



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT

September 21, 2005

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, Marsala, Carlson, Conwell, McKeithen

5:32 P.M. PUBLIC COMMENTS

5:35 P.M. CLOSED SESSION

5:35 P.M. A. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6

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

Employee Organization: Atherton Police Officers Association (APOA)

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

**Employee Organization: Teamsters Local Union 856
Non-management Miscellaneous Employees**

**Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Management Employees**

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (b) of SECTION 54956.9:

1 potential case

RECONVENE TO OPEN SESSION

Report of action taken.

ADJOURN

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

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



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON
CHANNEL DRAINAGE DISTRICT
September 21, 2005
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

- 7:00 P.M. 1. **PLEDGE OF ALLEGIANCE**
- 7:03 P.M. 2. **ROLL CALL** Janz, Marsala, Carlson, Conwell, McKeithen
- 7:05 P.M. 3. **PRESENTATIONS**
- Proclamation: Pollution Prevention Week – September 19-25, 2005**
- 7:10 P.M. 4. **COUNCIL REPORTS**
- 7:20 P.M. 5. **PUBLIC COMMENTS** (only for items which are not on the agenda –
limit of three minutes per person)
- 7:30 P.M. 6. **STAFF REPORTS**
- 7:40 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**
(Directed by Resolution Nos. 99-6 and 02-31)

Lindenwood Homes Association

- 7:50 P.M. **CONSENT CALENDAR** (Items 8 - 18)

(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 REGULAR AND SPECIAL MEETINGS OF JULY 20, 2005, AND THE SPECIAL MEETING OF AUGUST 15, 2005**
9. **APPROVAL OF BILLS AND CLAIMS FOR JULY 2005 IN THE AMOUNT OF \$ 933,712**

10. **APPROVAL OF BILLS AND CLAIMS FOR AUGUST 2005 IN THE AMOUNT OF \$ 800,944**
11. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR JULY 2005**
12. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR AUGUST 2005**
13. **ACCEPTANCE OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2005**
14. **ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION, AND APPROVAL OF FINAL CHANGE ORDERS IN THE AMOUNT OF \$13,427.30 FOR THE HOLBROOK-PALMER PARK MAIN HOUSE WHEELCHAIR LIFT PROJECT NUMBER 03-009**

Recommendation: Accept work, authorize recordation of a Notice of Completion, and approve contract change orders in the amount of \$13,427.30 for the Holbrook-Palmer Park Main House Wheelchair Lift Project No. 03-009.

15. **ADOPTION OF A RESOLUTION APPROVING GRANT FUNDS FOR THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE WATER SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH PROTECTION ACT OF 2002 (PROPOSITION 50) FOR THE ATHERTON CHANNEL RESTORATION AND PATHWAY PROJECT AT HOLBROOK-PALMER PARK**

Recommendation: Adopt a resolution authorizing staff to submit an application for a California River Parkways Program grant to restore and expand the Atherton Channel adjacent to the Holbrook-Palmer Park south meadow and create a new pathway.

16. **ACCEPTANCE OF WORK, APPROVAL OF FINAL CHANGE ORDERS AND AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE 2005 CAPE SEAL PROJECT NUMBER 04-005**

Recommendation: Accepting work, authorize recording of a Notice of Completion and approve contract change orders in the amount of \$5,631.85, for a final project cost of \$261,159.20, for the Town Cape Seal Project Number 04-005.

17. ACCEPTANCE OF ATHERTON TRAFFIC ENFORCEMENT PLAN THAT WAS APPROVED BY THE TRANSPORTATION COMMITTEE APRIL 12, 2005

Recommendation: Receive and file the recent analysis of the Atherton Traffic Enforcement Plan adopted in 1997.

18. ADOPTION OF A RESOLUTION APPROVING AN AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT

Recommendation: Adopt a Resolution to approve the Third Amendment to the City Manager Employment Agreement.

8:00 P.M. PUBLIC HEARINGS (Item 19)

19. APPEAL OF PLANNING COMMISSION DECISION REGARDING 40, 50 AND 60 ASHFIELD ROAD (ASSESSOR'S PARCEL NUMBERS 060-323-290, 060-323-210, AND 060323-220)

Recommendation: Open public hearing, hear testimony, and close the public hearing.

REGULAR AGENDA (Items 20-26)

8:45 P.M. 20. DISCUSSION AND POSSIBLE DIRECTION TO STAFF RELATED TO MENLO COLLEGE FIELD USE ISSUES (Continued from the City Council Meeting of July 20, 2005)

Recommendation: Review the Menlo School/Menlo College Progress Report and give appropriate direction to staff.

8:50 P.M. 21. SECOND READING AND ADOPTION OF SPECIAL EVENT ORDINANCE

Recommendation: Hold the second reading, receive public comment, and adopt the Ordinance repealing Chapter 8.52 and adding Chapter 17.38 of the Atherton Municipal Code relating to Special Events requirements within the Town of Atherton.

- 9:20 P.M. 22. **HISTORIC ARTIFACT INVENTORY – STATUS REPORT**
- Recommendation: Receive status report and provide direction to staff for continued public outreach and the preparation of a final Study, Inventory, and possible preparation of a draft Ordinance.**
- 9:40 P.M. 23. **CONSIDERATION OF VOTING STATUS OF RESIDENT MEMBERS OF TOWN COMMITTEES AND CONFORMANCE OF COMMITTEE NAMES**
- Recommendation: Consider approving revisions relating to City Council Rules of Procedure.**
- 10:00 P.M. 24. **APPROVAL OF FACILITY IMPROVEMENTS TO THE JENNINGS PAVILION AT HOLBROOK-PALMER PARK; APPROVAL OF USE OF STATE PER CAPITA PROGRAM GRANT FUNDS; AND APPROVAL TO REQUEST PROPOSALS FOR ARCHITECTURAL DESIGN SERVICES**
- Recommendation: Approve a two phase plan for Jennings Pavilion improvements. Phase 1: replace the windows and doors, replace the carpeting and renovate the lighting using State Per Capita Program Grant Funds. Phase 2: hire an architect to investigate the aesthetics and cost of adding a sunroom to the north side, using either the remaining Per Capita Program Grant Funds or future funds.**
- 10:20 P.M. 25. **DISCUSSION AND CONSIDERATION OF EXISTING CONSTRUCTION REGULATIONS AND PARKING WITHIN THE TOWN OF ATHERTON**
- Recommendation: Consider and give direction to staff regarding the existing construction parking regulations within the Town of Atherton.**
- 10:35 P.M. 26. **REVIEW OF CALENDAR OF CITY COUNCIL MEETINGS FOR THE REMAINDER OF 2005**
- Recommendation: Review the calendar of City Council Meeting dates for the remainder of 2005, and consider changing the date of the December 21st meeting to December 14th.**
- 10:40 P.M. 27. **PUBLIC COMMENTS**
- 10:50 P.M. 28. **ADJOURNMENT**

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PROCLAMATION

Declaring September 19 through September 25, 2005

POLLUTION PREVENTION WEEK

WHEREAS, the Town of Atherton supports a clean and safe environment for its residents; and

WHEREAS, pollution prevention is an approach to environmental protection that focuses on source reduction and is therefore a preferable strategy for protecting our environment; and

WHEREAS, pollution prevention can increase efficiency and save money; and

WHEREAS, pollution prevention offers both environmental protection and increased competitiveness; and

WHEREAS, Pollution Prevention Week is an opportunity for government, industry, and environmental groups to celebrate potential prevention and to work together to plan for a prosperous and sustainable future.

NOW, THEREFORE, I, by virtue of the authority vested in me as Mayor of the Town of Atherton in the State of California, urge all citizens of the Town of Atherton to participate in local and regional celebratory and educational activities and do hereby proclaim the week of September 19 through September 25, 2005,

“POLLUTION PREVENTION WEEK”

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Seal of the Town of Atherton to be affixed
this 21st day of September, 2005

William R. Conwell, Mayor
Town of Atherton



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

July, 20, 2005

6:00 p.m.

Meeting Room
Town Administrative Offices

91 Ashfield Road
Atherton, California

Special Meeting

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

ROLL CALL

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

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

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

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

Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Teamsters Local Union 856
Non-management Miscellaneous Employees

Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Management Employees

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

1 potential case

**C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957.6 (f)**

- 1. City Attorney**
- 2. City Manager**

RECONVENE TO OPEN SESSION

City Attorney Marc Hynes reported during open session that no reportable action was taken by Council regarding Item A. Items B & C were continued to the end of the Regular City Council Meeting at which time the Closed Session was reconvened at 10:30 p.m. There was no reportable action taken on Item B. With regard to Item C, the evaluations of the City Attorney and City Manager were conducted.

ADJOURN

The Special Meeting adjourned at 11:00 p.m.

Respectfully submitted,

**William R. Conwell
Mayor**

Minutes Prepared by:

Kathi Hamilton



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON
CHANNEL DRAINAGE DISTRICT
July 20, 2005
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Conwell called the meeting to order at 7:04 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

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

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

3. **PRESENTATIONS**

None

4. **COUNCIL REPORTS**

- Council Member Janz attended a Caltrain Joint Powers Board (JPB) meeting on July 7, 2005, along with Rosemary Maulbetsch and City Manager Jim Robinson. A proposal from the Silicon Valley High-Speed Rail Coalition for the high-speed rail route from Southern California to go through the Peninsula was before the JPB. Due to the controversy between a Peninsula route or an Altamont route and the necessity for further study, the JPB decided to refer the item to its Citizens Advisory Committee. Council Member Janz noted that next week would be the last week of Monday through Friday train service at the Atherton Station; weekend service would continue. As a “thank you” to the Town’s loyal riders, the Town was sponsoring a coffee cart to serve coffee, lattes, etc., to the riders during the latter part of the week. City Manager Robinson distributed the adopted shuttle schedule from the Atherton Station to

the Redwood City Station, which was subject to change if needed. Council Member Janz announced the Executive Board meeting of ABAG and the League of California Cities Dinner were both taking place on Thursday, July 21. On Friday, July 22, the Council of Cities would meet to discuss Terrorism and Local Government. He thanked Police Chief Bob Brennan for the complimentary letters regarding the Police Department and for the “thank you” letters to Chief Brennan from school children.

- Vice Mayor Marsala attended the dedication of the new Los Altos Hills City Hall. The Tennis Subcommittee held a social to recruit new members which was attended by 40 people. The Buildings and Facilities Committee would be meeting in two weeks to discuss possible Pavilion projects. Vice Mayor Marsala attended a memorial service for Virginia Keller. He suggested reestablishing an appreciation banquet to say “thank you” to the Town’s volunteers who serve in various capacities. The Town was contacted by *The View*, a television program that was doing a segment on, “One of the Sexiest Suburbs in America.” Vice Mayor Marsala submitted footage of the Town; however, the City of La Jolla was selected from California.
- Council Member Carlson attended the July 12, 2005, Transportation Committee meeting. Menlo College requested a lighted crosswalk for Alejandra Avenue and the item would be referred to the Council. The Committee considered various requests for crosswalks and traffic lights. He attended the July 13 Finance Committee meeting. With the passage of Measure W, the theme for the Finance Committee was to search for a more permanent, long-term financing solution for the Town over the next five years.
- Council Member McKeithen also attended the Transportation Committee. The Committee approved a “School Zone” sign on Park Avenue near Elena Avenue; approved a “No Parking” corner sign for Atherton Avenue west of Odell Place; and after discussing the addition of a traffic light at El Camino Real and Selby Lane, suggested a school crossing guard would solve the problem for a minimal cost. The Menlo School alternative for blinking lights operated by remote control was considered to be too expensive, and the Committee suggested the homeowners’ association contact the County for possible funding. The Finance Committee recommended BFI franchise fees be increased from 5% to 10%, giving \$80,000 in additional revenue for the Town. The item was on the evening’s Consent Calendar. The Committee discussed a broad range of revenue enhancing measures. The goal was to wean the Town from the Parcel Tax over the next five years. Council Member McKeithen attended the Office of Emergency Services meeting. Genentec planned to acquire fuel in case of an emergency; the two sites in the northern part of the county were the San Francisco Airport and the Coast Guard Station and the Port of Redwood City was the location in the southern part of the county. A statewide exercise was scheduled for November in the City of Oakland for a viral terrorist event. There have been 830 cases of West Nile Virus statewide, resulting in 60 deaths. No human cases have occurred in San Mateo County. The two main efforts combating the threat were mosquito abatement and public information. Scott Moro, Health Department Director, was very concerned about the shortage of HazMat team members. San Mateo County was sponsoring a workshop for

Crisis and Emergency Risk Communications on July 28 and August 11. Additionally, those Atherton residents who had not previously received fluoridated water would begin receiving it in September.

- **Mayor Conwell said he received a communication from Michael Isaacs, General Manager of KCEA Radio, regarding a proposal for radio broadcasting Council meetings. At the San Francisco Airport Roundtable meeting, discussion focused on the altitude of planes approaching from the west over Portola Valley and Woodside. A committee was formed to determine ways to keep the elevation of aircraft at 8,000 feet.**

5. PUBLIC COMMENTS

Rosemary Maulbetsch, Caltrain Corridor Subcommittee, spoke regarding concerns with Caltrain service, both current and proposed, and its potential impacts/effects on the Town.

Mary Ritter, Selby Lane, Atherton, spoke regarding a project to locate overhead wires underground on Selby Lane from Stockbridge Avenue to Atherton Avenue. She submitted petitions to Council requesting that the Council authorize use of available P.G. & E. funds for the project.

Bob Jenkins, Atherton, spoke regarding disaster planning. Monies were available from Homeland Security to cities for justifiable projects, and he queried whether Atherton had applied for the funds.

City Manager Jim Robinson said the Operations Committee of the Office of Emergency Services (OES) was in the process of evaluating the countywide plan. The majority of funding went to the countywide OES because an event/disaster could occur anywhere within the county. Council Member McKeithen said more than \$1 million had been received from Homeland Security. Additionally, the OES regularly applied for other grants. City Manager Robinson also noted the Town had a disaster plan and some residents, along with the Police and Fire Departments, had been trained in the Citizen Emergency Response Team (CERT) program. The best defense for the Town was having its citizens prepared in the event of a disaster.

Greg Conlon, Atherton, spoke regarding high-speed trains. He requested additional signage on Fair Oaks to alert people approaching the tracks of the high-speed trains.

John Ruggiero, Atherton, asked for clarification regarding a Closed Session item.

6. STAFF REPORTS

- **City Manager Jim Robinson announced the summer edition of the *Athertonian* was completed and would be mailed to residents. Supplemental Staff Reports were placed on the dais regarding bids for two projects on the Consent Calendar, Item Nos. 14 and 16. He said a Buildings and Facilities Committee Meeting was scheduled for August 3 at 4:30 p.m.**

- In response to Council Member McKeithen, Police Chief Bob Brennan said the additional \$1,400 expense for Taser guns was for arming reserve officers and replacing a malfunctioning one for a total cost to the Town of \$11,400. All personnel were trained. Vice Mayor Marsala suggested that in addition to the new radar signs displaying the speed of a car, the speed limit needed to be displayed as well.
- Public Works Director Duncan Jones reported the Town was recommended for a recreational trail grant for the bridge over the Atherton Channel from Watkins Avenue into Holbrook-Palmer Park, including a trail extension to extend the walking path on Watkins Avenue across the Caltrain tracks. The Federal Highway Administration was the final approving authority, which was considered to be a routine matter. The amount of the grant was \$105,000, the amount of the project was \$131,000, and the Town would need to fund the remaining \$26,000. Public Works Director Jones met with Caltrain and the Transportation Authority regarding the consultant who was preparing a study of grade separations, additional tracks, and station reconfigurations for Burlingame/Broadway, Redwood City, Atherton, and Menlo Park train stations. The scope of the project would be presented to the Caltrain Corridor Subcommittee at its next meeting.
- City Attorney Marc Hynes reported out of Closed Session as follows:

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

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Employee Organization: Atherton Police Officers Association (APOA)

Agency Negotiator: James H. Robinson, City Manager

Employee Organization: Teamsters Local Union 856

Non-management Miscellaneous Employees

Agency Negotiator: James H. Robinson, City Manager

Employee Organization: Management Employees

No reportable action taken.

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

1 potential case

Item continued to the end of the Regular City Council agenda.

**C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957.6 (f)**

- 1. City Attorney**
- 2. City Manager**

Item continued to the end of the Regular City Council agenda.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

San Mateo County Mosquito Abatement District

Doris Kellett, Atherton's representative to the San Mateo County Mosquito Abatement District, introduced Mr. Robert Gay, District Manager.

Mr. Robert Gay, District Manager, San Mateo County Mosquito Abatement District, noted the District was celebrating its 101st Anniversary. The District covered the entire county after a successful annexation in 2003. He reported on West Nile Virus and the work being done to control mosquitoes in the county. Residents can help by eliminating mosquito-breeding sites around their homes. Additionally, the District had a task force to handle the arrival of "Africanized" honey bees and responded to calls regarding ground-nesting yellow jackets.

CONSENT CALENDAR (Items 8 - 21)

Item No. 14 included authorization to accept the low bidder, Interstate Grading & Paving, Inc., in the amount of \$776,560, for a total authorization of \$77,656, with contingency, as determined by the July 19, 2005, bids.

Item No. 16 included authorization to accept the low bidder, HSR General Engineering Contractors, Inc., in the amount of \$348,500, as determined by the July 19, 2005, bids.

In response to Council Member McKeithen, the following Consent Calendar items were clarified by staff:

- Item No. 10, Monthly Finance Report: the amount of additional revenues would be above what was already collected and included sales tax, property transfer tax, and any additional secured/supplemental property taxes collected in July but recorded as of June 30, 2005.**
- Item No. 13, Contract for Information Technology Services: The recommended budget, approved by Council, included an appropriation for \$41,000 in anticipation of the requested increase.**
- Item No. 14, Street Reconstruction Project: Interstate Grading & Paving, Inc., the low bidder, had worked previously in the Town. Staff believed the company was competent in drainage work.**
- Item No. 16, The Upper Atherton Channel Repair Project: \$70,850 from Road Impact Fees was allocated for shoring up the creek wall at Walsh Road. The \$213,000**

estimate failed to include a contingency and frog monitoring costs; therefore, the estimate should have been \$275,000.

- **Item No. 17, H. T. Harvey & Associates:** Dan Stevens was the senior principal in the company, a specialist with endangered species, and only had a few hours assigned to the project.
- **Item No. 19, BKF Engineers for Construction Support Services:** The 10% contingency was based on 10% of the engineer's estimate, an empirical factor used in the industry for construction support services
- **Item No. 21, Agreement with Tim Wulff for Plan Checking Services:** Every effort was made to secure the best people for the best rate; the difficulty was getting a commitment on an as-needed basis.

MOTION - to approve the Consent Calendar with changes as noted.

M/S McKeithen/Janz

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

8. APPROVED MINUTES OF REGULAR AND SPECIAL MEETINGS OF JUNE 15, 2005

9. APPROVED BILLS AND CLAIMS FOR JUNE 2005 IN THE AMOUNT OF \$603,210

10. ACCEPTED MONTHLY FINANCIAL REPORT FOR JUNE 2005

11. APPROVED FISCAL YEAR 2005-06 INVESTMENT POLICY

12. RESOLUTION NO. 05-43 TO APPROVE AN ADJUSTMENT TO BFI FRANCHISE FEES

Adopted Resolution No. 05-43 increasing BFI franchise fees for refuse collection and disposal services from 5% to 10% of the franchisee's gross receipts.

13. APPROVED AN AGREEMENT FOR INFORMATION TECHNOLOGY SERVICES BETWEEN THE TOWN OF ATHERTON AND THE CITY OF PALO ALTO FOR FISCAL YEARS 2005-06 AND 2006-07

Approved Agreement between the Town of Atherton and the City of Palo Alto for Information Technology Services for the period of July 1, 2005 through June 30, 2007, and authorize the Mayor to sign the agreement on behalf of the Town.

14. AWARD OF CONTRACT – STREET RECONSTRUCTION PROJECT, PHASE 2, PROJECT NO. 04-002

Awarded the contract for Street Reconstruction Project, Phase 2, Project No. 04-002 to the low bidder, Interstate Grading & Paving, Inc., for a total authorization of \$854,216, and authorized the Mayor to sign the contract on behalf of the Town.

15. AWARD OF CONTRACT – CAPE SEAL AND SLURRY SEAL PROJECT, PROJECT NO. 04-005

Awarded the contract for the Cape Seal and Slurry Seal Project, Project No. 04-005 to Graham Contractors, Inc., the low bidder on the June 28, 2005, bids, for \$255,527.35, and authorized the Mayor to sign the contract on behalf of the Town.

16. AWARD OF CONTRACT - THE UPPER ATHERTON CHANNEL REPAIR PROJECT, PHASE 1, PROJECT NO. 04-007

Awarded the contract for the Upper Atherton Channel Repair Project, Phase 1, Project No. 04-007, to the low bidder, HSR General Engineering Contractors, Inc., for \$348,500, and authorized the Mayor to sign the contract on behalf of the Town.

17. APPROVED A PROFESSIONAL SERVICES AGREEMENT WITH H. T. HARVEY & ASSOCIATES FOR BIOLOGICAL CONSTRUCTION MONITORING SERVICES FOR THE UPPER ATHERTON CHANNEL REPAIR PROJECT IN AN AMOUNT NOT TO EXCEED \$32,531, PLUS A 10% CONTINGENCY, FOR A TOTAL AUTHORIZATION OF \$35,784.

Approved the proposal and authorized the Mayor to sign a Professional Services Agreement with H. T. Harvey & Associates, Ecological Consultants, to provide biological construction monitoring services for the Upper Atherton Channel Repair Project.

18. APPROVED INCORPORATION OF THE LANDSCAPE MASTER PLAN AS AN ELEMENT OF THE STRATEGIC PARK AND RECREATION PLAN

Adopted a revised Strategic Park and Recreation Plan based on the Park and Recreation Commission recommendation of July 6, 2005, to incorporate the Landscape Master Plan as an element of the Strategic Park and Recreation Plan.

19. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BKF ENGINEERS FOR CONSTRUCTION SUPPORT SERVICES FOR THE UPPER ATHERTON CHANNEL REPAIR PROJECT IN AN AMOUNT NOT TO EXCEED \$20,000.

Approved the proposal and authorized the Mayor to sign a Professional Services Agreement with BKF Engineers to provide construction support services for the Upper Atherton Channel Repair Project in an amount not exceed \$20,000.

20. APPROVED RENEWAL OF INDEPENDENT CONTRACTOR AGREEMENT BETWEEN THE TOWN OF ATHERTON AND T.C. BEIER, KCL ASSOCIATES, INC., FOR BUILDING INSPECTION SERVICES FOR FISCAL YEAR 2005-06

Approved the renewal of Independent Contractor Agreement between the Town of Atherton and T.C. Beier, KCL Associates, Inc., for Building Inspection Services for Fiscal Year 2005-06.

21. APPROVED RENEWAL OF INDEPENDENT CONTRACTOR AGREEMENT BETWEEN THE TOWN OF ATHERTON AND TIM WULFF FOR PLAN CHECKING SERVICES FOR FISCAL YEAR 2005-06

Approved the renewal of Independent Contractor Agreement between the Town of Atherton and Tim Wulff for Plan Checking Services for Fiscal Year 2005-06.

PUBLIC HEARINGS (Item 22)

22. CONSIDERATION OF AN ORDINANCE AMENDING SPECIAL EVENT REQUIREMENTS

Recommendation: Open public hearing, hear testimony, and close the public hearing. Introduce an ordinance repealing Chapter 8.52 and adding Chapter 17.38 of the Atherton Municipal Code which contains the Special Event requirements.

Deputy Town Planner Lisa Costa Sanders presented the staff report. The General Plan Committee spent over one year discussing the item and encouraged participation from the various school districts. The Planning Commission also reviewed the item. Proposed changes included: 1) Changing the definition of “special event” under the ordinance to exempt a one-day event on private property; 2) Continuing the regulation that all events held in the public right-of-way needed a permit; 3) Moving school regulations into the Zoning Ordinance of the Atherton Municipal Code which made regulating public schools possible. (School-related functions would continue to be exempt. Guidelines were developed to regulate non-school-related events; and if the event followed the guidelines, no permit was required. Public comment was received after the Planning Commission meeting related to “times” under the guidelines. A request was made to enforce a later start time on weekends for field use and a later ending time for indoor activities); 4) Exempting “Open House” tours as they related to real estate transactions; 5) Clarifying the amount of insurance; 6) Changing the public notice from 10 days before the event to 10 days before the permit issuance; 7) Minor cleanup included changing enforcement of the ordinance from the Building Official to the City Manager; the length of a special event was defined as no more than two weeks or two consecutive weekends; and an event longer than what was defined would need approval of a Conditional Use Permit through the Planning Commission.

City Attorney Marc Hynes clarified that the Association of Bay Area Governments (ABAG), the Town’s insurer, stated in writing that \$1 million was required but suggested \$2 million was better.

Council Member McKeithen thought the starting and ending times for school events should coincide with the Town’s Noise Ordinance regulations on weekends. The school

guidelines could be reworded to reflect that a “quiet” setup/cleanup hour before/after field activities would be allowed.

Vice Mayor Marsala suggested exempting block parties from needing a permit. Discussion included concern for liability in the public right-of-way and access for safety personnel.

In response to Council Member Janz, City Attorney Hynes stated public schools allowed themselves to be subject to local ordinances in two circumstances, building and zoning codes. By moving the regulations into the zoning code, the Town gained jurisdiction over the public schools. He believed the Town could enforce setback requirements; however, the public schools could, by formal action, exempt themselves from that requirement.

Mayor Conwell opened the Public Hearing.

Joe O’Brien, Menlo College, did not believe, with respect to starting and ending times, a field activity that did not necessarily exceed the 60 dBA should be compared with an activity that was assumed to be over 60 dBA, i.e., lawn mowers.

Council Member Carlson clarified that the Special Events Ordinance and Noise Ordinance were two separate things. The Special Events Ordinance was concerned with more than just sound.

David McAdoo, Director of Operations and Construction, Menlo School, confirmed that Section 17.38.040(C) of the proposed ordinance was the section pertaining to private schools.

Jeff Hiller, Atherton, asked whether the guidelines regarding public vs. private schools with regard to compliance with times were different.

Deputy Town Planner Costa Sanders clarified the time guidelines related to non-school-related events.

Mayor Conwell closed the Public Hearing.

Council Member Carlson was concerned that school-related noise issues were becoming the focal point of the discussion rather than crafting an ordinance to regulate a wide range of events.

Council Member Janz had participated at the General Plan Committee level and clarified the impetus for revising the Special Event Ordinance had been a tour of Atherton homes that created severe traffic problems for an extended period of time. The ordinance covered a broad spectrum of events, not only school events.

A discussion to exempt block parties from the ordinance centered on the need for insurance and the possible liability risk to the Town. An option for the Town to

purchase insurance as a “rider” to the ABAG policy for events might lower the cost for residents.

After further discussion, the Council decided to add language to the ordinance that gave the City Manager discretion to exempt activities for non-commercial events on streets and cul-de-sacs and to increase the amount of insurance for other events from \$1,000,000 to \$2,000,000. Additionally, Council directed staff to pursue an insurance alternative with ABAG.

MOTION – hold first reading of the ordinance – AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REPEALING CHAPTER 8.52 AND ADDING CHAPTER 17.38 OF THE ATHERTON MUNICIPAL CODE REGULATING SPECIAL EVENTS WITHIN THE TOWN OF ATHERTON; add language to Section 17.38.050(L) to read, “*The City Manager shall have discretion to exempt activities for non-commercial events on streets and cul-de-sacs*”; direct staff to pursue an insurance alternative with the Association of Bay Area Governments (ABAG); and increase the amount of insurance for other events from \$1,000,000 to \$2,000,000.

