



**AGENDA**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**

**January 19, 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 LEGAL COUNSEL – ANTICIPATED  
LITIGATION  
Initiation of litigation pursuant to Government Code Section 54956.9(c):**
- 3 potential cases**
- B.     CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED  
LITIGATION  
Significant exposure to litigation pursuant to Government Code Section  
54956.9 (b)**
- 1 potential case**

**RECONVENE TO OPEN SESSION**

**Report of action taken.**

**ADJOURN**

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☛ Please contact the City Clerk's Office at 650.752.0529 with any questions*

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**AGENDA**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**

**January 19, 2005**

**7:00 p.m.**

**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

- 7:00 P.M.    1.    **PLEDGE OF ALLEGIANCE**
- 7:03 P.M.    2.    **ROLL CALL**            Janz, Marsala, Carlson, Conwell, McKeithen
- 7:05 P.M.    3.    **PRESENTATION**
- Peninsula Traffic Congestion Relief Alliance
- 7:20 P.M.    4.    **COUNCIL REPORTS**
- 7:30 P.M.    5.    **PUBLIC COMMENTS** (only for items which are not on the agenda –  
limit of three minutes per person)
- 7:40 P.M.    6.    **STAFF REPORTS**
- 7:45 P.M.    7.    **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed  
by Resolution Nos. 99-6 and 02-31)
- Atherton Civic Interest League
- 7:55 P.M.    **CONSENT CALENDAR** (Items 8 - 14)
8.    **APPROVAL OF MINUTES OF REGULAR AND SPECIAL  
MEETINGS OF DECEMBER 15, 2004**
9.    **APPROVAL OF BILLS AND CLAIMS FOR DECEMBER 2004 IN  
THE AMOUNT OF \$684,260**
10.    **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR  
DECEMBER 2004**

**11. RESOLUTION AUTHORIZING APPLICATION FOR A DEPARTMENT OF WATER RESOURCES URBAN STREAMS RESTORATION PROGRAM GRANT FOR THE UPPER ATHERTON CHANNEL REHABILITATION PROJECT AND COMMITTING THE REQUIRED TWENTY PERCENT LOCAL MATCH**

**Recommendation:** Adopt a resolution authorizing staff to submit an application for a Department of Water Resources (DWR) Urban Stream Restoration program grant to rehabilitate the Upper Atherton Channel above Reservoir Road and committing the required local match of 20%.

**12. RESOLUTION AUTHORIZING APPLICATION FOR A DEPARTMENT OF WATER RESOURCES URBAN STREAMS RESTORATION PROGRAM GRANT FOR THE ATHERTON CHANNEL AT HOLBROOK-PALMER PARK RESTORATION PROJECT AND COMMITTING THE REQUIRED TWENTY PERCENT LOCAL MATCH**

**Recommendation:** Adopt a resolution authorizing staff to submit an application for a Department of Water Resources (DWR) Urban Stream Restoration program grant to restore and expand the Atherton Channel adjacent to the Holbrook-Palmer Park south meadow and committing the required local match of 20%.

**13. SECOND READING AND ADOPTION OF ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 17.36.050 REGULATING ACCESSORY STRUCTURE SETBACK REQUIREMENTS AND CHAPTER 17.36.055 REGULATING WINDOW OPENINGS ON ACCESSORY STRUCTURES**

**Recommendation:** Waive further reading and adopt ordinance.

**14. APPROVAL OF APPLICATION FOR ARTSHARE GRANT – ATHERTON ARTS COMMITTEE**

**Recommendation:** Authorize the Atherton Arts Committee to apply for an ArtShare grant in the amount of \$1,000, to help fund a Selby Lane School student mural project, and if granted, authorize the expenditure of \$2,000 from the Rita Corbett Evans Fund (\$1,000 from the proposed grant and \$1,000 from the Rita Corbett Evans fund as matching funds for the grant).

**8:00 P.M.     PUBLIC HEARINGS (Items 15 - 16)**

- 15.     APPROVAL OF PARCEL MAPS - 85 ISABELLA AVENUE (APN 070-250-130) TENTATIVE AND FINAL PARCEL MAP**

**Recommendation: After public hearing, approve the Tentative and Final Parcel Map at 85 Isabella Avenue for the division of one parcel into two parcels based on the findings as outlined in the staff report.**

- 16.     CONSIDERATION OF INTRODUCTION OF AN ORDINANCE REGARDING CLAIMS AGAINST THE TOWN OF ATHERTON**

**Recommendation: After public hearing, introduce for first reading, and waive further reading, an ordinance adding a new Chapter 1.22 to the Atherton Municipal Code pertaining to claims against the Town.**

**8:30 P.M.     REGULAR AGENDA (Items 17 - 21)**

- 8:30 P.M.     17.     MID-YEAR BUDGET REVIEW**

**Recommendation: After consideration, accept the Mid-Year Budget Report and approve the adjustments to estimated revenues and appropriations described within Attachment 1 to the staff report.**

- 9:00 P.M.     18.     AMENDMENT TO ANIMAL CONTROL SERVICES AGREEMENT WITH THE COUNTY OF SAN MATEO**

**Recommendation: Approve an amendment to the agreement with San Mateo County for the provision of Animal Control Services increasing the contract term from three years to five years and amending the payment schedule to reflect a cost reduction.**

- 9:10 P.M.     19.     DISCUSSION AND CONSIDERATION – OPTIONS FOR THE PLACEMENT OF A REVENUE ENHANCEMENT MEASURE ON THE JUNE 7, 2005 SPECIAL ELECTION BALLOT, AND SELECTION OF DATES FOR COMMUNITY INFORMATIONAL MEETINGS (SPECIAL COUNCIL MEETINGS) REGARDING A BALLOT MEASURE**

**Recommendation: Discuss and consider options for placing a measure on the June 7, 2005 Special Election ballot, receive information regarding election calendar deadlines, and select dates for holding community informational meetings (Special City Council Meetings) regarding a possible ballot measure.**

**9:40 P.M. 20. CITY COUNCIL COMMITTEE ASSIGNMENTS**

**Recommendation: Approve the Mayor's 2005 Council Committee assignments as stated in the Staff Report.**

**9:50 P.M. 21. CITY COUNCIL SUBCOMMITTEE CITIZEN ADVISOR APPOINTMENTS**

**Recommendation: Consider the current Policy regarding the non-voting status of citizen advisors to Council sub-committees and determine if any change is appropriate.**

**10:15 P.M. 22. PUBLIC COMMENTS**

**10:30 P.M. 23. ADJOURNMENT**

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**Draft MINUTES**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**

**December 15, 2004**

**6:00 P.M.**

**Meeting Room**  
**Town Administrative Offices**

91 Ashfield Road  
Atherton, California

**Special Meeting**

The meeting was called to order at 6:00 p.m.

**ROLL CALL**

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

**PUBLIC COMMENTS**

There were no public comments.

**CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to Government Code Section 54956.9(c):  
1 potential case
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to Government Code Section 54956.9 (b):  
2 potential cases
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**



**1 potential case**

**Action: Direction was given to the City Attorney.**

**D. (Added Item) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

**Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(3)(C)**

**1 potential case**

**Action: With respect to the add-on item described above, City Attorney Hynes reported that the meeting ended at 7:00 p.m., with the possibility of continuing the closed session during the present Regular City Council Meeting.**

**The closed session was reconvened twice during the December 14, 2004 7:00 p.m. Regular Meeting of the City Council as follows:**

**At 7:45 p.m., the City Council recessed to Closed Session for further discussion of threatened litigation pursuant to Government Code Section 54956.9(b)(3)(C) as set out in the letter from attorney D. Kent Westerberg in conjunction with the proposed business license tax amendment. The meeting was reconvened at 8:43 p.m.**

**At 9:35 p.m., the City Council recessed to Closed Session for further discussion of threatened litigation pursuant to Government Code Section 54956.9(b)(3)(C) as set out in the letter from attorney D. Kent Westerberg in conjunction with the proposed business license tax amendment. The meeting was reconvened a 10:05 p.m.**

**City Attorney Hynes reported that direction was given to the City Attorney.**

**ADJOURN**

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

**Respectfully submitted:**

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**Kathy McKeithen  
Mayor**



**Draft MINUTES**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**December 15, 2004**  
**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

Mayor McKeithen called the meeting to order at 7:03 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

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

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

3. **PRESENTATIONS**

A. Presentation to Outgoing Mayor Kathy McKeithen

Vice Mayor Conwell presented Mayor McKeithen with a plaque to commemorate her year of service as Mayor of the Town of Atherton. Mayor McKeithen accepted the plaque and stated that it was her pleasure to serve as the Mayor.

**B. Certificate of Appreciation to Outgoing Arts Committee Member Florentina Mazzone**

Ms. Mazzone was not present to receive the certificate. The certificate will be mailed to her.

**4. COUNCIL REPORTS**

- Council Member Janz announced that the Housing Endowment and Regional Trust of San Mateo County issued its first call for proposals for projects.
- Council Member Marsala stated that he attended the Park Foundation and Atherton Dames Christmas luncheon and an issue discussed was park grants. He stated that public pension plans had become an issue of interest throughout the state. He also thanked Mayor McKeithen for her service as Mayor.
- Council Member Carlson did not have a report.
- Mayor McKeithen stated that as a result of the last Council meeting, she reported on a meeting with a resident on drainage issues. The Town is waiting to see if there will be funding for this project.
- Vice Mayor Conwell reported on the San Francisco Airport Roundtable meeting where a new A380 aircraft was discussed, which will be the largest passenger aircraft and will bring about a new era of aviation. He reported on a possible closure of the Key Market (DeHoff Enterprises) on 5<sup>th</sup> and El Camino Real, which has been impacted by day workers who congregate at that corner. Mr. Conwell contacted the County on this issue and reported that a location on Middlefield will be created for the day workers.

**5. PUBLIC COMMENTS**

- Jean Schaaf, Atherton, stated that the decline in business at Key Market was due to the day workers soliciting business, and stated that she had a petition to submit to the Board of Supervisors which addresses this issue.
- Mayor McKeithen read a letter from an 8-year-old, who wants more sidewalks in Atherton.

**6. STAFF REPORTS**

- City Attorney Hynes stated that during the closed session, one item was added to the Special Meeting Agenda by unanimous vote as threatened litigation pursuant to Government Code Section 54956.9(b)(3)(C), in relation to written correspondence received from D. Kent Westerberg threatening litigation in conjunction with the

proposed business license tax amendment. He reported the following actions from the Special Meeting (closed session):

**A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code Section 54956.9(c):  
1 potential case

Action: Directed City Attorney to file litigation. Written information will be available upon the filing of the complaint.

**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9 (b)  
2 potential cases

Action: Direction was given to the City Attorney.

**C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9(b):  
1 potential case

Action: Direction was given to the City Attorney.

The closed session meeting ended at 7:00 p.m. With respect to the add-on item described above, City Attorney Hynes reported that the meeting ended at 7:00 p.m., with the possibility of continuing the closed session during the present Regular City Council Meeting.

**7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

Denise Kupperman of the Atherton Tree Committee presented an update of the group's activities. She announced a seminar on Friday, February 4, 2005 at Holbrook-Palmer Park on tree preservation guidelines for architects, landscapers and construction firms. She also announced a winter pruning workshop on January 29, 2005.

**CONSENT CALENDAR (Items 8-11)**

**MOTION – to approve the Consent Calendar as presented.**

**M/S Conwell/Marsala**

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

- 8. APPROVED MINUTES OF REGULAR MEETING OF NOVEMBER 17, 2004**
- 9. APPROVED BILLS AND CLAIMS FOR NOVEMBER 2004 IN THE AMOUNT OF \$841,260**
- 10. ACCEPTED MONTHLY FINANCIAL REPORT FOR NOVEMBER 2004**
- 11. ACCEPTED WORK AND AUTHORIZED RECORDATION OF NOTICE OF COMPLETION FOR THE TOWN CAPE SEAL PROJECT NO. 04-003**

**PUBLIC HEARING**

- 12. AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 17.36.050 REGULATING ACCESSORY STRUCTURE SETBACK REQUIREMENTS AND CHAPTER 17.36.055 REGULATING WINDOW OPENINGS ON ACCESSORY STRUCTURES**

**Deputy Town Planner Lisa Costa Sanders presented the staff report.**

**Mayor McKeithen opened the public hearing. There were no public speakers. Mayor McKeithen closed the public hearing.**

**MOTION – Introduce the ordinance amending Atherton Municipal Code Chapter 17.36.050 regulating accessory structure setback requirements and chapter 17.36.055 regulating window openings on accessory structures, and waive further reading.**

**M/S Carlson/Janz**

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

**REGULAR AGENDA**

- 13. RESOLUTION NO. 04-27 DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION AND SPECIAL MUNICIPAL ELECTION HELD ON NOVEMBER 2, 2004**

**Acting City Clerk Linda Kelly presented the staff report.**

**MOTION - Adopt Resolution No. 04-27 declaring the results of the General Municipal and Special Municipal Election held on November 2, 2004.**

**M/S McKeithen/Conwell**

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

**The following is hereby entered into the official record per California Elections Code Section 10264.**

**The whole number of votes cast in the city: 4,366**

**The names of the persons voted for: James R. Janz  
Kathy McKeithen**

**The measure voted upon: Measure O**

**“Shall an ordinance entitled ‘An Ordinance of the Town of Atherton Authorizing the Levy of a Special Tax for Municipal Services and Capital Improvements and for the Expenditure of Funds Derived from such Tax,’ and numbered 550 be adopted?”**

**Yes \_\_\_\_\_ No \_\_\_\_\_**

**For what office each person was voted for: James R. Janz – Member of the City Council  
Kathy McKeithen – Member of the City Council**

**The number of votes given at each precinct to each person and for and against each measure:**

Precinct	Ballots Cast	Janz	McKeithen	Measure O - Yes	Measure O - No
3001	506	330	337	260	186
3002	493	326	323	261	162
3003	564	376	366	275	228
3004	852	518	527	365	344
3005	552	294	309	236	175
3006	483	287	279	253	166
3007	457	292	307	240	165
3009	556	375	385	284	200

The number of votes given in the city to each person and for and against each measure:

Precinct	Ballots Cast	Janz	McKeithen	Measure O - Yes	Measure O - No
<b>TOTAL</b>	<b>4,366</b>	<b>2,798</b>	<b>2,833</b>	<b>2,174</b>	<b>1,626</b>

**RESOLUTION NO. 04-27**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF  
ATHERTON, CALIFORNIA, DECLARING THE RESULTS OF  
THE GENERAL MUNICIPAL AND SPECIAL MUNICIPAL  
ELECTION HELD ON NOVEMBER 2, 2004**

WHEREAS, a General Municipal and Special Municipal Election (consolidated) was held within the Town of Atherton on Tuesday, November 2, 2004; and

WHEREAS, the conduct of said election was duly delegated to the Chief Elections Officer of the County of San Mateo; and

WHEREAS, the Chief Elections Officer has now certified the results of said election, and said results are truly reflected in the Certificates of the Chief Elections Officer dated November 30, 2004, full, true and correct copies of which are attached hereto and by this reference incorporated herein.

