



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT

December 14, 2005

6:00 P.M.

Meeting Room
Town Administrative Offices

91 Ashfield Road
Atherton, California

Special Meeting

6:00 P.M. ROLL CALL Janz, Marsala, Carlson, Conwell, McKeithen

6:02 P.M. PUBLIC COMMENTS

6:05 P.M. CLOSED SESSION

6:05 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

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)

8. **APPROVAL OF MINUTES OF REGULAR AND SPECIAL MEETINGS OF NOVEMBER 16, 2005**
9. **APPROVAL OF BILLS AND CLAIMS FOR NOVEMBER 2005 IN THE AMOUNT OF \$ 1,142,795**
10. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR NOVEMBER 2005**
11. **THIRD AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF ATHERTON AND MARC G. HYNES**

Recommendation: Approve Third Amendment to City Attorney's Agreement between the Town of Atherton and Marc G. Hynes of Atkinson-Farasyn, LLP.

12. **AMENDMENT TO TOWN E-MAIL/INTERNET, AND ON-LINE SERVICE USE POLICY**

Recommendation: Approve an amendment to the Town's E-Mail, Internet, and On-Line Service Use Policy to add provisions pertaining to the retention and deletion of E-mail.

13. **APPROVAL OF REVISED JOB CLASSIFICATION FOR ASSISTANT TO THE CITY MANAGER**

Recommendation: Approve the revised job classification for the position of Assistant to the City Manager.

14. **AGREEMENT FOR ARTWORK DISPLAY IN TOWN OFFICES AND LIBRARY**

Recommendation: Approve the art exhibition agreement with Pacific Scribes for a display of calligraphy art in the Town Offices and Atherton Library for the period of February 1, 2006 through February 28, 2006.

PUBLIC HEARINGS NONE

REGULAR AGENDA (Items 15 - 20)

- 8:25 P.M. 15. DISCUSSION AND POSSIBLE DIRECTION TO STAFF RELATED TO MENLO COLLEGE FIELD USE ISSUES (Continued from the City Council Meeting of November 16, 2005)**

Recommendation: Continue to the City Council Meeting of January 18, 2006.

- 8:30 P.M. 16. PROPOSAL FOR WELL WATER IN HOLBROOK-PALMER PARK**

Recommendation: Provide staff direction regarding emergency water supply in Holbrook-Palmer Park.

- 8:50 P.M. 17. DISCUSSION AND DIRECTION TO STAFF REGARDING REQUEST FOR PROPOSALS FOR A CONSULTANT REGARDING TOWN OF ATHERTON DRAINAGE POLICY**

Recommendation: Staff recommends that the City Council give direction to staff regarding scope of work in RFP for Town-wide drainage study.

- 9:10 P.M. 18. DISCUSSION AND DIRECTION TO STAFF REGARDING DRAINAGE ISSUES ON STEVICK DRIVE AND MANDRIN WAY (Oral Report)**

Recommendation: Staff recommends that the Council hear and consider issues related to drainage on Stevick Drive and Mandrin Way.

- 9:30 P.M. 19. ADOPTION OF AN AMENDED RESOLUTION ESTABLISHING A PERMIT PARKING AREA IN THE VICTORIA MANOR NEIGHBORHOOD**

Recommendation: Approve an amended resolution establishing a permit parking area in the Victoria Manor neighborhood for installation of four signs at the entrance to the neighborhood, Douglas Way, Leon Way, and the north end of Victoria Drive at the fire gate.

- 9:45 P.M. 20. CONSIDERATION AND ADOPTION OF TOWN OF ATHERTON FRAUD POLICY**

Recommendation: Approve the attached policy pertaining to fraud as recommended by Town auditor and Atherton Audit Committee.

- 10:00 P.M. 21. PUBLIC COMMENTS**

- 10:10 P.M. 22. ADJOURNMENT**

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Town of Atherton

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

**FROM: LINDA KELLY, ASSISTANT TO THE CITY MANAGER/
ACTING CITY CLERK**

DATE: FOR THE CITY COUNCIL MEETING OF DECEMBER 15, 2004

**SUBJECT: CITY COUNCIL REORGANIZATION – SELECTION OF MAYOR AND
VICE MAYOR AND ADMINISTRATION OF OATHS OF OFFICE**

RECOMMENDATION

Hold nominations and vote on the Offices of Mayor and Vice Mayor.

BACKGROUND

Chapter 2.04 of the Atherton Municipal Code requires the City Council to meet at least annually to choose one of its members as Mayor and one of its members as Vice Mayor. The term of office of the Mayor and Vice Mayor shall be one year. No member shall serve as Mayor or Vice Mayor for consecutive terms.

In recent years, the selection of the Mayor and Vice Mayor has taken place at the regular December Council meeting.

The City Clerk will take nominations and conduct the election for Mayor and Vice Mayor.

Subsequent to the selection of the Mayor and Vice Mayor, it is appropriate for the City Clerk to administer the Oath of Office to the new Mayor and Vice Mayor. Following this, the new Mayor will preside over the remainder of the Council meeting.

Prepared by:

Approved by:

Linda Kelly
Assistant to the City Manager/
Acting City Clerk

James H. Robinson
City Manager



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

November 16, 2005

7:30 A.M.

Meeting Room
Town Administrative Offices

91 Ashfield Road
Atherton, California

Special Meeting

Mayor Conwell called the meeting to order at 7:30 a.m.

ROLL CALL

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

ABSENT: Kathy McKeithen (Excused)

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; 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

RECONVENE TO OPEN SESSION

Report of action taken.

City Attorney Marc Hynes reported that direction was given to the Agency Negotiator, James H. Robinson.

ADJOURN

Mayor Conwell adjourned the meeting at 8:20 a.m.

Respectfully submitted,

William R. Conwell, Mayor

**Minutes Prepared by:
Kathi Hamilton**



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

November 16, 2005

6:00 P.M.

Meeting Room
Town Administrative Offices

91 Ashfield Road
Atherton, California

Special Meeting

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ROLL CALL

PRESENT: James R. Janz
Charles E. Marsala
Alan B. Carlson
William R. Conwell
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 Negotiator: James H. Robinson, City Manager
Employee Organization: Management Employees

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

City Attorney

C. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
Pending litigation pursuant to Government Code Sections 54956.9(a):
San Mateo County Superior Court Cast No. CIV440523 – Town of Atherton v.
Vivek Ranadive

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

1 potential case

RECONVENE TO OPEN SESSION

Report of action taken. With regard to Item A., Conference with Labor Negotiator, Management Employees, directions were given to the Agency Negotiator, James H. Robinson. With Regard to Item B., Public Employee Evaluation, City Attorney, the evaluation was conducted and direction was given to the City Attorney for the December City Council agenda. With regard to Item C., Conference with Legal Counsel, Pending Litigation, direction was given to the City Attorney. With regard to Item D., Conference with Legal Counsel, Anticipated Litigation, the City Attorney gave a report and no action was taken.

ADJOURN

Mayor Conwell adjourned the meeting at 6:40 p.m.

Respectfully submitted,

William R. Conwell, Mayor

Minutes Prepared by:
Kathi Hamilton



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON
CHANNEL DRAINAGE DISTRICT
November 16, 2005
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Conwell called the meeting to order at 7:02 p.m.

1. **PLEDGE OF ALLEGIANCE**

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**

a. **Annual Red Ribbon Week Presentation**

Police Chief Bob Brennan and Reserve Police Sergeant Bruce Potts presented awards to the Annual D.A.R.E. Red Ribbon Week poster contest winners from local elementary schools.

b. **Annual Tree Awards – Atherton Tree Committee**

Town Arborist Kathy Hughes Anderson and Tree Committee President Denise Kupperman presented the Annual Tree Awards to Marts and Sue Beekley, Susan and Steve Bird, Kate and David Burton, Owen and Connie Hawkins, Bob and Bobbi Huber, Debra and Jim McLean, and Paul Marsili.

c. **America Recycles Day Proclamation**

Mayor Conwell presented the Proclamation declaring November 15, 2005, America Recycles Day.

4. **COUNCIL REPORTS**

- Council Member Janz said representatives of the Atherton Caltrain Corridor Subcommittee attended the Caltrain Joint Powers Board (JPB) meeting and the Transportation Authority (TA) meeting. The design work for the Atherton Train Station was 85% completed. Caltrain ridership was up, and the TA was not looking to restore local train service. A Regional Rail Plan, spearheaded by the Metropolitan Transportation Commission and involving Caltrain, BART, all rail transit agencies, and ABAG, was to be developed for the entire Bay Area. The study was just under way, and a workshop was scheduled for November 30, 2005, at 6 p.m., in San Jose.
- Vice Mayor Marsala said a March remodel was scheduled for the Holbrook-Palmer Park Pavilion. Building Official Mike Hood and he made a presentation to the Palo Alto Realtors Board. At the League of California Cities Conference, the Helen Putnum Award was given to the City of Belmont for its D.A.R.E. program and to Manhattan Beach for its Home Alarm Program, two of the same programs that the Town of Atherton provided. Police Chief Brennan was listed in the Library newsletter regarding his chess playing with kids.
- Council Member Carlson attended the General Plan Committee meeting which was well attended and concerned various construction issues. The General Plan Committee decided to break the issues into segments and meet once a month. The next meeting was scheduled for Thursday, December 1, 2005, at 6 p.m., with an emphasis on construction hours and length of construction projects.
- Council Member McKeithen attended the Audit Committee meeting on November 2, and discussed the draft financial statements. The auditors recommended instituting a fraud policy, and the committee was preparing one. City Manager Jim Robinson and she toured the emergency supply depot in Menlo Park. Supplies were stored by categories related to health, emergency, electrical, etc. Individuals needed to be self-sufficient. State-of-the-art drums that held 55 gallons of water were available for \$73, had a four-day capacity for a family of four, and stayed good for five years. Peter Carpenter, Menlo Park Fire Protection District, was scheduling a meeting for local jurisdictions to discuss how to work together in a disaster.
- Mayor Conwell attended the last Criminal Justice meeting that afternoon. In mid 2006, metering lights would be installed at the entryways to Hwy. 101. Airport noise was improving over the West Coast. He attended a presentation on emergency services at the Exposition Center in San Mateo.

5. **PUBLIC COMMENTS**

Jerry Carlson, Atherton, spoke regarding the scheduling of the independent Police Department survey. He congratulated the Town on its unqualified audit and made several comments related to the audit. Additionally, he commented on Administrative

Leave for the City Manager, cleanup work around Selby Lane School, and the report by the School Resource Officer at Menlo-Atherton High School.

City Manager Jim Robinson noted the Selby Lane Road project was deferred to next spring because of weather, other projects, and a re-bidding process. Staff would repair any pot holes areas until the project began in the spring.

6. STAFF REPORTS

- **City Attorney Marc Hynes reported out of the 7:30 a.m. Closed Session as follows:**

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

Direction was given to the Agency Negotiator, James H. Robinson.

