Plan prepared by Creative Habitat, February 16, 2009
6. Photo



Town of Atherton

Town Administrative Offices

91 Ashfield Road

Atherton, California 94027

650-752-0500

Fax 650-688-6528

draft

**TOWN OF ATHERTON
PLANNING COMMISSION
HERITAGE TREE REMOVAL PERMIT**

THIS IS TO CERTIFY THAT the Atherton Planning Commission at a regular meeting thereof, held on Wednesday, March 25, 2009 did grant a Heritage Tree Removal Permit to John Malcolm pursuant to Atherton Municipal Code Section 8.10 to allow the removal of one heritage Pine tree at 54 Barry Lane (Assessor's Parcel Number 070-191-090). The Permit was approved subject to the following conditions:

1. Heritage tree removal shall be limited to one Pine tree as indicated on the site plan prepared by Creative Habitat and dated February 16, 2009. Any substantive changes to the plans shall be reviewed by the Planning Commission.
2. The replacement planting shall be a minimum of four 60" box size native trees, two of which are native oaks, to the satisfaction of the Town Arborist.

Lisa Costa Sanders,
Deputy Town Planner

Effective Date: _____
Atherton, CA

Memo



To: The Planning Commission
From: Kathy Hughes Anderson, Town Arborist
CC: Lisa Costa Sanders, Senior Planner
Date: 03/12/09
Re: Heritage Tree Removal Application, 54 Barry Lane

I have reviewed the tree removal application for 54 Barry Lane and offer the following observations for your review:

- The applicant, Zachary Sohns of Creative Habitat, acting on behalf of the owner, John Malcom, is requesting permission to remove one heritage tree. A new home is currently being built on the property.
- The tree is a 28" dbh Canary Island Pine, *Pinus canariensis*. Don Araki, The Tree Specialist, inspected the tree and states in his letter to the applicant that the tree has a 10% lean. He does not give the tree a condition rating, but notes that there was a trench dug near the base and no large diameter roots were cut. They were required to hand dig for the utility connection and I have inspected the trench and no large roots were cut. While the tree appears to be in good health at this time, impacts from cutting roots smaller than 2-3" diameter within the tree's root zone may manifest in time.
- The tree is located next to the entrance to the property and is approximately six feet from the property line with the adjacent property at 50 Barry Lane, on the cul de sac. On the 50 Barry Lane property there are three additional Canary Island Pines, forming a small grove. No heritage trees were removed on the property for the new construction. There was a large oak on the property that uprooted several years before the property was sold. The demolition permit for the old house was issued in March 2007.
- They have an approved landscape screening plan on file with the Town. The screening plan shows five 48" *Arbutus* 'Marina', three 24" box privet, seven 24" box flowering crabapple, twelve 48" box olive, two 48" box London plane tree, and one 60" box Coast live oak. Thirty-five 15 gallon English laurels are also shown on the approved plan. The applicant wishes to remove the tree so that two matching specimen trees can be planted on either side of the entrance. The applicant is proposing two new 60" box trees to be planted on either side of the entrance. At my request, the applicant brought in a revised landscape plan showing the two new replacement trees. However, the new plan is different than the original approved plan. The new plan shows two 60" box Valley oak instead of the one 60" Coast live oak. The new plan also shows ten 24" box *Magnolia grandiflora* 'Little Gem' replacing the five 48" box *Arbutus* 'Marina' for screening at the property line adjacent to the neighbor. The new plan will need to be evaluated by staff and treated as a revision to the original permit. The original plan called for nineteen 48" box trees, ten 24" box trees and one 60" box tree. The revised plan is showing twenty-one 48" box trees, twenty 24" box trees, and four 60" box trees.
- The applicant states that the neighbor at 50 Barry Lane has no objections to the tree being removed. The tree at 54 Barry is larger and is growing into the three pines on the neighbor's property. If it were removed, the three trees would have more room and would make a nice silhouette of a grouping of three. There are four other heritage size Canary Island Pines on the 54 Barry property.

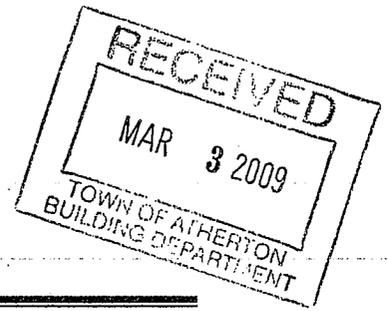
- The applicant is proposing two 60" California pepper trees for replacement. *Schinus molle* is not a California native, but has naturalized in this area. It was first introduced from the Peruvian Andes at the San Luis Rey Mission in San Diego in the 1830's. It is evergreen, graceful, fast growing, with gnarled trunks at maturity. It grows to 25-40' with a broad canopy to 40'. Litter can be a problem and its deep shade can overwhelm understory plantings. Female trees bear pink pepper berries in fall and winter. This is a tree that is praised by some, but disliked by other gardeners. I think it can be attractive when used properly and would be a nice compliment to the pines and new oaks and olives on the property.
- Given that there are seven other Canary Island Pines on the subject and neighboring property, I would like to see more native trees added to the landscape. The new trees being proposed will create a diverse tree palette of medium and large crowning species. I would approve the request with the condition that four 60" box trees, two of which are native oaks, be planted for mitigation. I would also like to suggest that in addition to the Valley oaks being proposed, some 36" or 48" Coast live oak be planted as well.

Request To Remove Heritage Tree

We would like permission to remove the Pine tree located at the west corner of the property located 54 Barry Lane. This is the tree located approximately 18' off the property line that runs parallel Barry Lane which houses 54 Barry and 50 Barry and approximately 6 feet from the property line shared with property located at 50 Barry Lane. This has been discussed with the owners of 50 Barry. The owners of 50 Barry have stated they have no objections with the removal of this tree.

The Tree Specialist

...Specializing in quality tree work around the Bay...



TO: Creative Habitat
Sam Benzacar
Barry Lane
EMAIL: sam@creativehabitat.net

FROM: Don Araki
Certified Arborist # WE-6547A
CSLB# 840560 C61/D49
State Comp #529-802-2007

CELL ☎: (408) 209-1007
FAX: (408) 971-4614

Arborist Report

February 26, 2009

To whom it may concern,

Last week we were requested to inspect 85 inch Canary Island pine "P. canariensis located at the South West corner of the property, to the right of the entrance gate. This tree is leaning at an approximate 10 degree angle. Several trenches have been excavated at the base of the tree, but there is no evidence of any large diameter roots cut. Since this tree has a peculiar lean I would not oppose the removal of the tree if it were replaced with one or more significant cultivars.

Thank You

Don Araki

CREATIVE HABITAT
 2360 Buckingham Lane
 Los Angeles, CA 90077
 Tel: 310-471-4100
 Fax: 310-476-0872

NO.	REVISIONS	DATE

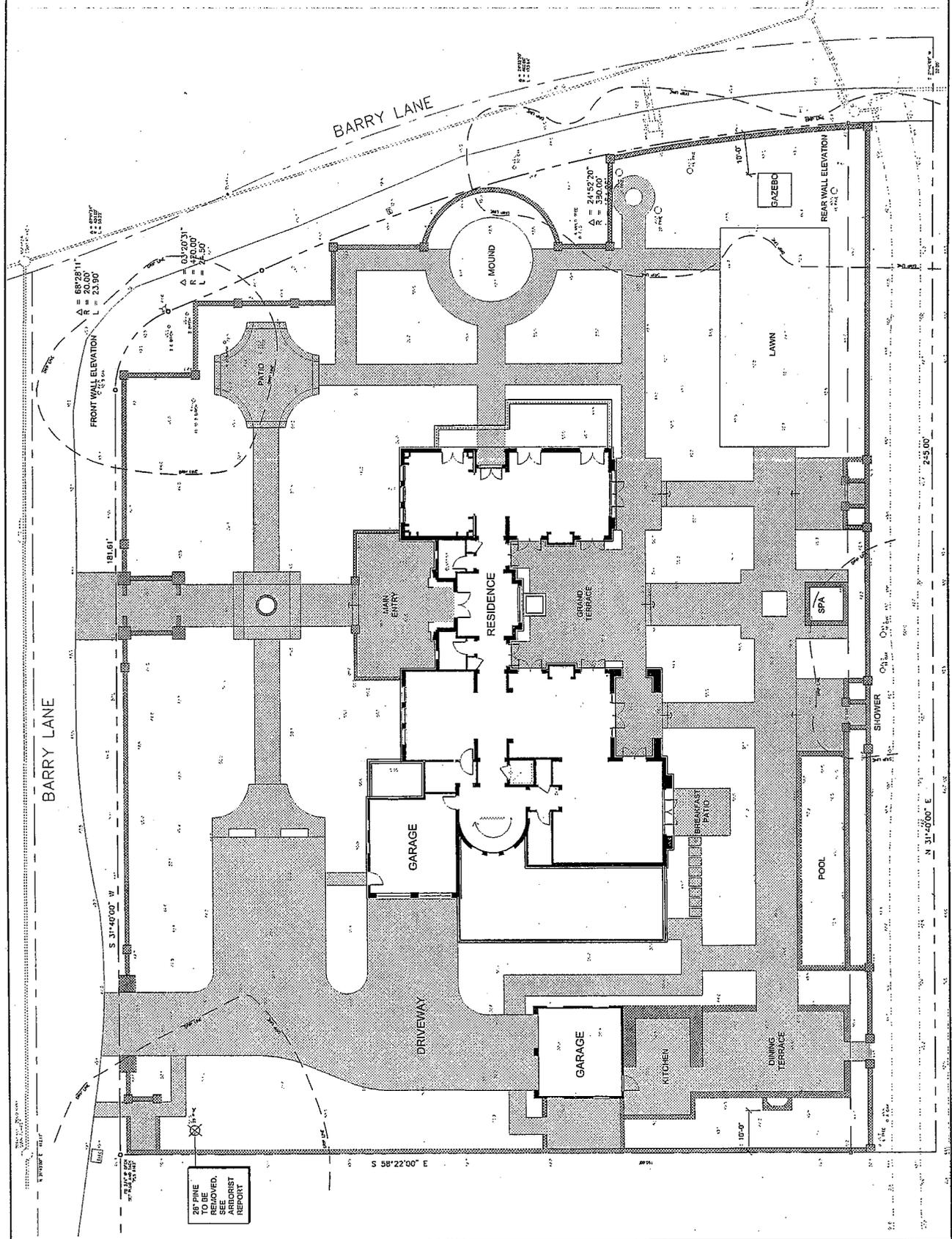
PERMIT DOCUMENT

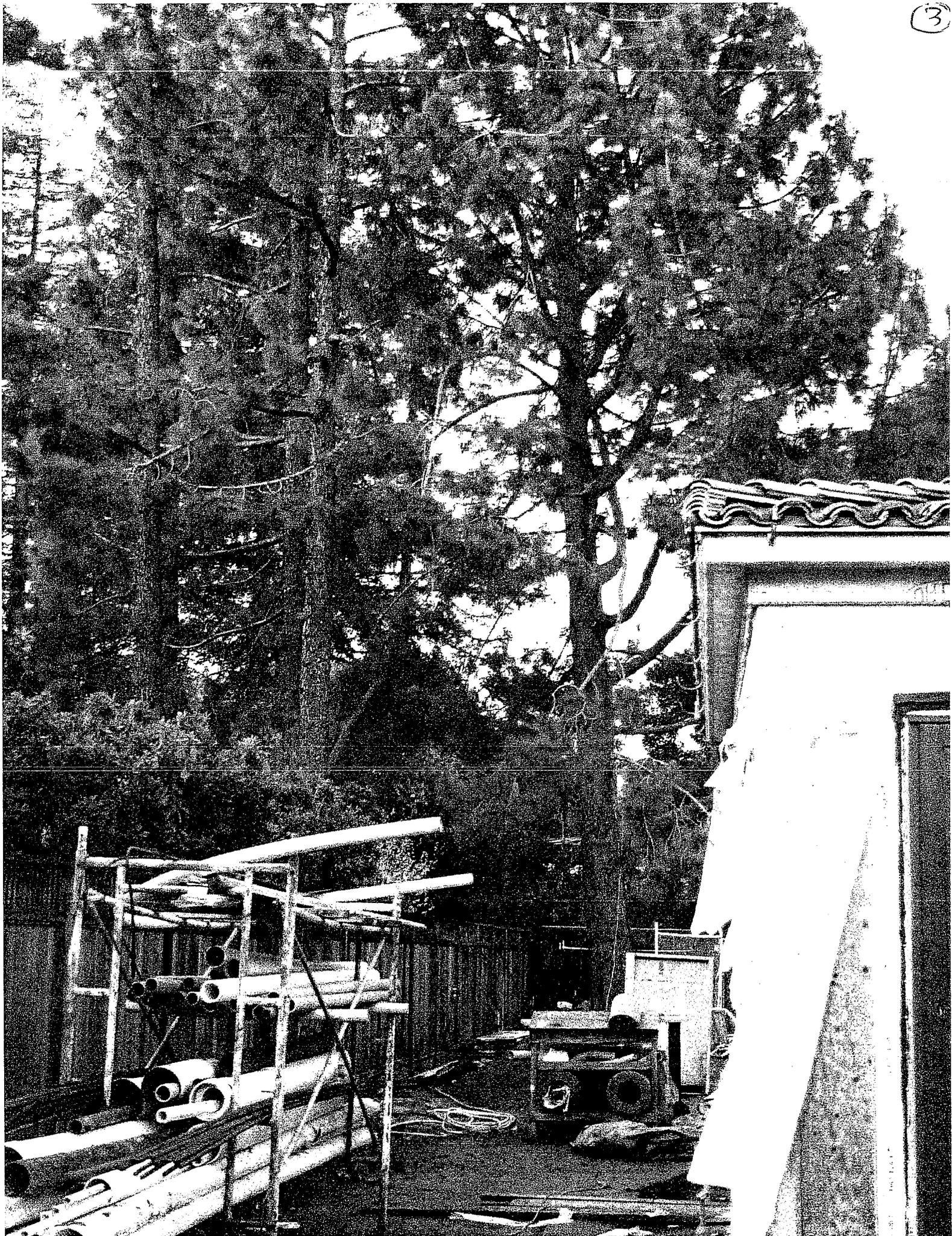
project
 54 BARRY LANE
 ATHERTON, CA

sheet
 TREE REMOVAL
 SITE PLAN

drawn by: KCA
 checked by: SAM
 date: 02/16/08
 scale: 1" = 10'-0"

drawing no. S1





**PLANNING COMMISSION
APPROVED MINUTES**

TOWN OF ATHERTON

March 25, 2009

6:00 P.M.

TOWN COUNCIL CHAMBERS

94 ASHFIELD ROAD

1. ROLL CALL:

PRESENT: Philip Lively
William Grindley
Herman Christensen Jr.
Marion Oster
Kristi Waldron

Assistant City Attorney Ben Winig, Deputy Town Planner Lisa Costa Sanders, Town Arborist Kathy Hughes- Anderson and Building Official Mike Wasmann were also present.

2. APPROVAL OF MINUTES

MOTION to approve the minutes of the February 25, 2009 meeting as amended.

M/S Grindley/ Waldron Ayes: 5 Noes: 0

3. PUBLIC COMMENTS- none

4. COMMISSIONERS REPORTS

Commissioner Lively reported that the Special Events sub-committee, has yet to meet with Sacred Heart Schools but met with Little League this morning and has met with Menlo College twice. He indicated they are making progress and are close to providing a preliminary report to the Commission.

Commissioner Grindley reported that Blue Ribbon Task Force met on March 23, 2009. He believes that the task force will report to the Council in June.

5. GENERAL PLAN COMMITTEE REPORTS

Commissioner Christensen reported that the General Plan will meet on April 1, 2009 to continue their discussion on the Housing Element and affordable housing.

6. STAFF REPORTS

Deputy Town Planner, Lisa Costa Sanders reported that at the last City Council meeting they discussed the request to initiate rezoning of Parker Avenue. The City Council voted 3-2 to deny the request to initiate rezoning of Parker Avenue. Ms. Costa Sanders

indicated that City Council will be holding a special meeting tomorrow, March 26, 2009 to continue unfinished business from the previous meeting.

NEW BUSINESS

7. **Heritage Tree Removal Permit- 54 Barry Lane-** Heritage Tree Removal Permit to allow the removal of one heritage tree. Atherton Municipal Code Sections 17.36.140 and 8.10

Deputy Town Planner, Lisa Costa Sanders presented the staff report and indicated staff support as the removal would be beneficial to the neighboring pine trees and with the replacement planting requirements.

All Commissioners have indicated that they have visited the subject site and viewed the tree.

OPEN PUBLIC HEARING

Peter Blackmoore, proper owner, 50 Barry Lane asked the Commission to deny the removal of the heritage tree as it is a part of a cluster of pines on his property and near the 54 Barry Lane boundary line.

