



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
November 15, 2006
5:30 P.M.  NOTE TIME
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

5:30 P.M. ROLL CALL Janz, J. Carlson, A. Carlson, Marsala, McKeithen

5:32 P.M. PUBLIC COMMENTS

5:35 P.M. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to subsection (c) of Government Code Section
54956.9:

Six (6) potential cases

B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to
Subsection (a) of Government Code Section 54956.9

Town of Atherton vs. Sequoia Union High School District, et al.

C. LIABILITY CLAIMS – pursuant to Government Code Section 54956.95

Claimant: Colleen Berndt
Agency Claimed Against: Town of Atherton

Claimant: Christopher Baldwin
Agency Claimed Against: Town of Atherton

Claimant: Jackie Martin
Agency Claimed Against: Town of Atherton

RECONVENE TO OPEN SESSION

Report of action taken.

ADJOURN

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☛ *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
November 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**
- A. Annual Red Ribbon Week Presentation
B. Annual Tree Awards – Atherton Tree Committee
- 7:25 P.M. 4. **COUNCIL REPORTS**
- 7:35 P.M. 5. **PUBLIC COMMENTS** (only for items which are not on the agenda –
limit of three minutes per person)
- 7:45 P.M. 6. **STAFF REPORTS**
- 7:55 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**
(Directed by Resolution Nos. 99-6 and 02-31)
- 8:00 P.M. **CONSENT CALENDAR** (Items 8 – 15)

(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 REGULAR AND SPECIAL MEETINGS OF OCTOBER 18, 2006, AND THE SPECIAL MEETING OF OCTOBER 31, 2006**
9. **APPROVAL OF BILLS AND CLAIMS FOR SEPTEMBER 2006 IN THE AMOUNT OF \$ 1,286,337**
10. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR OCTOBER 2006**
11. **ACCEPTANCE OF THE QUARTERLY INVESTMENT REPORTS FOR THE QUARTERS ENDED JUNE 30, 2006, AND SEPTEMBER 30, 2006**
12. **APPROVAL OF APPOINTMENT TO THE ENVIRONMENTAL PROGRAMS COMMITTEE (Formerly the Waste Reduction and Recycling Committee)**

Recommendation: Accept the recommendation of the City Council Screening Committee to appoint Valerie Gardner to the Environmental Programs Committee

13. **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING SECTION 17.08.080 and 17.36.190 OF THE ATHERTON MUNICIPAL CODE PLACING LIMITS ON BASEMENTS WITHIN THE TOWN OF ATHERTON DEFINING BUILDABLE AREA AND REGULATING BASEMENTS**

Recommendation: City Council adopt the attached Ordinance based on the finding that the proposed amendment is required to achieve the objectives of the Zoning Plan and the General Plan for the reasons outlined in this staff report.

14. **CONSIDERATION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CSG, CONSULTANTS INC., REGARDING THE ACTING BUILDING OFFICIAL**

Recommendation: Approve amendment to professional services agreement with CSG Consultants, Inc., regarding the Acting Building Official

15. **EMERGENCY REPAIRS TO THE LOWER ATHERTON CHANNEL WALL**

Recommendation: Advise Council that Schnabel Foundation Corp. to make emergency repairs to the lower Atherton Channel wall for the cost of \$84,000.00 which includes design, shoring and repairs.

PUBLIC HEARINGS

REGULAR AGENDA (Items 16-22)

- 8:05 P.M. 16. CONSIDERATION OF A PROPOSAL FROM CSG CONSULTANTS FOR A CODE ENFORCEMENT OFFICER ON A 6-MONTH TRIAL BASIS**
- Recommendation:** Accept the report and authorize expenditures to amend the contract to continue code enforcement services through December 31, 2006, and to establish funding for a Code Enforcement Pilot Program from January 1, 2007 through June 30, 2007. Additionally, direct staff report to Council in January the results of code enforcement services through December 31, 2006, and in June 2007, the results of the pilot and any additional recommendation including the establishment of a permanent Code Enforcement Program.
- 8:25 P.M. 17. PURCHASE OF STREET SWEEPER FOR ATHERTON PUBLIC WORKS DEPARTMENT (Continued from the City Council Meeting of October 18, 2006)**
- Recommendation:** Accept the report and consider approval of the purchase of an Allianz 3000 3-wheeled street sweeper from Nixon-Egli Equipment Company for \$140,000.
- 8:40 P.M. 18. DISCUSSION OF COUNTYWIDE AND C/CAG GREEN BUILDING GUIDELINES, ENERGY USAGE, VOLUNTARY GUIDELINES AND HOW TO INCORPORATE GREEN BUILDING INTO ATHERTON GUIDELINES**
- Recommendation:** Consideration of Guidelines and referral to the General Plan Committee and the Planning Commission
- 9:00 P.M. 19. EMERGENCY RESPONSE AND PREPAREDNESS PROGRAM – BUDGET PURCHASES: LAP TOPS, DISASTER TRAILER, AND A GENERATOR FOR THE CORPORATION YARD**
- Recommendation:** Review the expenditure of \$140,000 to supplement the Emergency Preparedness program and consider and provide direction for further continuation of the program.
- 9:20 P.M. 20. GENERAL PLAN HOUSING ELEMENT UPDATE 2009: STATUS REPORT ON SAN MATEO COUNTY SUBREGIONAL HOUSING NEEDS ALLOCATION**
- Recommendation:** Accept report.

9:30 P.M. 21. CONSIDERATION AND POSSIBLE ADOPTION OF A RESOLUTION APPROVING THE U.S. MAYORS' CLIMATE PROTECTION AGREEMENT AND CONSIDERATION OF MEMBERSHIP IN ICLEI

Recommendation: Consider the attached Resolution Endorsing the U.S. Mayors' Climate Protection Agreement. The City Council may also want to refer consideration of this Resolution to the Atherton Environmental Programs Committee for a recommendation to the City Council.

9:45 P.M. 22. CONSIDER APPROVAL OF A JOINT MEETING OF THE ATHERTON PARKS AND RECREATION COMMISSION WITH THE CITY OF MENLO PARK PARK AND RECREATION COMMISSION

Recommendation: consider approval of a Joint meeting of the Atherton Parks and Recreation Commission with the Menlo Park Park and Recreation Commission and appropriate direction.

9:50 P.M. 23. PUBLIC COMMENTS

10:00 P.M. 24. ADJOURNMENT

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DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
October 18, 2006
5:30 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

The meeting was called to order at 5:35 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. LIABILITY CLAIMS – pursuant to Government Code Section 54956.95**
- Claimant:** Giselle McKeller
Agency Claimed Against: Town of Atherton
- B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9**
- Town of Atherton vs. Chiu Ching et al. CIV 457574, San Mateo County**
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Initiation of litigation pursuant to subsection (c) of Government Code Section 54956.9:
- Eight (8) potential cases**

RECONVENE TO OPEN SESSION

Report of action taken.

City Attorney Marc Hynes reported during open session that Items A. B. & C. were continued to the end of the Regular City Council Meeting at which time the Closed Session was reconvened at 12:20 a.m. There was no reportable action taken on Items A. B. & C.

ADJOURN

The Special Meeting adjourned at 1:10 a.m.

Respectfully submitted,

**Charles E. Marsala
Mayor**

Minutes Prepared by:

Kathi Hamilton



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON
CHANNEL DRAINAGE DISTRICT
October 18, 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**
2. **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**

CONSIDERATION AND ACCEPTANCE OF THE ATHERTON POLICE DEPARTMENT SURVEY CONDUCTED BY GODBE ASSOCIATES (Continued from the City Council Meeting of September 20, 2006)

City Manager Jim Robinson presented a brief introduction regarding the Atherton Police Department survey and introduced Brian Godbe and Brian Murray of Godbe Associates. Mr. Murray summarized a PowerPoint presentation regarding the survey. The overall outcome of the survey indicated that 97 percent of Atherton residents were satisfied with the quality of life in Atherton and that 97 percent of residents were satisfied with the performance of the Atherton Police Department. Mr. Godbe and Mr. Murray responded to questions.

Police Lieutenant Glenn Nielsen read a letter into the record from Police Chief Bob Brennan. Chief Brennan thanked everyone for his/her support which was reflected in the results of the survey. As the Police Chief, he received compliments on the changes brought about in the Police Department during the six years of his administration.

However, he believed the members of the Police Department had embraced the message and delivered the services that brought the 97 percent survey results.

4. COUNCIL REPORTS

- Vice Mayor Alan Carlson and Mayor Marsala attended a Buildings and Facilities Committee meeting that morning where building facility needs were reviewed. The Town was moving forward with a space needs assessment for the Police Department and the Administrative offices. He attended the October 10th Transportation Subcommittee meeting along with Council Member McKeithen. A traffic issue on Holbrook Lane was discussed; the subcommittee decided to conduct a study, and a special meeting would be held within the next 30 days to discuss the findings. The Public Works Department was applying for “A Safe Route to School” grant money and would report to the subcommittee in 30 days.
- Council Member Jerry Carlson commended the Atherton Dames for a successful Town Barbecue. There was an excellent turnout, with a number of younger families attending. He commended staff on an unqualified financial audit, along with no management letter comments. The Finance Department had been successfully reengineered and he wanted to achieve the same for the Building Department. He asked the City Manager for the follow-up list of pending projects. City Manager Jim Robinson said a quarterly report was almost completed and would be distributed to Council before the next meeting. Public Works Director Duncan Jones clarified that the meeting scheduled for the 24th of October, at 6:00 p.m., in the Council Chamber was a City/County Association of Governments (C/CAG) Gateway 20/20 Project. The meeting was the first step to explain the Gateway Project; the northerly portion of the project was the Marsh Road/Hwy 101 intersection, which was the connection to the Dumbarton Bridge.
- Council Member Janz said he was a member of the Policy Committee for the Gateway 20/20 Project, which was important to ensure Atherton’s interests in structuring traffic accessibility from the Dumbarton Bridge to the Hwy 101 corridor and to Woodside Road in the north and Hwy 85 in Mountain View. C/CAG was working and had support from all the cities in the county, as well as San Mateo County, to work together on the regional housing allocation process. San Mateo County was the only county in the state that took advantage of handling the allocation process themselves. There was no provision in current law to allow cities to trade allocation levels. The Housing Endowment and Regional Trust (HEART) was trying to work with state legislators to include the ability to trade allocation levels as part of the law. The State of California Geological Service released maps/reports showing areas of seismic hazard. The section that included Atherton was completed and was available on the web.
- Council Member McKeithen said the Town had received an unqualified audit for the past six years. Regarding the Transportation Subcommittee meeting, Victoria Manor residents asked for reinstallation of “chatter bars” that were near the Blockbuster store in order to safely enter/exit their neighborhood, and the committee agreed to contact the City of Menlo Park. Additionally, the

residents have asked for a safe walking zone from their homes across Valparaiso Avenue. The committee agreed to clear some debris, move some signs, and widen the path before looking into other improvements. Before a decision was made regarding the installation of signs along Holbrook Lane, Public Works staff would check the timing of the lights at Marsh Road and Middlefield Road to ascertain whether the flow of traffic could flow more freely. She attended a meeting of the Office of Emergency Services at the end of September. Many issues were discussed: 1) Homeland Security grants were received in the amount of \$14.2 million, and \$11.9 million had been spent. 2) In November, a Golden Guardian exercise would take place and would be the reenactment of the 1906 earthquake commencing at 5:12 a.m. Most cities (13) would participate for three to four hours, and Atherton was confirmed to participate. 3) With regard to a Pandemic Flu outbreak, the key word was self-sufficiency. There were six levels of preparation: The first three were for planning, and the next three were for execution. An outbreak was predicted to last from 9 to 24 months, would arrive in at least three waves, with mortality being the greatest in the first wave. A vaccine would not be available for 6 months and would likely go to first responders. A plan was being developed for essential operations: water delivery, food delivery, electricity, fuel, communication, pharmacy, and money. The deadline for Atherton's plan was March 2007, and a large exercise would take place in May 2007. 4) Atherton was the sixth Bay Area city to be certified as "storm ready" by the federal government. San Mateo County was developing an emergency sanitation plan and an emergency alert system was being beta tested in Burlingame that would notice people via text messages on cell phones.

- Mayor Marsala attended a "Building Green" seminar for ideas to promote green building in Atherton. He attended the San Mateo County disaster preparedness day which was very informative. He congratulated all those who worked on the Town Barbecue for a successful event. Mayor Marsala also attended the Menlo Park Fire District pancake breakfast. He hosted an event to pass Measure A, the Parks for the Future ballot measure.

5. PUBLIC COMMENTS

Shirley Carlson, Mt. Vernon Lane, spoke regarding the Town Barbecue, which was attended by more than 300 people. She thanked the Parks Department staff, ACIL, the Holbrook-Palmer Park Foundation, and the Police Department for their help in making it a great success.

Carol Flaherty, Camino Por Los Arboles, spoke regarding the rising water table and Atherton Channel problems. She asked for an update at the next Council Meeting on the drainage study.

Mayor Marsala said he would meet with Ms. Flaherty. A study was performed in 2000 which prioritized projects.

Council Member McKeithen said two public meetings needed to take place as part of the study so a global community solution could be reached rather than one property at a time. However, funds were allocated in the Capital Improvement budget to address the issues on Fletcher and Ridgeview.

City Manager Jim Robinson said the BKF study focused on ground water issues and the Fletcher Ridgeview study was somewhat intertwined. Historically, the concern was the cost of the actual improvements, and the Fletcher/Ridgeview study would ascertain what needed to be done to fix the drainage in the roadways.

Barbara Kostick, Selby Lane, spoke regarding the reconstruction of Selby Lane and resulting damage to her car. She submitted a claim to the Town which was passed on to Interstate Paving, Inc., but she had not received payment for the damages.

City Manager Jim Robinson said Assistant to the City Manager Wende Protzman would look into the issue.

John Sisson, Belleau Avenue, spoke regarding the ongoing issues in the Building Department, as well his dissatisfaction with Council's ability to uncover problems.

John Rugeiro, Stockbridge Avenue, spoke regarding drainage problems and flooding throughout the Town.

Mayor Marsala moved the Consent Calendar forward to be heard before Staff Reports. (See Consent Calendar)

6. STAFF REPORTS

- **City Attorney Marc Hynes reported out of Closed Session as follows: Only one item was discussed, Item C. Six of the eight potential cases were discussed. The Closed Session was continued to the end of the Regular Agenda that evening.**
 - A. LIABILITY CLAIMS – pursuant to Government Code Section 54956.95**
Claimant: Giselle McKeller
Agency Claimed Against: Town of Atherton
 - B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9**
Town of Atherton vs. Chiu Ching et al. CIV 457574, San Mateo County
 - C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Initiation of litigation pursuant to subsection (c) of Government Code Section 54956.9:

Eight (8) potential cases

- Public Works Director Duncan Jones said the Upper Atherton Channel study of the red-legged frog was nearing completion. The pond silted up from construction projects upstream; however, the frogs had moved in and were “happy.” The initial recommendation from the consultant regarding the Marsh Road/Atherton Channel repair was for the use of soil-nail walls. Two bids were received; one for \$103 thousand, and one for \$84 thousand. The low bidder expected to begin work within the next two weeks.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

None

CONSENT CALENDAR (Items 8 – 21)

Item No. 14, Item 19, and Item 19A were removed for discussion.