- **City Attorney Marc Hynes reported out of the 6:00 p.m. Closed Session as follows:**

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

Agency Negotiator: James H. Robinson, City Manager

Employee Organization: Management Employees

Direction was given to the Agency Negotiator, James H. Robinson.

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

City Attorney

Evaluation was conducted and direction was given to the City Attorney for the December City Council agenda.

- C. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION**
Pending litigation pursuant to Government Code Sections 54956.9(a):
San Mateo County Superior Court Cast No. CIV440523 – Town of
Atherton v. Vivek Ranadive

Direction was given to the City Attorney.

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

1 potential case

The City Attorney gave a report to the City Council, and no action was taken.

- Building Official Mike Hood said building permit application turnaround time was approximately four weeks. A new Building Inspector was hired and would begin work the first week of December.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

The Community Organization Roundtable Report of the Holbrook-Palmer Park Foundation and Atherton Dames was postponed.

CONSENT CALENDAR (Items 8 - 23)

Council Member Carlson requested Item Nos. 16 and 20 be removed from the Consent Calendar and placed on the Regular Agenda for discussion.

Council Member McKeithen had the following corrections: Item No. 8, “*Mr. Upp*” was misspelled; Item No. 12, the “Now Therefore” clause in the Resolution should read “...*Joint Exercise of Powers*”; No. 13, Police Chief Brennan clarified budget information was known well in advance of the deadline; Item No. 14, City Manager Robinson said prepaid dues in the amount of \$450 would be returned to Atherton’s General Fund; Item No. 21, in the Resolution, 2nd line, delete the words “*the support of,*” and the 2nd Whereas should read “approve potential *local* funding”; Item No. 22, in the Resolution heading, “Employment” was misspelled.

MOTION - to approve the Consent Calendar as presented with the exception of Item Nos. 16 and 20 that were removed and placed on the Regular Agenda for discussion.

M/S Carlson/Janz

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

8. **APPROVED MINUTES OF REGULAR AND SPECIAL MEETINGS OF OCTOBER 19, 2005**

9. **APPROVED BILLS AND CLAIMS FOR OCTOBER 2005 IN THE AMOUNT OF \$ 1,536,988**
10. **ACCEPTED MONTHLY FINANCIAL REPORT FOR OCTOBER 2005**
11. **ACCEPTED ANNUAL FINANCIAL STATEMENTS AND AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2005**
12. **ADOPTED RESOLUTION APPROVING THE FIRST AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT FOR THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY (SBWMA)**

Adopted Resolution No. 05-45 approving the First Amended and Restated Joint Exercise of Powers Agreement for the South Bayside Waste Management Authority.

13. **AMENDMENT TO NARCOTICS TASK FORCE AGREEMENT**

Authorized the Mayor to sign the updated Joint Powers Agreement in order to continue participation in the San Mateo County Narcotics Task Force.

14. **ADOPTED RESOLUTION AND AMENDMENT TO JOINT POWERS AGREEMENT PROVIDING FOR THE TERMINATION OF THE CRIMINAL JUSTICE COUNCIL OF SAN MATEO COUNTY**

Adopted Resolution No. 05-46 authorizing the execution of an amendment to the Joint Powers Agreement Establishing the Criminal Justice Council of San Mateo County, which amendment would disband the Criminal Justice Council.

15. **ACCEPTED WORK, AUTHORIZED TO RECORD NOTICE OF COMPLETION AND APPROVED CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$12,267.00 FOR THE 2004 STREET RECONSTRUCTION - PHASE 1, PROJECT NO. 03-011**

Accepted the work, authorized the recording of a Notice of Completion and approved contract change orders in the amount of \$12,267.00 for the 2004 Street Reconstruction - Phase 1, Project No. 03-011.

- ~~16. **DECLARATION OF SURPLUS PROPERTY (Removed)**~~

~~**Recommendation: Declared specific Town property as surplus and authorize the City Manager, or his designee, to dispose of identified property.**~~

17. **ACCEPTED QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2005**

18. SECOND READING AND ADOPTION OF ANIMAL CONTROL ORDINANCE REVISION, ORDINANCE NO. 561

Held second reading and adopted revisions to Chapter 6.04 of the Atherton Municipal Code (Section 6.04.010 and following) to conform with recent amendments to the San Mateo County Animal Control Ordinance.

19. APPOINTMENT OF REPRESENTATIVE TO THE SAN MATEO COUNTY MOSQUITO ABATMENT DISTRICT BOARD OF TRUSTEES

Accepted Screening Committee recommendation to reappoint Doris Kellett to the San Mateo County Mosquito Abatement District Board of Trustees, for a term of four years.

~~20. ADOPTION OF A RESOLUTION ADOPTING SALARIES AND BENEFITS FOR MANAGEMENT STAFF FOR FISCAL YEARS 2005-06 THROUGH 2007-08~~

~~Recommendation: Adopt Resolution No. 05-47 adopting salaries and benefits for Management Staff for Fiscal Years 2005-06 through 2007-08.~~

21. ADOPTED A RESOLUTION IN SUPPORT OF INSTALLATION OF FOUR QUADRANT GATES AT CALTRAIN RAILROAD CROSSINGS AS RECOMMENDED BY THE CALTRAIN CORRIDOR COMMITTEE

Adopted Resolution No. 05-48 in support of four-quadrant gates at both Caltrain railroad crossings, Fair Oaks Lane and Watkins Avenue.

22. ADOPTED A RESOLUTION APPROVING AN AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT

Adopted Resolution No. 05-49 approving the Third Amendment to the City Manager Employment Agreement

23. SCHOOL RESOURCE OFFICER AGREEMENT WITH THE SEQUOIA UNION HIGH SCHOOL DISTRICT

Authorized the Mayor to sign the updated agreement with the Sequoia Union High School District to continue the School Resource Officer Program at Menlo-Atherton High School.

PUBLIC HEARINGS NONE

REGULAR AGENDA (Items 24 - 29)

16. DECLARATION OF SURPLUS PROPERTY

Recommendation: Declare specific Town property as surplus and authorize the City Manager, or his designee, to dispose of identified property.

Council Member Carlson had a philosophical problem with selling gas masks, paint ball guns, and paint ball protective masks to the general public.

Police Chief Bob Brennan said part of the reason was to experiment with selling on EBay as other public agencies had tried.

After discussion, a decision was made to destroy/dispose of the surplus items and not sell any of the items on EBay.

MOTION – to destroy/dispose of surplus property as listed in Exhibit A

M/S McKeithen/Carlson

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

20. ADOPTION OF A RESOLUTION ADOPTING SALARIES AND BENEFITS FOR MANAGEMENT STAFF FOR FISCAL YEARS 2005-06 THROUGH 2007-08

Recommendation: Adopt a Resolution adopting salaries and benefits for Management Staff for Fiscal Years 2005-06 through 2007-08.

Council Member Carlson stated during the Closed Session, an amendment was made to the Resolution, Section 7, adding language that Administrative Leave would be accrued at the rate of 1.53 hours per pay period.

Council Member McKeithen asked whether the Town did a comparison with other jurisdictions pertaining to benefits that were equivalent to money, e.g., medical leave, car allowance, etc.

City Manager Jim Robinson said generally speaking the 70th percentile comparison related to salary. Differences in other management benefits were very diverse, and Atherton generally provided less than other agencies. Although the Town compared itself to ten cities, the reality was when hiring, the Town competed with every city in the Bay Area.

MOTION – to adopt Resolution No. 05-47 with the following addition to Section 7. Administrative Leave: “Administrative Leave shall accrue at the rate of 1.53 hours per pay period. Managers employed by the Town as of the adoption of this Resolution shall be credited with a pro-rata share of Administrative Leave hours applicable from July 1, 2005, to the present time.”

M/S McKeithen/Carlson

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

Mayor Conwell acknowledged and thanked Doris Kellett who was reappointed to the Mosquito Abatement Board for her many years of service.

Doris Kellett expressed her appreciation to the Council for reappointing her. The West Nile Virus was a serious threat in California; however, few mosquitoes were found in Atherton.

24. DISCUSSION AND POSSIBLE DIRECTION TO STAFF RELATED TO MENLO COLLEGE FIELD USE ISSUES (Continued from the City Council Meeting of October 19, 2005)

Recommendation: Continue the discussion to the City Council Meeting of December 14, 2005.

MOTION -- to continue the discussion to the City Council Meeting of December 14, 2005.

M/S Carlson/Janz

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

25. REPORT ON POTABILITY OF WELL WATER IN HOLBROOK-PALMER PARK

Building Official Mike Hood presented the staff report. A report from Catalyst Environmental, Inc. indicated the well water was of very high quality. However, there were high levels of mercury present. The standards for California drinking water for continuous use set the limit to two parts per billion of mercury. The Holbrook-Palmer Park well water tested at 2.7 parts per billion. In order to make the water drinkable during an emergency, a granulated activated charcoal filtering system could be accessed and would cost a few thousand dollars.

Council Member McKeithen requested staff to provide information at the next City Council meeting on a potential generator hookup, what the cost of a granulated activated charcoal filtering system would be, and whether there were any alternatives. She proposed the well water be tested twice a year.

In response to Council questions, Building Official Hood said U.S. Filter would make recommendations for the type of filtering system needed and would depend on the quantity of water being pumped. The well was a high-volume well and was flow tested at 125 gallons per minute. In an emergency, water would probably be distributed in gallon containers. Realistically, one might use up to 25 to 50 gallons a day for total needs; however, for cooking and drinking, only a gallon per person would be used.

Mr. Craig Johnson, Atherton, spoke from the audience, regarding the use of swimming pool water as a potential drinking water source during an emergency.

Direction was given to staff to return to the Special City Council Meeting of December 14, 2005, with information on a potential generator hookup, what the cost of a charcoal filtering system would be, and whether there were any alternatives.

26. REPORT AND DIRECTION TO STAFF REGARDING TOWN OF ATHERTON DRAINAGE POLICY

Building Official Mike Hood presented the staff report. In response to Council's questions from the previous meeting, there were two instances of pumping groundwater to aid construction, one on Greenoaks Drive and one on Catalpa. He was considering entering into a contract with Ed Boscacci who held a Masters Degree in Hydrology and would exam the Town's Drainage Policy, i.e., high ground areas, areas of steep slope, and analysis of current Drainage Policy. He and City Manager Jim Robinson met with Mr. Craig Johnson's attorney. They reviewed options and were awaiting a response.

Council Member McKeithen was disappointed by the report and thought certain items requested from the previous meeting had not been addressed. She said Mr. Upp had volunteered his services to help prepare the Request for Proposal (RFP) and asked whether the RFP was going out for bid.

