



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
SEPTEMBER 23, 2009

3:00 P.M.

Council Chambers

91 Ashfield Road
Atherton, California

Special Meeting

3:00 P.M. ROLL CALL Lewis, Dobbie, Marsala, McKeithen, Carlson

3:02 P.M. PUBLIC COMMENTS

3:05 P.M. PRESENTATION

- 1. ECONOMIC AND INVESTMENT PORTFOLIO REVIEW**
Presentation Given by MBIA

CONSENT

- 2. APPROVAL OF AMENDMENT #2 TO THE
PROFESSIONAL/CONSULTING SERVICES AGREEMENT
BETWEEN NBS CONCERNING THE TOWN OF ATHERTONS
COMPREHENSIVE FEE STUDY**
Report: Finance Director Louise Ho
Recommendation: Approve amendment #2 to the professional/consulting
services agreement between NBS concerning the Town of Atherton's
comprehensive fee study; and authorize City Manager to execute in an
amount not to exceed \$11,500.00

REGULAR

- 3. APPROVAL OF A RESOLUTION 09-37 ADOPTING THE FINAL
FISCAL YEAR 2008-09 BUDGET AMENDMENT**
Report: Finance Director Louise Ho
Recommendation: Approval of Resolution 09-37 Adopting the Final
Fiscal Year 2008-2009 Budget Amendment

5:00 P.M. 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)



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME GRUBER, CITY MANAGER

DATE: FOR THE MEETING OF SEPTEMBER 23, 2009

SUBJECT: APPROVAL OF THE SECOND AMENDMENT TO THE PROFESSIONAL /CONSULTING SERVICES AGREEMENT WITH NBS CONCERNING THE TOWN OF ATHERTON'S COMPREHENSIVE FEE STUDY

RECOMMENDATION

Approve the second amendment to the professional/consulting services agreement with NBS concerning the Town of Atherton's comprehensive fee study; and authorize City Manager to execute in an amount not to exceed \$11,500.

DISCUSSION

At the City Council meeting on September 16, 2009, the City Council directed staff and NBS to conduct additional community outreach before the final adoption of the proposed Master Fee Schedule. In order for NBS to be able to perform the requested services, an amendment to the NBS contract is necessary. With the input from the community, staff will bring back the result and any changes to the proposed Master Fee Schedule to the City Council on the November 18, 2009, City Council meeting for consideration and adoption.

FISCAL IMPACT

The cost for the second amendment is \$11,500. Funding for this amendment can be paid from the General Fund through a transfer of the excess fund available in the Administrative Services Fund (Fund 612).

Prepared by:

Approved by:

Louise Ho, Finance Director

Jerome D. Gruber, City Manager

Attachment: Professional/Consulting Services Agreement dated January 29, 2009
Amendment #1 to Professional/Consulting Services Agreement
Second Amendment to Professional/Consulting Services Agreement

**SECOND AMENDMENT TO THE PROFESSIONAL/CONSULTING SERVICES
AGREEMENT WITH NBS CONCERNING THE TOWN OF ATHERTON'S
COMPREHENSIVE FEE STUDY**

This Second Amendment to the Professional/Consulting Services Agreement by and between the Town of Atherton ("Town") and NBS ("Consultant") is entered into as of the _____ day of 2009 ("Effective Date"), by and between Town and Consultant.

RECITALS

- A. Town and Consultant are parties to that certain Professional/Consulting Services Agreement for the Town's comprehensive fee study executed January 29, 2009, as amended ("Agreement").
- B. Town and Consultant now desire to enter into this Second Amendment to the Agreement to provide for additional work as described below.

AGREEMENT

NOW, THEREFORE, in consideration of the following mutual promises, the parties hereby amend the Agreement as follows:

- 1. **Scope of Work.** In addition to the services provided under the Agreement as outlined in Exhibit A thereto, Town desires additional services as outlined in Exhibit 1, attached hereto and incorporated herein.
- 2. **Compensation.** The not-to-exceed amount of \$49,540.00 is hereby increased by \$11,500.00 as additional consideration for Consultant's performance of the additional work tasks described in Exhibit 1. Accordingly, Consultant shall perform the services described in the Agreement, including this Second Amendment, for a total not-to-exceed amount of \$61,040.00.
- 3. **Agreement in Effect.** Except as amended by Second Amendment, the Agreement shall remain in full force and effect.
- 4. **Counterpart Signatures.** This Second Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

[Signatures on following page]

IN WITNESS THEREOF, the parties have executed this Second Amendment as of the date first written above.

Town of Atherton

NBS, Consultant

By _____
Jerry Gruber, City Manager

By: _____
Its: _____

Approved as to Form

By: _____
Its: _____

By _____
Wynne Furth, City Attorney

EXHIBIT "1"