MOTION - to approve the Consent Calendar as presented with the exception of Item Nos. 14, 19, and 19A, which were removed for discussion.

M/S A.Carlson/McKeithen Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

8. **APPROVED MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 18, 2006, AND THE REGULAR AND SPECIAL MEETINGS OF SEPTEMBER 20, 2006**

9. **APPROVED BILLS AND CLAIMS FOR SEPTEMBER 2006 IN THE AMOUNT OF \$ 1,786,300**

10. **ACCEPTED MONTHLY FINANCIAL REPORT FOR SEPTEMBER 2006**

11. **ACCEPTED THE ANNUAL FINANCIAL STATEMENTS AND AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2006**

12. **APPROVED AN AGREEMENT BETWEEN THE TOWN OF ATHERTON AND THE HUMAN INVESTMENT PROGRAM (HIP) AND FUNDING**

13. **APPROVAL OF APPOINTMENTS TO THE ENVIRONMENTAL PROGRAMS COMMITTEE (Formerly the Waste Reduction and Recycling Committee)**

Accepted the recommendation of the City Council Screening Committee and appointed Todd Beardsley, Owen Hawkins, and Bob Jenkins to the Environmental Programs Committee

14. **~~ACCEPTED THE UPDATE FROM THE GENERAL PLAN COMMITTEE~~ (Removed for discussion. Continued from the City Council Meeting of September 20, 2006)**

15. **ACCEPTED THE REPORT OF THE ATHERTON POLICE DEPARTMENT THREE-MONTH REPORT FOR PARK LANE COMMUNITY POLICING**

16. **ADOPTION OF A RESOLUTION PROVIDING FOR THE INTEGRATION AND UTILIZATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM, TO THE EXTENT APPROPRIATE, INTO THE EMERGENCY MANAGEMENT SYSTEM**

Adopted Resolution No. 06-20, “A Resolution of the City Council of the Town of Atherton Providing for the Integration and Utilization of the National Incident Management System, to the Extent Appropriate, into the Emergency Management System.”

17. **ACCEPTED THE CITY ATTORNEY’S RESPONSE TO THE GRAND JURY REGARDING THE TOWN’S POLICIES ADDRESSING THE ISSUE OF BROWN ACT COMPLIANCE RELATIVE TO ELECTRONIC COMMUNICATIONS**

18. **SECOND READING AND ADOPTION OF AN ORDINANCE FOR THE PRESERVATION OF HISTORICAL ARTIFACTS**

Adopted Ordinance No. 567, “An Ordinance of the City Council of the Town of Atherton Adding Chapter 8.14 Requiring Preservation of Historical Artifacts within the Town of Atherton.

19. ~~**ADOPTION OF RESOLUTION AUTHORIZING HOURLY SALARY RANGES FOR PART-TIME AND TEMPORARY EMPLOYEES FOR FISCAL YEAR 2006-07**~~

Adopted Resolution No. 06-21, “A Resolution of the City Council of the Town of Atherton Adopting Hourly Salary Ranges for Part-Time and temporary Employees for Fiscal Year 2006-07,” effective October 22, 2006.

19.A ~~**PURCHASE OF STREET SWEEPER FOR ATHERTON PUBLIC WORKS DEPARTMENT**~~ *(Continued to the City Council Meeting of November 15, 2006)*

Item Nos. 14, 19, and 19A were removed for discussion.

14. **ACCEPTANCE OF THE UPDATE FROM THE GENERAL PLAN COMMITTEE**

Mayor Marsala said he received many calls regarding the issue of houses on smaller lots which the General Plan Committee decided not to discuss further. Residents of Parker wanted the issue of floor area ratio (FAR) on smaller lots addressed.

Colleen Anderson, Atherton, said when a decision was made to downsize the R1A zone, the homes on Parker, on 1/8-acre lots, were also downsized. She requested that her neighborhood be removed from the R1A zone. The community was a very transient area because the homes did not appreciate in value due to not be able to add square

footage. Additionally, problems existed in the Town long before basements were an issue.

Vice Mayor Alan Carlson said he and Council Member Janz sat on the General Plan Committee and were cognizant of the issue with lots less than one acre. He said the rezoning issue should begin with the General Plan Committee and suggested the item be referred.

Kathy Hu, 28 Parker, said the underlying issue was that her street had subdivided lots and was zoned under R1A, while other subdivided streets were zoned differently, which became an issue of equity.

Council Member McKeithen suggested that Ms. Hu contact Deputy Town Planner Lisa Costa Sanders to provide her with information/research on the issue.

Deputy Town Planner Lisa Costa Sanders said houses on smaller lots that were zoned R1B had a higher FAR which allowed a larger percentage of floor area based on the lot size; however a lower height limit (28') was also required. Several years ago, she met with residents and suggested they obtain a petition with at least a majority of homeowners' signatures requesting rezoning. She again encouraged soliciting a majority of the neighbors to support rezoning.

Colleen Anderson said the neighborhood was split 50/50 and was dividing the community.

MOTION – to accept the update from the General Plan Committee with the recommendation that the issue regarding house size on smaller lots be referred to the General Plan Committee for further review

M/S Marsala/Janz

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

Council Member Janz complimented the Police Department on the Park Lane report.

19. ADOPTION OF RESOLUTION AUTHORIZING HOURLY SALARY RANGES FOR PART-TIME AND TEMPORARY EMPLOYEES FOR FISCAL YEAR 2006-07

Council Member McKeithen said the last time the ranges were adjusted was in 2003. She asked for clarification under Attachment A that indicated there was no change in the Temporary range from 2005 to 2006.

Assistant to the City Manager Wende Protzman said the Temporary Employee classification was actually implemented a year and half ago.

Council Member McKeithen asked whether any of the ranges were out of sorts with other communities in the 70th percentile.

Assistant to the City Manager Protzman said they were all within 3.2 to 5.4 percent.

MOTION – to adopt Resolution No. 06-21, “A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADOPTING HOURLY SALARY RANGES FOR THE PART-TIME AND TEMPORARY EMPLOYEES FOR THE FISCAL YEAR 2006-07

M/S McKeithen/Janz

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

19.A PURCHASE OF STREET SWEEPER FOR ATHERTON PUBLIC WORKS DEPARTMENT

City Manager Jim Robinson clarified that the Council specifically asked staff to provide more information regarding the street sweeper. Due to the length of the evening’s agenda, staff placed the item on the Consent Calendar primarily to provide Council with cost information and staff’s recommendation.

Public Works Director Duncan Jones passed out the new version of the Regional Water Quality Municipal Permit which would begin requiring street sweeping on all streets in early 2007.

Council Member Janz asked what the life expectancy was and commented on the short warranty period of one year.

Public Works Director Jones said the intent was to purchase a two-year warranty plan. The street sweeper should last approximately 10 years. The Town would be responsible for sweeping the portion of El Camino Real currently being done by CalTrans and would bill CalTrans an estimated \$6,000, or a new negotiated price.

Council Member Janz said the cost came out to approximately \$50 per household. If the sweeper lasted 10 years, he was in favor of the purchase.

Council Member Jerry Carlson had a problem with the economic justification for the item. If he had to vote that evening, he would vote no.

In response to Vice Mayor Alan Carlson, Public Works Director Jones clarified the Town’s obligation to sweep streets would be required in the future. All the cities in the county were negotiating with the Regional Water Quality Municipal Quality Control Board. There were three categories of streets: arterials would have to be swept twice a month, the collector streets swept once a month, and the smaller residential streets swept at least twice before the rainy season. The new regulations would go into effect during the first half of 2007.

Council Member McKeithen still had issues with going forward that evening including: 1) the slight difference between the hours of operation (20 hours) during the winter and during the fall, spring, and summer; 2) what the labor costs would be; and 3) to the extent the Town did not have curbs, what would that mean in terms of

liability and damage. She also did not know how great the problem really was and believed that the gardeners and construction sites cleaned up a lot of the debris.

Mayor Marsala was in favor of purchasing the street sweeper. The work was not getting done and a sweeper would get the job done faster. Using a “power” tool instead of manual labor would free up staff to do other tasks.

Jim Dobbie, James Avenue, was not an expert in street sweepers but believed \$140 thousand was too much money to spend. He suggested looking on Ebay for a used street sweeper. Additionally, he suggested approaching Allied Waste to sweep the streets for free since a great deal of debris came from its trucks.

Vice Mayor Alan Carlson said \$140 thousand was a great deal of money and would like to have the questions answered that were presented that evening. Additionally, he asked Council Member Jerry Carlson to submit his questions to staff.

MOTION – to continue the item to the City Council Meeting of November 15, 2006

M/S A. Carlson/J. Carlson Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

PUBLIC HEARINGS (Item 20)

20. INTRODUCTION OF AN ORDINANCE AMENDING SECTION 17.08.080 and 17.36.190 OF THE ATHERTON MUNICIPAL CODE PLACING LIMITS ON BASEMENTS WITHIN THE TOWN OF ATHERTON DEFINING BUILDABLE AREA AND REGULATING BASEMENTS

Deputy Town Planner Lisa Costa Sanders presented the staff report. The current regulations were adopted by the Council in 2002. Recently, Council expressed concern regarding the term “buildable area,” which was not a defined term and could be interpreted to be anywhere on the lot rather than the area where the main dwelling was located. The General Plan Committee recommended clarifying the language and also requested Council’s permission to study the issue further. Some members of the committee wanted to research the reason basements were not permitted under accessory structures to see whether different regulations could be adopted to mitigate concerns and allow basements under accessory structures. The recommendation was to change the term “buildable area” to “main building area.” The item was discussed at the Planning Commission as well.

Vice Mayor Alan Carlson clarified the item did not address the issue of counting basements in FAR or garages in basements. Additionally, the General Plan Committee did not come to a consensus regarding light well regulations.

Council Member Jerry Carlson clarified that the only issue being considered was defining and changing the term “buildable area” to “main building area.”

Mayor Marsala opened the public hearing.

Steve Ackley, Bellbrook Way, President of the Pacific Peninsula Group, encouraged Council to return to the General Plan Committee for further study the issue of basements under accessory structures. He believed the issue was one of basic property rights. He suggested a tour of homes with existing basements.

Steve Dostart, Patricia Drive, said the lights were again working on Patricia Drive. He felt the existing regulations were very broad and perhaps were a sweeping answer to one situation. He did not see how a basement under an accessory structure created a negative impact for a neighbor.

Harriet Tuckman, Maple Leaf Way, was not against basements. Her biggest concern was that the Town of Atherton was the only town in a 5-town geography that did not have any architectural and/or design review. Not all builders were like Pacific Peninsula Group and she asked Council to consider the matter.

Carol Flaherty, Camino Por Los Arboles, loved the beauty of Atherton but also agreed the issue was one of property rights. A reasonable structure under an accessory structure that did not impact heritage trees, with responsible guidelines developed by the Planning Commission should be allowed. The Town did not need design review.

Herman Christensen, Park Lane, clarified the only thing being discussed that evening was defining the word buildable.

Melinda Teves, Tallwood Court, believed the issue was one of drainage when absorbable soil was removed and was sealed.

Carol Smith, Oak Grove Avenue, said Atherton very easy compared to other cities that required geotechnical and hydrological analysis. The Town needed to look at things being done underground and how ground water was impacted. She agreed with architectural review.

Mayor Marsala closed the public hearing.

Council Member McKeithen was in favor of approving the defined term of main building area. Until the drainage report was completed, she believed it was premature to send the issue of basements under accessory structures back to the General Plan Committee. There were three stated issues: 1) the landscaping issue; 2) the drainage issue; and 3) the heritage tree issue. More information was needed, e.g., what other ramifications might surface, what type of guidelines was needed, and what type of appellate process would be instituted.

Mayor Marsala was in favor of sending the issue back to the General Plan. There was enough interest on the part of residents to debate the issue. There was not one general answer for every circumstance, i.e. what happened on a 5-acre parcel or a 2-acre parcel.

Finance Director Johns said there were 6500 “active” projects and a determination needed to be made as to whether a project was really active.

Discussion continued on checks and balances, defining system requirements, processes, and a timetable for implementation. A progress report would be presented to the Council and the Audit Committee in November. An interim tracking system had been implemented to help through the transition to a new system. Converting to a new system could be expensive; however, a certain amount of cleanup was necessary. Data conversion was included in the Request for Proposals for the permit tracking software.

Vice Mayor Alan Carlson said all of the pieces needed to be brought together in a single document, i.e. Phase I, Phase II, and Phase, III, recommendations from the Interim Building/Planning Administrator, an RFP for software, etc., that indicated what had been done, what needed to be done, and what the Council needed to do. The City Manager should bring that to the Council at its next meeting brings all together.

A discussion ensued regarding the 537 potentially active projects and whether any were issued a certificate of occupancy. The Building Department reviewed 33 projects some of which had closed out but the system had not been updated. Additionally, the status of 17 of the projects was unknown. One way to determine what happened was to review the 537 files and stratify them from small remodels to large new homes and make a determination on a case-by-case basis. Another issue was the manner in which the Building Department interpreted the Zoning Ordinance. Some problems that were cited were based upon interpretation of the code on part of some staff. At some point, a determination needed to be made as to whether the problems resulted from the interpretation of the law or the way the law was written.

Sam Goodman, Atherton, Member of the Audit Committee, said the ACIL asked him to elaborate on the Phase III report. The ACIL released a summary of the findings in the form of an “alert.” Basically, the ACIL believed the Council had not acted proactively enough with the different factions that developed.

Jim Dobbie, James Avenue, said some things in the audit report indicated that the Building Department was totally out of control. He said if Council Member McKeithen took all the heat for investigating the department, she should be given the credit for the Building Department being audited.

John Ruggeiro, Stockbridge Avenue, asked City Attorney Marc Hynes for clarification regarding a speaker giving up his/her 3 minutes to another speaker.

City Attorney Hynes said the Mayor was the presiding officer and could set rules regarding time limits.

Alan Douglass, Sargent Lane, asked who met with the Building Department officials to ensure the current rules and regulations were followed. He thought the \$60 to \$70 thousand price tag and potential law suit was not worth the results.

Council Member McKeithen said Council had authorized tens of thousands of dollars for various projects and studies in the past, and she believed having a Building Department that was equitable and honest was not a waste of money.