Building Official Hood said three hydrology firms had been researched; and based on his preliminary review, he was focusing on Ed Boscacci. The cost appeared to be less than \$15,000 and could be handled at the staff level unless Council directed otherwise. Most issues from the previous meeting would be addressed in the hydrologist's analysis. The USGS map was the result of an extensive study and showed the level of the groundwater throughout the Town.

Council Member Carlson was interested in seeing the RFP so Council would be satisfied with what was included.

Council Member McKeithen concurred and wanted to know what the different aspects would cost.

Discussion regarding groundwater pumping into the Atherton Channel from 222 Greenoaks and a possible violation/citation by the Regional Water Quality Control District ensued. The Town had a countywide permit to act in behest of the Regional Water Quality Control Board. Certain things were categorically exempt, i.e., rainwater. The next level of exemption was the pumping of uncontaminated groundwater. The Town tested the water, met the requirements, and a permit was not required but required notification. Additionally, possible alternatives to pumping into the Channel were discussed such as reinjecting the water into another area or limiting the digging of basements below ground level. A problem with reinjecting into the aquifer was the issue of water quality; however, a reinjection well was possible.

In response to Vice Mayor Marsala, City Attorney Marc Hynes said the first step in changing the Town's ordinance to limit digging basements was to complete the study to

find out where the water table was and what the recommendations were and then craft the ordinance.

Council Member Carlson said the proposal should come back to the Council so all the questions could be included in the study.

Craig Johnson, Atherton, spoke from the audience and asked what the chances were that the vacuum caused by the pumping of water would be filled with salt water.

Council Member Carlson thought it an excellent question to include in the RFP.

Council Member McKeithen clarified that because the Town took on the obligation and the cost of testing the water from Greenoaks Drive, an order to stop pumping was not issued and a \$10,000 per day fine was not assessed.

By consensus of the Council direction to staff was given to continue to develop the Request for Proposals (RFP) for a consultant, to return the proposed RFP to the Special City Council Meeting of December 14, 2005, for Council review and discussion, and to include a statement of costs.

Mayor Conwell called for a recess at 8:50 p.m. The meeting was reconvened at 9:00 p.m.

27. APPROVAL OF A “NO PARKING” SIGN ON VICTORIA DRIVE NEAR MENLO COLLEGE (Oral Report)

Police Chief Bob Brennan presented the staff report. Three temporary “No Parking” signs were posted on November 1, 2005, on the northwestern portion of Victoria Lane. A few days later, the signs had been torn down and cars were once again parking in the area. Staff wanted to wait another month before recommending one of three options for a permanent solution: 1) Install “No Parking” signs every 50 feet on Victoria Lane, Leon, and Douglass Way; 2) install three “Resident Parking Only” signs at the beginning of each street; or 3) install a padlock on the gate and give access to residents.

Laura Boat, Douglas Way, spoke on behalf of the Victoria Manor homeowners. The results of a survey showed most residents favored some type of parking restrictions rather than locking the gate.

A discussion ensued on the pros and cons of the various alternatives.

Staff will continue to monitor and assess the effectiveness of the temporary “No Parking” signs and return to the Special City Council Meeting of December 14, 2005, with a recommendation for a permanent solution. No action was taken.

28. DISCUSSION AND CONSIDERATION OF PROPOSAL TO DEVELOP SENIOR HOUSING WITHIN THE TOWN OF ATHERTON (Oral Presentation)

Skip and Linda Law, Atherton, presented a proposal to develop senior housing on Town property. The Laws specialized in public/private real estate partnerships with a non-for-profit implication. When residents want to downsize, they need to leave Atherton. Putting senior housing on top of public facilities, paid for by Law and Associates, would benefit the Town. The first step was for Law and Associates to fund a facilities assessment study to determine the Town's long-term facility needs. If the Town's parking lot were in fact excess land, would it make sense to build senior housing? The outcome would be a long-range facility plan at no cost to the Town, increased annual revenues by leasing the land, new Town facilities with no capital expenditures or rent, retention of residents, and meet the state housing mandate. The Laws had met with the Finance Committee and City Manager Jim Robinson. The Laws were requesting that the Council direct the City Manager and City Attorney to develop an agreement to further analyze a senior housing proposal without making any future commitment to the proposer.

In response to Council questions, Mrs. Law said they would need to work with the Town to determine the appropriate number of units, probably 30 to 40 units at most. Senior housing had restrictions for age but could not be limited to Atherton residents. A shuttle service could be offered and a provision for limited parking stalls to control traffic. The study would take a couple of months. In order to build the senior housing, a General Plan amendment and rezoning would be necessary. The Laws were working with Rob Steinberg, President of Steinberg Architects, the premier architect for senior housing in the country.

Discussion continued on the pros and cons, alternate properties, noise issues, helping with the restoration of Caltrain service, etc. Mrs. Law said the study would focus on the strategic plan for the Town for the next decade and how the six acres worked.

Mayor Conwell was concerned the project would be a tremendous change and open avenues commercially. He personally did not think the project fit within the profile of Atherton.

Duane Bay, former Mayor and Council Member from East Palo Alto and current Director of Housing for San Mateo County, encouraged Council to look at the project and spoke in support of the Laws.

Elizabeth Lewis, Atherton, spoke in support of the proposal.

Council Member Janz said the state mandated that cities/town have an approved Housing Element that required providing a fair share of additional housing as the state's population grew. The Town had not been able to get its Housing Element approved thus far. Perhaps a project like the proposed one would help to have Atherton's General Plan approved by the state.

Vice Mayor Marsala believed the proposal was a “no-lose” for the Town.

Council Member Carlson said discussions regarding inadequate/temporary Town facilities had taken place over the years and public funds were not available; therefore, he believed the Town should at least go through the process to see what was possible.

Council Member McKeithen’s primary concern was for the community. She believed there was a lot to gain; however, she thought community meetings needed to take place sooner rather than later to learn the community’s concerns and feelings. She wanted to learn about other communities who have implemented the model and what changes occurred because of it.

MOTION - to direct the City Manager and City Attorney to develop an agreement between the Town of Atherton and Laws and Associates to further analyze a senior housing proposal without making any future commitment to the proposer and to be returned to the Special City Council meeting of December 14, 2005, or the Regular City Council meeting of January 18, 2006.

M/S Marsala/Janz

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

City Manager Jim Robinson asked what specific expectations were to be returned in December or January.

The Council wanted the entire Town property to be looked at and incorporated into a conceptual Master Plan that eliminated temporary buildings and included total facility needs, i.e., a Police Department, Administrative Offices, and Permit Center into one facility.

29. SET DATE FOR TOWN MEETING ON EMERGENCY PREPAREDNESS

Recommendation: Discuss and consider setting a date for a Town-wide emergency preparedness-training event.

City Manager Jim Robinson said Council requested at its last meeting that staff schedule a Town-wide emergency preparedness-training event. Three dates were available for the Holbrook-Palmer Park Pavilion. Staff was recommending either January 21 or 28 in order to advertise in *The Athertonian*.

By consensus, direction was given to staff to schedule January 21, 2006, as the date for a Town-wide emergency preparedness-training event from 9 a.m. to Noon, at the Holbrook-Palmer Park Pavilion.

30. PUBLIC COMMENTS

There were no public comments.

31. ADJOURNMENT

Mayor Conwell adjourned the meeting at 9:52 p.m.

Respectfully submitted:

Linda Kelly, Acting City Clerk

**Minutes Prepared by:
Kathi Hamilton**

TOWN OF ATHERTON
CLAIMS LIST
November 2005

Payroll Checks	6899 - 6974	\$ 32,629
Electronic Transfers		327,958
A/P Checks	20941 – 21077	782,208
TOTAL		\$ 1,142,795

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 6899- 6974 (payroll) and 20941 - 21077 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$1,142,795; are true and correct, and that there are sufficient funds for payment.

James H. Robinson
City Manager

The above claims, check numbers 6899 - 6974 (payroll) and 20941 - 21077 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$1,142,795; are true and correct, and are authorized for payment.

William R. Conwell
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$659,667
105	Tennis Fund	2,101
201	Special Parcel Tax	338,525
202	Transportation	
203	Gas Tax Fund	
210	Road Construction Impact Fees	17,308
211	Park Grants Fund	
213	Library Special Revenue Fund	2,115
401	General Capital Projects	
402	Storm Drainage	2,563
403	Atherton Channel District	92,587
406	Facilities Construction	
610	Vehicle Replacement	
611	Computer Maint. & Replacement	25,184
612	Administrative Services	2,263
715	Evans Estate	-
740	Tree Committee	482
TOTAL		\$1,142,795



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 CITY COUNCIL MEETING OF DECEMBER 14, 2005

SUBJECT: MONTHLY FINANCIAL REPORT, NOVEMBER 2005

RECOMMENDATION:

Receive the Monthly Financial Report for November 2005.

INTRODUCTION:

The attached schedules show revenues and expenditures and fund balance for all funds as of November 30, 2005.

HIGHLIGHTS

General Fund expenditures for the five months ended November 30, 2005, have amounted to \$3,274,961, or 38% of the \$8,701,010 budgeted for the fiscal year. For the five months ended November 30, 2005, General Fund revenues amounted to \$2,010,334, or 23% of the \$8,720,458 estimated for the year.

By comparison, General Fund expenditures amounted to 37% of appropriations for the five months ended November 30, 2004. Additionally, General Fund revenues amounted to 24% of estimated revenues for the five months ending November 30, 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 November 30th, 2005

Fund	Revenue Source	2005-06 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	Property Tax	\$ 3,651,651	181,771	368,325	10%
	Sales and Use Tax	126,000	908	53,170	42%
	Other Taxes	830,760	44,224	267,896	32%
	Licenses & Permits	1,839,879	45,388	876,813	48%
	Fines & Forfeitures	35,000	568	18,557	53%
	Revenue from Other Agencies	303,166	25,557	125,447	41%
	Charges for Services	336,208	16,230	170,751	51%
	Investment & Rental Income	291,633	7,935	121,626	42%
	Other Revenues	5,000	1,972	7,749	155%
	Total General Fund Revenues	7,419,297	324,553	2,010,334	27%
	Interfund (Operating) Transfers In	1,301,161	-	-	0%
101	General Fund Total	8,720,458	324,553	2,010,334	23%
	Special Revenue Funds:				
105	Tennis	7,000	-	300	4%
201	Special Parcel Tax	1,858,000	-	-	0%
202	Transportation	180,000	5,549	85,030	47%
203	Street Improvement (Gas Tax)	172,376	26,780	62,560	36%
209	Law Enforcement	100,000	-	-	0%
210	Road Construction Impact Fees	1,158,328	103,093	484,834	42%
211	State Park Grants Fund	197,399	-	-	0%
213	Library	200,000	-	84,723	42%
	Total	3,873,103	135,422	717,447	19%
	Capital Project Funds:				
401	Capital Improvement	-	-	-	
402	Storm Drainage	-	-	-	
403	Channel Drainage District	50,665	2,569	8,801	17%
406	Facilities Construction	-	-	-	
	Total	50,665	2,569	8,801	17%
	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	-	925	7%
740	Tree Committee	-	229	4,429	
	Total	13,200	229	5,354	41%
	Total Revenues	13,151,416	462,773	2,741,936	21%

