

RECONVENE TO OPEN SESSION

Report of action taken.

ADJOURN

*Agendas and staff reports may be accessed on the Town website at: www.ci.atherton.ca.us
☛ Please contact the City Clerk's Office at 650.752.0500 with any questions*

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk at (650) 752-0500. Notification of 48 hours prior to the meeting will enable the Town 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
March 15, 2006
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**
- 7:03 P.M. 2. **ROLL CALL** Janz, J. Carlson, A. Carlson, Marsala, McKeithen
- 7:05 P.M. 3. **PRESENTATION**
- Swearing in of new Police Officer Gordon Dere
Oath of Office Administered by Police Chief Bob Brennan
- Promotional Appointment - Sgt. Joe Wade
Oath of Office Administered by Police Chief Bob Brennan
- 7:10 P.M. 4. **COUNCIL REPORTS**
- 7:20 P.M. 5. **PUBLIC COMMENTS** (only for items which are not on the agenda –
limit of three minutes per person)
- 7:30 P.M. 6. **STAFF REPORTS**
- 7:40 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**
(Directed by Resolution Nos. 99-6 and 02-31)
- 7:50 P.M. **CONSENT CALENDAR** (Items 8 - 14)

(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 MINUTES OF THE SPECIAL CLOSED SESSION AND SPECIAL MEETING OF JANUARY 9, 2006, AND THE SPECIAL CLOSED SESSION AND REGULAR MEETING OF FEBRUARY 15, 2006
9. APPROVAL OF BILLS AND CLAIMS FOR FEBRUARY 2006 IN THE AMOUNT OF \$ 628,708
10. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR FEBRUARY 2006
11. APPROVAL OF PURCHASE OF TWO PATROL VEHICLES

Recommendation: Authorize the Town to participate in a bid with the City of Redwood City for the purchase of two marked police patrol vehicles for the Fiscal Year 2006-2007 budget cycle for a total cost of \$65,788.16 plus tax.

12. ACCEPTANCE OF RESPONSE TO GRAND JURY REGARDING CITIES EXERCISE OF EMINENT DOMAIN

Recommendation: Accept the City Attorney's response to the Civil Grand Jury regarding exercise of eminent domain.

13. AWARD OF CONTRACT FOR HOLBROOK-PALMER PARK CARPETING, PROJECT NO. 05-002

Recommendation: Award the contract for the Holbrook-Palmer Pavilion Carpeting Project, Project No. 05-002, to the low bidder, Gletzco Inc., dba The Floor Club, the low bidder on the March 9, 2006 bids, for \$44,523.08, with a 10% construction contingency of \$4,452.31, for a total authorization of \$48,975.39, and to authorize the Mayor to sign the contract on behalf of the Town.

14. AUTHORIZATION TO CHANGE THE NAME OF THE CALTRAIN CORRIDOR AD HOC SUBCOMMITTEE TO THE ATHERTON RAIL COMMITTEE

Recommendation: Staff recommends that the City Council authorize a name change from the existing Caltrain Corridor Ad Hoc Subcommittee to the Atherton Rail Committee.

PUBLIC HEARINGS NONE

REGULAR AGENDA (Items 15 - 18)

- 8:00 P.M. 15. **PARK LANE COMMUNITY POLICING REPORT**
- Recommendation: Continue proactive enforcement and educational efforts using S.A.R.A. problem-solving model directed at maintaining compliance in relation to municipal code ordinances involving construction parking and related activities.**
- 8:20 P.M. 16. **REVISION TO GUIDELINES: CONSTRUCTION, OPERATIONS AND PARKING PLANS (COP Plans)**
- Recommendation: Consider revisions to Guidelines and provide direction to staff.**
- 8:40 P.M. 17. **DISCUSSION AND POSSIBLE ACTION – CREATION OF CODE ENFORCEMENT OFFICER POSITION**
- Recommendation: Provide direction to staff regarding the creation of a Code Enforcement Officer position or other alternatives to provide code enforcement services.**
- 9:00 P.M. 18. **REFERRAL TO THE PLANNING COMMISSION TO AMEND ATHERTON MUNICIPAL CODE SECTION 17.36.195 REGARDING FENCE HEIGHT, HEIGHT OF GRADING, AND AMOUNT OF GRADING**
- Recommendation: Consider recommendations from staff for modification to Atherton Municipal Code Section 15.40.157 (screening) and Section 17.36.195 (retaining walls) and refer to the Planning Commission.**
- 9:20 P.M. 19. **PUBLIC COMMENTS**
- 9:25 P.M. 20. **ADJOURNMENT**

Agendas and staff reports may be accessed on the Town website at: www.ci.atherton.ca.us

☛ Please contact the City Clerk's Office at 650.752.0500 with any questions

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 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. (29CRF35.104 ADA Title II.)



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT

January 9, 2006
8:00 A.M. Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California

Special Meeting

The meeting was called to order at 8:00 a.m.

ROLL CALL

PRESENT: James R. Janz
Alan B. Carlson
Charles E. Marsala
Kathy McKeithen

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

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

Agency Negotiators: James H. Robinson, City Manager; Craig Jory, Jory HR Employee Organization: Atherton Police Officers Association (APOA)

RECONVENE TO OPEN SESSION

Report of action taken.

City Attorney Marc Hynes reported out of the Closed Session that direction was given to the Agency Negotiators, James H. Robinson and Craig Jory.

REGULAR AGENDA

1. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING THE PROCESS TO FILL A VACANCY ON THE CITY COUNCIL

City Manager Jim Robinson outlined the options available for filling the City Council vacancy for the remainder of Bill Conwell's term expiring in November 2006. On a motion by Council Member McKeithen and a second by Council Member Carlson, the City Council unanimously determined that letters of interest should be solicited with the intent of filling the vacancy in advance of the January 24, 2006, deadline. The City Council also determined that an announcement of the vacancy should appear in the *Almanac* for solicitation of letters of interest and statement of qualifications. A deadline was set for Wednesday, January 18, 2006, at 5:00 p.m. The City Council was to consider, at its January 18th City Council meeting, the number of applicants and next steps.

John Sisson, Atherton, spoke regarding the process for selecting a candidate to fill the vacancy.

2. PUBLIC COMMENTS

There were no public comments

ADJOURN

The Special Meeting adjourned at 9:10 a.m.

Respectfully submitted,

Charles E. Marsala
Mayor

Minutes Prepared by:

Kathi Hamilton



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT

February 15, 2006

6:00 P.M.

Meeting Room
Town Administrative Offices

91 Ashfield Road
Atherton, California

Special Meeting

The meeting was called to order at 6:05 p.m.

ROLL CALL

PRESENT: James R. Janz
Jerry Carlson
Alan B. Carlson
Charles E. Marsala
Kathy McKeithen

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section
54956.9(b1):

1 potential case

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

Agency Negotiators: James H. Robinson, City Manager; Craig Jory, Jory HR
Employee Organization: Atherton Police Officers Association (APOA)

RECONVENE TO OPEN SESSION

Report of action taken.

City Attorney Marc Hynes reported during open session that direction was given to the City Attorney regarding Item A, Significant Exposure to Litigation, 1 potential case. Additionally, directions were given to the Agency Negotiator, Jim Robinson, regarding Item B, Conference with Labor Negotiators.

ADJOURN

The Special Meeting adjourned at 7:00 p.m.

Respectfully submitted,

**Charles E. Marsala
Mayor**

Minutes Prepared by:

Kathi Hamilton



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON
CHANNEL DRAINAGE DISTRICT
February 15, 2006
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Marsala called the meeting to order at 7:05 p.m.

1. **PLEDGE OF ALLEGIANCE**

ROLL CALL

PRESENT: James R. Janz
Jerry Carlson
Alan B. Carlson
Charles E. Marsala
Kathy McKeithen

City Manager Jim Robinson and City Attorney Marc Hynes were also present.

3. **PRESENTATION**

Parks for the Future

Julia Bott, Executive Director of San Mateo County Parks Foundation, gave a PowerPoint presentation describing the effort to secure dedicated tax-based revenues to support the parks- and recreation-related activities of San Mateo County, the cities located within the County, the Ladera and Highlands Recreation Districts and Midpeninsula Regional Open Space District through a future ballot measure to increase sales tax by 1/8th cent.

4. **COUNCIL REPORTS**

- Vice Mayor Alan Carlson attended the February 8th General Plan Committee where the length of construction projects and Floor Area Ratio (FAR) were discussed. Currently, the square footage of underground garages was not included in the total FAR for a home which enabled 600 to 900 square feet to be added to the mass of the house. He proposed an item be placed on the next Council agenda to discuss enacting an emergency ordinance or to begin the

process of a regular ordinance that would include the square footage of underground garages when calculating the FAR of a house. He would attend the Peninsula Traffic Congestion Relief Alliance the next day.

- Council Member Jerry Carlson thanked Public Works Director Duncan Jones for removing a pile of sand and pipe from Selby Lane. He attended the Menlo-Atherton High School information meeting regarding the new Performing Arts Center (PAC). The City of Menlo Park was considering a contribution of \$2.6 million for 20% usage of the new PAC. Many citizens attended to voice concerns regarding noise, traffic, etc. Menlo Park has asked for an exemption from Atherton's Special Events ordinance. He believed more information was needed.
- Council Member Janz said there was nothing new to report regarding Caltrain. The Caltrain Corridor Subcommittee met and reorganized its members into three action sections to be more efficient/effective. He attended the City/County Association of Governments (C/CAG) meeting last week where nominations for Chair and Vice Chair were being considered. At that meeting, a presentation by Association of Bay Area Governments (ABAG) regarding Bay Area Vision was a follow-up to having smart growth concepts implemented within the Bay Area. ABAG was developing a program, Focusing the Bay Area's Vision. The Housing Endowment and Regional Trust (HEART) subcommittee was looking at ways to find dedicated sources of funding for the County.
- Council Member McKeithen met with residents regarding drainage issues around Town. Three issues were on that evening's agenda. The community group which emanated from the emergency preparedness training session met on Saturday, February 11. Six volunteers looked at such things as runners, Boy Scout activities, how to conserve/store water, what types of supplies were needed, consulting with home owner groups, and making sure all citizens and especially those with special needs had someone to rely on in an emergency.
- Mayor Marsala attended the Holbrook-Palmer Park Foundation meeting. The Easter Egg hunt was being canceled for lack of a chairperson. He noted the General Plan Committee should look at grading issues. He attended a Parks for the Future meeting and noted funding should be used as supplemental income to the park budget as opposed to replacing any of the park budget. At the League of Cities meeting, discussion centered on the AT&T/Comcast issue. The County Library system was working on improvements to the Fair Oaks Library which could ultimately help improve test scores at Selby Lane School. He attended the community group meeting regarding emergency preparedness. In order to get information to people in case of power outages, area captains were needed. Several trainings were available: Citizens Emergency Response Team (CERT), Business Emergency Response Team (BERT), and School Emergency Response Team (SERT). Coordination with the business and school community was essential. He attended a Menlo Park Fire District event, sponsored by the County, regarding its work on Hurricane Katrina.

5. **PUBLIC COMMENTS**

John Frenster, Atherton, submitted a proposal to the Atherton Channel Drainage District Committee and/or the Council regarding the open storm-drainage ditch that runs from Polhemus Avenue north to Stockbridge Avenue.

Shirley Carlson, Atherton, spoke regarding a proposal by the Atherton Dames to place a plaque on the walking bridge at Holbrook-Palmer Park to honor former Mayor and Council Member Bill Conwell.