M/S Carlson/ Marsala

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

REGULAR AGENDA (Items 23-25)

23. DISCUSSION AND POSSIBLE DIRECTION TO STAFF RELATED TO MENLO COLLEGE FIELD USE ISSUES

Council Member Carlson had requested the item be placed on the evening’s agenda. The noise issue had been festering for quite some time, and if the parties could not solve the problem, the City Council would need to enact a solution. He asked what had been done to resolve the issues.

Mayor Conwell was sympathetic to both sides of the issue. He was hopeful a solution could be found that would be acceptable to everyone.

David McAdoo, Menlo School, noted the school had tried to take neighbors’ concerns into consideration and mitigate those concerns.

Tony Lapolla, Dean of Students, Menlo School, said in the past seven years, only one sport had been added to the athletic program and play was regulated by the Peninsula Athletic League and the California Interscholastic Federation. The school offered one sports camp during the summer that was sponsored by Menlo School. With regard to American Legion Baseball, the Peninsula Athletic League made a major change in its rules that allowed all activities over the summer to fall under the jurisdiction of the schools.

Council Member Carlson believed use of the fields had increased over time due to a larger football program and summer sports camps.

Mr. McAdoo stated the football field was left to rest over the summer in order for the lawn to regenerate for the next season. An artificial surface that would allow all-season play was planned within the next five years; however, the cost was \$1.2 million.

Jeff Hiller, 4 Brittney Meadows, said both sides had been working together for some time. The remaining issues were: 1) activities that ran late into the evenings; and 2) activities that occurred on the field against the mutual wall between the school and the neighbors. The primary nuisance was the football camps because of the yelling and types of whistles used. The batting cage issue had been resolved.

Joe O'Brien, Menlo College, said the college was the steward of the three fields in question. He noted the old batting cage had not been used since June 16. A new, lockable batting cage was being installed, new balls were purchased, and the cage was being lined with a sound-absorbing material.

Discussion continued regarding the noise emanating from football practices occurring against the mutual wall during the weekday evenings from 4 – 6:30 p.m. from August through November. Additionally, summer sports camps run by Menlo College had increased in the past few years and added to the noise issues.

Mike Greenberg, Atherton, played a tape of a La Crosse game that took place at 9:00 a.m. on a Sunday morning. The machine was located on his patio approximately 70' from the property line. The issue was not "some" noise; the issue was the increasing volume of noise that made use of the backyard undesirable.

Mr. O'Brien said the school and the college wanted their neighbors to enjoy their properties, felt their frustration, and were trying to mitigate the situation. During the summer, he moved the camps to another field for the evening session.

Council Member Carlson clarified through the City Attorney that the Council could impose a setback from the property line that regulated where activities took place; however, he did not believe either side wanted that to happen. He suggested both sides meet during the next two months for one last try at resolving/compromising the issue.

Mr. McAdoo said the school and college would meet with the neighbors to try to work out a compromise for the few remaining issues.

BY CONSENSUS -- The item was continued to the Regular City Council Meeting of September 21, 2005. In the interim, both parties were to meet, try to resolve the remaining issues, and provide a progress report to the Council before the meeting of September 21.

24. CONSIDERATION OF DESIGNATING A VOTING DELEGATE AND ALTERNATE FOR THE 2005 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

MOTION - to designate Mayor Conwell as a voting delegate and Vice Mayor Marsala as an alternate to the League of California Cities Annual Conference and the Annual Business Meeting to be held in San Francisco from October 6 through October 8, 2005.

M/S McKeithen/Carlson

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

25. CONSIDERATION OF CANCELLATION OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 17, 2005

MOTION – to cancel the August 17, 2005, Regular City Council meeting.

M/S Carlson/McKeithen

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

26. PUBLIC COMMENTS

27. ADJOURNMENT

Mayor Conwell adjourned the meeting at 10:23 p.m. to the Continued Closed Session.

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

1 potential case

**C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957.6 (f)**

1. City Attorney

2. City Manager

There was no reportable action taken on Item B. With regard to Item C, the evaluations of the City Attorney and City Manager were conducted.

The Special Meeting adjourned at 11:00 p.m.

Respectfully submitted,

Linda Kelly, Acting City Clerk

Minutes Prepared By:

Kathi Hamilton



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
Monday, August 15, 2005

5:00 p.m.

Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California

Special Meeting

The meeting was called to order at 5:05 p.m.

ROLL CALL

PRESENT: James R. Janz
William R. Conwell
Charles E. Marsala
Kathy McKeithen

ABSENT: Alan B. Carlson (Excused)

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (b)
of SECTION 54956.9:**

Two potential cases.

RECONVENE TO OPEN SESSION

City Attorney Marc Hynes reported during open session that no reportable action was taken by Council.

ADJOURN

The Special Meeting adjourned at 6:05 p.m.

Respectfully submitted,

William R. Conwell
Mayor

Minutes Prepared by:

Kathi Hamilton

TOWN OF ATHERTON
CLAIMS LIST
 July 2005

| | | |
|----------------------|---------------|-------------------|
| Payroll Checks | 6291 - 6371 | \$ 30,491 |
| Electronic Transfers | | 299,165 |
| A/P Checks | 20184 – 20369 | 604,056 |
| TOTAL | | \$ 933,712 |

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 6291 - 6371 (payroll) and 20184 – 20369 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$ 933,712; are true and correct, and that there are sufficient funds for payment.

James H. Robinson
City Manager

The above claims, check numbers 6291 - 6371 (payroll) and 20184 - 20369 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$ 933,712; are true and correct, and are authorized for payment.

William R. Conwell
Mayor, Town of Atherton

SOURCE OF FUNDS

| | | |
|--------------|--------------------------------|----------------|
| 101 | General Fund | 660,673 |
| 105 | Tennis Fund | |
| 201 | Special Parcel Tax | 58,494 |
| 202 | Transportation | |
| 203 | Gas Tax Fund | |
| 210 | Road Construction Impact Fees | 6,461 |
| 211 | Park Grants Fund | |
| 213 | Library Special Revenue Fund | 1,941 |
| 401 | General Capital Projects | |
| 402 | Storm Drainage | |
| 403 | Atherton Channel District | |
| 406 | Facilities Construction | |
| 610 | Vehicle Replacement | 45,788 |
| 611 | Computer Maint. & Replacement | 848 |
| 612 | Administrative Services | 123,536 |
| 614 | Workers Compensation Insurance | |
| 715 | Evans Estate | |
| 740 | Tree Committee | 980 |
| TOTAL | | 933,712 |

TOWN OF ATHERTON
CLAIMS LIST
 August 2005

| | | |
|----------------------|---------------|-------------------|
| Payroll Checks | 6424 - 6500 | \$ 29,147 |
| Electronic Transfers | | 398,642 |
| A/P Checks | 20371 – 20526 | 373,155 |
| TOTAL | | \$ 800,944 |

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 6424 - 6500 (payroll) and 20371 - 20526 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$ 800,944; are true and correct, and that there are sufficient funds for payment.

James H. Robinson
City Manager

The above claims, check numbers 6424 - 6500 (payroll) and 20371 - 20526 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$ 800,944; are true and correct, and are authorized for payment.

William R. Conwell
Mayor, Town of Atherton

SOURCE OF FUNDS

| | | |
|--------------|--------------------------------|----------------|
| 101 | General Fund | 752,049 |
| 105 | Tennis Fund | |
| 201 | Special Parcel Tax | |
| 202 | Transportation | |
| 203 | Gas Tax Fund | |
| 210 | Road Construction Impact Fees | |
| 211 | Park Grants Fund | |
| 213 | Library Special Revenue Fund | 2,744 |
| 401 | General Capital Projects | |
| 402 | Storm Drainage | |
| 403 | Atherton Channel District | |
| 406 | Facilities Construction | |
| 610 | Vehicle Replacement | |
| 611 | Computer Maint. & Replacement | 40,694 |
| 612 | Administrative Services | 5,097 |
| 614 | Workers Compensation Insurance | |
| 715 | Evans Estate | |
| 740 | Tree Committee | |
| TOTAL | | 800,944 |



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 SEPTEMBER 21, 2005

SUBJECT: MONTHLY FINANCIAL REPORT, JULY 2005

RECOMMENDATION:

Receive the Monthly Financial Report for July 2005.

INTRODUCTION:

The attached schedules show revenues and expenditures and fund balance for all funds as of July 31, 2005.

HIGHLIGHTS

General Fund expenditures for the month ended July 31, 2005, have amounted to \$557,003, or 6% of the \$8,701,572 budgeted for the fiscal year. For the month ended July 31, 2005, General Fund revenues amounted to \$515,649, or 6% of the \$8,720,458 estimated for the year.

By comparison, General Fund expenditures amounted to 4% of budgeted expenditures for the month ended July 31, 2004. Additionally, General Fund revenues amounted to 5% of estimated revenues for the month ending July 31, 2004.

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 July 31, 2005

| Fund | Revenue Source | 2005-06 Estimate | Current Period Revenues | Year to Date Revenues | % Received |
|-------------|------------------------------------|-----------------------------|------------------------------------|----------------------------------|-----------------------|
| | Property Tax | \$ 3,651,651 | - | - | 0% |
| | Sales and Use Tax | 126,000 | 12,129 | 12,129 | 10% |
| | Other Taxes | 830,760 | 126,037 | 126,037 | 15% |
| | Licenses & Permits | 1,839,879 | 259,212 | 259,212 | 14% |
| | Fines & Forfeitures | 35,000 | 1,265 | 1,265 | 4% |
| | Revenue from Other Agencies | 303,166 | 54,615 | 54,615 | 18% |
| | Charges for Services | 336,208 | 53,926 | 53,926 | 16% |
| | Investment & Rental Income | 291,633 | 5,187 | 5,187 | 2% |
| | Other Revenues | 5,000 | 3,278 | 3,278 | 66% |
| | Total General Fund Revenues | 7,419,297 | 515,649 | 515,649 | 7% |
| | Interfund (Operating) Transfers In | 1,301,161 | - | - | 0% |
| 101 | General Fund Total | 8,720,458 | 515,649 | 515,649 | 6% |
| | Special Revenue Funds: | | | | |
| 105 | Tennis | 7,000 | 300 | 300 | 4% |
| 201 | Special Parcel Tax | 1,858,000 | - | - | 0% |
| 202 | Transportation | 180,000 | 15,941 | 15,941 | 9% |
| 203 | Street Improvement (Gas Tax) | 172,376 | - | - | 0% |
| 209 | Law Enforcement | 100,000 | - | - | 0% |
| 210 | Road Construction Impact Fees | 1,158,328 | 88,472 | 88,472 | 8% |
| 211 | State Park Grants Fund | 197,399 | - | - | 0% |
| 213 | Library | 200,000 | - | - | 0% |
| | Total | 3,873,103 | 104,713 | 104,713 | 3% |
| | Capital Project Funds: | | | | |
| 401 | Capital Improvement | - | - | - | |
| 402 | Storm Drainage | - | - | - | |
| 403 | Channel Drainage District | 50,665 | - | - | 0% |
| 406 | Facilities Construction | - | - | - | |
| | Total | 50,665 | - | - | 0% |
| | Internal Service Funds: | | | | |
| 610 | Vehicle Replacement | 97,980 | - | - | |
| 611 | Information Technology | 101,621 | - | - | 0% |
| 612 | Administrative Services | 294,389 | - | - | 0% |
| 614 | Workers Compensation Insurance | - | - | - | |
| | Total | 493,990 | - | - | 0% |
| | Trust and Agency Funds: | | | | |
| 715 | Evans Creative Design | 13,200 | - | - | 0% |
| 740 | Tree Committee | - | 400 | - | |
| | Total | 13,200 | 400 | - | 0% |
| | Total Revenues | 13,151,416 | 620,762 | 620,362 | 5% |

TOWN OF ATHERTON
Expenditure Summary
For the Month Ended July 31, 2005

| Fund | Description Department | 2005-06 Budget | Current Period Expenditures | Year to Date Expenditures | % Spent |
|-------------|-------------------------------------|----------------------------|--|--------------------------------------|--------------------|
| 101 | General Fund | | | | |
| | 11 City Council | \$ 20,535 | \$ 1,782 | \$ 1,782 | 9% |
| | 12 City Manager | 476,157 | 33,895 | 33,895 | 7% |
| | 16 City Attorney | 180,256 | 8,680 | 8,680 | 5% |
| | 18 Finance | 460,667 | 28,029 | 28,029 | 6% |
| | 25 Building | 1,042,371 | 65,066 | 65,066 | 6% |
| | 40 Police | 4,520,999 | 295,456 | 295,456 | 7% |
| | 50 Public Works | 1,900,587 | 124,095 | 124,095 | 7% |
| | Contingency | 100,000 | - | - | 0% |
| | Total General Fund Expenditures | <u>8,701,572</u> | <u>557,003</u> | <u>557,003</u> | <u>6%</u> |
| | Interfund (Operating) Transfers Out | - | - | - | 0% |
| 101 | General Fund Total | <u>\$ 8,701,572</u> | <u>\$ 557,003</u> | <u>\$ 557,003</u> | <u>6%</u> |
| | Special Revenue Funds: | | | | |
| 105 | Tennis | 25,011 | 1,897 | 1,897 | |
| 201 | Special Parcel Tax | 1,832,077 | 32,677 | 32,677 | 2% |
| 202 | Transportation | 323,420 | - | - | 0% |
| 203 | Street Improvement (Gas Tax) | 150,000 | - | - | 0% |
| 209 | Law Enforcement | 100,000 | - | - | 0% |
| 210 | Road Impact Fees | 1,598,671 | - | - | 0% |
| 211 | State Park Grants | 196,736 | - | - | 0% |
| 213 | Library Fund | 71,045 | 998 | 998 | 1% |
| | Total | <u>4,296,960</u> | <u>35,572</u> | <u>35,572</u> | <u>1%</u> |
| | Capital Project Funds: | | | | |
| 401 | Capital Improvement | 282,896 | - | - | 0% |
| 402 | Storm Drainage | 21,394 | - | - | 0% |
| 403 | Channel Drainage District | 425,300 | 29,603 | 29,603 | 7% |
| 406 | Facilities Construction | - | - | - | |
| | Total | <u>729,590</u> | <u>29,603</u> | <u>29,603</u> | <u>4%</u> |
| | Internal Service Funds: | | | | |
| 610 | Vehicle Replacement | 76,000 | 45,788 | 45,788 | 60% |
| 611 | Information Technology | 112,622 | 848 | 848 | 1% |
| 612 | Administrative Services | 317,139 | 128,709 | 128,709 | 41% |
| 614 | Workers Compensation Insurance | - | - | - | |
| | Total | <u>505,761</u> | <u>175,345</u> | <u>175,345</u> | <u>35%</u> |
| | Trust and Agency Funds: | | | | |
| 715 | Evans Creative Design | 11,200 | - | - | 0% |
| | Total | <u>11,200</u> | <u>-</u> | <u>-</u> | <u>0%</u> |
| | Total Expenditures | <u>14,245,083</u> | <u>797,523</u> | <u>797,523</u> | <u>6%</u> |

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2005-06
As of July 31, 2005

| Fund | Description | Beginning Fund Balance July 1, 2005 | Revenues to Date | Transfers to Date | Expenditures To Date | Ending Fund Balance to Date |
|-------------|--------------------------------|--|-----------------------------|------------------------------|---------------------------------|--|
| 101 | General Fund | 6,621,177 | 515,649 | - | 557,003 | 6,579,823 |
| | Special Revenue Funds: | | | | | |
| 105 | Tennis | 18,867 | 300 | | 1,897 | 17,270 |
| 201 | Special Municipal Tax | 771,127 | - | | 32,677 | 738,450 |
| 202 | Transportation | 192,634 | 15,941 | | - | 208,575 |
| 203 | Street Improvement (Gas Tax) | 44,285 | - | | - | 44,285 |
| 209 | Law Enforcement | 23,327 | - | | - | 23,327 |
| 210 | Road Construction Impact Fees | 540,861 | 88,472 | | - | 629,333 |
| 211 | State Park Grants | (663) | - | | - | (663) |
| 213 | Library Special Revenue Fund | 1,288,869 | - | | 998 | 1,287,871 |
| | Sub Total | <u>2,879,307</u> | <u>104,713</u> | <u>-</u> | <u>35,572</u> | <u>2,948,448</u> |
| | Capital Projects Funds: | | | | | |
| 401 | Capital Improvement | 282,896 | - | | - | 282,896 |
| 402 | Storm Drainage | 26,831 | - | | - | 26,831 |
| 403 | Channel Drainage District | 442,754 | - | | 29,603 | 413,151 |
| 404 | Park Playground Improvement | 1,309 | - | | - | 1,309 |
| 405 | Middlefield Road Grants | - | - | | - | - |
| 406 | Facilities Construction | 65,382 | - | | - | 65,382 |
| | Sub Total | <u>819,172</u> | <u>-</u> | <u>-</u> | <u>29,603</u> | <u>789,569</u> |
| | Internal Service Fund | | | | | |
| 610 | Vehicle Replacement | 355,952 | - | | 45,788 | 310,164 |
| 611 | Information Technology | 54,801 | - | | 848 | 53,953 |
| 612 | Administrative Services | 13,725 | - | | 128,709 | (114,984) |
| 614 | Workers Compensation Insurance | - | - | | - | - |
| | Sub Total | <u>424,478</u> | <u>-</u> | <u>-</u> | <u>175,345</u> | <u>249,133</u> |
| | Trust and Agency Funds | | | | | |
| 715 | Evans Creative Design | 113,488 | - | | - | 113,488 |
| 740 | Tree Committee | 1,949 | 400 | | - | 2,349 |
| | Sub Total | <u>115,437</u> | <u>400</u> | <u>-</u> | <u>-</u> | <u>115,837</u> |
| | Grand Total | <u>\$ 10,859,571</u> | <u>\$ 620,762</u> | <u>\$ -</u> | <u>\$ 797,523</u> | <u>\$ 10,682,810</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 SEPTEMBER 21, 2005

SUBJECT: MONTHLY FINANCIAL REPORT, AUGUST 2005

RECOMMENDATION:

Receive the Monthly Financial Report for August 2005.

INTRODUCTION:

The attached schedules show revenues and expenditures and fund balance for all funds as of August 31, 2005.

HIGHLIGHTS

General Fund expenditures for the two months ended August 31, 2005, have amounted to \$1,181,935, or 14% of the \$8,701,010 budgeted for the fiscal year. For the month ended August 31, 2005, General Fund revenues amounted to \$954,110, or 11% of the \$8,720,458 estimated for the year.

By comparison, General Fund expenditures amounted to 11% of budgeted expenditures for the two months ended August 31, 2004. Additionally, General Fund revenues amounted to 7% of estimated revenues for the two months ending August 31, 2004.

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 Augst 31, 2005

| Fund | Revenue Source | 2005-06 Estimate | Current Period Revenues | Year to Date Revenues | % Received |
|-------------|------------------------------------|-----------------------------|------------------------------------|----------------------------------|-----------------------|
| | Property Tax | \$ 3,651,651 | - | - | 0% |
| | Sales and Use Tax | 126,000 | 12,264 | 24,393 | 19% |
| | Other Taxes | 830,760 | 1,737 | 127,774 | 15% |
| | Licenses & Permits | 1,839,879 | 381,734 | 640,946 | 35% |
| | Fines & Forfeitures | 35,000 | 357 | 1,622 | 5% |
| | Revenue from Other Agencies | 303,166 | 18,810 | 73,425 | 24% |
| | Charges for Services | 336,208 | 20,699 | 74,625 | 22% |
| | Investment & Rental Income | 291,633 | 2,498 | 7,685 | 3% |
| | Other Revenues | 5,000 | 362 | 3,640 | 73% |
| | Total General Fund Revenues | 7,419,297 | 438,461 | 954,110 | 13% |
| | Interfund (Operating) Transfers In | 1,301,161 | - | - | 0% |
| 101 | General Fund Total | 8,720,458 | 438,461 | 954,110 | 11% |
| | Special Revenue Funds: | | | | |
| 105 | Tennis | 7,000 | - | 300 | 4% |
| 201 | Special Parcel Tax | 1,858,000 | - | - | 0% |
| 202 | Transportation | 180,000 | 21,254 | 37,195 | 21% |
| 203 | Street Improvement (Gas Tax) | 172,376 | 26,253 | 26,253 | 15% |
| 209 | Law Enforcement | 100,000 | - | - | 0% |
| 210 | Road Construction Impact Fees | 1,158,328 | 192,032 | 280,504 | 24% |
| 211 | State Park Grants Fund | 197,399 | - | - | 0% |
| 213 | Library | 200,000 | - | - | 0% |
| | Total | 3,873,103 | 239,539 | 344,252 | 9% |
| | Capital Project Funds: | | | | |
| 401 | Capital Improvement | - | - | - | |
| 402 | Storm Drainage | - | - | - | |
| 403 | Channel Drainage District | 50,665 | - | - | 0% |
| 406 | Facilities Construction | - | - | - | |
| | Total | 50,665 | - | - | 0% |
| | Internal Service Funds: | | | | |
| 610 | Vehicle Replacement | 97,980 | - | - | |
| 611 | Information Technology | 101,621 | - | - | 0% |
| 612 | Administrative Services | 294,389 | - | - | 0% |
| 614 | Workers Compensation Insurance | - | - | - | |
| | Total | 493,990 | - | - | 0% |
| | Trust and Agency Funds: | | | | |
| 715 | Evans Creative Design | 13,200 | - | - | 0% |
| 740 | Tree Committee | - | 4,600 | 4,600 | |
| | Total | 13,200 | 4,600 | 4,600 | 35% |
| | Total Revenues | 13,151,416 | 682,600 | 1,302,962 | 10% |

TOWN OF ATHERTON
Expenditure Summary
For the Month Ended August 31, 2005

| Fund | Description Department | 2005-06 Budget | Current Period Expenditures | Year to Date Expenditures | % Spent |
|--------------------------------|-------------------------------------|----------------------------|--|--------------------------------------|--------------------|
| 101 | General Fund | | | | |
| | 11 City Council | \$ 20,535 | \$ 738 | \$ 2,520 | 12% |
| | 12 City Manager | 475,598 | 28,382 | 62,277 | 13% |
| | 16 City Attorney | 180,255 | 8,633 | 17,312 | 10% |
| | 18 Finance | 460,667 | 22,694 | 50,724 | 11% |
| | 25 Building | 1,042,371 | 77,700 | 142,766 | 14% |
| | 40 Police | 4,521,000 | 333,575 | 629,031 | 14% |
| | 50 Public Works | 1,900,584 | 153,210 | 277,305 | 15% |
| | Contingency | 100,000 | - | - | 0% |
| | Total General Fund Expenditures | <u>8,701,010</u> | <u>624,932</u> | <u>1,181,935</u> | <u>14%</u> |
| | Interfund (Operating) Transfers Out | - | - | - | 0% |
| 101 | General Fund Total | <u>\$ 8,701,010</u> | <u>\$ 624,932</u> | <u>\$ 1,181,935</u> | <u>14%</u> |
| Special Revenue Funds: | | | | | |
| 105 | Tennis | 25,011 | 1,187 | 3,084 | |
| 201 | Special Parcel Tax | 1,832,077 | - | 32,677 | 2% |
| 202 | Transportation | 323,420 | - | - | 0% |
| 203 | Street Improvement (Gas Tax) | 150,000 | - | - | 0% |
| 209 | Law Enforcement | 100,000 | - | - | 0% |
| 210 | Road Impact Fees | 1,598,671 | - | - | 0% |
| 211 | State Park Grants | 196,736 | - | - | 0% |
| 213 | Library Fund | 71,045 | 2,744 | 3,743 | 5% |
| | Total | <u>4,296,960</u> | <u>3,931</u> | <u>39,504</u> | <u>1%</u> |
| Capital Project Funds: | | | | | |
| 401 | Capital Improvement | 282,896 | - | - | 0% |
| 402 | Storm Drainage | 21,394 | - | - | 0% |
| 403 | Channel Drainage District | 425,300 | - | 29,603 | 7% |
| 406 | Facilities Construction | - | - | - | |
| | Total | <u>729,590</u> | <u>-</u> | <u>29,603</u> | <u>4%</u> |
| Internal Service Funds: | | | | | |
| 610 | Vehicle Replacement | 76,000 | - | 45,788 | 60% |
| 611 | Information Technology | 112,622 | 2,409 | 3,257 | 3% |
| 612 | Administrative Services | 317,139 | 15,237 | 143,946 | 45% |
| 614 | Workers Compensation Insurance | - | - | - | |
| | Total | <u>505,761</u> | <u>17,646</u> | <u>192,991</u> | <u>38%</u> |
| Trust and Agency Funds: | | | | | |
| 715 | Evans Creative Design | 11,200 | - | - | 0% |
| 740 | Tree Committee | - | - | - | |
| | Total | <u>11,200</u> | <u>-</u> | <u>-</u> | <u>0%</u> |
| | Total Expenditures | <u>14,244,521</u> | <u>646,509</u> | <u>1,444,033</u> | <u>10%</u> |

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2005-06
As of August 31, 2005

| Fund | Description | Beginning Fund Balance July 1, 2005 | Revenues to Date | Transfers to Date | Expenditures To Date | Ending Fund Balance to Date |
|-------------|--------------------------------|--|-----------------------------|------------------------------|---------------------------------|--|
| 101 | General Fund | 6,621,177 | 954,110 | - | 1,181,935 | 6,393,352 |
| | Special Revenue Funds: | | | | | |
| 105 | Tennis | 18,867 | 300 | | 3,084 | 16,083 |
| 201 | Special Municipal Tax | 771,127 | - | | 32,677 | 738,450 |
| 202 | Transportation | 192,634 | 37,195 | | - | 229,829 |
| 203 | Street Improvement (Gas Tax) | 44,285 | 26,253 | | - | 70,538 |
| 209 | Law Enforcement | 23,327 | - | | - | 23,327 |
| 210 | Road Construction Impact Fees | 540,861 | 280,504 | | - | 821,365 |
| 211 | State Park Grants | (663) | - | | - | (663) |
| 213 | Library Special Revenue Fund | 1,288,869 | - | | 3,743 | 1,285,126 |
| | Sub Total | <u>2,879,307</u> | <u>344,252</u> | <u>-</u> | <u>39,504</u> | <u>3,184,055</u> |
| | Capital Projects Funds: | | | | | |
| 401 | Capital Improvement | 282,896 | - | | - | 282,896 |
| 402 | Storm Drainage | 26,831 | - | | - | 26,831 |
| 403 | Channel Drainage District | 442,754 | - | | 29,603 | 413,151 |
| 404 | Park Playground Improvement | 1,309 | - | | - | 1,309 |
| 405 | Middlefield Road Grants | - | - | | - | - |
| 406 | Facilities Construction | 65,382 | - | | - | 65,382 |
| | Sub Total | <u>819,172</u> | <u>-</u> | <u>-</u> | <u>29,603</u> | <u>789,569</u> |
| | Internal Service Fund | | | | | |
| 610 | Vehicle Replacement | 355,952 | - | | 45,788 | 310,164 |
| 611 | Information Technology | 54,801 | - | | 3,257 | 51,544 |
| 612 | Administrative Services | 13,725 | - | | 143,946 | (130,221) |
| 614 | Workers Compensation Insurance | - | - | | - | - |
| | Sub Total | <u>424,478</u> | <u>-</u> | <u>-</u> | <u>192,991</u> | <u>231,487</u> |
| | Trust and Agency Funds | | | | | |
| 715 | Evans Creative Design | 113,488 | - | | - | 113,488 |
| 740 | Tree Committee | 1,949 | 4,600 | | - | 6,549 |
| | Sub Total | <u>115,437</u> | <u>4,600</u> | <u>-</u> | <u>-</u> | <u>120,037</u> |
| | Grand Total | <u>\$ 10,859,571</u> | <u>\$ 1,302,962</u> | <u>\$ -</u> | <u>\$ 1,444,033</u> | <u>\$ 10,718,500</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 SEPTEMBER 21, 2005

**SUBJECT: QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED
JUNE 30, 2005**

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 quarter ending June 30, 2005.