Jeff Wise, Linden Avenue, agreed with the comments regarding equity. The Building Official ultimately made decisions on how to interpret the ordinances in Town, which ought to be consistent and equitable, but a difference of opinion on how they were applied might occur. He discussed the permit process and noted that utilities could not be turned on until an occupancy permit had been issued.

Carol Flaherty, Camino Por Los Arboles, said the Town's final inspection card had to be taken to P.G.&E. before utilities were activated. The Building Department was a hardworking department that was grossly understaffed and overworked. She believed the audit was necessary; however, she questioned the need for three audits. She also questioned the need to spend money on a consultant to convert data to a new system.

Council Member Janz said the Town needed to look into more staffing for the Building Department. The Building Department was able to charge fees to pay for it; however, the department did not make money for the Town of Atherton.

Council Member Jerry Carlson wanted to focus on going forward to implementing the new systems and staffing to bring the Building Department to the point that the perception of the department would be a positive one.

Vice Mayor Alan Carlson spoke regarding the "casualties" of what was done, i.e. the impression that the Building Department had run amuck. There was no evidence that massive amounts of projects were built that did not conform to zoning laws. There was more than one, two, or three staff members in the Building Department that were totally honest, worked very hard for the Town, and did not deserved to be "tarred" by a broad paintbrush of incompetence.

Council Member McKeithen agreed that staff was hardworking and honest. She stood by what she said and agreed it was time to move forward. She encouraged the contractors and developers to come forward and inform the Council with concerns and problems.

Mayor Marsala said the Town needed to provide better communications with regard to agenda items. Perhaps extending email notification for General Plan Meetings and other meetings would enhance the public process.

MOTION - to accept the Phase III Building Department Audit Report

M/S McKeithen/J.Carlson Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

22. APROVAL TO RELEASE THE PERMIT TRACKING SOFTWARE REQUEST FOR PROPOSAL

Assistant to the City Manager Wende Protzman presented the staff report. A permit tracking software system was recommended from all three phases of the audit report, as well as from the Interim Building/Planning Administrator. Staff visited six cities to look at their software systems and to review some of the areas the Town was lacking. The Request for Proposal included information from the Finance Department, IT departments, and the six visited cities; Hillsborough, Burlingame, Belmont, Woodside, Redwood City, and San Bruno.

Discussion centered on the process for selecting a vendor, resulting negotiations, and a consultant to aid in reviewing the RFPs. The Town would ultimately need to decide what elements it wanted built into the software system, e.g. a Code Enforcement element, as well as what might be implemented in the future. After the RFPs were received, the recommendations would be brought back to the Council in the early 2007.

MOTION - to approve the release of the permit tracking software request for proposal

M/S A.Carlson/Janz

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

23. FINDINGS AND RECOMMENDATIONS RELATING TO PLANNING AND BUILDING DEPARTMENT SERVICES

Interim Planning/Building Administrator Gary Binger presented a staff report. Over the past three months, Mr. Binger performed an assessment of the Building Department staffing levels and operational procedures, as well as zoning and code enforcement. Some of his recommendations included hiring a Building Official with management and communication skills, hiring a Permit Technician to work at the front counter who was certified from the International Council of Building Officials, transferring the Town Arborist from the Public Works Department to the Building Department, and having the Public Works Department review projects with regard to drainage and drainage issues. Other recommendations included reviewing how fees were being charged in the Building Department, rewriting the zoning code, finding solutions to interpretation issues, and code enforcement.

City Manager Jim Robinson said a strategy had been developed for the interim, i.e., Michael Cully from CSG Consultants would work full time until a building official was hired. The recruitment for a new building official would begin immediately, and a job description needed to be prepared for a permit technician, as well as authorizing and approving the position in the budget and salary resolution.

A short discussion ensued regarding some of the recommendations suggested by Mr. Binger, along with the costs for implementation. A possibility of hiring an outside consultant to recruit for a building official and/or permit technician was also discussed. Mr. Binger recommended that a consulting firm be utilized with respect to revamping the zoning code. The Council thanked Mr. Binger for his contributions, hard work, and excellent recommendations.

Richard Moore, Atherton, said the Town needed to be proactive and needed a vision for the Building Department. He suggested forming a committee of users and developers to solicit ideas to prioritize for the future.

Jeff Wise, Linden Avenue, supported the idea of a vision and a committee of interested persons to help with the recruitment process. He encouraged the Town to find a building official who equitably and honestly facilitated people through the building/permit process.

Randy Lamb, Laburnam, believed there was an outside perception problem that everything was wrong within the Building Department and that the Town would have a difficult time recruiting a new building official.

Council Member Janz said the first priority was to start a recruiting effort for a new building official. He asked the City Manager to ensure public input in soliciting good candidates for the position.

MOTION - to accept the Findings And Recommendations Relating To Planning And Building Department Services and to direct staff to: 1) begin the recruitment for a Director/Building Official; 2) begin the recruitment for a permit technician; 3) return to Council with a recommendation for an independent professional to sign off on zoning compliance and a recommendation for the possibility of Public Works' staff (or a consultant) to review grading, drainage, and other site development aspects, with a cost estimate; and 4) with regard to the zoning code, return to Council with a staff proposal to hire a consultant to rewrite the zoning code including the cost. Further, Council approved the transfer of the Town Arborist from the Public Works Department to the Building Department. Other items contained in the recommendations, i.e. Procedures 2 and 3, would be handled by a new Director/Building Official

M/S Janz/Marsala

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

City Manager Jim Robinson encouraged those in the audience and in the building trade to let people know about the great opportunity to work in the Town of Atherton.

24. CODE ENFORCEMENT ASSESSMENT REPORT

Bob Cushing, CSG Consulting, presented a staff report. He presented a summary of recommendations for the Town's code enforcement assessment and focused on five areas: customer service, communication, data collection, staffing, and enforcement. During the two months of the assessment, 65 cases were investigated on a complaint basis. The Town was maintaining itself very well in general. A staffing recommendation included a part-time person for approximately eight hours a week in order to determine whether that was enough time to handle code enforcement. He was not recommending administrative citations at the present time as long as other forms of communication were working, e.g., a courtesy letter. His final recommendation was

to hire a part-time code enforcement officer for a six-month trial and to research what type of data base would best capture the code enforcement cases, i.e., zoning violations.

Discussion centered on what type of code enforcement was desired: 1) proactive or complaint based, and 2) utilizing a Community Services Officer (CSO) working out of the Police Department to handle code enforcement. Mr. Cushing indicated that most larger cities used professional code enforcement staff, with some smaller cities using a CSO. A consulting firm such as CSG could provide a code enforcement officer for eight hours a week who would respond to complaints as they were received. Oftentimes, issues could be solved over the phone. A CSO would need to attend training to learn the laws of search and seizure in order to not put the Town at risk. Many police departments trained their CSOs in building inspection to cross check building inspectors. Mr. Cushing noted that most small cities did not do proactive code enforcement because it generated a lot of calls and complaints.

Council asked that CSG Consultants provide the Town with a cost estimate for providing a code enforcement officer for eight hours a week.

Vice Mayor Alan Carlson reiterated the need to decide whether the Town wanted to do code enforcement on a complaint basis or proactively.

Council Member McKeithen said she believed most people wanted to know that when they had a concern, it would be addressed. She did not think they wanted a code enforcement officer checking up on their neighbors for illegal rocks, etc.

Richard Moore, Atherton, said there were eight violations on his street alone. He did not want to report his neighbors. He thought the Town needed to be proactive and could inform people of regulations in the *Athertonian*.

Carol Flaherty, Ridgeview, had a neighbor who repeatedly called upon the Town regarding code enforcement issues, most of which were unfounded. She complimented Town staff for its responsiveness.

MOTION – to accept the Code Enforcement Assessment Report with direction to staff to return to the City Council Meeting of November 15, 2006, with a proposal from CSG Consultants for a Code Enforcement Officer, on a 6-month trial basis, including a recommendation of whether the Town’s code enforcement should be complaint based or proactive and a cost estimate of each

M/S McKeithen/J.Carlson

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

**25. REVIEW OF CALENDAR OF CITY COUNCIL MEETINGS FOR THE
REMAINDER OF 2006**

MOTION – to cancel the City Council meeting of December 20, 2006, and schedule a Special City Council meeting for December 13, 2006

M/S Marsala/J.Carlson

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

26. PUBLIC COMMENTS

27. ADJOURNMENT

Mayor Marsala adjourned the meeting to a *Continued* Closed Session at 12:15 a.m.

A. LIABILITY CLAIMS – pursuant to Government Code Section 54956.95

**Claimant: Giselle McKeller
Agency Claimed Against: Town of Atherton**

B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to subsection (a) of Government Code Section 54956.9

Town of Atherton vs. Chiu Ching et al. CIV 457574, San Mateo County

**C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to subsection (c) of Government Code Section 54956.9:**

Eight (8) potential cases

There was no reportable action taken on Items A. B. & C.

Mayor Marsala adjourned the *Continued* Closed Session at 1: 15 a.m.

Respectfully submitted,

**Kathi Hamilton
Acting City Clerk**



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
October 31, 2006
7:00 A.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

The meeting was called to order at 7:05 a.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
Initiation of litigation pursuant to subsection (c) of Government Code Section 54956.9:

Two (2) potential cases

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code Section 54956.9(a)

Name of Case: People, Town of Atherton v. Chiu Ching
San Mateo County Superior Court CIV 457574

C. LIABILITY CLAIMS
Claimant Giselle McKellar
Agency Claimed Against: Town of Atherton

RECONVENE TO OPEN SESSION

Report of action taken.

City Attorney Marc Hynes reported during open session that there was no reportable action taken with respect to Items A. B. & C.

ADJOURN

The Special Meeting adjourned at 8:45 a.m.

Respectfully submitted,

Charles E. Marsala
Mayor

Minutes Prepared by:

Kathi Hamilton

ADJOURN

TOWN OF ATHERTON
CLAIMS LIST
OCTOBER 2006

Payroll Checks	8654 - 8729	\$ 18,077
Electronic Transfers		362,154
A/P Checks	22798 – 22968	906,106
TOTAL		\$ 1,286,337

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 8654 - 8729 (payroll) and 22798 – 22968 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$1,286,337; are true and correct, and that there are sufficient funds for payment.

James H. Robinson
City Manager

The above claims, check numbers 8654 - 8729 (payroll) and 22798 - 22968 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$1,286,337; are true and correct, and are authorized for payment.

Charles Marsala
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$782,134
105	Tennis Fund	2,154
201	Special Parcel Tax	3,014
202	Transportation	
203	Gas Tax Fund	
210	Road Construction Impact Fees	477,075
211	Park Grants Fund	
213	Library Special Revenue Fund	12,357
401	General Capital Projects	
402	Storm Drainage	
403	Atherton Channel District	1,558
406	Facilities Construction	
610	Vehicle Replacement	
611	Computer Maint. & Replacement	2,323
612	Administrative Services	5,522
715	Evans Estate	200
740	Tree Committee	
TOTAL		\$1,286,337



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 NOVEMBER 15, 2006

SUBJECT: MONTHLY FINANCIAL REPORT, OCTOBER 2006

RECOMMENDATION:

Receive the Monthly Financial Report for October 2006.

INTRODUCTION:

The attached schedules show revenues, expenditures and fund balances for all funds as of October 31, 2006.

HIGHLIGHTS

General Fund expenditures for the four months ended October 31, 2006, have amounted to \$2,951,239, or 32% of the \$9,202,287 budgeted for the fiscal year. For the four months ended October 31, 2006, General Fund revenues amounted to \$1,176,951, or 13% of the \$8,969,215 estimated for the year.

By comparison, General Fund expenditures amounted to 30% of appropriations for the four months ended October 31, 2005. Additionally, General Fund revenues amounted to 18% of estimated revenues for the four months ended October 31, 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 October 31st, 2006

Fund	Revenue Source	2006-07 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	Property Tax	\$ 4,135,402	218,317	231,154	6%
	Sales and Use Tax	157,500	17,599	50,618	32%
	Other Taxes	1,111,546	20,845	103,045	9%
	Licenses & Permits	1,466,200	148,368	524,337	36%
	Fines & Forfeitures	35,000	4,010	18,483	53%
	Revenue from Other Agencies	395,215	1,425	65,952	17%
	Charges for Services	176,500	32,992	133,881	76%
	Investment & Rental Income	307,852	17,509	40,755	13%
	Other Revenues	229,000	536	8,726	4%
	Total General Fund Revenues	<u>8,014,215</u>	<u>461,601</u>	<u>1,176,951</u>	<u>15%</u>
	Interfund (Operating) Transfers In	955,000		-	0%
101	General Fund Total	<u>8,969,215</u>	<u>461,601</u>	<u>1,176,951</u>	<u>13%</u>
	Special Revenue Funds:				
105	Tennis	8,000	225	750	9%
201	Special Parcel Tax	1,858,000	-	-	0%
202	Transportation	265,000	17,588	42,673	16%
203	Street Improvement (Gas Tax)	150,000	24,562	79,452	53%
209	Law Enforcement	100,000		-	0%
210	Road Construction Impact Fees	1,100,000	(114,359)	35,732	3%
211	State Park Grants Fund	313,910		-	0%
213	Library	200,000	29,531	29,531	15%
	Total	<u>3,994,910</u>	<u>(42,453)</u>	<u>188,138</u>	<u>5%</u>
	Capital Project Funds:				
401	Capital Improvement	-		-	
402	Storm Drainage	20,000		-	
403	Channel Drainage District	50,000	3,045	3,205	6%
406	Facilities Construction	-		-	
	Total	<u>70,000</u>	<u>3,045</u>	<u>3,205</u>	<u>5%</u>
	Internal Service Funds:				
610	Vehicle Replacement	120,919		-	
611	Information Technology	104,670		-	0%
612	Administrative Services	303,221		-	0%
614	Workers Compensation Insurance	-		-	
	Total	<u>528,810</u>	<u>-</u>	<u>-</u>	<u>0%</u>
	Trust and Agency Funds:				
715	Evans Creative Design	14,500	-	-	0%
740	Tree Committee	1,400	-	4,600	
	Total	<u>15,900</u>	<u>-</u>	<u>4,600</u>	<u>29%</u>
	Total Revenues	<u>13,578,835</u>	<u>422,193</u>	<u>1,372,894</u>	<u>10%</u>