TOWN OF ATHERTON
Expenditure Summary
For the Month Ended November 30th, 2005

Fund	Description Department	2005-06 Budget	Current Period Expenditures	Year to Date Expenditures	% Spent
101	General Fund				
	11 City Council	\$ 20,535	\$ 732	\$ 5,244	26%
	12 City Manager	475,598	41,582	177,063	37%
	16 City Attorney	180,255	10,709	48,708	27%
	18 Finance	460,667	39,445	162,834	35%
	25 Building	1,042,371	70,904	363,645	35%
	40 Police	4,521,000	373,776	1,775,017	39%
	50 Public Works	1,900,584	144,386	742,450	39%
	Contingency	100,000	-	-	0%
	Total General Fund Expenditures	<u>8,701,010</u>	<u>681,534</u>	<u>3,274,961</u>	<u>38%</u>
	Interfund (Operating) Transfers Out	-	-	-	0%
101	General Fund Total	<u>\$ 8,701,010</u>	<u>\$ 681,534</u>	<u>\$ 3,274,961</u>	<u>38%</u>
Special Revenue Funds:					
105	Tennis	25,011	2,650	8,406	
201	Special Parcel Tax	1,832,077	338,525	740,360	40%
202	Transportation	323,420	-	-	0%
203	Street Improvement (Gas Tax)	150,000	-	23,107	15%
209	Law Enforcement	100,000	10,750	10,750	11%
210	Road Impact Fees	1,598,671	-	235,043	15%
211	State Park Grants	196,736	-	10,350	5%
213	Library Fund	71,045	3,342	11,279	16%
	Total	<u>4,296,960</u>	<u>355,267</u>	<u>1,039,295</u>	<u>24%</u>
Capital Project Funds:					
401	Capital Improvement	282,896	-	-	0%
402	Storm Drainage	21,394	2,563	2,563	12%
403	Channel Drainage District	425,300	97,227	388,270	91%
	Total	<u>729,590</u>	<u>99,790</u>	<u>390,833</u>	<u>54%</u>
Internal Service Funds:					
610	Vehicle Replacement	76,000	-	62,055	82%
611	Information Technology	112,622	27,275	35,607	32%
612	Administrative Services	317,139	12,862	185,329	58%
614	Workers Compensation Insurance	-	-	-	
	Total	<u>505,761</u>	<u>40,137</u>	<u>282,991</u>	<u>56%</u>
Trust and Agency Funds:					
715	Evans Creative Design	11,200	375	945	8%
740	Tree Committee	-	482	2,193	
	Total	<u>11,200</u>	<u>857</u>	<u>3,138</u>	<u>28%</u>
	Total Expenditures	<u>14,244,521</u>	<u>1,177,585</u>	<u>4,991,218</u>	<u>35%</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2005-06
As of November 30th, 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	7,582,785	2,010,334	-	3,274,961	6,318,158
	Special Revenue Funds:					
105	Tennis	18,867	300		8,406	10,761
201	Special Municipal Tax	1,112,743	-		740,360	372,383
202	Transportation	330,685	85,030		-	415,715
203	Street Improvement (Gas Tax)	34,413	62,560		23,107	73,866
209	Law Enforcement	13,758	-		10,750	3,008
210	Road Construction Impact Fees	832,049	484,834		235,043	1,081,840
211	State Park Grants	38,688	-		10,350	28,338
213	Library Special Revenue Fund	1,415,042	84,723		11,279	1,488,486
	Sub Total	<u>3,796,245</u>	<u>717,447</u>	-	<u>1,039,295</u>	<u>3,474,397</u>
	Capital Projects Funds:					
401	Capital Improvement	253,970	-		-	253,970
402	Storm Drainage	45,262	-		2,563	42,699
403	Channel Drainage District	439,931	8,801		388,270	60,462
406	Facilities Construction	65,382	-		-	65,382
	Sub Total	<u>804,545</u>	<u>8,801</u>	-	<u>390,833</u>	<u>422,513</u>
	Internal Service Fund					
610	Vehicle Replacement	412,904	-		62,055	350,849
611	Information Technology	133,100	-		35,607	97,493
612	Administrative Services	140,976	-		185,329	(44,353)
614	Workers Compensation Insurance	10,871	-		-	10,871
	Sub Total	<u>697,851</u>	<u>-</u>	-	<u>282,991</u>	<u>414,860</u>



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: FOR THE CITY COUNCIL MEETING OF DECEMBER 14, 2005

SUBJECT: THIRD AMENDMENT TO CITY ATTORNEY CONTRACT

RECOMMENDATION:

Approve Third Amendment to City Attorney's Agreement between the Town of Atherton and Marc G. Hynes of Atkinson-Farasyn, LLP.

BACKGROUND:

The City Attorney provides services to the Town for a monthly retainer and reimbursement for attendance at a League of California Cities Conference. The Third Amendment increases the amount of the retainer from an amount of \$7,500.00 per month, which had been in effect since August 1, 2002, to an amount of \$8,000.00 per month. This rate will remain in effect for the next two years. No adjustment is made relative to expense reimburse for the League of California Cities Conference.

FISCAL IMPACT:

Increase in the retainer will result in a \$6,000.00 per year increase in City Attorney services.

Respectfully,

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

Attachment

THIRD AMENDMENT TO
CITY ATTORNEY'S AGREEMENT
BETWEEN
TOWN OF ATHERTON
AND MARC G. HYNES OF ATKINSON-FARASYN, LLP

This Third Amendment to the City Attorney's Service Agreement between the Town of Atherton and Marc G. Hynes, Esq. of Atkinson-Farasyn, LLP dated August 1, 2000, is hereby amended by revising paragraph I. B. and adding a new subparagraph D to paragraph III to read as follows:

"I. BASIC SERVICES – RETAINER

B. The retainer fee for basic services is \$8,000 per month, effective August 1, 2005 and continuing through July 31, 2007. In addition to the retainer, the City Attorney shall be reimbursed in an amount not to exceed One Thousand Dollars (\$1,000.00) for documented expenses for attendance at the fall League of California Cities Conference generally held in the month of September or October. The retainer shall be paid monthly beginning on the fifteenth day of each month.

III. GENERAL

D. The City Council shall conduct an evaluation of the City Attorney on or before April 30, 2006."

All other provisions of the agreement between the Town of Atherton and Marc G. Hynes dated August 1, 2000, except as amended above, shall continue to remain in effect.

Dated: December 14, 2005.

TOWN OF ATHERTON

By: _____
Mayor

City Attorney



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 CITY COUNCIL MEETING OF DECEMBER 14, 2005

SUBJECT: E-MAIL RETENTION POLICY

RECOMMENDATION:

Approve by motion, an amendment to the Town's E-Mail, Internet, and On-Line Service Use Policy to add provisions pertaining to the retention and deletion of E-mail.

BACKGROUND:

The Town has previously adopted an E-Mail, Internet, and On-Line Service Use Policy. It is appropriate to amend this policy to cover the issue of retention and deletion of E-mails. Once an E-mail is retained for future use, it will be treated as all other public records.

Attached as Exhibit "A" is the present E-mail policy. The section entitled "User Responsibilities" portion of the policy should be revised to amend the subsection "Mail Use" appearing on page 2 by adding provisions regarding electronic-mail retention and deletion. The amended "Mail Use" subsection is set out in bold in Exhibit B attached.

FISCAL IMPACT:

None

Respectfully,

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

Attachments, Exhibits A and B



TOWN OF ATHERTON

E-MAIL, INTERNET AND ON-LINE SERVICE USE POLICY

PURPOSE

The Town of Atherton provides e-mail, on-line and Internet access system to certain Town employees to assist in carrying out Town business. This policy sets forth the Town of Atherton's policies with regard to access to, use of, and the disclosure of, on-line, e-mail and Internet services.

SCOPE

This policy covers all employees who have access to the Town of Atherton's electronic mail system, the Internet and on-line services. Town on-line accounts are Town property that is provided to be used only for general business purposes to increase production and employee effectiveness. To ensure the use of Town e-mail, Internet and on-line systems in a productive manner, a list of guidelines has been established. All employees are required to abide by the guidelines. Improper use of Town e-mail, Internet and on-line systems are not acceptable and is subject to the applicable disciplinary procedure.

USER RESPONSIBILITIES

Consultants

Use of the Town's e-mail system by non-Town employees under contract for services within Town departments may be authorized by the department. The department head will sponsor the contract employee, and request, in writing, that the person be given access to the e-mail system. A completed "Non-Town Employee Participation Request Form" must be signed by the department head, City Manager, and participating contract employee. Termination of the contract will also serve as termination of access.

Policy Document

It is the user's responsibility to:

- Read and adhere to the adopted E-Mail, Internet and On-Line Service Use Policy
- Sign the E-Mail, Internet and On-line Use Policy Employee Agreement Form
- Return the completed form to the Personnel Department to be filed in the employee's personnel file

Mail Use

The dual nature of electronic mail - immediate and informal like a telephone call, irrevocable like a memorandum - along with the possibility of anyone monitoring and managing staff members' messages for them, requires that you yourself explicitly recognize your responsibility for the content and dissemination of your messages.

Your outgoing messages are to be:

- Accurate
- Courteous
- Sent to selected staff with a need to know

Your incoming messages are to be:

- Filed and disposed of appropriately (Discard messages that do not need to be stored and retain messages that may need to be used for future reference.)
- Responded to on a timely basis, as identified in the original message.

Note: You are responsible for protecting the confidentiality rights of others. Be sure to ensure that your password is secure and change it when appropriate. If you allow other staff members to send or receive messages on your e-mail account, you are responsible for their content.

ON-LINE SYSTEMS POLICIES

Monitoring Usage

The Town reserves the right to monitor usage patterns of its on-line communications. The reasons for monitoring are to insure on-line productivity as well as for better planning and management of network resources.

Blocking of Internet Access

The Town reserves the absolute right to block access to certain Internet sites.

OWNERSHIP OF ELECTRONIC COMMUNICATIONS

All communications over Town e-mail, Internet and on-line services are property of the Town. All messages created, sent, or retrieved over the Town e-mail, Internet and on-line services are the property of the Town. Employees should not assume electronic communications are totally private. The Town reserves the absolute right to access and monitor all messages and files on the Town e-mail, Internet and on-line services.

MAINTAINING A HOSPITABLE ENVIRONMENT

To ensure Town e-mail, Internet and on-line services remain a productive and stable environment, the transmittal, intentional retrieval or any subsequent or retrieved storage of information that is discriminatory, harassing, obscene, pornographic or X-rated is not permitted. The use of Town e-mail, Internet and on-line services for personal gain or any other purpose which is illegal or against Town policy or contrary to the Town's best interest is not permitted.