Sandy Ayers, Creative Habitat Inc, indicated that initially in the landscape design they were keeping any mature trees on the property. They looked further at the tree in discussion for removal and noted that the tree is leaning into the cluster of pines on the neighboring property. She further indicated that it is not currently providing any screening to the property and feel with the replacement trees requested of Staff would provide additional screening throughout the property.

Mr. Blackmoore noted that he does not see the lean and does not see any risk to his property.

Commissioner Lively indicated that in Town Arborists report that the neighboring property indicated their support for the removal.

Mr. Blackmoore indicated that no one asked them for approval, that the developer came to the house when his wife was recovering from surgery and did not discuss the tree.

Ms. Ayers questioned if the Commission were to deny the removal of the Heritage tree, would this absolve the owner of any liability going forward if the tree did at some point fall onto the neighboring property.

Ben Winig, Assistant City Attorney, indicated that the Town does not assume liability by denying the application.

CLOSE PUBLIC HEARING

Commissioner Lively indicated he visited the site and would disagree with the percentage of lean and believes if the tree were removed, the cluster of trees on the neighboring property would be bare on the one side. He noted that he would deny the request for the removal of the heritage tree.

Commissioner Grindley indicated he also visited the site and believes that with the replacement trees required with the removal would provide better screening than this one tree and therefore would support the removal of the pine tree.

Commissioner Christensen noted that the reason the tree is requested for removal is at the preference of the property owner, the tree is not in danger. He therefore would not support the removal of the tree in discussion.

Commissioner Waldron indicated that this is a difficult case. The tree is in good health, however can see why it would be compelling to follow through with the removal because of the required replacement planting.

Chair Oster indicated that she visited the site and did not feel the lean would jeopardize the other trees. She further noted that the tree in discussion has been shading the other three pine trees on the neighboring property, and if removed would be extremely bare. She questioned if the removal would impact the neighboring trees.

Town Arborist, Kathy Hughes Anderson indicated that if the tree were removed, they could limit the grounding of the stump to twelve inches, so there would not be a negative impact to the roots of the neighboring trees.

Chair Oster noted that there are very few large trees on the property and the requested replacement trees would do more for screening. She indicated she does not like to remove a heritage tree but does feel that with the four replacement trees, they would give the property more balance.

MOTION to approve the Heritage Tree Removal Permit for the removal of one heritage tree at 54 Barry Lane based on the following finding and subject to the conditions listed in the Heritage Tree Removal Certificate:

M/S Grindley/ No second, Motion dies.

MOTION to deny the Heritage Tree Removal Permit for the removal of one heritage tree at 54 Barry Lane based on the finding that the removal of the heritage tree would be contrary to the purpose and intent of the Atherton General Plan as the tree is in good health and is not in conflict with any improvements to the property:

M/S Christensen/ Lively

Ayes: 4

Noes: 1 (Grindley)

Chair Oster advised of the 10-day appeal period.

8. **General Plan and Zoning Plan Amendment- 50 Valparaiso and 98 Leon Way-** Amendment to the Atherton General Plan and Zoning Plan to redesignate parcel 2, 98 Leon Way from Public Facilities and Schools to Low Density Single Family Residential and rezone the parcel from PFS to R1-A and amendment to the Atherton General Plan and Zoning Plan to redesignate the "Legacy" parcel (northeast end of Menlo School Parking Lot adjacent to Valparaiso Avenue) from Low Density Single Family Residential to Public Facilities and School and rezone the parcel from R1-A to PFS. Atherton Municipal Code Section 17.16.020

Deputy Town Planner, Lisa Costa Sanders presented the staff report and indicated support for the recommendation to City Council for approval.

Commissioner Lively questioned why the parcel is labeled "Legacy" parcel. Ms. Costa Sanders noted that this was designated on tentative parcel map from Menlo Schools.

OPEN PUBLIC HEARING

David McAdoo, Director of Operations, Menlo School, indicated that they are here to satisfy the condition of the Tentative Parcel Map and it is essentially just a house keeping item.

CLOSE PUBLIC HEARING

Commissioner Waldron noted that this is to tidy things up and therefore would support the recommendation to City Council for adoption.

Commissioner Christensen also indicated his support.

Commissioner Grindley concurred with Commissioner Christensen.

Commissioner Lively expressed his support.

Chair Oster also expressed her support.

MOTION to recommend City Council adopt the resolution entitled "A Resolution of Planning Commission of the Town of Atherton Recommending City Council Adoption of the General Plan Amendment and Rezoning of Portions of the Menlo School and College Property," based on the following finding:

M/S Lively/ Grindley

Ayes: 5

Noes: 0

Finding:

1. The proposed zoning ordinance amendment is required to achieve the objectives of the general Plan and the provisions of Atherton Municipal Code Title 17 (the Zoning Title)

Chair Oster advised of the 10-day appeal period.

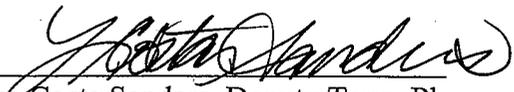
9. **Ordinance Amendment- Comprehensive Zoning Code Update replacing Title 17.**

MOTION to continue item to the April 22, 2009 meeting.
M/S Oster/ Christensen Ayes:5 Noes:0

10. **ADOURN**

M/S Grindley/ Lively to adjourn meeting at 6:45pm. Motion passed.

Respectfully submitted,



Lisa Costa Sanders, Deputy Town Planner



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CITY MANAGER JERRY GRUBER

DATE: FOR THE COUNCIL MEETING OF MAY 20, 2009

**SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE
AMENDING SECTION 15.32.040 OF THE ATHERTON
MUNICIPAL CODE REGULATING DEPOSITS FOR
ENVIRONMENTAL IMPACT REPORTS**

RECOMMENDATION:

Pass and adopt "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."

BACKGROUND: This ordinance, modifying the Town's financial procedures for covering the costs of review of private development projects under the California Environmental Quality Act, was introduced and placed on "first reading" at the Council's April meeting. After the title of the ordinance is read, further reading may be waived and the ordinance passed and adopted at this meeting. Three votes are required for passage.

ALTERNATIVES: The council may defer action until a further meeting or reject the proposed amendment.

Prepared By:

Approved:

/s/ Wynne Furth

/s/ Jerome D. Gruber

Wynne Furth
City Attorney

Jerome D. Gruber
City Manager

Attachments:

Draft Ordinance No. 578

ORDINANCE 580

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING SECTION 15.32.040 OF THE ATHERTON MUNICIPAL CODE REGULATING DEPOSITS FOR PREPARATION OF ENVIRONMENTAL IMPACT REPORTS

The City Council of the Town of Atherton does hereby ordain as follows:

SECTION 1: Section 15.32.040 of the Atherton Municipal Code is hereby amended to read in its entirety as follows:

15.32.040 Deposit.

Such person, partnership, corporation or public agency shall deposit with the town a sum equal to the city manager's estimate of the cost of preparation of, and public notices for hearing concerning, any environmental impact report for such project, including time spent by city employees and fees of city engineer, city attorney, or other experts. Prior to paying the deposit, the applicant shall enter into a reimbursement agreement with the town in a form satisfactory to the city manager and city attorney which may provide for installment payments of the costs. Following completion of the proceedings under this chapter, the city manager shall compute the costs of such environmental impact report and of any further services in connection therewith, and shall either return the balance of such deposit or bill such person, partnership, corporation or public agency for any such additional amount that may be determined to be owing.

SECTION 2: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions in this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

SECTION 3: This Ordinance shall take effect and be in force from and after 30 days after its passage and adoption.

SECTION 4: The City Clerk shall certify to the passage and adoption of this Ordinance and cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 20th day of May, 2009.

Jerry Carlson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Wynne Furth
City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
CITY MANAGER, JERRY GRUBER

FROM: NEAL MARTIN, TOWN PLANNER

DATE: FOR THE MEETING OF MAY 20, 2009

SUBJECT: ADOPTION OF ORDINANCE REZONING PORTIONS
MENLO SCHOOL AND MENLO COLLEGE PROPERTY

RECOMMENDATION:

It is recommended that the City Council Read the Ordinance by title, Waive further reading, and adopt Ordinance rezoning portions of Menlo School and College Property (50 Valparaiso)

INTRODUCTION:

On April 15, 2009 the City Council introduced the ordinance rezoning two portions of the Menlo School and College property. Those areas are 98 Leon Way¹ (shown as Parcel 2 on the map accompanying the application) containing 0.7± acre, , known as the “President’s House” and the “Legacy” Parcel² (northeast portion of 50 Valparaiso Avenue) containing 1.0± acre, at the northeast end of the Menlo School parking lot adjacent to Valparaiso Avenue. The rezoning is a condition of approval of a Tentative Parcel Map allowing the division of property owned by Menlo School and College into four parcels.

¹ 98 Leon Way does not have a separate Assessor’s Parcel Number. It is part of the Menlo School and College property APN 070-360-070.

² The “Legacy” Parcel does not have a separate Assessor’s Parcel Number. It is part of the Menlo School and College property APN 070-360-070.

Also on April 15, 2009 the City Council adopted a resolution amending the Atherton General Plan redesignating the land use categories of the subject parcels so that they would be consistent with the proposed rezoning.

Both the Planning Commission and City Council have held the required public hearings on the rezoning proposal.

ANALYSIS:

The ordinance proposed for adoption rezones Parcel 2 located at 98 Leon Way from PFS to R-1A. It also rezones the “Legacy” Parcel located at the northeast end of Menlo School Parking Lot adjacent to Valparaiso Avenue from R-1A to PFS.

ENVIRONMENTAL IMPACT:

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Sections 15305, Class 5 Minor Alterations in Land Use Limitations. This exemption class consists of minor alterations in land use limitations in areas with an average slope of less than 20%, and which do not result in any changes in land use or density. The subject property has an average slope substantially less than 20% and the project would not result in any changes in land use or density.

FISCAL IMPACT:

All costs covering the processing of this application are paid for by the applicant.

ALTERNATIVES:

The City Council could decide not to adopt the ordinance rezoning the property. In that case, the present General Plan designations and zoning would be inconsistent.

FORMAL MOTION:

I move that the City Council adopt Ordinance No. 579, “An Ordinance of the City Council of the Town of Atherton Amending Section 17.16.020 of the Atherton Municipal Code Rezoning Parcel 2 and the Legacy Parcel of Menlo School and College”.

Prepared By:

/s/ Neal J. Martin

Neal J. Martin
Town Planner

Approved by:

/s/ Jerome D. Gruber

Jerome D. Gruber
City Manager

Attachments:

Ordinance No. 579 - Zoning Ordinance Amendment introduced April 15, 2009

ORDINANCE 579

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING SECTION 17.16.020 OF THE ATHERTON MUNICIPAL CODE
REZONING PARCEL 2 AND THE LEGACY PARCEL OF MENLO SCHOOL
AND MENLO COLLEGE**

The City Council of the Town of Atherton does hereby ordain as follows:

SECTION 1: Section 17.16.020 of the Atherton Municipal Code, the “Atherton Zoning Plan” is hereby amended as follows and as shown on Exhibit A attached and made a part of this Ordinance:

- a. Parcel 2 (98 Leon Way) is rezoned from PFS (Public Facilities and Schools) District to R-1A (Residential) District.
- b. “Legacy” Parcel (northeast end of Menlo School Parking Lot adjacent to Valparaiso Avenue) is rezoned from R-1A (Residential) District to PFS (Public Facilities and Schools) District.

SECTION 2: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions in this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

SECTION 3: This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

* * * * *

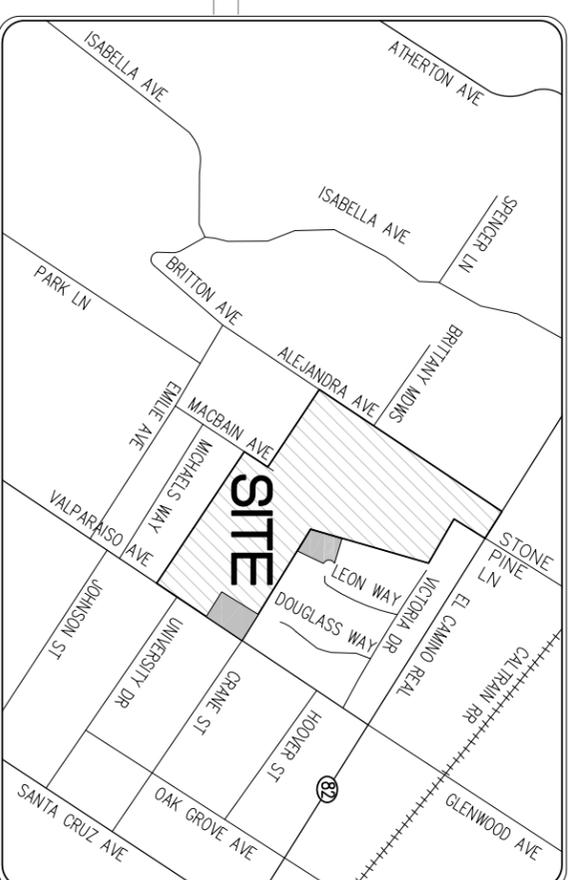
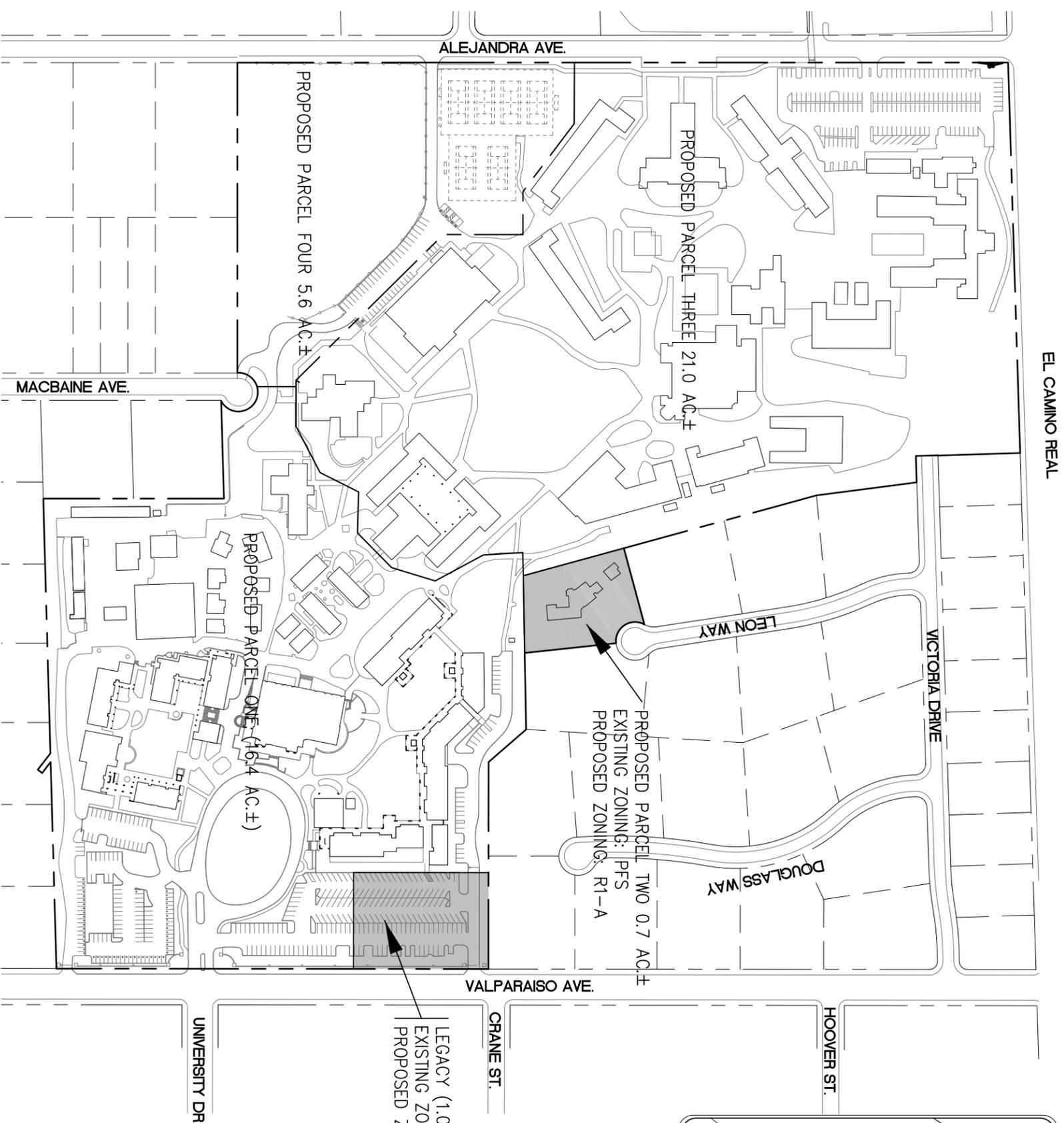
I hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on May 20, 2009 and was thereafter, at a regular meeting held on _____ passed and adopted by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Mayor

ATTEST:

City Clerk



NOTE:
 PFS INDICATES PUBLIC FACILITIES AND SCHOOLS
 R-1A INDICATES RESIDENTIAL TYPE 1A RESIDENTIAL DISTRICT

SANDIS CIVIL ENGINEERS
 PLANNERS
 605 Castro Street | Mountain View, CA 94041 | P. 650.969.6900 | F. 650.969.4772 | www.sandis.net
 MOUNTAIN VIEW, ROSEVILLE, OAKLAND

DATE: 3-2-09
 SCALE: AS SHOWN
 DRAWN BY: JHA
 APPROVED BY: LJC
 DRAWING NO: 201191

No.	REVISION	DATE	BY

PROPOSED REZONING EXHIBIT
 PARCELS 1 AND 2
 MENLO SCHOOL

SHEET
1
 OF 1 SHEETS



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER.