TOWN OF ATHERTON
Expenditure Summary
For the Month Ended October 31st, 2006

Fund	Description Department	2006-07 Budget	Current Period Expenditures	Year to Date Expenditures	% Spent
101	General Fund				
	11 City Council	\$ 21,749	\$ 2,823	\$ 7,575	35%
	12 City Manager	504,360	43,053	174,384	35%
	16 City Attorney	183,559	21,168	60,585	33%
	18 Finance	448,576	37,798	190,817	43%
	25 Building	1,189,503	120,746	392,405	33%
	40 Police	4,696,248	334,588	1,444,851	31%
	50 Public Works	2,058,292	185,075	680,622	33%
	Contingency	100,000	-	-	0%
	Total General Fund Expenditures	<u>9,202,287</u>	<u>745,251</u>	<u>2,951,239</u>	<u>32%</u>
	Interfund (Operating) Transfers Out	-	-	-	0%
101	General Fund Total	<u>\$ 9,202,287</u>	<u>\$ 745,251</u>	<u>\$ 2,951,239</u>	<u>32%</u>
Special Revenue Funds:					
105	Tennis	5,522	2,154	2,721	
201	Special Parcel Tax	1,910,535	3,014	11,419	1%
202	Transportation	444,500	-	-	0%
203	Street Improvement (Gas Tax)	150,000	-	23,234	15%
209	Law Enforcement	100,000	13,952	55,932	56%
210	Road Impact Fees	1,470,000	293,363	1,283,220	87%
211	State Park Grants	277,040	-	48,678	18%
213	Library Fund	78,326	12,357	17,515	22%
	Total	<u>4,435,923</u>	<u>338,792</u>	<u>1,498,651</u>	<u>34%</u>
Capital Project Funds:					
401	Capital Improvement	-	-	-	
402	Storm Drainage	21,394	-	-	0%
403	Channel Drainage District	60,000	1,558	5,434	9%
	Total	<u>81,394</u>	<u>1,558</u>	<u>5,434</u>	<u>7%</u>
Internal Service Funds:					
610	Vehicle Replacement	76,000	-	-	0%
611	Information Technology	116,120	2,323	14,271	12%
612	Administrative Services	288,342	15,839	171,957	60%
614	Workers Compensation Insurance	-	-	-	
	Total	<u>480,462</u>	<u>18,162</u>	<u>186,228</u>	<u>39%</u>
Trust and Agency Funds:					
715	Evans Creative Design	11,500	200	200	2%
740	Tree Committee	-	-	2,159	
	Total	<u>11,500</u>	<u>200</u>	<u>2,359</u>	<u>21%</u>
	Total Expenditures	<u>14,211,566</u>	<u>1,103,963</u>	<u>4,643,911</u>	<u>33%</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2006-07
As of October 31st, 2006

Fund	Description	Beginning Fund Balance July 1, 2006	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	General Fund	9,344,474	1,176,951	-	2,951,239	7,570,186
	Special Revenue Funds:					
105	Tennis	23,692	750		2,721	21,721
201	Special Municipal Tax	1,005,832	-		11,419	994,413
202	Transportation	527,577	42,673		-	570,250
203	Street Improvement (Gas Tax)	102,874	79,452		23,234	159,092
209	Law Enforcement	10,437	-		55,932	(45,495)
210	Road Construction Impact Fees	1,373,559	35,732		1,283,220	126,071
211	State Park Grants	-	-		48,678	(48,678)
213	Library Special Revenue Fund	1,947,286	29,531		17,515	1,959,302
	Sub Total	<u>4,991,256</u>	<u>188,138</u>	<u>-</u>	<u>1,498,651</u>	<u>3,680,743</u>
	Capital Projects Funds:					
401	Capital Improvement	258,424	-		-	258,424
402	Storm Drainage	43,455	-		-	43,455
403	Channel Drainage District	36,039	3,205		5,434	33,810
406	Facilities Construction	-	-		-	-
	Sub Total	<u>337,919</u>	<u>3,205</u>	<u>-</u>	<u>5,434</u>	<u>335,690</u>
	Internal Service Fund					
610	Vehicle Replacement	440,370	-		-	440,370
611	Information Technology	89,739	-		14,271	75,468
612	Administrative Services	198,175	-		171,957	26,218
614	Workers Compensation Insurance	10,871	-		-	10,871
	Sub Total	<u>739,155</u>	<u>-</u>	<u>-</u>	<u>186,228</u>	<u>552,927</u>
	Trust and Agency Funds					
715	Evans Creative Design	117,345	-		200	117,145
740	Tree Committee	24,558	-		2,159	22,399
	Sub Total	<u>141,903</u>	<u>-</u>	<u>-</u>	<u>2,359</u>	<u>139,544</u>
	Grand Total	<u>\$ 15,554,708</u>	<u>\$ 1,368,294</u>	<u>\$ -</u>	<u>\$ 4,643,911</u>	<u>\$ 12,279,091</u>



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 NOVEMBER 15, 2006

**SUBJECT: QUARTERLY INVESTMENT REPORTS FOR THE QUARTERS ENDED
JUNE 30, 2006, AND SEPTEMBER 30, 2006**

RECOMMENDATION:

Note, receipt and file.

INTRODUCTION:

This is the quarterly status report of the Town's investments in the Local Agency Investment Fund (LAIF) and the San Mateo County Investment Pool (SMCIP) for the quarters ending June 30, 2006, and September 30, 2006.

DISCUSSION

As of June 30, 2006, the Town had a total investment of **\$15,603,844**. The total interest earning for the quarter ending September 30, 2006, amounted to **\$155,698**. The funds are invested in the San Mateo County Investment Pool (SMCIP) and the Local Agency Investment Fund (LAIF).

As of September 30, 2006, the Town had a total investment of **\$13,906,268**. The total interest earning for the quarter ending September 30, 2006, amounted to **\$160,270**. The funds are

invested in the San Mateo County Investment Pool (SMCIP) and the Local Agency Investment Fund (LAIF).

From March 1 to June 30, 2006, interest earnings on funds invested with LAIF amounted to an annual rate of 4.34 percent of the average daily cash balance of funds invested. This compares to an annual interest earnings of 4.06 percent of the average daily cash balance of funds invested with San Mateo County Investment Pool.

From July 1 to September 30, 2006, interest earnings on funds invested with LAIF amounted to an annual rate of 4.93 percent of the average daily cash balance of funds invested. This compares to an annual interest earnings of 4.02 percent of the average daily cash balance of funds invested with San Mateo County Investment Pool.

The interest income credited to Atherton's investment account by the San Mateo County Treasurer and by the State of California Treasurer includes interest payments on fixed income securities held by these entities as well as any gains or losses realized on securities sold during the reporting interval. Calculations of interest income earned or reported yields do not reflect any changes in the market value of the fixed income securities held by either the San Mateo County Pool or the State of California Local Agency Investment Fund.

Investment at SMCIP: San Mateo County Investment Pool is created and managed by the County Treasurer.

As of June 30, 2006, the County's investment pool carried investments with a total value at cost of \$2.3 billion and an average duration of 1.3 years. The Town's investment with the San Mateo County Investment Pool as of June 30, 2006, amounted to \$11,478,388 or 74 percent of the Town's total investment holdings.

As of September 30, 2006, the County's investment pool carried investments with a total value at cost of \$2.1 billion and an average duration of .9 years. The Town's investment with the San Mateo County Investment Pool as of September 30th amounted to \$10,687,789, or 77 percent of the Town's total investment holdings.

Attachments 1 and 2 to this staff report provides a summary of the investment earnings and investment holdings for the San Mateo County Investment Pool as of June 30, 2006, and September 30, 2006

Investment in LAIF: Local Agency Investment Fund (LAIF) is created and managed by the California State Treasurer as part of the Treasurer's Pooled Money Investment Account (PMIA). According to the State Treasurer, 2,733 local government agencies and special districts participate in LAIF with total investments amounting to approximately \$18.3 billion, or roughly 34 percent of the \$54.8 billion that the State Treasurer manages in the PMIA. (Since LAIF investments are combined with PMIA, the Treasurer does not report the results for LAIF separately).

The Town's investment with LAIF as of June 30, 2006, amounted to \$4,125,456, or 26 percent of the Town's total investment holdings.

The Town's investment with LAIF as of September 30, 2006, amounted to \$3,218,479, or 23 percent of the Town's total investment holdings.

The average duration to maturity of PMIA as of June 30, 2006, was 152 days. The average duration to maturity of PMIA as of September 30, 2006, was 160 days.

Attachment 3 and 4 to this report provides a summary of investment holdings for the PMIA as of June 30, 2006 and August 31, 2006.

The average duration to maturity of PMIA as of August 31, 2006, (the most recent date for which the pooled money investment report is available) was 161 days. Attachment 3 and 4 to this report provides a summary of investment holdings for the PMIA as of August 31, 2006.

FISCAL IMPACT:

Informational only.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

ATTACHMENTS:

1. Quarterly investment summary as of June 30th, 2006, San Mateo County Investment Pool
2. Quarterly investment summary as of September 30th, 2006, San Mateo County Investment Pool
3. State of California Treasurer, Pooled Money Investment Account Portfolio Analysis as of June 30th, 2006
4. State of California Treasurer, Pooled Money Investment Account Portfolio Analysis as of September 30th, 2006

Attachment 1

COUNTY OF SAN MATEO
ESTIMATED SUMMARY OF POOL EARNINGS
FOR THE 4TH QUARTER ENDED JUNE 30, 2006

	06/30/06 <u>Par Value</u>	<u>Gross Earnings</u>
<u>Fixed Income Investments</u>		
U S Treasury Notes	\$600,000,000	\$3,136,837
Federal Agencies	\$465,000,000	\$2,592,847
Corporate Notes	\$192,000,000	\$1,543,298
Floating Rate Securities	\$214,000,000	\$1,406,337
Asset Backed Securities	\$10,199,329	\$18,511
<u>Short Term Investments</u>		
Federal Agencies	255,000,000	\$2,194,489
Corporate Notes	\$57,000,000	\$378,212
Floating Rate Securities	\$39,000,000	\$72,540
Commercial Paper	\$349,250,000	\$391,520
Certificate of Deposit	\$93,000,000	\$895,153
LAIF	\$37,000,000	\$415,110
SUBTOTAL - ACCRUED INCOME	<u>\$2,311,449,329</u>	<u>\$13,044,855</u>
<u>Realized Gain/Loss & Interest Received</u>		
U S Treasury Notes		\$1,033,310
Federal Agencies		\$1,593,108
Corporate Notes		\$355,648
Floating Rate Securities		\$1,907,171
Asset Backed Securities		\$92,640
Certificate of Deposit		\$481,748
Commercial Paper		\$6,109,913
Repurchase Agreement		\$351,370
Securities Lending Income		\$149,376
GROSS POOL RATE/EARNINGS*	4.13%	<u>\$25,119,139</u>

Attachment 2

COUNTY OF SAN MATEO
ESTIMATED SUMMARY OF POOL EARNINGS
FOR THE 1ST QUARTER ENDED SEPTEMBER 30, 2006

	09/30/06 <u>Par Value</u>	<u>Gross Earnings</u>
<u>Fixed Income Investments</u>		
U S Treasury Notes	\$450,000,000	\$2,843,401
Federal Agencies	\$165,000,000	\$1,162,450
Corporate Notes	\$162,000,000	\$1,198,548
Floating Rate Securities	\$209,000,000	\$1,545,202
Asset Backed Securities	\$6,296,644	\$11,428
<u>Short Term Investments</u>		
Federal Agencies	337,000,000	\$2,548,519
Corporate Notes	\$55,000,000	\$443,624
Floating Rate Securities	\$57,000,000	\$163,734
Commercial Paper	\$499,000,000	\$201,700
Certificate of Deposit	\$115,000,000	\$408,870
LAIF	\$37,000,000	\$458,131
SUBTOTAL - ACCRUED INCOME	<u>\$2,092,296,644</u>	<u>\$10,785,606</u>
<u>Realized Gain/Loss & Interest Received</u>		
Federal Agencies		\$2,576,986
Corporate Notes		\$496,477
Floating Rate Securities		\$1,955,748
Asset Backed Securities		\$73,087
Commercial Paper		\$3,613,141
Certificate of Deposit		\$444,469
Repurchase Agreement		\$1,780,462
Securities Lending Income		\$165,740
GROSS POOL RATE/EARNINGS*	4.02%	<u>\$21,891,716</u>

<u>POOL BREAKDOWN</u>	<u>Pool 1</u>	<u>Pool 2</u>	<u>Pool 3</u>	<u>TOTAL</u>
Average Balance	392,728,329	379,020,749	1,386,459,644	2,158,208,722
Gross Earnings	3,983,626	3,844,584	14,063,506	21,891,716
Admin Fees	(123,736)	(119,417)	(436,830)	(679,984)
Bank Fees	(5,406)	(3,604)		(9,010)
Net Earnings	<u>3,854,484</u>	<u>3,721,563</u>	<u>13,626,676</u>	<u>21,202,723</u>
Net Earnings %	3.89%	3.90%	3.90%	3.90%

Earnings %'s are based on Q1 06-07 average daily balance of investment pools.
Pool 1 and Pool 2 are charged with bank fees associated with their disbursement/depository activity.