DISCUSSION

As of June 30, 2005, the Town had a total investment of **\$13,366,743**. The total interest earning for the quarter ending June 30, 2005, amounted to **\$96,959**. The funds are invested in the San Mateo County Investment Pool (SMCIP) and the Local Agency Investment Fund (LAIF).

During the fourth quarter of FY 2004-05, interest earnings on funds invested with LAIF amounted to an annual rate of 2.84 percent of the average daily cash balance of funds invested. This compares to an annual interest earnings of 3.10 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, 2005, 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 amounted to \$8,955,763, or 67 percent of the Town's total investment holdings.

Attachment 1 to this staff report provides a summary of the investment earnings and investment holdings for the San Mateo County Investment Pool.

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 30 percent of the \$60.5 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, 2005, amounted to \$4,410,980, or 33 percent of the Town's total investment holdings.

The average duration to maturity of PMIA as of June 30, 2005, was 165 days. Attachment 2 to this report provides a summary of investment holdings for the PMIA as of June 30, 2005.

FISCAL IMPACT:

Informational only.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

ATTACHMENTS:

1. Quarterly investment summary, San Mateo County Investment Pool
2. State of California Treasurer, Pooled Money Investment Account Portfolio Analysis

Attachment 1

COUNTY OF SAN MATEO
ESTIMATED SUMMARY OF POOL EARNINGS
FOR THE 4TH QUARTER ENDED JUNE 30, 2005

| | <u>06/30/05 Par Value</u> | <u>Gross Earnings</u> |
|--|-------------------------------|----------------------------|
| <u>Fixed Income Investments</u> | | |
| U S Treasury Notes | \$405,000,000 | \$1,739,641 |
| Corporate Notes | \$272,000,000 | \$2,244,270 |
| Asset Backed Securities | \$177,666 | \$225 |
| Federal Agencies | \$405,000,000 | \$2,727,675 |
| Floating Rate Securities | \$109,000,000 | \$291,040 |
| | | |
| <u>Short Term Investments</u> | | |
| Repurchase Agreements | 95,000,000 | \$7,521 |
| Corporate Notes | \$69,000,000 | \$607,940 |
| Federal Agencies | \$366,000,000 | \$1,839,644 |
| Floating Rate Securities | \$85,000,000 | \$142,051 |
| Commercial Paper | \$406,837,000 | \$824,744 |
| Certificate of Deposit | \$25,000,000 | \$159,507 |
| LAIF | \$37,000,000 | \$263,925 |
| | | |
| SUBTOTAL - ACCRUED INCOME | <u>\$2,275,014,666</u> | <u>\$10,848,182</u> |
| | | |
| <u>Realized Gain/Loss & Interest Received</u> | | |
| Repurchase Agreements | | \$1,341,510 |
| U S Treasury Notes | | \$1,823,603 |
| Corporate Notes | | \$503,633 |
| Asset Backed Securities | | \$6,272 |
| Federal Agencies | | \$2,154,860 |
| Floating Rate Securities | | \$1,095,681 |
| Commercial Paper | | \$1,496,491 |
| | | |
| Securities Lending Income | | \$133,334 |
| | | |
| GROSS POOL RATE/EARNINGS* | 3.23% | <u><u>\$19,403,567</u></u> |

| <u>POOL BREAKDOWN</u> | <u>Pool 1</u> | <u>Pool 2</u> | <u>Pool 3</u> | <u>TOTAL</u> |
|-----------------------|------------------|------------------|-------------------|-------------------|
| Average Balance | 356,982,787 | 492,572,398 | 1,557,349,741 | 2,406,904,927 |
| Gross Earnings | 2,877,862 | 3,970,934 | 12,554,771 | 19,403,567 |
| Admin Fees | (111,251) | (153,507) | (485,338) | (750,097) |
| Bank Fees | (75,653) | (50,436) | | (126,089) |
| Net Earnings | <u>2,690,957</u> | <u>3,766,992</u> | <u>12,069,433</u> | <u>18,527,381</u> |
| Net Earnings % | 3.02% | 3.07% | 3.11% | 3.09% |

Earnings %'s are based on Q4 04-05 average daily balance of investment pools.
Pool 1 and Pool 2 are charged with bank fees associated with their disbursement/depository activity.

Attachment 2

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> | June 30, 2005 | | |
|-------------------------------|---------------|-----------------------------|--|
| | <u>AMOUNT</u> | <u>PERCENT OF PORTFOLIO</u> | <u>DIFFERENCE IN PERCENT OF PORTFOLIO FROM PRIOR MONTH</u> |
| Government | | | |
| Bills | \$ 2,076,822 | 3.43 | -2.02 |
| Bonds | 0 | 0.00 | 0.00 |
| Notes | 3,624,780 | 5.99 | -1.76 |
| Strips | 0 | 0.00 | 0.00 |
| Total Government | \$ 5,701,602 | 9.42 | -3.78 |
| Federal Agency Coupons | \$ 6,741,199 | 11.14 | +0.33 |
| Certificates of Deposit | 14,440,130 | 23.87 | +0.74 |
| Bank Notes | 1,625,246 | 2.69 | -0.57 |
| Bankers' Acceptances | 0 | 0.00 | 0 |
| Repurchases | 0 | 0.00 | 0 |
| Federal Agency Discount Notes | 7,335,761 | 12.12 | +0.84 |
| Time Deposits | 7,115,995 | 11.76 | +0.50 |
| GNMAs | 317 | 0.00 | 0 |
| Commercial Paper | 10,548,799 | 17.43 | +0.59 |
| FHLMC/Remics | 545,026 | 0.90 | 0 |
| Corporate Bonds | 1,288,287 | 2.14 | -0.06 |
| AB 55 Loans | 5,161,112 | 8.53 | +0.37 |
| GF Loans | 0 | 0.00 | 0 |
| Reversed Repurchases | 0 | 0.00 | -1.04 |
| Total (All Types) | \$ 60,503,474 | 100.00 | |

INVESTMENT ACTIVITY

| | JUNE 2005 | | MAY 2005 | |
|--------------------------------------|---------------|---------------|---------------|---------------|
| | <u>NUMBER</u> | <u>AMOUNT</u> | <u>NUMBER</u> | <u>AMOUNT</u> |
| Pooled Money | 628 | \$ 30,725,808 | 554 | \$ 27,059,361 |
| Other | 32 | 418,850 | 16 | 20,412 |
| Time Deposits | 154 | 2,993,500 | 112 | 2,643,300 |
| Totals | 814 | \$ 34,138,158 | 682 | \$ 29,723,073 |
| PMIA Monthly Average Effective Yield | 2.967 | | 2.856 | |
| Year to Date Yield Last Day of Month | 2.256 | | 2.180 | |



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF SEPTEMBER 21, 2005

**SUBJECT: ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE
OF COMPLETION AND APPROVAL OF FINAL CHANGE ORDERS IN
THE AMOUNT OF \$13,427.30 FOR THE HOLBROOK-PALMER PARK
MAIN HOUSE WHEELCHAIR LIFT PROJECT NUMBER 03-009**

RECOMMENDATION

Pass a motion accepting work, authorizing recordation of a Notice of Completion, and approving contract change orders in the amount of \$13,427.30 for the Holbrook-Palmer Park Main House Wheelchair Lift Project No. 03-009.

INTRODUCTION

The Council awarded a contract in April 2004 to George Bianchi Construction, Inc., for installation of a wheelchair lift for the Main House at Holbrook-Palmer Park. The authorized contract amount was \$90,068.90, with a 10% construction contingency of \$9,006.89, for a total authorization of \$99,075.79. There have been twenty-five contract changes, assembled into one authorized contract change order, and minor quantity changes bringing the total contract amount to \$103,496.20. Work under the contract has been completed.

ANALYSIS

The contract price was based on unit prices for major items of work. Several minor changes were made based on the recommendations of the contractor's job foreman, a very experienced house remodeling contractor. The consultant replaced the original architect with a more experienced architect and made revisions to the defective plans at no cost to the Town. Because the revisions would have increased the cost if included in the original bid plans, the consultant was not back-

charged for the cost of the constructed revisions. The final cost for all work totaled \$103,496.20. The contract changes were as follows:

| WORK DESCRIPTION | COST |
|--|--------------------|
| 1. Replace degraded pay phone conduit and add phone light conduit. | \$695.75 |
| 2. Add phone line for emergency phone in lift. | \$1035.00 |
| 3. Change wood handrail to coated metal handrail. | \$1657.00 |
| 4. Change deck plywood from marine to pressure treated. | \$258.75 |
| 5. Replace felt with waterproofing membrane under concrete deck and add sheet metal edging. | \$3068.20 |
| 6. Add molding on stair carriage to hide exposed side of stair tread. | \$698.05 |
| 7. Revise railing to less complex detail & bolt posts to deck beam. | (\$419.75) |
| 8. Add 2x4 under top rail on deck & stair railing. No charge, included in credit for item 7. | \$0 |
| 9. Change deck beams to pressure treated. | \$0 |
| 10. Change post brackets from EPC44 to CB44. | \$0 |
| 11. & 12. Install Simpson L90 at 3 deck corner locations. Install Simpson L90 at 12 stair carriage & kick plate locations. | \$529 |
| 13. Change kick plate from 3x6 to 1½x12. | \$0 |
| 14. Change 3x6 mat to 1½x12 mat. | \$0 |
| 15. Add 2x14 stair carriage to hide tread and add structural capacity. | \$1021.20 |
| 16. Drop stair toe boards behind tread and back screw to tread. | \$216.35 |
| 17. Revise deck beam/side beam connection to 5.8"x9" lag bolts in counter bore. | \$395.60 |
| 18. Revise concrete slab slope and raise lift to eliminate sump. | \$0 |
| 19. Remove asphalt at ramp to create planter area. | \$664.70 |
| 20. Replace vented broom closet with framing, sheet rock, and custom siding to match existing siding. | \$1499.60 |
| 21. Relocate door bell push button and add a splice box per code. | \$345.00 |
| 22. Add Deck-O-Seal and SL-1 Urethane along building foundation. | \$350.75 |
| 23. Saw-cut and remove asphalt to corner of building. | \$0 |
| 24. Add a ramp to the lift and curb under stairs. | \$660.10 |
| 25. Add ground rod and clamp for electrical panel. | \$752.00 |
| TOTAL | \$13,427.30 |

FISCAL IMPACT

Funding for this project in the amount of \$100,000 was included in the FY 2003/04 budget, and \$68,000 of these funds is from a State Parks Per Capita Grant. The remaining funds are from the

Parcel Tax Fund. An authorization of \$99,075.79 was approved with the award of contract. The cost of this segment of work is \$103,496.20, \$3,496.20 (3.5%) more than the original budget.

Funding for the additional \$3,496.20 over the original budget can be appropriated from the Parcel Tax Fund from projects budgeted but not constructed this year. Accordingly, staff requests an increase in the appropriation for the Main House Wheelchair Lift Project in the amount of \$3,496.20. Increasing the appropriation for the project can be accomplished without impacting the Fiscal Year 2004-05 portion of the Town's four-year capital program.

CONCLUSION:

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

Prepared by:

Approved by:

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

James H. Robinson
City Manager

Attachment: Notice of Completion
Certificate of Completion



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 SEPTEMBER 21, 2005

**SUBJECT: ADOPT A RESOLUTION APPROVING THE APPLICATION FOR
GRANT FUNDS FOR THE CALIFORNIA RIVER PARKWAYS
GRANT PROGRAM UNDER THE WATER SECURITY, CLEAN
DRINKING WATER, COASTAL AND BEACH PROTECTION
ACT OF 2002 (PROPOSITION 50) FOR THE ATHERTON
CHANNEL RESTORATION AND PATHWAY PROJECT AT
HOLBROOK-PALMER PARK**

RECOMMENDATION:

Adopt a resolution authorizing staff to submit an application for a California River Parkways Program grant to restore and expand the Atherton Channel adjacent to the Holbrook-Palmer Park south meadow and create a new pathway.

BACKGROUND:

In July, the State of California Resources Agency issued a call for projects to be funded by the California River Parkways Grant Program. The program provides state funds for the development of capital projects to restore, protect and develop river parkways throughout California. Project applications are due by October 18, 2005. In the 2004/05 fiscal year, \$40.5 million is available statewide.

The Park and Recreation Commission considered this grant program at its September 7, 2005, meeting. The Commission recommended that an application be submitted for restoring and expanding the Atherton Channel and creating a new pathway in accordance with the recently adopted Landscape Master Plan.

In order to submit an application for a project, the following is required:

1. Resolution of the City Council approving the filing of the application for the grant.
2. Project application, location map, site plan, site photographs, preliminary workplan, and cost estimate. These items are being prepared by staff to be ready for submittal on October 18.

ANALYSIS:

The project recommended for the River Parkways application consists of restoration and expansion of the south meadow side of the Atherton Channel between the Caltrain tracks and the first park entrance along Watkins Avenue and creation of a new pathway beside and into the new riparian habitat. This park feature was developed as a part of the Landscape Master Plan process. The Landscape Master Plan was presented at the joint City Council/Park and Recreation Commission meeting held on October 6, 2004. The Park and Recreation Commission considered this grant application at its September 7, 2005, meeting and recommended that the City Council approve application for the grant.

No matching funds are required for this grant; however, projects that include other sources of funds will be more competitive. The project will be defined to include the bridge and pathway for which a federal grant has been received. Federal grants are acceptable "other sources" for state grants. In addition, the Atherton Dames have pledged proceeds from their kitchen tour towards the bridge project. These funds will also count as other sources for this grant.

A branch of the walking path will pass through the newly planted area to provide a different recreational and educational venue for park patrons. This walking path will qualify as a recreational river parkway, an essential element of the grant eligibility criteria. The agency representative also suggested that the walking path is a positive educational feature of the project that will improve its score.

The project will remove the existing channel lining on the park side of the Atherton Channel, excavate a significant quantity of earth to create a gradually sloping creek bank, and revegetate the new creek bank with native riparian plant species. The project will restore the bank to a natural habitat for native plants and wildlife. The native plants will help clean the water in the channel before it exits into San Francisco Bay. Improving habitat for wildlife and water quality is also an element of this grant program's eligibility criteria.

Currently, the Atherton Channel runs through Unincorporated County, Redwood City and Menlo Park before reaching the Bayfront Canal. The Canal, which outlets to the Bay, has insufficient capacity for some of the heavier rainstorms experienced in recent years, and flooding occurs frequently in the jurisdictions downstream from Atherton. Construction over the decades since the Atherton Channel was constructed has increased the runoff from the Channel District properties. Current new construction practices require no

increase in runoff, but reduction of the runoff from the Atherton Channel is needed to reduce the impacts to downstream neighbors. The additional volume added by the excavation for this project will provide additional flood water storage within the Atherton Channel, providing supplemental protection from flooding to downstream properties. Flood management is another element of grant eligibility.

A preliminary discussion with a Resources Agency representative, at the agency's August 2, 2005, workshop, indicated that this type of urban stream restoration project is a very strong contender for funding by its grant program.

FISCAL IMPACT:

The cost estimate for the Atherton Channel at Holbrook-Palmer Park Restoration Project is \$500,000, based on a cost estimate prepared by staff, including design, construction, inspection and contingency. No matching funds are required for this grant; however, projects that include other sources of funds will be more competitive. By incorporating the trail, bridge, and pathway in the project with federal funding and a local match already secured, the project will be more competitive for the River Parkways Grant. The following chart summarizes the costs related to this grant:

Atherton Channel Restoration and Expansion

| | |
|---------------|-----------------|
| Grant Amount | \$500,000 |
| Federal Grant | \$104,800 |
| Local Match | <u>\$26,200</u> |
| Total Cost | \$631,000 |

Prepared by:

Approved by:

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

James H. Robinson
City Manager

Attachment: Resolution

RESOLUTION 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE
CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE WATER
SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH
PROTECTION ACT OF 2002 (PROPOSITION 50)**

WHEREAS, the Legislature and Governor of the State of California have provided Funds for the program shown above; and

WHEREAS, the Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the State Resources Agency require a resolution certifying the approval of the application by the Applicants governing board before submission of said application to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the Project.

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

1. Approves the filing of an application for the Holbrook-Palmer Park Channel Restoration Pathway, and Bridge Project;
2. Certifies that Applicant understands the assurances and certification in the application, and
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the Project consistent with the land tenure requirements; or will secure the resources to do so, and
4. Certifies that it will comply with the provisions of Section 1771.8 of the State Labor Code regarding payment of prevailing wages on Projects awarded Proposition 50 Funds, and
5. If applicable, certifies that the Project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction, all applicable permits will have been obtained, and
6. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications,

agreements, payment requests and so on, which may be necessary for the completion of the aforementioned Project.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 21st day of September, 2005, by the following vote:

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

ATTEST:

William R. Conwell, MAYOR
TOWN OF ATHERTON

Linda Kelly, Acting City Clerk

APPROVED AS TO FORM:

/s/ Marc G. Hynes
Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF SEPTEMBER 21, 2005

**SUBJECT: ACCEPTANCE OF WORK, APPROVAL OF FINAL CHANGE ORDERS
AND AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR
THE 2005 CAPE SEAL PROJECT NUMBER 04-005.**

RECOMMENDATION

Pass a motion accepting work, authorizing recording of a Notice of Completion and approving contract change orders in the amount of \$5,631.85, for a final project cost of \$261,159.20, for the Town Cape Seal Project Number 04-005.

INTRODUCTION

The Council awarded a contract in July 2005 to Graham Contractors, Inc., for the Cape Sealing and Micro-surfacing of various streets. The authorized contract amount was \$255,527.35. There have been no previously authorized contract change orders. Work under the contract has been completed. The final cost for all work totaled \$261,159.20.

ANALYSIS

The following streets were treated:

ITEM #1: Streets Cape Sealed:

| <u>Street</u> | <u>From</u> | <u>To</u> | <u>Area (sf)</u> |
|--------------------------|-----------------|-----------------|------------------|
| Almendral | Selby Lane | El Camino Real | 126,288 |
| Alta Vista Dr | Fletcher Dr | Ridgeview Dr | 13,504 |
| Austin Ave | Almendral Ave | Stockbridge Ave | 23,920 |
| Barry cul de sacs | addresses | (33-54) | 13,212 |
| Camino al Lago | Monte Vista Ave | Park Ln | 26,400 |

| | | | |
|----------------------------------|-----------------|---|---------------------------|
| Camino al los Cerros | Camino al Lago | Valpariaso | 13,920 |
| Clay Dr. | Atherton Ave | End | 10,040 |
| Edwards Ln | Atherton Ave | End | 9840 |
| Elizabeth Way | Shearer | End | 3640 |
| Marymont Ave | Polhemus Ave | Stockbridge Ave | 21,728 |
| Mesa Ct. | Ridgeview Dr | End | 14,720 |
| Reservoir Rd | Walsh Rd | Cal Water | 41,352 |
| Reservoir Rd | Cal Water | End | 5,616 |
| Ridgeview Dr | Fletcher Dr | Past Alta Vista | 40,528 |
| Santiago Ave | Valpariaso Ave | Park Ln | 23,152 |
| Sargent Ln | Reservoir Rd | End | 24,064 |
| Shearer Dr | Stockbridge Ave | Selby Ln | 37,392 |
| Stern Ln | Atherton Ave | End | 23,080 |
| Stockbridge Ave | Selby Ln | Serrano Dr | 33,792 |
| Valley Rd | Walsh Rd | Valley Ct | 13,936 |
| Walsh cul-de-sac | Walsh Rd | End | 6952 |
| ORIGINAL ESTIMATED TOTAL: | | 527,076 SQ FT = 58,564 sq. yards | |
| | | Actual | = 60,138 sq. yards |

ITEM #2: Streets Micro-surfaced only:

| <u>Street</u> | <u>From</u> | <u>To</u> | <u>Area (Sf)</u> |
|----------------------------------|-------------------|---|---------------------------|
| Camino al Lago | Barney Ave | Monte Vista Ave | 30,512 |
| Park Ln | Valparaiso Ave | Elena Ave | 76,800 |
| Patricia Dr | Serrano Dr | Austin Ave | 32,736 |
| Selby cul-de-sac | 241-255 addresses | | 8,800 |
| ORIGINAL ESTIMATED TOTAL: | | 148,848 SQ FT = 16,539 sq. yards | |
| | | Actual | = 16,678 sq. yards |

ITEM #3: Re-application of striping and pavement legends:

Replacement of all striping and pavement markings covered by Items #1 and #2.

This preventive maintenance project treated 76,816 square yards of streets in the Town of Atherton, as well as replacing pavement markings.

FISCAL IMPACT

Gas Tax and Road Impact Fee funds in the amount of \$150,000 are budgeted for this project in FY 2005-06. In addition, approximately \$250,000 in Parcel Tax funds budgeted for Patch, Seal and Overlay in 2004-05 remained unspent at the end of the year due to delay awaiting the passage of Measure W. The original contract price was for \$255,527.35. The adjusted cost of

Staff Report
September 21, 2005
Page 3 of 3

this segment of work is \$261,159.20, which is \$5,631.85 (or 2%) over the original contract price, but still well within the budgeted amounts. The increase was due to the actual square footage of road requiring treatment being slightly higher than the amount Graham Contractors, Inc., bid upon. The Town of Atherton did receive treatment for all square footage paid for.

CONCLUSION:

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

Prepared by:

Approved by:

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

James H. Robinson
City Manager

Attachment: Notice of Completion
Certificate of Completion

RECORD REQUESTED BY:

TOWN OF ATHERTON
AND WHEN RECORDED MAIL TO:

CITY CLERK, TOWN OF ATHERTON

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

No fee pursuant to Government Code Section 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TOWN OF ATHERTON
NOTICE OF COMPLETION

TOWN STREET CAPE SEAL
PROJECT NO. 04-005
ATHERTON, CALIFORNIA

NOTICE IS HEREBY GIVEN THAT Duncan L. Jones, Engineer of Work for the Town of Atherton, County of San Mateo, California, on the 16th day of September 2005, did file with the City Clerk of said Town a Certificate of Completion, for the work described in the construction contract awarded to Graham Contractors, Inc., on the day of July 20, 2005, said contract being executed on the 20th day of July, 2005

That said work and improvements were accepted as completed on the 16th day of September, 2005, and that acceptance for completion of said work was ordered by Motion of the City Council of said Town, adopted on the 21st day of September, 2005, and that the name of the surety on the Contractor's bond for performance, labor and materials on said project is Travelers Casualty and Surety Company of America, 100 California Street, San Francisco, Ca. 94111.

That said work and improvements consisted of Cape Seal & Micro-surfacing as described in the plans and specification approved by the City Council of the Town of Atherton pursuant to motion, adopted the 20th day of July, 2005.

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

BY: _____
City Engineer

ATTEST: _____
City Clerk

Date

Date

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

(Date and Place)

(Signature)

CERTIFICATE OF COMPLETION

TOWN OF ATHERTON

PROJECT NAME: 2005 Street Cape Seal
PROJECT NUMBER: 04-005
LOCATION: Various streets

NOTICE IS HEREBY GIVEN:

1. That on September 16, 2005, the Public Works project known as 2005 Street Cape Seal was completed in accordance with the plans and specifications as required by the Town of Atherton.

2. That the name and address of the party filling this notice is:

Town of Atherton
91 Ashfield Road
Atherton, California 94027.

3. That the name and address of the Contractor responsible for the construction of the project is:

Graham Contractors, Inc.
P.O. Box 26770
San Jose, Ca. 95159

4. That the name and address of the Contractor's surety is:

Travelers Casualty & Surety Company of America
Jody A. Johnson, Attorney in-Fact
100 California Street
San Francisco, Ca. 94111

5. Town Street Cape Sealing & Micro-surfacing, as more particularly described in the plans and specification approved by the City Council of the Town of Atherton pursuant to Motion, adopted the 20th day of July, 2005.

BY:

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

Date

ATTEST:

Linda Kelly
Acting City Clerk

Date



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: BOB BRENNAN, CHIEF OF POLICE

DATE: FOR THE MEETING OF SEPTEMBER 21, 2005

**SUBJECT: ADOPTION OF REVISED ATHERTON TRAFFIC ENFORCEMENT
PLAN**

RECOMMENDATION:

The Atherton Town Council review the recent analysis of the Atherton Traffic Enforcement Plan adopted in 1997.

BACKGROUND:

The Town of Atherton first adopted a traffic enforcement plan in 1997. The main goals of that plan were the reduction of vehicular speed, the reduction of the number of vehicles that travel through Atherton, and the reduction of overweight trucks traveling through Town without an Atherton destination.

In April of 2005, at the request of the Traffic Safety Committee, the Atherton Police Department was charged with evaluating the original plan for effectiveness and suitability. A detailed evaluation of the original plan was completed which includes recommendations to update the plan. These recommendations were approved by the Traffic Safety Committee at the April 12, 2005, meeting.

ANALYSIS:

The review of the 1997 Traffic Enforcement Plan discloses that, for the most part, the Police Department still follows the original model of the plan. In fact, many of our current programs exceed the recommendations of the original plan.

The review of the Atherton Traffic Safety Plan includes the following components:

Programs to Continue

- 1) Speed Displays: continued use of the radar trailer and three-pole mounted speed displays;
- 2) Warning Citations: continued use of effective warning-tracking system;
- 3) Moving Radar: continued use of this device in marked patrol cars and police motorcycles;
- 4) Traffic Officers: continued use of officers whose primary responsibility is the enforcement of traffic laws and the resolution of traffic-related problems. Atherton currently has two officers assigned as traffic officers.
- 5) Truck Stop Check Point: continued use of the Middlefield Road check point.

Programs terminated

- 1) High-Profile Traffic Vehicle: elimination of a specific patrol car uniquely marked as “traffic safety.”

Programs Still Designated as not viable

- 1) Photo Radar: expensive to purchase, install and maintain. These programs suffer from a distasteful public image.
- 2) Citizen Issued Radar: these programs bring citizens into the arena of traffic enforcement. Significant training requirements and liability concerns.
- 3) Decoy Parked Patrol Vehicles: reduced effectiveness over time and a reduced fleet.
- 4) Motorcycle Cut-outs: reduced effectiveness and the potential for vandalism.
- 5) Pole-Mounted Radar Jamming: limited impact on speeding vehicles.

Additionally, the review of our traffic plan includes an accounting of the various programs to which the Atherton Police Department continues to remain committed:

- Avoid the 23 Driving Under the Influence programs
- Car Seat Installations
- Office of Traffic Safety Grant programs
- Mini-Seatbelt enforcement grants
- Driver’s Safety Training at Atherton schools
- Quarterly Update Training for Traffic Enforcement Officers

This detailed review of the Atherton Traffic Safety Plan reveals that essentially the entire program adopted in 1997 is still in effect in Atherton. Though the Police Department has indeed modified or improved some of the programs, the goals of the original plan have not changed. Reducing vehicular speed, reducing the amount of vehicle that travel through the Town, and reducing the number of overweight trucks traveling through the Town are still the goals of the Atherton Police Department.