DATE: FOR THE MEETING OF MAY 20, 2009

SUBJECT: DESIGNATE A REPRESENTATIVE TO MENLO PARK FIRE PROTECTION DISTRICT TO ACT AS A LIASION

RECOMMENDATION:

It is recommended that one Council Member be designated to act as liaison to help develop and improve communications and form collaborative efforts with the Menlo Park Fire Protection District.

BACKGROUND:

The Town of Atherton is part of the Menlo Park Fire Protection District. Designating a representative to act as liaison will improve and maintain communications between the Town and the Fire District.

FISCAL IMPACT:

There is no fiscal impact.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER.

DATE: FOR THE MEETING OF MAY 20, 2009

SUBJECT: ENVIRONMENTAL COMMITTEE RECOMMENDS
APPROVAL OF NORCAL WASTE INC. AS THE
COLLECTION CONTRACTOR.

RECOMMENDATION:

Council to consider the Environmental Programs Committee recommendation to approve Norcal Waste Inc. as the Collection Contractor for the Town of Atherton.

BACKGROUND:

On May 6, 2009 the Environmental Programs Committee met to discuss recommending Norcal Waste Inc. as the Town of Atherton's Collection Contractor. The premise behind the recommendation was that as to date ten of the twelve member agencies that are a part of the SBWMA have recommended the selection of Norcal Waste Inc. To date Atherton and Burlingame have not. A brief discussion ensued at the Environmental Programs Committee meeting regarding the need for Norcal to order the necessary trucks and related equipment in a timely manner within the next month or so in order to fulfill their contractual obligation to the SBWMA. Staff will be soliciting community input with regard to the level of service that Atherton residents want from Norcal; and will use that information when negotiations start with NORCAL. As a point of clarification the

Environmental Programs Committee wanted the City Council to understand that the request is to acknowledge Norcal as the Collection Contractor and not enter into contract negotiations until a comprehensive survey is completed.

FISCAL IMPACT:

There is no fiscal impact associated with the City Council recognizing Norcal Waste Inc. as the Collection Contractor.



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
CITY MANAGER, JERRY GRUBER**

FROM: JERRY GRUBER CITY MANAGER

DATE: FOR THE MEETING OF MAY 20, 2009

**SUBJECT: ENVIRONMENTAL PROGRAMS COMMITTEE
RECOMMENDS APPROVAL OF AN APPROPRIATE
SURVEY TO GAUGE RESIDENT PREFERENCES FOR
SERVICE LEVELS AS WE NEGOTIATE THE
COLLECTION CONTRACT.**

RECOMMENDATION:

Council to consider the Environmental Programs Committees recommendation for approving an appropriate survey to gauge resident preferences for service levels as we negotiate the collection contract.

INTRODUCTION:

On May 6, 2009 the Environmental Programs Committee met and discussed soliciting community input from Atherton residents for the levels of services they want provided for recycling and refuse from Norcal. In the past, a series of study sessions have been offered to the community to solicit input and meet with the proposed contractor to discuss weekly recycling pick-up, organic food waste collection, single stream recycling and existing rear yard trash collection.

The consensus among Committee members who were involved in the previous study sessions which had low attendance was that a mail out survey to all Atherton residents would be more effective as it has been in the past. If Council approves I will work with Kathy Hughes Anderson and Lisa Costa Sanders in creating a mail-out survey regarding Recycling and Refuse Collection. If the City Council deems necessary, the Environmental Programs Committee could hold study sessions in addition to the mail-out survey to solicit community input. Cost is a critical component when soliciting community input for Recycling and Refuse Collection Services for Atherton residents. During the surveying process every effort will be made to incorporate a detailed cost analysis for improved levels of services.

FISCAL IMPACT:

Staff time of approximately ten hours would be required to produce the survey and approximately 500 dollars in postage for a mail-out survey to all Atherton residents.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER.

DATE: FOR THE MEETING OF MAY 20, 2009

SUBJECT: ENVIRONMENTAL PROGRAMS COMMITTEE
RECOMMENDS CITY COUNCIL RECONSIDER THEIR VOTE
AND APPROVE BOND FINANCING FOR THE SHOREWAY
FACILITY IN VIEW OF COST NUMBERS THAT ADDRESS
COUNCILS CONCERNS.

RECOMMENDATION:

Council to consider the Environmental Programs Committee recommendation to reconsider their vote and approve bond financing for the Shoreway Facility. The recommendation is based on the Committee's view that better cost numbers that address Council's concerns.

BACKGROUND:

On May 6, 2009 the Environmental Programs Committee approved a motion asking the Atherton City Council to reconsider its vote opposing bonding for the Shoreway facility. A brief conversation ensued regarding the South Bay Waste Management Authority (SBWMA) staff report dated April 23, 2009. I have attached a copy of the staff report for the City Council to review. This material was received subsequent to the Council's last consideration of this issue. The SBWMA staff report, on page 2 under "analysis," reports that all bids for the Shoreway Facility received were below the 100% design level

engineer's cost estimates and the low bid was \$ 10, 941,455 or 38% below the engineers estimate for the project. I have also attached a list of the SBWMA Member Agency Actions regarding the Shoreway facility and a comprehensive timeline.

FISCAL IMPACT:

I have attached a staff report from the SBWMA dated April 23, 2009 titled Report on Shoreway Masterplan Plan of Financing. Although a decision has not been made regarding financing of the facility I thought the information provided as part of the staff report may be helpful. In closing I have attached an email from Martha DeBry, Chair of SBWMA, to me and other Board Members regarding critical decisions that will need to be made within the next several months.



RethinkWaste

South Bayside Waste Management Authority

STAFF REPORT

To: SBWMA Board Members
From: Hilary Gans, Facility Operations Contract Manager
Date: April 23, 2009 Board Meeting
Subject: Report on Shoreway Master Plan Phase II – Construction Bid Results

Recommendation

This is an informational report and no Board action is necessary.

Background

The Master Plan Phase II construction improvements proposed for the Shoreway facility will improve the functionality, capacity and efficiency of the Shoreway facility and operations and will provide the space for the materials processing activities that are required under the future collection programs and services (i.e., weekly residential single stream collection, weekly residential organics collection, and commercial single stream collection). The facility design has been completed over a two-year process and the SBWMA Board has been briefed on the project design, permitting, and budget throughout the process.

The Master Plan - Phase II construction includes the following major Master Plan features:

- o demolition of the existing MRF building,
- o construction of a new 70,140 sq ft MRF building,
- o relocation of the public recycling center to the front (west end) of the MRF building,
- o construction of office and employee areas in the MRF building,
- o expansion of the self haul side of the transfer station,
- o construction of office and employee areas in the transfer station building,
- o addition of site and directional signage,
- o education center/public viewing areas at MRF and transfer station buildings, and
- o site work (included utility upgrades and landscaping).

This work is to begin after the completion of Phase I construction work (the construction of the scale, entry complex, and a transfer station bridge) and is a prerequisite to the start of Phase III construction work (the installation of single stream recycling equipment to the MRF building).

The design team of J.R. Miller, Associates and HDR Engineering, Inc prepared the drawing and technical specification for the project and Covello Associates prepared specifications which detailed procedures for the bidding (front-end, section 1100), award, and construction management of the project. Phase II construction bid documents were structured in a "deductive-alternate" format (e.g., bidders were required to provide a bid for the total project cost and also provide the cost for selected items as possible deductions from the total Master Plan project cost). As directed by the Board, the transfer station construction cost, the transfer station education center construction cost were broken-out as separate cost items that can be deducted from the scope of the total Master Plan project.

The target milestone dates for Phase II construction are presented in **Table 1**.

Bid Release	March 13, 2009
Bid Opening	April 22, 2009
Board Approval and Award Phase II*	July 23, 2009
MRF Construction Completed	June 2010
Equipment Install Completed	December 2010
Transfer Station Construction Completed	June 2011
* Contingent on Board approval of the Sale of Bonds for Shoreway Master Plan Improvements. Shoreway construction bid pricing valid through July 24, 2009	

ANALYSIS

On April 22, 2009, the SBWMA received four bids from general contractors for the Phase II Master Plan construction. The low-bid was provided by J.S. Amoroso Construction Inc. of Redwood City California at a total cost of \$17,637,000. The average bid was \$ 18,116,674; the mean was \$18,562,522 and the bids were clustered within \$925,522 of the mean. The cost breakdown by construction bid area is presented in **Table 2** below along with a comparison to the engineers construction cost estimate.

The construction cost estimate provided in **Table 2**, except for soft cost, was provided by Analytical and Planning Services Inc. (APSI) located in Irvine, California and was based on 100% design-level drawings. All bids received were below the 100% design-level estimate and the low-bid was \$10,941,455 (38%) below the engineers estimate for the project. Note that the soft costs for landscaping and transfer station roof replacement were included in the Phase II bids.

Item	APSI Construction est. 12/08/08	Amoroso Construction Apparent low bidder	West Bay Construction	Overaa & Company	Swinerton
MRF Building Only	\$ 14,896,028	\$ 12,660,000			
Transfer Station Building	\$ 8,636,557	\$ 4,977,000	\$ 4,303,000	\$ 4,450,000	\$ 6,035,743
Site Work	\$ 4,135,870				
TS & MRF Project	\$ 27,668,455	\$ 17,637,000	\$ 17,871,650	\$ 17,670,000	\$ 19,488,044
Phase II Soft Cost	\$ 910,000				
TS & MRF Project w/ Soft Cost est.	\$ 28,578,455				

The Phase II construction contractor selection will be based on the "base-bid" which is the total of all Master Plan improvements. California State Contracting Code allows for the use of bid alternates, where

portions of the total project can be removed from the award, but stipulates that the contractor award be decided based on the lowest "base-bid". The Board can decide to reduce the construction project scope; however, the bid award must be based on the full scope of the Master Plan.

Fiscal Impact

Cost of the Phase II construction will be paid for out of bonds to be issued by the SBWMA. The fact that low-bid for Phase II construction is lower than the estimate used in the bond pro forma will have the beneficial impact of reducing the total amount of debt to be issued. However, until the Shoreway Operations Contractor selection decision is concluded and the Plan of Finance is known, a financial projection can not be completed.

SBWMA MEMBER AGENCY ACTIONS

<u>Agency</u>	<u>Date of Meeting 2008</u>	<u>Recommend Selection of Norcal</u>	<u>Bond Financing</u>	<u>San Carlos Agreement</u>	<u>% *</u>
Redwood City	September 8	Approved 7-0	Approved 7-0	Approved 7-0	21.1
San Mateo	October 6	Approved 5-0	Approved 5-0	Approved 5-0 (11/17/08)	22.7
Foster City	October 6	Approved 5-0	Approved 3-2	Failed 2-3	7.1
Menlo Park	October 7	Approved 4-1	Approved 5-0** (2/24/09)	Approved 5-0	9.4
San Carlos	October 13	Approved 3-1	Approved 3-1	Approved 5-0	7.7
East Palo Alto	November 18	Approved 3-1-1	Approved 4-1	Approved 3-1 (1/20/09)	5.7
Belmont	December 9 th	Approved 4-1	Approved 3-2** (3/10/09)	Approved 5-0	5.4
San Mateo County		Approved 4-0 (3/3/09)	3/3/09 BOS (put over ???)	Approved 5-0	3.6
Hillsborough		4/13/09 (Tentative)	Approved 5-0** (3/9/09)	TBS	1.8
West Bay Sanitary District		Approved 5-0 (2/23/09)	TBS	TBS	1.1
Atherton		TBS	Voted No 5-0 (2/18/09)	TBS	1.4
Burlingame		TBS	Voted No 5-0 (2/17/09)	TBS	13.1

* Percents based on 2007 inbound solid waste tonnage through the Transfer Station for each jurisdiction.

** Subject to Council signoff on "final plan of finance."

Note: Dates subject to change

TBS: To be scheduled

Key Milestones and Timeline for Norcal Contract, Operations of the Shoreway Facility and the Bond Measure	
Member Agency's Franchise Agreement with Norcal for Future Collection Services	
Milestone	Timeline
Revised draft Franchise Agreement Provided to Member Agencies	Late May 2009
Member Agencies Finalize Scope of Services and Key Contract Terms	June 2009
Final Agreement Negotiated with Norcal	June/July 2009
Member Agency Approval of Franchise Agreement	July-September 2009
Norcal Begins to Order New Equipment	October 2009
Shoreway Operating Agreement Negotiations with South Bay Recycling	
Contract Negotiations with South Bay Recycling (SBR)	May-July 2009
Final Draft Agreement Sent out in SBWMA Board Packet	July 16, 2009
SBWMA Board Consideration of Final Draft Agreement*	July 23, 2009
Member Agency Approval of Final Draft Agreement**	Early August-mid October, 2009
Approval of Final Plan of Finance & New Debt Issuance for Shoreway Master Plan Improvements	
Staff Report Released on Updated Finance Options and Assumptions	May 11, 2009
SBWMA Special Board Meeting from 12-2 pm	May 14, 2009
Final Staff Recommendation for Plan of Finance Sent out in SBWMA Board Packet	May 21, 2009
SBWMA Board Consideration of Final Plan of Finance	May 28, 2009
Select Member Agency's Consider Final Plan of Finance***	June-Mid July 2009
Final Staff Recommendation for New Debt Issuance Sent out in SBWMA Board Packet	July 16, 2009
SBWMA Board Consideration of New Debt Issuance	July 23, 2009
SBWMA Board Approval of Contract Award for Phase 2 Construction****	July 23, 2009
New Debt Issued	August 2009
Shoreway Master Plan Phase 2 (new MRF and retrofit to Transfer Station) Construction Begins	September 2009

*Approval of Operating Agreement and new debt issuance will require two-thirds of those voting and present; must have a quorum present.

**Requires approval by two thirds (eight) of the twelve member agencies.

***Belmont, Hillsborough, Menlo Park and the County approved the issuance of new debt contingent on their council/board approving the final plan of finance.

****Contingent on Board approval of new debt issuance for the Shoreway Master Plan Improvements. Shoreway construction bid pricing valid through July 24, 2009.

Jerry Gruber

From: Brian Moura [bmoura@cityofsancarlos.org]
Sent: Thursday, April 16, 2009 5:32 PM
To: Jerry Gruber
Subject: Garbage Update: Hillsborough Selects Norcal

FYI. Hillsborough's Town Council selected Norcal as the Solid Waste Collection firm to negotiate a franchise with for service effective Jan 2011.

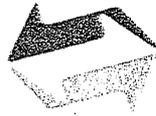
That brings the total to 10 of the 12 SBWMA agencies now – over 85% of the solid waste tonnage in the JPA.

Agencies (5/6), Tons (85.6%) Committed to Norcal

The City of San Carlos is one of 5/6 of the SBWMA agencies (10 of 12) to move these services to Norcal Waste Systems in 2011. More significantly, these 10 agencies represent over 85% of the Solid Waste tonnage among the SBWMA agencies as shown in the table below:

Agency	% of Waste Stream
San Mateo	22.7%
Redwood City	21.1%
Menlo Park	9.4%
San Carlos	7.7%
Foster City	7.1%
East Palo Alto	5.7%
Belmont	5.4%
San Mateo County	3.6%
Hillsborough	1.8%
West Bay Sanitary	1.1%
Total Tonnage to Date	85.6%

http://cityofsancarlos.org/gov/depts/cm/green_programs_n_climate_protection/san_carlos_selects_norcal



RethinkWaste

South Bayside Waste Management Authority

G. 3

STAFF REPORT

To: SBWMA Board Members
From: Brian Ponty, Board Member and Financing Manager
 Kevin McCarthy, Executive Director
Date: April 23, 2009 Board Meeting
Subject: Report on Shoreway Masterplan Plan of Finance Options

Recommendation

This is an informational report and no action is necessary. This staff report serves as an update to the information shared at Board study session held on April 6, 2009.