Attachment 4

PHIL ANGELIDES
TREASURER
STATE OF CALIFORNIA

INVESTMENT DIVISION SELECTED INVESTMENT DATA
ANALYSIS OF THE POOLED MONEY INVESTMENT ACCOUNT PORTFOLIO
(000 OMITTED)

TYPE OF SECURITY	June 30, 2006		
	AMOUNT	PERCENT OF PORTFOLIO	DIFFERENCE IN PERCENT OF PORTFOLIO FROM PRIOR MONTH
Government			
Bills	\$ 1,662,496	2.62	-0.18
Bonds	0	0.00	0
Notes	1,596,680	2.52	-0.48
Strips	0	0.00	0.00
Total Government	\$ 3,259,176	5.14	-0.66
Federal Agency Coupons	\$ 9,948,438	15.71	+0.32
Certificates of Deposit	13,642,402	21.54	+0.35
Bank Notes	1,135,045	1.79	-1.16
Bankers' Acceptances	0	0.00	0.00
Repurchases	0	0.00	0.00
Federal Agency Discount Notes	7,754,099	12.24	+1.58
Time Deposits	7,853,495	12.40	+0.11
GNMAs	242	0.00	0.00
Commercial Paper	11,751,579	18.56	-0.66
FHLMC/Remics	673,737	1.06	-0.03
Corporate Bonds	910,665	1.44	+0.06
AB 55 Loans	6,409,082	10.12	-0.22
GF Loans	0	0.00	0.00
Reversed Repurchases	0	0.00	-0.31
Total (All Types)	\$ 63,337,960	100.00	

INVESTMENT ACTIVITY

	JUNE 2006		MAY 2006	
	NUMBER	AMOUNT	NUMBER	AMOUNT
Pooled Money	712	\$ 34,216,523	577	\$ 27,496,447
Other	58	554,540	19	138,979
Time Deposits	173	3,603,500	144	2,713,300
Totals	943	\$ 38,374,563	740	\$ 30,348,726
PMIA Monthly Average Effective Yield	4.700		4.563	
Year to Date Yield Last Day of Month	3.873		3.788	

Attachment 4

PHIL ANGELIDES
TREASURER
STATE OF CALIFORNIA

INVESTMENT DIVISION SELECTED INVESTMENT DATA
ANALYSIS OF THE POOLED MONEY INVESTMENT ACCOUNT PORTFOLIO
(000 OMITTED)

<u>TYPE OF SECURITY</u>	August 31, 2006		
	<u>AMOUNT</u>	<u>PERCENT OF PORTFOLIO</u>	<u>DIFFERENCE IN PERCENT OF PORTFOLIO FROM PRIOR MONTH</u>
Government			
Bills	\$ 1,815,993	3.19	+0.22
Bonds	0	0.00	0
Notes	899,547	1.58	+0.07
Strips	0	0.00	0.00
Total Government	\$ 2,715,540	4.77	+0.29
Federal Agency Coupons	\$ 9,455,632	16.59	-0.36
Certificates of Deposit	11,754,407	20.63	-0.86
Bank Notes	1,350,039	2.37	+0.44
Bankers' Acceptances	0	0.00	0.00
Repurchases	0	0.00	0.00
Federal Agency Discount Notes	7,261,307	12.74	-0.12
Time Deposits	8,070,495	14.16	+0.72
GNMAs	235	0.00	0.00
Commercial Paper	6,658,653	11.69	-1.06
FHLMC/Remics	647,301	1.13	+0.03
Corporate Bonds	732,963	1.29	-0.27
AB 55 Loans	8,337,459	14.63	+0.77
GF Loans	0	0.00	0.00
Reversed Repurchases	0	0.00	-0.42
Total (All Types)	\$ 56,984,031	100.00	

INVESTMENT ACTIVITY

	AUGUST 2006		JULY 2006	
	<u>NUMBER</u>	<u>AMOUNT</u>	<u>NUMBER</u>	<u>AMOUNT</u>
Pooled Money	508	\$ 24,426,165	622	\$ 30,026,066
Other	5	5,244	4	128,539
Time Deposits	186	4,331,000	174	4,697,190
Totals	699	\$ 28,762,409	800	\$ 34,851,795
PMIA Monthly Average Effective Yield	4.946		4.849	
Year to Date Yield Last Day of Month	4.897		4.849	



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: KATHI HAMILTON, ACTING CITY CLERK

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

**SUBJECT: ENVIRONMENTAL PROGRAMS COMMITTEE
APPOINTMENTS**

RECOMMENDATION:

Approve the recommendation of the Screening Committee for the following appointment to commence November 16, 2006:

Environmental Programs Committee
(Remainder of a one-year term expiring in
January, 2007)

Valerie Gardner

BACKGROUND:

The Environmental Programs Committee (formerly the Waste Reduction and Recycling Committee) membership requirements are set by the committee, which meets quarterly and acts as an advisory resource to the community on matters related to its particular interest. When the City Council amended its Rules of Procedure, Section 9, the term of the resident members was set to a one-year term concurrent with the term of the two members of the City Council serving on the committee. Thus, the new appointee would serve until January 2007, at which time she could apply for reappointment.

Prepared by:

Approved by:

Kathi Hamilton
Acting City Clerk

James H. Robinson
City Manager



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 NOVEMBER 15, 2006

**SUBJECT: ADOPTION OF AN ORDINANCE AMENDING SECTIONS 17.08.180 AND
17.26.190 OF THE ATHERTON MUNICIPAL CODE DEFINING MAIN
BUILDING AREA AND REGULATING BASEMENTS**

RECOMMENDATION

Staff recommends that the City Council adopt the Ordinance amending Sections 17.08.180 and 17.36.190 of the Atherton Municipal Code defining main building area and regulating basements within the Town of Atherton.

BACKGROUND

The City Council, at its October 18, 2006 meeting, reviewed the draft Ordinance amending the definition of main building area and the basement regulations contained in the Atherton Municipal Code. At that meeting, the Council introduced the Ordinance as recommended by the Planning Commission. The City Council also directed the General Plan Committee study this item further.

FORMAL MOTION:

I move that the City Council adopt the Ordinance and waive second reading.

Prepared by:

Approved by:

Lisa Costa Sanders
Deputy Town Planner

James H. Robinson
City Manager

Attachments:

1. Ordinance

ORDINANCE NO. ____
AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING SECTION 17.08.080 and 17.36.190 THE ATHERTON MUNICIPAL CODE
PLACING LIMITS ON BASEMENTS WITHIN THE TOWN OF ATHERTON

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

SECTION 1: Section 17.08.180 of the Atherton Municipal Code is hereby amended to read as follows:

“17.08.080 “Main Building Area ~~Building or dwelling area~~” means the area within a lot in which the *main* dwelling may be constructed”.

SECTION 2: Section 17.36.190 of the Atherton Municipal Code is hereby amended to read as follows:

“17.36.190 Basements

Basements shall not exceed two feet in height above the surrounding average natural grade. Exceptions to the requirements of this section for hillside properties (where the average cross-slope is greater than twenty percent as determined under Section 16.24.050) may be permitted upon issuance of a conditional use permit. Basements are only permitted under the footprint of buildings located within the *main building ~~buildable~~* area. Areas for stairways and light wells may extend beyond the footprint of buildings, but shall be limited to the *main building ~~buildable~~* area.”

SECTION 2: CEQA Exemption. This ordinance is categorically exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Section 15305, minor alterations and land use limitations of the CEQA Guidelines as an action that assures the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The City Council further finds that adoption of this ordinance does not require review under the California Environmental Quality Act (CEQA) because it is not a project (CEQA guidelines section 15378), and there is not possibility that the ordinance may have a significant effect on the environment (CEQA guidelines section 15.61.b).

SECTION 3: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions on this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

SECTION 4: This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Introduced this 18th day of October, 2006

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the ___ day of _____, 2006, by the following vote

AYES: COUNCIL MEMBERS
NOES: COUNCIL MEMBERS
ABSTAIN: COUNCIL MEMBERS
ABSENT: COUNCIL MEMBERS

Charles E. Marsala
MAYOR, Town of Atherton

ATTEST

Kathi Hamilton
Acting City Clerk

APPROVED AS TO FORM:

Marc G. Hynes
City Attorney



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 NOVEMBER 15, 2006

**SUBJECT: AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
CSG CONSULTANTS**

RECOMMENDATION:

Approve amendment to professional services agreement with CSG Consultants, Inc., regarding Acting Building Official.

BACKGROUND:

CSG Consultants, Inc., has proposed an amendment to its agreement whereby professional services for a building official, building inspection, and plan review are being provided. The request is for the Town to provide the same defense and indemnity protection to the Acting Building Official as would be the case for a full-time employee.

I believe that this request is reasonable and appropriate. As the Council may recall, the Town Planner is provided with this protection.

New language is shown in bold on the form of amendment which is attached as Exhibit A.

FISCAL IMPACT:

Unknown. ABAG advises that the risk of such a provisions is low and that it is an appropriate provision to have in place in that competent people will accept the assignment.

Prepared By:

Approved By:

/s/ Marc Hynes
Marc G. Hynes
City Attorney

James H. Robinson
City Manager

FIRST AMENDMENT
to
AGREEMENT FOR PROFESSIONAL SERVICES
by and between the
TOWN OF ATHERTON (City)
and
CSG CONSULTANTS, INC. (Consultant

EXHIBIT A

For consideration, receipt of which is acknowledged, the parties hereby agree to this First Amendment to the Agreement for Professional Services for Building Official, Building Inspection and Plan Review by revising paragraph 16 of the Agreement to read as follows:

16. HOLD HARMLESS/INDEMNIFICATION

Consultant agrees, to the fullest extent permitted by law, to indemnify and hold City harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by Consultant's negligent acts, errors or omissions in the performance of professional services under this Agreement and those of his or her sub-consultants or anyone for whom Consultant is legally liable.

City agrees, to the fullest extent permitted by law, to indemnify and hold Consultant harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by City's negligent acts, errors or omissions and those of his or her contractors, sub-contractors or consultants or anyone for whom City is legally liable, and arising from the project that is the subject of this Agreement. **City further agrees to defend Consultant by providing legal counsel for the services that the Consultant Building Official performs in his acting role, to the same degree and level as if the Consultant were a Town employee, excepting Consultant gross negligence or willful misconduct.**

Consultant is not obligated to indemnify City in any manner whatsoever for City's own negligence.

TOWN OF ATHERTON, CALIFORNIA
a California Municipal Corporation.

Approved as to Form:

/s/ Marc Hynes
Marc G. Hynes
City Attorney

Charles Marsala
Mayor

Attest:

Kathi Hamilton
Acting City Clerk

"Town of Atherton"

CSG CONSULTANTS, INC.
A California Corporation

Richard Mao, P. E., President
1700 S. Amphlett Blvd., 3rd Floor
San Mateo, CA 94402

EXHIBIT A PAGE 2 OF 2 PAGES



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF NOVEMBER 15, 2006

SUBJECT: EMERGENCY REPAIRS TO THE ATHERTON CHANNEL

RECOMMENDATION:

This report is written as a notice to council of emergency work that is being done. In accordance with our purchasing ordinance, staff has hired Schnabel Foundation Corp. to make emergency repairs to the lower Atherton Channel wall for the cost of \$84,000.00 which includes design, shoring and repairs.

BACKGROUND:

During staff's annual inspection of the Atherton Channel, it was noted that a section of wall approximately 50' long bordering Marsh Road had begun to bulge. Further inspection and testing showed a void was beginning to develop behind the wall and a section of the channel wall/Marsh Road retaining wall was becoming unstable. This section of the Channel was going to require some immediate repairs.

URS, a local geotechnical firm was contracted to come up with a stabilization plan. Schnabel, a local soil stabilization expert, was contacted under purchase order # 279 to do the work. This report is to advise the city council that this purchase order was issued on an emergency basis. Work is to begin 11/15/2006.

ANALYSIS:

The work to be done to prepare this section of channel from the coming winter entails the following;

- 1) Demo the existing section of channel wall.
- 2) Deploy a soil stabilization technique called "soil nailing" to stabilize the area.
- 3) Rebuild the section of channel wall with a high strength material called "shot-crete."
- 4) Rebuild the roadway drain at the existing location.

This is classified emergency in nature due to the rapidly deteriorating condition of the channel wall, the sinking of the Marsh Road travel way and the numerous liabilities that could be created should this section of Channel collapse during a significant rain event.

FISCAL IMPACT:

It is anticipated this work, including design and shoring, will cost \$84,000.00.

A purchase order (#279) was issued to Schnabel to get them mobilizing. Work is expected to begin 11/15/2006.

Public Works crews will work in conjunction with this contractor to keep costs as low as possible. Public Works crews will handle all the traffic control, removal of the bulged channel wall, and supply various labor during the concrete placement on the wall. They will also handle many logistics aspects of the operation such as moving heavy equipment into the channel for the contractor, providing restroom facilities and keeping the supply pipeline fed for the contractor.

Prepared by:

Approved by:

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

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: ROBERT L. CUSHING, ACTING CODE ENFORCEMENT OFFICER

DATE: FOR THE MEETING OF NOVEMBER 15, 2006

SUBJECT: CODE ENFORCEMENT PILOT PROGRAM

RECOMMENDATION:

Staff recommends that the City Council accept the attached report which authorizes recommended expenditures to amend CSG Consultants Inc's, contract to continue code enforcement services through December 31, 2006, and to establish funding for a Code Enforcement Pilot Program from January 1, 2007 through June 30, 2007.

Additionally, it is recommended that staff be directed to return to the Council in January with the results of code enforcement services through December 31, 2006, and in June 2007 with the results of the pilot and any additional recommendation including the establishment of a permanent Code Enforcement Program.

BACKGROUND:

At the October 18, 2006, City Council meeting, the Council heard the Code Enforcement Assessment report of CSG Consultants Inc. The Council approved the report and directed staff to return to the City Council meeting of November 15, 2006, with a proposal from CSG Consultants Inc., for a code enforcement officer on a six-month trial basis including a recommendation on whether the Town's code enforcement should be complaint based or proactive, with a cost estimate for each.

ANALYSIS:

The rate of code enforcement cases has increased to approximately ten cases per week within the past 30 days. This may be attributed to the increased publicity that the program has received due to the Council meetings and meetings with residents and neighborhood association

representatives. *(On October 18, 2006, in the Code Enforcement Assessment Report presented to Council, it was pointed out that increased meetings with residents be generated through increased office hours and by spending time in the community meeting with residents and walking the problem areas with them).* Although the number of cases has increased, the types of cases being reported has not changed substantially from the types of cases reported in the October 18, 2006, Code Enforcement Assessment Report.

The Acting Code Enforcement Officer has observed approximately five additional (proactive) cases each week as a result of being in neighborhoods due to investigation of complaints. These proactive cases are significant enough that it would be difficult to ignore them. Many of these cases were the same issues that have been brought to the Code Enforcement Officers' attention by neighborhood representatives. For example, while the officer was investigating construction parking complaints on Park Lane, he observed similar violations on adjacent Elena Avenue; and while investigating complaints of after-hour construction on Tallwood Court, he observed the same violation at two different locations on Walsh Road.

The residents of this neighborhood are very active in requesting additional code enforcement services. In several meetings and telephone conferences with these individuals, they pointed out that they believe additional services are necessary and that they strongly support this approach. They believe that a resolution to their neighborhood problems will not be found unless stronger enforcement is implemented through the use of the Code Enforcement Officer, as well as available police officers. They also feel that the two should remain independent and that the Code Enforcement Officer should report to the City Manager.

A meeting on November 3, 2006, with a neighborhood representative of the Encinal neighborhood produced some very useful suggestions. The representative suggested that a proactive focus be implemented for a period of six months. The suggestion was that cases could be identified by using not only the Code Enforcement Officer but also police officers, building inspectors, and public works employees. A procedure was suggested that would result in a list being made from information provided by the individuals and that a courtesy letter be mailed to the offending party. The Code Enforcement Officer would be responsible for following up on these and would take additional action if necessary. If the rate of violations diminished at the end of the trial period, the process could be put on hold or eliminated; and if the rate remained the same or increased, the proactive approach could be continued.

If the proactive inspections were implemented, it is estimated that the Code Enforcement Officer could deal with these by working an additional half-day each week. The officer could begin the trial period by working an additional one day each week for the first two weeks in order to catch up with the volume of courtesy notices and then reduce his time to a half-day per week thereafter.

Another suggestion that came out of this meeting was that the Town web page should be altered to allow residents to report violations or suspected violations using a simple online form. This process would be assisted by a list of the "ten" most common violations in a particular neighborhood and recommended ways to correct them.