AFTER HOURS USAGE

Town e-mail, internal and on line services may be used for personal purposes during non standard hours or off duty time, as long as the use is consistent with this policy.

NON-DISCRIMINATION

The transmittal of messages with derogatory or inflammatory remarks about a person's race, color, sex, age, disability, religion, national origin, physical attributes and sexual preference is not permitted.

CONFIDENTIALITY

Communication of messages disclosing trade secrets is prohibited. You should recognize that your position with the Town requires considerable responsibility and trust. No messages disclosing sensitive, confidential, restricted, non-public, or private information can be transmitted over the Town e-mail, Internet or on-line services unless it is in the course of conducting legitimate business and the receiving party has a right or need to know.

MAINTAINING SYSTEM SECURITY

Keeping the E-Mail, Internet and On-Line Services Secure From Computer Viruses
No unauthorized downloading/uploading of software or files is allowed. All software downloaded must be authorized by the Town and then registered to the Town.

TOWN PUBLIC IMAGE

Employees' Conduct in Public

The Town e-mail, Internet and on-line services is a public place for business communications. Communications over the Town e-mail, Internet and on-line services reflect Town image. Therefore, all employees are responsible to maintain and enhance the Town's public image. As stated previously, abusive, discriminatory, harassing, inflammatory, profane, pornographic or offensive language or other materials are not to be transmitted through the Town e-mail, Internet and on-line services.

Employee Identity

No message can be transmitted without the employee's identity. Transmittal of messages with anonymous or fictitious names is prohibited.

COPYRIGHT

Copyright Infringement

No copying, downloading, or distributing of any of the copyrighted materials including, but not limited to, messages, e-mail, text files, program files, image files, database files, sound files and music files through the Town e-mail, Internet and on-line services is allowed.

VIOLATIONS

Failure To Comply

Failure to comply with this policy may result in disciplinary action up to and including termination.



TOWN OF ATHERTON

E-MAIL, INTERNET AND ON-LINE SERVICE USE POLICY

EMPLOYEE AGREEMENT

I have received a copy of the Town of Atherton's E-mail, Internet and On-line Service Use Policy on e-mail/Internet acceptable use. I recognize and understand that the Town's e-mail, Internet and on-line services are to be used for conducting the Town's business only. I understand that use of this equipment for private purposes is strictly prohibited.

As part of the Town's organization and use of the Town's gateway to the e-mail, Internet and on-line services, I understand that this e-mail and Internet policy applies to me.

I have read the policy and agree to follow all policies and procedures that are set forth therein. I further agree to abide by the standards set in the document for the duration of my employment with the Town.

I am aware that violations of this policy on e-mail and Internet acceptable use may subject me to disciplinary action, up to and including termination from employment.

I further understand that my communications on the Internet and e-mail reflect the Town of Atherton, worldwide to our customers, constituents, and suppliers.

Employee's Signature

Date

Employee's Name Printed

Date

INTERNET ACCESS REQUEST/APPROVAL:

Department Head's Signature

Date

City Manager's Signature

Please return this form to the Personnel Department

Date

TOWN OF ATHERTON
ART EXHIBITION AGREEMENT

THIS AGREEMENT is made this _____ of December, 2005, by the TOWN OF ATHERTON, a municipal corporation, whose address is 91 Ashfield Road, Atherton, California, 94027 ("TOWN") and Pacific Scribes, whose address is c/o Louise Keating, 10370 Lindsay Avenue, Cupertino, CA 95014-4518, ("ARTIST").

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Exhibition Site; Declared Value.** ARTIST agrees to permit TOWN to display ARTIST's work, calligraphic wall pieces and hand-bound books, at a public exhibition in the Town of Atherton Town Hall located at 91 Ashfield Road, Atherton, California, and/or the Atherton Library building located at Dinkelspiel Station Lane, Atherton, California. Declared value of work is: \$9,850. ARTIST agrees to complete an application for the exhibition of ARTIST's work on the form set out in Exhibit A attached and incorporated here by this reference.
2. **Term.** ARTIST shall deliver ARTIST's work to the TOWN for installation by January 31, 2006. The exact date of delivery shall be arranged between TOWN and ARTIST. The exhibition dates shall be from February 1, 2006 through February 28, 2006. ARTIST shall remove ARTIST's work by February 28, 2006. The exact date of removal shall be arranged between TOWN and ARTIST.
3. **Installation and Removal.** TOWN shall coordinate the installation and removal of ARTIST's work at the Town Hall and/or Library building in accordance with the terms and provisions of Exhibit B attached and incorporated by this reference. However, ARTIST may approve and/or give direction into any installation work actually performed. ARTIST agrees to abide by the policies and procedures of the TOWN for installation and removal of ARTIST's work.
4. **Waiver of Liability.** As the work will be displayed in areas which are open to the public, the TOWN makes no representation as to security provided, monitoring or safekeeping. Should damage occur to the artwork through defacement, vandalism, theft, and/or any other act or event, ARTIST understands and agrees that TOWN does not insure and will not be responsible for damage however caused to ARTIST's work. ARTIST agrees to execute a liability waiver in the form attached as Exhibit C and incorporated by this reference. ARTIST hereby waives any claim against the TOWN for damage to ARTIST's work placed at the Town Hall and/or the Town's library building.
5. **Modification.** This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified or provisions waived only by subsequent mutual written agreement executed by TOWN and ARTIST.

6. **California Law.** This Agreement shall be construed in accordance with the laws of the State of California. Any action commenced in connection with this Agreement shall be filed in San Mateo County Superior Court.

7. **Interpretation.** This Agreement shall be interpreted as though prepared by both parties.

8. **Preservation of Agreement.** Should any provision of this Agreement be found invalid or unenforceable, the decision shall affect only the provision interpreted, and all remaining provisions shall remain enforceable.

IN WITNESS WHEREOF, these parties have executed this Agreement on the day and year set out above.

TOWN OF ATHERTON

ARTIST

Louise Keating, Pacific Scribes

By: _____
Mayor, Town of Atherton

By: _____
Title

Date: _____

Date: _____

APPROVED AS TO FORM:

/s/ Marc G. Hynes _____
City Attorney

Attachments:

- Exhibit A Exhibit and Display Application
- Exhibit B Exhibit and Display Policy
- Exhibit C Hold Harmless Agreement

EXHIBIT A

EXHIBIT AND DISPLAY APPLICATION

Please review the Exhibit and Display policy Exhibit B before completing an application.

Name of exhibitor or Organization: PACIFIC SCRIBES.

Person Responsible: Louise Keating, Exhibit Coordinator

Mailing Address: 10370 Lindsay Avenue

City/State/Zip: Cupertino, CA 95014-4518

Phone #s: Home 408. 996. 2956 Work: same

E-mail: lgkeating@earthlink.net

Title of Exhibit: WORDS OF LOVE

Brief description of Exhibit: Appropriate for February the exhibit will feature calligraphy in both contemporary and traditional letterforms on the topic of love, friendship, remembrance, etc. in water color, gouache, collage, and other media, as well as Artist's Books.

Number of items to display: 26 wall pieces, 10 hand bound artist's books.

Desired dates of exhibit/display: FEB. 1-28, 2006

Exhibit/display space requested: LIBRARY & TOWN CENTER

Children's:

Adults:

Exhibit cases:

Other: _____

EXHIBIT B

EXHIBIT AND DISPLAY POLICY

Artists, collectors, hobbyists and community groups may display artwork and informational displays in the Town Hall and/or the Library building. Exhibit and display space is available to individuals and non-profit groups. As a cooperative effort, this enables the Town to share the enjoyment of art and informative exhibits with the public, provide exposure to artists, artisans and community groups, and enhance Town facilities.

Exhibits and displays are sponsored by and under the control of the Town which owing to space limitations will determine which exhibits/displays to accept from the items being offered for exhibit/display.

All works must be in good condition; paintings and prints must be ready to hang. Hangers and nails, if needed, must be provided by the exhibitor. Each exhibitor is responsible for the timely installation and dismantling of the exhibit during regular business hours as arranged with the Town.

The exhibitor will supply and display descriptive information, describing the purpose, title and ownership of the exhibit.

It is understood that the items on display may be photographed and reproduced in Town publications and/or for publicity purposes connected with this exhibit.

The Town does not provide insurance coverage for display or exhibit items. The Town assumes no responsibility for loss of or damage to exhibited materials. The exhibitor shall remove all works as scheduled. If an exhibitor fails to do so, removal of items will be done by the Town. The Town cannot accept responsibility for any safekeeping during or after removal of items from the display area.

To be considered for an exhibit or display, an Exhibit & Display Application and Agreement must be completed and submitted to the Town.

EXHIBIT B

TO TOWN OF ATHERTON ART EXHIBITION AGREEMENT

EXHIBIT C

HOLD HARMLESS AGREEMENT

For consideration, receipt of which is hereby acknowledged, I agree to waive any right or cause of action that I may have against the Town of Atherton, its officers, agents, employees and contractors, or any kind whatsoever, arising from the exhibition and display of my property described in the Exhibit and Display Application and the Art Exhibition Agreement incorporated here by this reference. This waiver specifically includes but is not limited to damage or loss related to a work of art which I am exhibiting on Town property from which any liability may or could accrue to the Town of Atherton, its officers, agents, employees and contractors individually. I hold the Town and its officers, agents, employees and contractors harmless for all liabilities resulting from any damage or loss to the display. I assume all and any loss for damage, destruction or theft of any part of the exhibited display and waive any and all rights that I may have against the Town, its officers, agents, employees and contractors for such damage, loss or destruction.

Signature: _____

Date: _____.

Town Use Only:

Approved by:

Installation

Date: _____.

Time: _____.

Dismantling

Date: _____

Time: _____

Comments: _____

EXHIBIT C

TO TOWN OF ATHERTON ART EXHIBITION AGREEMENT



As for Rosemary, I lette it
runne all over my garden walls,
not onlie because my bees love it,
but because it is the herb sacred
to remembrance and to friendship.

SIR THOMAS MORE



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 DECEMBER 14, 2005

SUBJECT: PROPOSAL FOR WELL WATER IN HOLBROOK-PALMER PARK

RECOMMENDATION:

Provide staff direction regarding emergency water supply in Holbrook-Palmer Park.

BACKGROUND:

The City Council directed the Public Works Department to determine the cost of making the Holbrook-Palmer Park well operational for emergency drinking water purposes, including filtration to remove mercury to safe drinking water levels. The Council also requested that alternatives to a generator sufficient to run the pump be explored.