FISCAL IMPACT:

None.

Prepared by:

Approved by:

Glenn Nielsen
Police Lieutenant

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF SEPTEMBER 21, 2005

SUBJECT: THIRD AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF ATHERTON AND JAMES H. ROBINSON

Recommendation: Adopt Resolution approving amendment to Employee Agreement and authorize the Mayor to execute a third amendment to the employment agreement between the Town and James H. Robinson, City Manager.

Background: Attached is the third amendment to the employment agreement between the City Manager and the Town. The amendment revises the agreement by increasing the City Manager's salary from the present \$156,301.00 per year to \$162,943.68 per year, effective July 23, 2004.

Fiscal Impact: The increase envisioned by the amendment is within the Town's adopted budget.

Respectfully,

/s/ Marc G. Hynes
Marc G. Hynes, City Attorney

Attachment

THIRD AMENDMENT TO
EMPLOYMENT AGREEMENT

BETWEEN

THE TOWN OF ATHERTON AND JAMES H. ROBINSON

This Third Amendment to the Agreement dated May 25, 2001, between the TOWN OF ATHERTON, a municipal corporation of the State of California, ("Town") and JAMES H. ROBINSON ("City Manager") is hereby amended by revising paragraph 4.A. to read as follows:

4. Compensation and Benefits.

A. Base Salary: During the term of this Agreement City Manager shall be paid a salary at the rate of \$162,943.68 per year, effective July 23, 2004, or at such salary as may be approved by the City Council of the Town by resolution from time to time.

All other provisions of the agreement between the Town of Atherton and James H. Robinson dated May 25, 2001, as amended, shall continue to remain in effect.

TOWN OF ATHERTON

Dated: _____, 2005.

By _____
William R. Conwell, Mayor

Dated: _____, 2005.

James H. Robinson, City Manager

ATTEST:

Linda Kelly, Acting City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney

RESOLUTION NO. 05-__

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
APPROVING THE THIRD AMENDMENT TO EMPLOYEMENT AGREEMENT
BETWEEN THE TOWN OF ATHERTON AND JAMES H. ROBINSON**

The City Council of the Town of Atherton hereby resolves as follows:

RESOLVED, that the Third Amendment to the Employment Agreement between the Town of Atherton and James H. Robinson as set forth in the Exhibit to the Staff Report from the City Attorney for the City Council Meeting of September 21, 2005 is hereby approved.

RESOLVED FURTHER, that the Mayor of the Town of Atherton is authorized to execute the agreement on behalf of the Town.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the Town of Atherton that the Resolution shall be effective immediately upon adoption.

* * * * *

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 21st day of September 2005, by the following vote.

*AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:*

William R. Conwell
Mayor, Town of Atherton

ATTEST:

Linda Kelly, Acting City Clerk

APPROVED AS TO FORM:

Marc Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

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

**FROM: NEAL MARTIN, TOWN PLANNER
LISA COSTA SANDERS, DEPUTY TOWN PLANNER**

DATE: FOR THE CITY COUNCIL MEETING OF SEPTEMBER 21, 2005

**SUBJECT: APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO
APPROVE AN EXCEPTION REVIEW AT 40, 50 and 60 ASHFIELD ROAD
(APN 060-323-290, 060-323-210 and 060-323-220)**

RECOMMENDATION

Staff recommends that the City Council conduct the public hearing and deny the appeal, thereby approving the Exception Review for the three proposed new residences at 40, 50 and 60 Ashfield Road in Atherton based on the following findings for the reasons outlined in this staff report:

1. The exception request is compatible with the surrounding neighborhood's visual character.
2. The landscaping and exception sought will not substantially decrease the privacy of neighbors.
3. The applicant is not increasing the degree of nonconformity as defined in Section 17.44.050 of the Atherton Municipal Code.
4. The exception requested is consistent with the General Plan, the purposes of that plan, and the Atherton Municipal Code Zoning Title.

INTRODUCTION:

The Planning Commission, at its July 27, 2005 meeting, voted 3-1 to approve the Exception Review subject to the conditions contained in the attached Exception Review Certificate. At the Planning Commission meeting, several neighbors spoke in opposition to the request (minutes attached).

An appeal was filed (dated August 1, 2005) and signed by 12 residents. Notice of the Appeal and the City Council meeting in which it will be considered was mailed to property owners within 500 feet of the subject site and duly posted on September 9, 2005.

The site of the application consists of three lots as listed below;

| | | |
|-------------|-------------|----------------------------|
| 060-323-290 | 60 Ashfield | 15,110 square feet in area |
| 060-323-210 | 50 Ashfield | 15,237 square feet in area |
| 060-323-220 | 40 Ashfield | 13,257 square feet in area |

Until recently, the property (known as 50 Ashfield Road) was the site of one single-family home (approximately 4,650 square feet in area, with a three-car garage, for an estimated total of 5,250 square feet of gross floor area). That home was demolished in preparation for the construction of three new homes. Construction fencing is in place around the site and protective fencing has been installed around the existing heritage trees. In addition, site grading and drainage facilities have been installed pursuant to a grading and drainage permit issued by the Building Official.

Certificates of Compliance for each of the three lots have been issued and recorded in accordance with the California Subdivision Map Act and the Town of Atherton Subdivision Ordinance. The City Attorney has issued a memorandum confirming the validity of this action.

A heritage tree removal permit was granted by the Planning Commission on February 23, 2005, for the removal of one heritage tree within the middle of the buildable area for the proposed new home at 40 Ashfield Road.

Atherton Municipal Code Section 17.24.040(H) entitled “Exception Review” provides that an exception review is required for each main building proposed to be built on any lot one-half acre or less in area (21,780 square feet), which lot was previously used in conjunction with any adjoining lot or lots as a single parcel. An exception review is not required for a new proposed main building which is single story and less than 18 feet in height. The primary purpose of this review is to confirm that the development is compatible with the surrounding neighborhood’s visual character, will not substantially decrease the privacy of neighbors, and is consistent with the General Plan and the Atherton Municipal Code Zoning Title.

ANALYSIS:

The project consists of the construction of three new single-family homes. Each home would be two stories in height with a detached accessory two-car garage at the rear of the property. The proposed homes meet the requirements of the R1-B zoning district. The size of each proposed home (including garage) and the maximum house size permitted in the R1-B zoning district is listed below:

| 60 Ashfield | Code Requirement | Proposed |
|--------------------|-------------------------|-----------------|
| Floor Area | 3,993 s.f. | 3,799 s.f. |
| Front Setback | 30’ | 70’-10” |
| Side Setback | 20’ | 20’ |
| Rear Setback | 30’ | 55’-2” |
| Height | 28’ | 26’-10” |

| 50 Ashfield | Code Requirement | Proposed |
|--------------------|-------------------------|-----------------|
| Floor Area | 4,014 s.f. | 3,985 s.f. |
| Front Setback | 30' | 50'-2" |
| Side Setback | 20' | 20' |
| Rear Setback | 30' | 71'-10" |
| Height | 28' | 26'-6" |

| 40 Ashfield | Code Requirement | Proposed |
|--------------------|-------------------------|-----------------|
| Floor Area | 3,687 s.f. | 3,684 s.f. |
| Front Setback | 30' | 37'-1" |
| Side Setback | 20' | 20'-2" |
| Rear Setback | 30' | 73'-9" |
| Height | 28' | 27' |

The width of the lots proposed for development are relatively narrow (75') and the side setback requirements (20' each side) dictate that the proposed homes be rectangular in shape. In general, the narrower dimension of each house faces the street. Garages are placed as detached buildings and sited at the rear of each lot.

The front, side, and rear elevations of each home are distinctly different from the elevations of the other two. The siding, materials, and colors of each house are distinct from those of the others. Two of the homes have one- and two-story elements; the third appears to be primarily two stories but with a lower front elevation.

Single-family homes front Ashfield Road between El Camino Real and Station Lane, with Town Hall and the Town Administrative Buildings located at the corner of Ashfield Road and Station Lane. There are 14 single-family homes located along this street; half are single story and half have two stories. The Civic Center buildings are single story in height. Only one home is built on a double lot. The homes are designed in a variety of styles including ranch, Spanish, modern, Cape Code, traditional, and English Tudor. Most have stucco siding, but several have lap siding, and a couple have shingle siding. Roofing materials include composition, shake/shingles, and tile. About half of the houses have detached garages at the rear of the lot, while the others have garages in the front or at the side of the house.

The three proposed new houses appear to be consistent with the homes existing in the neighborhood and along Ashfield Road. They each have different setbacks from the street. Each has a distinct architectural style. The siding materials are different for each home: one is stucco with brick fascia, one is painted lap siding, and one is painted cedar shingles. The colors proposed include beige, taupe-green, and tan with contrasting trim. The roof material proposed is composition, but with different earth tone colors that complement the other colors selected for each house.

Most of the heritage trees, and several of the other trees that were existing on the site prior to demolition of the former house, are proposed to be preserved. Since the Planning Commission

meeting, the applicant has worked with the Town Arborist to prepare a landscape screening plan that meets the Town's objectives. The Town Arborist has met with the neighbors to review the proposed plan and has requested the applicant incorporate some revisions based on comments received from the neighbors. Once the plan is completed, the Town Arborist will conduct a final review of the plan to ensure it meets the neighbors' requests and the landscape screening requirements the Town.

The Appeal asserts the following errors, omissions, or abuses of discretion by the Planning Commission;

1. The Planning Commission abused its discretion and erred in finding that the houses proposed to be built were compatible with the visual character of the surrounding neighborhood.

Staff response: The proposed new homes are larger than most of the homes on Ashfield Road and those directly behind on Maple Avenue. The current homes in the neighborhood were constructed as early as 1910. A few of these homes have been constructed in 1992 and 1999. Out of the 14 existing homes along Ashfield Road, 3 of the homes are larger than 3,400 square feet in area and 2 homes are 2,94 and 2,960 square feet in area. Other homes along Ashfield Road vary in size from 1,230 square feet to 2,670 square feet. The size of the proposed new homes are within the allowed floor area for the lot and are similar in size to 3 of the 14 existing homes along Ashfield Road. As indicated in the staff report, the existing neighborhood is a mix of one- and two-story homes and contains a variety of architectural styles. The Planning Commission considered the immediate neighborhood in making its determination of compatibility and found that the new homes would be compatible with the visual character of the neighborhood.

2. Certain Planning Commissioners erred in stating that they could not undertake design review in the Exception Review Process.

Staff response: The Planning Commission is charged with making the determination of compatibility with the surrounding neighborhood's visual character. Commissioners were able to make the required finding without imposing additional conditions. The Commission, in its deliberations, indicated that the required landscape screening would mitigate the impact of the three new homes.

3. Certain Planning Commissioners erred in stating that it could not modify proposed setbacks, floor area ratios, and other building and site attributes that otherwise comply with Town Ordinances.

Staff response: In reviewing the application, the Commission noted that the homes met current floor area and setback requirements and did not find a nexus for imposing further restrictions.

4. The Planning Commission erred and abused its discretion in prematurely approving Exception review when Town staff had not yet reviewed or approved the landscape plan or provided recommendations to the Planning Commission on the landscape plan.

Staff response: The applicant submitted a landscape plan as required by Code. The Town Arborist reviewed that plan and provided comment to the Planning Commission that the planting size would need to be increased and that she would work closely with the applicant and neighbors on a final plan. The code does not require the Applicant to submit an Approved landscape plan prior to the Planning Commission review.

Finally, the Planning Commission conducted a detailed review of the exterior finishes of the proposed homes, the siting of the homes on the lot, and the landscape plan. The Commission approved the Exception Certificate with the following conditions;

- 1. The proposed houses shall be constructed and the landscaping installed substantially as indicated on the elevations and site plan submitted as part of this application. Any substantive changes to the plans shall be reviewed by the Planning Commission.*
- 2. The sizes of the trees and shrubs shown on the Landscape Plans for the proposed houses shall be increased to the sizes listed below.*
 - a. Trees shall be a minimum 24” box size.*
 - b. Shrubs shall be a minimum 15 gallon size.*
 - c. The two transplanted Japanese maples shall be replaced if they do not survive.*
- 3. Landscape screening shall be to the satisfaction of the Town Arborist with the intent of screening to match or exceed pre-existing condition.*
- 4. Perimeter fencing shall be provided during construction to provide safety for the neighborhood and the site.*
- 5. Fencing shall be installed around all heritage trees during construction.*

The appellants request the Council modify the approval granted by the Planning Commission to condition as indicated in Exhibit A to their Appeal letter (letter to Planning Commission dated July 25, 2005).

Suggested condition 1: Reduce the house size to 3,500 square feet.

Staff comment: The staff analysis of the homes at the Planning Commission meeting represented the total floor area for each home which includes the area of the detached garages. The proposed homes without the garages are all within the suggested 3,500 square feet. If this figure were meant to limit the total floor area for the lot, each home would need to be reduced by approximately 450 square feet or the detached garages would need to be eliminated. As noted above, three existing homes along Ashfield Road are of similar size to the proposed new homes. Staff cannot find the nexus to impose limitations on this property that are not consistent with the regulations imposed on other properties in the same zoning district.

Suggested condition 2: Require the siting of the houses and garages to comply with setbacks from the lot lines of the original subdivision map.

Staff comment: The City determined the current lot configurations to comply with the Subdivision Map Act. Setbacks are determined from property lines and not original subdivision lines. This requirement may be quite problematic when applied to other properties in Town. The proposed new homes all exceed the current rear setback requirements. Imposing this condition would require modifying the location of the detached garages. Staff cannot make the nexus with this condition and the perceived neighborhood compatibility.

Suggested condition 3: Require additional screening.

Staff comment: The applicant has worked with the Town Arborist and has agreed to additional landscape screening.

Suggested condition 4: Require the developer to fix the fence.

Staff comment: The developer has constructed a new fence in response to the neighbors' request.

In order to deny the Appeal and approve the Exception Review request, the code requires that the Council consider the guidelines listed below in making its decision.

1. The exception requested is compatible with the surrounding neighborhood visual character.

Reason: The exception (proposed development) is single-family residential in character, each home is designed with one- and/or two-story elements and sited at varying setbacks from Ashfield Road. These same characteristics are reflected in the existing homes along this street and along other streets in the neighborhood. The proposed homes have differing roof profiles, front setbacks, second floor configurations, window placements, color, exterior wall materials, front door locations, window styles, garage door locations and roof material. These design elements are reflected in the existing homes along this street and along other streets in the neighborhood.

2. The landscaping and exception sought will not substantially decrease the privacy of neighbors.

Reason: The existing trees to be preserved and the proposed landscaping and screen planting as recommended by the Town Arborist will retain the privacy of the neighbors.

3. The application shall not increase the degree of nonconformity as defined in Section 17.44.050 of the Atherton Municipal Code.

Reason: Section 17.44.050 of the Atherton Municipal Code refers to Nonconforming Structures. There are no nonconforming structures that are a part of this application or review; therefore, this guideline does not apply.

4. The exception requested is consistent with the General Plan, the purposes of that plan and the Atherton Municipal Code.

Reason: The exception (proposed development) is single-family residential in character and is consistent with the General Plan land use designation; density for this area of Atherton; and the goals, objectives, and policies of the plan. The proposed development complies with all of the standards and regulations of the R1-B Zoning District established in the Atherton Municipal Code Zoning Title.

CONCLUSION:

It is Planning Staff's professional opinion that the proposed homes are compatible with the surrounding neighborhood's visual character, that the proposed landscaping will not substantially decrease the privacy of neighbors, and that approval of the Exception Review would not be contrary to the purpose and intent of the General Plan and the Zoning Title.

ALTERNATIVES:

The Council could: 1) approve the Appeal, thereby denying the Exception Review; 2) condition the approval; 3) request modification to the proposal; 4) or deny the Appeal and thereby approve the Exception Review as approved by the Planning Commission.

FISCAL IMPACT:

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

ENVIRONMENTAL IMPACT:

The proposal has been determined to be Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15303, Class 3(a) that provides an exemption for up to three single-family residences in a residential zone in an urbanized area.

Prepared by:

Approved by:

/s/ Lisa Costa Sanders
Lisa Costa Sanders
Deputy Town Planner

James H. Robinson
City Manager

Attachments:

1. Exception Review Certificate
2. Neighboring house sizes and Assessor Parcel Map
3. Appeal Letter dated August 1, 2005, with Exhibit A
4. Letter from Brian Kelly Jr. dated August 29, 2005, with attachments
5. Planning Commission meeting minutes
6. 40, 50, 60 Ashfield Road – site plan, floor plan and elevations

Draft
TOWN OF ATHERTON
CITY COUNCIL
EXCEPTION REVIEW CERTIFICATE

THIS IS TO CERTIFY THAT the Atherton City Council, at a regular meeting thereof, held on Wednesday, September 21, 2005, did approve an Exception Review in accordance with an application by B.K. Development Corp. and Kelly Gordon Development Corp. pursuant to Atherton Municipal Code Chapter 17.54 to allow the construction of three new houses at 40, 50 and 60 Ashfield Road in Atherton, (Assessor's Parcel Number 060-323-290, 060-323-210 and 060-323-220). The Exception Review was approved subject to the following conditions:

1. The proposed houses shall be constructed and the landscaping installed substantially as indicated on the elevations and site plan submitted as part of this application. Any substantive changes to the plans shall be reviewed by the Planning Commission.
2. The sizes of the trees and shrubs shown on the Landscape Plans for the proposed houses shall be increased to the sizes listed below.
 - a. Trees shall be a minimum 24" box size.
 - b. Shrubs shall be a minimum 15 gallon size.
 - c. The two transplanted Japanese maples shall be replaced if they do not survive.
3. Landscape screening shall be to the satisfaction of the Town Arborist with the intent of screening to match or exceed pre-existing condition.
4. Perimeter fencing shall be provided during construction to provide safety for the neighborhood and the site.
5. Fencing shall be installed around all heritage trees during construction.

Michael Hood,
Zoning and Building Official

Effective Date: _____
Atherton, CA

August 17, 2005

To: Atherton City Council

From: Jeanne Wangsness, Owner, 90 Holbrook Lane, Atherton, CA

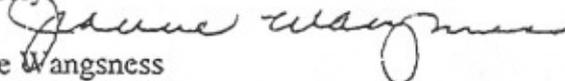
I'm writing this letter at the request of Kelly Gordon Development Corporation [KGDC] relative to their home construction project at 82 Holbrook Lane--next door to our home--that proceeded from late spring 2004 with finalization to occur on August 25, 2005 when new owners take possession. Informational sidelight: previous owners had demolished structures and essentially "scraped" the lot, so KGDC's building site was obstruction free.

We were satisfied with KGDC's management of the construction process, site maintenance and neighborhood interaction thereby making the construction period as tolerable as possible for us and other Holbrook and 17th Ave. residents. Positive management areas were:

- Scott Kelly, construction-manager, was very frequently on site;
- a security fence enclosed the area during most of the process so thieves or other uninvited were not encouraged to visit the project when work was not underway;
- construction materials were contained on the site, and debris was not allowed to litter the site;
- small screening plants, I can only presume they met code standards, were planted prior to breaking ground and maintained during the process (the real screen, however, is the mature landscaping between the properties that we maintain);
- "offensive" language was not heard (profanity and expletives);
- noise volumes were observed (no blaring radios were allowed);
- a portable latrine was provided throughout the construction process;
- work was conducted during permitted times;
- worker vehicles were parked so traffic could proceed on the street;
- worker and construction vehicles did not tear up neighboring front easements; and
- work progressed in a timely manner thereby minimizing the construction period.

I participated in several Sunday Open Houses, when the property was listed with Coldwell Banker, and had the opportunity to hear comments by Holbrook Lane neighbors, neighbors from surrounding streets, and the buying public. In general, their comments and mine reflect the new home is a positive addition to Holbrook Lane. It is appropriately sized for the neighborhood and well situated on the lot. Runoff and site drainage were installed so our property will not be adversely influenced. The landscaping has been well maintained throughout the marketing process for the new buyers to enjoy. If asked, I'm comfortable recommending KGDC as a builder.

Sincerely,



Jeanne Wangsness

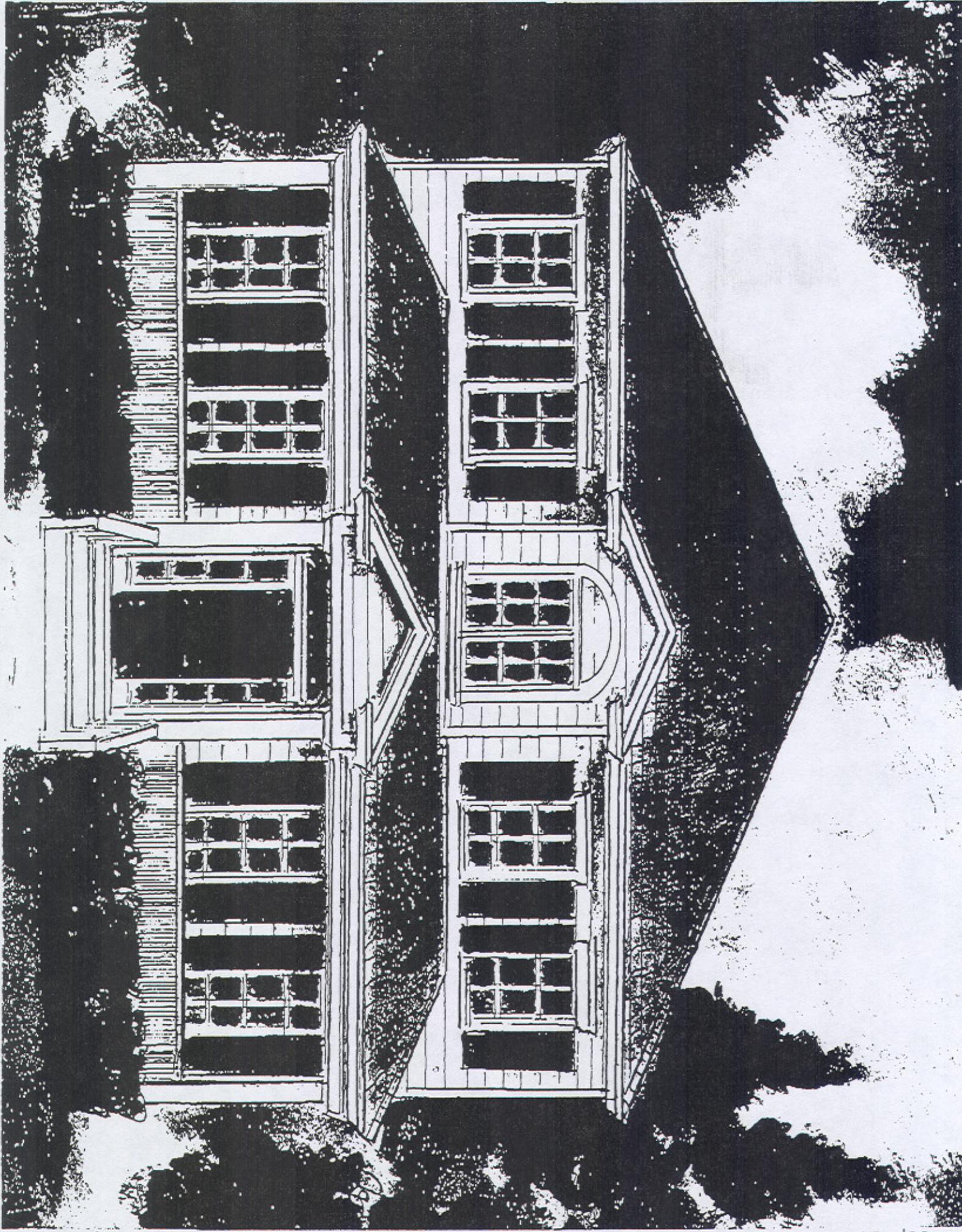
90 Holbrook Lane, Atherton, CA 94027

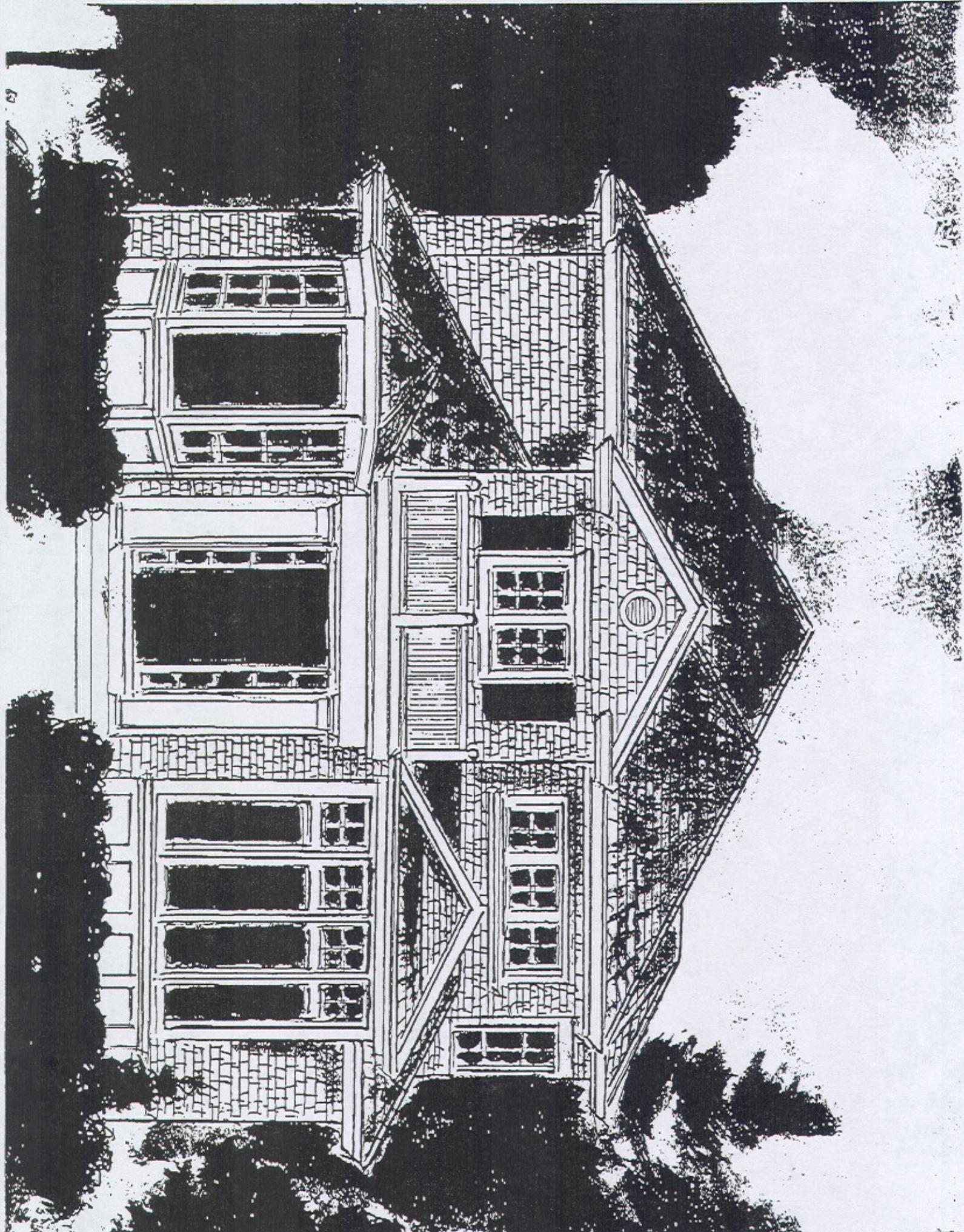
650-291-5885 cell phone

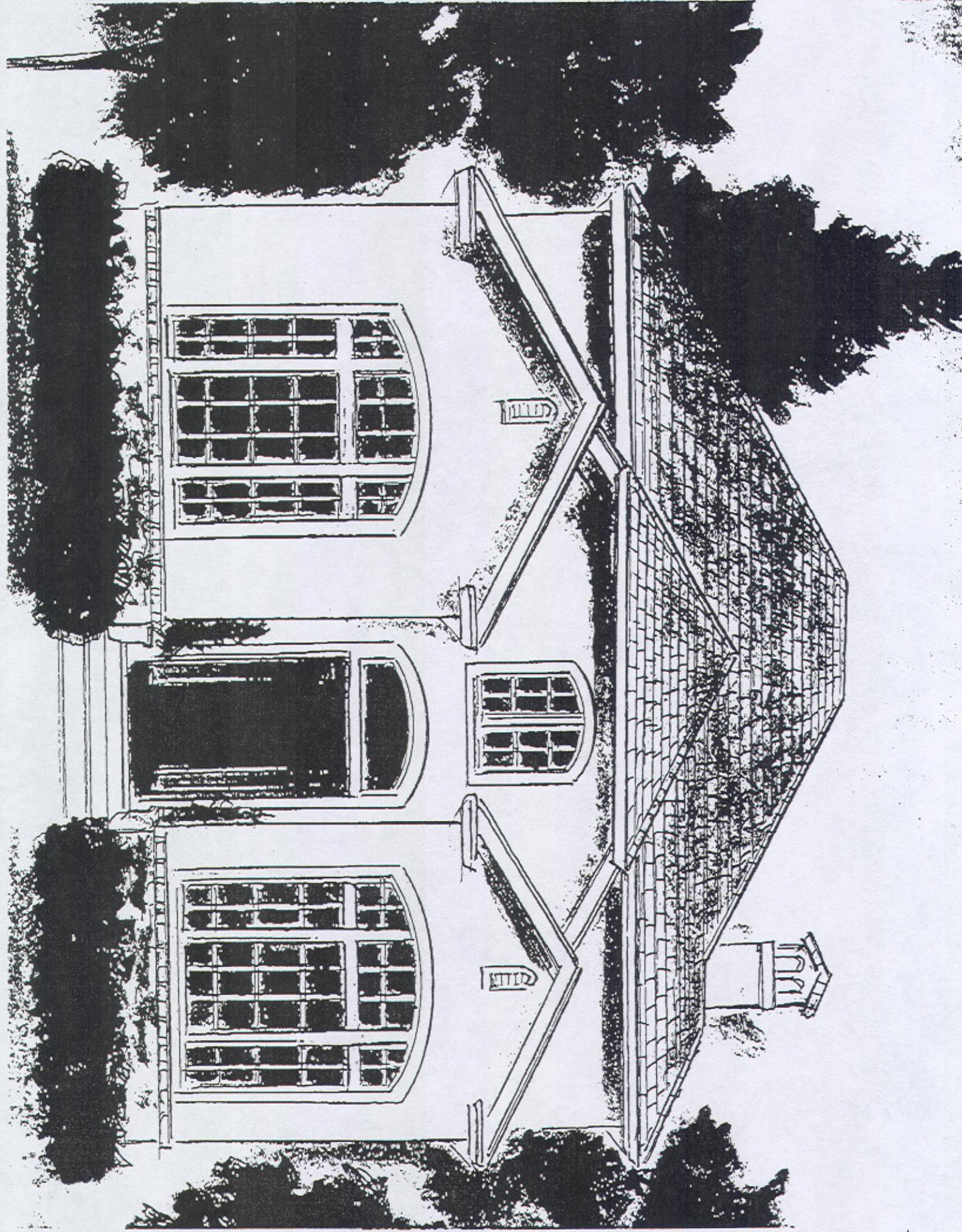
Neighboring House and Lot Area
40, 50, 60 Ashfield
 information based on San Mateo County Assessor's office