James Law, Atherton, spoke regarding Council's decision to reject an agreement between Law and Associates and the Town of Atherton for a senior housing project.

6. **STAFF REPORTS**

- **City Manager Jim Robinson noted a supplemental staff report was placed before the Council regarding Item No. 17 on the evening's regular agenda, the Holbrook-Palmer Park Pavilion improvements. Bids were opened the previous day.**
- **City Attorney Marc Hynes reported out of Closed Session as follows:**

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b1):

1 potential case

Direction was given to the city attorney.

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

Agency Negotiators: James H. Robinson, City Manager; Craig Jory, Jory HR

Employee Organization: Atherton Police Officers Association (APOA)

Direction was given to the city manager.

- **Police Chief Bob Brennan reported a third suspect was identified in the Lindenwood burglaries and an arrest warrant was issued.**
- **Duncan Jones reported landscaping would be completed by the end of the month for the Upper Atherton Channel project. Regarding the Park bridge, Laura Jones was hired to do a brief archeological survey and H.T. Harvey was hired to do a biological survey. The surveys were required by the grant funds and would cost approximately \$2500.**

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Gail Ortega, Menlo College, gave a brief presentation regarding the Service Educational Resources for Volunteers (SERV) project which began five years ago. Any student receiving a Menlo College-based scholarship was required to perform 30 hours of community service per year. Over the next few months, he wanted to explore opportunities within Atherton to get students involved in community service.

Council Member Jerry Carlson volunteered to work with Menlo College to identify projects.

CONSENT CALENDAR (Items 8 - 14)

Staff clarified Council questions regarding Item Nos. 11, 12, and 13.

MOTION - to approve the Consent Calendar as presented

M/S McKeithen/Janz Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

8. APPROVED MINUTES OF THE SPECIAL AND REGULAR MEETINGS OF JANUARY 18, 2006, AND THE SPECIAL MEETING OF JANUARY 21, 2006

9. APPROVED BILLS AND CLAIMS FOR JANUARY 2006 IN THE AMOUNT OF \$ 358,350

10. ACCEPTED MONTHLY FINANCIAL REPORT FOR JANUARY 2006

11. ACCEPTED QUARTERLY INVESTMENT REPORT

12. ADOPTION OF A RESOLUTION TO APPROVE PERS "AIR TIME" PURCHASES

Adopted Resolution No. 06-01 to enable Atherton employees to make installment payments for additional service retirement (ARS) purchases from CALPERS on a pre-tax basis.

13. ACCEPTED RESPONSE TO GRAND JURY REGARDING ANALOG TO DIGITAL CONVERSION OF POLICE RADIO SYSTEMS

14. ADOPTION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF ATHERTON AND THE ATHERTON POLICE OFFICERS' ASSOCIATION FOR THE PERIOD OF JULY 1, 2005 THROUGH JUNE 30, 2008

Adopted the Memorandum of Understanding between the Town of Atherton and the Atherton Police Officers' Association for the period of July 1, 2005 through June 30, 2008, and authorize the Mayor to execute the agreement on behalf of the Town.

PUBLIC HEARINGS NONE

REGULAR AGENDA (Items 15 - 21)

- 15. CONSIDERATION OF PARKING LIMITATIONS ALONG PARK LANE PURSUANT TO ATHERTON MUNICIPAL CODE TITLES 10 AND 15 AS REFERRED BY THE GENERAL PLAN COMMITTEE AND POSSIBLE DIRECTION TO STAFF REGARDING ANY AMENDMENTS TO ORDINANCE NO. 546 RELATING TO CONSTRUCTION PARKING REGULATIONS (Continued from the Council meeting of January 18, 2006)**

Recommendation: Review report from the Chief of Police and provide direction to staff.

Police Chief Bob Brennan presented the staff report. He developed a plan for enforcing Construction, Operation and Parking Plans (COP Plans) based upon a community policing problem-solving model and assigned one officer, Tony Dennis, to handle the Park Lane area. Officer Dennis contacted all of the construction projects, as well as the residents to solicit their comments. He issued warning notices to both construction workers and residents. At the March 15, 2006, Council meeting, Officer Dennis would address each of the nine areas of the plan, specifically why the tickets were issued, what the responses were, and how many people were educated, etc. There was a favorable response from the residents. Chief Brennan thought concentrating on the area for two months would solve most of the issues.

Discussion took place regarding criteria for a verbal vs. written warning and providing feedback on why the parking and moving violations were issued. Chief Brennan responded that parking citations were issued for blocking driveways or fire hydrants. The 18-inch-from-the-curb requirement was unenforceable on Park Lane because there were no curbs. Officer Dennis was working the area Monday through Friday, and his presence would hopefully prevent property damage from occurring.

In response to Council Member McKeithen, City Manager Jim Robinson said currently, half of a Police Officer position was charged to the Building Department and Officer Dennis' overtime could be charged for that use. Additionally, he noted that presently, the position of Code Enforcement Officer did not exist. If Council so desired, direction should be given to staff to identify what the alternatives/options were, i.e., costs, which department, part-time vs. full time. One issue was whether the position should be a compliance officer or a code enforcement officer.

Council Member McKeithen asked that the item be scheduled for the March agenda for discussion.

Vice Mayor Alan Carlson noted authorization from the Council was needed before a position could be added and some on the Council were concerned about reducing staff as opposed to increasing staff.

Council Member Janz raised a concern regarding a response by a dispatch officer to a citizen complaint.

Police Chief Brennan said educating staff to give consistent answers was part of the nine-step plan.

Discussion continued regarding various issues such as “A” frame signs and security tape for existing driveways to prevent parking in front of neighboring homes.

In response to Council Member Janz, City Attorney Marc Hynes said catering truck regulations had disappeared from cities. He was unsure of any community that had litter regulations or whether the Town could consider them. Catering trucks were required to have a business license and would have to comply with parking regulations.

In response to Council Member Jerry Carlson, Police Chief Brennan said one of the ways the department was sensitive to community concerns was to assign a specific officer who took ownership of the particular issue.

Mayor Marsala suggested posting the parking plan at the construction site. Additionally, he wanted to handle the COP plan enforcement with current staff, if possible, rather than incurring additional salary and benefit costs.

Council Member McKeithen wanted staff to consider some of the suggestions received by the Council, e.g., site parking should be given priority instead of in front of a residence, etc.

Herman Christensen, Park Lane, said the last month had been positive and Officer Dennis was doing a good job. Clarification that Municipal Code Section 15.40.040 applied to all construction sites also helped. Improvement in the Guidelines for Construction, Operations and Parking plans were needed. He suggested 1) parking on site should be a priority; 2) onsite parking should be utilized before parking in front; and 3) parking in front should be delineated to be sure there was adequate parking and perhaps limited to three.

Wendy Hutton, Santiago, said most of the security tape around her property was for safety issues. Officer Dennis made a huge difference, was friendly, tried to solve problems and reinforced the need for a specific code/compliance officer.

Mayor Marsala received two letters from residents on Park Lane with homes under construction. He visited one site and would forward suggestions from the homeowner to staff regarding compliance. One suggestion was to notify residents when they could expect construction to be completed.

Council Member Janz agreed the guideline needed revisions and asked staff to return to Council with recommendations as suggested by Mr. Christensen. He recommended encouraging perpendicular parking when parking in front of the site, as well as adding construction screening.

City Attorney Marc Hynes responded that a screening requirement could be imposed after the fact because construction would not be obstructed or stopped. If there were

non-compliance, the Nuisance Ordinance provided the Town with the ability to do the activity and levy it against the property.

Council Member Jerry Carlson submitted suggested revisions to the Guidelines for Construction for staff to contemplate.

Council Member McKeithen said the requirements that driveways should be rocked needed to be enforced.

A discussion took place regarding the impacts of stalled construction projects due to litigation.

Vice Mayor Alan Carlson said the Police Department needed to do its job and dispatchers needed to be trained. He did not believe a code enforcement officer was needed. The Town had the resources and the laws on the books for enforcement. Officers should be checking construction sites every weekend as part of patrol. Staff needed to be trained in the elements of Community Policing.

Direction to staff to return to Council at its March 15, 2006, meeting with recommended revisions to the Guidelines for Construction, Operations and Parking Plans as suggested that evening.

16. DISCUSSION AND DIRECTION TO STAFF REGARDING FENCE HEIGHT, HEIGHT OF GRADING, AND AMOUNT OF GRADING.

Building Official Mike Hood presented the staff report. Regulations existed regarding fence height and height and total amount of grading on a property. Few problems had arisen in the past. Fences were limited to 6 feet in height, anywhere on the property. Fences on busy roads could be 8 feet in height. There was no limit on the amount of grading or depth of cut and fill on the property. If Council desired, staff could modify and further delineate some of the issues.

Council Member McKeithen recommended that fence height should not be any higher than 6 feet off the natural grade. The issue at 397 Stevick was dirt was taken from one side of the property and placed on another side making it 5 feet higher and creating a new retaining wall. The retaining wall could be extended by 2 feet; however, if a fence was moved back a foot, another 6 foot fence could be installed.

City Attorney Marc Hynes clarified under existing regulations a retaining wall could be built on top of fill; however, the Municipal Code Section 17.36.150 limited fence height to 6 feet from the natural grade anywhere on the property. Section 17.26.195 was not specific regarding retaining walls.

Mayor Marsala recommended that retaining walls should be measured from natural grade as well.

Discussion continued on whether or not a fence or retaining wall could be built at a level other than 6 feet above the natural grade and whether there would be any adverse effects by limiting the height.

Vice Mayor Alan Carlson was not against limiting fence and retaining wall heights to 6 feet from the natural grade. He cautioned against legislating everything. He suggested including the ability to apply for a Conditional Use Permit when a legitimate need existed.

Council Member McKeithen discussed drainage issues and new construction and recommended that the builder be required to install a drainage ditch prior to building a structure.

Vice Mayor Alan Carlson believed regulations already existed to control drainage during construction. Additionally, the real grading occurred after construction.

Building Official Hood said two requirements existed: 1) final retention/detention of storm water on the site; or 2) erosion and sedimentation controls, i.e., that rainwater leaving the site was not too laden with silt. Some sites installed the final retention facility as the first step. Sites needed to handle what water they were generating. Waters that were delivered to the site were passed through the site and followed the historic flow paths.

Discussion took place regarding a specific site and issues that occurred during the recent storm that rendered the performance of the filter/fabric drain on the site inadequate.

Direction to staff to add language to Atherton Municipal Code Section 17.36.195 to restrict the height of retaining walls to no more than 6 feet above the natural grade and to require a Conditional Use Permit for exceptions, to be returned to the City Council Meeting of March 15, 2006.

Council Member McKeithen reported that grading on one property contained 2,000 cubic yards of dirt, the equivalent of 8 feet wide, 8 feet deep, and 100 feet long. Another property removed a significant amount of dirt from the side of a property, along with some trees, which created mud to flow down the hill. Discussion ensued regarding whether the Town should regulate how much soil, what type of soil was used, etc. No further direction was given.

17. AWARD OF CONTRACT FOR HOLBROOK-PALMER PARK PAVILION DOOR AND WINDOW REPLACEMENT PROJECT NUMBER 05-001

Recommendation: Award the contract for the Holbrook-Palmer Pavilion Project, Project Number 05-001, to the low bidder on the February 14, 2006 bids, and to authorize the Mayor to sign the contract on behalf of the Town.

Vice Mayor Carlson had a concern that there would not be enough funds to complete the remainder of the project.