ANALYSIS:

The pump that runs the well in Holbrook Palmer Park is a high capacity, deep-well irrigation pump. As such, a very large generator (50KW) is required to run the pump. Because the water level in the Park is greater than 30 feet, only deep-well pumps can be used. The pump is about 100 feet down in the casing, and pumps water up through a smaller pipe. A pump at the surface would not be able to pump water from more than about 20 feet deep due to atmospheric pressure limitations. It is also not feasible to remove the pump and install a lower capacity pump due to the complex plumbing and electrical setup, and the size and depth of the pump. With a sufficient capacity generator, the park well could provide an almost unlimited supply of water, limited only by diesel fuel supply. A charcoal filter system would be attached to an existing faucet during an emergency so the water could be used for drinking.

It was noted that if the generator were increased to 100KW, with electrical connections to the main Park electrical service, the park buildings could be electrified for use during an emergency.

Alternative 1

One alternative is to store a large volume of water in tanks in the corporation yard. This idea came from a review of the San Mateo County Water Procurement Annex. Purchase and delivery of bottled water, as proposed in the Annex, could be difficult during an emergency. Storage of a supply within the Park would alleviate the immediate need for water in an emergency, allowing time for the water procurement procedure to deliver additional supplies. Using regular municipal water, changed regularly, would minimize the cost of maintaining a fresh supply. Alternatively the tanks could be filled with water from the well, and could be used as supplemental irrigation water on a daily basis. Tanks to provide double the required nightly irrigation for one-half the park would allow the tanks to be half emptied each night. The additional irrigation capacity would allow a split system to be used where the well and tanks irrigate at night, and the well fills the tanks during the day while the Park is in use. This system would permit expanded irrigation of the Park. If well water is stored, a filter would be added to the outlet during an emergency so the water could be used for drinking.

Alternative 2

Another alternative is to drill a new well with a lower capacity electric pump that could be run from a smaller generator. It was discovered that deep-well hand pumps are available, which would provide a water supply unlimited by fuel availability. However, the hand pump would require each resident to pump their own water, with staff assisting those incapable of pumping. The hand pump could be incorporated into the planned water feature between the Carriage House and the Corporation Yard, allowing park patrons (especially children) to pump water into the water feature., the electric pump could provide a continuous trickle flow, when turned to a lower speed, through the water feature. A filter system would be added to the hand pump by staff during an emergency so the water could be used for drinking.

FISCAL IMPACT:

The costs of the alternatives are as follows:

50 KW generator	\$44,000
100 KW generator	\$80,000
Water tanks	\$12,000
New well with electric pump/generator	\$16,000
New well with hand pump	\$12,000

Prepared by:

Approved by:

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

James H. Robinson
City Manager

Attachments: Cost Estimate

STAND ALONE GENERATOR SET										
Description	Equipment	Materials	Labor	Subtotal						
50 kw generator w/transfer switch	\$32,775.00	\$1,200.00	\$3,400.00	\$37,375.00						
Automatic transfer switch	\$2,600.00			\$2,600.00						
Misc materials		\$1,400.00		\$1,400.00						
Concrete slab		\$800.00	\$400.00	\$1,200.00						
1st year maintenance		\$100.00	\$500.00	\$600.00						
Water filter system		\$300.00	\$100.00	\$400.00						
TOTAL				\$43,575.00						
POSITIVES					NEGATIVES					
Infinite water supply (limited only by fuel)	Only available for emergency drinking purposes for 5 days following catastrophic event (per County Health Department rules)									
	Power only enough to run pump*									
	High initial cost									
	Annual maintenance costs									
	Frequent water testing necessary									
* If we upsize to a 100 kw generator, could run not only the pump but the entire park with electricity, for an additional \$35,000.00										
ALTERNATIVE 1: Potable water tank solution										
Description	Delivery	Materials	Labor	Subtotal						
5000 gallon water tank	\$750.00	\$4,000.00	\$1,000.00	\$5,750.00						
5000 gallon water tank	\$750.00	\$4,000.00	\$1,000.00	\$5,750.00						
Cost to fill w/fresh water every 3 months		\$36.00	\$75.00	\$111.00						
Water filter		\$300.00	\$100.00	\$400.00						
TOTAL				\$12,011.00						
POSITIVES					NEGATIVES					
Inexpensive method	Finite supply of water									
Safe water	Takes up lots of corp. yard space									
Low annual costs										
No water testing required										
ALTERNATIVE 2: New shallow well with either hand pump or small capacity pump										
Description	Equipment	Materials	Labor	Subtotal						
Drill new 100' deep well	inc	inc	inc	10,000						
Low flow pump and generator	3000	500	2000	5500						
Water filter	300	100		400						
TOTAL				15,900						
OR										
Description	Equipment	Materials	Labor	Subtotal						
Drill new 100' deep well	inc	inc	inc	10,000						
Hand (pitcher) pump	925	250	500	1675						
Water filter	300	100		400						
TOTAL				12,075						
POSITIVES					NEGATIVES					
Inexpensive method	New well site needed									
Infinite water supply	Only available for emergency drinking purposes for 5 days following catastrophic event (per County Health Department rules)									
Not generator dependent (hand pump)	Frequent water testing necessary									
Fun uses										



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: MICHAEL A. HOOD, BUILDING OFFICIAL

DATE: FOR THE CITY COUNCIL MEETING OF DECEMBER 14, 2005

**SUBJECT: REVIEW AND DISCUSSION OF REQUEST FOR PROPOSALS
FOR A CONSULTANT REGARDING TOWN OF ATHERTON
DRAINAGE POLICY**

The attached document is a draft Request for Proposals (RFP) for professional services to study and make recommendations regarding the Town of Atherton's drainage policy. Staff has worked with Mr. Ed Boscacci, with the engineering firm BKF to develop this RFP. Items from the draft Request for Proposals may be eliminated or items may be added as the Council deems necessary.

The key points of the RFP study are as follows:

1. Map the flow paths of drainage waters from the Town.
2. Determine the impact of current drainage policy on the upper level aquifer.
3. Determine flow rates and water levels within the Atherton Channel and Redwood Creek drainage areas for 10, 25, and 100 year storm events.
4. Map drainage areas of Atherton and surrounding communities that drain into the Atherton Channel and Redwood Creek.
5. Inventory dry wells and infiltration pits within the Town and evaluate their effectiveness.
6. Inventory detention facilities and evaluate their effectiveness.
7. Determine percolation rates of typical soils throughout the Town.

8. Determine a monthly water balance by relating rainfall, storm water infiltration and runoff, landscape watering, irrigation well and de-watering well pumping.
9. Determine subsurface water level, water quality, and ground subsidence trends since the 1997 study of USGS.
10. Collect construction standards for incorporation into the Town's Storm Drainage Design Criteria.

FISCAL IMPACT:

The estimated cost associated with each task is shown within the RFP.

Prepared by:

Approved by:

Michael A. Hood
Building Official

James H. Robinson
City Manager

Attachment: Draft Request for Proposals
November 16, 2005 Staff Report



Town of Atherton

91 Ashfield Road
Atherton, California 94027
650-752-0500
Fax 650-688-6528

The Town of Atherton (Town) is seeking cost proposals for a review of the Town's Drainage Criteria. The current drainage criteria rely on a combination of infiltration pits, detention storage, piped flow, open channel flow, and overland flow. The standards are currently written to apply Town-wide and do not fully consider site-specific considerations such as groundwater conditions and flow capacity of available downstream drainage facilities.

The Town of Atherton has historically maintained a rural appearance. Roadway drainage is typically to swales along the edge of the road. New development is required to infiltrate and/or detain significant rainfall runoff. The purpose of this Drainage Criteria revision is to provide a rational basis for revisions that will maintain the character of the Town while reflecting hydrologic constraints.

A copy of the Town's Agreement to Provide Engineering Services is attached as Exhibit A. Your proposal should indicate that you are prepared to accept the terms of the Service Agreement or state exceptions you wish to request.

A recommended Scope of Work is provided as Exhibit B.

Please limit your proposal to fifteen pages (including pages listed). Submit your cost proposal in a separate sealed envelope. Provide a cover letter (2 pages maximum). Include no more than four resumes of key members of your project team (4 pages maximum). Provide a list of three previous projects and describe why these projects are relevant (3 pages maximum). Provide a list of hours by job classification for each Task (1 page maximum). Provide a description of how tasks will be accomplished, identify key constraints and provide additional information needs (4 pages maximum).

Available Documents:

Town of Atherton Drainage and Grading Criteria

Town of Atherton Town-wide Drainage Study dated June 28, 2001.

Ground-Water Development and the Effects on Ground-Water Levels and Water Quality in the Town of Atherton, San Mateo County, California dated 1997 (USGS WRIR 97-4033)

EXHIBIT B

Scope of Work

Task 1. Kickoff Meeting

Attend one meeting with Town staff to finalize the scope of work and collect available data for use in developing design criteria.

Approximate Cost: \$1,750 (12 hours)

Task 2. Storm Drain System Plan Review

Review the existing Storm Drain System Plan to develop an understanding of flow paths through the Town. Prepare a single Exhibit that shows the drainage facilities identified within the Plan and within other available documents.

Deliverable: An Exhibit that shows drainage facilities, including dry wells and infiltration pits, hardcopy and electronic (AutoCad) file.

Approximate Cost: \$2,400 (24 hours)

Task 3. Groundwater System Review

Review the available information on groundwater within the City. Direct the review to the upper aquifer and the impact that stormwater percolation is having on water levels through the Town. Review the impact of percolation on the existing, active wells used for irrigation.

Deliverable: A Technical Memorandum summarizing findings.

Approximate Cost: \$3,400 (32 hours)

Task 4. Atherton Channel and Redwood Creek Review

Review available analyses of Atherton Channel and Redwood Creek including design flow rates and water levels presented by various sources. At this time, no additional survey is proposed. Analyses should be based on existing HEC-2/HEC-RAS models, supplemented using Manning's Equation with normal depth for open channel sections and inlet control at culvert entrances. Prepare an Exhibit that shows available freeboard or overtopping at bottleneck locations along the Channel for the 10, 25 and 100-year storm events. Where possible, show the extent of flooding associated with channel deficiencies. List the timing of when the flood peaks would be expected based on the time of concentration of the drainage areas.

Deliverable: An Exhibit that shows hydraulic profiles and available freeboard or overtopping along the channels, with peak flows and extent of flooding; hardcopy and electronic (AutoCad) file.

Approximate Cost: \$3,100 (32 hours)

Task 5. Drainage Areas

Use available drainage boundary delineation from the Storm Drain System Plan to prepare an Exhibit of key drainage areas within the Town and the drainage areas of adjoining Cities and unincorporated San Mateo County that discharge to the Atherton Channel and Redwood Creek.

Deliverable: A plan and profile Exhibit of Drainage Areas, hardcopy and electronic (AutoCad) file.

Approximate Cost: \$2,600 (24 hours)

Task 6a. Infiltration Pit / Dry Well Inventory

Using information in Town files, prepare an inventory of dry wells and infiltration pits within the Town. Where available, list dimensions including, depth, length, width, diameter, open area, rocked area, and storage volume. Group the facilities by drainage area. Based on the available geologic information, provide an estimate of the infiltration rate of each facility.