| APN | Address | Lot area | house area | garage* area | total floor area | year built |
|-------------------------|-------------|---------------|--------------|--------------|------------------|------------|
| 060-321-020 | 73 Ashfield | 14,100 | 1,860 | 200 | 2,060 | 1939 |
| 060-321-050 | 33 Ashfield | 24,138 | 3,430 | 200 | 3,630 | 1910 |
| 060-321-060 | 1 Ashfield | 12,420 | 1,690 | 400 | 2,090 | 1955 |
| 060-321-140 | 49 Ashfield | 18,150 | 2,960 | 400 | 3,360 | 1961 |
| 060-321-150 | 41 Ashfield | 19,275 | 1,230 | 600 | 1,830 | 1967 |
| 060-321-200 | 53 Ashfield | 16,519 | 2,630 | 400 | 3,030 | 1992 |
| 060-321-210 | 65 Ashfield | 12,975 | 3,530 | 400 | 3,930 | 1992 |
| 060-323-100 | 2 Ashfield | 12,876 | 1,690 | 400 | 2,090 | 1956 |
| 060-323-130 | 34 Ashfield | 12,312 | 1,740 | 0 | 1,740 | 1936 |
| 060-323-150 | 64 Ashfield | 14,025 | 1,770 | 400 | 2,170 | 1950 |
| 060-323-160 | 72 Ashfield | 15,075 | 2,240 | 400 | 2,640 | 1927 |
| 060-323-170 | 80 Ashfield | 16,478 | 2,670 | 200 | 2,870 | 1930 |
| 060-323-310 | 26 Ashfield | 11,413 | 2,940 | 0 | 2,940 | 1999 |
| 060-323-320 | 24 Ashfield | 15,943 | 3,590 | 400 | 3,990 | 1999 |
| average: | | 15,407 | 2,426 | 314 | 2,741 | |
| 060-321-020 | 81 Maple | 14,700 | 3,340 | 400 | 3,740 | 1948 |
| 060-323-030 | 73 Maple | 14,175 | 1,720 | 400 | 2,120 | 1938 |
| 060-323-040 | 65 Maple | 13,575 | 3,106 | 683 | 3,789 | 2004 |
| 060-323-060 | 49 Maple | 10,125 | 2,050 | 200 | 2,250 | 1936 |
| 060-323-070 | 41 Maple | 11,250 | 2,550 | 200 | 2,750 | 1935 |
| 060-323-080 | 33 Maple | 22,200 | 2,520 | 400 | 2,920 | 1922 |
| 060-323-090 | 17 Maple | 7,400 | 1,390 | 400 | 1,790 | 1948 |
| 060-323-300 | 57 Maple | 11,250 | 1,310 | 200 | 1,510 | 1936 |
| average: | | 13,084 | 2,248 | 360 | 2,609 | |
| <u>proposed:</u> | | | | | | |
| 060-323-290 | 60 Ashfield | 15,110 | 3,379 | 420 | 3,799 | |
| 060-323-210 | 50 Ashfield | 15,237 | 3,544 | 441 | 3,985 | |
| 060-323-220 | 40 Ashfield | 13,257 | 3,243 | 441 | 3,684 | |

Information obtained from San Mateo County Assessors Office
 * garage area assumes 200 square feet per garage space







Similar Sized
Neighborhood
Homes

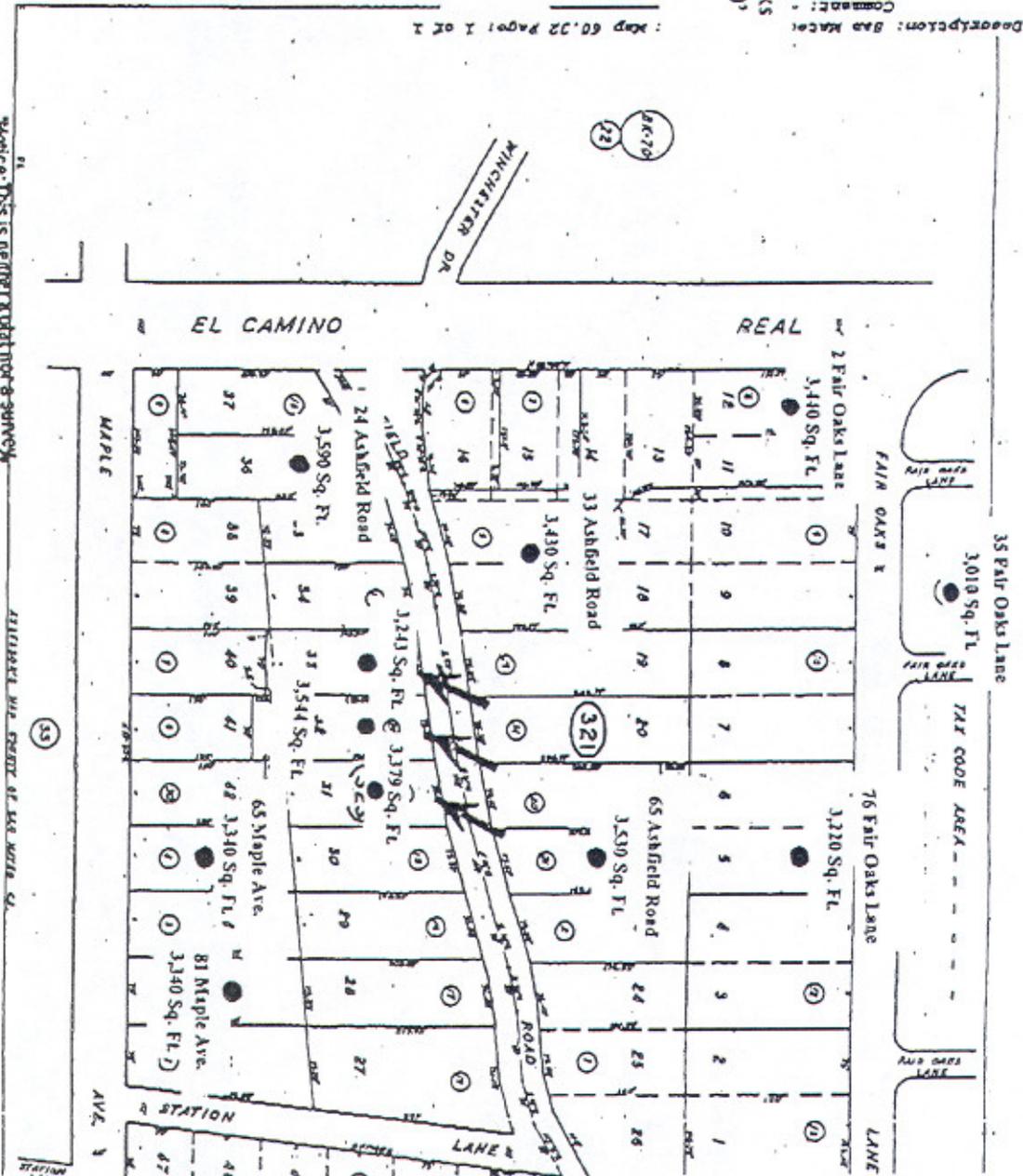
Side Yard Set Backs
Less than 19' to 20'

New Homes

Description: See Map
Command: .

Map 60.22 Page 1 of 1

Notice: This is neither a plat nor a survey.
It is furnished merely as a convenience to
aid you in locating the land indicated
hereon with reference to streets and other
land. No liability is assumed by reason of
any reference hereon.



ATTACHED WILL EXEMPT OF THE NORTH CO.

SEP 10 00 00:00

**Kelly Gordon
Development
Corp.**

12241 SARATOGA-SUNNYVALE RD., SARATOGA, CA 95070 • (408) 873-8774 • FAX: (408) 873-8819

August 29, 2005

Mr. William R. Conwell
Mayor
154 Atherton Ave.
Atherton, Ca. 94027

Re: 40, 50 & 60 Ashfield Rd., Atherton

Honorable Council Member:

At your September meeting you will be hearing an appeal on our proposed project on Ashfield Road. This project was reviewed by staff, found to be in compliance with all City design criteria, and approved by the Planning Commission at their July meeting. We respectfully request that you review the enclosed information which we have put together to further demonstrate the compatibility of our project.

1. During the week of September 5, 2005 we will be staking the corners of the proposed homes in an effort to assist you in visualizing the homes on the site. We invite you to visit the site and get a feel for the setbacks and existing screening already on the property.
2. We have enclosed colored elevations of the homes which we feel are unique in both style and design and will be a compatible addition to the neighborhood.
3. We have enclosed Exhibit A which identifies, with a red dot, existing homes in the neighborhood that are similar in size and style to the proposed homes.
4. The enclosed site plan shows each home as it is situated on the site. Our homes comply with the Town of Atherton design criteria and are 35' feet in width. The average width of existing homes on Ashfield Road is 45' feet.
5. Our side yard setbacks are also in compliance, they are between 19' & 20' feet. Once again on Exhibit A we have identified with, a yellow dot, the existing homes in the neighborhood that have less than 19' to 20' foot setbacks. Some are as small as five feet.
6. Our proposed rear yard setbacks are over 70' feet on lots 1 and 2 and over 55' feet on lot 3. The previous home on the site had a setback of 61' feet.

During the Planning Commission hearing the question of landscape screening came up. We have continued our work with the Town Arborist and have come up with a plan that we trust will address the neighbors concerns. That plan is currently being reviewed by the Town Arborist.

Finally, in our business we are not always the most welcome addition to the neighborhood. We have recently completed work on a home situated in the Town of Atherton, at 82 Holbrook Lane. We submit the enclosed letters from the neighbors adjacent to that project for your review.

I thank you for taking the time to review these documents and offer to meet you at the site if that would be helpful to you.

Sincerely,



Mr. & Mrs. Steven J. Tonsfeldt
75 Holbrook Lane
Atherton, Ca. 94027

City Council
Town of Atherton
91 Ashfield Road
Atherton, Ca. 94027

Re: Kelly Gordon & B.K. Development

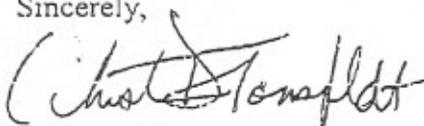
Dear City Council:

I'm writing this letter at the request of Brian Kelly of Kelly Gordon Development. I own the property across the street from the new home that was just completed at 82 Holbrook Lane in Atherton. My experience with the principles of both B.K. Development & Kelly Gordon Development has been quite positive for the following reason.

1. Kelly Gordon Development worked well with the neighbors and made the construction process almost pain free.
2. They seemed interested in our needs and concerns and addressed our questions in a prompt sensitive manner.
3. We were happy to see that when the new home was completed, it blended well with the existing neighborhood and was not oversized for the property.
4. Throughout the entire construction process the site & landscaping were well maintained.

I feel that Kelly Gordon & B.K. Development are interested in the needs and concerns of our community and I would welcome their involvement in any new construction project in our neighborhood.

Sincerely,



Mr. & Mrs. Steven J. Tonsfeldt

Mel D. Connet
74 Holbrook Lane
Atherton, CA 94027
650-327-3765

Mr. Michael Hood
Building Official
Town of Atherton
Atherton, CA 94027

Re: Kelly Gordon Development Corporation

Dear Mr. Hood:

I am writing at the request of Kelly Gordon Development regarding my experience with the new residential project that they just completed at 82 Holbrook Lane in Atherton. I own the property contiguous to theirs along the western property line.

My experience with the principals of Kelly Gordon and the construction process was quite positive. For example:

- At the start of the project they introduced themselves to the neighbors, gave us their contact information and encouraged us to contact them if we had any questions or concerns.
- They seemed sensitive to our needs around noise, parking, dust control, etc. and on several occasions would stop by to alert myself or my wife about some activity that they thought we might consider intrusive.
- They maintained an extremely neat and debris free construction zone.
- They seemed interested and rigorous about complying with the town's various building rules; for example, one of the principals would come by on the weekends to water the screening plants that had been put in.
- I had a potential concern about a fence and when I mentioned it they gladly took care of it without any debate or discussion.

In summary, I can recommend Kelly Gordon Development as a developer that is interested and sensitive to the needs and concerns of the community, and I'd welcome their involvement in any new home construction in my neighborhood.

Please contact me if I can provide any additional information.

Sincerely,



Mel D. Connet

Mr. Lino A. Baiata
89 Holbrook Lane
Atherton, Ca. 94027

City Council
Town of Atherton
91 Ashfield Road
Atherton, Ca. 94027

Re: Kelly Gordon & B.K. Development

Dear City Council:

I own the property across the street from the new home that was just completed at 82 Holbrook Lane in Atherton. I'm writing this letter at the request of Brian Kelly. My experience with the principles of both B.K. Development & Kelly Gordon Development were very positive.

Kelly Gordon worked well with the neighbors and tried to make the construction process as pain free as possible. They seemed sensitive to our needs and if we did have a concern they addressed it in a prompt and professional manner.

When the new home was completed we were happy to see that it blended well with the existing neighborhood, was sized appropriately for the property and situated well on the lot. During the marketing of the new home great care was taken to maintain the new landscaping that had recently been put in, at least once a week a maintenance crew was out at the property.

I feel that the new home is a definite benefit to our neighborhood and I would highly recommend Kelly Gordon & B.K. Development.

Sincerely,

Lino A. Baiata

A handwritten signature in black ink, appearing to read "Lino Baiata", written over the typed name.

**APPROVED MINUTES
PLANNING COMMISSION MEETING
July 27, 2005
6:00 p.m.**

ATHERTON TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Chair Andrews called the meeting to order at 6:00 p.m.

ROLL CALL:

PRESENT: **Bob Andrews**
 Rose Hau
 Marion Oster
 Jim Dobbie

EXCUSED: **Kristi Waldron**

City Attorney Marc Hynes, Building Official Mike Hood and Deputy Town Planner Lisa Costa Sanders and were also present.

PUBLIC HEARING

Exception Review – 40, 50 and 60 Ashfield – Exception Review request for determination of consistency with Municipal Code guidelines related to neighborhood compatibility for three proposed new houses (assessor parcel numbers 060-323-260, 060-323-210 and 060-323-220). Atherton Municipal Code Section 17.24.040(H) and Chapter 17.54.

Lisa Costa Sanders presented the staff report and noted the reasons outlined in the staff report to support the request.

Julie Quinlan, 49 Maple, indicated that the proposed homes are a lot larger than the homes in the neighborhood, citing an average home size of approximately 2,000 square feet. She stated that the proposed homes will overwhelm neighboring homes and that the size should be restricted to 3,500 square feet or utilize the original lot size to calculate the floor area. She also requested the original lot lines be applied for setback purposes. Ms. Quinlan indicated that she retained a landscape consultant and he recommends planting the pittosporum every six feet at 15 gallon size. She indicated that the rear fence adjacent to 50 Ashfield has collapsed and would like the applicant to construct a new fence on his property prior to start of construction.

Amy Torey, 57 Maple, stated that she lives directly behind 60 Ashfield and would like the screening of pittosporum plants to be planted at 15 gallon container size, every six feet. She also indicated that a Maple tree is dying and that she feels the homes are too large for the neighborhood.

Pat Engasser, 34 Ashfield, stated that the proposed homes do not fit in with the character of the neighborhood and that her home directly next door is 1,700 square feet in size. She expressed concern with the removal of landscaping, citing it has caused damage to her landscaping with loss of shade protection. She recommended a certified arborist inspect all remaining trees on the site.

Pat Haines, 80 Ashfield, stated that the Town has done an injustice in granting the lot compliance without hearings.

Virginia Herzer, 49 Ashfield, feels the homes are too large for the neighborhood and that they all look alike.

Arlene Coddington, 72 Ashfield, stated that the proposed development is a gigantic change, the homes are too large for the lot and are not in keeping with the neighborhood.

Warren Jones, 34 Ashfield, stated that three large homes in this small area is not in keeping with the character of the Town.

James Vera 65 Ashfield, stated that he did not receive notification of the hearing regarding the Oak tree removal and that it should have occurred after this Exception review.

Michelle Osen, 73 Ashfield, stated that three homes on small lots does not seem to be in character with the street and that they are too large for the lot. She also requested additional front screening.

Brian Kelly, applicant, indicated that the homes met the required 20' side yard setbacks and that the proposed rear yard setback is greater than the previous home. He noted the house size listed in the staff report includes the garage, and without the garage, the house sizes range from 3,200 square feet to 3,500 square feet. He stated that they set the homes back as far as possible with single story portions. The proposed landscape plan includes 45 new trees and shrubs. Mr. Kelly indicated that the rear fence has been stabilized and that he will be constructing a new fence to secure the property. He indicated that they intend to plant the screening within the next 30 days so they have time to grow.

Patricia Engasser, 34 Ashfield, requested an Arborist look at the remaining Oak trees on the property.

Brian Kelly, indicated that he will have the Arborist take another look at the trees.

Kathy Hughes Anderson, Town Arborist, indicated that the Town has not approved the landscape plan and that she routinely meets with neighbors to review the plan prior to its approval.

Eric Hansen, 57 Maple, indicated receiving a letter from the developer's attorney.

Brian Kelly Sr., applicant, responded that they asked the opinion of their attorney on the same topic as the City Attorney's memo and has provided a copy of their attorney's letter to the City Attorney.

Marc Hynes, City Attorney, noted receipt of a copy of their attorney's letter and stated that it is not relevant in these proceedings.

Close Public Hearing:

Commissioner Dobbie expressed concern with the size of the homes in the neighborhood.

Commissioner Hau requested additional landscape screening.

Commissioner Oster suggested more variation in exterior house colors.

Kathy Hughes Anderson, stated that the replacement requirement from the removed Oak will be planted in an area on 40 Ashfield near the side property line to 34 Ashfield.

Commissioner Andrews addressed the items listed in Mr. Quilinan's letter; indicated that the size of the home is within the allowed floor area requirements based on the lot size, the setback requirement is being met according to the current code, the Commission is providing direction to the Town Arborist for additional landscape screening, and that the developer will be required to install a safety fence around the property.

MOTION to approve the Exception for three new houses at 40, 50 and 60 Ashfield, based on the following findings and for the reasons outlined in the Staff Report with the conditions stated in the Draft Exception Review Certificate with the following additional conditions;

M/S Andrews/Hau Ayes: 3 Noes: 1 (Dobbie) Excused: 1

Findings:

1. The exception requested is compatible with the surrounding neighborhood visual character.
2. The landscaping and exception sought will not substantially decrease the privacy neighbors.
3. The application shall not increase the degree of nonconformity as defined in Section 17.44.050 of the Atherton Municipal Code
4. The exception requested is consistent with the general plan, the purposes of that plan and the Atherton Municipal Code Zoning Title.

Additional Conditions:

1. Condition 2b shall be amended as follows; "Shrubs shall be a minimum 15 gallon size."
2. Condition 2c shall be added as follows; "the two transplanted Japanese maples shall be replaced if they do not survive".
3. Add condition 3 to read as follows; "Landscape screening shall be to the satisfaction of the Town Arborist with the intent of screening to match or exceed existing conditions".
4. Add condition 4 to read as follows; "Perimeter fencing shall be provided during construction to provide safety for the neighborhood and the site."
5. Add condition 5 to read as follows; "Fencing shall be installed around all heritage trees during construction".

Respectfully submitted,

Lisa Costa Sanders, Deputy Town Planner

**Similar Sized
Neighborhood
Homes**
(See Enclosed Assessor Map)

| Address | Homes Size |
|-------------------|---------------|
| 65 Ashfield Road | 3,530 Sq. Ft. |
| 33 Ashfield Road | 3,430 Sq. Ft. |
| 24 Ashfield Road | 3,590 Sq. Ft. |
| 2 Fair Oaks Lane | 3,440 Sq. Ft. |
| 35 Fair Oaks Lane | 3,010 Sq. Ft. |
| 76 Fair Oaks Lane | 3,220 Sq. Ft. |
| 65 Maple Ave. | 3,340 Sq. Ft. |
| 81 Maple Ave. | 3,340 Sq. Ft. |

August 17, 2005

To: Atherton City Council

From: Jeanne Wangsness, Owner, 90 Holbrook Lane, Atherton, CA

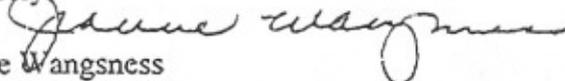
I'm writing this letter at the request of Kelly Gordon Development Corporation [KGDC] relative to their home construction project at 82 Holbrook Lane--next door to our home--that proceeded from late spring 2004 with finalization to occur on August 25, 2005 when new owners take possession. Informational sidelight: previous owners had demolished structures and essentially "scraped" the lot, so KGDC's building site was obstruction free.

We were satisfied with KGDC's management of the construction process, site maintenance and neighborhood interaction thereby making the construction period as tolerable as possible for us and other Holbrook and 17th Ave. residents. Positive management areas were:

- Scott Kelly, construction-manager, was very frequently on site;
- a security fence enclosed the area during most of the process so thieves or other uninvited were not encouraged to visit the project when work was not underway;
- construction materials were contained on the site, and debris was not allowed to litter the site;
- small screening plants, I can only presume they met code standards, were planted prior to breaking ground and maintained during the process (the real screen, however, is the mature landscaping between the properties that we maintain);
- "offensive" language was not heard (profanity and expletives);
- noise volumes were observed (no blaring radios were allowed);
- a portable latrine was provided throughout the construction process;
- work was conducted during permitted times;
- worker vehicles were parked so traffic could proceed on the street;
- worker and construction vehicles did not tear up neighboring front easements; and
- work progressed in a timely manner thereby minimizing the construction period.

I participated in several Sunday Open Houses, when the property was listed with Coldwell Banker, and had the opportunity to hear comments by Holbrook Lane neighbors, neighbors from surrounding streets, and the buying public. In general, their comments and mine reflect the new home is a positive addition to Holbrook Lane. It is appropriately sized for the neighborhood and well situated on the lot. Runoff and site drainage were installed so our property will not be adversely influenced. The landscaping has been well maintained throughout the marketing process for the new buyers to enjoy. If asked, I'm comfortable recommending KGDC as a builder.

Sincerely,



Jeanne Wangsness

90 Holbrook Lane, Atherton, CA 94027

650-291-5885 cell phone



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 SEPTEMBER 21, 2005

**SUBJECT: DISCUSSION AND POSSIBLE DIRECTION TO STAFF RELATED TO
MENLO COLLEGE FIELD USE ISSUES**

RECOMMENDATION:

Review the Menlo School/Menlo College Progress Report and give appropriate direction to staff.

BACKGROUND:

At its previous meeting, the City Council requested that Menlo College and Menlo School meet, try to resolve the remaining issues and provide a progress report before the September 21, 2005 City Council meeting. While there are still some issues yet to be resolved, Menlo College prepared the attached progress report and would like to meet again with the adjoining neighbors and return to the October City Council meeting.

Attachments: Status Report
Minutes

Neighbor Meeting

Wednesday, September 7, 2005

Attendees: Jeff Hiller, Mike Greenberg, Stuart Rosenberg, and Lisa Hawkins (Brittany Meadows residents); Jim Robinson and Tom Brennan (Town of Atherton); Tony Lapolla, Craig Schoof, and David McAdoo (Menlo School); Bob Hite, Caitlin Collier, and Joe O'Brien (Menlo College).

The following is summary of the meeting, categorized by topic:

Batting cage:

- The college reported that installation of a lockable cage (similar to that of the school) is complete.
- Signs stating “only plastic or dimpled balls may be used in the cages” have been ordered, and are being picked up today (9/16/05). They will be installed early next week. Both security departments have been notified to enforce this policy.
- The school and college will continue their research into finding practical and effective sound-isolating materials to further reduce sound. The neighbors understand that the school and college will continue to use the batting cages while researching the sound-isolating materials. The school and college agreed to have a solution in place before official baseball seasons begin.

Whistles:

- The school and college are now using specially-purchased whistles that are less shrill.