Recommendation: Approve the purchase of an Allianz 3000 3-wheeled street sweeper from Nixon-Egli Equipment Company for \$114, 968 plus tax and delivery.

Public Works Director Duncan Jones presented the staff report. Staff began research to purchase a street sweeper because of poor service and poor response from Allied Waste. Additional compliance requirements were imposed by the Regional Water Quality Control Board for the National Pollution Discharge Elimination System (NPDES) permit such as providing more street sweeping, keeping the corporation yards cleaner, and better policing of the housing contractors who get mud and debris on the streets. Staff also believed a street sweeper would help efficiency with storm cleanup, litter, truck spills, etc. Additionally, there was a possibility of taking over Caltrans sweeping of El Camino Real. There would be a \$10,000 per year savings from the Allied Waste contract and half of the AB 1546 funds could be used for storm water cleanup. No additional staff would be required. Staff was recommending the Allianz 3000.

Discussion took place regarding funding sources, length of useful life, training, warranty, repair issues, noise issues, etc.

Council Member McKeithen believed once you divided the length of useful life into all the expenses, i.e., gas, staff time, etc., it became an expensive proposition.

Finance Director John Johns said the street sweeper would add operating costs of \$25,000 to \$30,000 a year including depreciation expense of the vehicle. Staff believed funding was available from a number of sources that would offset the incremental operating costs. There were accumulated excess cash reserves in the Vehicle Replacement Fund and use of these funds would not prevent replacing patrol cars.

Public Works Director Jones said staff was looking into other uses for the sweeper that would make staff more efficient. There would be increased services to the residents who had not previously had sweeping.

City Manager Robinson said the issue was what the priority was for the Town for sweeping the streets and keeping them clean and allocating funds to do so. Storm debris was still visible from the recent storm.

John Sisson, Atherton, believed there was no real need in the Town for a street sweeper.

Council Member Jerry Carlson thought the discussion should be tabled and discussed as part of the capital budget process. Items needed to be prioritized and funds needed to be used judiciously.

Council Member Janz wanted more time to think about it and agreed with deferring the item until the budget process.

Vice Mayor Alan Carlson was not convinced of the need. He wanted a better stream of income, i.e., find out how much would be received from Caltrans. He preferred deferring the item until the budget process.

MOTION – to defer consideration of the purchase of a street sweeper to the upcoming capital budget process

M/S A.Carlson/J.Carlson

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

20. CONSIDERATION OF A TOWN FORUM TO DISCUSS VARIOUS TOWN FACILITIES

Recommendation: Consider a Town Forum to discuss various Town facilities and options available for possible improvements and modifications and solicit public input.

Mayor Marsala thought there was a need to schedule a Town forum to inform residents and receive input regarding the need to improve Town facilities.

A brief discussion concluded that more tangible alternatives were needed before scheduling a Town Forum. A suggestion was to hold a Community Organization Roundtable meeting as part of the process and perhaps changing the setup to allow more audience participation/interaction. Additionally, Council thought the Buildings and Facilities Committee would be the best place to begin the process to develop a plan.

John Sisson, Atherton, did not believe a Community Organization Roundtable meeting would be effective. Council needed to create a specific agenda that would entice community participation.

No action taken.

21. CONSIDERATION OF A JOINT MEETING WITH THE CITY OF MENLO PARK CITY COUNCIL

Recommendation: Consideration of a joint meeting with the City of Menlo Park City Council.

Mayor Marsala said there was not an immediate need to hold a joint meeting with the City of Menlo Park. As issues developed between the two jurisdictions, e.g., Valparaiso Avenue, Caltrain, Menlo-Atherton High School, a joint meeting could be scheduled.

No Action Taken.

22. PUBLIC COMMENTS

23. ADJOURNMENT

Mayor Marsala adjourned the meeting at 10:45 p.m.

Respectfully submitted,

Kathi Hamilton
Acting City Clerk

TOWN OF ATHERTON
CLAIMS LIST
February 2006

Payroll Checks	7320 - 7403	\$ 25,898
Electronic Transfers		306,193
A/P Checks	21430 – 21585	296,617
TOTAL		\$ 628,708

I, James H. Robinson, City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 7320 - 7403 (payroll) and 21430 – 21585 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$628,708; are true and correct, and that there are sufficient funds for payment.

James H. Robinson
City Manager

The above claims, check numbers 7320 - 7403 (payroll) and 21430 – 21585 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$628,708; are true and correct, and are authorized for payment.

Charles Marsala
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	557,526
105	Tennis Fund	1,133
201	Special Parcel Tax	20,993
202	Transportation	
203	Gas Tax Fund	
210	Road Construction Impact Fees	27,216
211	Park Grants Fund	
213	Library Special Revenue Fund	3,219
401	General Capital Projects	
402	Storm Drainage	
403	Atherton Channel District	9,037
406	Facilities Construction	
610	Vehicle Replacement	
611	Computer Maint. & Replacement	5,516
612	Administrative Services	3,404
715	Evans Estate	
740	Tree Committee	664
TOTAL		\$628,708



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JAMES H. ROBINSON, CITY MANAGER**

FROM: JOHN P. JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF MARCH 15, 2006

SUBJECT: MONTHLY FINANCIAL REPORT, FEBRUARY 2006

RECOMMENDATION:

Receive the Monthly Financial Report for February 2006.

INTRODUCTION:

The attached schedules show revenues and expenditures and fund balance for all funds as of February 28, 2006.

HIGHLIGHTS

General Fund expenditures for the eight months ended February 28, 2006, have amounted to \$5,135,258, or 59% of the \$8,701,010 budgeted for the fiscal year. For the eight months ended February 28, 2006, General Fund revenues amounted to \$5,565,429, or 64% of the \$8,720,458 estimated for the year.

By comparison, General Fund expenditures amounted to 59% of appropriations for the eight months ended February 28, 2005. Additionally, General Fund revenues amounted to 64% of estimated revenues for the eight months ending February 28, 2005.

FISCAL IMPACT:

None

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

TOWN OF ATHERTON
Revenue Summary
For the Month ended February 28th, 2006

Fund	Revenue Source	2005-06 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	Property Tax	\$ 3,651,651	59,010	2,424,207	66%
	Sales and Use Tax	126,000	9,800	110,127	87%
	Other Taxes	830,760	11,625	600,420	72%
	Licenses & Permits	1,839,879	106,892	1,136,363	62%
	Fines & Forfeitures	35,000	6,109	36,944	106%
	Revenue from Other Agencies	303,166	26,836	155,724	51%
	Charges for Services	336,208	16,878	225,059	67%
	Investment & Rental Income	291,633	2,623	203,442	70%
	Other Revenues	5,000	829	21,143	423%
	Total General Fund Revenues	7,419,297	240,602	4,913,429	66%
	Interfund (Operating) Transfers In	1,301,161	-	652,000	50%
101	General Fund Total	8,720,458	240,602	5,565,429	64%
	Special Revenue Funds:				
105	Tennis	7,000	4,250	4,674	67%
201	Special Parcel Tax	1,858,000	-	1,123,782	60%
202	Transportation	180,000	23,929	160,281	89%
203	Street Improvement (Gas Tax)	172,376	-	92,069	53%
209	Law Enforcement	100,000	-	100,868	101%
210	Road Construction Impact Fees	1,158,328	53,636	652,391	56%
211	State Park Grants Fund	197,399	-	-	0%
213	Library	200,000	-	97,101	49%
	Total	3,873,103	81,815	2,231,166	58%
	Capital Project Funds:				
401	Capital Improvement	-	-	2,213	
402	Storm Drainage	-	-	379	
403	Channel Drainage District	50,665	773	34,741	69%
406	Facilities Construction	-	-	570	
	Total	50,665	773	37,903	75%
	Internal Service Funds:				
610	Vehicle Replacement	97,980	-	50,349	
611	Information Technology	101,621	-	52,959	52%
612	Administrative Services	294,389	-	151,645	52%
614	Workers Compensation Insurance	-	-	-	
	Total	493,990	-	254,953	52%
	Trust and Agency Funds:				
715	Evans Creative Design	13,200	-	2,430	18%
740	Tree Committee	-	-	2,910	
	Total	13,200	-	2,400	59%
	Total Revenues	13,151,416	323,190	8,097,191	62%

TOWN OF ATHERTON
Expenditure Summary
For the Month Ended February 28th, 2006

Fund	Description Department	2005-06 Budget	Current Period Expenditures	Year to Date Expenditures	% Spent
101	General Fund				
	11 City Council	\$ 20,535	\$ 1,381	\$ 8,466	41%
	12 City Manager	475,598	23,096	273,038	57%
	16 City Attorney	180,255	4,225	83,480	46%
	18 Finance	460,667	32,146	270,673	59%
	25 Building	1,042,371	62,771	613,978	59%
	40 Police	4,521,000	272,449	2,702,894	60%
	50 Public Works	1,900,584	146,255	1,182,729	62%
	Contingency	100,000	-	-	0%
	Total General Fund Expenditures	<u>8,701,010</u>	<u>542,323</u>	<u>5,135,258</u>	<u>59%</u>
	Interfund (Operating) Transfers Out	-	-	-	0%
101	General Fund Total	<u>\$ 8,701,010</u>	<u>\$ 542,323</u>	<u>\$ 5,135,258</u>	<u>59%</u>
Special Revenue Funds:					
105	Tennis	25,011	1,770	11,290	
201	Special Parcel Tax	1,832,077	20,993	1,461,509	80%
202	Transportation	323,420	-	28,400	9%
203	Street Improvement (Gas Tax)	150,000	-	73,107	49%
209	Law Enforcement	100,000	11,752	47,865	48%
210	Road Impact Fees	1,598,671	26,116	449,626	28%
211	State Park Grants	196,736	-	10,350	5%
213	Library Fund	71,045	3,219	21,366	30%
	Total	<u>4,296,960</u>	<u>63,850</u>	<u>2,103,513</u>	<u>49%</u>
Capital Project Funds:					
401	Capital Improvement	282,896	-	-	0%
402	Storm Drainage	21,394	-	2,563	12%
403	Channel Drainage District	425,300	9,037	405,374	95%
	Total	<u>729,590</u>	<u>9,037</u>	<u>407,937</u>	<u>56%</u>
Internal Service Funds:					
610	Vehicle Replacement	76,000	-	81,543	107%
611	Information Technology	112,622	5,516	59,890	53%
612	Administrative Services	317,139	12,331	224,166	71%
614	Workers Compensation Insurance	-	-	-	
	Total	<u>505,761</u>	<u>17,847</u>	<u>365,599</u>	<u>72%</u>
Trust and Agency Funds:					
715	Evans Creative Design	11,200	-	945	8%
740	Tree Committee	-	374	2,568	
	Total	<u>11,200</u>	<u>374</u>	<u>3,513</u>	<u>31%</u>
Total Expenditures		<u>14,244,521</u>	<u>633,431</u>	<u>8,015,820</u>	<u>56%</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2005-06
As of February 28th, 2006