Background

On April 6, 2009 a Board study session was held to review the mechanics of fixed rate bonds and variable rate debt bonds (VRDB), the pros and cons of each type of bond structure and compare the relative estimated costs of three financing plan scenarios under consideration. Key assumptions were shared and discussed for each of three scenarios and can be summarized as follows:

	<u>100% Fixed Rate Bonds</u>	<u>70% Fixed 30% Variable</u>	<u>100% Variable Rate Bonds</u>
Estimated Cost of Funds	6.75%	6.30%	5.25%
Estimated Annual Debt Service	\$5,490,000	\$5,270,000	\$4,760,000
Debt Service Savings Over Fixed Rate	N/A	\$220,000	\$730,000
Estimated Rate Impact	4.40%	4.10%	3.57%
Estimated 2015 Reserve Balance*	\$14,345,000	\$16,195,000	\$19,965,000
Reserve Increase Over Fixed Rate	N/A	\$1,850,000	\$5,620,000
Equipment Replacement Reserve	\$5,386,000	\$5,386,000	\$5,386,000

*Reserve balance exclusive of equipment reserve; essentially represents free cash flow available for an operating reserve, rate stabilization reserve, facility maintenance, etc.

It was noted and discussed that VRDBs require additional credit support in the form of a letter of credit (LOC). As a direct consequence of the auction rate securities market failure last spring and the credit market meltdown last fall, LOCs have become very difficult to obtain and quite expensive. The SBWMA financing team has submitted credit requests to seven banks. Four have declined and three are still processing our request. Two of the three still reviewing our credit, Comerica and Union Bank, have told us they will submit a joint proposal if our credit passes their review.

It was further noted that in addition to exploring VRDBs, the financing team had previously explored bond anticipation notes (BANs). BANs followed by long term bonds entail two bond issuances. Because the amount of bonds required to implement this strategy exceeds the \$65.455 million bond authorization approved by member agencies, this alternative was rejected.

Another key piece of background information shared was that the economic stimulus legislation passed in February 2009 included a provision that removed the imposition of an alternative minimum tax (AMT) calculation on the interest paid on exempt facility private activity bonds such as those to be issued by the SBWMA. The AMT exemption applies only to bonds issued in 2009 and 2010. This provided significant interest rate relief, reducing our estimated cost of funds on long term bonds

from 8% to approximately 6.75%. Bank of America Securities, our bond underwriter, stated that current fixed rates are at or about 6.5%.

Finally, staff distributed and reviewed a document that addressed Frequently Asked Questions for the April 6th Staff Report on Plan of Finance Options. The document addressed such questions as the assumptions behind the VRDB interest rates, the mechanics of converting variable rate debt to fixed debt, the project schedule and deadlines needed to obtain a LOC, debt service coverage ratios, and the impact of the facility operator decision on the cash flow projections. Some of the key data from that document is as follows:

- Our debt coverage during construction in 2009 and 2010 is relatively weak. Our coverage in 2011 and beyond is fairly strong. Because we have capitalized interest for 2009 and 2010, we should not be unduly penalized in our rating for our coverage in these years, and should be able to maintain our current rating of A-. The banks still reviewing our credit have not told us that coverage is a problem.

The debt service coverage ratios for the first five years of the bond cash flows for each scenario are as follows:

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Fixed Rate @ 6.75%:	1.47	1.42	2.23	2.00	2.13
VRDB @ 5.25%:	1.91	1.71	2.90	2.31	2.45
Hybrid (70% fixed, 30% variable):	1.56	1.56	2.39	2.09	2.22

- If the SBWMA Board approves the Selection Committee recommendation of South Bay Recycling this will produce lower operating costs resulting in greater net revenue (beginning in 2011) producing improved debt coverage ratios. This also means improved reserve balances. The figures below show the changes in debt ratio coverage and reserve balances for the fixed rate bond scenario:

Debt Coverage Ratio

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Current: Fixed Rate @ 6.75%:	1.47	1.42	2.23	2.00	2.13
W/ South Bay as operator:	1.47	1.42	2.47	2.20	2.33

Ending Available Reserve Balance

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Current: Fixed Rate @ 6.75%:	No change		\$3,424,061	\$5,770,544	\$8,712,826
W/ South Bay as operator:	No change		\$4,478,061	\$7,899,544	\$11,935,826

If you assumed the current debt coverage ratios as in the current proforma, but with South Bay Recycling as the operator, it would result in a \$3 per ton reduction in all projected tipping fee increases for 2011 forward.

Analysis

As a follow-up to the April 6th study session there were a number of key questions and items to be addressed related to the three financing scenarios and other new ideas introduced as follows:

- What is the impact of delays in implementing the Shoreway masterplan?
- What is the “call premium” for shortening the typical 10-year call period associated with fixed rate bonds? Can the financing team model updated cash flows to reflect a shorter call period for fixed rate bonds?
- Is legislative approval (i.e., the individual member agency elected bodies) required for the conversion of variable rate debt to fixed rate debt if the SBWMA pursues the hybrid or 100% VRDB scenarios?
- Can the financing team model updated cash flows for variable debt options assuming conversion of some or all of the variable rate debt to fixed rate? The cash flows should show potential additional cash flows generated from utilizing variable rate debt for a short period of time with the additional revenue captured in a rate stabilization fund.
- Can agencies use their own free cash flow to loan money (“Member Agency loan” scenario per Board Member Nava) at market rates to the SBWMA to replace some or all of the planned new debt?

Each of these key questions and items is addressed below in detail.

Impacts of Delay in Shoreway Masterplan

The current Phase 2 construction schedule for completion of the MRF and transfer station improvements reflects a four month and twelve month delay, respectively, in completion compared to the original schedule shared as part of the June 2008 Board approval of bond issuance. More specifically, the schedule, assuming July 23rd Phase 2 construction award, indicates that the MRF building will be ready for installation of the single stream equipment in August 2010, the major transfer station work will be complete by April 2011 and final completion (landscape, punch list and close-out) will be in June 2011. The original schedule and the Facility Operations RFP provided for six months to install, shakedown, and test the single stream equipment.

So what's the impact of these construction delays? The current schedule will not allow us to meet our contractual obligations as outlined in the Facility Operations RFP and draft Operations Agreement; we will not be able to provide the operational scope of services that is assumed in the price proposals from the two short-listed facility operators effective January 1, 2011. This means facility operational cost savings, reduced disposal costs, and increased commodity revenues will be deferred beyond the assumed January 1, 2011 new contract start.

Attachment 1 provides a snapshot of the financial benefits of implementing the masterplan improvements as compared to a “status quo” scenario of not implementing such improvements. It's extremely important to note the “status quo” scenario will still require significant capital improvements at Shoreway including replacing the existing dual stream processing equipment, new transfer station roof, MRF foundation work for any new equipment, seismic upgrades, etc. We have estimated these capital improvements at \$20 million, including the Phase 1 traffic improvements.

The attached analysis shows the masterplan improvements will yield \$64.8 million in net savings over the 25 year life of the bonds or \$31.8 million in net present value savings assuming the Hudson Baylor Corp. operational costs. These savings are \$103.5 million and \$51.6 million using the South Bay Recycling operational costs. The analysis uses an assumed 6.75% interest rate for both the status

quo scenario vs. the Shoreway masterplan scenario. Using lower interest rates (e.g., associated with the hybrid financing option) will result in greater net savings. Both scenarios also assume the existing debt is paid off in 2009.

How will staff manage the project delays in terms of how it impacts the future Shoreway operator? Once a facility operator is selected, staff will negotiate a draft Operating Agreement that reflects a phased in scope of services consistent with the delivery (i.e., finished construction) of facility improvements. While the projected net savings shown in **Attachment 1** won't be fully realized due to project delays, there still can be substantial savings realized if no further project delays occur. For example, the revised project schedule may still allow for start-up of the new MRF single stream operations close to the original January 1, 2011 deadline. Staff will pursue the above contract negotiation approach unless otherwise directed by the Board.

Finally, if we experience further project delays resulting from the delayed Board approval of a final plan of finance, which will also require subsequent approval by the three member agencies (i.e., Belmont, Hillsborough, and Menlo Park), the Phase 2 construction bids will have to be thrown out. The Board must act by July 23rd for the construction bid pricing to still be valid.

Call Premium for Shortening Typical 10-Year Call Period for Fixed Rate Debt

Municipal bonds are typically structured with an initial period of time during which the bonds may not be optionally redeemed by the issuer ("call protection"). In the current market, call protection extends for the first ten years, after which bonds may be optionally redeemed at their par value. Bank of America Securities (BAS) estimates that shortening call protection to 5 years would add approximately .25% to our interest cost. Shortening call protection to 3 years would likely add another .05%.

Structuring bonds with optional early redemption to take advantage of potentially lower future interest rates has several collateral repercussions, including the introduction of the AMT premium, credit spread uncertainty, and interest rate uncertainty. Each of the factors along with details on the shortened call period analysis is further discussed in **Attachment 2**.

The analysis essentially focused on a key question of does it make sense to pay an interest rate premium for the right to refund our bonds early? To answer this question staff compared a bond sale conducted today with a 10-year call vs. a bond sale conducted today with a 5-year call, and subsequently refunded in the fifth year at some assumed interest rate, and discount the cash flows back to today.

We evaluated three different options:

- 1) 100% fixed rate bonds
- 2) 70% fixed/30% variable hybrid with the variable portion converted to fixed rate after 5 years and the fixed portion refunded after 5 years
- 3) 70% fixed/30% variable hybrid with the variable portion converted to fixed rate after 3 years and the fixed portion refunded after 3 years

General Conclusions

Buying shorter call protection – If all of the bonds are structured as fixed rate, shortening the call protection to 5 years requires the Bond Buyer 25-Bond Revenue Bond Index (BBRBI) to drop approximately 70 basis points to 5.03% from its present level of 5.74% to achieve NPV savings of 3%.

over selling bonds with 10 year call protection. There have been several periods over the past decade when the BBRBI was below 5%, the longest in 2007 through the first half of 2008. It is not unreasonable to believe that the BBRBI will dip below 5% in the future, but for the purchase of this prepayment option to, *ex post*, have made economic sense, our window of opportunity is rather brief, probably no more than 3 years running from year 5 through year 8. After that it becomes increasingly more difficult for us to say we made the right decision.

Conversion/Refunding After Three or Five Years – The hurdle rate analysis is substantially similar to the 100% fixed rate bond structure, and for the fixed rate portion, the conclusion is the same. We have a very small window in which to execute a refunding. The window is a bit larger with a 3-year call structure. Converting the variable rate bonds to a fixed rate can be done at any time, with no prepayment premium. But making the decision to convert to a fixed rate may prove to be quite difficult. If interest rates remain low for variable rate bonds the SBWMA may be reluctant to exchange those savings for the greater certainty of a higher fixed rate, even if that fixed rate is low by historical standards. But when short term rates are high, long term rates will be even higher, and the decision to convert to a fixed rate will be even more difficult.

Legislative Approval for Conversion of Variable Rate Debt to Fixed Debt

Is legislative approval (i.e., the individual member agency elected bodies) required for the conversion of variable debt to fixed rate debt if the SBWMA pursues the hybrid or 100% VRDB scenarios? Bob Lanzone, our Legal Counsel, has reviewed Resolution 2008-04 and believes that any refinancing of our debt is subject to Board and member agency approval. Resolution 2008-04 was the Board's June 26th approval of the issuance of new debt for financing the Shoreway masterplan improvements.

Update Variable Rate Debt Cash Flows to Reflect Scenario of Converting to Fixed Rate Debt

These cash flows are shown in **Attachments 2 and 3**.

Member Agency Loan Scenario

Attachment 4 is a summary memo on this scenario with key questions noted that need to be addressed so the Financing Team can fully analyze the option. The questions posed in the attached memo were provided to Board Member Nava on Tuesday, April 14th.

Plan of Finance Schedule

Bond financings take approximately three months to document, sell and close. The following table shows the milestone events leading to a sale. In order to close a bond sale by September 1, the structure must be selected and documentation must begin by the end of May.

<u>Date</u>	<u>Activity</u>
April 22	Construction bids due. Was previously April 16 th but was extended due to extensive RFIs and requests from several general contractors for a delay. The bid addendum extending the deadline also extended the pricing period from 90 days to 93 days; this means the pricing in the construction bids are valid through July 24 th .
April 23	Board selects operator.

May 4th	Deadline for banks to submit Letter of Interest re: extending an LOC to the SBWMA. This deadline was previously April 17 th , but was extended to allow for the financing team to update cash flows reflecting Phase 2 bid results and the Shoreway operator decision.
May 14 th	Special Board meeting to select preferred plan of finance option.
May – July	Financing team documents bonds and obtains ratings; additional member agency bond structure reviews and direction to Board representatives.
July 23	SBWMA Board approves bond documents and bond issuance.
August 4	Sell bonds.
August 19	Close bonds.

Attachments

1 -- Analysis of Net Financial Benefits of Shoreway Masterplan vs. Maintaining Existing Dual Stream MRF at Shoreway

2 -- Analysis of Buying Shorter Call Period

3 -- Supporting Tables for Early Call Analysis

4 -- Member Agency Loan Scenario

**ATTACHMENT 1
ANALYSIS OF NET FINANCIAL BENEFITS**

SBWMA: Analysis of Net Financial Benefit (over 25 years) of Shoreway Masterplan vs. Maintaining existing Dual Stream MRF at Shoreway

	BOND FINANCING				OPERATIONS - HUDSON				NET SAVINGS	
	MASTER PLAN PROJECT NEW BOND - 2009		"STATUS QUO" RETROFIT BOND ¹		VARIANCE		Operational Benefits of Master Plan Project			
	Principal	Avg. Interest & Fees	Total Bond Payment	Total Bond Payment	Incremental Bond Payment	Ops Savings 3.0%	Disposal 3.0%	New Commodity Revenue, Net 1.0%		Operational Savings
2009		6.75%		6.75%						
2010			\$1,851,334							
2011	1,072,605	4,418,213	5,490,818	1,851,334	3,639,484	540,917	2,042,975	4,739,216	1,099,732	
2012	1,145,006	4,345,812	5,490,818	1,851,334	3,639,484	557,145	2,063,405	4,840,533	1,201,049	
2013	1,222,294	4,268,524	5,490,818	1,851,334	3,639,484	573,859	2,084,039	4,944,481	1,304,997	
2014	1,304,799	4,186,019	5,490,818	1,851,334	3,639,484	591,075	2,104,879	5,051,134	1,411,650	
2015	1,392,873	4,097,945	5,490,818	1,851,334	3,639,484	608,807	2,125,928	5,160,571	1,521,087	
2016	1,486,892	4,003,926	5,490,818	1,851,334	3,639,484	627,071	2,147,187	5,272,869	1,633,385	
2017	1,587,257	3,903,561	5,490,818	1,851,334	3,639,484	645,883	2,168,659	5,388,112	1,748,628	
2018	1,694,397	3,796,421	5,490,818	1,851,334	3,639,484	665,260	2,190,346	5,506,382	1,866,898	
2019	1,808,769	3,682,049	5,490,818	1,851,334	3,639,484	685,218	2,212,249	5,627,766	1,988,283	
2020	1,930,860	3,559,957	5,490,818	1,851,334	3,639,484	705,774	2,234,372	5,752,354	2,112,871	
2021	2,061,194	3,429,624	5,490,818	1,851,334	3,639,484	726,947	2,256,715	5,880,238	2,240,754	
2022	2,200,324	3,290,494	5,490,818	1,851,334	3,639,484	748,756	2,279,283	6,011,510	2,372,027	
2023	2,348,846	3,141,972	5,490,818	1,851,334	3,639,484	771,218	2,302,075	6,146,270	2,506,786	
2024	2,507,393	2,983,425	5,490,818	1,851,334	3,639,484	794,355	2,325,096	6,284,617	2,645,133	
2025	2,676,642	2,814,176	5,490,818	1,851,334	3,639,484	818,186	2,348,347	6,426,653	2,787,169	
2026	2,857,315	2,633,502	5,490,818	1,851,334	3,639,484	842,731	2,371,831	6,572,486	2,933,002	
2027	3,050,184	2,440,634	5,490,818	1,851,334	3,639,484	868,013	2,395,549	6,722,224	3,082,740	
2028	3,256,072	2,234,746	5,490,818	1,851,334	3,639,484	894,053	2,419,504	6,875,980	3,236,496	
2029	3,475,857	2,014,961	5,490,818	1,851,334	3,639,484	920,875	2,443,699	7,033,869	3,394,385	
2030	3,710,477	1,780,341	5,490,818	1,851,334	3,639,484	948,501	2,468,136	7,196,011	3,556,527	
2031	3,960,934	1,529,884	5,490,818	1,851,334	3,639,484	976,956	2,492,818	7,362,529	3,723,045	
2032	4,228,297	1,262,521	5,490,818	1,851,334	3,639,484	1,006,265	2,517,746	7,533,548	3,894,064	
2033	4,513,707	977,111	5,490,818	1,851,334	3,639,484	1,036,453	2,542,923	7,709,200	4,069,716	
2034	4,818,362	672,435	5,490,818	1,851,334	3,639,484	1,067,547	2,568,353	7,889,617	4,250,133	
2035	5,143,623	347,195	5,490,818	1,690,000	3,800,818	1,099,573	2,594,036	8,074,939	4,274,121	
	65,455,000	21,815,445	137,270,445	46,122,014	91,148,431	78,581,519	19,721,437	57,700,152	156,003,108	64,854,676
	Net Present Value @ 5%		77,387,282		51,342,327				83,190,185	31,847,859