NOW, THEREFORE, the City Council of the Town of Atherton, California, does resolve, declare, determine and order as follows:

Section 1. The total number of ballots cast in the precincts was 4,366.

Section 2. The names of persons voted for at the election for Member of the City Council were as follows:

James R. Janz  
Kathy McKeithen

Section 3. The measure voted upon at the election was as follows:

Measure O

“Shall an ordinance entitled ‘An Ordinance of the Town of Atherton Authorizing the Levy of a Special Tax for Municipal Services and Capital Improvements and for the Expenditure of Funds Derived from such Tax,’ and numbered 550 be adopted?”

Yes \_\_\_\_\_ No \_\_\_\_\_

Section 4. The number of votes cast at each precinct and the number of votes cast in the Town for each of the persons above named for the office for which the persons were candidates, and for and against the measure, were as listed in the attached certificates of the Chief Elections Officer.

Section 5. The City Council does declare and determine that: James R. Janz was elected as Member of the City Council for the full term of four years; Kathy McKeithen was elected as Member of the City Council for the full term of four years; and as a result of the election, Measure O did not receive the necessary two-thirds (2/3rds) “yes” votes of the ballots cast in the election, which was required for passage, and thus the measure did not carry and shall not be deemed adopted and ratified.

Section 6. The City Clerk shall enter on the records of the City Council of the Town a statement of the result of the election showing: (1) the total number of ballots cast in the Town; (2) the names of the persons voted for; (3) the measure voted upon; (4) the office which each person was voted for; (5) the number of votes given at each precinct to each person, and for and against the measure; (6) the total number of votes given to each person, and for and against each measure.

Section 7. The Chief Elections Official shall immediately deliver to each of the persons so elected a Certificate of Election. The City Clerk shall administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the Office of the City Clerk. Each of the persons so elected shall be inducted in to the respective office to which he or she has been elected.

\* \* \* \* \*  
\*

*I hereby certify that the foregoing Resolution No. 04-27 was duly and regularly passed and adopted by the City Council of the Town of Atherton at a Regular meeting thereof held on this 15th day of December 2004, by the following vote:*

<i>AYES:</i>	<i>5</i>	<i>COUNCILMEMBERS:</i>	<i>Janz, Marsala, Carlson, McKeithen, Conwell</i>
<i>NOES:</i>	<i>0</i>	<i>COUNCILMEMBERS:</i>	<i>None.</i>
<i>ABSENT:</i>	<i>0</i>	<i>COUNCILMEMBERS:</i>	<i>None.</i>
<i>ABSTAIN:</i>	<i>0</i>	<i>COUNCILMEMBERS:</i>	<i>None.</i>

*/s/ Kathy McKeithen*

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Kathy McKeithen, Mayor  
Town of Atherton

ATTEST:

*/s/ Linda Kelly*

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Linda Kelly, Acting City Clerk

APPROVED AS TO FORM:

*/s/ Marc G. Hynes*

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Marc G. Hynes, City Attorney

**14. INDUCTION OF REELECTED COUNCIL MEMBERS JANZ AND MCKEITHEN – OATHS OF OFFICE**

**Acting City Clerk Kelly administered the Oath of Office to reelected Council Members James R. Janz and Kathy McKeithen, as required by the California State Constitution.**

**15. CITY COUNCIL REORGANIZATION – SELECTION OF MAYOR AND VICE MAYOR**

**Acting City Clerk Kelly opened nominations for the Office of Mayor.**

**Council Member McKeithen nominated Council Member Conwell for the Office of Mayor. Council Member Carlson seconded the nomination.**

**Council Member Janz moved to close nominations. Council Member Marsala seconded the motion.**

**MOTION – Council Member Conwell to serve as Mayor.**

M/S McKeithen/Carlson

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

**Council Member Conwell was elected to the Office of Mayor.**

**Acting City Clerk Kelly opened nominations for the Office of Vice Mayor.**

**Council Member McKeithen nominated Council Member Marsala for the Office of Vice Mayor. Council Member Carlson seconded the nomination.**

**Council Member Janz moved to close nominations. Council Member Conwell seconded the motion.**

**MOTION – Council Member Marsala to serve as Vice Mayor.**

M/S McKeithen/Carlson

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

**Council Member Marsala was elected to the Office of Vice Mayor.**

**Acting City Clerk Kelly turned the meeting over to Mayor Conwell.**

**Item No. 19 was taken out of order due to the need to recess to close session regarding Item No. 16 and the emergency item added to the Special Meeting (closed session).**

**19. ACCEPTANCE OF STATUS REPORT BY CITY MANAGER OF ANNUAL REVIEW OF LITTLE LEAGUE COMPLIANCE WITH PARK LICENSE AGREEMENT AND USE OF THE BALL FIELD IN HOLBROOK-PALMER PARK**

**City Manager Robinson presented the staff report.**

**Council Members questioned the need to remove the backstop during off-seasons.**

**The following was approved by unanimous consent:**

- a. Accepted status report from the City Manager regarding compliance by the Little League to the terms of the “License Agreement” between the Town of Atherton and the Menlo-Atherton Little League.**
- b. Received input from City Council regarding the Little League’s compliance with the agreement and mitigation measures.**

- c. **Directed the City Manager to meet with the President of the Little League to ensure compliance with the attached agreement and conduct an annual review.**
- d. **Directed staff to work with the Little League to approach the Park and Recreation Commission and the Holbrook-Palmer Park Foundation regarding leaving the backstop up during off-seasons.**

**At 7:45 p.m., the City Council recessed to Closed Session for further discussion of threatened litigation pursuant to Government Code Section 54956.9(b)(3)(C) as set out in the letter from attorney D. Kent Westerberg in conjunction with the proposed business license tax amendment. The meeting was reconvened at 8:43 p.m.**

**16. DISCUSSION AND CONSIDERATION – POSSIBLE AMENDMENTS TO BUSINESS TAX ORDINANCE TO BE SUBMITTED TO VOTERS AT THE SPECIAL MUNICIPAL ELECTION CALLED FOR MARCH 8, 2005**

**City Attorney Marc Hynes presented the staff report. William Hutton, an attorney who is an expert in municipal taxation, was present for questions regarding this item.**

**The following individuals spoke from the audience:**

**Natalie Cardenas, Government Affairs Director, Silicon Valley Association of Realtors**

**John Ruggiero, Atherton**

**Marion Oster, Atherton**

**San Goodman, Atherton**

**Bob Huber, Atherton**

**Susan Tilling, Realtor**

**Tom Odad, Atherton**

**Bob Jenkins, Atherton**

**Jim Nicholas, Atherton**

**Amanda Miller, Atherton**

**Dick Collin, Realtor, Menlo Park**

**George Mozingo, San Mateo County Association of Realtors**

**David Barker, Atherton**

**JoAnne Holder, Atherton**

**Jerry Carlson, Atherton**

**Any McGuin, San Mateo County Board of Realtors**

**Denver Lowe, Burlingame**

**Sharon Lawson, Realtor**

**Verna Davis, Menlo Park**

**Richard Calhoun, Santa Clara**

**Sunny Digual, Palo Alto**

**Pat Briscoe, Atherton**

At 9:35 p.m., the City Council recessed to Closed Session for further discussion of threatened litigation pursuant to Government Code Section 54956.9(b)(3)(C) as set out in the letter from attorney D. Kent Westerberg in conjunction with the proposed business license tax amendment. The meeting was reconvened a 10:05 p.m.