Fund	Description	Beginning Fund Balance July 1, 2005	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	General Fund	7,582,785	4,913,429	652,000	5,135,258	8,012,956
	Special Revenue Funds:					
105	Tennis	21,841	4,674		11,290	15,225
201	Special Municipal Tax	1,112,743	1,123,782		1,461,509	775,016
202	Transportation	330,685	160,281		28,400	462,566
203	Street Improvement (Gas Tax)	34,413	92,069		73,107	53,375
209	Law Enforcement	13,758	100,868		47,865	66,761
210	Road Construction Impact Fees	832,049	652,391		449,626	1,034,814
211	State Park Grants	38,688	-		10,350	28,338
213	Library Special Revenue Fund	1,415,042	97,101		21,366	1,490,777
	Sub Total	<u>3,799,219</u>	<u>2,231,166</u>	<u>-</u>	<u>2,103,513</u>	<u>3,926,872</u>
	Capital Projects Funds:					
401	Capital Improvement	253,970	2,213		-	256,183
402	Storm Drainage	45,262	-		2,563	42,699
403	Channel Drainage District	439,931	34,741		405,374	69,298
406	Facilities Construction	65,382	570		-	65,952
	Sub Total	<u>804,545</u>	<u>37,524</u>	<u>-</u>	<u>407,937</u>	<u>434,132</u>
	Internal Service Fund					
610	Vehicle Replacement	412,904	50,349		81,543	381,710
611	Information Technology	133,100	52,959		59,890	126,169
612	Administrative Services	140,976	151,645		224,166	68,455
614	Workers Compensation Insurance	10,871	-		-	10,871
	Sub Total	<u>697,851</u>	<u>254,953</u>	<u>-</u>	<u>365,599</u>	<u>587,205</u>
	Trust and Agency Funds					
715	Evans Creative Design	113,488	2,430		945	114,973
740	Tree Committee	1,949	-		2,568	(619)
	Sub Total	<u>115,437</u>	<u>2,430</u>	<u>-</u>	<u>3,513</u>	<u>114,354</u>
	Grand Total	<u>\$ 12,999,837</u>	<u>\$ 7,439,502</u>	<u>\$ 652,000</u>	<u>\$ 8,015,820</u>	<u>\$ 13,075,519</u>



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JAMES H. ROBINSON, CITY MANAGER**

FROM: POLICE CHIEF ROBERT BRENNAN

DATE: FOR THE MEETING OF MARCH 15, 2006

SUBJECT: BLACK AND WHITE PATROL CAR PURCHASE

RECOMMENDATION:

Staff recommends that Council authorize the Town to “piggy back” on the City of Redwood City’s bid in order to purchase two marked patrol vehicles for the fiscal 2006-2007 budget cycle for a total cost of **\$65,788.16** plus tax.

INTRODUCTION:

The history of replacing vehicles in the Police Department over the past few years has been to rotate the vehicle with the highest mileage or maintenance cost. The mileage mark of replacing vehicles has been at approximately 75,000 miles. This standard has, in the past, required the replacement of two marked cars per year over the last three years. During the 2003-2004-budget cycle, the Police Department was asked by the City Council not to purchase or replace any marked patrol vehicle in the fleet. During the last five years, the Police Department has reduced the number of vehicles in the fleet by five. The vehicles that were eliminated were for special service, but seldomly used vehicles. They included two pool vehicles, an evidence van, and a training motorcycle. A spare motorcycle was also eliminated from the fleet. The current rotation and mileage requirements have reduced the need of replacement from three cars per year to two marked cars per year.

ANALYSIS:

Because of reduction in the fleet and not purchasing marked patrol vehicles during the 2003-2004 fiscal year, the mileage and maintenance costs of the existing patrol fleet does

mount. By allowing the Police Department to place our order during the last quarter of the fiscal year, we assure ourselves of vehicle delivery during the summer of 2006, no cost increase for 2007 cars, avoid the plant shutdown for re-tooling and subsequent late fall delivery. Even with a summer delivery, it is not expected the vehicles will be equipped for service until late September or October. This will still put these vehicles in service three or four months sooner and decrease the risk of loss of service to the residents of Atherton because of a shortage of vehicles due to breakdowns and additional expenses associated with the current fleet.

FISCAL IMPACT:

With the ability to “piggy back” on Redwood City’s and the City and County of San Francisco’s bid for vehicles, we see a cost savings by adding our additional two. Last years purchase was \$1,800 less than the State bid contract. The cost to the Town of Atherton for **two 2006 Ford Police Interceptors is \$22, 884, 08 each, plus tax, for a vehicle total cost of 45,768,16 plus tax. An additional expense of approximately \$10,000 per vehicle is required for purchase and /or installation of required equipment** (in car camera, moving radar, and mobile radio). **Total replacement cost is \$65,788.16 plus tax.** Any equipment that has additional service life will be re-used from the vehicles that will be retired. In some cases, it is less expensive to replace than recycle. The funds are available from the vehicle replacement account. There is no requirement to augment the current budget. In the past, we have sold a high mileage serviceable vehicle to an outside rural police department for a sum of money that would equal the cost of stripping a vehicle and selling it at auction. It is the intent to continue this practice if it makes fiscal sense for the Town of Atherton.

Prepared By:

Approved:

Robert Brennan
Chief of Police

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF MARCH 15, 2006

SUBJECT: RESPONSE TO THE CIVIL GRAND JURY REGARDING EXERCISE OF EMINENT DOMAIN

RECOMMENDATION:

This is an informational Staff Report that does not require action by the City Council.

INTRODUCTION:

On February 5, 2006, City Manager Jim Robinson received a letter from the San Mateo County Civil Grand Jury requesting responses to an inquiry regarding the Town of Atherton's exercise of eminent domain.

The Grand Jury requested that the Town of Atherton respond in writing to an information request by February 22, 2006. The City Attorney provided answers to the eight questions the responses was mailed by the due date of February 22, 2006.

ANALYSIS:

See the letter of response to the Grand Jury request.

FISCAL IMPACT:

None

Attachments

- * Letter of request from the San Mateo County Grand Jury
- * Letter responding to the request by the Grand Jury



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JAMES H. ROBINSON, CITY MANAGER**

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MARCH 15, 2006

**SUBJECT: AWARD OF CONTRACT FOR HOLBROOK-PALMER PARK
PAVILION CARPETING REPLACEMENT PROJECT NUMBER
05-002**

RECOMMENDATION:

Award the contract for the Holbrook-Palmer Park Pavilion Carpeting Replacement Project, Project No. 05-002, to Gletzco Inc., dba The Floor Club, the low bidder on the March 9, 2006 bids, for \$44,523.08, with a 10% construction contingency of \$4,452.31, for a total authorization of \$48,975.39, to re-allocate the \$50,000 Park Corporation Yard Remodel budget to the Pavilion Upgrades project, and to authorize the Mayor to sign the contract on behalf of the Town.

INTRODUCTION:

On September 21, 2005, Council approved a two-phase plan for Jennings Pavilion Upgrades. Phase 1 will replace the windows and doors, replace the carpeting, and renovate the lighting using State Per Capita Program Grant Funds. Phase 2 will hire an architect to investigate the aesthetics and cost of adding a sunroom to the north side, using either the remaining Per Capita Program Grant Funds or future funds.

This project is the second project in Phase 1 for replacing the carpeting throughout the Pavilion with new Nourison Regal Vine Olive broadloom carpeting covering the floor out to the new doors and the women's restroom. This carpeting is a high-end carpeting with a projected life of 20 years, designed for the heavy usage the Pavilion experiences.

Once these first two projects in Phase 1 are completed and the amount of funds remaining in the State Park Per Capita grant is determined, the third project to renovate the lighting in the Pavilion will be designed to fit within the remaining budget.

ANALYSIS:

Two (2) bids were received for the Holbrook-Palmer Park Pavilion Carpeting Replacement Project as follows:

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>BID</u>
Gletzco Onc. dba The Floor Club	Mountain View	\$44,523.08
Rodan Builders, Inc.	Belmont	\$63,000.00

FISCAL IMPACT:

State Park Grant funds in the amount of \$170,000 are budgeted for this project in Fiscal Year 2005-06. The door and window replacement project bid came in at \$149,524, plus a 10% contingency, encumbering \$164,476.40. The Per Capita Program Grant funding from the State of California Department of Parks and Recreation can fully fund these two improvements up to the grant amount of \$220,000. No local match is required. The remaining \$50,000 of the grant, above the \$170,000 budgeted for the Pavilion Upgrades project, was to be allocated to the Park Corporation Yard Remodel project. In order to complete the higher priority Pavilion improvements, staff recommends that the entire grant proceeds be allocated to the Pavilion projects.

Bids were received for the project on March 9, 2006. Gletzco Inc., dba The Floor Club, was the low bidder at \$44,523.08. This bid was 11% below the engineer's estimate prepared by staff of \$50,000. A 10% construction contingency of \$4,452.31 would bring the total authorization to \$48,975.39. The combination of the first two projects authorizes \$213,451.79, 3% below the reallocated FY 2005-06 State Park Grant budget. The third project for lighting renovation will use the remaining \$6,548.21, as well as any unused portion of the \$19,404.71 contingency on the first two projects (the original estimate for the lighting renovation was \$25,000).

Prepared By:

Approved:

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

James H. Robinson
City Manager



Town of Atherton

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE CITY COUNCIL MEETING OF MARCH 15, 2006

SUBJECT: AUTHORIZATION TO CHANGE THE NAME OF THE CALTRAIN CORRIDOR AD HOC SUBCOMMITTEE TO THE ATHERTON RAIL COMMITTEE

RECOMMENDATION:

Staff recommends that the City Council authorize a name change from the existing Caltrain Corridor Ad Hoc Subcommittee to the Atherton Rail Committee.

BACKGROUND:

The Caltrain Corridor Ad Hoc Subcommittee met in February and discussed the restructuring of the Caltrain Corridor Ad Hoc Subcommittee. The action by the committee established three working committees to address three general categories of issues related to Rail in the Town of Atherton. These committees included:

Immediate

1. Hold Out Correction
2. Service Reinstatement

Intermediate

1. Trenching
2. Quiet Zone
3. Quad Gates
4. Relations w/ Adjacent Communities

Long Term

1. Electrification
2. High Speed Rail
3. Dumbarton .

In addition to forming these work groups, the Caltrain Corridor Ad Hoc Subcommittee also recommended that the name of the Committee be changed to the **ATHERTON RAIL COMMITTEE** which more fully recognizes that the committee is involved in many issues, not just those limited to Caltrain, and also identifies the committee with the Town of Atherton .



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JAMES H. ROBINSON, CITY MANAGER**

FROM: POLICE CHIEF ROBERT BRENNAN

DATE: FOR THE MEETING OF MARCH 15, 2006

SUBJECT: PARK LANE COMMUNITY POLICING PROJECT

RECOMMENDATION:

The Police Department continues proactive enforcement and educational efforts in the Park Lane community using the S.A.R.A. problem-solving model. These efforts will be directed at maintaining compliance in relation to municipal code ordinances involving construction.

INTRODUCTION:

The study has been in response to the City Council's direction that resulted from construction-related activity located in the Park Lane neighborhood and is a result of complaints received from citizens and neighbors regarding the construction and its associated problems. The Police Department elected to initiate a community-policing program (Attachment A) to evaluate the effectiveness of directed policing via a specific community problem report (Attachment B). An initial presentation and review was given to City Council at the February 15th regular meeting. This report will present specific response and results.

ANALYSIS:

The assigned officer has been allocated to this project since January 26, 2006, on a full-time basis. In addition to his regular hours, he has worked an additional 45.5 hours of overtime on this assignment.

The Police Department has contacted the surrounding neighbors to ascertain their views about the construction, solicited their input for possible solutions (Attachment C), and contacted the general contractors and reviewed the applicable municipal codes and their parking plans when applicable (Attachment D). Issues of concern from the residents span from the number of parked cars associated with construction activities, littering, construction-related noise during operating hours, vehicular traffic as a result of workers arriving/departing the work sites. There were no complaints about weekend/after-hour noise (See attachment A for resident comments). In total, 11 citations, 4 parking citations, 74 written warnings and 10 verbal warnings have been issued.