Football Practices:

- The neighbors reported that football practices have been “better” than past years. Per the neighbors’ request, the college football coach has been reminded to contain as much practice activity as possible to the left field area of the baseball field.

Fencing:

- Both Mr. Hiller and Mr. Greenberg are agreeable to the idea of installing a fence along the shared property line at their cost. They expressed concern that the fence would not reduce sound on the second floors of their homes.

It was agreed that the Town of Atherton should be approached regarding a special exemption to build a fence above 8 feet.

Start Times for Organized Activities:

- The school and college proposed that no organized activity on the athletic fields starts before 8am on Mondays-Fridays, and 9am on Saturdays & Sundays. “Organized activity” is defined as coach-to-player interaction. This includes warm-ups, drills, practicing or any other typical pre-game activities. Coaches and game personnel may prepare the field before these start times.
- The neighbors agreed to these start times for school and college-related activities only. Discussion of this issue with regards to activity by outside organizations was deferred to a subsequent meeting.

End Times for Organized Activities:

- The school and college proposed that no organized activity on the athletic field will end at dusk on Mondays-Fridays, and at 7pm on Saturdays & Sundays.
- The neighbors agreed to these end times for school and college-related activities only. Discussion of this issue with regards to activity by outside organizations was deferred to a subsequent meeting.

Organized Activities on Summer Holidays:

- The school and college proposed that no activities by outside organizations occur on the athletic fields on either Memorial Day or 4th of July holidays. If necessary, school or college-related activities may happen.

General Notes:

- Everyone in attendance agreed to a subsequent meeting in late September or early October. Two items to be discussed are: hours of athletic field usage by outside organizations and parking.
- Everyone in attendance agreed that discussions have been positive and progress is being made. To that end, we would like to request to the Town of Atherton that this issue be given a stay on their agenda until the October Town Council Meeting. This will allow this group to meet one more time and provide a more complete report to the Town.

Jim Robinson

From: Joe O'Brien [jobrien@menlo.edu]
Sent: Friday, September 16, 2005 4:24 PM
To: Stuart Rosenberg; mhgreenberg; Jeff Hiller; Robert Hite; Caitlin Collier; Jim Robinson; Bob Brennan; David McAdoo; Tony Lapolla; Craig Schoof
Subject: 9/7/05 Meeting Notes

Attachments: Neighbor Mtg notes 9.7.05.doc



Neighbor Mtg notes
9.7.05.doc ...

Hello all,

My apologies for the delay in getting this to you - I was out of the office sick for a couple of days. Please find the attached minutes from our meeting on September 7th.

As we discussed in the meeting, Jim Robinson will report to the Town Council that we are having good discussion and making progress (as evidenced by this attached document), and that we would like to stay our appearance before the Council until the October meeting.

I would like to propose our next meeting be held during the last week on September. Since our last two meetings have been on Wednesday afternoons, how about 2pm on Wednesday, September 28? Please advise as to your availability.

If anyone has any questions or comments, please feel free to contact me.

If someone would be so kind as to forward this to Ms. Hawkins, it would be greatly appreciated. I do not have her e-mail address.

purchase insurance as a “rider” to the ABAG policy for events might lower the cost for residents.

After further discussion, the Council decided to add language to the ordinance that gave the City Manager discretion to exempt activities for non-commercial events on streets and cul-de-sacs and to increase the amount of insurance for other events from \$1,000,000 to \$2,000,000. Additionally, Council directed staff to pursue an insurance alternative with ABAG.

MOTION – hold first reading of the ordinance – AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REPEALING CHAPTER 8.52 AND ADDING CHAPTER 17.38 OF THE ATHERTON MUNICIPAL CODE REGULATING SPECIAL EVENTS WITHIN THE TOWN OF ATHERTON; add language to Section 17.38.050(L) to read, “*The City Manager shall have discretion to exempt activities for non-commercial events on streets and cul-de-sacs*”; direct staff to pursue an insurance alternative with the Association of Bay Area Governments (ABAG); and increase the amount of insurance for other events from \$1,000,000 to \$2,000,000.

M/S Carlson/ Marsala

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

REGULAR AGENDA (Items 23-25)

23. DISCUSSION AND POSSIBLE DIRECTION TO STAFF RELATED TO MENLO COLLEGE FIELD USE ISSUES

Council Member Carlson had requested the item be placed on the evening’s agenda. The noise issue had been festering for quite some time, and if the parties could not solve the problem, the City Council would need to enact a solution. He asked what had been done to resolve the issues.

Mayor Conwell was sympathetic to both sides of the issue. He was hopeful a solution could be found that would be acceptable to everyone.

David McAdoo, Menlo School, noted the school had tried to take neighbors’ concerns into consideration and mitigate those concerns.

Tony Lapolla, Dean of Students, Menlo School, said in the past seven years, only one sport had been added to the athletic program and play was regulated by the Peninsula Athletic League and the California Interscholastic Federation. The school offered one sports camp during the summer that was sponsored by Menlo School. With regard to American Legion Baseball, the Peninsula Athletic League made a major change in its rules that allowed all activities over the summer to fall under the jurisdiction of the schools.

Council Member Carlson believed use of the fields had increased over time due to a larger football program and summer sports camps.

Mr. McAdoo stated the football field was left to rest over the summer in order for the lawn to regenerate for the next season. An artificial surface that would allow all-season play was planned within the next five years; however, the cost was \$1.2 million.

Jeff Hiller, 4 Brittney Meadows, said both sides had been working together for some time. The remaining issues were: 1) activities that ran late into the evenings; and 2) activities that occurred on the field against the mutual wall between the school and the neighbors. The primary nuisance was the football camps because of the yelling and types of whistles used. The batting cage issue had been resolved.

Joe O'Brien, Menlo College, said the college was the steward of the three fields in question. He noted the old batting cage had not been used since June 16. A new, lockable batting cage was being installed, new balls were purchased, and the cage was being lined with a sound-absorbing material.

Discussion continued regarding the noise emanating from football practices occurring against the mutual wall during the weekday evenings from 4 – 6:30 p.m. from August through November. Additionally, summer sports camps run by Menlo College had increased in the past few years and added to the noise issues.

Mike Greenberg, Atherton, played a tape of a La Crosse game that took place at 9:00 a.m. on a Sunday morning. The machine was located on his patio approximately 70' from the property line. The issue was not "some" noise; the issue was the increasing volume of noise that made use of the backyard undesirable.

Mr. O'Brien said the school and the college wanted their neighbors to enjoy their properties, felt their frustration, and were trying to mitigate the situation. During the summer, he moved the camps to another field for the evening session.

Council Member Carlson clarified through the City Attorney that the Council could impose a setback from the property line that regulated where activities took place; however, he did not believe either side wanted that to happen. He suggested both sides meet during the next two months for one last try at resolving/compromising the issue.

Mr. McAdoo said the school and college would meet with the neighbors to try to work out a compromise for the few remaining issues.

BY CONSENSUS -- The item was continued to the Regular City Council Meeting of September 21, 2005. In the interim, both parties were to meet, try to resolve the remaining issues, and provide a progress report to the Council before the meeting of September 21.

24. **CONSIDERATION OF DESIGNATING A VOTING DELEGATE AND ALTERNATE FOR THE 2005 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

DATE: FOR THE MEETING OF SEPTEMBER 21, 2005

SUBJECT: ORDINANCE AMENDMENT – SPECIAL EVENTS REQUIREMENTS

RECOMMENDATION

Staff recommends that the City Council adopt the Ordinance repealing Chapter 8.52 and adding Chapter 17.38 of the Atherton Municipal Code relating to Special Events requirements within the Town of Atherton.

BACKGROUND

The City Council, at its July 20, 2005 meeting, reviewed the draft Ordinance adding Chapter 17.38 to the Atherton Municipal Code relating to Special Events. At that meeting, the Council directed staff to require \$2,000,000 insurance under section 17.38.050(L).

The City Council introduced the Ordinance as amended above at the July 20, 2005 meeting. Staff has incorporated this change to the attached Ordinance for City Council adoption.

There was discussion at the City Council meeting regarding the ability to utilize Association of Bay Area Governments (ABAG) insurance for special events on private property. Staff has met with ABAG representatives, and the ABAG PLAN Corporation has made available a Special Events Liability Insurance Policy through Driver Alliant Insurance Services, Inc. A manual describing the insurance has been provided to the Town. Attached to this report as an exhibit are the Special Event Program specifications – an example of some of the activities covered entitled "Tenant/User Program Hazard Schedule I –III." Tenant/User rates are shown on pages 10 and 11 of the manual.

The City Council minutes reflect the Council adding language to section 17.38.050(L) to read; “the City Manager shall have discretion to exempt activities for non-commercial events on streets and cul-de-sacs.” It was staffs’ understanding that the Council wished to not overburden events on cul-de-sacs with potential costly insurance requirements. As ABAG is able to provide affordable insurance coverage, staff recommends that this language not be added to the Ordinance.

Prepared by:

Approved by:

Lisa Costa Sanders
Deputy Town Planner

James H. Robinson
City Manager

Attachments:

1. Ordinance and School Event Guidelines
2. Ordinance with markups
3. ABAG Special Events Liability Insurance manual
4. Letter from Marguerette Paponis dated September 10, 2005

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON REPEALING CHAPTER 8.52 AND ADDING CHAPTER
17.38 OF THE ATHERTON MUNICIPAL CODE REGULATING
SPECIAL EVENTS WITHIN THE TOWN OF ATHERTON**

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

SECTION 1: Chapter 8.52 is hereby entirely repealed.

SECTION 2: Chapter 17.38 is hereby added as follows:

17.38 SPECIAL EVENTS

17.38.010 Title.

This chapter shall be known as the "Special Event Ordinance" and may be so cited.

17.38.020 Purpose and intent.

- A. The purpose of this chapter is to insure the comfort, safety and general welfare of the Town citizens by controlling the number of special events and impacts of such events on the community and by providing a simplified permit process. It is also the purpose of this chapter to defray the costs of processing applications for these events.
- B. The intent of this chapter is to protect the residents from excessive noise, traffic and other intrusions upon their privacy.

17.38.030 Definitions.

A "special event" is an activity sponsored by one or more organizations, individuals, or other entities, held at one or more locations within the Town of Atherton to which the general public is invited.

17.38.040 Permit required.

- A. All special events held in the public right-of-way shall obtain a special event permit. Activities include, but are not limited to; processions such as: walks, road races, bicycle rides, skate-a-thons and similar activities.
- B. A special event permit is required for any special event held on private property, occurring on two or more consecutive days where members of the general public are invited. Activities requiring a permit include, but are not limited to the following;
 - 1. Motion picture filming;
 - 2. House and garden tours;
 - 3. Fundraisers

4. Auctions;
 5. Antique shows;
 6. Concerts;
 7. Other similar activities.
- C. The following provisions shall apply to special events held at private and public schools and country clubs:
1. A permit is not required for on-site school-related events. Responsible parties shall notify the Town of school events that may result in additional traffic or parking.
 2. A permit is not required for non-school-related events held at schools and country clubs that meet the School Event Guidelines as prepared by the City Manager and accepted by the City Council. Responsible parties shall notify the Town of events that may result in additional traffic or parking.
 3. A special event permit is required for non-school-related events that are planned to occur outside of the School Event guidelines.
- D. Open house tours for the purpose of selling property under the regular course of a real estate transaction shall be exempt.

17.38.050 Application submittal requirements.

The following items and information shall be submitted to the City Manager or designee:

- A. Completed application (application form supplied by the town) submitted to the Town at least two months prior to the event;
- B. Detailed description of the event;
- C. Contact person available prior to and during the event;
- D. Application fee, (as set by resolution of the city council);
- E. The anticipated number of attendees and number of vehicle trips per day;
- F. An on- and off-site parking plan including the placement of barricades, etc;
- G. A deposit as determined by the Police Chief for the funding of any additional security measures not provided by the applicant;
- H. A hold harmless agreement, naming the Town, its employees and agents; and certificate of insurance, naming the Town as additional insured. A form of hold harmless agreement, and insurance in the amount of \$2,000,000 and insurance provider shall be reviewed and approved by the City Attorney.

17.38.060 Permit issuance.

- A. The City Manager or designee may issue a special event permit when in the opinion of the City Manager or designee the event meets all of the requirements of this code and the Atherton General Plan. The City Manager or designee may refer items to the Planning Commission when, in his or her opinion, the public interest would be better served by the Planning Commission conducting a public hearing. The City Manager or designee shall issue, deny or refer a special event permit within thirty (30) days of receipt of a completed application. If the event will not be in conformance with either this code or the Atherton General Plan the application shall be denied.

- B. If a special event permit is issued by the City Manager or designee, such official may impose any reasonable conditions to insure the event will have a minimal impact on the community. Such conditions may include, but are not limited to, any of the following:
1. Adequate arrangements to prevent:
 - a. Violation of Chapter 8.16 Noise Control,
 - b. Violation of 8.20 Nuisance Abatement,
 - c. Amplified sound,
 - d. Violation of any traffic laws,
 - e. Violation of any other section of this code;
 2. Posting of docents at key/dangerous locations;
 3. Events, including setup and tear down, will be done during daylight hours if feasible;
 4. Signs on public property shall be kept to a minimum and shall not be displayed for longer than one hour prior to or after the end of the event;
 5. Other materials or mitigation measures deemed necessary by the City Manager or designee;
 6. Parking barricades shall be set back a minimum distance as required by the City Manager or his or her designee to insure site distance clearance from special event site driveways and neighboring driveways.

17.38.070 Permit requirements.

- A. All special events held on private property shall be limited to no more than two consecutive weeks, including no more than two consecutive weekends. Any event for a longer period of time requires a Conditional Use Permit from the Planning Commission.
- B. All special events shall be publicly noticed at least ten days prior to the issuance of a permit, pursuant to the process outlined in State Planning and Zoning Law section 65091, with a five hundred foot radius notification. However, if the event is not conducted on a single site, or is to be conducted within the public right-of-way, the applicant shall pay for the cost associated with the publication of the notice in a newspaper of general circulation at least ten days prior to issuance of a permit.
- C. The applicant shall execute an agreement acknowledging obligations to comply with all required conditions of the special event permit.
- D. No more than two special event permits shall be issued in a twelve-month period for special events on any private residential property.

17.38.080 Permit revocation.

A special event permit may be revoked by the City Manager or his or her designee in the event of any violation of the special events permit or this code.

17.38.090 Violation as a public nuisance.

Each violation of this chapter is a misdemeanor and shall constitute a public nuisance and be subject to abatement as such.

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 of 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 affect and be in force from and after 30 days after its passage and adoption.

* * * * *

Introduced this 20th day of July, 2005.

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

| | |
|----------|--|
| AYES: | COUNCILMEMBERS: Janz, Marsala, Carlson, Conwell, McKeithen |
| NOES: | COUNCILMEMBERS |
| ABSTAIN: | COUNCILMEMBERS |
| ABSENT: | COUNCILMEMBERS |

William R. Conwell, Mayor
Town of Atherton

ATTEST

Linda Kelly, Acting City Clerk

APPROVED AS TO FORM:

s/Marc G. Hynes

Marc G. Hynes, City Attorney

SCHOOL EVENT GUIDELINES

GUIDELINES FOR SPECIAL EVENTS HELD AT PRIVATE AND PUBLIC SCHOOLS WITHIN THE TOWN OF ATHERTON

The Town of Atherton requests public and private schools enforce the following special events guidelines with regards to non-school-related special events held on school property within the Town of Atherton;

1. Field use and outdoor functions shall be limited to the hours of 8:00 a.m. until 7:00 p.m. unless further limited by the school. Field use shall include setup, breakdown, warm-up, and practice sessions.
2. Indoor activities shall cease at 9:00 p.m.
3. No amplified noise equipment shall be used in conjunction with any outdoor activity.
4. Any lighting associated with field or outdoor functions use shall be shielded or downlit so the source of light shall not shine onto adjacent properties.

A responsible school contact person shall be made available to immediately enforce any violation of the above-listed guidelines.

Any non-school-related event that is planned to occur outside of the above-listed guidelines (i.e.; earlier/later than the specified hours, use of amplified noise, spill overlighting) would be required to obtain a special events permit pursuant to section 17.38 of the Atherton Municipal Code.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON REPEALING CHAPTER 8.52 AND ADDING CHAPTER
17.38 OF THE ATHERTON MUNICIPAL CODE REGULATING
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The City Council of the Town of Atherton does ordain as follows:

SECTION 1: Chapter 8.52 is hereby entirely repealed.

SECTION 2: Chapter 17.38 is hereby added as follows:

17.38 SPECIAL EVENTS

17.38.010 Title.

This chapter shall be known as the “Special Event Ordinance” and may be so cited.

17.38.020 Purpose and intent.

A. The purpose of this chapter is to insure the comfort, safety and general welfare of the town citizens by controlling the number of special events and impacts of such events on the community and by providing a simplified permit process. It is also the purpose of this chapter to defray the costs of processing applications for these events.

B. The intent of this chapter is to protect the residents from excessive noise, traffic and other intrusions upon their privacy.

17.38.030 Definitions.

~~“Special events” means and includes motion picture filming, house tours, fundraiser, auction, antique show, concert, processions (walks, road races, bicycle rides, skate-a-thons) or other similar activity. (Ord. 499 § 1 (part), 1999).~~

A "special event" is an activity sponsored by one or more organizations, individuals, or other entities, held at one or more locations within the Town of Atherton to which the general public is invited.

17.38.040 Permit required.

A. *All special events held in the public right-of-way shall obtain a special event permit. Activities include but are not limited to; processions such as: walks, road races, bicycle rides, skate-a-thons and similar activities.*

B. A special event permit is required for any *special event held on private property, occurring on two or more consecutive days where members of the general public are invited.* ~~of the following listed activities:~~ *Activities requiring a permit include, but are not limited to the following;*

1. Motion picture filming;
2. House *and garden* tours;
3. Fundraisers

4. Auctions;
5. Antique shows;
6. Concerts;
7. Other similar activities.

C. *The following provisions shall apply to special events held at private and public schools and country clubs:*

1. *A permit is not required for on-site school related events. Responsible parties shall notify the Town of school events that may result in additional traffic or parking.*
2. *A permit is not required for non-school related events held at schools and country clubs that meet the School Event Guidelines as prepared by the City Manager and accepted by the City Council. Responsible parties shall notify the Town of events that may result in additional traffic or parking.*
3. *A special event permit is required for non-school related events that are planned to occur outside of the School Event guidelines.*

D. *Open house tours for the purpose of selling property under the regular course of a real estate transaction shall be exempt.*

17.38.050 Application submittal requirements.

The following items and information shall be submitted to the ~~Building and Zoning Official~~ **City Manager or designee**:

- A. Completed application (application form supplied by the town) submitted to the town at least two months prior to the event;
- B. Detailed description of the event;
- C. Contact person available prior to and during the event;
- D. Application fee, (as set by resolution of the city council);
- ~~E. One composite assessor's map with a circle showing all properties within a five hundred foot radius of the subject site;~~
- ~~F. Copies of the assessor's roll pages listing such owners of the aforementioned properties as shown on the latest equalized assessment roll;~~
- ~~G. Plain No. 10 envelopes, stamped, addressed to each owner, in order by parcel number;~~
- ~~H. Notices suitable for area wide posting describing the event;~~
- I. The anticipated number *of attendees and number* of vehicle trips per day;
- J. An on- and off-site parking plan including the placement of barricades, etc.;
- K. A deposit as determined by the ~~Building and Zoning official~~ **Police Chief** for the funding of any additional security measures not provided by the applicant;
- L. A hold harmless agreement, ~~holding~~ **naming** the Town, its employees and agents; ~~harmless~~ and certificate of insurance, naming the Town as additional insured. **A form of hold harmless agreement, and insurance in the amount of \$2,000,000 and insurance provider shall be reviewed and approved by the City Attorney.** ~~in amounts determined sufficient by the City Attorney, and from a company approved by the City Attorney.~~

17.38.060 Permit issuance.

A. The ~~Building and Zoning Official~~ **City Manager or designee** may issue a special event permit when in the opinion of the ~~Building and Zoning Official~~ **City Manager or designee** the event meets all of the requirements of this code and the Atherton General Plan. The ~~Building and Zoning Official~~ **City Manager or designee** may refer items to the Planning Commission when, in

his or her opinion, the public interest would be better ~~serviced~~ *served* by the Planning Commission conducting a public hearing. The ~~Building and Zoning Official~~ *City Manager or designee* shall issue, deny or refer a special event permit within a ~~timely manner~~ *thirty (30) days* of receipt of a completed application. If ~~there is a possibility that~~ the event will not be in conformance with either this code or the Atherton General Plan the application shall be denied.

B. If a special event permit is issued by the ~~Building and Zoning Official~~ *City Manager or designee*, such official may impose any reasonable conditions to insure the event will have a minimal impact on the community. Such conditions may include, but are not limited to, any of the following:

1. Adequate arrangements to prevent:
 - a. Violation of Chapter 8.16 Noise Control,
 - b. Violation of 8.20 Nuisance Abatement,
 - c. Amplified sound,
 - d. Violation of any traffic laws,
 - e. Violation of any other section of this code;
2. Posting of docents at key/dangerous locations;
3. Events, including setup and tear down, will be done during daylight hours if feasible;
4. Signs on public property shall be kept to a minimum and shall not be displayed for longer than one hour prior to or after the end of the event;
5. Other materials or mitigation measures deemed necessary by the ~~Building and Zoning Official~~ *City Manager or designee*;
6. Parking barricades shall be set back a minimum distance as required by the City Manager or his or her designee to insure site distance clearance from special event site driveways and neighboring driveways.

17.38.070 Permit requirements.

A. All special events held on private property shall be limited to no more than two consecutive weeks, including no more than two consecutive weekends. Any event for a longer period of time requires a Conditional Use Permit from the Planning Commission.

B. All special events shall be publicly noticed at least ten days prior to the issuance of a permit, pursuant to the process outlined in State Planning and Zoning Law section 65091, with a five hundred foot radius notification. However, if the event is not conducted on a single site, or would ~~is to be~~ conducted within the public right-of-way, the applicant shall ~~instead place~~ pay for the cost associated with the publication of the notice in a newspaper of general circulation at least ten days prior to ~~the event~~ to issuance of a permit.

C. The applicant shall ~~submit~~ execute an ~~written statement consenting to the~~ agreement acknowledging obligations to comply with all required conditions of the special event permit.

D. No more than two special event permits shall be issued in ~~each calendar year~~ a twelve month period for special events on any private residential property.

17.38.080 Permit revocation.

A special event permit may be revoked by the City Manager or his or her designee in the event of any violation of the special events permit or this code.

17.38.090 Violation as a public nuisance.

Each violation of this chapter *is a misdemeanor and* shall constitute a public nuisance and be subject to abatement as such.

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 of 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 affect and be in force from and after 30 days after its passage and adoption.

Introduced this 20th day of July, 2005.

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the _____ day of _____, 2005, by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

MAYOR of the Town of Atherton

ATTEST:

CITY CLERK of the Town of Atherton



association of **BAY AREA**
Governments

ABAG PLAN CORPORATION

Special Events Liability Insurance Program Manual

2004

driver♦**alliant**
INSURANCE SERVICES

Driver Alliant Insurance Services, Inc.

Special Events

P.O. Box 28323

Santa Ana, CA 92799 - 8323

Tel: (800) 821 - 9283

DEFINITIONS

Tenant/User Event

A “Tenant/User Event” is an event that is held or sponsored by companies, organizations, or individuals that have been permitted to use your premises. Certificates are issued with the user of the facility as the Named Insured, and the Public Entity as the Additional Insured.

Instructor/Recreation Event

An “Instructor/Recreation Event” is an event that is instructional to its participants. Instructors are not employees of the public entity, but provide instructional services for a fee. (Note: Participant coverage requires signed waivers.)

Nominee Event

A “Nominee Event” is an event that is held or sponsored by you, the public entity, or by any department or division, thereof. Coverage can be expanded to cover co-sponsors if desired. This is not a self-rated program. All events must be approved and rated by the insurance company. Certificates are issued by Driver Alliant Insurance Services with the public entity as the Named Insured and the property owner (if other than the public entity) as the Additional Insured.

Concessionaire

A “Concessionaire” is a company, organization, or individual who is permitted to operate a small business, as selling food, newspapers, etc. on your premises as part of a large short-term event. These businesses can only be covered in conjunction with a covered event.

Additional Insured

An “Additional Insured” is a company, organization, entity, group or individual other than the Named Insured who is protected under the terms of the contract. The public entity whose facilities are being used is an Additional Insured on the coverage provided through the Special Event Liability Program.

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APPENDIX

Specimen Policy Form

SPECIAL EVENT LIABILITY INSURANCE GUIDELINES AND PROCEDURES

This manual affords an overview of the Special Event Liability Insurance Program (which includes the Tenant User Liability Program, Instructor/Recreation Class Liability Program and the Nominee Program for Public Entity Sponsored events), and provides instructions to implement coverage for specific events.

Please note that additional certificates and reporting forms are provided separately for your use, so you need not remove material from this manual.

Should you have any questions or require assistance, please contact us at (800) 821-9283.

Driver Alliant Insurance Services

SPECIAL EVENT PROGRAM SPECIFICATIONS

- INSURED:** Participating Public Entities and their tenant users, of the Driver Alliant Insurance Services Special Event Liability Program (see attached list of participants)
- MAILING ADDRESS:** c/o Driver Alliant Insurance Services
Special Events
P.O. Box 28323
Santa Ana, CA 92799-8323
- POLICY TERM:** January 1, 2004 to January 1, 2006
- RATING:** A Excellent (Financial Size X)
(\$500 mil to \$750 mil)
- CARRIER:** Evanston Insurance Company
- LIMITS:**
- | | |
|--------------|--|
| \$ 2,000,000 | General Aggregate |
| \$ 1,000,000 | Products/Completed Operations Aggregate (Food Products Only) |
| \$ 1,000,000 | Personal and Advertising Injury |
| \$ 1,000,000 | Each Occurrence |
| \$ 50,000 | Fire Damage |
| \$ 5,000 | Medical Expense |
- All aggregates apply separately to each event**
- COVERAGE:** Combined Single Limit of Liability for Bodily Injury and Property Damage Per Occurrence and Aggregate as shown above. Coverage includes:
- Lessees, Instructors or Event Holder as Named Insured
 - “Primary & Non Contributory” wording as respects the Public Entity
 - Volunteer Employee’s as insureds
 - Entity or Venue Owner as Additional Insured
 - Premises and Products/Completed Operations Liability
 - Personal and Advertising Injury
 - Fire Damage and Medical Payments

OPTIONAL COVERAGE:
(Subject to additional Premium/Conditions)

- Liquor Liability with Payment of Additional Premium
- Athletic Participants included with underwriter's approval and signed waiver
- Vendors, Exhibitors and Concessionaires included with payment of additional premium

MAJOR EXCLUSIONS:
(Including but not limited to)

- Automobile Liability
- Property Damage to Entity Premises, or Property of Others in the Care, Custody and Control of the Insured
- Asbestos
- Workers' Compensation
- Collapse of Tents and Concert Limitations
- Performer and Crew with No Coverage for Injury to or by Performer or Crew (Concerts Only)
- Sexual Abuse and Molestation
- Communicable Disease
- Assault and Battery
- Terrorism
- Toxic Mold
- Punitive Damages
- Breach of Contract and Independent Contractors

EXCLUDED EVENTS:

- Circus and Carnivals
- Mechanical Amusement Devices
- Motorized Sporting Events
- Tractor/Truck Pulls
- Boxing, Wrestling, Hockey, Contact Karate and Professional Sporting Events (Without prior underwriter approval)
- Aircraft and Balloon Events
- Pyrotechnical Uses and Fireworks Shows (Does not apply to spectators)
- Rap Concerts (Without prior underwriter approval)
- Heavy Metal Concerts (Without prior underwriter approval)
- Moonbounces and Trampolines
- Hip-Hop Concerts
- Alternative Music Concerts
- Athletic Participation for League Based Events
- Veterinary Legal Liability
- Rodeos and Roping Events (Including Practice without prior underwriter approval)

DEDUCTIBLE: None

REPORTING: Reporting Form and Certificates of Insurance to be submitted on a Quarterly basis, together with premium payment.