City Attorney Hynes read the following resolution into the record.

**RESOLUTION 04-28**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
WITHDRAWING ORDINANCE NO. 552 CALLING AN ELECTION FOR  
AMENDMENTS TO THE ATHERTON BUSINESS LICENSE TAX**

**WHEREAS**, on November 17, 2004, the City Council called an election for March 8, 2005, in Ordinance No. 552; and

**WHEREAS**, the City Council has determined that the fiscal needs of the Town will best be served by allowing for more time for public input from Town residents regarding a future tax measure to be placed before the voters on a June 2005 election ballot.

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

Ordinance No. 552, adopted on November 17, 2004, is hereby withdrawn in accordance with Elections Code Section 9605, and this Resolution of withdrawal shall be forwarded to the Elections Official for filing.

**MOTION - Adopt Resolution No. 04-28 withdrawing the order of election for the March 8, 2005 Special Election.**

**Vice Mayor Marsala stated that he was opposed to this type of and is more in favor of a parcel tax.**

**Council Member Carlson explained the budget cuts the Town recently undertook and stated that the Council needed more public input on the issue.**

**Council Member Janz stated that a June election would be better timing, and that he concurred with Council Member Carlson.**

**Mayor Conwell stated that Atherton is a great place to live and that funds are needed to make it work.**

**City Attorney Hynes repeated the resolution.**

**M/S McKeithen/Janz**

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

**17. DISCUSSION AND CONSIDERATION – APPROVAL OF WRITTEN BALLOT ARGUMENT IN FAVOR OF MARCH 8, 2005 SPECIAL ELECTION BALLOT MEASURE REGARDING AN AMENDMENT TO THE BUSINESS LICENSE TAX ORDINANCE**

**Recommendation: Review and approve Argument in Favor of Ballot Measure, to be signed by all Council Members and submitted to City Clerk by December 17, 2004 deadline.**

**This item was withdrawn from the agenda.**

**18. DISCUSSION AND CONSIDERATION – SELECTION OF DATES FOR COMMUNITY INFORMATIONAL MEETINGS (SPECIAL COUNCIL MEETINGS) REGARDING THE MARCH 8, 2005 SPECIAL ELECTION**

**Recommendation: Discuss and select dates for holding community informational meetings regarding the March 8, 2005 Special Election.**

**This item was withdrawn from the agenda.**

**(19. Item No. 19 was taken out of order and considered earlier in the meeting.)**

**20. PUBLIC COMMENTS – None.**

**21. ADJOURNMENT**

**Mayor Conwell adjourned the meeting at 10:15 p.m.**

**Respectfully submitted,**

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**Linda Kelly, Acting City Clerk**

# TOWN OF ATHERTON

CLAIMS LIST  
December 2004

Payroll Checks	5287 - 5409	\$ 30,477
Electronic Transfers		303,772
A/P Checks	19032 – 19169	350,011
TOTAL		\$684,260

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 5287 - 5409 (payroll) and 19032 - 19169 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$685,032; are true and correct, and that there are sufficient funds for payment.

\_\_\_\_\_  
James H. Robinson  
City Manager

The above claims, check numbers 5287 - 5409 (payroll) and 19032 - 19169 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$685,032; are true and correct, and are authorized for payment.

\_\_\_\_\_  
William R. Conwell  
Mayor, Town of Atherton

## SOURCE OF FUNDS

<b>101</b>	General Fund	\$564,417
<b>105</b>	Tennis Fund	
<b>201</b>	Special Parcel Tax	39,007
<b>202</b>	Transportation	
<b>203</b>	Gas Tax Fund	47,000
<b>210</b>	Road Construction Impact Fees	16,366
<b>211</b>	Park Grants Fund	586
<b>213</b>	Library Special Revenue Fund	944
<b>401</b>	General Capital Projects	
<b>402</b>	Storm Drainage	
<b>403</b>	Atherton Channel District	1,554
<b>404</b>	Park Playground Improvement	
<b>406</b>	Facilities Construction	
<b>610</b>	Vehicle Replacement	10,000
<b>611</b>	Computer Maint. & Replacement	1,361
<b>612</b>	Administrative Services	754
<b>715</b>	Evans Estate	2,271
TOTAL		\$684,260



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

**FROM: JOHN P. JOHNS, FINANCE DIRECTOR**

**DATE: FOR THE MEETING OF JANUARY 19, 2005**

**SUBJECT: MONTHLY FINANCIAL REPORT, DECEMBER, 2004**

#### **RECOMMENDATION:**

Receive the Monthly Financial Report for December 2004.

#### **INTRODUCTION:**

The attached schedules show revenues and expenditures and fund balance for all funds as of December 31<sup>st</sup>, 2004.

#### **HIGHLIGHTS**

General Fund expenditures for the six months ended December 31<sup>st</sup>, 2004 have amounted to \$3,639,943 or 45% of the \$8,046,585 budgeted for the fiscal year. For the six months ended December 31<sup>st</sup>, 2004, General Fund revenues amounted to \$4,381,613 or 55% of the \$7,985,565 estimated for the year.

By comparison, General Fund expenditures amounted to 46% of budgeted expenditures for the six months ended December 31, 2003. Additionally, General Fund revenues amounted to 47% of estimated revenues for the six months ending December 31<sup>st</sup>, 2003.

**FISCAL IMPACT:**

None

Prepared by:

Approved by:

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John P. Johns  
Finance Director

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James H. Robinson  
City Manager