Deliverable: A data base of infiltration facilities, hardcopy and electronic file.

Approximate Cost: \$9,300 (88 hours)

Task 6b. Detention Facility Inventory

Using information in City files, prepare an inventory of detention facilities within the Town. Where available, list dimensions including, depth, surface area, and storage volume. Group the facilities by drainage area. Based on the available geologic information, provide an estimate of their effectiveness and amount of infiltration of each facility.

Deliverable: A data base of detention facilities, hardcopy and electronic file.

Approximate Cost: \$9,300 (88 hours)

Task 6c. Field Testing

Conduct field testing of percolation rates and permeability.

Approximate Cost: \$8,500 (84 hours)

Task 7. Impervious Area

Use available aerial photographs to estimate percentage imperviousness for the drainage areas shown on Task 5. Provide a series of at least six Exhibits documenting these estimates.

Deliverable: An Exhibit of Impervious Areas, hardcopy and electronic (AutoCad) file.

Approximate Cost: \$1,600 (16 hours)

Task 8. Monthly Water Balance

Use available literature and observations to develop a monthly water balance for the Town and list average monthly rainfall, typical excess watering, average stormwater runoff, average groundwater pumping from irrigation wells and construction de-watering wells, average surface infiltration and average infiltration through infiltration pits/dry wells. Many of these items will be based on best engineering judgment and should be approximated accordingly. The purpose is to quantify the relative impact of infiltration pits on groundwater hydrology. Site specific studies would be considered as an additional service if results show that additional detailed studies are warranted.

Deliverables: Technical Memorandum describing water balance.

Approximate Cost: \$9,200 (80 hours)

Task 9. Detailed Review of Groundwater Trends

Conduct site specific reviews of wells and locations of known surface seeps throughout the Town. Information will be limited based on cooperation of property owners. Collect data showing current groundwater levels and flow directions. (Based on two readings, Spring and Fall) Conduct sufficient ground/GPS survey to tie known groundwater levels within 0.50 feet. Evaluate trends in water levels, water quality, and ground subsidence that have occurred since 1997 report by USGS.

Approximate Cost: \$36,800
Engineering \$19,500
Water Quality Testing \$5,000
Survey \$12,300
(Engineering 184 hours, Survey Crew 32 hours)

Deliverables: Technical Memorandum describing groundwater trends.

Task 10. Drainage Criteria

Review and supplement the existing Town Drainage Criteria using the information collected in Tasks 1 through 9. Measures to be addressed include:

The existing Town Drainage criteria should be used as a basis for starting.

Infiltration and storage should be encouraged where practical benefits are derived.

Where infiltration is not practical, such as in areas with high groundwater or underlain by consolidated rock, on-site stormwater facilities should be sized for

detention only. Timing on releases should be based on timing of flow peaks in Atherton Channel and Redwood Creek.

Infiltration should be restricted in areas where infiltrated flows become surface flow a short distance away.

The conditions of the San Mateo County's C.3 Permit with the Regional Board should be integrated into the Town's Drainage Criteria.

In the eastern portions of Atherton, it may be more efficient to direct low flows off lots early during storm events, prior to peak water levels in the Atherton Channel. On-site detention could then remain available for periods when the Atherton Channel is at or near bank-full capacity.

Varying geologic conditions and/or constraints should be reflected in the Drainage Criteria.

Subsurface construction should account for both short-term and long-term groundwater levels. Subsurface construction should account for surface flows including Atherton Channel, Redwood Creek, and storm drain system overtopping. Account for flow path of surface discharged groundwater

Building finished floor elevations should account for overland flow paths and existing drainage system deficiencies, including Atherton Channel overtopping.

Deliverable: A Storm Drainage Design Criteria that is specific to both the Town's needs and the hydrologic requirements within the area being developed.

Approximate Cost: \$6,400 (56 hours)

Task 11. Design Standards

Develop a set of construction standard details for drainage facilities using available design details, including Caltrans Standard Plans, Standard Plans for Public Works Construction (aka "The Green Book"), San Mateo County Standard Plans, current Town Standard Plans and other available material. Drafting of Design Standards is excluded from this scope of services.

Approximate Cost: \$5,050 (48 hours)

Task 12. Meetings

Prepare for and attend two workshop forums to present the drainage criteria. Modify the drainage criteria after each session, following discussion with Town staff, to reflect comments from the meetings.



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: MICHAEL A. HOOD, BUILDING OFFICIAL

DATE: FOR THE CITY COUNCIL MEETING OF NOVEMBER 16, 2005

SUBJECT: REPORT ON TOWN DRAINAGE POLICY

At the last City Council meeting, staff was directed to retain appropriate experts to study and identify high-risk drainage areas within the Town. Staff is currently obtaining proposals for this and other related services. A contract should be executed within 30 days and the report available within 60 days.

Staff was also asked to report on the number of instances in which groundwater was pumped from excavation wells and into the Town drainage facilities. Staff knows of two instances: 1) 222 Greenoaks Drive and 2) 285 Catalpa Drive. Both cases involved the pumping of groundwater to facilitate the construction of basement construction.

Attached is a map showing general groundwater levels; staff will be available at the City Council meeting to answer any additional questions you might have.

Prepared by:

Approved by:

Michael A. Hood
Building Official

James H. Robinson
City Manager

Attachment



Town of Atherton

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

FROM: CHIEF ROBERT J. BRENNAN

DATE: FOR THE CITY COUNCIL MEETING OF DECEMBER 14, 2005

**SUBJECT: ADOPTION OF AN AMENDED RESOLUTION ESTABLISHING A
PERMIT PARKING AREA IN THE VICTORIA MANOR
NEIGHBORHOOD**

RECOMMENDATION:

Staff recommends that Council approve the attached amended resolution establishing a permit parking area in the Victoria Manor neighborhood. Council should approve the placement of a total of four signs to be located at the entrance to the neighborhood, at the entrance to Douglas Way, at the entrance to Leon Way, and at the north end of Victoria Drive at the fire gate. Wording and policy will be consistent with the signs already in place on Alejandra Avenue, Brittney Meadows and MacBain Avenue.

INTRODUCTION:

During the Transportation Committee meeting held in July of 2005, the Victoria Manor Homeowners had made a request for a solution to the non-resident parking problem within the neighborhood. The north end of Victoria Drive had become a parking location for not only the Menlo College students, but also the Menlo School students during school hours, weekends, and during school events. They cited difficulty of gaining access to their property, trash, and general congestion not known to other residential neighborhoods here in Town. The group conducted a survey with 21 of 26 homeowners responding to the survey. Of those surveyed, 21 requested some kind of parking control. Three temporary "No Parking" signs were attached to A-Frames and placed on the north to west end of Victoria where most of the complaints were received, pending this staff report.

ANALYSIS:

Although there may be many other solutions, there are three that were recommended by staff.

1. **Lockable Device:** Place a locking device on the pedestrian access gate that would limit access to the campus to residents only. Although recommended by staff as the easiest solution, the residents felt it would make resident access inconvenient.
2. **No Parking Signs:** Place “No Parking” signs every 50 feet within the neighborhood. This would eliminate resident parking, as well as school parking, and would require over 20 signs that would cause a visible pollution to those within the neighborhood and all those traveling throughout the area.
3. **Resident Permits:** This method is consistent with other areas surrounding the campus, and has been successful in bringing the desired effect for the residents. This method does create extra tasks for the Police Department in the areas of controlling and issuing permits, complaints, exception requests, dismissal requests, etc.

FISCAL IMPACT:

The cost of manufacturing four signs and four poles (not including labor) to erect the signs is approximately \$800.00. There will be minimal ongoing costs related to the signs or the issuance of permits.

Prepared by:

Approved by:

Robert J. Brennan
Chief of Police

James H. Robinson
City Manager

Attachments

- * Victoria Manor Homeowners Survey.
- * Proposed resident parking only language.
- * Resolution.

RESOLUTION NO. 05-__

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING RESOLUTION NO. 00-30 GOVERNING
TRAFFIC AND PARKING PURSUANT TO
ATHERTON MUNICIPAL CODE, SECTION 10.04.010**

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

WHEREAS, Atherton Municipal Code, Section 10.04.010 provides that the City Council has authority by resolution to adopt such rules and regulations as it finds necessary for the governing of traffic and parking on various streets and highways within the Town; and

WHEREAS, the City Council has previously adopted rules and regulations pertaining to permit parking at Brittany Meadows; and

WHEREAS, the City Council desires to adopt rules and regulations pertaining to permit parking at Victoria Manor;

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

"PARKING BY PERMIT ONLY" be designated

- (1) at the entrances to Brittany Meadows, MacBain Avenue, Howard Way, and that portion of Alejandra Avenue between Brittany Meadows and Emilie Avenue;
- (2) at the entrances to Victoria Manor, Victoria Drive, Douglas Way and Leon Way.

IT IS FURTHER RESOLVED that, pursuant to the provisions of Section 22507 of the California Vehicle Code, proper signs shall be erected as herein above provided before these regulations shall be effective.

IT IS FURTHER RESOLVED that violations of these rules and regulations shall be punished as an infraction.

All other provisions of Resolution No. 00-30 except as amended by this resolution shall continue in effect.

* * * * *

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 14th day of December, 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:

Marc G. Hynes, City Attorney



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 CITY COUNCIL MEETING OF DECEMBER 14, 2005

SUBJECT: TOWN OF ATHERTON FRAUD POLICY

RECOMMENDATION:

Approve the attached policy pertaining to fraud.

DISCUSSION:

In conducting the independent audit of the Town's financial statements for the year ended June 30, 2005, the auditors noted that the Town of Atherton had not adopted a formal policy pertaining to fraudulent activity. Accordingly, the auditors have recommended that the Town adopt such a policy.

Pursuant to the auditors' recommendation, staff has prepared the attached policy and recommends approval of said policy by the City Council.

In preparing the attached fraud policy, staff obtained a sample policy prepared by Caporicci and Larson for another client. Based upon consultation with the Audit Committee and the City Attorney, this policy was tailored to the specific requirements of Atherton.

Included within the attached fraud policy are the following provisions:

- Fraudulent activity is deemed to include but not be limited to:

- Claim for reimbursement of expenses that are not job-related or properly authorized;
 - Misappropriation of city-owned assets;
 - Misrepresentation of information on official documents;
 - Improprieties in the handling of monetary transactions; and,
 - Seeking or accepting gifts having a monetary value of \$25 or more.
- The City Council will be notified promptly of suspected fraudulent activity.
- The City Manager, in consultation with the City Council, will appoint an independent auditor to ensure that allegations of fraudulent activity are investigated thoroughly and independently.
- Investigations of fraudulent activity and the results thereof will be conducted and reported in a manner which protects the identities and rights of those involved, including any employee(s) suspected of wrongdoing and any individual(s) bringing the allegations to light.
- In the event allegations of fraudulent activity are substantiated, the Town will take appropriate disciplinary action, up to and including termination of the offending employee.