7 written citations issued for speeding violations

2 written citations issued for stop sign violations

1 written citation issued for unlicensed driver

1 written citation issued for no license in possession

1 written citation for driver not wearing seatbelt

2 parking citations issued for expired registration

1 parking citation issued for parking within 15' of a fire hydrant

1 parking citation issued for parking on wrong side of roadway

56 written warnings issued for speeding violations

12 written warnings for stop sign violations.

1 written warning for failure to signal.

2 written warnings issued for construction parking ordinance violations.

1 written warning issued for municipal code prohibiting construction prior to 8:00 a.m.

COMMUNITY PROBLEM REPORT

Utilizing the S.A.R.A. problem-solving model, the officer assigned has completed the following:

1. Review Municipal Code sections 15.40.152 and 15.40.040 with all Police Department staff and each construction site superintendent.

Reviewed Municipal Code Sections 15.40.152 (Construction parking plan) and 15.40.040 (On-site/same side construction parking) with all four Police

Department shifts (Patrol & Dispatch). Met with all contractors listed in Attachment D and reviewed the same.

2. Monitor arriving construction traffic and make contact with those out of compliance.

One violation was observed for a violation of 15.40.120 (Construction prior to 8:00 a.m.). A written warning citation was issued to the superintendent of the construction site.

3. Issue warning citations for 15.40.152 (Construction parking plan) and 15.40.040 (On site/ same side construction parking) to workers & supervisors who are out of compliance.

Two written citations were issued for violations of municipal code 15.40.040 (On site/same side construction parking).

4. Restore A-frames and barrier tape at affected homeowner's property.

Assigned officer has replaced several damaged wooden A-frames when necessary. Has replaced barrier tape when torn and routinely uprighted fallen A-frames when located.

5. The officer will keep a log of action on a daily basis.

Photocopies of all written enforcement (citations and warnings) have been retained.

6. If voluntary compliance is not adhered to by the involved parties, a citation shall be written to the superintendent of the job site.

No citations were issued. Compliance is at 100%.

7. Aggressive vehicle code action shall be taken on construction vehicles not meeting the requirements and in accordance with the California Vehicle Code.

Only a few instances of citations to construction vehicles were necessary. These involved parking citations for reasons of expired registration, parking within 15' of a fire hydrant or parking on the wrong side of the roadway. The overwhelming percentage of vehicles stopped for vehicle code violations such as stop sign or speeding violations are either local residents/students or from neighboring communities. Only one general contractor was stopped for exceeding the posted speed limit. No construction workers were observed in violation of these sections.

8. Seek alternative construction parking in existing parking lots close by or vacant properties in the area.

Some residents have been contacted regarding vacant properties in the area; however, not all have responded. Those who have replied are not willing to open their land to construction parking due to liability issues. Problems with parking appear to have substantially decreased through voluntary compliance with the contractors.

9. Monitor the construction site for after-hours construction activities.

The assigned officer has routinely monitored all construction sites for violations of 15.40.120 (Construction after 5:00pm). No violations of this nature were observed.

CONCLUSION:

Community policing efforts to address the construction-related activities in the Park Lane neighborhood have been effective based on the assigned officer's observations and neighborhood resident's comments. Additionally, contractors have been receptive to the Police Department's efforts to rectify the impact of construction-related activities and traffic issues in the neighborhood in compliance to the Atherton Municipal Code and California Vehicle Code. Residents appear to be pleased with the increased level of enforcement in the area.

FISCAL IMPACT:

The fiscal impact is dependent upon the number of overtime hours. As of March 9, 2006, 45.5 hours of police officer overtime have been dedicated to this project (\$2657.66).

Prepared By:

Approved:

Robert Brennan
Chief of Police

James H. Robinson
City Manager

**Atherton Police Department
Memorandum**

January 19, 2006

To: City Manager Jim Robinson
From: Police Chief Robert Brennan
Subject: Community Problem Solving on Park Lane

As discussed at the January 18, 2006 Council Meeting and at other Town Commission gatherings, the residents have brought forward a community problem on Park Lane between Elena and Valparaiso. This quality of life issue revolves around the new home construction projects which results in traffic and parking problems in the area. The Police Department has been asked to put a plan together to solve or significantly reduce the negative effects of the construction. We will be using a problem solving model known as S.A.R.A. (Scan, Analyze, Respond, Assess). I will briefly explain each step of the systematic inquiry with a follow-up plan that will be implemented.

➤ **Scanning-Identifying Problems**

Scanning entails taking a broad and intensive view over time of a particular area to accurately define the problems to be addressed. The process involves identifying the underlying patterns and conditions seen by the community as problems rather than continuously responding to incidents as separate, unrelated events.

➤ **Analysis-Collecting and Analyze Information**

The Analysis stage is the heart of the problem-solving process and must be a thorough, creative and innovative as the response since the characteristics of each problem vary. If an officer understands all the components of a problem, it is more likely that a custom-made response can be developed to fit the problem.

➤ **Responses-Cooperatively Develop and Implement Solutions with other Departments and the Public**

A complete analysis will provide data that reveals the underlying nature of the problems, perhaps clarifying or redefining it. Before initiating a response (action plan), all the components of the community who are affected should be in agreement as to the nature of the problem. Working with the residents, business interests (construction companies) and other Town Departments, the Police Department can tailor an action plan to the

specific characteristics of the problem. Goals and objectives are determined, as well as whether there is a need for further data collection.

Solutions may go beyond traditional remedies to include other community agencies or organizations.

➤ **Assessment-Evaluate Strategy Effectiveness**

Finally, the impact of the intervention efforts must be evaluated to see if the desired goals and objectives were achieved, and if the problems were actually solved or alleviated. Findings should address why the problem was or was not solved or reduced in scope. Assessments should also consider any positive and negative effects. If not considered, such effects may produce major unintended consequences. Accurate assessments allow officers to determine if the solution is working. If it isn't, the results of the assessment may be used to revise the response, collect more data, or even redefine the problem.

Within the next few days, we will put together a plan that incorporates all the elements of a successful problem solving model. My experience has shown me, that the time and effort using the systematic inquiry "S.A.R.A." Scanning, Analysis, Response and Assessment, will greatly increase the success of the solutions that will be proposed.

S.A.R.A – Community Problem Report

Received by: Chief Robert Brennan

Date: 1-18-2005

Identified by: Atherton City Council

Phone 752-0506

Address: 83 Ashfield Road, Atherton California 94027

E-mail

Does the complainant wish to be contacted-----YES

Scanning (Location/description of the problem):

Local residents that currently live on the 200 block of Park Lane are complaining about traffic, parking, and construction vehicles. With the number of vehicles parked on both sides of the street, it makes it dangerous to traverse the area and navigate in and out of the driveways and access roads.

Analysis of the problem:

The Town of Atherton has seen an increase in residential construction projects. Traditional style and size of homes that have been built over 40 years ago which were between 2000 and 4000 square feet have yielded to estate sized homes ranging from 8000 to 20,000 square feet, two to four stories including full basements under the footprint of the house, on one acre plus lots. Within the Town boundaries there are over 100 homes under construction or being remodeled. Currently, 10% of the total homes under construction are on the 200 block of Park Lane.

The addresses are; 202, 210, 213, 224, 233, 236, 245, 266, 269, and 283. The start dates for the homes range from February 2003 through October 2005. Due to the size and the complexity of construction, building times can be as long as 4 to 5 years. In February of 2004, it became a requirement for each applicant to file an approved parking plan in order to receive their building permit. Concerns have been expressed that requirements to park on site or in directly in front are not being observed, are in violation and have caused the problems with parking and traffic.

A copy of the active construction projects, permit for each address, plot map, Municipal Code 15.40.152, 15.40.040 and Building Department contact sheets have been attached.

Response (Comments/Action)

1. Review Municipal Code 15.40.152 and 15.40.040 with all Police Department staff and each construction site superintendent.
2. Monitor arriving construction traffic and make contact with those out of compliance.

3. Issue warning citations for 15.40.152 and 15.40.040. to workers and supervisors who are out of compliance.
4. Restore and retain A-frames and barrier tape at affected home owner's property.
5. The Officer will keep a log of action taken on a daily basis.
6. If voluntary compliance is not adhered to by the involved parties, a citation shall be written to the superintendent of the job site.
7. Aggressive vehicle code action shall be taken on construction vehicles not meeting the requirements and in accordance with the California Vehicle Code.
8. Seek alternative construction parking in existing parking lots close by or vacant properties in the area.
9. Monitor the construction site for after hours construction activities.

Assessment:

Each of the nine responses shall be reported on in a written format and presented to the City Council in the form of a Staff Report, addressing the compliance action taken for the February 15, 2006 meeting.

Attachment C

RESIDENTS:

Resident, 200 block of Park Lane. Frustrated with garbage left by construction workers in front of her residence. Says she avoids Park Lane because of traffic congestion and considers the area an unpleasant experience.

Residents, Prado Secoya Court. Says there is always a lot of construction noise while the area has historically been quiet. Constant noise Monday through Friday between 8:00am and 5:00pm. Abundance of trucks always in the area. Seems like over the past ten years the area has been inundated with construction. Would like to see the construction completed for good. Would like to see less permits issued and size restrictions on new home construction. No parking problems on Elena Avenue and avoids Park Lane.

Resident, 100 block of Elena Avenue. Says traffic congestion on Park Lane is bad. Noise from the surrounding construction is bothersome. Has lived in Atherton her whole life and says the changes are incredible. Concerned over abundance of large trucks in the area and believes they are the biggest issue. Has almost been struck several times while attempting to exit her driveway. Notices some construction starting early and ending late in violation of municipal code. Parking in front of her home has not been an issue. With time permitting, she would like to see officers enforcing traffic laws in front of her residence while paying particular attention to speeding trucks.

Residents, 100 block of Elena Avenue. Not really bothered by parking or construction related problems. Believes the construction is terrific and a great source of revenue for the town and will only raise their property values. Thinks the neighborhood will look beautiful when construction is completed. Drives on Park Lane and doesn't really encounter many problems. Has a "grim and bear it" philosophy regarding the construction. Does not want to see required permit parking in the area. As a possible solution, believes the local contractors should be made more aware of the involved municipal codes.

Resident, 200 block of Park Lane. Constant noise coming from construction site located at 201 Park Lane. Numerous vehicles parked up and down Park Lane. Catering trucks frequently block the roadway making it difficult to pass. Garbage left in roadway in the area of Park lane & Elena Avenue. Would like to see restrictions on the size of new homes. Would like to see an end in sight with all of the construction in the neighborhood. Concerned that many construction workers may be illegal aliens or gang members posing a security risk. Feels like the workers have taken over the neighborhood. Would like to see a posted radar sign placed in front of her residence. Would like to see the municipal codes relating to construction enforced by the police department.

Resident, 200 block of Park Lane. Feels the construction in the neighborhood has gone on far too long. Numerous trucks in the area which have created large holes/ruts in the shoulder of the roadway. Exiting driveway is dangerous as vehicles are parking too close to driveway entrance making it difficult to see oncoming traffic. Roadways are heavily congested with construction vehicles parked on both sides of the street. Would like to see the construction parking ordinance enforced.

Resident, 200 block of Park Lane. Doesn't see any problems with the construction activity in the neighborhood.

Resident, 200 block of Park Lane. Doesn't see any real problems with the construction. Feels the construction will only benefit the community and raise property values. Does not want to see restrictions time limits placed on new home construction. Feels that time restrictions would only penalize the homeowner. Has been slowed by the increased traffic congestion, but is nothing he can't tolerate.