**TOWN OF ATHERTON**  
**Revenue Summary**  
**For the Month ended December 31st, 2004**

<b>Fund</b>	<b>Revenue Source</b>	<b>2003-04 Estimate</b>	<b>Current Period Revenues</b>	<b>Year to Date Revenues</b>	<b>% Received</b>
	Property Tax	\$ 3,060,517	1,436,908	\$ 1,841,647	60%
	Sales and Use Tax	169,906	15,200	60,722	36%
	Other Taxes	893,010	244,154	423,768	47%
	Licenses & Permits	1,606,949	111,059	900,058	56%
	Fines & Forfeitures	50,000	4,811	20,049	40%
	Revenue from Other Agencies	144,500	64,735	197,266	137%
	Charges for Services	354,622	6,029	193,217	54%
	Investment & Rental Income	401,900	-	77,531	19%
	Other Revenues	3,000	2,356	16,774	559%
	<b>Total General Fund Revenues</b>	<b>6,684,404</b>	<b>1,885,252</b>	<b>3,731,032</b>	<b>56%</b>
	Interfund (Operating) Transfers In	1,301,161	650,581	650,581	50%
<b>101</b>	<b>General Fund Total</b>	<b>7,985,565</b>	<b>2,535,833</b>	<b>4,381,613</b>	<b>55%</b>
	<b>Special Revenue Funds:</b>				
105	Tennis	7,010	-	775	11%
201	Special Parcel Tax	1,858,000	926,851	926,851	50%
202	Transportation	178,500	-	103,066	58%
203	Street Improvement (Gas Tax)	147,000	-	75,524	51%
209	Law Enforcement	100,000	-	-	0%
210	Road Construction Impact Fees	400,000	34,605	249,164	62%
211	State Park Grants Fund	220,000	-	54,400	0%
213	Library	200,000	-	14,219	7%
	<b>Total</b>	<b>3,110,510</b>	<b>961,456</b>	<b>1,423,999</b>	<b>46%</b>
	<b>Capital Project Funds:</b>				
401	Capital Improvement	-	-	-	
402	Storm Drainage	-	-	-	
403	Channel Drainage District	48,530	16,182	24,720	51%
404	Park Playground Improvement	2,205	-	-	0%
405	Middlefield Road Grants	-	-	-	
406	Facilities Construction	-	-	-	
	<b>Total</b>	<b>50,735</b>	<b>16,182</b>	<b>24,720</b>	<b>49%</b>
	<b>Internal Service Funds:</b>				
610	Vehicle Replacement	66,000	33,000	33,000	50%
611	Information Technology	98,661	49,321	49,321	50%
612	Administrative Services	285,815	142,908	150,074	53%
614	Workers Compensation Insurance	-	-	-	
	<b>Total</b>	<b>450,476</b>	<b>225,229</b>	<b>232,395</b>	<b>52%</b>
	<b>Trust and Agency Funds:</b>				
715	Evans Creative Design	45,150	150	2,630	6%
	<b>Total</b>	<b>45,150</b>	<b>150</b>	<b>2,630</b>	<b>6%</b>
	<b>Total Revenues</b>	<b>11,642,436</b>	<b>3,738,850</b>	<b>6,065,357</b>	<b>52%</b>

**TOWN OF ATHERTON**  
**Expenditure Summary**  
**For the Month Ended December 31st, 2004**

<b>Fund</b>	<b>Description Department</b>	<b>2004-05 Budget</b>	<b>Current Period Expenditures</b>	<b>Year to Date Expenditures</b>	<b>% Spent</b>
101	General Fund				
	11 City Council	\$ 20,204	\$ 4,093	10,940	54%
	12 City Manager	509,226	48,928	260,128	51%
	16 City Attorney	176,228	11,138	61,449	35%
	18 Finance	456,797	35,869	205,141	45%
	25 Building	975,249	111,847	393,046	40%
	40 Police	4,002,909	344,269	1,913,952	48%
	50 Public Works	1,805,972	133,211	795,287	44%
	Contingency	100,000	-	-	0%
	Total General Fund Expenditures	<u>8,046,585</u>	<u>689,355</u>	<u>3,639,943</u>	<u>45%</u>
	Interfund (Operating) Transfers Out	-	-	-	0%
101	<b>General Fund Total</b>	<u><b>\$ 8,046,585</b></u>	<u><b>\$ 689,355</b></u>	<u><b>\$ 3,639,943</b></u>	<u><b>45%</b></u>
	<b>Special Revenue Funds:</b>				
105	Tennis	-	-	4,333	
201	Special Parcel Tax	2,591,910	508,407	1,103,453	43%
202	Transportation	211,120	25,000	25,000	12%
203	Street Improvement (Gas Tax)	147,000	97,000	130,961	89%
209	Law Enforcement	100,000	10,608	66,183	66%
210	Road Impact Fees	400,000	196,792	204,292	51%
211	State Park Grants	80,000	586	7,334	9%
213	Library Fund	49,870	1,025	13,262	27%
	Total	<u>3,579,900</u>	<u>839,418</u>	<u>1,554,818</u>	<u>43%</u>
	<b>Capital Project Funds:</b>				
401	Capital Improvement	367,902	-	47,928	13%
402	Storm Drainage	21,394	-	2,963	14%
403	Channel Drainage District	48,530	6,754	8,038	17%
404	Park Playground Fund	-	-	-	
405	Middlefield Road Grants	-	-	-	
406	Facilities Construction	-	-	997	
	Total	<u>437,826</u>	<u>6,754</u>	<u>59,926</u>	<u>14%</u>
	<b>Internal Service Funds:</b>				
610	Vehicle Replacement	98,853	-	56,774	57%
611	Information Technology	104,625	1,361	10,797	10%
612	Administrative Services	285,815	9,402	176,973	62%
614	Workers Compensation Insurance	-	-	-	
	Total	<u>489,293</u>	<u>10,763</u>	<u>244,544</u>	<u>50%</u>
	<b>Trust and Agency Funds:</b>				
715	Evans Creative Design	43,287	2,121	7,386	17%
	Total	<u>43,287</u>	<u>2,121</u>	<u>7,386</u>	<u>17%</u>
	<b>Total Expenditures</b>	<u><b>12,596,891</b></u>	<u><b>1,548,411</b></u>	<u><b>5,506,617</b></u>	<u><b>44%</b></u>

**TOWN OF ATHERTON**  
**Budget Summary**  
**Fiscal Year 2004-05**  
**As of December 31st, 2004**

<b>Fund</b>	<b>Description</b>	<b>Beginning Fund Balance July 1, 2004</b>	<b>Revenues to Date</b>	<b>Transfers to Date</b>	<b>Expenditures To Date</b>	<b>Ending Fund Balance to Date</b>
101	<b>General Fund</b>	6,060,452	3,731,032	650,581	3,639,943	6,802,122
	<b>Special Revenue Funds:</b>					
105	Tennis	11,867	775		4,333	8,309
201	Special Municipal Tax	963,223	926,851		1,103,453	786,621
202	Transportation	145,636	103,066		25,000	223,702
203	Street Improvement (Gas Tax)	45,050	75,524		130,961	(10,387)
209	Law Enforcement	12,174	-		66,183	(54,009)
210	Road Construction Impact Fees	632,420	249,164		204,292	677,292
211	State Park Grants	(5,663)	-		7,334	(12,997)
213	Library Special Revenue Fund	1,075,913	14,219		13,262	1,076,870
	Sub Total	<u>2,880,620</u>	<u>1,369,599</u>	<u>-</u>	<u>1,554,818</u>	<u>2,695,401</u>
	<b>Capital Projects Funds:</b>					
401	Capital Improvement	302,895	-		47,928	254,967
402	Storm Drainage	48,225	-		2,963	45,262
403	Channel Drainage District	404,424	24,720		8,038	421,106
404	Park Playground Improvement	1,309	-		-	1,309
405	Middlefield Road Grants	1,514	-		-	1,514
406	Facilities Construction	65,382	-		997	64,385
	Sub Total	<u>823,749</u>	<u>24,720</u>	<u>-</u>	<u>59,926</u>	<u>788,543</u>
	<b>Internal Service Fund</b>					
610	Vehicle Replacement	449,451	33,000		56,774	425,677
611	Information Technology	106,856	49,321		10,797	145,380
612	Administrative Services	122,618	150,074		176,973	95,719
614	Workers Compensation Insurance	10,871	-		-	10,871
	Sub Total	<u>689,796</u>	<u>232,395</u>	<u>-</u>	<u>244,544</u>	<u>677,647</u>
	<b>Trust and Agency Funds</b>					
715	Evans Creative Design	117,129	2,630		7,386	112,373
	Sub Total	<u>117,129</u>	<u>2,630</u>	<u>-</u>	<u>7,386</u>	<u>112,373</u>
	<b>Grand Total</b>	<u><b>\$ 10,571,746</b></u>	<u><b>\$ 5,360,376</b></u>	<u><b>\$ 650,581</b></u>	<u><b>\$ 5,506,617</b></u>	<u><b>\$ 11,076,086</b></u>



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR  
JAMES H. ROBINSON, CITY MANAGER**

**DATE: FOR THE MEETING OF JANUARY 19, 2005**

**SUBJECT: RESOLUTION AUTHORIZING APPLICATION FOR A DEPARTMENT  
OF WATER RESOURCES URBAN STREAMS RESTORATION  
PROGRAM GRANT FOR THE UPPER ATHERTON CHANNEL  
REHABILITATION PROJECT AND COMMITTING THE REQUIRED  
TWENTY PERCENT LOCAL MATCH**

#### **RECOMMENDATION:**

Adopt a resolution authorizing staff to submit an application for a Department of Water Resources (DWR) Urban Stream Restoration program grant to rehabilitate the Upper Atherton Channel above Reservoir Road and committing the required local match of 20%.