Additionally, there would be opportunities to explain the program through articles in the local newspapers and the Athertonian. *(This was one of the suggestions made in the Code Enforcement Assessment Report presented to the Council on October 18, 2006.)*

FISCAL IMPACT:

The cost to provide a Code Enforcement Officer through December 31, 2006, is five thousand five hundred and forty-four (\$5,544.00) dollars. This represents code enforcement service for a maximum of eight (8) hours per week at an hourly rate of ninety-nine (\$99.00) dollars per hour. If a mixture of complaint and proactive code enforcement are pursued with this schedule, the time the Code Enforcement Officer could devote complaints would be reduced. Therefore; it is recommended that additional time beyond the proposed eight (8) hours per week should be considered in 4-hour blocks at the same hourly rate on a schedule suitable to the Town.

If an additional four (4) hours were added each week as recommended above, the cost would increase by two thousand three hundred seventy-six (\$2,376.00) dollars at the same hourly rate for the period ending on December 31, 2006.

The cost to provide a Code Enforcement Officer for the period of January 1, 2007 through June 30, 2007, are twenty one thousand six hundred and thirty-two (\$21,632.00) dollars at an hourly rate of one hundred and four (\$104.00) dollars, assuming eight (8) hours per week. Additional time in 4-hour blocks would add ten thousand eight hundred sixteen (\$10,816.00) dollars.(Costs are summarized in Table 1.)

If the Town elects to continue code enforcement services with CSG Constulatns, Inc., after that time, there would be no increase in hourly rates for the remainder of calendar year 2007.

TABLE 1: Costs associated with the continuation of code enforcement services

TYPE SERVICE	11/15/06 – 12/31/06*	1/1/07 – 6/30/07**
Complaint based	\$ 5,544.00	\$ 21,632.00
Proactive based	\$ 2,376.00	\$ 10,816.00
TOTAL	\$ 7,920.00	\$ 32,448.00

* Cost based on an hourly rate of \$99.00 per hour

** Cost based on an hourly rate of \$104.00 per hour

COORDINATION:

This report was coordinated with the Atherton Police Department.

Prepared by:

Approved by:

Robert L. Cushing, REHS.
Acting Code Enforcement Officer

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF NOVEMBER 15, 2006

**SUBJECT: PURCHASE OF STREET SWEEPER FOR ATHERTON PUBLIC WORKS
DEPARTMENT**

RECOMMENDATION:

Staff recommends that the council approve the purchase of a new street sweeper meeting specifications for up to \$140,000.

BACKGROUND:

The Town of Atherton will be required in 2007 under our NPDES Permit to begin sweeping all streets in the Town on a regular basis. The streets will be required to be swept on the following frequency:

- High priority (sweep monthly) – Marsh, Middlefield, Valparaiso, Atherton Ave., Ridgeview, Alameda, Walsh, Selby, Stockbridge, Glenwood, Watkins
- Medium priority (sweep bi-monthly) – Lloyden, Snowden, Wilburn, Camino al Lago, Reservoir Road, Fletcher, Elena, Alejandra, Tuscaloosa, Almendral, Austin, Irving, James, Oak Grove, Green Oaks, Fair Oaks, Emilie, Park, Encinal.
- Low priority (sweep twice prior to wet season and as needs arise) – all the remaining streets in the Town.

While this will be extra effort on the part of the Town, staff recommends that with an additional tool, namely a street sweeper, sufficient savings will be obtained in other tasks to offset a significant portion of the costs and labor required to meet this new mandate.

At the October Council meeting, staff presented to Council a summary of deficiencies in our current sweeping contract and benefits to the Town of having our own sweeper. These continue to apply and are in addition to meeting the mandate of the NPDES permit.

ANALYSIS:

The City Council, at the October 2006 meeting and in correspondence following the meeting, has asked for further information. The following are responses to that information:

1. Lead time to get a sweeper – 2-3 months; however, a demonstrator with low hours may be available immediately, and may include some discount.
2. Operations costs:
 - Fuel – estimate 40 gallons of fuel monthly or 480 gallons annually at (\$2.75 gal) would equal \$110 monthly or \$1320 annually.
 - Service – although there are many types of maintenance plans to choose from, typically it can be expected that a street sweeper of the type we are looking at will require 2 services annually at \$800 per service.

See table below in Fiscal Impact section

3. Labor costs:

It is expected that our sweeper will run 40 hrs per month on average (more in the winter, less in the summer). This amount is $\frac{1}{4}$ of the monthly/annual salary for one of our worker IIs, or approximately \$1500/ \$18,000.

However, with our own staff and equipment, we would achieve sufficient offsets to accomplish the new mandate and our existing work with our existing staff. This means there would actually be no additional labor costs to the Town.

See table below in Fiscal Impact section

4. Detailed analysis of hour of operation required to perform permit requirements:
 - Pre-winter cleanup of all streets – It is estimated that this will take 32-40 hours of operation to complete. This will be required to take place two times prior to the wet season (Oct. 15) per our new permit requirements. Currently, this is not being done.

- Storm cleanup – Following a major storm, all areas in the Town with curb and gutter will need to be addressed. It is estimated that this will take one full shift of 8 hours for 3-4 men to complete with the new sweeper. Currently, it is taking 3-4 days and this is not addressing most curb and gutter issues. So bottom line is, we get a better cleanup with less labor.

5. Break down streets for cleaning priority:

- High priority (sweep monthly) – Marsh, Middlefield, Valparaiso, Atherton Ave., Ridgeview, Alameda, Walsh, Selby, Stockbridge, Glenwood, Watkins - 12 miles
- Medium priority (sweep bi-monthly) – Lloyden, Snowden, Wilburn, Camino al Lago, Reservoir Road, Fletcher, Elena, Alejandra, Tuscaloosa, Almendral, Austin, Irving, James, Oak Grove, Green Oaks, Fair Oaks, Emilie, Park, Encinal. - 12 miles
- Low priority (sweep twice prior to wet season and as needs arise) – all the remaining streets in the town - 30 miles

6. Comparison of sweeper hours versus manual cleanup for pre-winter and storm cleanup:

Currently, it is taking our crews a full 2 days to reestablish our drains to operating capacity after a rain event. That cost (on non-overtime) is approximately 4-worker crew for 16 hours. Based on our loaded crew rate of \$423 per hour that equals \$6768. This includes crew pricing of \$95 per person and equipment pricing per Caltrans rate sheet of \$18 per hour for a pickup and \$25 per hour for a dump truck.

If the Town owned its own sweeper, most of the cleanup would occur with 1 man driving the sweeper and cleaning gutters and drains. The remainder of the crew would be cleaning channel, and drains that cannot be reached with the sweeper. Once complete with their cleanup, crews would return earlier to normal duties. This cost is estimated at ½ the price (1 day) for a complete cleanup or \$3384.

But more importantly, the sweeper will do a more thorough job during these events than is currently being done; clearing bike paths, drainage infrastructure that leads to our drop inlets, and clearing mud/gravel from roadways that normally gets left behind because there is not sufficient time to clean it all up. The time savings will allow our crews to more quickly retrieve other storm related issues such as ditch line/channel blockages, down limbs, localized flooding and perform inspections of key drainage infrastructure.

7. Comparison of contracts with private firms:

Universal sweeping of San Jose gave a quote of \$1840.00 for a one-time sweep of all our streets prior to the wet season. They stated that they cannot guarantee us they will be available after a storm, and their price will vary during nights/weekend work. Universal only offers regenerative air sweeping (non-broom), which does not work well on wet material and hardly at all on

mud/gravel. My opinion is that they would be fine prior to a rain event but would be ineffective on a wet roadway.

Our current sweeping purveyor, Allied Waste Systems, was asked to supply us with the same information. They have yet to return information to us. However, it appears that their price is already higher than the private sweeper.

See comparison in Fiscal Impact Section below.

8. What about liability damage to landscaping in non-curbed streets?

The intent is to sweep the street paving and gutters only and not encroach into landscaping. However, where a swale is bare dirt, the sweeper will be able to sweep leaves and debris from the swale.

One reason why a street sweeper with good visibility is one of the criteria is so that the operator can see where he is going and not cause any damage. Another criterion is a low vehicle height so the vehicle has less opportunity to damage overhanging tree limbs. The sweeper chosen should be lower than a normal delivery truck, so most section of street will be accessible to it.

9. What about cleaning done by private gardeners?

While some properties clean the area along the street, most do not. In addition, some clean the area blow the leaves into the street. This is not a reliable means of meeting the federal mandate.

10. Additional street swept per month:

Currently Allied Waste sweeps 17 lane miles, or approximately 8½ miles of streets, each month. Under the new program, 12 miles of streets would be swept monthly, and another 12 miles would be swept every other month. Thus, about three times as many miles would be cleaned every other month.

11. Other service providers that can address our needs:

Private sweepers can provide the monthly and bi-monthly, as well as the pre-season sweeping. However, none will provide on-call storm cleanup, and none will sweep El Camino Real.

12. Less expensive or used sweepers:

Used sweepers are not allowed by our permit requirement. One-half of the sweeper fleet must be replaced with new sweepers every five years. They must be replaced with new sweepers.

13. Leasing equipment:

The Finance Department has determined on many occasions that it is not economical to lease Town equipment.

14. Determine what the clean water requirements are before investing in a sweeper:

Town staff attends monthly meetings and receives extensive communication from our county representatives and from the Regional Water Quality Control Board. They have advised us ahead of permit implementation that these WILL BE the requirements so that we can be prepared. Staff is trying to be prepared.

15. Insurance requirements

The Town belongs to an insurance pool where all of our equipment is covered. Our premiums are based on our loss history, not on each piece of equipment.

16. Off-setting savings:

While it is difficult to quantify the savings related to other tasks that the street sweeper can do more effectively, such as cleaning green slime from gutters that currently have to be power washed, litter pickup which is now done by hand, corporation yard cleanup which is done with blowers and power washing, etc., it is certain that substantial savings will be achieved in all these tasks and many others that crews will discover once they have the equipment.

These offsets would not apply if we found a third party provider because we would have to pay the hourly rate. With our own staff and equipment, we would achieve sufficient offsets to accomplish the new mandate and our existing work with our existing staff. This means there would be no additional labor costs to the Town.

See comparison in Fiscal Impact Section below.

17. Charging operational costs to Building Department

We could explore a street cleaning fee, either on a voluntary basis or a mandatory basis. Many contractors have indicated they would pay us to cleanup instead of hiring a sweeper since ours is already here and they would have to pay the dead-head costs of any other sweeper. A mandatory fee could be applied to all building sites. This would then be cost over and above the work included in this estimate, with offsetting revenue.

FISCAL IMPACT:

MONTHLY/ANNUAL SWEEPER OPERATION COST v. ALTERNATIVE SWEEPING METHODS

TOWN OWNED SWEEPER

Expense	Monthly	Annual
Fuel Costs	\$110	\$1,320
Service (2x\$800 annual)	\$133	\$1,600
Parts & Supplies	\$167	\$2,000

Cleaning		\$208	\$2,500	
Labor Costs (Sweeper Operator)		\$1,500	\$18,000	Not an actual cost due to cost savings on other tasks
Storm On-Call and Cleanup		\$37	\$440	On-call Town staff person (1) uses sweeper, no crew required; Additional \$440 for each storm cleanup
Depreciation		\$1,167	\$14,000	Replace every 10 years (re-sale value covers cost increase)
	Subtotal	\$2,118	\$39,860	Note: Add \$440 for each additional storm cleanup
	Revenue			
1546 Reimbursement		\$521	\$6,250	
Allied Waste		\$822	\$9,864	
Caltrans		\$500	\$6,000	Requires follow-vehicle, contractors will not do this
	Subtotal	\$1,843	\$22,114	
	Savings			
	Labor Savings	\$910	\$10,920	Gutter washing, litter pickup, digouts, digouts, corp. yard, spill cleanup
	Storm Cleanup (1x)	\$247	\$2,961	1 person crew with sweeper for 1 day instead of 4-person crew for 2 days
	Equipment Savings	\$187	\$2,240	Vactor (Redwood City) - 2 days instead of 3
	Subtotal	\$1,343	\$16,121	
	NET OPERATING COST	\$135	\$1,625	

CONTRACT SWEEPER

Expense	Monthly	Annual	
Full Sweep (2x required annually)	\$307	\$3,680	\$1840 each
Monthly Sweep (11 streets)	\$400	\$4,800	\$400 each
Bi-monthly Sweep (19 streets)	\$200	\$2,400	\$400 each
Storm Cleanup (1x)	\$153	\$1,840	Full sweep after emergency cleanup done by Town crew
Town Crew On-Call (1x)	\$119	\$1,430	Contract sweeper unable to respond on-call
Town Crew Storm Cleanup (1x)	\$282	\$3,384	Contract sweeper unable to respond on day one
	Subtotal	\$1,461	\$17,534
	Revenue		
1546 Reimbursement	\$521	\$6,250	
Allied Waste	\$822	\$9,864	
	Subtotal	\$1,343	\$16,114
	NET OPERATING COST	\$118	\$1,420

The above table shows that with a single storm cleanup, the Town-owned sweeper and the contracted sweeping service are approximately the same net cost. However, each additional

storm will cost the Town approximately \$6000 more with the contracted sweeping service than with a Town-owned sweeper. This is because the contracted sweeper will not be on-call as Town staff is, i.e. they will not come out at 2:00 in the morning. Also, the flexibility to respond to other cleanup needs, such as spills and contractor clean-ups, will not be available with the contracted service (or if available, will have a carry a substantial additional cost). Our contacts with other cities indicate that the flexibility is not available, and several cities that were contracting have recently elected to purchase their own sweepers.

Staff will explore various pricing options and sweeper options to get the best price and the best sweeper that meets the specifications we have developed, as presented in the previous staff report, to meet the needs of the Town.

Prepared by:

Approved by:

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

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 CITY COUNCIL MEETING OF NOVEMBER 15, 2006

SUBJECT: DISCUSSION OF COUNTYWIDE AND C/CAG GREEN BUILDING GUIDELINES, ENERGY USAGE, VOLUNTARY GUIDELINES AND HOW TO INCORPORATE GREEN BUILDING INTO ATHERTON GUIDELINES

RECOMMENDATION:

That the City Council hears a presentation regarding Green Building Guidelines and refer information and any appropriate direction to the Town of Atherton General Plan Committee and Planning Commission.

BACKGROUND:

San Mateo County, the City/County Association of Governments (C/CAG), and other local agencies have been evaluating the costs and benefits of what is commonly known as "Green Building." Building and Design of structures that address environmental, health, and sustainable concerns have been known as Green Building. The attachment prepared by Recycle Works provides a briefing for elected officials regarding the need and merits of Green Building.

Jill Boone of Recycle Works has volunteered to provide a presentation to the City Council regarding the merits of sustainable or Green Building. In addition, the General Plan Committee has also included Green Building as an agenda item for its next meeting.