Resident, 200 block of Park Lane. Construction doesn't really bother her. Does not want to see parking signage placed in the neighborhood. Signed a recent petition from a neighbor regarding promoting the installation of such signage and regrets it.

Residents, 200 block of Park Lane. Large SUV type vehicles park too close to driveway entrance making it difficult to exit driveway. Hard to place garbage cans in front of house because of numerous parked vehicles in the way. Parked vehicles block access for postman to collect/deliver mail. Garbage frequently found on the street.

Resident, unit block of Santiago Avenue. Workers always park in front of residence obstructing the driveway and access to mailbox.

Resident, 200 block of Park Lane. No complaints regarding the construction in the area.

Resident, 200 block of Park Lane. Lives on a flag lot so she is somewhat removed from construction related problems. Does notice the increased traffic congestion from trucks. Wishes the construction workers would hurry up and finish!

Resident, unit block of Santiago Avenue. No complaints regarding the construction.

Resident, 200 block of Park Lane. Was forced to place large rocks in front of home due to workers constantly parking in front of her residence. Always finding garbage in the area, especially on Camino Al Lago. Speeding and stop sign violations in the area are a problem. Traffic congestion on Santiago Avenue is bad. Said she is very glad to see our presence in the neighborhood.

Resident, unit block of Santiago Avenue. Has had her gate intercom knocked down twice by what she assumes is construction workers. Doesn't see construction noise or the related parking particularity as a problem. Sometimes parked vehicles block her vision as she is trying to exit her driveway. Wishes the construction work would come to an end.

Resident, 200 block of Park Lane. Has experienced past problems with construction workers blocking her driveway (Usually in connection with sites located in the area of Camino Al Lago and Somerset Lane.

Residents, 200 block of Park Lane. Difficult to walk dog with all of the traffic congestion in the neighborhood. Catering trucks frequently blow their horns and drivers scream to construction workers. Exiting driveway is difficult because of parked vehicles encroaching upon the entrance making oncoming traffic difficult to see.

Residents, 200 block of Park Lane. Parking in the area is terrible because of construction sites across the street at 245 Park Lane. Parking problem has improved in the last week or so as a result of my presence in the neighborhood. Mailbox has been run into, by what they assume are construction workers.

Resident, unit block of Santiago Avenue. Loves to see the construction in the neighborhood. Nice to see the old homes torn down and replaced by new ones. No complaints whatsoever.

Resident, 200 block of Park Lane. Would like to see the construction completed. Mailbox has been run into, by what she believes is construction workers. Traffic congestion is a problem on Park Lane especially east of her residence. Earthmover from neighboring construction site has used her driveway entrance in the past and tracked mud across her property.

Resident, 200 block of Park Lane. Construction workers need to assure their vehicles are not obstructing the roadway. Would like to see builders make their workers park on site.

Resident, 200 block of Park Lane. Sometimes encounters heavy traffic, but it doesn't really bother him.

Resident, unit block of Santiago Avenue. Has planted young oak trees in front of her home which have been damaged by parked vehicles. Difficult to see oncoming traffic at intersection of Park Lane @ Santiago Avenue due to numerous parked vehicles in the area. Doesn't see construction noise as a particular problem. Does not want to see permit parking placed in the neighborhood. No idea for possible solutions.

Resident, unit block of Santiago Avenue. Would like to see construction sites utilize wind screens to help maintain the beauty of the neighborhood. Believes there are too many construction trucks in the area, but realizes it's part of the phase and unavoidable.

Resident, unit block of Santiago Avenue. Is a teacher at Sacred Heart School. Always away during the day so construction doesn't bother him.

Resident, 200 block of Camino Al Lago. No real complaints regarding the construction activity in the neighborhood. Sometimes encounters traffic congestion because of deliveries being made in the area of Camino Al Lago and Somerset Lane.

Resident, unit block of Santiago Avenue. Frequently finds garbage in the area. Construction workers are constantly parking in front of her home. Feels the construction in the community has gone on for way too long (estimates in excess of ten years). Mailbox has been knocked over by what she believes is construction workers. Easement in front of her home is being damaged by construction vehicles. Numerous construction workers/strangers in the area creating a safety issue for eleven year old daughter. Town needs to create a code enforcement officer position. Does not believe police officers should be wasting their time addressing construction issues. Speeding vehicles on Santiago Avenue are a problem.

Resident, Somerset Lane. Construction site at @ Somerset Lane has created problems with traffic congestion on their cul-de-sac. Nails left in the roadway (Has picked up nails in his personal vehicle). Numerous trucks and vehicles on Park Lane. Difficult to see oncoming traffic at intersection of Somerset Lane @ Camino Al Lago due to numerous parked trucks. Unable to leave trash bins outside for pick-up due to parked vehicles. Tries to avoid Park Lane whenever possible because of the increased traffic congestion. Believes code enforcement officer may be a good idea. Very glad to see our presence in the neighborhood.

Resident, Somerset Lane. Dislikes the increased traffic congestion in the neighborhood. The combination of vehicles and trucks make it difficult to drive through the local streets. Notices garbage left on the roadway, especially in the area of Camino Al Lago @ Somerset Lane. States a lot of problems were because of site at @ Somerset Lane, however they have recently improved now that the home is near completion. Believes a code enforcement position could be beneficial.

Resident, 200 block of Park Lane. Vehicles parked in front of home make it difficult to see oncoming traffic to exit driveway safely. Would like to see job site at 233 Park Lane completed. At minimum, would like to see it screened off or trees planted to separate view of site from his property which has become an eyesore. Also concerned the site will become a breeding ground for rodents, attractive for juveniles to enter and a possibly a fire hazard.

Resident, 200 block of Park Lane. Believes the new homes being constructed are way too large. As a result, too many construction workers and too much traffic congestion in the neighborhood. Propensity for burglaries increase with the increased number of strangers in the area. Thinks the town has become too lax and wonders why they have allowed this to happen. Would like to see size and time restriction placed on new home construction. Thinks a code enforcement position would be a great idea.

Residents, 200 block of Park Lane. Believes our increased presence in the neighborhood seems to be working. Thinks our presence needs to be for a longer term. Concerned

about vehicle encroaching upon his driveway making it difficult to see oncoming traffic. Traffic congestion on Park Lane can get very bad at times. Going for walks is difficult because of the combination of vehicular traffic and parked cars on both sides of the street.

Resident, 200 block of Park Lane. Tries to avoid Park Lane altogether. Thinks having our presence in the neighborhood is great. Sometimes is difficult to see around trucks parked in the middle of the roadway. Exiting her driveway at times is difficult due to parked vehicles making hard to see oncoming traffic.

Resident, 200 block of Park Lane. Mud constantly being left on roadways by trucks from construction sites. Finds garbage in front of home as well as on Park Lane. Finds traffic on Park Lane is sometimes quite heavy as a result of construction trucks. Will take Valparaiso Avenue as an alternate to avoid Park Lane. Would like to see size restrictions and a limit on the number of homes under construction in a given area. Wishes some of the older homes would be saved as the character of the neighborhood has drastically changed.

Resident, 200 block of Park Lane. Believes construction workers should be required to park inside job site. Park Lane is too narrow to accommodate number of additional vehicles now in the neighborhood. Traffic congestion on Park Lane is heavy due to trucks constantly backing in and out of construction sites. Finds mud tracked onto roadways from the job sites (especially 266 Camino Al Lago). Curious about what is going on with construction at 233 Park Lane. Would like to see size restrictions on homes and believes they are far too large for the size of the lots.

Resident, Somerset Lane. Concerned about her children riding their bicycles on Park Lane due to increased traffic. Does not want permit only parking. Construction workers from 2 Somerset Lane have parked in front of her home in the past, however this issue has improved. Difficult to exit Somerset Lane onto Camino Al Lago due to parked vehicles making it hard to see oncoming traffic. Likes having our increased presence in the neighborhood, but what happens when we leave? Town must have a longer term solution for this problem. Thinks a code enforcement position would be a great idea. Believes all/partial funding for this position should come from finances obtained from building permits. Does not believe these issues should be handled by a police officer. Would like officers out looking for crime and not construction problems. Would like to see size and time restrictions on new home construction.

In addition to the above residents, we left messages for the following addresses, however they have to yet to reply.

One resident, 200 block of Camino Al Lago
Three residents, unit block of Santiago Avenue
One resident, 200 block of Elena Avenue
One resident, 100 block of Elena Avenue
Ten residents, 200 block of Park Lane

Attachment D

CONTRACTORS:

I contacted the following general contractors and/or project managers. I reviewed the involved municipal code ordinances and discussed their parking plans when applicable.

General Contractor, 213 Park Lane.

General Contractor, 245 Park Lane.

General Contractor, 210 Park Lane.

General Contractor, 201 Park Lane.

General Contractor 224 Park Lane

General Contractor, 269 Park Lane.

Independent Construction Mgr., 233 Park Lane

General Contractor, 236 Park Lane.

General Contractor, 283 Park Lane.

General Contractor, 266 Camino Al Lago Avenue.

General Contractor, 202 Camino Al Lago Avenue



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF MARCH 15, 2006

SUBJECT: REVISION TO GUIDELINES: CONSTRUCTION, OPERATIONS AND PARKING PLANS (COP Plans)

RECOMMENDATION:

Consider revisions to Guidelines and provide direction to Staff.

BACKGROUND:

At the regular City Council meeting on February 15, 2006, the City Council recommended that staff prepare proposed revisions to guidelines based upon comments received from Town residents at the meeting and recommendations presented by City Council Members. The attached revision to the guidelines shows new language in **bold** and existing language by ~~striketrough~~. You will note that there is a blank space in paragraph number one regarding limits on the on-street parking. Any revisions to the guidelines should be adopted by a resolution of the City Council.

FISCAL IMPACT:

None.

Prepared By:

Approved By:

/s/ Marc Hynes

Marc G. Hynes
City Attorney

James H. Robinson
City Manager

~~CITY COUNCIL ADOPTED~~
Guidelines for Construction, Operations and Parking Plans
[Revised, 2006]

The following guidelines ~~have been~~ **are** adopted by City Council Resolution in compliance with Chapter 15.40 of the Atherton Municipal Code requiring the submittal of a Construction Operation and Parking Plan (**COP Plan**).

Prior to acceptance of plans for building plan check, the applicant for a building permit shall submit a ~~Construction, Operation and Parking Plan~~ **COP Plan** for review and approval by the Building Official. The **COP Plan** shall be made a part of the public file. At a minimum, the ~~Construction Operation and Parking Plan~~ **COP Plan** shall contain the elements listed below:

1. **Parking Area for Construction Personnel.** All construction parking shall be located on-site where possible or within the public right-of-way. **Parking in the public right-of-way shall be only in front along the street frontage** of the construction site and on the same side of the street as the construction site. **Street parking spaces should be delineated on the COP Plan. Parked vehicles shall not obstruct the paved roadway. No more than _____ vehicles shall be parked within the public right-of-way.** The COP Plan shall provide a sufficient area to accommodate the number of construction personnel anticipated to be working on the project.