Capitalized Interest in 2009 & 2010
 Old Bonds Paid off in 2009 but new "Retrofit" bonds assumed to be issued for Shoreway Improvements @ \$20 million; this is to replace the dual stream processing equipment, transfer station roof repair, MRF foundation work, seismic, etc. for 20 years.
 Assume new Retrofit debt @ same payment as old debt, old debt paid off with reserves

SBWMA: Analysis of Net Financial Benefit (over 25 years) of Shoreway Masterplan vs. Maintaining existing Dual Stream MRF at Shoreway

	BOND FINANCING			OPERATIONS - SBR			NET SAVINGS
	MASTER PLAN PROJECT NEW BOND - 2009		"STATUS QUO" RETROFIT BOND ¹	Operational Benefits of Master Plan Project			
	Principal	Avg. Interest & Fees 6.75%	Total Bond Payment 6.75%	Ops. Savings 3.0%	Disposal 3.0%	New Commodity Revenue, Net 1.0%	
2009	1,072,605	4,418,213	\$1,851,334	3,639,484	540,917	1,426,575	5,660,816
2010	1,145,006	4,345,812	1,851,334	3,639,484	557,145	1,440,841	5,802,625
2011	1,222,294	4,268,524	1,851,334	3,639,484	573,859	1,455,249	5,947,355
2012	1,304,799	4,186,019	1,851,334	3,639,484	591,075	1,469,802	6,096,671
2013	1,392,873	4,097,945	1,851,334	3,639,484	608,807	1,484,500	6,250,175
2014	1,486,892	4,003,926	1,851,334	3,639,484	627,071	1,499,345	6,407,990
2015	1,587,257	3,903,561	1,851,334	3,639,484	645,883	1,514,338	6,570,243
2016	1,694,397	3,796,421	1,851,334	3,639,484	665,260	1,529,482	6,737,064
2017	1,808,769	3,682,049	1,851,334	3,639,484	685,218	1,544,776	6,908,586
2018	1,930,860	3,559,957	1,851,334	3,639,484	705,774	1,560,224	7,084,948
2019	2,061,194	3,429,624	1,851,334	3,639,484	726,947	1,575,826	7,266,292
2020	2,200,324	3,290,494	1,851,334	3,639,484	748,756	1,591,585	7,452,764
2021	2,348,846	3,141,972	1,851,334	3,639,484	771,218	1,607,500	7,644,515
2022	2,507,393	2,983,425	1,851,334	3,639,484	794,355	1,623,575	7,841,701
2023	2,676,642	2,814,176	1,851,334	3,639,484	818,186	1,639,811	8,044,480
2024	2,857,315	2,633,502	1,851,334	3,639,484	842,731	1,656,209	8,253,019
2025	3,050,184	2,440,634	1,851,334	3,639,484	868,013	1,672,771	8,467,485
2026	3,256,072	2,234,746	1,851,334	3,639,484	894,053	1,689,499	8,688,054
2027	3,475,857	2,014,961	1,851,334	3,639,484	920,875	1,706,394	8,914,906
2028	3,710,477	1,780,341	1,851,334	3,639,484	948,501	1,723,458	9,148,225
2029	3,960,934	1,529,884	1,851,334	3,639,484	976,956	1,740,693	9,388,203
2030	4,228,297	1,262,521	1,851,334	3,639,484	1,006,265	1,758,100	9,635,035
2031	4,513,707	977,111	1,851,334	3,639,484	1,036,453	1,775,681	9,888,924
2032	4,818,382	672,435	1,851,334	3,639,484	1,067,547	1,793,437	10,150,078
2033	5,143,623	347,195	1,690,000	3,800,818	1,099,573	1,811,372	10,418,711
2034							
2035							
	55,455,000	71,815,445	137,270,445	91,148,431	19,721,437	40,291,044	194,668,348
	a	b	d	e	f	g	h
		c		c-d			i
		a+b					f+g+h
Net Present Value @ 5%		77,387,282		51,342,327			102,968,892
							j
							i-e
							51,626,565

Capitalized Interest in 2009 & 2010
 Old Bonds Paid off in 2009 but new "Retrofit" bonds assumed to be issued for Shoreway Improvements @ \$20 million; this is to replace the dual stream processing equipment, transfer station roof repair, MRF foundation work, seismic, etc. for 20 years.
 Assume new Retrofit debt @ same payment as old debt, old debt paid off with reserves

ATTACHMENT 2 ANALYSIS OF BUYING SHORTER CALL PERIOD

Municipal bonds are typically structured with an initial period of time during which the bonds may not be optionally redeemed by the issuer ("call protection"). In the current market, call protection extends for the first ten years, after which bonds may be optionally redeemed at their par value. Bank of America Securities (BAS) estimates that shortening call protection to 5 years would add approximately .25% to our interest cost. Shortening call protection to 3 years would likely add another .05%.

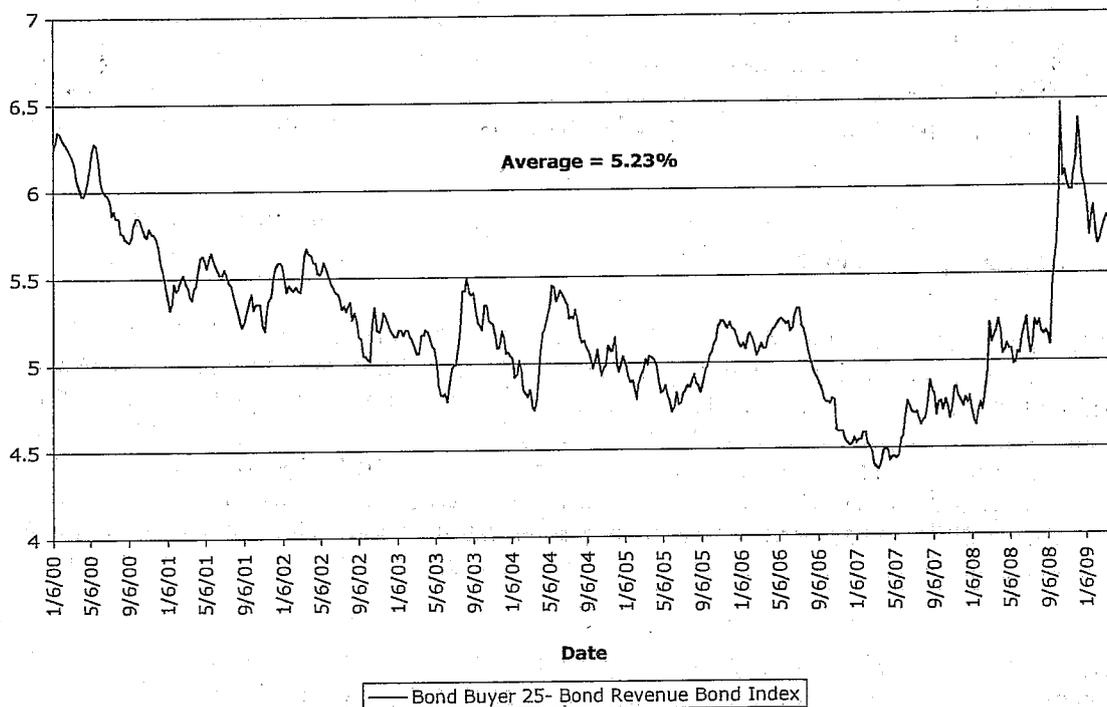
Structuring bonds with optional early redemption to take advantage of potentially lower future interest rates has several collateral repercussions.

Introduction of AMT premium – Bonds issued by the SBWMA in 2009 and 2010 will be free of the premium demanded by investors for purchasing bonds subject to the alternative minimum tax (AMT) calculation. Bonds issued after this period, including refunding bonds, will once again be subject to the AMT calculation, and therefore be subject to the AMT premium. Due to the present lack of investors interested in bonds subject to the AMT, in the present market this premium adds approximately 125 basis points (1.25%) to the interest rate. However, historically, this premium has been more on the order of .25%. While there is no telling what this premium will be in the future, it is not unrealistic to assume that when credit markets return to normalcy, this premium will also revert to historical levels.

Credit Spread Uncertainty – The current high borrowing cost for lesser quality credits is a result of the general tightening of credit and a pronounced flight of capital to high quality debt investments. Almost all of the bond insurance companies which previously allowed municipal borrowers access to the high-grade credit market by issuing bond insurance policies to borrowers with lesser quality investment grade credits (credit ratings of AAA/Aaa to BBB-/Baa3 are investment grade), have had their own credits reduced, and no longer provide borrowers with a means to "buy up" their debt credit quality. Whereas investors previously purchased bonds all along the investment grade credit spectrum, borrowers with credits lower than AA are all being painted with the same brush, and demand is significantly reduced for these credits. With so few willing to buy these credits, credit spreads have widened well beyond their historical levels. The Bond Buyer 25-Bond Revenue Bond Index (BBRBI), a market basket of AA and A rated bonds with maturities of 25 years, is ready statistic one can use to assess the general level of interest rates. The current BBRBI is 5.74%. Because SBWMA is an A- solid waste credit, we can expect to trade at a premium to the BBRBI. Historically, our spread to the BBRBI would have been approximately .50%. In the current market it is approximately .75%. As is the case with the AMT premium, it is not unrealistic to assume that when credit markets return to normalcy, this credit spread will revert to historical levels.

Interest Rate Uncertainty – Adding an early redemption premium of .25% to our interest rate, an extra cost we will have to pay every year until we refund these bonds, carries with it the risk that the general level of interest rates will never decline sufficiently to make a future refunding cost-effective, and the longer we have to wait for interest rates to decline, the greater the premium we will have paid for this uncertain future event. The following chart shows the variation in the BBRBI since 1990.

Bond Buyer 25- Bond Revenue Bond Index
1990 To Present



Analysis – The critical question we have to ask is, for any given level of AMT premium and credit spread, how low does the BBRBI have to be in any given year for a refunding to make economic sense? The typical way to evaluate a refunding is to compare the prior bonds' debt service to maturity to the refunding bonds' debt service to maturity and to discount the savings back to the present at the refunding bonds true interest cost (the all-in borrowing cost that takes the time value of money into account). We would certainly perform this calculation at the time we undertook any such future refunding, but our question here is slightly different, and so the analysis is slightly different. We are asking, is it worth it to pay an interest rate premium for the right to refund our bonds early?, and so we need to compare a bond sale conducted today with a 5-year call, and subsequently refunded in the fifth year at some assumed interest rate, and discount the cash flows back to today. The only thing we don't know is the future interest rate, but we can solve for an interest rate that makes us indifferent between the two choices or one that gives us some minimum level of savings. Because net present value (NPV) interest savings equal to 3% of the par amount of refunding bonds sold is the industry standard for the minimum level of savings necessary to justify a refunding, we have elected to solve for the interest rates that produce indifference (breakeven) and 3% NPV savings.

We evaluated three different options:

- 1) 100% fixed rate bonds
- 2) 70% fixed/30% variable hybrid with the variable portion converted to fixed rate after 5 years and the fixed portion refunded after 5 years
- 3) 70% fixed/30% variable hybrid with the variable portion converted to fixed rate after 3 years and the fixed portion refunded after 3 years

100% Fixed Rate Bonds

We compare a traditional 10-year call bond structure to a 5-year call bond structure and solve for both the future interest cost that would allow a 5-year call to break even with a 10-year call, and the future interest cost that would produce a 3% NPV savings over a 10-year call. We assume that our refunding bonds will bear a 25% AMT interest cost premium and that our credit trades at a .50% premium to the BBRBI. The costs of implementing a refunding are assumed to be approximately the same as the costs of structuring and selling the 2009 bonds.

Were we to sell bonds in the present market with a traditional 10-year call, BAS estimates our interest cost would be approximately 6.5%. That would rise to 6.75% if we shortened the call protection to five years. Note that in the BBRBI graph presented earlier the average BBRBI since 1990 has been 5.23%. Adding a .25% AMT penalty and a .50% credit spread to make that number comparable to our cost of funds during the same period brings the average up to 5.98%. The following table shows how the break even and 3% NPV savings rates compare to this benchmark average.

Refunding in Five Years			
	<u>Benchmark</u>	<u>Breakeven</u>	<u>3% NPV Savings</u>
BBRBI Average Since 1990	5.23%		
Future Base Market Rate (BBRBI)		5.46%	5.03%
Plus Credit Spread to BBRBI	0.50%	0.50%	0.50%
Plus AMT Premium	<u>0.25%</u>	<u>0.25%</u>	<u>0.25%</u>
Future Rate Estimate	5.98%	6.21%	5.78%

While the market would have to be approximately 20 basis points better than the 9-year average of 5.73% (see previous chart), note that there were several periods during this span when interest rates were substantially below the period average. It is not unrealistic to assume that we will have an opportune refunding window sometime between five and 10 years from now, although both the breakeven and the 3% NPV savings interest rate hurdle will increase each year. The following table shows what the BBRBI hurdle rate would have to be in the 5th, 7th and 10th year to break even and to produce 3% NPV savings¹. Note that that the hurdle rate gets lower at an increasing rate.

<u>Refunding Year</u>	<u>Breakeven BBRBI</u>	<u>3% NPV BBRBI</u>
5	5.46%	5.03%
7	5.42%	4.96%
10	5.10%	4.50%

A refunding conducted in 10 years (having paid for the right to refund after five years) at the higher hurdle of 3% NPV savings requires a BBRBI of 4.5%, which is at the very low end of the BBRBI history since 1990. While a refunding might nevertheless be cost effective after the tenth year (as measured from that year to maturity, disregarding all the higher payments made prior to the refunding), buying the five year call option would have been the wrong bet as it is very unlikely that we would be able to refund at a rate that would pay us back for 10 or more years of early call premium payments.

¹ Note that in this analysis, the higher a hurdle rate is the easier it is to achieve: higher hurdle rates are better than lower hurdle rates.

70% fixed/30% variable hybrid with the variable portion converted to fixed rate after 5 years and the fixed portion refunded after 5 years

As with the 100% fixed rate structure, we solve for the interest rates that allow us to break even and that produce 3% NPV savings. However, we assume that our converted bonds will not bear an AMT interest cost premium while the refunded bonds will, and that our credit trades at a .50% premium to the BBRBI. The following table shows the hurdle rates for the fixed rate portion of the financing that is refunded after 5 years. The rates are nearly the same as for the 100% fixed rate analysis. As with the 100% fixed rate analysis, the hurdle rates will become progressively lower as the refunding is extended out in time.

Refunding in Five Years for Fixed Rate Portion			
	<u>Benchmark</u>	<u>Breakeven</u>	<u>3% NPV Savings</u>
BBRBI Average Since 1990	5.23%		
Future Base Market Rate (BBRBI)		5.43%	5.00%
Plus credit spread to BBRBI	0.50%	0.50%	0.50%
Plus AMT	<u>0.25%</u>	<u>0.25%</u>	<u>0.25%</u>
Future Rate Estimate	5.98%	6.18%	5.75%

Solving for a hurdle rate to analyze the variable rate portion of the financing does not make much sense. Because there is no prepayment premium associated with converting variable rate bonds to a fixed rate, we can't compare cash flows as we can with the fixed rate bond structure. For this portion of the analysis we instead look at a likely interest rate scenario and solve for the amount that would accrue to the rate stabilization reserve. Because we would likely keep variable rate bonds outstanding if short term rates stayed low, we assume that short term interest rates stay low over the next 2-3 years as the economy works its way out of the current recession, but that the Federal Reserve gradually increases the Fed Funds rate to keep inflation at bay until by the fifth year our cost of funds is at 3%, which together with fees, brings us to an all-in cost of funds of 5.1%, quite near our long-term pro forma estimate of 5.25%. The cash flow presented below assumes that variable rate debt service is budgeted at 6.5%, an amount in excess of interest and fees. We use 6.5% for budgeting purposes because both the bank and the rating agencies will want to be sure that we budget an amount sufficient to cover unexpectedly high interest costs. Furthermore, it is quite close to what we would have had to pay had we sold fixed rate bonds, so the amounts budgeted but not expended on debt service can be characterized as our savings over an all fixed rate financing. Amounts budgeted but not expended on debt service are deposited to the rate stabilization reserve. At the time of the assumed conversion to a fixed rate, we would have accumulated approximately \$2.6 million in the rate stabilization reserve over the five year period.