#### **INTRODUCTION:**

In November the State of California Department of Water Resources issued a call for projects to be funded by the Urban Stream Restoration Program (USRP). The USRP provides State Funds for the development of capital projects to restore streams in urban areas. Project applications are due by January 25, 2005. \$4.6 million is available statewide in the 2004/05 fiscal year. The maximum grant request is \$1 million for each grant program.

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

1. Resolutions of the City Council approving the filing of the applications for the grants, and certifying the availability of the required local share of the total project cost. This project will be constructed within the next two years, so the City Council can commit to providing the local share in a future year's budget.
2. Resolution of support by a co-sponsoring non-governmental entity. The Atherton Tree Committee has agreed to co-sponsor this project.

3. Project application, location map, site plan, site photographs, preliminary workplan, cost estimate and letters of support. These items are being prepared by staff to be ready for submittal on January 25.

**ANALYSIS:**

The project recommended for the USRP application consists of rehabilitation and restoration of the Upper Atherton Channel between Reservoir Road and the Hetch-Hetchy Drop structure. This project has been under design and permitting for several years and is expected to be ready for construction in the spring of 2006.

The project covered by this grant will be phase two of the Upper Atherton Channel Rehabilitation project. Phase 1 consists of enhancement to the Hetch-Hetchy drop structure, piling to support the building on the 75 Reservoir Road property, and a retaining wall to support a portion of Walsh Road. Consultation with the DWR indicates that these structural modifications are not eligible for USRP funding.

The Phase Two project will stabilize and restore the channel bed and creek banks where they are undercut and in jeopardy of collapse. The project will also include restoration of three in-stream pools for California Red-Legged Frog habitat. The channel bottom will be lined with geotextile fabric and covered with rock riprap. The voids in the rock riprap will be filled with native channel bottom sediments salvaged prior to the riprap placement. The creek banks will be repaired with soil and re-vegetated to be able to retain the soil during heavy winter flows. The in-stream pools will be re-created with stable sides and bottom. Vortex weirs will be added to dissipate energy into the pools to eliminate the scour potential of the existing pools.

Preliminary discussions with the DWR representative for our area have indicated that this type of urban stream restoration project is a very strong contender for funding by the USRP. Increasing erosion protection is one of the primary goals of the USRP.

**FISCAL IMPACT:**

The estimate for the Upper Atherton Channel Rehabilitation Project is \$225,000, based on cost estimates prepared by our consultants, including design, permitting, construction, inspection and contingency. A maximum of \$45,000 from Atherton Channel District funds will need to be committed and budgeted for this project in future years. After completing Phase 1 of the Upper Atherton Channel project, \$225,000 will remain from the current budget for the Upper Atherton Channel project. \$45,000 will be used as the match for this grant, and the remaining \$180,000 can be used for additional Atherton Channel projects. The following chart summarizes the costs related to this grant:

Upper Atherton Channel Rehabilitation

Grant Amount	\$180,000
Local Match	<u>\$45,000</u>
Total Cost	\$225,000

**CONCLUSION:**

These projects will improve the erosion protection for the Upper Atherton Channel. It will also provide protected habitat for the endangered Red Legged Frog. The cost to the Channel District would leverage significant State funds and free Channel District funds for future projects.

Prepared By:

Approved:

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

---

James H. Robinson  
City Manager

Attachment:  
Draft Resolution

**RESOLUTION 05-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
ENDORING APPLICATION FOR AN URBAN STREAMS RESTORATION GRANT  
AND DETERMINING APPROPRIATE ENVIRONMENTAL IMPACT DOCUMENT,  
CONDITIONALLY ACCEPTING GRANT IF OFFERED, AND DESIGNATING  
CONTRACT MANAGER AND FISCAL AGENT**

**WHEREAS**, the California Department of Water Resources, Division of Planning and Local Assistance, Urban Streams Restoration Program has announced the availability of funds for grants; and

**WHEREAS**, said grants are intended to help solve flooding and erosion problems in a way that provides environmental enhancement; and

**WHEREAS**, the Atherton Tree Committee has proposed to cosponsor a grant application with the Town of Atherton; and

**WHEREAS**, we have concluded the project proposed for funding with the grant funds would be environmentally beneficial and we will comply with all requirements of CEQA prior to implementation of the project.

**WHEREAS**, we consider the prospects of receiving a grant to be reasonably likely.

**NOW, THEREFORE, BE IT RESOLVED**

We the City Council of the Town of Atherton approve the joint application with Atherton Tree Committee for an Urban Streams Restoration Program grant.

If offered such a grant, we authorize James H. Robinson, City Manager, to accept and sign any contract for administration of the grant funds, and Duncan Jones, P.E. to act as Project Manager for the project. We hereby delegate authority to the Project Manager to manage the Agreement, and to delegate authority to others to provide management and support services required for performance of the work and administration of the Agreement. The delegation of authority to submit invoices requires written consent by both grantees which will be provided to the Department of Water Resources.

\* \* \* \* \*

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 19<sup>th</sup> day of January, 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: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF JANUARY 19, 2005**

**SUBJECT: RESOLUTION AUTHORIZING APPLICATION FOR A DEPARTMENT  
OF WATER RESOURCES URBAN STREAMS RESTORATION  
PROGRAM GRANT FOR THE ATHERTON CHANNEL AT  
HOLBROOK-PALMER PARK RESTORATION PROJECT AND  
COMMITTING THE REQUIRED TWENTY PERCENT LOCAL MATCH**

#### **RECOMMENDATION:**

Adopt a resolution authorizing staff to submit an application for a Department of Water Resources (DWR) Urban Stream Restoration program grant to restore and expand the Atherton Channel adjacent to the Holbrook-Palmer Park south meadow and committing the required local match of 20%.

#### **INTRODUCTION:**

In November the State of California Department of Water Resources issued a call for projects to be funded by the Urban Stream Restoration Program (USRP). The USRP provides State Funds for the development of capital projects to restore streams in urban areas. Project applications are due by January 25, 2005. \$4.6 million is available statewide in the 2004/05 fiscal year. The maximum grant request is \$1 million for each grant program.

The Park and Recreation Commission considered this grant program at their December 1, 2004 meeting. The Commission recommended that an application be submitted for restoring and expanding the Atherton Channel.

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

4. Resolutions of the City Council approving the filing of the applications for the grants, and certifying the availability of the required local share of the total project cost. This

project will be constructed within the next two years, so the City Council can commit to providing the local share in a future year's budget.