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: CHIEF ROBERT J. BRENNAN

DATE: FOR THE MEETING OF NOVEMBER 15, 2006

**SUBJECT: EMERGENCY RESPONSE AND PREPAREDNESS PROGRAM –
BUDGET PURCHASES**

RECOMMENDATION:

City Council reviews the expenditure of \$140,000 to supplement the Emergency Preparedness program and consider and provide direction for further continuation of the program.

INTRODUCTION:

The Atherton City Council has given approval for the expenditure of funds, not to exceed \$140,000, to purchase equipment and other services necessary to best respond to natural disasters and other emergencies. Staff has determined the best purchases to support this program. The equipment listed below allows the Town and its employees to better prepare for both planned and unplanned events.

ANALYSIS:

Careful consideration has been given to each of the below-listed items. Using direction given by the Atherton City Council, comments and recommendations made by members of the Atherton Citizen's Preparedness Committee, and using expertise and lessons learned from local, state and federal response agencies, staff believes that we are well on our way to being better prepared for disasters and other emergencies.

1. A significant concern of the Town is being able to communicate with residents and have the ability to send and receive information in a variety of ways to Town employees who have responded to emergencies. Mobile Data Computers (MDC) can provide such a means. With

the use of wireless technology, employees in the field can send and receive damage assessment information, requests for resources, current situation status and calls for services pending. All of those capabilities - and many more - will be possible in a manner which is confidential and secure and will allow for very detailed comments and concerns, photographs, and even audio recordings to help portray events that have occurred or may still be evolving. Patrol cars will be capable of being used as neighborhood information centers as events stabilize providing quick access to Town services when open access around the community has been limited due to uncontrollable circumstances. A side-note worth mentioning is that the Atherton Police Department is the only law enforcement agency in San Mateo County that has not upgraded to the use of Mobile Data Computers.

2. Because of the age and construction of many Town-owned facilities, there is substantial concern that one or more of those buildings may be unusable after a significant seismic event. Having that concern in mind, the decision has been made to move the Emergency Operations Center from its current location in the Town Council Chambers to the new and more seismically stable Public Works building. Phone lines will be renumbered and moved from the Town Council Chambers to the Public Works building.
3. Moving the Emergency Operations Center will necessitate the addition of an emergency power generator to the Public Works building to facilitate the use of computers, communications devices, and other equipment necessary to open, staff, and run emergency operations.
4. For quick access to necessary contract vendors, we recommend purchasing a commercially provided product – Emergency Response Directory. The directory is designed for use in emergencies and unplanned event situations where otherwise unavailable or unusual resources can be located quickly. Annual updates are provided and the vendor uses already-established relationships to develop in-place contracts to help speed the process of securing such resources. The directory literally has hundreds of vendors that cover a variety of categories in the local, county, regional, state, and even national areas.
5. To supplement the MDC program of the Police Department, two-way FCC licensed communications devices can be issued to Community Emergency Response Team (CERT) personnel after an event. With 5-mile coverage capability, the radio equipment may allow CERT members to establish and maintain contact either with the Incident Command Post or the Emergency Operations Center. Those radios may reduce the number of “message runners” necessary when easy access is limited in the community and other communications are limited.
6. To allow first responders a tactical outpost for use at an incident in the community, a towed trailer will be purchased, modified, and equipped to serve as a portable police station or Town Hall in the field. The Incident Command Post (ICP) will be used by Town employees to plan, respond, and manage an incident as it unfolds. The facility may be used for short-term and easily managed incidents lasting only hours to more serious and significant events that could last days or even weeks. Natural disasters, planned events, crime scene processing and management are only a few of the potential uses for the ICP. After an event, the ICP can be used as an information center providing recovery and relief information to residents.

It is clear by the Fiscal Impact portion of this report that the identified equipment needs (approximately \$221,650) far exceeds the approved budget (\$140,000). The identified needs represent staff's best estimate of how much it will cost to bring the Town in line with the Council's vision of emergency preparedness for its residents. Historically the Emergency Preparedness program of the Town, like most other communities, has been at minimum levels sufficient to meet state and federal guidelines. Recent observations of the federal governments inability to efficiently respond to large-scale disasters leaves us all wondering "how much is enough?" and "how much will we need?" Our program has recently received some much needed attention and funding that staff has used to form an evaluation and recommendations. Because there are differences between the costs associated with the identified needs and the approved budget, staff is in need of further direction from the Council to ensure that we meet and, if possible, exceed its vision.

Staff has identified several options for this program:

- A. Accept and fund the proposal as written including allowing for the solicitation of private donations.
- B. Accept the proposal as written and fund the program over more than one fiscal year.
- C. Direct staff to continue working on selected items and seek other alternatives

FISCAL IMPACT:

The equipment needs of the Town have been evaluated and the following recommendations are provided for approval:

1. Upgrading the Police Department's communications capability by purchasing 10 wireless, Mobile Digital Computers (MDC) for patrol vehicles and the Incident Command Post Vehicle. Includes support, LAWNET access, RIMS mobile software, mapping software, vehicle computer stands and Sprint "air cards" - \$67,215.36 (\$6,721 per unit) – (*See attachment 1*).
2. Move existing phone lines from current Emergency Operations Center (Council Chambers) to the proposed EOC (Public Works). Expense includes the physical moving of the phone lines, reassigning new phone numbers with 3 digit extension dialing to other Town phones, call forwarding, remote access forwarding, etc. (services that are not currently in place) - \$693.00
3. Purchase a new 50Kw generator to facilitate the move of the Emergency Operations Center from the Council Chambers to the Public Works facility and supply necessary power needs – \$59,634 (bids are still arriving – lower costs may be possible).
4. Emergency Response Directory and contract agreements for local and distant vendors to be used by the Logistics Section in the Emergency Operations Center. This resource gives the Emergency Operations Center staff the ability to find and order/purchase necessary logistic support (food, water, shelter, etc.) Includes contracts, agreements, and regular updating and maintenance - \$1,500.

5. 17 Motorola XTN Series XV-1100 VHF radios to be used and issued to CERT members and other trained volunteers during emergency activations and training exercises. FCC regulations prohibit the use of FRS/GRMS radios except for family applications and are not authorized for use by local governments; instead, professional two-way radios on a dedicated FCC frequency are necessary – not to exceed \$2,600.00

6. A commercially built, towed Incident Command Post (ICP) trailer to be used and deployed as a field ICP and community information center during times of natural disaster or other emergency. The ICP may also be used for crime scene processing and other pre-planned events; such a vehicle is limited only by creativity and money. Staff has identified several possible options for selecting and purchasing an Incident Command Post trailer:
 - The first is the “Cadillac” ICP that could fit Atherton’s needs. This 31’ trailer would be commercially built and customized by professionals in the business of building command vehicles. It would include kitchen and restroom facilities, as well as a conference room, communications stations, and storage. It would not include a generator without incurring extra costs - \$90,000 (*See attachment 2*).
 - The next option requires the customization of a pre-built off-road vehicle trailer, commonly referred to as a “Toy Box.” Using a pre-built design modifying the interior to best meet the needs of the Town. These models commonly include restroom and kitchen facilities. Base models are \$35,000 to \$40,000. Customization would be extra (*See attachment 3*).
 - The last option involves using an empty trailer and beginning the customizing process from “the ground up.” Using provided plans, customizing includes all requirements as identified by staff. The only limit to the customization process is available space, creativity and money. A 24’ trailers average \$15,000 and trailers are available as long as 60’. All customizing components would be an additional cost and may raise the cost of the trailer to approximately \$40,000 depending on criteria selected (*See attachment 4*).

Private donations are being currently being sought for this portion of the project. It is anticipated that private donations may be obtained of about \$40,000.

Prepared by:

Approved by:

Robert J. Brennan
Chief of Police

James H. Robinson
City Manager

Attachments

Attachment 1

Mobile Digital Computers



Mobile RIMS by Sun Ridge Systems, Inc.

File Cases Functions Other Records Officer Field Reporting Help

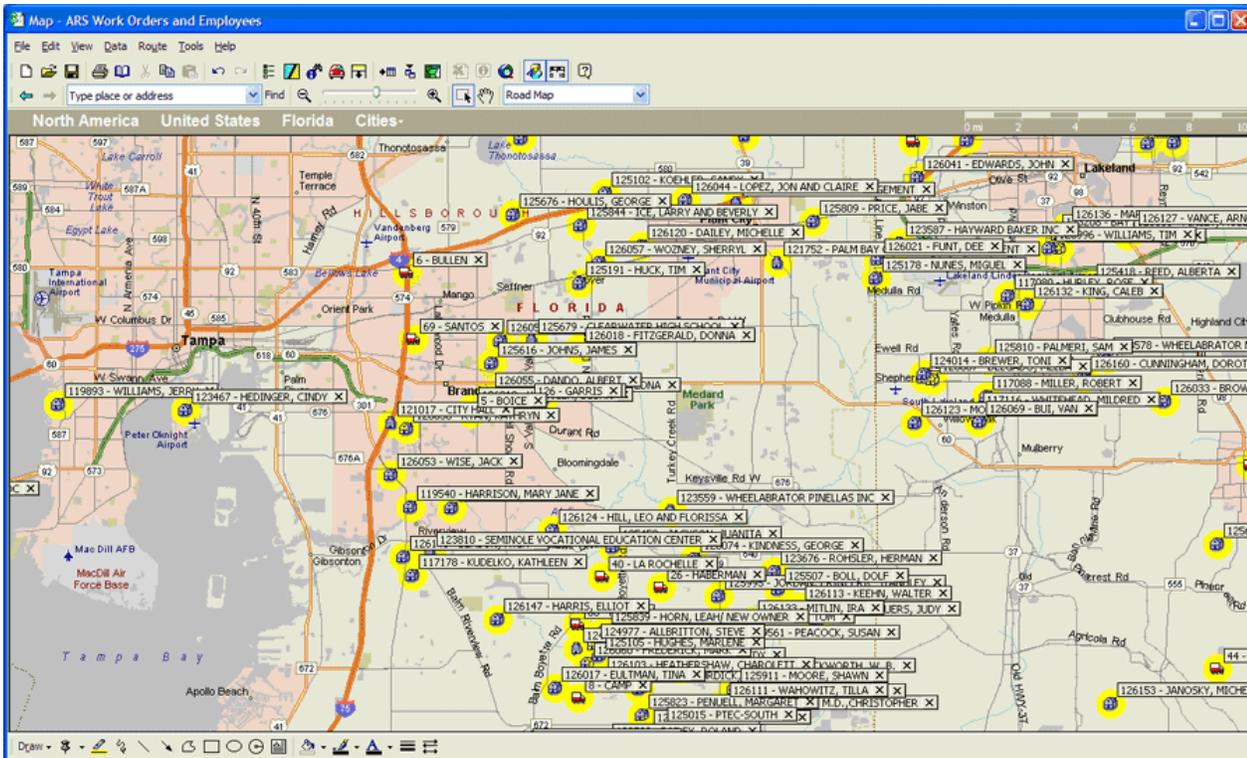
Messages Send Msgs Inc Info People Vehicles Location Hist Street Info Premises Property Sign Off

Unit	Beats	Stat	Inc Type/Location	Unit	Beats	Stat	Inc Type/Location
A1		MEAL	STARBUCKS	285		10-8	
A3#		10-8		481		10-97	1 Birch, Latrobe
113		10-8	COMPLETING REPORT	45#		10-8	
132		10-8		715		10-8	
215		10-8		35		B,C	
285		ENRT	510 E Main St, Latrobe	51		XTRA	10-8

Inc#	Time	Beat	Type	St	Location
1	12:10		BIKE	P	100 E F St, Latrobe
1	15:51	A	11-80	A	510 E Main St, Latrobe
1	09:22	A	488 PC	A	1 Birch, Latrobe

Enroute Arrived Clear Status Units Incidents Phone #

Connected



Attachment 3

Incident Command Post Trailer Option 2



Attachment 4

Incident Command Post Trailer Option 3





Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: NEAL J. MARTIN, TOWN PLANNER

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

**SUBJECT: GENERAL PLAN HOUSING ELEMENT UPDATE 2009:
STATUS REPORT ON SAN MATEO COUNTY SUBREGIONAL HOUSING
NEEDS ALLOCATION**

RECOMMENDATION:

No City Council action is required at this time.

EXECUTIVE SUMMARY:

California local governments are required to update their Housing Elements every five years. The deadline for the next update cycle is June 30, 2009.

One of the critical steps leading up to the Housing Element update is the Regional Housing Needs Allocation. ABAG is required to distribute the regional housing needs number to each of the local Bay Area governments a year before the Housing Element updates are due. An advisory committee consisting of local government staff and elected officials has been formed to help ABAG develop the methodology to be used in distributing the regional housing needs numbers. The Atherton Town Planner has been attending the meetings of the advisory committee.

A new State law has been enacted that allows the formation of subregions for purposes of allocating the housing needs to jurisdictions within the subregion. San Mateo County and its 20 cities have formed a subregion and are beginning the process of developing their own methodology for dividing the Countywide housing needs number among the subregion's jurisdictions. The initial meeting of the subregional Technical Advisory Committee will be November 9, 2006. The deadline for stating a draft methodology is December 31, 2006. The Atherton City Manager and Town Planner will be participating in this process. Periodic reports will be provided to the City Council.

Every two years, ABAG produces forecasts of population, households, and jobs for the Bay Area and each local jurisdiction. A draft of the most recent forecast, "Projections 2007," was sent to each local jurisdiction for review and comment. Atherton Town staff prepared a comment letter indicating that the forecasts of households and jobs for Atherton in Projections 2007 were too high and not reflective of past growth or Town policy. Publication of the final version of Projections 2007 is expected in late November 2006.

STATUS REPORT:

Housing Element Update Required by June 30, 2009

California Government Code Section 65588 requires California cities and counties to periodically update the housing elements of their general plans. Atherton's Housing Element was originally adopted in 1983 and was amended on the dates listed below.

Atherton Housing Element	Adoption Date	RHNA Cycle¹
Originally Adopted	1983	
1990 Update	May 14, 1991	1988 - 1995
		1996 - 2000
2001 Update	November 20, 2002	2001 - 2006
		2007 - 2014

Theoretically the statute requires each jurisdiction to update their housing elements on a five-year cycle. However, due to factors such as lack of funding for the required regional allocation of housing needs to local jurisdictions and the time required to implement the complex process of distributing the housing needs to each jurisdiction, the five-year cycles have expanded to about every five to seven years. The next update cycle is due to be completed on June 30, 2009. By that date each local jurisdiction is required to have adopted its updated housing element.