70% Fixed/30% Variable Operating Cash Flow Estimate

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Net Revenues	4,666,051	6,427,078	9,852,000	10,989,000	11,675,500	11,616,000
Less: Debt Service - 2000 Bond	1,279,783					
Less: Debt Service - New Bond Fixed	1,278,422	3,068,213	3,068,213	3,813,080	3,813,080	3,813,080
Less: Debt Service - New Bond Variable	<u>225,000</u>	<u>620,000</u>	<u>720,000</u>	<u>1,224,813</u>	<u>1,425,420</u>	<u>1,426,059</u>
Total Debt Service	2,783,204	3,688,213	3,788,213	5,037,893	5,238,500	5,239,139
Debt Service Coverage Ratio	1.68	1.74	2.60	2.18	2.23	2.22
Net Revenue Available After Debt Service	1,882,847	2,738,866	6,063,788	5,951,107	6,437,000	6,376,861
less Franchise Fees	<u>1,269,000</u>	<u>1,414,000</u>	<u>1,514,000</u>	<u>1,591,000</u>	<u>1,635,000</u>	<u>1,672,000</u>
Net Operating Cash Flow	613,847	1,324,866	4,549,788	4,360,107	4,802,000	4,704,861
Transfers						
To Operating Reserve	383,847	644,866	3,969,788	2,592,607	3,175,355	3,016,486
To Rate Stabilization Reserve	230,000	680,000	580,000	480,000	300,645	322,375
To Equipment Replacement Reserve	-	-	-	<u>1,287,500</u>	<u>1,326,000</u>	<u>1,366,000</u>
Total Transfers	613,847	1,324,866	4,549,788	4,360,107	4,802,000	4,704,861
Operating Reserve Ending Balance	383,847	1,028,713	4,998,500	7,591,107	10,766,462	13,782,948
Rate Stabilization Ending Balance	230,000	910,000	1,490,000	1,970,000	2,270,645	2,593,020
Equipment Reserve Ending Balance	-	-	-	1,287,500	2,613,500	3,979,500
LOC Fee	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Remarketing Fee	0.10%	0.10%	0.10%	0.10%	0.10%	0.10%
Interest Rate	<u>0.60%</u>	<u>1.00%</u>	<u>1.50%</u>	<u>2.00%</u>	<u>3.00%</u>	<u>3.00%</u>
Total	2.70%	3.10%	3.60%	4.10%	5.10%	5.10%
Budget Interest Rate	6.50%					
Amortization Interest Rate	5.25%					

70% fixed/30% variable hybrid with the variable portion converted to fixed rate after 3 years and the fixed portion refunded after 3 years

Just as with a hybrid bond structure with the fixed rate bonds refunded after five years and variable rate bonds converted to a fixed rate after five years, we solve for the interest rates on the fixed rate portion of the debt that allow us to break even and that produce 3% NPV savings. With the exception of the refunding and conversion taking place after three years instead of five years and a .30% call premium on the 2009 fixed rate bonds instead of a .25% call premium, all of the assumptions are the same as the 70% fixed/30% variable hybrid structure analyzed in the previous section. The following table shows the hurdle rates on the fixed rate portion of the debt that yield the breakeven and 3% NPV results. Although the interest rate call premium is 5 basis points greater than the 5-year call, there are two fewer years in which a premium is paid, so the hurdle rates go up a bit with a 3-year call.

Refunding in Three Years for Fixed Rate Portion			
	<u>Benchmark</u>	<u>Breakeven</u>	<u>3% NPV Savings</u>
BBRBI Average Since 1990	5.23%		
Future Base Market Rate (BBRBI)		5.50%	5.14%
Plus credit spread to BBRBI	0.50%	0.50%	0.50%
Plus AMT	<u>0.25%</u>	<u>0.25%</u>	<u>0.25%</u>
Future Rate Estimate	5.98%	6.25%	5.89%

And, as might be expected, two fewer years in the variable rate mode prior to conversion to a fixed rate results in a smaller ending balance \$1.97 million in the rate stabilization reserve at the time of conversion.

70% Fixed/30% Variable Operating Cash Flow Estimate

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Net Revenues	4,666,051	6,427,078	9,852,000	10,989,000
Less: Debt Service - 2000 Bond	1,279,783			
Less: Debt Service - New Bond Fixed	1,287,892	3,090,940	3,090,940	3,830,502
Less: Debt Service - New Bond Variable	<u>225,000</u>	<u>620,000</u>	<u>720,000</u>	<u>1,224,813</u>
Total Debt Service	2,792,674	3,710,940	3,810,940	5,055,315
Debt Service Coverage Ratio	1.67	1.73	2.59	2.17
Net Revenue Available After Debt Service	1,873,377	2,716,138	6,041,060	5,933,685
less Franchise Fees	<u>1,269,000</u>	<u>1,414,000</u>	<u>1,514,000</u>	<u>1,591,000</u>
Net Operating Cash Flow	604,377	1,302,138	4,527,060	4,342,685
<i>Transfers</i>				
To Operating Reserve	374,377	622,138	3,947,060	2,575,185
To Rate Stabilization Reserve	230,000	680,000	580,000	480,000
To Equipment Replacement Reserve	-	-	-	<u>1,287,500</u>
Total Transfers	604,377	1,302,138	4,527,060	4,342,685
Operating Reserve Ending Balance	374,377	996,515	4,943,575	7,518,761
Rate Stabilization Ending Balance	230,000	910,000	1,490,000	1,970,000
Equipment Reserve Ending Balance	-	-	-	1,287,500
LOC Fee	2.00%	2.00%	2.00%	2.00%
Remarketing Fee	0.10%	0.10%	0.10%	0.10%
Interest Rate	<u>0.60%</u>	<u>1.00%</u>	<u>1.50%</u>	<u>2.00%</u>
Total	2.70%	3.10%	3.60%	4.10%
Budget Interest Rate	6.50%			
Amortization Interest Rate	5.25%			

Conclusions

Buying shorter call protection – If all of the bonds are structured as fixed rate, shortening the call protection to 5 years requires the BBRBI to drop approximately 70 basis points to 5.03% from its present level of 5.74% to achieve NPV savings of 3% over selling bonds with 10 year call protection. There have been several periods over the past decade when the BBRBI was below 5%, the longest in 2007 through the first half of 2008. It is not unreasonable to believe that the BBRBI will dip below 5% in the future, but for the purchase of this prepayment option to, *ex post*, have made economic sense, our window of opportunity is rather brief, probably no more than 3 years running from year 5 through year 8. After that it becomes increasingly more difficult for us to say we made the right decision.

Conversion/Refunding After Three or Five Years -- The hurdle rate analysis is substantially similar to the 100% fixed rate bond structure, and for the fixed rate portion, the conclusion is the same. We have a very small window in which to execute a refunding. The window is a bit larger with a 3-year call structure. Converting the variable rate bonds to a fixed rate can be done at any time, with no prepayment premium. But making the decision to convert to a fixed rate may prove to be quite difficult. If interest rates remain low for variable rate bonds the SBWMA may be reluctant to exchange those savings for the greater certainty of a higher fixed rate, even if that fixed rate is low by historical standards. But when short term rates are high, long term rates will be even higher, and the decision to convert to a fixed rate will be even more difficult.

**ATTACHMENT 3
SUPPORTING TABLES FOR EARLY CALL ANALYSIS**

100% Fixed Rate Bonds		
	<u>Interest Rate</u>	<u>Annual Debt Service</u>
2009 Bonds, 5-Yr Call Protection	6.75%	5,490,818
2009 Bonds, 10-Yr Call Protection	<u>6.50%</u>	<u>5,366,098</u>
Difference	0.25%	124,720
Refunding in Five Years		
	<u>Breakeven</u>	<u>3% NPV Savings</u>
Future Base Market Rate (BBRBI)	5.46%	5.03%
Plus Credit Spread to BBRBI	0.50%	0.50%
Plus AMT Premium	<u>0.25%</u>	<u>0.25%</u>
Future Rate Estimate	6.21%	5.78%
Refunding Size		
Escrow	62,015,094	62,015,094
COI	350,000	350,000
Minus Prior DSRF	(5,490,818)	(5,490,818)
Plus New DSRF	5,290,487	5,080,457
Discount	0.65% <u>406,715</u>	<u>405,340</u>
Total	62,571,478	62,360,074
NPV Savings (Cost)	0	1,870,802
3% NPV Target		<u>1,870,802</u>
Difference		(0)
Indifference Rate	6.21%	
Rate Producing 3% NPV Savings		5.78%

100% Fixed Rate Bonds
Breakeven Analysis **3% NPV Savings Analysis**

Call Period 2009 Yield	10-Yr Call 6.5% Yield	5-Yr Call 6.75% Yield	5-Yr Call Savings	5-Yr Call 6.75% Yield	5-Yr Call Savings
	1,772,740	1,840,922	(68,182)	1,840,922	(68,182)
1	4,254,575	4,418,213	(163,638)	4,418,213	(163,638)
2	4,254,575	4,418,213	(163,638)	4,418,213	(163,638)
3	5,366,098	5,490,818	(124,720)	5,490,818	(124,720)
4	5,366,098	5,490,818	(124,720)	5,490,818	(124,720)
5	5,366,098	5,490,818	(124,720)	5,490,818	(124,720)
6	5,366,098	5,290,487	75,611	5,080,457	285,641
7	5,366,098	5,290,487	75,611	5,080,457	285,641
8	5,366,098	5,290,487	75,611	5,080,457	285,641
9	5,366,098	5,290,487	75,611	5,080,457	285,641
10	5,366,098	5,290,487	75,611	5,080,457	285,641
11	5,366,098	5,290,487	75,611	5,080,457	285,641
12	5,366,098	5,290,487	75,611	5,080,457	285,641
13	5,366,098	5,290,487	75,611	5,080,457	285,641
14	5,366,098	5,290,487	75,611	5,080,457	285,641
15	5,366,098	5,290,487	75,611	5,080,457	285,641
16	5,366,098	5,290,487	75,611	5,080,457	285,641
17	5,366,098	5,290,487	75,611	5,080,457	285,641
18	5,366,098	5,290,487	75,611	5,080,457	285,641
19	5,366,098	5,290,487	75,611	5,080,457	285,641
20	5,366,098	5,290,487	75,611	5,080,457	285,641
21	5,366,098	5,290,487	75,611	5,080,457	285,641
22	5,366,098	5,290,487	75,611	5,080,457	285,641
23	5,366,098	5,290,487	75,611	5,080,457	285,641
24	5,366,098	5,290,487	75,611	5,080,457	285,641
25	5,366,098	5,290,487	75,611	5,080,457	285,641
26	5,366,098	5,290,487	75,611	5,080,457	285,641
27	5,366,098	5,290,487	75,611	5,080,457	285,641
	<u>144,434,336</u>	<u>143,540,514</u>	<u>893,822</u>	<u>138,919,859</u>	<u>5,514,477</u>

**\$45.455 Million (70%) Fixed Rate Bonds
\$20 Million (30%) Variable Rate Bonds**

	<u>Interest Rate</u>	<u>Annual Debt Service</u>
2009 Bonds, 5-Yr Call Protection	6.75%	3,813,080
2009 Bonds, 10-Yr Call Protection	<u>6.50%</u>	<u>3,726,468</u>
Difference	0.25%	86,611

Conversion & Refunding in Five Years

	<u>Breakeven</u>	<u>3% NPV Savings</u>
Future Base Market Rate (BBRBI)	5.43%	5.00%
Plus credit spread to BBRBI	0.50%	0.50%
Plus AMT	<u>0.25%</u>	<u>0.25%</u>
Future Rate Estimate	6.18%	5.75%

Refunding Size

Escrow		43,066,169	43,066,169
COI		350,000	350,000
Minus Prior DSRF		(3,813,080)	(3,813,080)
Plus New DSRF		3,674,124	3,528,471
Discount	0.65%	<u>283,142</u>	<u>282,189</u>
Total		43,560,356	43,413,750
NPV Savings (Cost)		(0)	1,302,413
3% NPV Target			<u>1,302,413</u>
Difference			(0)
Indifference Rate		6.18%	
Rate Producing 3% NPV Savings			5.75%

\$45.455 Million (70%) Fixed Rate Bonds

Breakeven Analysis

3% NPV Savings Analysis

Call Period 2009 Yield	10-Yr Call 6.5% Yield	5-Yr Call 6.75% Yield	5-Yr Call Savings	5-Yr Call 6.75% Yield	5-Yr Call Savings
	1,231,073	1,278,422	(47,349)	1,278,422	(47,349)
1	2,954,575	3,068,213	(113,638)	3,068,213	(113,638)
2	2,954,575	3,068,213	(113,638)	3,068,213	(113,638)
3	3,726,468	3,813,080	(86,611)	3,813,080	(86,611)
4	3,726,468	3,813,080	(86,611)	3,813,080	(86,611)
5	3,726,468	3,813,080	(86,611)	3,813,080	(86,611)
6	3,726,468	3,674,124	52,344	3,528,471	197,997
7	3,726,468	3,674,124	52,344	3,528,471	197,997
8	3,726,468	3,674,124	52,344	3,528,471	197,997
9	3,726,468	3,674,124	52,344	3,528,471	197,997
10	3,726,468	3,674,124	52,344	3,528,471	197,997
11	3,726,468	3,674,124	52,344	3,528,471	197,997
12	3,726,468	3,674,124	52,344	3,528,471	197,997
13	3,726,468	3,674,124	52,344	3,528,471	197,997
14	3,726,468	3,674,124	52,344	3,528,471	197,997
15	3,726,468	3,674,124	52,344	3,528,471	197,997
16	3,726,468	3,674,124	52,344	3,528,471	197,997
17	3,726,468	3,674,124	52,344	3,528,471	197,997
18	3,726,468	3,674,124	52,344	3,528,471	197,997
19	3,726,468	3,674,124	52,344	3,528,471	197,997
20	3,726,468	3,674,124	52,344	3,528,471	197,997
21	3,726,468	3,674,124	52,344	3,528,471	197,997
22	3,726,468	3,674,124	52,344	3,528,471	197,997
23	3,726,468	3,674,124	52,344	3,528,471	197,997
24	3,726,468	3,674,124	52,344	3,528,471	197,997
25	3,726,468	3,674,124	52,344	3,528,471	197,997
26	3,726,468	3,674,124	52,344	3,528,471	197,997
27	3,726,468	3,674,124	52,344	3,528,471	197,997
	<u>100,301,928</u>	<u>99,684,811</u>	<u>617,117</u>	<u>96,480,452</u>	<u>3,821,476</u>

**\$45.455 Million (70%) Fixed Rate Bonds
\$20 Million (30%) Variable Rate Bonds**

	<u>Interest Rate</u>	<u>Annual Debt Service</u>
2009 Bonds, 5-Yr Call Protection	6.75%	3,830,502
2009 Bonds, 10-Yr Call Protection	<u>6.50%</u>	<u>3,726,468</u>
Difference	0.25%	104,033

Conversion & Refunding in Three Years

	<u>Breakeven</u>	<u>3% NPV Savings</u>
Future Base Market Rate (BBRBI)	5.50%	5.14%
Plus credit spread to BBRBI	0.50%	0.50%
Plus AMT	<u>0.25%</u>	<u>0.25%</u>
Future Rate Estimate	6.25%	5.89%
Refunding Size		
Escrow	44,715,438	44,715,438
COI	350,000	350,000
Minus Prior DSRF	(3,830,502)	(3,830,502)
Plus New DSRF	3,688,048	3,555,404
Discount	0.65% <u>293,910</u>	<u>293,042</u>
Total	45,216,895	45,083,382
NPV Savings (Cost)	(0)	1,352,501
3% NPV Target		<u>1,352,501</u>
Difference		(0)
Indifference Rate	6.25%	
Rate Producing 3% NPV Savings		5.89%

\$45.455 Million (70%) Fixed Rate Bonds

Breakeven Analysis

3% NPV Savings Analysis

Call Period 2009 Yield	10-Yr Call 6.5% Yield	3-Yr Call 6.80% Yield	3-Yr Call Savings	3-Yr Call 6.80% Yield	3-Yr Call Savings
	1,231,073	1,287,892	(56,819)	1,287,892	(56,819)
1	2,954,575	3,090,940	(136,365)	3,090,940	(136,365)
2	2,954,575	3,090,940	(136,365)	3,090,940	(136,365)
3	3,726,468	3,830,502	(104,033)	3,830,502	(104,033)
4	3,726,468	3,688,048	38,420	3,555,404	171,065
5	3,726,468	3,688,048	38,420	3,555,404	171,065
6	3,726,468	3,688,048	38,420	3,555,404	171,065
7	3,726,468	3,688,048	38,420	3,555,404	171,065
8	3,726,468	3,688,048	38,420	3,555,404	171,065
9	3,726,468	3,688,048	38,420	3,555,404	171,065
10	3,726,468	3,688,048	38,420	3,555,404	171,065
11	3,726,468	3,688,048	38,420	3,555,404	171,065
12	3,726,468	3,688,048	38,420	3,555,404	171,065
13	3,726,468	3,688,048	38,420	3,555,404	171,065
14	3,726,468	3,688,048	38,420	3,555,404	171,065
15	3,726,468	3,688,048	38,420	3,555,404	171,065
16	3,726,468	3,688,048	38,420	3,555,404	171,065
17	3,726,468	3,688,048	38,420	3,555,404	171,065
18	3,726,468	3,688,048	38,420	3,555,404	171,065
19	3,726,468	3,688,048	38,420	3,555,404	171,065
20	3,726,468	3,688,048	38,420	3,555,404	171,065
21	3,726,468	3,688,048	38,420	3,555,404	171,065
22	3,726,468	3,688,048	38,420	3,555,404	171,065
23	3,726,468	3,688,048	38,420	3,555,404	171,065
24	3,726,468	3,688,048	38,420	3,555,404	171,065
25	3,726,468	3,688,048	38,420	3,555,404	171,065
26	3,726,468	3,688,048	38,420	3,555,404	171,065
27	<u>3,726,468</u>	<u>3,688,048</u>	<u>38,420</u>	<u>3,555,404</u>	<u>171,065</u>
	100,301,928	99,813,429	488,500	96,629,959	3,671,969

ATTACHMENT 4 MEMBER AGENCY LOAN SCENARIO

At the April 6th study session, Board Member Jesus Nava suggested that the plan of finance include an element which would allow the SBWMA to borrow funds from member agencies.