5. Resolution of support by a co-sponsoring non-governmental entity. The Committee for Green Foothills has agreed to co-sponsor this project.
6. Project application, location map, site plan, site photographs, preliminary workplan, cost estimate and letters of support. These items are being prepared by staff to be ready for submittal on January 25.

### **ANALYSIS:**

The project recommended for the USRP application consist of restoration and expansion of the south meadow side of the Atherton Channel between the Caltrain tracks and the first park entrance along Watkins Avenue. This park feature was developed as a part of the Landscape Master Plan process currently underway. The Landscape Master Plan was presented at the joint City Council/Park and Recreation Commission meeting held on October 6, 2004. The Park and Recreation Commission considered this grant application at their December 1, 2004 meeting and recommended that the City Council approve application for the grant.

The project will remove the existing channel lining on the park side of the Atherton Channel, excavate a significant quantity of earth to create a gradually sloping creek bank, and re-vegetate the new creek bank with native riparian plant species. A branch of the walking path will pass through the newly planted area to provide a different venue for park patrons. By providing viewing areas within the riparian habitat, people can learn how a stream bank should be vegetated, thus educating them how to take care of there own creek banks. Providing educational opportunities related to urban stream restoration is a key element of the USRP grant.

Currently the Atherton Channel runs through Unincorporated County, Redwood City and Menlo Park before reaching the Bayfront Canal. The Canal, which outlets to the Bay, has insufficient capacity for some of the heavier rainstorms experienced in recent years, and flooding occurs frequently in all of the jurisdictions downstream from Atherton. Construction over the decades since the Atherton Canal was constructed has increased the runoff from the Channel District properties. Current new construction practices require no increase in runoff, but reduction of the runoff from the Atherton Channel is needed to reduce the impacts to downstream neighbors. The excavated volume will provide additional flood water storage within the Atherton Channel, providing supplemental protection from flooding to downstream properties.

This is only an initial step in a system-wide hydromodification plan to reduce runoff in the Channel. Leveraging the Channel District funds with State DWR funds will increase the number of hydromodification projects, and other important Channel projects, that can be accomplished with the limited funding stream of the Atherton Channel District.

Preliminary discussions with the DWR representative for our area have indicated that this type of urban stream restoration project is a very strong contender for funding by the USRP. Increasing flood protection is one of the primary goals of the USRP. The DWR representative also recommended that the walking path is a positive educational feature of the project that will

improve its score. The fact that the project will be visible not only from Watkins Avenue, but also from the Caltrain public transit system, will improve the project's ability to compete.

**FISCAL IMPACT:**

The estimate for the Atherton Channel at Holbrook-Palmer Park Restoration Project is \$500,000, based on cost estimates prepared by staff, including design, construction, inspection and contingency. A maximum of \$100,000 from Atherton Channel District funds will need to be committed and budgeted for this project in future years. After completing the Upper Atherton Channel project, with next year's increment of revenue included, the Channel District will have a balance of approximately \$130,000 available for this project. The following chart summarizes the costs related to this grant:

Atherton Channel Restoration and Expansion

Grant Amount	\$400,000
Local Match	<u>\$100,000</u>
Total Cost	\$500,000

**CONCLUSION:**

These projects will improve the flood protection for Atherton's neighbors from runoff from Atherton Channel District properties. It will also improve the appearance of Holbrook-Palmer Park and upgrade educational opportunities. The cost to the Town would leverage significant State funds.

Prepared By:

Approved:

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

---

James H. Robinson  
City Manager

Attachment:  
Draft Resolution

**RESOLUTION 05-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
ENDORING APPLICATION FOR AN URBAN STREAMS RESTORATION GRANT  
AND DETERMINING APPROPRIATE ENVIRONMENTAL IMPACT DOCUMENT,  
CONDITIONALLY ACCEPTING GRANT IF OFFERED, AND DESIGNATING  
CONTRACT MANAGER AND FISCAL AGENT**

**WHEREAS**, the California Department of Water Resources, Division of Planning and Local Assistance, Urban Streams Restoration Program has announced the availability of funds for grants; and

**WHEREAS**, said grants are intended to help solve flooding and erosion problems in a way that provides environmental enhancement; and

**WHEREAS**, the Committee for Green Foothills has proposed to cosponsor a grant application with the Town of Atherton; and

**WHEREAS**, we have concluded the project proposed for funding with the grant funds would be environmentally beneficial and we will comply with all requirements of CEQA prior to implementation of the project.

**WHEREAS**, we consider the prospects of receiving a grant to be reasonably likely.

**NOW, THEREFORE, BE IT RESOLVED**

We the City Council of the Town of Atherton approve the joint application with Committee for Green Foothills for an Urban Streams Restoration Program grant.

If offered such a grant, we authorize James H. Robinson, City Manager, to accept and sign any contract for administration of the grant funds, and Duncan Jones, P.E. to act as Project Manager for the project. We hereby delegate authority to the Project Manager to manage the Agreement, and to delegate authority to others to provide management and support services required for performance of the work and administration of the Agreement. The delegation of authority to submit invoices requires written consent by both grantees which will be provided to the Department of Water Resources.

\* \* \* \* \*

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 19<sup>th</sup> day of January, 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:

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Marc G. Hynes, City Attorney



**Town of Atherton**

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

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: FOR THE MEETING OF JANUARY 19, 2005**

**SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE AMENDING  
ATHERTON MUNICIPAL CODE CHAPTER 17.36.050 REGULATING  
ACCESSORY STRUCTURE SETBACK REQUIREMENTS AND  
CHAPTER 17.36.055 REGULATING WINDOW OPENINGS ON  
ACCESSORY STRUCTURES**

**RECOMMENDATION**

Waive further reading and adopt ordinance.

**BACKGROUND**

At the City Council Meeting of December 15, 2004, an Ordinance amending Atherton Municipal Code Chapter 17.36.050, regulating accessory structure setback requirements and Chapter 17.36.055, regulating window openings on accessory structures, had its first reading. A public hearing was held and there were no comments from the public. The Ordinance was introduced for first reading by unanimous vote of the Council without amendment.

Attached is the staff report from Lisa Costa Sanders, Deputy Town Planner, which was presented for the first reading of the Ordinance.

At this time, it is in order to hold second reading of the ordinance by title only, waive further reading and adopt the ordinance.

Prepared by:

Approved by:

*/s/ Marc G. Hynes*

---

Marc G. Hynes  
City Attorney

James H. Robinson  
City Manager

Attachment: Staff Report and Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING SECTION 17.36.050 AND 17.36.055 OF THE ATHERTON MUNICIPAL  
CODE REGULATING SETBACK REQUIREMENTS FOR ACCESSORY  
STRUCTURES LOCATED WITHIN THE TOWN OF ATHERTON

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

**SECTION 1:** Section 17.36.050 (D) is hereby amended to read as follows:

*“D. On lots with both front and rear property lines abutting a street, accessory structures shall not be located within thirty feet of the rear property line, except when such rear property line is contiguous to a Town boundary, in which case the minimum setback shall be ten feet from the rear property line.”*

**SECTION 2:** Section 17.36.055 (B) is hereby amended to read as follows:

*“B. No window openings or skylights in the roof facing an exterior side or rear property line shall be located over nine feet above ground level.”*

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

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

Introduced this 15th day of December, 2004.