SCOPE OF SERVICES

1. NBS will attend one onsite event by October 31, 2009 at which it is expected members of the public will be present. The purpose of the event is to facilitate exchange of information and perspectives, as follows:
 - To provide an opportunity for NBS to review the cost of service analysis with the public and enable the public to ask questions about that analysis and its influence on the originally proposed Master Fee Schedule.
 - To provide an opportunity for the public to communicate their recommendations regarding Town cost recovery policy and best utilization of the array of resources available to the Town to fund services.
 - It is expected that the Town will host this onsite event and coordinate invitations and/or advertising to potential participants.
2. In advance of the above-described onsite event, NBS will prepare content and materials in order to lead the proceedings of the event.
3. NBS will prepare a written memorandum to the City Council describing the product of the public outreach event.
4. NBS will make modifications to the originally proposed Master Fee Schedule to demonstrate any obvious consensus obtained from involved members of the public. (Areas where obvious consensus is not identifiable will be documented for City Council consideration.)
5. NBS will share any obvious public consensus on cost recovery and fee levels with Town management to determine if there is interest at a staff level in revising any staff-proposed fees reflected in the Master Fee Schedule. NBS will make further modifications to the alternate Master Fee Schedule based on Town staff review.
6. NBS will attend one onsite meeting of the City Council to present the product of the public outreach event and any modified Master Fee Schedule incorporating information received during outreach. It is expected that this meeting will resume the Public Hearing on the proposed Master Fee Schedule, which was opened and continued on September 16, 2009 and is expected to take place on November 18, 2009.
7. In advance of the November 18, 2009 City Council meeting referenced above, NBS will prepare written content and materials to aid agenda packets and/or presentation.
8. Upon any City Council action on the Master Fee Schedule, NBS will update study documentation to reflect the final Master Fee Schedule and materials generated through the public outreach process.

*The above-listed tasks include a total of two onsite events: a public outreach event and a City Council meeting.

Calculation of Consulting Fee for Public Outreach - Scope of Services

Activity	Distribution of Consultant Labor (Hours)				Grand Totals	
	Project Mgr.,	Sr.	Consultant,	Analyst,	Consultant	Consultant
	J. Hahn	Consultant	T. Madsen	J. Sero	Labor (hrs.)	Costs (\$)
<i>Hourly Rate</i>	\$190	\$150	\$130	\$100		
1. Attend one onsite public outreach event	6.0	-	6.0	-	12.0	\$ 1,920
2. Prepare for public outreach event	-	12.0	8.0	4.0	24.0	3,240
3. Document public outreach event	-	6.0	2.0	-	8.0	1,160
4. Modify Master Fee Schedule	-	1.0	4.0	6.0	11.0	1,270
5. Work with Town staff	-	2.0	4.0	2.0	8.0	1,020
6. Attend one onsite City Council meeting	5.0	-	5.0	-	10.0	1,600
7. Prepare for City Council meeting	-	4.0	2.0	-	6.0	860
8. Modify study documentation	-	2.0	1.0	-	3.0	430
TOTAL: Public Outreach - Minimum	11.0	27.0	32.0	12.0	82.0	11,500



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME GRUBER, CITY MANAGER

DATE: FOR THE MEETING OF SEPTEMBER 23, 2009

SUBJECT: APPROVAL OF A RESOLUTION ADOPTING THE FINAL FISCAL YEAR 2008-09 BUDGET AMENDMENT

RECOMMENDATION

Approve a resolution of the City Council of the Town of Atherton adopting the final fiscal year 2008-2009 budget amendment.

DISCUSSION

Staff is in the process of closing the Town's fiscal year 2008-2009 book and is seeking City Council approval to consolidate two special revenue funds (SLESF and COPS Grant) into one fund (SLESF/COPS) and closing two internal services fund (Computer Services and Administrative Services) into the General Fund and Equipment Replacement Fund.

By closing out these funds, it allows the Town to properly set up the internal service fund structure and to clean up funds that are no longer needed. Staff has discussed these closing with the external auditor Maze & Associates as part of the audit process.

FISCAL IMPACT

None

Prepared by:

Approved by:

Louise Ho, Finance Director

Jerome D. Gruber, City Manager

Attachment: Resolution

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ADOPTING THE FINAL FISCAL YEAR 2008-2009 BUDGET AMENDMENT**

WHEREAS, it is in the best interest of the citizens of the Town of Atherton that the Fiscal Year 2008-2009 Operating Budget be amended as set forth in Exhibit A, attached hereto and incorporated herein.

NOW THEREFORE, BE IT RESOLVED, that the Fiscal Year 2008-2009 final budget amendment as contemplated in Exhibit A be adopted for Fiscal Year 2008-2009.

BE IT FURTHER RESOLVED, that the Finance Director is authorized to make the necessary amendments as set forth in Exhibit A to ensure an accurate and complete Fiscal Year 2008-2009 final budget.

* * * * *

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 special meeting thereof held on the 23th day of September, 2009, by the following vote:

<i>AYES:</i>	<i>4</i>	<i>Council Members:</i>
<i>NOES:</i>	<i>0</i>	<i>Council Members: None</i>
<i>ABSENT:</i>	<i>0</i>	<i>Council Members: None</i>
<i>ABSTAIN:</i>	<i>0</i>	<i>Council Members: None</i>

Jerry Carlson, MAYOR
Town of Atherton

ATTEST:

Theresa N. DellaSanta, Deputy City Clerk

APPROVED AS TO FORM

Wynne Furth, City Attorney

EXHIBIT “A”

1. Close out the special revenue fund SLESF (Fund #206) and transfer any remaining assets including cash balance to the COPS Grant Fund #209 and rename Fund #209 as the SLESF/COPS Fund.
2. Close out the internal service fund Computer Services (Fund #611) and transfer any remaining assets including cash and capital assets to the Equipment Replacement Fund #610.
3. Close out the internal service fund Administrative Services (Fund #612) and transfer any remaining cash to the General Fund and/or Equipment Replacement Fund; and transfer the capital assets to the Equipment Replacement Fund.