Since the study session, Brian Ponty, Board member and refunding manager, has conducted preliminary research into this proposal and has identified the following threshold questions that must be answered and decided upon prior to the financing team determining how this proposal might fit into the plan of finance:

- The proposed interest rate and term to maturity? Bond counsel has advised that any interest paid to members on these loans must be a market interest rate. Will the lenders (i.e., Member Agencies) accept an interest rate based upon tax-exempt market rates or will they require an interest rate based on taxable market rates? Should the lenders request an interest rate based upon taxable market interest rates the Board will then need to decide if it is appropriate to borrow at this rate. It is also understood that the Government Code limits municipalities to investing in securities to terms of five years or less. Accordingly, the plan of finance needs to include a means of repaying these loans. Such repayment will need to come from either internally generated fund balance (i.e., cash reserves) or from a subsequent bond issue.
- Will such debt be on parity with or subordinate to existing debt the SBWMA has outstanding or needs to issue?
- What level of funding will be raised through this approach? When will the SBWMA know how much money is available from the lenders?
- If the entire amount needed to finance the improvements at the Shoreway Recycling and Disposal Center ("Shoreway facility") cannot be raised through member loans how will the balance of such funds be raised?

Mr. Ponty has requested the assistance of Mr. Nava in obtaining answers to these questions as the financing team needs to thoroughly understand what terms the potential lenders (member agencies) will need in order to be comfortable lending to the SBWMA. The financing team then needs to examine and analyze these proposed terms so that it will be in a position to advise the Board whether this method of finance is in the SBWMA's best interest. Examples of some of the issues the financing team will need to analyze is how the repayment of these loans will affect the coverage ratio in the year the repayment occurs and how this financing will be viewed by the credit rating agencies. There is also a timing issue as the Shoreway capital improvements have already been delayed and further delays will financially impact the SBWMA and ratepayers. In order for the SBWMA to issue new debt on the current schedule (Board approval at its July 23rd meeting with issuance 3-5 weeks later), a final plan of finance needs to be approved in May.

As with any suggestion on how to finance the Shoreway facility improvements this proposal requires very careful and thorough examination so that the advantages and disadvantages can be presented to the Board.

The refunding team is fully committed to exploring this option within the resources and time constraints which it has available.

As Chair of the South Bayside Waste Management Authority (SBWMA), I am writing to City Managers to remind them that the SBWMA in the coming month will be making several critical decisions that will have direct impacts on refuse rate payers for next 25 years. It is important that all member agencies provide input regarding the finance plan alternatives. Below is a table that shows what needs to be financed, and by when the decisions must be made:

What	When	Estimated Cost
Shoreway Master Plan Improvements (includes Materials Recycling Facility, Transfer Station Expansion)	July 2009	\$17.6 M bid + contingency (Bid from SJ Amoroso expires 7/24/09)
Misc. Shoreway Master Plan Improvements (funds Phase I, landscape improvements, etc)	No specific date	\$6.5 M
Sorting Equipment	October 2009	\$17 M
Refunding 2000 Bond	March 2011	\$13.9 M

The total estimated capital need is \$43.9 M for construction and equipment. Another \$13 M may need to be financed for capitalized interest, working capital, debt issuance expenses and debt reserve funds. The SBWMA has \$15 M in cash reserves that is anticipated to be used for these expenses.

As can be seen above, a portion of this should be raised by the July 23, 2009 SBWMA Board meeting when the bid for the construction of the Shoreway Master Plan Improvements is proposed to be considered. The \$17.6 M bid submitted by SJ Amoroso of Redwood City, is approximately \$10 M below the engineer's estimate.

To date the SBWMA has been considering plans for one 25 year bond issue up to \$65 M, and using its cash reserve to redeem the 2000 Bond.

The Town of Hillsborough and City of Burlingame have requested that the SBWMA also consider other alternatives such as private placement of the debt. The agencies share a belief that the sorting equipment which typically has a useful life of 10-15 years should be amortized over a 10-15 year period. A concept for SBWMA member agencies to loan funds to the SBWMA is also under consideration, in order to reduce long-term cost of debt. Information about these alternatives will be presented in a study session on May 19. Similarly, concerns have been raised about the plan to immediately retire the 2000 bond with cash reserves, when cash flow projections show a need to borrow approximately \$6 M in funds for capitalized interest and working capital.

In addition to sending board members, I encourage all member agencies to have city managers, finance directors and financial advisors present at the next SBWMA meetings where the plan of finance is discussed. This will be an excellent opportunity to come up to speed on the options and needs.

The next meeting date is May 19 at 1 pm at the San Carlos City Hall.

Martha DeBry
Public Works Director
Town of Hillsborough
1600 Floribunda Avenue
Hillsborough, CA 94010
Main 650.375.7444
Direct 650.375.7409
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Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER.

DATE: FOR THE MEETING OF MAY 20, 2009

SUBJECT: Blue Ribbon Task Force Recommendation for Donor City Funds

RECOMMENDATION:

The Town of Atherton approach the San Mateo Library Joint Powers Authority (JPA) and request permission to use a validated portion Atherton's Donor City Funds towards a new town center in exchange for the Library getting exclusive use of the vacated Council Chambers.

BACKGROUND:

At the May 12, 2009 the Blue Ribbon Task Force (BRTF) met to review the draft report for the need for additional public services spaces. BRTF Committee members voted 4 to 3 to recommend to City Council that the Town approach San Mateo Library Joint Powers Authority (JPA) and request permission to use a validated portion Atherton's Donor City Funds towards a new town center in exchange for the Library getting exclusive use of the vacated Council Chambers.

The Library Donor City funds will likely be taken up at the next JPA meeting on June 1, 2009. Currently, the BRTF is discussing funding scenarios for the Atherton Town Center.

FISCAL IMPACT:

There is no fiscal impact at this time.

Recommendation of the Town Center Blue Ribbon Task Force (BRTF) Committee.

At the May 12, 2009 BRTF meeting the BRTF voted 4-3 the following.

The Town of Atherton approach the San Mateo Library Joint Powers Authority (JPA) and request permission to use a validated portion Atherton's Donor City Funds towards a new town center in exchange for the Library getting exclusive use of the vacated Council Chambers.

This is of current interest to the council for the following reasons:

1. Discussion of Library Donor City funds will likely be on the June 1, 2009 JPA Agenda.
2. The BRTF is discussing funding scenarios for the Atherton Town Center.

Background:

In 1999 the San Mateo County Library Joint Powers Authority was formed consisting of council members from:

Atherton
Brisbane
East Palo Alto
Foster City
Half Moon Bay
Millbrae
Pacifica
Portola Valley
San Carlos
Woodside
San Mateo County

The Operating Committee of the JPA consists of City Managers from the same cities.

Staff to operate Libraries reports to San Mateo County. Funds to operate libraries come from the Property Taxes of member cities and the unincorporated parts of San Mateo County.

Three cities: Atherton, Woodside, and Portola Valley generate more revenue from their Property Taxes than is needed to operate their libraries. These cities are referred to as Donor Cities. Through Prop 13 Donor City Funds must be used in their respective cities.

Atherton currently has a surplus of \$3.2 million, has been generating in excess of \$500,000 per year, and projects to have a surplus of more than \$600,000 for FY 2009-2010. The projected total in Atherton's Library reserves by June 2010 is \$3.8 Million.

Sections of the JPA agreement address the use of Donor City Funds. Of interest is Article VI.D. "In the event that [such] allocate[ion] ...exceeds the amount required to maintain library service...such excess funds shall be spent on library related activities within that city (hereinafter, "Donor City") including, but not limited to, facility maintenance, *facility remodeling or expansion*, increased service hours, or increased book purchases, as mutually agreed by the Library JPA and the city council of the affected Donor City."

In 2005, the Atherton Council funded further study for a new town center.

In 2006, as part of the Facilities Sub Committee Council Members Alan Carlson and Charles Marsala discussed moving the council chambers and turning the council chambers over to the library in exchange for a validated amount of donor city funds.

Later that year, City Manager Jim Robinson researched the JPA agreement and met with San Mateo Library Executive Director Vicki Johnson to clarify what facility remodeling or expansion meant in the agreement. Also attending the meeting was council member Marsala and Anne-Marie Despain, assistant director of San Mateo County Library. Conclusion was that the agreement was vague.

In 2008, the Atherton Facilities Committee of Council Members Jim Janz and Charles Marsala again addressed this topic. In April 2008 the Atherton council changed the Facilities Committee to the Town Center Committee and formed a Blue Ribbon Task Force to investigate the Town Center Concept.

Discussions between the JPA Assistant Director Anne-Marie Despain, City Manager Jerry Gruber, and Council Member Marsala took place. Again the conclusion was that the agreement was vague.

In September the item was brought to the JPA, with City Manager Jerry Gruber in attendance. Support was that Atherton would be allowed to exchange funds in a validated manner. Representatives from San Carlos and East Palo Alto supported that a fair market value of the council chambers and land be determined as part of the process.

The following motion was made by Council Member Marsala at the September JPA meeting:

"Atherton should be allowed to use donor city funds for purposes of acquiring existing lands and buildings to expand the library." Motion was seconded by Donna Rutherford of East Palo Alto. Motion passed 10-0.

The minutes read: The Board unanimously approved the motion pending outcome of the following: (1) Legal counsel examination of the proposal to identify any conflicts of

interest with respect to the use of these funds, (2) Operations Committee examination of the proposal to ensure that the project adheres to funding guidelines.

At the February 2009 JPA meeting the following motion was made: “To direct staff to get legal opinion on the JPA Agreement and for that opinion to include provision for donor cities to be able to transfer donor city reserves for assets in a validated manner.” Motion was made by Council Member Marsala, Seconded by Vice-Chair Pam Frisella of Foster City and passed 11-0.

Action:

The council support the recommendation of the BRTF task force and request permission to use a validated portion Atherton’s Donor City Funds towards a new town center in exchange for the Library getting exclusive use of the vacated Council Chambers

**San Mateo County Library
JPA Governing Board Meeting**

MINUTES OF SEPTEMBER 8, 2008

BOARD:

Charles Marsala, Atherton
Cy Bologoff, Brisbane
Donna Rutherford, East Palo Alto
Pam Frisella, Foster City
Marina Fraser, Half Moon Bay
Robert Gottschalk, Millbrae
Pete DeJarnatt, Pacifica
Maryann Derwin, Portola Valley
Matt Grocott, San Carlos
Carroll Ann Hodges, Woodside
Jerry Hill, San Mateo County

OTHERS ATTENDING:

Anne-Marie Despain, Library
Pam Deal, Library
Linda Chiochios, Library
Ralph Jaeck, Operations Committee Chair
Jim Hardy, Operations Committee
Jerry Gruber, Operations Committee
Peggy Jensen, Operations Committee

- I. Call to Order. The meeting was called to order at 8:05 a.m.
- II. Public Communications. None.
- III. Approval of the June 2, 2008, Minutes. Approved without changes. (MSP: Hill/Frisella, Member Derwin abstained).
- IV. Recognition of Outgoing PLS System Advisory Board Representative and New Appointment to PLS System Advisory Board. Interim Director Despain provided an overview of the Systems Advisory Board and its functions. The current representative, Veralyn Davids was recognized by the Board for her commitment to library services and her work representing San Mateo County Library on this board the last two years. Elaine Pitts was recommended for appointment to the PLS System Advisory Board for a two-year term. She is an active member and former president of the Friends of the Foster City Library. Motion made to appoint Elaine Pitts to the PLS System Advisory Board and passed unanimously (MSP: DeJarnatt/Rutherford).
- V. Approval of the FY 2008-09 Recommended Budget. Interim Director Despain reviewed the final adopted budget changes. Approval of Adopted Budget passed unanimously (MSP: Hill/Rutherford).
- VI. Renovation Policy and Process Report. Interim Director Despain introduced the report, reminding Board Members that no action was taken on this item at the May 5, 2008 meeting. At that meeting, the Governing Board requested that the Operations Committee task force reconvene to consider the suggestion that County Library revenues be made available to fund activities associated with generating support for new library facilities. The task force reviewed the policy and recommends that it be approved in its current form, finding that the Library JPA's current forms of financial assistance for new buildings are appropriate. Member Grocott indicated the need to rate proposals in a way that ensures fairness to all member facilities. Motion was made to approve and passed unanimously (MSP: Grocott/Marsala).
- VII. Atherton Library Project and Use of Donor City Funds. A total of \$3.2 million in Atherton Library donor city funds has accumulated to date. The Town of Atherton has expressed

an interest in using these funds to remodel and/or expand the current Atherton Library. Member Marsala provided the Governing Board with additional information on the issue and background on the property in question. A discussion ensued. Member Marsala made a motion that, "Atherton should be allowed to use donor city funds for purposes of acquiring existing lands and buildings to expand the library". The Board unanimously approved the motion pending outcome of the following: (1) Legal counsel examination of the proposal to identify any conflicts of interest with respect to the use of these funds, (2) Operations Committee examination of the proposal to ensure that the project adheres to funding guidelines (MSP: Marsala/Rutherford).

- VIII. Director's Report. Interim Director Despain provided an overview of the Director's Report. The new Portola Valley Library is scheduled to open September 15th with a number of donor events and a ribbon-cutting on September 14th. It was suggested that the next Governing Board meeting on November 3, 2008 be held at the Portola Valley Library. Interim Director Despain also stated that staff is in the process of planning a reception sometime in early November to introduce the new Library Director, Martín Gómez.
- IX. Board Announcements. Chair Fraser encouraged members to share community and library announcements at future meetings. Member Derwin invited everyone to attend the Portola Valley Town Center Ribbon-Cutting Event on Sunday, September 14th.
- X. Adjournment. The meeting adjourned at 9:08 a.m.

San Mateo County Library
JPA Governing Board Meeting

MINUTES OF FEBRUARY 2, 2009

Board:

Charles Marsala, Atherton
Christine Wozniak, Belmont
Cy Bologoff, Brisbane
Laura Martinez, East Palo Alto
Pam Frisella, Foster City
Marina Fraser, Half Moon Bay
Pete DeJarnatt, Pacifica
Maryann Derwin, Portola Valley
Randy Royce, San Carlos
Carroll Ann Hodges, Woodside
Carole Groom, San Mateo County

Staff Attending:

Martín Gómez, Library
Anne-Marie Despain, Library
Pam Deal, Library
Karina Labrenz, Library

Guests Attending:

Jack Crist (Belmont), Operations Committee Chair
Joe Arch, Certified Public Accountant

- I. Call to Order. The meeting was called to order at 8:05 a.m.
- II. Public Communications. Joan Peceimer, Belmont Friends, bode farewell to Belmont Librarian Teri Titus and former Belmont Branch Manager Linda Chiochios. Peninsula Library System Advisory Board representative for San Mateo County Library Elaine Pitts has started to meet with the Friends' presidents.
- III. New Member Welcome and Recognition of Outgoing Members. Chair Fraser welcomed new members Martinez and Groom.
- IV. Approval of the November 3, 2008, Minutes. Approved without changes (MSP: Derwin/Bologoff).
- V. Bill of Rights for Children and Youth of San Mateo County. Library Services Manager Jeanine Asche introduced key points of the resolution. Motion was made to adopt the Peninsula Partnership Leadership Council Bill of Rights for Children and Youth of San Mateo County and passed (MSP: Frisella/Bologoff).
- VI. Financial Audit Report Back for FY 2007-08. Director Gómez gave an overview of the Audit Report which contained no significant changes nor disagreements. Motion was made to accept the Library's Financial Audit for FY 2007-08 and passed (MSP: Bologoff/Frisella).

Use of Donor City Funds. Director Gómez gave an overview of the report prepared by the JPA legal counsel John Shupe. The JPA attorney's opinion stated that the use of donor city funds to acquire a building the town already owns was not an "authorized" expenditure under Library district law nor JPA Agreement. Director Gómez reported that the Operations Committee had voted to recommend that the Governing Board accept the legal opinion of the JPA attorney. Chairwoman Fraser appointed a committee consisting of members Marsala, Derwin and Frisella to review this issue, interact with the attorneys and report back at the May Board meeting.

Motion: to direct staff to get legal opinion on the JPA Agreement and for that opinion to include provisions for donor cities to be able to transfer donor city reserves for assets in a validated manner. Passed (MSP: Marsala/Frisella).