FISCAL IMPACT:

None

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

TOWN OF ATHERTON		ADMINISTRATIVE POLICY/PROCEDURES (APP)
<i>Number:</i>		<i>Subject:</i> Fraud in the Workplace
<i>Original Issue:</i> 7/1/05	<i>Effective:</i> 7/1/05	
<i>Current Issue:</i> same	<i>Effective:</i> same	<i>Category:</i> Finance, Accounting, payroll and performance of department obligations
<i>Supersedes:</i> Not Applicable		

I. PURPOSE AND SCOPE

To establish policy and procedures for clarifying acts that are considered to be fraudulent, describing the steps to be taken when fraud or other related dishonest activities are suspected, and providing procedures to follow in accounting for missing funds, restitution and recoveries.

II. GENERAL

A. The Town of Atherton is committed to protecting its assets against the risk of loss or misuse and to ensure that all fees and income are properly assessed, received and recorded. Accordingly, it is the policy of the Town of Atherton to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the Town and, when appropriate, to pursue legal remedies available under the law.

A. Definitions

- 1) Fraud – Fraud and other similar irregularities include, but are not limited to:
 -) Claim for reimbursement of expenses that are not job-related or authorized by the current Memorandum of Understanding.
 -) Forgery or unauthorized alteration of documents (checks, promissory notes, time sheets, independent contractor agreements, purchase orders, budgets, etc.).
 -) Misappropriation of Town assets (funds, securities, supplies, furniture, equipment, etc.).
 -) Improprieties in the handling or reporting of money transactions.
 -) Authorizing or receiving payment for goods not received or services not performed.
 -) Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of Town-owned software.
 -) Misrepresentation of information on documents.

-) Any apparent violation of Federal, State, or Local laws related to dishonest activities or fraud.
-) Seeking or accepting anything of material value from those doing business with the Town including vendors, consultants, contractors, lessees, applicants, and grantees. (For the purpose of this policy materiality is defined as \$25 or more.)
- 2) Employee – In this context, employee refers to any individual or group of individuals who receive compensation, either full- or part-time, from the Town of Atherton. The term also includes any volunteer who provides services to the Town through an official arrangement with the Town or a Town organization.
- 3) Management – In this context, management refers to any administrator, manager, director, supervisor, or other individual who manages or supervises funds or other resources, including human resources.
- 4) Internal Auditor – In this context, Internal Auditor refers to any person or persons assigned by the City Manager in consultation with the City Council (whether a town employee or an individual or firm retained by the Town on a contract basis) to investigate any fraud or similar activity.
- 5) External Auditor – In this context, External Auditor refers to independent audit professionals who perform annual audits of the Town’s financial statements.

C. Responsibilities

It is the Town’s intent to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, length of service or relationship with the Town of any party who might be or become involved in or becomes the subject of such investigation.

- 0) Each department of the Town is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations, and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.
- 0) The Internal Auditor, in conjunction with the City Attorney, has the primary responsibility for the investigation of all activity as defined in this policy.
- 0) Throughout the investigation, the Internal Auditor will inform the City Manager of pertinent investigative findings.

- 0) Employees who observe and report a violation of the Town's fraud policy will be granted whistle-blower protection. However, whistleblower protection will not be afforded to employees on a retroactive basis to those employees who are the subject of pending disciplinary action. When informed of a suspected impropriety, neither the Town nor any person acting on behalf of the Town shall:
 -) Dismiss or threaten to dismiss the reporting employee;
 -) Discipline, suspend, or threaten to discipline or suspend the reporting employee;
 -) Impose any penalty upon the reporting employee, or
 -) Intimidate or coerce the reporting employee
- 5) Violations of the whistle-blower protection will result in discipline up to and including dismissal.
- 6) Upon conclusion of the investigation, the results will be reported to the City Manager and to the City Council in accordance with Paragraph III: D. 6) of this fraud policy.
- 7) The City Manager, following review of investigation results, will take appropriate action regarding employee misconduct. Disciplinary action can include termination, and referral of the case to the District Attorney's Office for possible prosecution.
- 8) The Town will pursue every reasonable effort, including court ordered restitution, to obtain recovery of Town losses from the offender, or other appropriate sources.

III: PROCEDURES

A. Mayor and City Council Responsibilities:

- 0) If the Mayor or councilmember has reason to suspect that a fraud has occurred, he or she shall immediately contact the City Manager.
- 0) The Mayor or City Council shall not attempt to investigate the suspected fraud or discuss the matter with anyone other than the City Manager.
- 0) The alleged fraud or audit investigation shall not be discussed with the media by any person other than through the City Manager in consultation with the City Attorney and the Internal Auditor.

B. Management Responsibilities:

- 0) Management is responsible for being alert to, and reporting fraudulent or related dishonest activities in their areas of responsibility.

- 0) Each manager should be familiar with the types of improprieties that might occur in his or her area and be alert for any indication that improper activity, misappropriation, or dishonest activity is or was in existence in his or her area.
- 0) When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.
- 0) Upon receipt of an allegation of fraud, the City Manager will notify the City Council of said allegation.
- 0) In notifying the City Council, the City Manager will exercise care to ensure that the City Council becomes fully aware of the nature of the allegation presented while ensuring that the rights and identity of any City employee involved are duly protected.
- 0) Based upon consultation with the City Council, the City Manager will select an internal auditor for the purpose of investigating the allegation at hand and reporting the results thereof.
- 0) The selection of an internal auditor will be based upon careful consideration as to whether City staff has the necessary degree of independence and competence as well as sufficient time available to ascertain the validity of the allegation that has been brought forth. If audit resources within the Town administration do not possess the necessary degree of competence, independence or time available, the City Manager in consultation with the City Council will select a professional services firm or individual to act as the internal auditor.
- 0) If management determines a suspected activity may involve fraud or related dishonest activity, they should contact their immediate supervisor. Department directors should inform the City Manager.
- 0) Management should not attempt to conduct individual investigations, interviews, or interrogations. However, management is responsible for taking appropriate corrective actions to ensure adequate controls exist to prevent reoccurrence of improper actions. Management should support the Town's responsibilities and cooperate fully with the Internal Auditor, other involved departments, and law enforcement agencies in the detection, reporting, and investigation of criminal acts, including the prosecution of offenders.
- 0) Management must give full and unrestricted access to all necessary records and personnel. All Town furniture and contents, including desks and computers, are open to inspection at any time. There is no assumption of privacy.
- 0) In dealing with suspected dishonest or fraudulent activities, great care must be taken. Therefore, management should avoid the following:
 -) Incorrect accusations

-) Alerting suspected individuals that an investigation is underway.
 -) Treating employees unfairly.
 -) Making statements that could lead to claims of false accusations or other offenses.
- 0) In handling dishonest or fraudulent activities, management must:
-) Make no contact (unless requested) with the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to “what you did”, “the crime”, “the fraud”, “the misappropriation”, etc.
 -) Avoid discussing the case, facts, suspicions, or allegations with anyone outside the town government, unless specifically directed to do so by the City Attorney.
 -) Avoid discussing the case with anyone inside the town government other than employees who have a need to know such as the City Manager, Internal Auditor, or City Attorney or law enforcement personnel.
 -) Direct all inquiries from the suspected individual, or his or her representative, to the City Manager or City Attorney. All inquiries by an attorney of the suspected individual should be directed to the City Attorney. All inquiries from the media should be directed to the City Manager.
 -) Take appropriate corrective and disciplinary action, up to and including dismissal, after consulting with the City Attorney or labor relations specialist, in conformance with the Town’s Personnel Policies and Procedures or the appropriate Memorandum of Understanding.

C. Employee Responsibilities

- 0) A suspected fraudulent incident or practice observed by, or made known to, an employee must be reported to the employee’s supervisor for reporting to the proper management official.
- 0) When the employee believes the supervisor may be involved in the inappropriate activity, the employee shall make the report directly to the next higher level of management and/or the City Manager.
- 0) The reporting employees shall refrain from further investigation of the incident, confrontation with the alleged violator, or further discussion of the incident with anyone, unless requested by the City Manager, Internal Auditor, City Attorney or law enforcement personnel.

D. Internal Auditor Responsibilities

- 0) Upon assignment by the City Manager, the Internal Auditor will promptly investigate the fraud.
- 0) In all circumstances where there appears to be reasonable grounds for suspecting that a fraud has taken place, the Internal Auditor, in consultation with the City Attorney, will contact the Atherton Police Department.
- 0) The Internal Auditor shall be available and receptive to receiving relevant, confidential information to the extent allowed by law.
- 0) If evidence is uncovered showing possible dishonest or fraudulent activities, the Internal Auditor will proceed as follows:
 -) Discuss the findings with management and the department director if appropriate.
 -) Advise management, if the case involves staff members, to meet with the City Manager (or his/her designated representative) to determine if disciplinary actions should be taken.
 -) Report to the External Auditor such activities in order to assess the effect of the illegal activity on the Town's financial statements.
 -) Coordinate with the Town's risk manager regarding notification to insurers and filing of insurance claims.
 -) Take immediate action, in consultation with the City Attorney, to prevent the theft, alteration, or destruction of evidentiary records. Such action shall include, but is not limited to:
 - 1. Removing the records and placing them in a secure location, or limiting access to the location where the records currently exist.
 - 0. Preventing the individual suspected of committing the fraud from having access to the records.
 -) In consultation with the City Attorney and the Atherton Police Department, the Internal Auditor may disclose particulars of the investigation with potential witnesses if such disclosure would further the investigation.
- 0) If the Internal Auditor is contacted by the media regarding an alleged fraud or audit investigation, the Internal Auditor will consult with the City Manager and the City Attorney, as appropriate, before responding to a media request for information or interview.

- 0) At the conclusion of the investigation, the Internal Auditor will document the results in a confidential memorandum report to the City Manager and the City Attorney. If the report concludes that the allegations are founded, the report will be forwarded to the Atherton Police Department and City Council.
- 0) Unless exceptional circumstances exist, a person under investigation for fraud is to be given notice in writing of essential particulars of the allegations following the conclusion of the audit. Where notice is given, the person against whom allegations are being made may submit a written explanation to the Internal Auditor no later than seven calendar days after notice is received.
- 0) The Internal Auditor will be required to make recommendations to the appropriate department for assistance in the prevention of future similar occurrences.
- 0) Upon completion of the investigation, including all legal and personnel actions, all records, documents, and other evidentiary material, obtained from the department under investigation will be returned by the Internal Auditor to that department.

E. Exceptions

There will be no exceptions to this policy unless provided and approved by the City Council.

F. Authority

By authority of the City Council,