Clearly designated parking for the planned number of construction related spaces shall be indicated on the COP Plan. Parking spaces shall be located perpendicular to the adjacent street whenever possible. The construction parking area shall be located outside of any tree protection fencing area. The construction parking area shall be rocked, with a rocked access drive. All construction personnel shall park in the construction parking area when at the job site. The City Manager or City Manager's designee may provide written permission for construction personnel parking in the public right-of-way only during such times as finish landscaping or other similar circumstance prevent(s) use of the on-site construction parking area. ~~and further provided that the~~ **Parking shall be located and conducted in a safe manner that affords a minimum disruption to the neighbors and neighborhood.**

2. **No Parking Signs.** At the discretion of the ~~Police Chief or Police Chiefs~~ **City Manager or City Manager's** designee, to protect health and safety, or in the event the contractor fails to properly implement the COP Plan, the City Manager or City Manager's designee may require the contractor to post signs on and along streets at 100 foot intervals for a distance of 500 feet on both sides of the street from the construction project notifying that parking is prohibited except for residents and their guests as authorized by California Vehicle Code Section 22507. The contractor shall pay for the cost of the signs.

3. **Construction Trailer.** If a construction trailer is proposed, it shall be located completely on the ~~private~~ **property under construction** at least 10 feet from any side or rear property line, at least 40 feet from the front property line for properties located in the R1-B zone and at least 20 feet from the front property line for properties located in the R1-A zone.

4. **Debris Box.** Any debris box used in conjunction with the construction shall be placed completely on the ~~private~~ property **under construction**. The debris box shall be accessible from a paved or rockered access road.

5. **Deliveries and Truck Traffic.** A temporary construction driveway shall be installed consisting of base rock or alternate material approved by the Building official, beginning at the edge of pavement and extending a minimum of 100 feet into the property in order to reduce dust and mud tracking. Signs, delineators and flag personnel shall be available on-site, if necessary. If an existing paved driveway is maintained during construction, a temporary access will not be required. The applicant may propose, or the Building Official may require temporary construction fencing to restrict additional access points.

6. **Sanitary Facilities.** The temporary sanitary facilities shall be placed out of the views of neighboring properties as much as possible. The facilities shall be accessed from a paved or rockered road or driveway. The sanitary facilities shall not be located in the public right-of-way and shall be located at least 10 feet from any side or rear property line, at least 40 feet from the front property line for properties located in the R1-B zone and at least 20 feet from the front property line for properties located in the R1-A zone.

7. **Cleanup Area.** When on-site cleaning of equipment is required for concrete forms and trucks, paint brushes, plastering tools and other similar equipment, a clean-up area shall be specified on the COP Plan and posted with a sign. This area shall not be located beneath any tree canopy or in any proposed planting area. Runoff from the clean-up area shall be contained and the waste material disposed of using "Best Management Practices" acceptable to the Regional Water Quality Control. Board.

8. **Construction Materials Storage.** An area shall be designated on-site for the storage of construction materials. The storage area shall not be located within the drip lines of any trees.

9. **Notes to be Included on Construction Operation and Parking Plans.** The following notes shall be included on all COP Plans:

a. Construction, deliveries and servicing of any item (i.e., debris box, sanitary sewer facilities, etc.) on the site shall only **be** permitted Monday through Friday, 8:00 a.m. to 5:00 p.m.

b. No work of any nature including but not limited to hauling or heavy equipment shall be permitted on Saturdays, Sundays, or Holidays.

10. Contractor Responsibility. The contractor shall be responsible for ensuring that all elements of the COP Plan are followed including compliance of construction personnel parking to the parking plan. The contractor shall be responsible for ensuring parking areas used for the construction site are maintained and kept clear of litter resulting from construction personnel use.

11. Building Official Review and Approval of COP Plan. The Building Official will ensure that the requisite number of construction parking spaces have been clearly delineated on the COP Plan, which preferably will maximize the use of on-site areas for construction parking. Plans with less than six on-site spaces will require review and approval by the City Manager. When there are multiple construction sites located in the same general area, the Building Official will ensure the collective plans will allow for safe use of the public streets in the area including driveway entrances. The Building Official will submit the approved COP Plan to the Chief of Police.

12. Public Safety and Compliance. The Chief of Police will enforce COP Plan compliance through inspections and timely response to public complaints regarding construction site parking. The Chief of Police will report monthly [and on a construction site to date] basis the number of warnings and violations that have occurred from failure to comply to the COP Plan.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF MARCH 15, 2006

SUBJECT: DISCUSSION AND POSSIBLE ACTION – CREATION OF CODE ENFORCEMENT OFFICER POSITION

RECOMMENDATION:

The City Council discuss the creation of a code enforcement/code compliance position or other alternatives for addressing code violation/compliance issues and provide appropriate directions to staff.

BACKGROUND:

The City Council, at its meeting of February 15, 2006, discussed the current enforcement procedures along Park Lane to obtain compliance with construction parking restrictions specifically as they relate to compliance and enforcement of the Construction, Operations and Parking Plans (COP Plans). Following that discussion, Council Member McKeithen requested that discussion of a code enforcement officer be scheduled for the March 15, 2006, City Council meeting.

Currently, Code Enforcement issues are being handled by individual departments with assistance by the City Manager and City Attorney. Typical enforcement issues include construction parking, construction noise, home occupations, dogs off leash, landscape sight distance issues, tree hazards and other code violations.

Many of our adjoining cities handle code violations in a variety of ways. The following is a sample of the methods used currently in the cities of Hillsborough, Menlo Park, and Woodside. There are other examples in attached previous reports .

Hillsborough: The Town of Hillsborough currently has a full-time code enforcement officer that was created a few years ago and the position functions as part of the Police Department. In addition, they have a three-person appeal board to provide a forum for more difficult cases.

Woodside: The Town of Woodside currently handles Code Enforcement within their own Planning Department by the Assistant Planner. The Woodside Town Manager estimates that the City Planner spends about 1/3 of his/her time on code enforcement issues.

Menlo Park: The City of Menlo Park provides Code Enforcement in its Police Department. There are three officers assigned; but due to current staffing constraints, some are pulled from Code Enforcement activities to handle other police functions. Code enforcement is directed by a Sergeant within the Police department who also handles other enforcement activities.

OPTIONS:

If the Town of Atherton desires to create a Code Enforcement/Code Compliance position, there are several options to consider. These would include:

1. Utilizing existing staff and allocating additional time to enforcement activities;
2. Create a full- or part-time position specifically directed to handle code enforcement/compliance issues;
3. Contract with an individual;
4. Contract with a company with code compliance enforcement expertise;
5. Contract or partner with an adjoining community to provide these services.

If so desired, staff can provide a detailed summary of the advantages and disadvantages of each alternative and the estimated costs.

CONCLUSIONS:

If the City Council would like to explore the creation of a Code Enforcement position or allocate additional resources to any of the above alternatives for council consideration, staff recommends that Council give direction to staff to prepare a recommendation to be considered as part of the upcoming review of the budget by the Finance Committee and ultimately the City Council. The recommendation would include justification for a Code Enforcement position, the preferred alternative, an estimated annual cost, and source of funding.



Town of Atherton

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER *JHR*

DATE: FOR THE MEETING OF OCTOBER 15, 2003

SUBJECT: DISCUSSION AND POSSIBLE ACTION – CODE ENFORCEMENT OFFICER POSITION

RECOMMENDATION

Consider and provide direction to staff regarding the proposal for the creation of a Code Enforcement position.

BACKGROUND

The General Plan Committee and Planning Commission have considered at their most recent meetings the creation of a Code Enforcement position within the Town of Atherton.

The General Plan Committee recommends the development, description and funding by the Town to provide for a Code Enforcement position. The Planning Commission considered the recommendation of the General Plan committee at its meeting of September 24, 2003. Attached is a report to the Council from Robert Andrews, Planning Commission Vice-Chair, which identifies the research by Vice Mayor McKeithen and comments from each of the Commissioners.

In more recent years, Code Enforcement issues have been handled by individual departments in responding to a variety of “code enforcement” related calls for service. These have included landscape sight distance complaints, parking violations, construction noise, inoperable street lights, right-of-way issues, tree hazards in the public right-of-way or on private property, operating businesses out of the home, chickens creating a nuisance, recreational vehicles, dogs off leash, noise violations, and a variety of other complaints and code violations.

In early 1990 a code enforcement position existed within the Town of Atherton but the position also was responsible for building inspection.

CONCLUSION

If the City Council is interested in the creation of a new position of Code Enforcement Officer or to incorporate these responsibilities within an existing position, staff should be directed to evaluate the alternatives available to the Town and the associated costs.

Attachments: Memo From Robert Andrews to Council
Planning Commission Report dated September 24, 2003
General Plan Committee Draft Minutes of September 10, 2003
Letter from Robert E. Huber to Mayor
Letter from Marion E. Oster to Mayor

Memo

To: Jim Janz, Mayor and Members of the City Council
From: Robert Andrews, Planning Commission Vice-Chair
CC: Jim Robinson, City Manager
Date: 10/9/03
Re: Code Enforcement Officer Position

The Planning Commission at their September 24, 2003 meeting discussed the issue of a Code Enforcement Officer for the Town of Atherton.

Councilmember McKeithen presented her research on three other cities; Menlo Park, Hillsborough and Los Altos Hills. She noted that her research was based on conversations with the Code Enforcement Officer of each jurisdiction.

Menlo Park utilizes two Police Officers and one Building Inspector for Code Enforcement. According to the individual McKeithen interviewed, most issued are resolved by telephone contact. They have approximately 1,000 cases per year. Code violations they respond to include; noise, fences, shrubs, public safety, illegal dwellings, etc. They stated that citizens receive one-on-one attention and resolution to their issues.

Los Altos Hills utilizes one Police Officer that reports to the Planning Director. They correct violations and inform the public of the regulations. About half of the time the violation is resolved immediately. Some take up to six months to resolve. The next step would be to record a notice of violation against the property. The position spends approximately 40% of their time on public safety (police work) and 60% of time on code enforcement. The position is currently funded through a COPS grant and may be funded out of the general fund in the future.

Hillsborough has one full-time staff position for Code Enforcement. They utilize a Town Administrative Panel. The position works on a complaint basis and on items discovered by staff. They receive approximately 19 complaints per month. First step is to contact the responsible party by phone, then send a letter of warning, then issue a citation, then reviewed by the Administrative review Plan and if still not resolved, turned over to the City Attorney. They issue a monthly report to the City Council. They utilize a 75 page procedure manual. The position is funded from the general fund.

McKeithen noted possible ways to pay for the position; COPS grant, building department fees and the general fund.

Commission discussion;

Commission Acheson inquired into the impetus of the item being discussed at this time?

McKeithen stated that the issue of enforcement arose with the General Plan Committees' discussion of construction parking requirements. She also stated that there seems to be many code enforcement issues going unresolved and taking time from the City Attorney and the City Council.

Commissioner Oster stated that she attended the General Plan Committee meeting and wrote a letter to the Council in support of a Code Enforcement Officer position. She stated that she would like to direct items to one person that would follow-through with obtaining compliance. The new position would allow Staff time to focus on their work and get the codes enforced.

Commissioner Hau stated that this is a budget issue. She stated that she many questions, whether the position be a civilian or a sworn officer, who should the position report to. Also stated that it is a complex issue if an Appeals Board is established. She stated that of course we want the codes enforced, just don't want to turn into a "Police State". Would like to know how complaints are handled now and how many are received.

Commission Acheson expressed strong reservations with this position: the report on other jurisdictions, and what they do to enforce their codes is premature until there is some good basis for creating such a position here. She stated that she cannot take a stand on the position without factual information relevant to Atherton. She would like to know how many, and what kind of, complaints are received, how many go unresolved, and how many lawsuits are filed. This is a serious philosophical and budget issue and she would need quite a bit more factual information on which to base a decision.