- VII. FY 2008-09 Mid-Year Financial Report. Financial Services Manager Deal provided an overview of the report. The Library lost \$473,000 in investment earnings due to the Lehman Brothers losses. Member Royce suggested employing consultants to oversee investments. Currently, the Library's investments are managed by the County Treasurer. At the January Operations Committee meeting it was suggested that staff look at the JPA's investment options. Director Gómez reported that staff will begin looking at this issue and report back.

Motion: to accept the FY 2008-09 Mid-Year Financial Report. Passed (MSP: Hodges/Royce).

- VIII. Director's Report. Director Gómez highlighted some topics in his report: San Mateo County Library and the City of Pacifica applied for the ICMA grant, Brisbane passed Measure T, and Half Moon Bay may have an opportunity to resubmit its Proposition 14 application should funding become available as a result of a possible default by the City of San Diego.
- IX. SMCL Strategic Planning Session. Director Gómez made a presentation about possible issues that may need reviewing over the next 2-3 years. They are: have a social gathering of Board Members and the Friends President; highlight career/employment information; expand children and reading programs; become a meeting place for residents; engage Friends more, such as advocacy at the State level; provide access to information after hours, such as computer or meeting room.
- X. Board Announcements. None.
- XI. Adjournment. The meeting adjourned at 9:40 a.m.



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF MAY 20, 2009

**SUBJECT: ACTUARIAL VALUATION OF POSTEMPLOYMENT HEALTH-CARE
BENEFITS OTHER THAN PENSIONS (GASB 45)**

RECOMMENDATION

Accept and approve the actuarial valuation of Postemployment Health-Care Benefits (GASB 45) Report.

DISCUSSION

In July 2004, the Governmental Accounting Standards Board issued Statement 45 (GASB 45) which requires governmental entities to begin accounting for the postemployment benefits on an accrual basis, as the future benefits are earned, rather than on a "pay-as-you-go" basis as expenses are incurred. Local governments must recognize in their financial statements the "earned" cost of *current retirees and employees'* future retiree medical premiums. The Town of Atherton currently offers retirement medical insurance for life to permanent full-time and part-time employees who are members of the California Public Employees' Retirement System (CalPERS) and who retire from the Town of Atherton.

To comply with GASB 45, the Town retained Nicolay Consulting Group to prepare an actuarial study to estimate future liability for retiree medical coverage. The firm determined that as July 1, 2009, the Town has an "Unfunded Actuarial Accrued Liability" (UAAL) of \$7,750,968. This actuarially determined liability is based on a number of assumptions, including a 4% discount rate and amortization over the longest permissible period, 30 years. Having estimated the total cost of already earned retiree medical benefits, the actuaries then calculated the annual required contribution (ARC) to meet this liability. The Town of Atherton's ARC is \$813,147, with funding to start in fiscal year 2009-10. In contrast, under the "pay-as-you-go" accounting, the

Town's premium for retiree medical insurance was \$97,200 for FY 2008-09 and will be \$178,000 for FY 2009-10. GASB 45 requires that the actuarial valuation report for the Town to be updated every three years, at which time a new ARC is calculated. The next update will be FY 2011-12, to be implemented FY 2012-13.

GASB 45 does not require that a public agency make the annual required contribution. However, if it does not do so, then it must show the unfunded ARC as a liability in its annual financial reports. Any unfunded ARC accumulates from year to year, resulting in an increasing liability in the Town's financial reports.

If it is budgetarily feasible, staff recommends that the Town plan to make the full ARC each year. Staff recommends that the Town adopt the "level percent of payroll/30 years" methodology for budgeting purposes. The approach is consistent with the CalPERS retirement funding. The Town has already begun to address these costs. In FY 2007-08, the City Council designated \$500,000 in the General Fund reserve for GASB 45 pre-funding. However, these funds do not reduce the Town's UAAL unless they are placed in a qualifying irrevocable trust.

The UAAL represents liabilities for retirement benefits already earned. Given the size of this liability in relation to the Town's general fund, options to manage retiree medical costs should be explored. Any changes in the terms and conditions of employment require that the Town meet and confer with its bargaining groups.

FISCAL IMPACT

To meet the Annual Required Contribution each year, the Town will need to set aside an additional sum in the General Fund Operating Budget. For FY 2009-10, it is estimated that the additional sum is \$630,000 (\$813,147- \$178,000). Additional expenses will be incurred every three years for actuarial services, and there may be some expenses involved in setting up or joining a qualified trust.

Prepared by:

Approved by:

Jerome D. Gruber

Louise Ho, Finance Director

Jerome D. Gruber, City Manager

Attachment: Actuarial Valuation of Postemployment Healthcare Report



**Office of the City Clerk
Town of Atherton**

**91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 614-1212**

Report to Follow



Town of Atherton

COLLEAGUES' MEMO

TO: COUNCIL COLLEAGUES

FROM: COUNCIL MEMBERS LEWIS AND MARSALA

DATE: FOR THE MEETING OF MAY 20, 2009

SUBJECT: COUNCIL CODE OF CONDUCT AND PROTOCOLS: ADVANCED COUNCIL TRAINING

The Council recently revised its Rules of Procedure and Resolution Governing Town Committees and Commissions. We recommend that the Council now consider further work on both our procedural rules and the Town's Code of Conduct. We have reviewed the procedural rules and protocols used by some of our neighboring cities, as well as those recommended by the League of California Cities in its training program. We believe they include some material that could be added to our procedures and help us work together effectively as a council. We have many complex issues to address, and we have been impressed with some of the newer procedures some cities have adopted. For example, a number have found that shorter rules written specifically for California city councils are more effective than Robert's Rules of Order.

The Town's current Code of Conduct and Procedures (Policy No. 100) underwent some revisions in 2008, but it appears that the last substantial revisions were much earlier. While there are many useful statements in the document, we prefer the more contemporary approaches adopted by some of our neighboring cities. In some cases, more detailed discussion procedures would be useful. For example, the agenda-posting requirements of the Brown Act have changed the ways council may discuss matters of community concern, even at council meetings. More detailed procedures for council (and commission) discussions could also be helpful for the presiding

officers as well as the members. We believe that some of the comments from the council at meetings are inconsistent with our Code of Conduct, and we are particularly concerned with the Council Reports section of the agenda.

Requested Action: We ask that the Council:

1. Direct the City Manager and City Attorney to prepare a proposed revision to our Rules of Procedure that explain the purpose and limits of the Council Reports section of our Procedures for Council review and consideration.
2. Authorize the Mayor to meet with the City Manager and City Attorney to consider what additional procedural rules would assist in making our Council discussions productive, help us live by our Code of Conduct.

Attachment:
Atherton Code of Conduct.



Town of Atherton

COLLEAGUES' MEMO

TO: COUNCIL COLLEAGUES

FROM: COUNCIL MEMBERS LEWIS AND MARSALA

DATE: FOR THE MEETING OF MAY 20, 2009

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Atherton Code of Conduct.

Town of Atherton

Policy	Number: 2.1 Previously No. 100	Date of Approval: 9/17/2008 9/9/1999 2/19/1997	Adopted By: 08-36
Title: Code of Conduct	Prepared By: J. Gruber	Revised By:	Page: 1 of 5
Purpose: The citizens of Atherton are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity.			

1. PREAMBLE

The citizens of Atherton are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the Town of Atherton's Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- Public officials, both elected and appointed, and city employees, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials, both elected and appointed, and city employees, be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Atherton City Council has adopted a Code of Conduct and Procedures for members of the City Council, City committees and commissions and City staff to assure public confidence in the integrity of local government and its effective and fair operation.

The Code of Conduct and Procedures shall be discussed at least annually, in either a regular meeting or a study session by the Council, Commissions, Committees and staff as an on-going means of developing a thorough understanding of the Code of Conduct and Procedures and the Brown Act.

RELATIONSHIP BETWEEN CITY COUNCIL AND TOWN STAFF

Town staff members, except for the City Attorney, work for the City Manager, who in turn works for the City Council. Staff can be used by Council as a resource for routine information on ongoing projects and programs. Contacts should be channeled through the City Manager for continuity purposes. If the City Manager is absent, the request should be directed to the Acting City Manager for processing purposes. The Acting City Manager will inform the City Manager upon his/her return of the request and what action was

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taken.

A more formal procedure should be followed if Council needs staff support that requires more than thirty (30) minutes of a staff member's time. If a majority of the Council approves such a request, the City Manager will proceed with said request and report his/her findings back to the Council upon completion. The same procedure applies to Council requests of the City Attorney, except in instances involving personnel or sensitive issues.

2. POLICY STATEMENT

The City Council of the Town of Atherton is committed to providing excellence in legislative leadership. In order to assist in the governing of the behavior between and among members of the City Council, Committees, Commissions and City Staff. We will strive to observe the following Code of Conduct and Procedures.

100.01 The public good shall be the highest priority of the Council, Commissions, Committees, and staff of the Town of Atherton. Public office should be used for public good, not for personal gain.

100.02 The work of the City is a team effort. Council members, Commissions, Committees and staff shall work together in a collaborative process, assisting each other in conducting the affairs of the Town.

100.03 When responding to constituent requests and concerns, Council members, Commissions, Committees and staff shall be courteous, responding to individuals in a positive manner and routing their questions to the City Manager.

100.04 The City Council and members of the Commission, Committees and staff shall develop a working relationship with the City Manager wherein current issues, concerns and Town projects are discussed comfortably and openly.

100.05 The City Council and members of the Commissions and Committees shall function as a part of the whole. Action issues shall be brought to the attention of the City Council as a whole rather than to individual members selectively.

100.06 The dignity, style, values and opinions of each member of the City Council, Commissions, Committees and staff shall be respected.

100.07 City Council members, Commissions, Committees and staff shall avoid double-talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.

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- 100.08 City Council members, Commissions, committees and staff shall commit to focusing on issues and not personalities.
- 100.09 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the City Council, Commissions and Committees take action, Council, Committees, Commission members, and staff shall commit to supporting said action of the majority and not create barriers to the implementation of said action.
- 100.09.05 City Council Members, Members of the Commissions, Committees and Staff shall not represent themselves as speaking on behalf of the Town and/or the City Council without prior approval of the City Council. The statements of previously approved City Council may be made without additional City Council approval.
- 100.10 Individual Council members, Committees and Commission members shall not directly criticize any City employee or contract personnel publicly. Criticism of subordinates of the City Manager shall be given to the City Manager for his/her use as appropriate.
- 100.11 Council members should not publicly criticize the City Manager or staff, but shall discuss any concerns about the City Manager and staff in a closed session of the City Council.
- 100.12 Council members shall act within the spirit and intent of the Brown Act, including but not limited to, the provisions pertaining to inter-Council member communications.
- 100.13 Council members shall maintain confidentiality on all information discussed in closed session Council meetings.
- 100.14 The City Council, Commissions and Committees will distinguish between free speech and malicious innuendo or personal, insulting, slanderous attacks and will not tolerate verbal abuse of any Council members, Commissions or Committee members, or staff, either from the floor or from each other. It is the responsibility of the Chair, and, if necessary, all the members of the Council, Commissions and Committees, to enforce and maintain decorum at meetings.
- 100.15 No public official, officer or employee of the Town shall solicit or accept any gift, gratuity, favor or anything of monetary value which might be perceived as

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consideration for, present or future preferential treatment or as unethical attempts to influence Town operation's. Public Officials and employees are not to accept any gift, gratuity, favor or anything of monetary value from any individual, company or organization doing business with the Town.

3. COUNCIL, COMMISSION, COMMITTEE, STAFF PROCEDURES

One of the primary responsibilities of the City Council is to monitor the City's progress in attaining its goals and objectives while pursuing the Town's Mission Statement. Council, Commissions, Committee members and City Staff shall practice the following procedures:

- 100.01.a City staff members, except for the City Attorney, work for and are accountable to the City Manager, who, in turn, works for and is accountable to the City Council. City staff can be used by the City Council, Commissions and Committees as a valuable resource to provide routine information on ongoing projects and programs.
- 100.01.b Council members, Commissions and Committee members shall request information needed to supplement, upgrade or enhance their knowledge about Town projects and programs directly through the City Manager. If the City Manager is absent, the request should be directed to the Acting City Manager who will inform the City Manager upon his/her return of the request and what action was taken.
- 100.01.c A more formal procedure shall be followed if staff, support requires more than thirty (30) minutes of a staff member's time. Requests for information requiring more than thirty (30) minutes of staff time shall be placed on a regular Council meeting or study session agenda for discussion and possible approval.
- 100.01.d All complaints from residents and property owners of the Town of Atherton shall be referred directly to the City Manager. The City Manager will keep the interested Council member apprised on the resolution of the complaint.
- 100.01.e Public safety and/or hazardous issues shall be reported to the City Manager and each on-site Department Head. Emergency situations shall be dealt with immediately by staff, with notification to the City Council upon completion of the issue or with updated information as it becomes available.

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100.01.f The City Council, Commissions, Committee members and Staff should refer all personnel issues directly to the City Manager. Clarification for policy related concerns, especially those involving personnel, legal matters, finances and programming, shall be referred directly to the City Manager.

100.01.g Council members, Commissions and Committee members shall direct inquiries to the City Manager when approached by Town personnel concerning specific Town policy, to ensure that the proper chain of command is followed at all times.

100.01.h Council members, Commissions, Committee members and Staff shall not comment adversely on any Town employee with any constituent even in the event a constituent asks what he/she thinks of an employee.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CHIEF GLENN NIELSEN

DATE: FOR THE MEETING OF MAY 20, 2009

**SUBJECT: ADOPTION OF RESOLUTION ACCEPTING THE 2008/2009
SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND
(SLESF) CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS)
GRANT**

RECOMMENDATION:

Staff recommends that Council Adopt a resolution accepting the recommended expenditures of the remaining balance of FY 2008-09 Supplemental Law Enforcement Services Fund (SLESF), Citizen's Option for Public Safety (COPS) Grant in the amount of \$100,000.00 in accordance with state requirements. The funds must be expended by June 30, 2009.

INTRODUCTION:

Over the past several years monies have been available through the State of California to local entities in the form of Citizen's Option for Public Safety (COPS) Grant. This year the Atherton PD will receive \$100,000 (same as last year). The grant restricts money to front line law enforcement purposes. On behalf of the State, the County of San Mateo manages the program at the local level. The County will issue the grant funds once they receive a resolution adopted by Council and the planned distribution of funds are approved by their Law Enforcement Oversight Committee.

ANALYSIS:

In FY 1996-1997, the California State Legislature created the Citizen's Option for Public Safety (COPS) Program. Under this program, cities and counties receive state funds to augment public safety expenditures. This is a non-competitive grant program. Effective

September 8, 2000, cities are guaranteed a minimum grant award of \$100,000. The program has continued every year since its inception, and the Atherton PD anticipates receiving COPS funds on an annual basis.

The funds must be used for frontline municipal police services and must supplement and non-supplant existing funding. Council is required to hold a public hearing, apart from its usual budget hearings to consider the written request of the Chief of Police for use of funds.

Each city must create a Supplemental Law Enforcement Services Fund (SLESF) for the COPS grant money. The funds cannot be used for administrative overhead costs in excess of 0.5 percent of the total allocation. The allocation may not be used to fund the costs of any capital project or construction project that does not directly support frontline law enforcement.

FISCAL IMPACT:

The fiscal impact is the Town will receive \$100,000. The FY 2008-2009 COPS Grant total is \$100,000.

Prepared By:

Approved:

/s/ Glenn Nielsen

/s/ Jerome D. Gruber

Glenn Nielsen
Chief of Police

Jerome D. Gruber
City Manager

RESOLUTION 09-17

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON TO ACCEP A \$100,000 STATE COPS GRANT FROM THE STATE OF CALIFORNIA AND APPROVE USE OF THE FUNDS TO LEVERAGE FUTURE GRANTS, FOR THE POLICE DEPARTMENT'S TECHNOLOGY INITIATIVE PROJECT, AND TO PURCHASE FRONT LINE LAW ENFORCEMENT CAPITAL EQUIPMENT

WHEREAS, the FY 2008/09 State Budget includes funding the State COPS program which includes \$100,000 to the Town of Atherton Police Department for Fiscal Year 2008/09; and

WHEREAS, the Legislature mandated this money to be spent for the front line law enforcement purposes; and

WHEREAS, the Atherton Police Department wishes to spend the grant for the Department's 9-1-1 system upgrade, CAD server upgrade, equipment for the K-9 program, and to purchase front line law enforcement capital equipment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton, California does hereby approve the use of the \$100,000 for the State COPS Grant for for the Department's 9-1-1 system upgrade, CAD server upgrade, equipment for the K-9 program, and to purchase front line law enforcement capital equipment.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 20th day of May 2009 by the following vote:

<i>AYES:</i>	<i>COUNCILMEMBERS:</i>
<i>NOES:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSENT:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSTAIN:</i>	<i>COUNCILMEMBERS:</i>

ATTEST:

Jerry Carlson, MAYOR
TOWN OF ATHERTON

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

Wynne S. Furth, City Attorney