Housing Needs Allocation

The Housing Element Statute² requires the California Department of Housing and Community Development (HCD), in consultation with each council of governments, to determine the existing and projected need for housing for each region in the State. This determination is made prior to the required housing element update cycle. The regional council of governments in the San Francisco Bay Area is the Association of Bay Area Governments (ABAG). The next cycle for the San Francisco Bay Area is for the period 2007 – 2014³. During the last cycle (2001 – 2006) the ABAG housing needs number was 230,743 housing units; that is the State's determination of how many additional housing units need to be added to the housing stock to accommodate population and job growth during the five-year cycle. As can be seen from the ABAG publication, "A Place to Call

¹ Regional Housing Needs Allocation cycle for the San Francisco Bay Area

² California Government Code Section 65584.

³ There are different cycle years for different regions in the State.

Home,” the Bay Area as a whole permitted approximately 80% and constructed approximately 73% of that goal.

The Statute also requires that HCD divide the housing needs number for each of the regional councils of governments into four income categories; above moderate, moderate, lower and very low. In recent years HCD has included a fifth income category; extremely low. These categories are defined below along with the income limits for the San Francisco Bay Area for a family of four in 2006.

Income Category	Definition⁴	Income Limits in 2006⁵
Above Moderate	Households with incomes greater than 120% of median	< \$114,000
Moderate	Households with incomes between 80% and 120% of median	\$114,000
Median	Median income for San Mateo County	\$95,000
Lower	Households with incomes between 50% and 80% of median	\$90,500
Very Low	Households with incomes between 30% and 50% of median	\$56,550
Extremely Low	Households with incomes less than 30% of median	\$33,950

The State Housing Element Law requires the regional councils of governments (i.e. ABAG in the case of the San Francisco Bay Area) to allocate the regional housing needs numbers to all of the local jurisdictions within the region. During the last cycle, ABAG created a formula that divided the regional needs number among the jurisdictions based on a weighting of projected household growth and projected job growth for each locality⁶. During the last cycle, the process provided for very little input from the local governments to whom the allocation applied. ABAG created the methodology and submitted the draft allocations to the member jurisdictions. There was an appeal period but almost all of the appeals were denied. The allocation to Atherton for the RHNA cycle 2001 – 2006 was 166 housing units; 22 very low income, 10 lower income, 27 moderate income and 107 above moderate income units.

After the last RHNA cycle the housing element statute was changed to provide for more participation and input into the RHNA methodology by local governments. It was also amended to require consideration of a number of factors in the development of the methodology that allocates regional housing needs.⁷ Finally, a provision was included to permit the formation of subregions

⁴ HCD makes certain adjustments to the extremely lower, very low and low income categories to reflect high housing costs and other factors unique to particular areas in the State. Therefore, the income limits may be different from simply multiplying the median income times the percentage factor in the definition.

⁵ Income limits for a family of four living in the San Francisco Bay Area in 2006.

⁶ The weighing was 50% household growth and 50% job growth

⁷ Factors include: jobs and housing relationship, lack of sewer or water capacity, availability of land suitable for urban development, preserved or protected lands, preservation of prime agricultural land, distribution of household growth to maximize the use of public transportation, market demand for housing, agreements to direct growth toward incorporated areas of a county, loss of assisted units, high housing costs burdens, needs of farm

for the purpose of allocating the subregion's existing and projected need for housing among its members.

Although HCD has not yet provided a preliminary regional housing needs allocation for the San Francisco Bay Area, ABAG began preparing for the upcoming RHNA cycle by forming a Housing Methodology Committee (HMC). The Committee's function is to advise ABAG staff on the appropriate methodology for distributing the housing needs numbers to each member jurisdiction. The committee consists of approximately twenty five staff and elected representatives from the cities and counties in the Bay Area. The HMC has been meeting this summer and fall. At its meeting of October 19, 2006, HMC and the ABAG staff generally agreed on an allocation formula including the factors listed below:

- 40% Household Growth (i.e. 40% times the share of regional household between 2007 and 2014), plus
- 20% Jobs in 2007 (i.e. 20% times the share of regional jobs existing in 2007), plus
- 20% Job Growth (i.e. 20% times the share of regional job growth between 2007 and 2014), plus
- 10% Transit Job Growth (i.e. 10% times the share of regional job growth within ½ mile of major transit stations between 2007 and 2014), plus
- 10% Transit Household Growth (i.e. 10% times the share of regional household growth within ½ mile of major transit stations between 2007 and 2014)

San Mateo County Subregion Formation

Meanwhile, with leadership from Rich Napier, Executive Director of the San Mateo City/County Association of Governments (C/CAG), in August 2006, San Mateo County and the 20 cities within the County joined together to form a subregion for purposes of allocating the housing needs within San Mateo County. Apparently San Mateo County is the only subregion that has been formed in the State. The subregion has designated C/CAG as the entity responsible for coordinating and implementing the subregional RHNA process. The timeframe for adopting a housing needs allocation methodology is quite short. C/CAG must:

- articulate a draft methodology by December 31, 2006
- adopt a final methodology by February 28, 2007

Subsequent to developing the methodology, the timeframe for making the actual numerical allocations are lengthier. C/CAG must:

- adopt an initial subregional allocation by June 30, 2007
- adopt a final subregional allocation by June 30, 2008

If C/CAG does not complete any of the required steps, ABAG must allocate the subregional share

among members of the subregion. Therefore, there must be a parallel effort in methodology development and, subsequently needs allocation, since a failed C/CAG effort would automatically cause ABAG to reassume the lead in the process for San Mateo County and the 20 cities.

The initial meeting of the Subregion members was held on September 22. It was attended by staff or elected members of most of the member jurisdictions⁸. Atherton was represented by Jim Robinson, City Manager, and Neal Martin, Town Planner. At the meeting, a number of decisions were made regarding the process to be followed.

- A RHNA Technical Advisory Committee would be formed to make recommendations regarding the technical aspects of the allocation methodology. This committee would be made up of planners and housing professionals and perhaps a few city managers from the 21 member jurisdictions.
- The existing City Managers Association of San Mateo County would review recommendations from and provide guidance to the RHNA Technical Advisory Committee regarding the allocation methodology. The final product will be presented to the City Managers for approval. The primary role of the Managers is practical assessment of the issues and solutions.
- A RHNA Policy Advisory Committee to review and provide initial policy input to the process. The existing C/CAG Board of Directors could function as the RHNA Policy Advisory Committee.
- The City Councils and Board of Supervisors role will be final review and approval prior to submitting to products to ABAG.
- C/CAG Staff will facilitate meetings, agendas and technical support for the Planning/Technical Advisory Committee.
- Duane Bay, San Mateo County Housing Director, will function as the RHNA Technical Advisory Committee meeting facilitator, at least during the initial meetings.
- City Manager Jim Robinson has appointed Town Planner Neal Martin to represent Atherton at the RHNA Technical Advisory Committee meetings.
- A member of the Atherton City Council will need to be appointed to represent the Atherton City Council as part of the process, which I understand will take place at the January 2007 City Council meeting.

The next meeting of the RHNA Technical Advisory Committee is scheduled for November 9, 2006.

ABAG Projections 2007

Meanwhile, ABAG is in the process of preparing its latest round of population, jobs and housing projections. This is a series of forecasts and projections prepared on a two-year cycle known as "ABAG Projections." ABAG Projections 2007 (Projections 2007) includes forecasts of population, households⁹ and jobs in five-year increments from the year 2000¹⁰ to 2035 for each local jurisdiction in

⁸ San Mateo County and the twenty cities.

⁹ A household includes all persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements. The presence of relatives determines that it is a family household.

the region. When finalized, Projections 2007 forecasts for the 2007 – 2014 timeframe will be used in the ABAG Regional Housing Needs Allocation formulas.

On September 15, 2006, ABAG distributed Draft Projections 2007 to all of the local jurisdictions in the region providing an approximate 30-day period for review and comment. Atherton staff prepared a comment letter to ABAG stating and documenting that the forecasts of households and jobs for Atherton in Projections 2007 were too high and not reflective of past growth or Town policy¹¹. According to the ABAG website, typically, revisions are made to the projections forecast and the ABAG Executive Board adopts the forecast at its November meeting¹².

Prepared by:

Approved by:

Neal J. Martin
Town Planner

James H. Robinson
City Manager

Attachments:

1. San Mateo County (C/CAG) Summary of the Sub-Regional RHNA Process, 10/20/06.
2. Association of Bay Area Governments, "A Place to Call Home: Housing in the San Francisco Bay Area," June 2006.

¹⁰ U.S. Census counts are used for the year 2000.

¹¹ See letter to Paul Fassinger, Research Director, Association of Bay Area Governments from James H. Robinson, City Manager, October 16, 2006.

¹² The ABAG Executive Board meets November 16, 2006

SAN MATEO COUNTY SUB-REGIONAL RHNA PROCESS

Organization

At the September meeting the following organizational structure was established.

- 1- RHNA Technical Advisory Committee - 21 Members - One member from each city and the County. Composed of senior staff technical experts in the field of housing and land use. Flexibility will be provided to use different technical experts as a function of the subject being discussed. However, it is important that there be good communications between the different representatives such that issues do not need to be repeated or there are no conflicting positions from the representatives. Primary role is technical development of the issues and solutions.
- 2- City Managers Association - Monthly reports will be provided to the City Managers Association through the City Managers Association. This will allow ongoing input by the City Managers in the process. The final product will be presented to the City Managers for approval. Primary role of top management is practical assessment of the issues and solutions.
- 3- RHNA Policy Advisory Committee - 21 Members - One member from each city and the County. Composed of elected officials. It was suggested that the C/CAG Board be used. However, some indicated an interest in appointing a different representative. It appears that both requests can be met. Those want to use their current C/CAG representative can and those that want to appoint a different representative can also do so. Primary role is to review the RHNA TAC recommendations and provide initial policy input to the process.
- 4- City Councils/ Board of Supervisors - Primary role is the final review and approval prior to submitting to Association of Bay Area Governments (ABAG).
- 5- Association of Bay Area Governments (ABAG) - Final Approval of housing shares.

Next Steps

- 1- Cities and County make appointments to the RHNA TAC and PAC by 10/27/06. Contact Nancy Blair at 650 599-1406 or Richard Napier at 650 599-1420. A written assignment of the representative would also be helpful.
- 2- Hold initial TAC meeting by 11/10/06. Subjects will be 1- Initial definition of the RHNA Process and 2- Define the multiple planning levels for housing to request from the cities and the County.

10/20/06



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

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

SUBJECT: CONSIDERATION AND POSSIBLE ADOPTION OF A RESOLUTION APPROVING THE U.S. MAYORS' CLIMATE PROTECTION AGREEMENT AND CONSIDERATION OF MEMBERSHIP IN ICLEI

RECOMMENDATION:

That the City Council consider the attached Resolution Endorsing the U.S. Mayors' Climate Protection Agreement. The City Council may also want to refer consideration of this Resolution to the Atherton Environmental Programs Committee for a recommendation to the City Council.

BACKGROUND:

Seattle Mayor Greg Nickels, in February 2005, initiated a project to encourage U.S. cities to endorse the standards of the Kyoto Agreement that would have cities pledge to reduce carbon dioxide pollution in their cities by 2012 to at least 7 percent below the 1990 levels. Several Peninsula cities have adopted Resolutions endorsing the U.S. Mayors' Climate Protection Agreement including Portola Valley, Los Altos Hills, Palo Alto, San Bruno, San Mateo, San Jose, and Sunnyvale. The attached resolution adopted by Portola Valley provides an example of their endorsement and an exhibit that identifies municipal actions that can be taken to meet the goals of the Agreement. Many of the examples including maintaining healthy urban forests and increasing recycling rates are examples of programs already under way in the Town of Atherton.

In addition to adopting a Resolution, Peninsula cities are seeking assistance in creating climate protection actions, plans, and policies with the assistance of an organization known as ICLEI. They also assist in creating initial measurements and a baseline for cities. Information regarding ICLEI is attached. The cost for membership is \$600.00.

RESOLUTION NO. 06

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ENDORING THE U.S. MAYORS' CLIMATE PROTECTION AGREEMENT

WHEREAS, the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global warming pollution; and

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), the international community's most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th Century; a 40 percent decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

WHEREAS, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and greater concentrations of smog; and

WHEREAS, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS, the United States of America, with less than five percent of the world's population, is responsible for producing approximately twenty-five percent of the world's global warming pollutants; and

WHEREAS, the Kyoto Protocol emissions reduction target for the U.S. would have been 7 percent below 1990 levels by 2012; and

WHEREAS, many leading U.S. companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the U.S. to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

WHEREAS, state and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS, many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, mayors from around the nation have signed the U.S. Mayors' Climate Protection Agreement which, as amended at the 73rd Annual U.S. Conference of Mayors, is attached as Exhibit "A".

NOW, THEREFORE, the City Council of the Town of Atherton does **RESOLVE**:

1. To endorse the U.S. Mayors' Climate Protection Agreement, Attached Exhibit "A".
2. To authorize the Mayor to sign the U.S. Mayors' Climate Protection Agreement on behalf of the City Council.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the day of , 2006, by the following vote.

<i>AYES:</i>	<i>Council Members:</i>
<i>NOES:</i>	<i>Council Members:</i>
<i>ABSENT:</i>	<i>Council Members:</i>
<i>ABSTAIN:</i>	<i>Council Members:</i>

Charles E. Marsala, Mayor
Town of Atherton

ATTEST:

Kathi Hamilton, City Clerk

APPROVED AS TO FORM:

Marc Hynes, City Attorney

EXHIBIT "A"

The U.S. Mayors' Climate Protection Agreement

- A. We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;
- B. We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes 1) clear timetables and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries; and
- C. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:
 - 1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
 - 2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
 - 3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
 - 4. Increase the use of clean, alternative energy by, for example, investing in "green tags", advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;
 - 5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
 - 6. Purchase only Energy Star equipment and appliances for City use;

7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
10. Increase recycling rates in City operations and in the community;
11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO₂; and
12. Help educate the public, schools, other jurisdictions, professional associations, business or industry about reducing global warming pollution.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

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

**SUBJECT: CONSIDER APPROVAL OF A JOINT MEETING OF THE ATHERTON
PARKS AND RECREATION COMMISSION WITH THE CITY OF MENLO
PARK PARK AND RECREATION COMMISSION**

RECOMMENDATION:

That the City Council consider approval of a Joint meeting of the Atherton Parks and Recreation Commission with the Menlo Park Park and Recreation Commission and provide appropriate direction.

BACKGROUND:

At its November meeting, the Atherton Parks and Recreation Commission considered a request from its Chair for a Joint meeting with the Menlo Park Park and Recreation Commission. The Commission's motion to have such a meeting was contingent upon a request to the City Council and its ultimate approval for a Joint meeting. Upon approval of a Joint meeting with the Menlo Park Parks and Recreation Commission, the Atherton Commission would prepare an agenda for its own consideration and approval.