HAZARD SCHEDULES/RATES: See Following

NOTE: **PLEASE REFER TO POLICY FOR SPECIFIC TERMS, CONDITIONS & EXCLUSIONS**

BROKER: **DRIVER ALLIANT INSURANCE SERVICES,
NEWPORT BEACH, CA**
Rennetta Poncy, Account Executive
Mary Ellen Ewert, Account Manager
Penny De Witt, Account Administrator

SUBJECT TO POLICY TERMS, CONDITIONS AND EXCLUSIONS

□ □ □ □ □

Analyzing insurers' over-all performance and financial strength is a task that requires specialized skills and in-depth technical understanding of all aspects of insurance company finances and operations.

Insurance brokerages such as Driver Alliant typically rely upon rating agencies for this type of market analysis. Both *A.M. Best and **Standard and Poor have been industry leaders in this area for many decades, utilizing a combination of quantitative and qualitative analysis of the information available in formulating their ratings.

A.M. Best has an extensive database of nearly 6,000 Life/Health, Property Casualty and International companies. You can visit them at www.ambest.com

For additional information regarding insurer financial strength ratings visit Standard and Poor's website at www.insure.com/ratings/profiles

To learn more about companies doing business in California, visit the California Department of Insurance website at www.insurance.ca.gov

PROGRAM PROCEDURES FOR INSUREDS

1. Secure appropriate details of the event/class from the lessee/instructor, which will allow you to:
2. Classify the event/class in accordance with the schedule of Hazard/Classifications and...
3. Based upon number of days of the event/class, attendance, and hazard schedule , calculate the premium using the rate schedule.
 - **Events that are more than one day, can be rated based upon total attendance.**
4. Collect the premium from the lessee/instructor. Checks should be made payable to the Public Entity.
5. Issue a Certificate of Insurance to the lessee/instructor.

TO ISSUE CERTIFICATES (See Sample Form)

- Complete event holder in full; include name and address of person or group using facilities
- Include date certificate was issued (on bottom left hand side)
- Include all information under "Event/Class Information" section
- List name and address of any other Additional Insureds
- Attach a claim reporting instruction sheet to each certificate given to each event holder.

ORDER OF HANDLING CERTIFICATES

- Give original to the event holder. Send one copy to Driver Alliant Insurance Services, with quarterly report. Keep one copy with the permit and note certificate information on reporting form.
- Include only owners, lessors, or managers of premises as additional insured by typing their name(s) on the certificate of insurance.
- If vendors, exhibitors or concessionaires are to be included as additional insured attach a separate page listing the name, mailing address, phone number and contact person of all vendors, exhibitors and concessionaires at the event.
- **IF AN EVENT IS CANCELLED:** Request the original certificate from the permit holder, indicate on the quarterly report that the event was cancelled and, if possible, include the original certificate with quarterly report.

PROGRAM PROCEDURES FOR INSUREDS

(Continued)

6. REPORTING PROCEDURES

- The special event reporting form should always be mailed to Driver Alliant Insurance Services, by the 10th of the month following the end of each quarter together with copies of certificates issued during that quarter and a check, payable to Driver Alliant Insurance Services, for the total premium charged. **If this deadline cannot be met, Driver Alliant Insurance Services must be contacted.**
- If we do not receive your quarterly report by it's due date, we will send a "Late Notice" to notify you that your "Reporting Form and Certificates" need to be in our office within 10 days. **If we do not receive your report we will determine that NO Special Event Insurance was sold for the quarter. No further notices will be sent to remind you and no insurance coverage will be available or provided for the quarter.**

Mail reports, certificates and payments to:

**Driver Alliant Insurance Services
Special Events
P.O. Box 28323
Santa Ana, Ca 92799-8323**

TENANT/USER PROGRAM HAZARD SCHEDULE I

- | | |
|--|--|
| ANTIQUÉ SHOWS | GARDEN SHOWS |
| ART FESTIVALS | GRADUATIONS |
| ART SHOWS | GUN & KNIFE SHOWS |
| AUCTIONS | GYMNASTIC COMPETITIONS |
| AUTO SHOWS | HARVEST FESTIVALS |
| AWARDS PRESENTATIONS | HOME SHOWS |
| BALLETS | HOUSING SHOWS |
| BANQUETS | ICE SKATING SHOWS |
| BAZAARS | INSTRUCTIONAL CLASSES (NON- MECHANICAL) |
| BEAUTY PAGEANTS | LADIES CLUB EVENTS |
| BINGO GAMES | LECTURES |
| BOAT SHOWS | LUNCHEONS |
| BODY BUILDING CONTESTS | MEETINGS (INDOORS) |
| BUSINESS MEETINGS | MOBILE HOME SHOWS |
| BUSINESS SHOWS | MOTION PICTURE THEATERS |
| CELEBRATIONS | (1) MUSICALS (NOT ROCK) |
| CHAMBERS OF COMMERCE EVENTS | OPERAS |
| CHARITY BENEFITS, AUCTIONS/SALES | OPERETTAS |
| CINEMAS | ORGANIZED SIGHT-SEEING TOURS |
| CIVIC CLUBS & GROUP MEETINGS | OUTINGS |
| CLASSICAL MUSIC CONCERTS | OVERNIGHT CAMPING |
| (1) CONCERTS, INDOOR (UNDER 1,500) | PAGEANTS |
| CONSUMERS SHOWS | PARTIES |
| CONVENTIONS IN BUILDINGS | PLAYS |
| CRAFT SHOWS | PROMS |
| DANCE SHOWS(Incl rehearsals & dancers) | RV SHOWS |
| DEBUTANTE BALLS | SCOUTING JAMBOREES |
| DINNER THEATERS | SEMINARS |
| DRILL TEAM EXHIBITIONS | SOCIAL RECEPTIONS |
| EDUCATIONAL EXHIBITIONS | SPEAKING ENGAGEMENTS |
| ELECTRONICS CONVENTIONS | SYMPHONY CONCERTS |
| EXHIBITIONS | TELECONFERENCES |
| EXHIBITS IN BUILDINGS | TELETHONS |
| EXPOSITIONS - CAPACITY | THEATRICAL STAGE PERFORMANCES |
| FASHION SHOWS | TRADE SHOWS IN BUILDINGS |
| FISHING EVENTS | VACATION SHOWS |
| FLOWER SHOWS | WEDDINGS & RECEPTIONS |

(1) REQUIRES PRIOR COMPANY APPROVAL

NOTE:

Athletic participant's coverage requires prior company approval and signed waiver(s).

**TENANT/USER PROGRAM
HAZARD SCHEDULE II**

- | | |
|---|---|
| AEROBICS & JAZZERCISE CLASSES | OLD TIMERS EVENTS |
| ANIMAL TRAINING | (1) PARADES (UNDER 500 SPECTATORS) |
| (1) BLOCK PARTIES/STREET CLOSURES (EXCLUDING BLEACHERS) | PICNIC GROUNDS WITHOUT POOLS OR LAKES |
| (1) CONCERTS OUTDOOR (NOT ROCK, UNDER 1,500 ADMISSIONS) | (1) POLITICAL RALLIES |
| (1) CORPORATE EVENTS (WITH LIQUOR) | (1) QUINCENERAS |
| DANCES AND PARTIES | RELIGIOUS ASSEMBLIES |
| DEBUTS | REUNIONS |
| DOG SHOWS | RUMMAGE SALES |
| EVANGELISTIC MEETINGS | SCHOOL BANDS |
| EXHIBITIONS (OUTDOOR) | SEANCES |
| FOOD CONCESSIONS | SIDEWALK SALES |
| HORSE SHOWS | SOAP BOX DERBIES |
| HOTEL SHOWS | SOCIAL GATHERINGS (OUTDOORS) |
| JAM & JAZZ SESSIONS | (1) STATE AND COUNTRY FESTIVALS AND FAIRS |
| JOB FAIRS | (1) STREET FAIRS |
| MARATHONS (WALKING, RUNNING, ETC.) | SWAP MEETS |
| MEETINGS (OUTDOORS) | TRADE SHOWS (OUTDOORS) |
| NIGHT CLUB SHOWS | VOTER REGISTRATION |

(1) REQUIRES PRIOR COMPANY APPROVAL

NOTE:

Athletic participant's coverage requires prior company approval and signed waiver(s).

**TENANT/USER PROGRAM
HAZARD SCHEDULE III**

- | | |
|-----------------------------------|------------------------------------|
| ANIMAL ACTS/SHOWS | LIVE ENTERTAINMENT |
| ARCADES | LIVESTOCK SHOWS |
| (1,2) BASEBALL | (1) PICNIC GROUNDS WITH POOLS OR |
| (1,2) BASKETBALL | LAKES (EXCLUDING SWIMMING |
| BICYCLE RALLIES | OR DIVING LESSONS) DISTANCE |
| (1) CARNIVALS (NO RIDES) | FROM WATER REQUIRED |
| CASINO & LOUNGE SHOWS | (1) PROMOTERS (SUBJECT TO SPECIAL |
| (1) CONCERTS (ROCK - UNDER 5,000) | RATING) |
| COUNTRY WESTERN EVENTS | RECREATIONAL EVENTS |
| (1) ETHNIC CELEBRATIONS | SKI EVENTS |
| (1) FILM PRODUCTION (NON-ACTION) | (1,2) SOCCER |
| HEADS OF STATE EVENTS | (1,2) SOFTBALL |
| (1,2) JUNIOR ATHLETIC GAMES | (1,2) SPORTING EVENTS IN BUILDINGS |
| NON CONTACT MARTIAL ARTS | (NON-PROFESSIONAL) |
| KIDDIELANDS (NO RIDES) | (1,2) TENNIS, HANDBALL & |
| | RACQUETBALL COURTS |
| | THEATRICAL ROAD SHOWS |
| | UNION MEETINGS |
| | ZOOS |

- (1) **REQUIRES PRIOR COMPANY APPROVAL**
- (2) **LEAGUE BASED EVENTS ARE EXCLUDED**

NOTE:

Athletic participant's coverage requires prior company approval and signed waiver(s).

TENANT USER EVENT RATES
January 1, 2004 to January 1, 2006

PREMIUMS:

| CLASS I | | CLASS II | | CLASS III | |
|------------|------------------|------------|------------------|------------|------------------|
| ATTENDANCE | PREMIUM | ATTENDANCE | PREMIUM | ATTENDANCE | PREMIUM |
| 1-100 | \$ 83.32 | 1-100 | \$ 122.46 | 1-100 | \$ 194.42 |
| 101-500 | \$ 116.15 | 101-500 | \$ 213.36 | 101-500 | \$ 342.13 |
| 501-1500 | \$ 174.22 | 501-1500 | \$ 252.50 | 501-1500 | \$ 451.97 |
| 1501-3000 | \$ 225.98 | 1501-3000 | \$ 420.41 | 1501-3000 | \$ 710.78 |
| 3001-5000 | \$ 342.13 | 3001-5000 | \$ 536.56 | 3001-5000 | \$ 872.38 |
| 5000 + | To Be Determined | 5000 + | To Be Determined | 5000 + | To Be Determined |

RATES ARE SUBJECT TO UNDERWRITER REVIEW ON JANUARY 1, 2005

RATES INCLUDE TAXES & FEES.
RATES ARE APPLICABLE PER DAY.

FOR MULTIPLE DAYS:

- Total the attendance for all days of the event. Refer to rates and charge the premium corresponding to the **total** attendance. **Events over five days require underwriting approval.** Please submit information to Driver Alliant Insurance Services Associates
- **Alcoholic Beverage premiums are to be separately calculated for each day.** Liquor Legal Liability is included in the policy by separate endorsement.
- Multiple Day Event: Days used exclusively to “set up” or “take down” are to be reported on the Quarterly Report as "set up" or "take down" day. Include the "set up" and/or "take down" day as insured days on the coverage certificate.

ONE DAY EVENT RATING EXAMPLE:

| | | |
|---|---------------------------------|----------------------------|
| Wedding with 250 people: Refer to Hazard Schedule I “Weddings” | Attendance Category: 101-500 | Total Premium: \$116.15 |
|---|---------------------------------|----------------------------|

MULTIPLE DAY EVENT RATING EXAMPLE:

Events of two or more **consecutive** days:

| | | |
|---|---------------------------------|----------------------------|
| 5 Day Antique Show with 100 people each day: Refer to Hazard Schedule I “Antique Shows” Total Attendance 500. | Attendance Category: 101-500 | Total Premium: \$116.15 |
|---|---------------------------------|----------------------------|

TENANT USER EVENT RATES (Continued)

CONCESSIONAIRE RATE ENDORSEMENT:

| | <u>Premium</u> | |
|----------------------------------|----------------|----------------------------|
| Exhibitors - No Sales | \$45.45 | Per Day/Per Exhibitor |
| Concessionaires - Non Food Sales | \$84.58 | Per Day/Per Concessionaire |
| Concessionaires - Food Sales | \$77.01 | Per Day/Per Concessionaire |

These rates are only available in conjunction with a scheduled event.

LIQUOR LEGAL LIABILITY:

Alcoholic beverages served charge **\$65.65 premium for each day** of event of Hazard I only.
Rate includes taxes and fees.

Hazard Classes II and III require prior company approval.

Liquor Legal Liability coverage is only available in conjunction with a scheduled event.

NOTE:

Exhibitors and Concessionaires coverage is only available in conjunction with a scheduled event.

INSTRUCTOR/RECREATION CLASS CLASSIFICATIONS

SCHEDULE OF HAZARD/RISK CLASSIFICATIONS I (Low/Minimum Hazard Risk)

| | |
|------------------|----------|
| ARTS AND CRAFTS | LANGUAGE |
| CALLIGRAPHY | MUSIC |
| CHESS | READING |
| COINS | SEWING |
| COMPUTER/COOKING | STAMPS |
| CLUB MEETINGS | |

SCHEDULE OF HAZARD/RISK CLASSIFICATIONS II (Medium/Minimum Hazard Risk)

| | |
|--------------|---------------------------------|
| AEROBICS | HEALTH AND FITNESS (NON-SPORTS) |
| BALLET | JAZZ |
| BEAUTY | MODELING |
| CHEERLEADING | SELF-IMPROVEMENT |
| DANCE | TAP |
| DOG TRAINING | YOGA |

SCHEDULE OF HAZARD/RISK CLASSIFICATIONS III (Moderate Hazard/Increased Exposure/Average Risk)

| | |
|------------|--------------------|
| BASEBALL | |
| BOWLING | NON-CONTACT SPORTS |
| GOLF | TENNIS |
| GYMNASTICS | (1) SWIMMING |

(1) REQUIRES PRIOR COMPANY APPROVAL

NOTE: Participant coverage requires signed waivers.

INSTRUCTOR/RECREATION CLASS RATES
January 1, 2004 to January 1, 2006

PREMIUMS:

| CLASS I | | CLASS II | | CLASS III | |
|------------|------------------|------------|------------------|------------|------------------|
| ATTENDANCE | PREMIUM | ATTENDANCE | PREMIUM | ATTENDANCE | PREMIUM |
| 1-100 | \$ 84.58 | 1-100 | \$ 109.83 | 1-100 | \$ 207.05 |
| 101-500 | \$ 122.46 | 101-500 | \$ 174.22 | 101-500 | \$ 335.82 |
| 501-1500 | \$ 167.91 | 501-1500 | \$ 225.98 | 501-1500 | \$ 459.55 |
| 1501-3000 | \$ 219.68 | 1501-3000 | \$ 374.96 | 1501-3000 | \$ 665.33 |
| 3001-5000 | \$ 335.83 | 3001-5000 | \$ 503.73 | 3001-5000 | \$ 753.71 |
| 5000 + | To Be Determined | 5000 + | To Be Determined | 5000 + | To Be Determined |

RATES ARE SUBJECT TO UNDERWRITER REVIEW ON JANUARY 1, 2005

RATES INCLUDE TAXES & FEES.

RATES ARE APPLICABLE PER TOTAL CLASS ATTENDANCE.

FOR MULTIPLE DAYS:

- Total the attendance for all days of the class. Refer to rates and charge the premium corresponding to the **total** attendance.

ONE DAY CLASS RATING EXAMPLE:

| | | |
|---|---------------------------------|----------------------------|
| Cooking Seminar with 250 people: Refer to Hazard Schedule I "Computer/Cooking" | Attendance Category: 101-500 | Total Premium: \$122.46 |
|---|---------------------------------|----------------------------|

MULTIPLE DAY CLASS RATING EXAMPLE:

| | | |
|---|---------------------------------|----------------------------|
| 20 Art Class Meetings with 10 people enrolled: Refer to Hazard Schedule I "Arts and Crafts" Total Attendance 200. | Attendance Category: 101-500 | Total Premium: \$122.46 |
|---|---------------------------------|----------------------------|

NOMINEE PROGRAM/ENTITY SPONSORED EVENTS

THIS IS A LIST OF ENTITY SPONSORED EVENTS THAT MAY BE COVERED.

ALL EVENTS MUST BE SUBMITTED TO DRIVER ALLIANT INSURANCE SERVICES FOR APPROVAL AND RATING.

HAZARD CLASS I:

| | |
|----------------------------------|-------------------------|
| ART SHOW/EXHIBITS | LECTURES |
| AWARDS PRESENTATIONS/ CEREMONIES | MEETINGS |
| BALLETS | RECITALS |
| BANQUETS | REUNIONS |
| BEAUTY PAGEANTS | SIDEWALK SALES |
| CRAFT SHOWS | THEATRICAL PLAYS/MOVIES |
| DEBUTS | SOCIAL RECEPTIONS |
| FUND RAISERS | |
| GRADUATIONS | |
| JOB FAIRS | |

HAZARD CLASS II:

| | |
|----------------------|----------------------------------|
| ARCADES | DANCES AND PARTIES |
| BASEBALL | PICNICS |
| BASKETBALL | PROMS |
| GYMNASTICS | SYMPHONY CONCERTS |
| HANDBALL | PARADES (UNDER 1,000 SPECTATORS) |
| SOFTBALL | FAIRS AND FESTIVALS |
| TENNIS COMPETITIONS | SWAP MEETS/RUMMAGE SALES |
| CARNIVALS (NO RIDES) | |
| DANCE SHOWS | |

Below is a list of some information that may be required to underwrite your Nominee Event:

| | | |
|-----------------|----------------------------|--------------------------|
| Event Name | Location of Event | Is Liquor Coverage |
| Date(s) | Additional Insureds if Any | Needed |
| Hours | Attendance and Ages | Will there be |
| Nature of Event | Joint Sponsor(s) if Any | Concessionaires |
| | | Will there be Fire Works |
| | | Will there be Carnival |
| | | Rides |

**SPECIAL EVENT REPORTING FORM
FOR QUARTER:**

DUE NOT LATER THAN JULY 10, 2004

Individual member City of Anytown
Effective on or after 1/1/04 **12:01 A.M. Standard time, this endorsement forms part of Policy No.** ABC 123
Expiration Date 1/1/06, **Issued to** _____
In consideration of an Additional Premium of _____, **it is understood and agreed that all events for the period of** _____
(current quarter) are herein declared. It is further agreed that coverage is not afforded for any event not declared to the Company.

| Cert. No. | Event/Class Date(s) | Type of Event/Class | Attendance | Hazard Class | Rate per Day | # of Days | Alcohol (Y or N) | Program Type T = Tenant/ Users I = Instructor N = Nominee | Basic Premium | Indicate Optional Coverages A = Alcohol C = Concessionaires AI = Additional Insureds | Additional Premium for Optional Coverages | Total Premium |
|-----------------------------|---------------------|---------------------|------------|--------------|--------------|-----------|------------------|---|---------------|---|---|---------------|
| RFD | 1. 8/10/00 | Driver Club Mtg. | 25 | 1 | \$ 65 | 1 | No | T | \$ 65 | None | N/A | \$ 65 |
| | 2. 8/20/00 | Smith Wedding | 200 | 1 | \$ 90 | 1 | Yes | T | \$ 90 | A | \$ 50 | \$140 |
| | 3. | | | | | | | | | | | |
| | 4. | | | | | | | | | | | |
| | 5. | | | | | | | | | | | |
| | 6. | | | | | | | | | | | |
| | 7. | | | | | | | | | | | |
| | 8. | | | | | | | | | | | |
| | 9. | | | | | | | | | | | |
| | 10. | | | | | | | | | | | |
| TOTALS FOR THIS PAGE | | | | | | | | | | | | \$205.00 |

Copies of all certificates of insurance issued for the period must be attached to this report.

Page ___ of ___

SIGNATURE: _____ DATE: 7/10/04

| | |
|----------------------------|--|
| TOTAL FOR ALL PAGES | |
|----------------------------|--|

Mail reports, certificates and payment to: Driver Alliant Insurance Services
 Special Events
 P.O. Box 28323
 Santa Ana, CA 92799-8323

RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE

I, LAST, FIRST, MIDDLE fully understand that my participation in the _____ (hereinafter "event/class") exposes me to the risk of personal injury, death or property damage. I hereby acknowledge that I am voluntarily participating in this event/class and agree to assume any such risks.

I hereby release, discharge and agree not to sue _____* for any injury, death or damage to or loss of personal property arising out of, or in connection with, my participation in the event/class from whatever cause, including the active or passive negligence of _____* or _____ other participants in the event/class.

In consideration for being permitted to participate in the event/class, I hereby agree, for myself, my heirs, administrators, executors and assigns, that I shall indemnify and hold harmless _____* from any and all claims, demands actions or suits arising out of or in connection with my participation in the event/class.

I HAVE CAREFULLY READ THIS RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE AND FULLY UNDERSTAND ITS CONTENTS. I AM AWARE THAT IT IS A FULL RELEASE OF ALL LIABILITY AND SIGN IT ON MY OWN FREE WILL.

Date: _____

Signature

Parent/Guardian if under age 18

* Insert name of Event Holder/Instructor and Entity

SPECIAL NOTE: This form is a sample for your information only. This specific form is not required, although a similar Liability Waiver form is required. If you have a similar form already in use, please feel free to continue using it.

NOMINEE EVENT APPLICATION

Please fax the completed form attn: Special Events at (949) 251-1663. Please send at least 10 days in advance of the event. If you do not receive a completed proposal within 48 hours, please call Penny DeWitt at (949) 660-8163 for status. (An email version of this form is also available upon request.)

| MEMBER INFORMATION | |
|--------------------------------------|------------------------|
| Member Name: _____ | |
| Contact: _____ | |
| Phone Number: _____ | Fax Number: _____ |
| Email Address: _____ | |
| EVENT INFORMATION | |
| Name of Event: _____ | |
| Description of Event: _____ _____ | |
| Are Fireworks Included?: _____ | Carnival Rides?: _____ |
| Date(s): _____ | Hour(s): _____ |
| Location: _____ | |
| Attendance (Per day): _____ | |
| Ages of Attendees: _____ | |

| ADDITIONAL INFORMATION |
|---|
| Additional Insureds: _____ _____ |
| Joint Sponsor(s): _____ _____ |
| Number of Concessionaires Requiring Coverage (Food Sales): _____ |
| Number of Concessionaires Requiring Coverage (Non-Food Sales): _____ |
| Number of Exhibitors Requiring Coverage (No Sales): _____ |
| (Please provide separate list of concessionaires and exhibitors to be covered.) |
| Liquor Liability Needed?: _____ |

PLEASE REPORT ANY INJURIES OR INCIDENTS WHICH OCCURRED DURING USE OF FACILITIES TO:

**CLAIMS DEPT.
DRIVER ALLIANT INSURANCE SERVICES
600 MONTGOMERY STREET, 9TH FLOOR
SAN FRANCISCO, CA 94111
PH. (877) 725-7695
FAX (415) 403-1466**

BE SURE TO INCLUDE THE FOLLOWING:

- **NAME OF THE EVENT HOLDER**
- **NAME OF THE PUBLIC ENTITY**
- **DATE OF THE OCCURRENCE**
- **COPY OF THE CERTIFICATE**



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

DATE: FOR THE MEETING OF SEPTEMBER 21, 2005

SUBJECT: HISTORIC ARTIFACT INVENTORY – STATUS REPORT

RECOMMENDATION

Provide direction to staff for continued public outreach and the preparation of a final Study, Inventory and possible preparation of a draft Ordinance.

BACKGROUND

The Town of Atherton retained the services of Laura Jones (consultant) to assess the potential historical significance of artifacts within the Flood Estate area and throughout the Town. The Study began in June of 2005 with the inventory of artifacts housed in the Atherton Heritage Room. The Study was advertised in the July *Athertonian*. Additionally, Town staff conducted public outreach on the Study by notifying potentially affected property owners of the Study's scope and goals and asking their consent to inventory the artifact(s) on their property. Upon review of the draft list of artifacts, the consultant identified approximately 40 separate artifacts to be addressed.

In July, August, and early September of 2005, the consultant inventoried 20 artifacts in the public right-of-way or on public property, as well as 10 artifacts on private property where owners provided consent for review. The collections of the San Mateo County Historical Museum, Menlo Park Historical Society, Stanford University Special Collections, and California State Library were reviewed for photographs and documents relating to the historic estates associated with the artifacts. Several hundred photographs and documents were found; a detailed guide to those collections will be included in the inventory report.

Experts at the Smithsonian Institution and in private galleries were consulted regarding the significance of several of the artifacts; their contributions will be included in the inventory report as

well. The consultant also met with a group of interested citizens who offered advice on the preservation strategies outlined below.

The inventory process is substantially complete. The consultant has collected sufficient information to address the significance of many of the artifacts and to recommend strategies to promote their preservation.

ANALYSIS

The consultant followed the guidelines of the National Register of Historic Places, the California Register, and the National Park Service's Historic Landscape Initiative. In keeping with standard preservation practice, the consultant began by identifying the periods of significance that set the historic context for evaluating the artifacts. Based on archival research and literature review, the consultant notes that there are three periods of historical development in the Town of Atherton in keeping with broad regional trends in the development of the San Francisco Peninsula (dates are approximate):

- | | |
|------------------------|-----------|
| 1. Gilded Age | 1870-1900 |
| 2. Country Place Era | 1900-1930 |
| 3. Modern Subdivisions | 1930-1950 |

The inventory included artifacts from all three periods. The Study focuses on the artifacts from the two earlier periods due to their relevance with the early settlement of the Town and will identify and describe the specific properties associated with these periods.

Under national and state law, historic resources can be composed of buildings, structures, or objects, including movable objects such as sculptures or urns. The inventory included structures such as gate posts and walls and objects such as urns and lamp posts. In many instances, the artifact is the sole remnant of the historic property. In these cases, the artifact is reviewed for potential to represent the period of significance as well as its individual associations and artistic quality.

In the case of the artifacts in the subdivision of Lindenwood, there appear to be a collection of related artifacts that meet the definition of a historic district (linked by a common history within a defined geographic area). This district is associated with the Flood Estate, which spans both the Gilded Age and Country Place periods. The Lindenwood artifacts will be identified in the inventory as:

- Contributing Structures and Objects
These artifacts have integrity, high artistic value, and strong association with the period of significance.
- Historic Non-contributing Structures and Objects
These artifacts have had alterations; but if restored, would be significant.
- Non-contributing Structures or Objects
There are a few artifacts that date to the period of significance but have been irreparably altered and cannot be restored. This category would also include artifacts (art work, gates,

etc.) introduced by property owners subsequent to the period of significance.