McKeithen responded that the budget implications of the position would go to the Finance Committee.

Commissioner Andrews stated that he is in support of the position but expressed concern with budget impacts. The Town may want to consider a part time position. He also stated that there needs to be discretion on enforcement.

Commissioner Andrews stated that he would forward the Commissioners comments to the City Council.



DATE: FOR THE PLANNING COMMISSION MEETING OF SEPTEMBER 24, 2003

TO: THE PLANNING COMMISSION

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

SUBJECT: CODE ENFORCEMENT OFFICER

INTRODUCTION

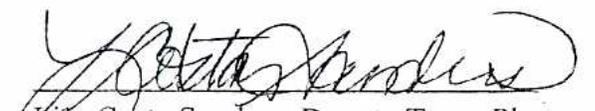
The General Plan Committee, at their September 10, 2003 meeting discussed the concept of a Code Enforcement Officer. At that meeting, the Committee member McKeithen presented her research on code enforcement officers from Menlo Park, Los Altos Hills and Hillsborough. The Committee discussed the item and decided to refer the McKeithen report to the City Manager for appropriate processing through the City Council. The Committee adopted the following motion:

The General Plan Committee recommends the development, description, and funding by the Town Council to provide the Town of Atherton with a Code Enforcement Officer position.

At the September 17, 2003 City Council meeting, Council member McKeithen reported on the recommendation of the General Plan Committee. At that time, the Council directed the item to the Planning Commission for their consideration. Council member McKeithen indicated that she would attend the Planning Commission meeting to present the information presented to the General Plan Committee.

RECOMMENDATION

Staff recommends the Planning Commission listen a report from Council member McKeithen and forward any comments on a Code Enforcement Officer position to the City Council.


Lisa Costa Sanders, Deputy Town Planner

Attachment:

1. Draft General Plan Committee Minutes from the September 10, 2003 meeting

GENERAL PLAN COMMITTEE
DRAFT MINUTES

TOWN OF ATHERTON
September 10, 2003 6:00 p.m.
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD

1. **ROLL CALL:**

PRESENT: Phil Lively
Kathy McKeithen
Charles Marsala
Rose Hau
Vivian Kral
Lida Urbanek
Kristi Waldron

EXCUSED: Phil Thaire

Neal Martin, City Planner, and Mike Hood, Building Official were also present.

2. **APPROVAL MINUTES**

M/S McKeithen/Kral to approve the July 2, 2003 meeting minutes as submitted. Motion passed.

3. **PUBLIC COMMENT**

None

4. **COUNCIL REPORTS**

None.

5. **PLANNING COMMISSION REPORTS**

Committee Member Hau reported on the following August 27, 2003 Planning Commission action;

- 50 Valparaiso Ave – approved the location of a daycare facility at Menlo School
- 2 Fair Oaks Lane – approved and accepted
- 34 Lloydon – approved an external opening permit in a non-conforming building

6. **COMMITTEE MEMBER REPORTS**

Committee member Lively reported on progress concerning the tree preservation ordinance guidelines. He indicated that they will be reviewed at a subsequent General Plan Committee meeting.

Committee member Lively also reported on the proposed Designer's Showcase at 1 Bridgeview Avenue to occur in September and October. He indicated that the General Plan Committee may be asked to review the special events ordinance.

7. **STAFF REPORTS**
None

REGULAR AGENDA

8. **Discussion regarding Construction Parking**

City Planner Martin reported on construction parking procedures used by the towns of Monte Sereno, the City of Saratoga, and the Town of Belvedere. He also indicated that City Attorney Marc Hynes cautioned against policing construction parking restrictions in the uniform building code adopted by the town.

Committee member Waldron reported on her research and noted that only Los Altos Hills and Portola Valley had specific requirements. These requirements were enforced primarily by Conditional Use Permits and Architectural Review Conditions.

George Shaheen, 86 Flood Circle, commented that he was concerned about on-street construction parking, particularly related to the safety of children and emergency vehicle access.

Bob Huber, 1 Frederick Lane, indicated that he was representing the Lindenwood Homes Association. He indicated that the regulations should define construction vehicles including worker's pickups and vans. If any offsite parking is allowed, it should be in non-hazardous areas.

Shirley Carlsen, 95 Mt. Vernon Lane, expressed concern with construction parking on cul de sacs where there are many driveways and flag lots.

Edwin Blue, 87 Flood Circle, had questions about how long it would take for an ordinance to become enacted.

Barb Paton, 82 Flood Circle, expressed concern about safety and the quality of life.

Committee member Lively suggested that regulations may be included in the nuisance abatement section of the municipal code. He had an initial proposal which he presented to the committee. There was then discussion by the General Plan Committee about the problems and possible solutions. There was a suggestion that the term "construction" be defined as part of any ordinance.

Committee member McKeithen discussed the need for a code enforcement officer, and indicated it would not necessarily mean a newly hired person.

At the suggestion of City Planner Martin, a subcommittee was appointed by the chair including Committee Member Waldron, Kral, City Planner Martin, and Building Official Hood to prepare proposals to be presented at the next General Plan Committee meeting.

Bob Huber, 1 Frederick Lane, suggested that major landscaping be included as a project within the definition of construction.

The Chair directed staff to prepare ordinance language and meet with the subcommittee for presentation to the General Plan Committee at its next meeting on October 23rd.

Committee member McKeithen presented her research on code enforcement officers from Menlo Park, Los Altos Hills, and Hillsborough. There was discussion about how the General Plan Committee can help move the code enforcement officer concept forward. It was decided that the committee would refer the McKeithen report to City Manager Robinson for appropriate processing through the City Council. The committee adopted the following motion:

The General Plan Committee recommends the development, description, and funding by the Town Council to provide the Town of Atherton with a code enforcement officer position.

M/S McKeithen/Urbanek 7 Ayes/0 Noes/1 absent

9. **ADJOURN**

M/S Kral/McKeithen to adjourn the meeting at 7:40 p.m. The next meeting is scheduled for October 23, 2003 at 6:00 p.m.

Respectfully submitted,

Neal Martin, City Planner

ROBERT E. HUBER
ONE FREDRICK AVENUE
ATHERTON, CA 94027-2203
(650) 324-3180
FAX (650) 324-3181
E-MAIL roberthuber@att.net

September 14, 2003

Mr. Jim Janz, Mayor
Atherton Town Council Members
91 Ashfield Road
Atherton, CA 94027

Dear Jim,

At the recent General Plan Committee meeting, Council Member McKeithen surfaced the idea of the Town having a Code Enforcement Official. This is a need that is long overdue.

Over the past ten of so years, code enforcement has eroded to the point that the Town seems to operate only on complaints and sometimes it takes several complaints or complaints by group(s) for action to happen. The Council and the various committees spend a considerable amount of time crafting and approving ordinances and that is where the process stops. This is what I call "a last step failure".

The bottom line is that this lack of enforcement of our ordinances undercuts the spirit and intent of the ordinances and rewards those who violate the Town codes. Town employees including our Police are constantly driving our streets but it appears they either do not know our applicable codes or simply ignore violations. Is it too much to ask that when they see code violations, they report it to the appropriate Town Department?

The Town should discontinue 'selective enforcement' of our ordinances. It is not fair to those residents who try to adhere to the ordinances. If it is going to take a code enforcement officer to enforce the codes, I urge the Council to add such an officer to staff.

Sincerely,



Robert E. Huber

Copy to: Jim Robinson

Marion E. Oster

38 Flood Circle
Atherton, CA 94027

Mr. Jim Janz
Atherton Town Council
91 Ashfield Road
Atherton, CA 94027

September 15, 2003

Dear Jim and the Atherton Town Council:

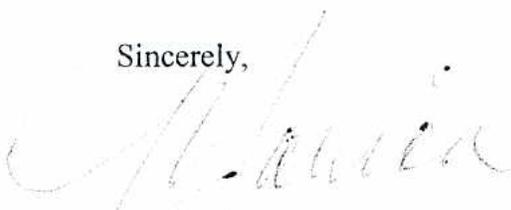
I would like to voice my support for the proposal to have an Enforcement Officer for the Town of Atherton. I understand that this is a time when there is little extra money in the Budget but this position could free up others to do their jobs. The Police, Building Department and the Public Works Department need to be able to do their jobs and not run out to follow up on reported violations.

Having served on the Planning Commission and the General Plan Committee, I know that a great deal of thought goes into writing the Ordinances. They are written to protect the quality of life of the residents of Atherton but the "good guys" do consider their neighbors' rights and the "bad guys" do everything they can to skirt the ordinances. Why do we have ordinances if they are not going to be enforced?

Bob Huber and I have reported numerous violations to staff and they have not always been taken care of. Construction work that occurred on off hours is a good example of a violation that has now been enforced but only after residents complained many, many times.

Residents should not be required to call and report on their neighbors. It does not encourage a friendly neighborhood. Please seriously consider the recommendation of Kathy McKeithen. We need to at least try an Enforcement Officer.

Sincerely,



Cc: J. Robinson
R. Huber



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: THE HONORABLE MAYOR AND CITY COUNCIL
JAMES H. ROBINSON, CITY MANAGER**

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

DATE: FOR THE CITY COUNCIL MEETING OF MARCH 15, 2006

**SUBJECT: DIRECTION TO STAFF REGARDING RETAINING WALL HEIGHT AND
CONSTRUCTION SITE SCREENING.**

RECOMMENDATION

Staff recommends the Council discuss the proposed modifications to the Municipal Code and provide direction to staff.

BACKGROUND

The City Council discussed fence height and grading issues at its February 15, 2006, City Council meeting. Currently, the maximum height of a fence is limited to six (6) feet from natural grade, and the height of retaining walls is not specifically regulated. Council provided direction to staff to prepare draft modifications to the Municipal Code to regulate the height of retaining walls.

ANALYSIS

The City Attorney has prepared the following draft revisions to the Atherton Municipal Code in response to direction provided at the February 15, 2006, City Council meeting.

Direction was provided to staff to require screening of construction sites. Staff recommends the following language be added to chapter 15.40 Construction Regulations as follows;

15.40.157 Screening

All property on which construction is occurring shall be screened to reduce the visual impact of such construction. Screening shall consist of materials approved by the building official and identified on approved building plans.

Council members requested clarified language in the Municipal Code to limit the height of retaining walls to six feet when measured from the natural grade. Staff recommends the following

modification to section 17.36.195 regulating retaining walls (new language shown in **bold**). This code change will need to be reviewed by the Planning Commission prior to consideration by the City Council as it is contained in the Zoning Section of the Municipal Code

17.36.195 Retaining walls.

Retaining walls shall be located no closer than five feet from any property line. Except for basements and underground driveway approaches, the maximum height of the retaining walls shall not exceed six feet solid wall construction **measured from the natural grade on the property on which it stands**, with a maximum three-foot high safety fence on top. The safety fence shall be substantially open to light and air in compliance with applicable safety codes. **Retaining walls shall be constructed no closer than twenty (20) feet from one another on the same property. Provided, however, that upon a proper showing, a conditional use permit may be issued to authorize retaining walls:**

- a. In excess of the six foot height limit;**
- b. Other than on natural grade;**
- c. Located less than twenty (20) feet from other retaining walls on the same property.**

The Council should discuss the above drafted language and provide direction to staff. Staff has noticed this item for a public hearing at the March 22, 2006, Planning Commission meeting.

Prepared by:

Approved by:

/s/ Lisa Costa Sanders

Lisa Costa Sanders
Deputy Town Planner

James H. Robinson
City Manager