CONCLUSION

In conclusion, the study has identified significant historic resources within the Town of Atherton worthy of preservation. The consultant will proceed with completion of the inventory report and present a final report to the Town Council on November 16, 2005.

While the Council may simply accept the determinations of historical significance described in the inventory and regulate adverse effects when CEQA compliance is required (without adopting further regulations), many of the artifacts will not be protected following this approach as their alteration, demolition, or removal may not involve a “project” governed by CEQA.

Results of public outreach with citizens and property owners indicated a high level of regard for the artifacts and interest in their preservation. One key issue for owners of artifacts revolves around the regulation of movable objects, such as statuary, urns, and lamp posts. The study finds movable objects may be moved within their historic context (e.g. the Lindenwood District) without significant adverse impacts to the historic resource, but their demolition or removal from their historic context would create an impact. Mitigation measures could be developed to address some instances of relocation outside of Lindenwood. However, in many instances, relocation of historic resources outside the Town of Atherton may be severely limited under CEQA.

There are some benefits associated with listing of properties on the California and National Registers that may motivate property owners to nominate their artifacts or, in the case of Lindenwood, for a group of property owners to pursue listing as a historic district. Nomination and listing of the artifacts will not, however, insure the preservation of historic artifacts without the continuation of regulations acknowledging the alteration of respective resources as a “project” under CEQA. The most effective method of acknowledging the alteration of a historic resource as a “project” under CEQA and thereby insuring the opportunity for preservation is to require discretionary review (i.e. a Conditional Use Permit). It is highly questionable whether a demolition permit or simple relocation of historic artifacts alone is discretionary. Demolition or relocation of historic artifacts without a requirement for discretionary review means that there would be no guarantee of preservation of historic artifacts.

Prepared by:

Approved by:

/s/ Lisa Costa Sanders

Lisa Costa Sanders
Deputy Town Planner

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: FOR THE MEETING OF SEPTEMBER 21, 2005

SUBJECT: VOTING MEMBERS OF CITY COUNCIL COMMITTEES

RECOMMENDATION:

Consider approving revisions to paragraph 9 pertaining to City Council Committees -- City Council Rules of Procedure.

BACKGROUND:

The attached revisions to paragraph 9 of the City Council Rules of Procedure (Exhibit "A") follow City Council direction to review existing Town committees and to bring them within a uniform scheme. All members of a committee were to be authorized to vote on matters being considered by the committee. For ease of review, any language which I propose to be deleted in paragraph 9 is shown by ~~strikeout~~ and added language is shown in **bold**. Because subparagraph 9.4 has been so completely revised, almost all of the paragraph is set out in **bold**.

Paragraph 9 of the City Council Rules of Procedure provides for appointment of Council Members to serve on various committees along with provisions for appointment of other individuals to those committees. The existing paragraph 9 is attached for reference as Exhibit "B."

As presently written, paragraph 9 includes the City Planning Commission, General Plan Committee, and Parks and Recreation Commission. These commissions have been created by ordinance. Membership, term of office, and meeting times and locations are described in the ordinances which have created them. Accordingly, they are not a part of paragraph 9 as revised.

The Planning Commission is the subject of Chapter 2.26 of the Atherton Municipal Code; the General Plan Committee is the subject of Chapter 2.37 of the Municipal Code and the Parks and Recreation Commission is the subject of Chapter 2.40 of the Atherton Municipal Code. Copies of these chapters are attached as Exhibit "C."

The City Clerk has prepared a matrix (attached as Exhibit "D") showing the existing committees and commissions, along with the basis of their creation. As may be seen from the matrix, circumstances surrounding the creation of the committees vary. The Arts Committee was created by Resolution No. 98-06. This resolution sets out requirements for committee membership and terms. The function and purpose of the committee is described in some detail on page 2 of the resolution. (Exhibit "E".)

Because there are no Council Members appointed to the Arts Committee, I have not included it in the revisions to paragraph 9. Should the City Council desire to bring the Arts Committee within the uniform scheme, a further revision may be made to paragraph 9 with appropriate revisions to Resolution No. 98-06 relative to committee membership and terms, by-laws, and meetings. The City Council may also wish to review the functions and responsibilities of the Arts Committee to determine if any modification is appropriate.

The functions and purposes of all City Council committees could be set forth in one resolution. In view of the possible length of that document, I do not recommend including its provisions in the City Council Rules of Procedure. Functions and responsibilities of those committees created by Council Minute action as described in Exhibit "D" may be set out in the respective Minutes. However, with respect to the Budget and Finance Committee, Transportation Committee, and Screening Committee, I am not aware of any language describing their functions and responsibilities. This can be developed and reviewed and approved by the City Council at a subsequent meeting.

The proposed revisions to paragraph 9 deal with council-appointed committees, on which City Council Members serve. Accordingly, the Arts Committee (#1 on Exhibit "D"), Crime Prevention Task Force (#7 on Exhibit "D"), Tennis Committee (#11 on Exhibit "D"), and Tree Committee (#13 on Exhibit "D") are not presently included. Should the Council wish to bring some or all of these committees within the uniform scheme, paragraph 9 can be revised to that effect.

Whether voting or not, a committee is "standing" as opposed to "ad hoc" depending primarily upon the fact that it has continuing jurisdiction over a particular subject matter, that its meeting schedule has been fixed by formal action of the legislative body that created it, and the length of time it has been in existence.. As may be seen, the majority of the committees are standing committees. The Cal-Train Corridor Ad Hoc Subcommittee has been created for a discrete purpose, although in view of the complexity of the Cal Train issues, it is likely to become a standing committee. On recognition of the work which is yet to be done, the Council may wish to add the Cal Train Corridor Committee as a standing committee. In subsection 9.4, its alphabetical precedence would follow the Buildings and Facilities Committee and would proceed the Transportation Committee.

As written, subparagraph 9.2 sets all terms of memberships at one year concurrent with the term of the two City Council Members on the committee. Assuming the Council adopts the revision, it is recommended that the action provide that existing committee memberships will remain through and including December 2005 or until the members' successors are appointed and assume office.

The proposed revisions confirm that non-city council members of the committees will have a right to a vote on items being considered by those committees. As part of the "Station Lane

Compromise," a provision is added to provide that any decision of a City Council committee may be brought before the full City Council by a committee council member. Pending such final determination, any such decision is suspended.

FISCAL IMPACT: None.

Prepared by:

Approved by:

Marc G. Hynes
City Attorney

James H. Robinson
City Manager

Attachments: Exhibit A, Revisions to paragraph 9, City Council Committees, City Council Rules of Procedure
Exhibit B, Existing paragraph 9 of City Council Rules of Procedure
Exhibit C, Pages 27 through 30 of the Atherton Municipal Code
Exhibit D, City Clerk's Matrix of Council Committees
Exhibit E, Resolution No. 98-06

EXHIBIT "A" TO CITY COUNCIL STAFF REPORT

9. City Council Commissions and Committees

9.1 **Establishment. Mayor/Council Committee.** At the regular meeting in ~~December~~, **January**, the Mayor shall appoint Council Members to serve on various **standing and ad hoc** committees which require a Council representative for a one year term.

9.2 [Former 9.4] **Appointment of Non-Voting Citizen Members to Subcommittees of City Council Committees.** City Council Members on City Council-appointed subcommittees shall have the authority to appoint one or more non-voting resident advisors **members** to the subcommittee. **All appointed members shall be registered voters in the Town of Atherton.** If Council Members are unable to agree upon the appointment of any particular resident advisor **member**, that issue will be brought before the entire City Council for final determination. ~~Resident Advisors~~ **Appointed members** serve a one year term concurrent with the Council Members' term on the subcommittee.

9.3 [Former 9.2] ~~Citizen Commissions and Committees. Commissions and Committees~~ shall be created **and members** appointed **thereto** in accordance with ~~the Atherton Municipal Code~~ **these rules and regulations.**

9.4 [Former 9.3] Committees of City Council.

a. **Standing Committees:** Any ~~subcommittee or~~ standing committee of the Council shall be subject to the same rules of procedure as the City Council. Each standing committee is comprised of two Council Members appointed by the Mayor, and is staffed by the appropriate staff members. The standing committees are:

1. **Atherton Channel Drainage District Committee.** Consisting of three members including two Council Members, and one resident of the Town. The committee meets on an as needed basis in the City Council Chambers.

2. **Audit Committee.** Consisting of seven members, including two Council Members of the Finance Committee, and five residents of the Town. The committee meets quarterly in the Conference Room of the Town Administrative Offices.

3. **Budget and Finance Committee.** Consisting of two Council Members. The Members also serve on the Audit Committee. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

4. Buildings and Facilities Committee. Consisting of two Council Members. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

5. Transportation Committee. Consisting of five members including two Council Members and three residents of the Town. The committee meets quarterly on the second Tuesday of the month at 6:00 p.m. in the City Council Chambers.

6. Screening Committee. Consisting of two Council Members. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

7. Waste Reduction and Recycling Committee. Consisting of five members including two Council Members and three residents of the Town. The committee also includes the City Manager, Town Arborist, a SBWMA representative, and a representative of the franchise waste hauler. The committee meets quarterly on the first Wednesday of the month at 10:00 a.m. in the Conference Room of the Town Administrative Offices.

b. Ad Hoc Committees. Any ad hoc committee of the Council shall be subject to the same rules of procedure as the City Council. Each ad hoc committee is comprised of two Council Members appointed by the Mayor, and is staffed by the appropriate staff members. The ad hoc committees are:

1. Cal Train Corridor Committee. Consisting of thirteen members including two Council Members and up to eleven residents of the Town. The committee meets on the first Tuesday of each month at 7:00 p.m. in the City Council Chambers.

9.4 9.5 City Council Review of City Council Committee Decisions. City Council Members on City Council-appointed committees may bring any decision of the committee to the full City Council for final determination. Pending such action by the full City Council, any such decision shall be suspended.

EXHIBIT "B"
Existing Paragraph 9

9. Commissions and Committees

9.1 Mayor/Council Committee At the regular meeting in December, the Mayor shall appoint Councilmembers to serve on various committees which require a Council representative.

9.2 Citizen Commissions and Committees Commissions and Committees shall be created/appointed in accordance with the Atherton Municipal Code.

9.3 Subcommittees of City Council Any subcommittee or committee of the Council shall be subject to the same rules of procedure as the City Council. Each subcommittee is comprised of two Councilmembers appointed by the Mayor, and is staffed by the appropriate staff members. The standing Council subcommittees are:

- (1) Transportation Committee, which meets quarterly, at 6:00 p.m., in Council Chambers, 94 Ashfield Road, Atherton.
- (2) General Plan Committee, which meets quarterly, at 6:00 p.m. in Council Chambers, 94 Ashfield Road, Atherton.
- (3) Waste Reduction and Recycling Committee, which meets quarterly in the Administrative Offices, 91 Ashfield Road, Atherton.
- (4) Budget and Finance Committee, which meets on an as-needed basis in the Administrative Offices, 91 Ashfield Road, Atherton.
- (5) Atherton Channel Drainage District Committee, which meets on an as-needed basis in the Council Chambers, 94 Ashfield Road, Atherton.
- (6) Buildings and Facilities Committee which meets on an as-needed basis in the Administrative Offices, 91 Ashfield Road., Atherton.
- (7) Screening Committee which meets on an as-needed basis in the Administrative Offices, 91 Ashfield Road., Atherton.

9.4 Appointment of Non-Voting Citizen Members to Subcommittees City Councilmembers on City Council appointed committees shall have the authority to appoint one or more non-voting resident advisors to the subcommittee. If Councilmembers are unable to agree upon the appointment of any particular resident advisor, that issue will be brought before the entire City Council for final determination. Advisors serve a one year term concurrent with the Councilmembers' term on the subcommittee.

TOWN OF ATHERTON COMMISSIONS, COMMITTEES AND SUBCOMMITTEES

| | Commission/Committee | Authority | Membership | Term | Voting Status |
|---|---|--|--|---|--|
| 1 | Arts Committee | Resolution No. 98-06 | Up to 10 members, appointed by Council | Indefinite terms | All members are voting members |
| 2 | Atherton Channel Drainage District Committee (a Subcommittee of the City Council per Atherton City Council Rules of Procedure, 9.3) | City Council Minute Action – January 16, 2002 | 2 Council Members, appointed by Council, plus currently 1 resident advisor. | Council Members serve a 1-year term, appointed by Council; resident advisors serve a 1-year term concurrent with the Council Members' term on the subcommittee. | Both Council Members are voting members. The resident advisor is a non-voting member per Atherton City Council Rules of Procedure 9.4. |
| 3 | Audit Committee | City Council Minute Action - May 17, 2000 | 7 members, including the 2 Council Members of the Finance Committee, and 5 residents of the Town, appointed by Council. Resident membership was increased to 6 on April 21, 2004 and April 20, 2005. | Three-year terms | All members are voting members |
| 4 | Budget and Finance Committee (also known as Finance Subcommittee) (a Subcommittee of the City Council per Atherton City Council Rules of Procedure, 9.3) | City Council action – date unknown | 2 Council Members appointed by Council. The Members also serve on the Audit Committee. | Council Members serve a 1-year term, appointed by Council. | Both Council Members, which make up the total committee membership, are voting members. |
| 5 | Buildings and Facilities Subcommittee (a Subcommittee of the City Council per Atherton City Council Rules of Procedure, 9.3) | City Council Minute Action – January 16, 2002 | 2 Council Members, appointed by Council. | Council Members serve a 1-year term, appointed by Council. | Both Council Members, which make up the total committee membership, are voting members. |
| 6 | Caltrain Corridor Ad Hoc Subcommittee | City Council Minute Action – November 19, 2003 | Up to 2 Council Members and approximately 11 residents, appointed by Council. | Indefinite terms | All members are voting members. |

| | Commission/Committee | Authority | Membership | Term | Voting Status |
|----|--|---|--|---|---|
| 7 | Crime Prevention Task Force | Started by a group of concerned residents in 1978, during the "neighborhood watch" era. | Currently 4 resident members; no formal appointment process. | Indefinite terms | Receive direction from Police Department management. |
| 8 | General Plan Committee (a Subcommittee of the City Council per Atherton City Council Rules of Procedure, 9.3) | Municipal Code Section 2.37 | 2 Council Members, appointed by Council; 2 Planning Commissioners, appointed by the Planning Commission; and up to 5 residents appointed by Council.* * In practice, in recent years, the General Plan committee has had only 4 residents appointed by Council. | Resident members who are not Planning Commissioners may serve for no more than one full two-year term. | All members are voting members |
| 9 | Park and Recreation Commission | Municipal Code Section 2.40 Resolution No. 95-3 | 7 residents, appointed by Council, 1 of which is the Atherton Dames representative and another 1 of which is the Holbrook-Palmer Park Foundation representative. | Four-year terms (no more than 2 full consecutive terms); Dames and Foundation representatives each serve 2-year terms, no more than 2 full consecutive terms. | All members are voting members. (Resolution No. 95-3 added the Foundation and Dames representatives and designated them as voting members). |
| 10 | Planning Commission | California Government Code Section 65100; Atherton Municipal Code Section 2.36 | 5 residents appointed by Council. | Four-year terms (no more than 2 full consecutive terms). | All members are voting members. |
| 11 | Tennis Committee | Citizen-formed committee of tennis players. Date formed unknown. Some consider it a "subcommittee" of the Park and Recreation Commission. | Number of members fluctuates. | Indefinite | Unknown |

| | Commission/Committee | Authority | Membership | Term | Voting Status |
|----|---|---|--|---|--|
| 12 | <p>Transportation Committee (also known as Transportation and Traffic Subcommittee)</p> <p>(a Subcommittee of the City Council per Atherton City Council Rules of Procedure, 9.3)</p> | Created by Council – date unknown. | 2 Members of the Council, appointed by the Council, plus resident advisors (currently 3). | Council Members serve a 1-year term, appointed by Council; resident advisors serve a 1- year term concurrent with the Council Members’ term on the subcommittee. | Resident members are non-voting members, per Atherton City Council Rules of Procedure 9.4 |
| 13 | Tree Committee | Established in 1989 as the Atherton Tree Committee Task Force by former Mayor Malcolm Dudley. Not established by Municipal Code, resolution or minute action. | Currently 8 resident members; no formal appointment process for resident members. | Indefinite | Not a formal voting process. |
| 14 | <p>Screening Committee</p> <p>(a Subcommittee of the City Council per Atherton City Council Rules of Procedure, 9.3)</p> | Established by Council action, date unknown. | 2 Members of the Council, appointed by the Council. | Council Members serve a 1-year term, appointed by Council. | Both Council Members, which make up the total committee membership, are voting members. They vote, or come to a consensus, to recommend residents for commission and committee appointments for full Council consideration. |
| 15 | <p>Waste Reduction and Recycling Committee</p> <p>(a Subcommittee of the City Council per Atherton City Council Rules of Procedure, 9.3)</p> | The Atherton Civic Interest League (ACIL) began a “recycling task force” in 1994 which evolved into a Town committee in 1998, in conjunction with AB939 compliance (state recycling/diversion law). | 2 Members of the Council, appointed by the Council, plus 3 resident members, along with staff: City Manager, Town Arborist, an SBWMA representative, and an Allied Waste (solid waste franchise) representative. No formal appointment process for resident members. | Indefinite | It is unclear if they take formal votes. |

EXHIBIT "E"

RESOLUTION 98-6

**RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ESTABLISHING AN ARTS COMMITTEE AND
DESIGNATING ITS FUNCTIONS**

WHEREAS, the City Council desires to create an Arts Committee to assist in the formulation and implementation of Town arts policies and programs; and,

WHEREAS, the City Council desires to create such a committee in order to evaluate the performance and benefit accruing as a result of such a committee;

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON RESOLVES AS FOLLOWS:

SECTION 1. CREATION OF COMMITTEE. The City Council hereby creates the Arts Committee of the Town of Atherton. The Arts Committee shall continue in existence for an indefinite time.

SECTION 2. COMMITTEE MEMBERSHIP. The Arts Committee shall consist of up to, but not exceeding, ten (10) members appointed by the City Council. Every person appointed to the Arts Committee shall, at the time of his or her appointment, be a registered voter of the Town and shall maintain his or her principal place of residence within the Town. Should any person so appointed cease to be an elector of the Town or cease to maintain his or her principal place of residence within the Town, that person shall be ineligible to continue to serve as a member of the Committee.

The members of the Arts Committee shall have a demonstrated interest in the arts and in the art program in the Town. Strong consideration shall be given applications with a background in the arts.

SECTION 3. TERMS; BY-LAWS; MEETINGS. Each member of the Arts Committee shall serve at the pleasure of the City Council for an indefinite term. The Arts Committee shall prepare and recommend to the City Council, for adoption, by-laws for the conduct of business by the Committee. All meetings of the Committee shall be in accordance with the by-laws adopted by the Committee and with the Ralph M. Brown Act.

SECTION 4. FUNCTIONS AND RESPONSIBILITIES. The function and purpose of the Arts Committee is to assist the City Council and the Park and Recreation Department in matters that pertain to arts programs, classes, workshops, performances and other arts activities, as may be directed by the City Council. In order to carry out its function, the Arts Committee will do the following:

- A. Study, evaluate and recommend Town policies relating to arts activities such as, but not limited to:
 - 1. Facilities Use Policy
 - 2. Guidelines for Co-sponsorship of Arts Groups
 - 3. Fees and Charges
 - 4. License Agreements
- B. Provide a forum for citizen comments on needs, current services, facilities, and then report said citizen comments and the Arts Committee recommendations to the Park and Recreation Commission and City Council.
- C. Review the annual budget of the Park and Recreation Department that relates to the arts, as submitted to the Council by the City Manager, and make recommendations concerning the budget to the Park and Recreation Commission.
- D. Review and report on other specific service areas as requested by the City Council or City Manager.
- E. Review those portions of Master Plans of park or facility development or expansion which relate to the arts, for adequacy, appearance and other appropriate criteria, in an attempt to ensure good design and then make recommendations to the Park and Recreation Commission.
- F. Attend appropriate meetings, workshops and conferences, and represent the Town when requested by the City Council and/or City Manager.
- G. Prepare an annual Arts Committee work program for Park and Recreation Commission and City Council review and approval.
- H. Review and make recommendations regarding co-sponsored and directly funded groups in the area of arts.
- I. Suggest and help secure outside funding sources for the arts.
- J. Study the Regional and State Arts Master Plans and make recommendations thereon to the Park and Recreation Commission and the City Council.
- K. Examine alternatives for the yearly art event.
- L. Study and make recommendations regarding the establishment of a Fund for the Arts.
- M. Make recommendations regarding a public/private partnership for the arts.

NOW THEREFORE BE IT RESOLVED that Resolution 96-2 is hereby repealed.

* * * * *

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 March 18, 1998 by the following roll call vote:

| | | |
|-----------------|----------|--|
| <i>AYES:</i> | <i>5</i> | <i>COUNCILMEMBERS: Dudley, Chapman, Conwell, Fisher, Huber</i> |
| <i>NOES:</i> | <i>0</i> | <i>COUNCILMEMBERS: None</i> |
| <i>ABSENT:</i> | <i>0</i> | <i>COUNCILMEMBERS: None</i> |
| <i>ABSTAIN:</i> | <i>0</i> | <i>COUNCILMEMBERS: None</i> |

Malcolm H. Dudley, MAYOR

ATTEST:

Susan P. Jankowski, City Clerk



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 SEPTEMBER 21, 2005

**SUBJECT: APPROVAL OF FACILITY IMPROVEMENTS TO THE JENNINGS
PAVILION AT HOLBROOK-PALMER PARK; APPROVAL OF USE OF
STATE PER CAPITA PROGRAM GRANT FUNDS; AND APPROVAL TO
REQUEST PROPOSALS FOR ARCHITECTURAL DESIGN SERVICES**

RECOMMENDATION:

Approve a two phase plan for Jennings Pavilion improvements. Phase 1 will replace the windows and doors, replace the carpeting and renovate the lighting using State Per Capita Program Grant Funds. Phase 2 will hire an architect to investigate the aesthetics and cost of adding a sunroom to the north side, using either the remaining Per Capita Program Grant Funds or future funds. Phase 1 will be implemented immediately, returning to Council for approval of contracts for the renovations. Phase 2 will come back to Council with a Request for Proposals (RFP) to hire an architect.

BACKGROUND:

The Jennings Pavilion in Holbrook-Palmer Park was originally constructed as a recreation center. For several years, modifications to the Jennings Pavilion have been considered to create a more fitting character for the building and to increase the available rental space for indoor winter functions. Funding to accomplish these designs has not been forthcoming. Discussions at the Park and Recreation Commission and the Facilities Committee have suggested that the cost to extensively modify the Pavilion may exceed the cost of constructing an entirely new building and that a new building should eventually be constructed to replace the Pavilion.

The Pavilion is now in dire need of improvements for continued use as a meeting/reception hall in order to continue to attract rental customers. The Town has been awarded \$220,000 in Per Capita Program Grant funds by the State of California Department of Parks and Recreation. The Park and Recreation Commission recommended, at its July 6, 2005 meeting, that certain interim improvements be made to the Pavilion using the grant funds; that the window, doors, carpet and lighting needed immediate attention; and that the addition of a sunroom needed more study. The Facilities Committee, at its August 3, 2003 meeting, considered this item and recommended the interim improvements be implemented in order to maintain the viability of the Pavilion and a two phase approach be considered.

ANALYSIS:

Phase 1

The Jennings Pavilion needs the following immediate improvements:

1. Replace the existing windows and doors with a new door system. The doors would be moved to line up with the exterior walls of the building, increasing the usable interior floor space. The windows will be replaced with more doors to allow better access. Dual pane glass will be used to improve the energy efficiency of the building. Mini-blinds sandwiched between the glass panes will improve the look and avoid damage to the blinds during events. Estimated cost is \$100,000
2. Replace the carpeting with new carpeting of equivalent quality to the existing carpeting. The existing carpeting is high quality wool carpeting and has withstood many years of high use and vigorous cleaning. It also contains a pattern that is universal for many different types of events. The new carpeting needs to be of similar construction and appearance. Estimated cost is \$50,000.
3. Replace the lighting with multiple levels of lighting. The current recreation room lights would be removed, and a lighting system will be designed that provides for bright lighting for meetings and subdued lighting for receptions. The current strings of holiday lights will be replaced with an adjustable 12 volt lighting system arrayed across the ceiling. All of the lights will be controlled from a central lighting panel, allowing for adjustment for any type of function. Estimated cost is \$20,000.

Phase 2

In order to expand the usable floor space of the Pavilion, the second phase will consider adding a prefabricated sunroom on the north side of the Pavilion. This sunroom will look out on the formal gardens contemplated by the Landscape Master Plan. The floor of the sunroom could be either tile flooring to provide an informal seating area and complement the carpeting, or a wooden dance floor with or without a carpet cover.

To start Phase 2, the Town would hire an architect to study the appearance and structure of the Pavilion with the addition of various designs of sunrooms. The architect would evaluate the costs

of this addition to determine if sufficient grant funds exist to accomplish the improvement. If the grant funds are not sufficient, future funding will be sought for the improvement.

FISCAL IMPACT:

The Per Capita Program Grant funding from the State of California Department of Parks and Recreation will fully fund the improvements up to the grant amount of \$220,000. No local match is required. In FY 2005-06, \$170,000 is budgeted by the Town for the Phase 1 improvements.

Another portion of the grant funds is budgeted in FY 2005-06 for Park Corporation Yard improvements. After more precise cost information is obtained for the Phase 1 improvements, the remainder of the grant funds can be reallocated as needed, either for the Phase 2 Pavilion improvements or for the Park Corporation Yard improvements.

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 SEPTEMBER 21, 2005

SUBJECT: DISCUSSION AND CONSIDERATION OF EXISTING CONSTRUCTION REGULATIONS AND PARKING WITHIN THE TOWN OF ATHERTON

RECOMMENDATION:

Consider and give direction to staff regarding the existing construction parking regulations within the Town of Atherton.

BACKGROUND:

The City Council adopted Ordinance No. 546 on January 21, 2004, providing amendments to the Atherton Municipal Code relating to construction regulations and parking within the Town of Atherton. It had been requested that a discussion of the current construction parking regulations be revisited and direction be given to staff.

Attachments: Ordinance No. 546



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 SEPTEMBER 21, 2005

SUBJECT: REVIEW OF CALENDAR OF CITY COUNCIL MEETINGS FOR THE REMAINDER OF 2005

RECOMMENDATION:

Review the calendar of City Council Meeting dates for the remainder of 2005, and consider changing the date of the December 21st meeting to December 14th.

BACKGROUND:

The Regular City Council Meetings for the remainder of 2005 are as follows:

October 19
November 16
December 21

Since December 21 is only three days prior to Christmas Eve and four days prior to the Christmas holiday, the Council may want to consider moving this meeting to a Special Meeting date, such as December 14 in order to accommodate Council Members' and the public's holiday plans.

Furthermore, the December meeting is traditionally when the City Council chooses a Mayor and Vice Mayor. The Atherton Municipal Code, Section 2.04.030 states that the "city council shall meet at least annually to choose one of its members as mayor and one of its members as vice mayor." Since Mayor Conwell was selected in December 2004, it is recommended that the new Mayor be selected at a meeting in December in order that the selection take place in 2005. This selection process could occur at a Regular Council Meeting or a Special Meeting in December.