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

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

\_\_\_\_\_  
William R. Conwell, Mayor  
Town of Atherton

APPROVED AS TO FORM:

*/s/ Marc G. Hynes*

\_\_\_\_\_  
Marc G. Hynes, City Attorney

ATTEST:

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Linda Kelly, Acting City Clerk



**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF DECEMBER 15, 2004**

**SUBJECT: CONSIDER THE REQUEST TO AMEND SECTION 17.36.050(D) and 17.36.055(B) OF THE ATHERTON MUNICIPAL CODE RELATING TO ACCESSORY STRUCTURE SETBACK REQUIREMENTS**

**RECOMMENDATION**

Staff recommends that the City Council conduct the public hearing and adopt the attached Ordinance based on the following finding for the reasons outlined in this staff report:

1. The proposed amendment is required to achieve the objectives of the Zoning Plan and the General Plan.

**INTRODUCTION**

The General Plan Committee reviewed the request of Todd Beardsley, as referred by the City Council, to amend section 17.36.050(D) of the Atherton Municipal Code to allow accessory structures to be located ten feet from the rear property line when they abut certain streets and a Town boundary.

The Planning Commission reviewed the proposed ordinance amendment at their December 8, 2004 meeting and recommends the City Council adopt the ordinance as attached.

**ANALYSIS**

As detailed in the attached chart, approximately 60 Atherton properties meet the criteria of having both front and rear property lines along a street and adjacent to a Town boundary. As noted in the "town boundary" description column, the Town boundary varies from along the rear

property line to the centerline of street. Of these 60 properties, 59 also meet the requirement of being along the streets recommended by Mr. Beardsley.

Currently, Atherton Municipal Code section 17.36.050(D) states “On lots with both front and rear property lines abutting a street, accessory structures shall not be located within thirty feet of the rear property line”. On lots that do not have a rear property line abutting a street, accessory structures are allowed to be located ten feet from the rear property line. Mr. Beardsley notes in his letter that section 17.36.150(B) allows for the construction of an eight foot tall fence along certain streets where a six foot tall fence is the standard maximum fence height.

Mr. Beardsley recommends that section 17.36.050(D) be modified to allow accessory structures to be located within ten feet of a rear property line when the lot adjoins any of the following streets; El Camino Real, Marsh Road, Middlefield Road, Valpariso Road, Alameda de las Pulgas and Bay Road.

The General Plan Committee reviewed this request and has recommended that Atherton Municipal Code section 17.36.050(D) be amended to allow accessory structures to be located ten feet from the rear property line when such lots are adjacent to a Town Boundary. The City Attorney reviewed this wording as recommended that the word “adjacent” be replaced with “contiguous” to more precisely define the location of the Town Boundary. Staff interprets this wording to allow properties where the Town boundary is at their rear property line or at the centerline of the public right-of-way to qualify for this provision. This wording replacement would not allow the one property at Walsh Road to qualify as the Town boundary is located across the public right-of-way.

Staff recommends that section 17.36.050(D) be amended to read as follows:

“D. On lots with both front and rear property lines abutting a street, accessory structures shall not be located within thirty feet of the rear property line, except when such rear property line is contiguous to a Town boundary, in which case the minimum setback shall be ten feet from the rear property line.”

This proposed change would allow accessory structures to be located 10’ from the rear property line when the lot is contiguous to a Town boundary. The Committee did not see the need to further limit the provision to the streets identified by Mr. Beardsly based on their review of the eligible properties (list attached).

The General Plan Committee expressed concern with having windows or skylights be visible from adjacent properties and wished to further limited the location in which a window could be placed. The Committee recommended eliminating the provision in the section 17.36.055(B) that allowed skylights “where the entire interior of the building is open to the roof.”

The General Plan Committee recommends that Atherton Municipal Code section 17.36.055(B) be amended to read as follows:

“B. No window openings or skylights in the roof facing an exterior side or rear property line shall be located over nine feet above ground level.”

The proposed Ordinance Amendment has been reviewed by the City Attorney.

**CONCLUSION:**

It is Planning Staff's professional opinion that the proposed Ordinance Amendment is consistent with the General Plan.

**ALTERNATIVES:**

The Council could modify the Ordinance.

**FISCAL IMPACT:**

Costs associated with the implementation of the ordinance will be borne by applicants.

**ENVIRONMENTAL IMPACT:**

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Sections 15305, Class 5 which permits minor alterations in land use limitations which do not result in any changes in land use or density.

**FORMAL MOTION:**

I move that the City Council adopt the Ordinance amending Atherton Municipal Code sections 17.36.050(D) and 17.36.055(B) based on the finding listed in the staff report.

Prepared by:

Approved by:

*/s/ Lisa Costa Sanders*

\_\_\_\_\_  
Lisa Costa Sanders  
Deputy Town Planner

\_\_\_\_\_  
James H. Robinson  
City Manager

**Attachments:**

1. Draft Ordinance
2. List of properties with front and rear frontage on a street and adjacent to a Town boundary
3. Letter of Request from Todd Beardsley dated April 29, 2004
4. Atherton Municipal Code Section 17.36.050 and 17.36.150



## Town of Atherton

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

**FROM: GREGORY L. SAM, INTERIM ASSISTANT TO THE CITY MANAGER**

**DATE: FOR THE MEETING OF JANUARY 19, 2005**

**SUBJECT: CONSIDER AUTHORIZING THE ATHERTON ARTS COMMITTEE TO  
APPLY FOR AN ARTSHARE GRANT IN THE AMOUNT OF \$1,000 TO  
HELP FUND A SELBY LANE SCHOOL STUDENT MURAL PROJECT**

### **RECOMMENDATION**

Authorize the Atherton Arts Committee to apply for an ArtShare grant in the amount of \$1,000, to help fund a Selby Lane School student mural project, and if granted, authorize expenditure of grant funds.

### **BACKGROUND**

In November 2004, the Arts Committee received a letter from Ms. Sally Rayn, a teacher/art specialist at Selby Lane School, requesting financial support to help fund the cost of a student mural project in Spring 2005.

At their special meeting of January 13, 2005, the Arts Committee voted to prepare a grant application to the ArtShare 2005 grant program, with approval from the City Council. The Committee would like to apply for a grant to match a \$1,000 donation from the Arts Committee Fund (Evans Creative Design Trust Fund) for the Selby Lane mural project. The deadline to submit a grant application is Friday, January 21, 2005.

### **FISCAL IMPACT**

There will be no impact to the Town's General Fund. All expenditures from the Evans Creative Design Trust Fund, including the \$1,000 donation to Selby Lane School, are restricted only for art related programs and activities in Atherton.

Prepared by:

Approved by:

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Gregory L. Sam  
Interim Assistant to the City Manager

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James H. Robinson  
City Manager

- Attachments:
- 1) Letter from Sally Rayn, Teacher/Art Specialist at Selby Lane School, to Arts Committee.
  - 2) Letter dated November 24, 2004 from Barbara Mortkowitz, Executive Director of ARTshare, to the Arts Committee.
  - 3) ARTshare 2005 grant summary and application.



Town of Atherton

**CITY COUNCIL STAFF REPORT**

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

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

**DATE: FOR THE MEETING OF JANUARY 19, 2004**

**SUBJECT: 85 ISABELLA AVENUE (APN 070-250-130)  
TENTATIVE AND FINAL PARCEL MAP**

**RECOMMENDATION:**

For the reasons outlined in this staff report, Planning Staff recommends that the City Council conduct the public hearing and approve the Tentative and Final Parcel Map for the division of one parcel into two parcels based on the following findings:

1. The Tentative Parcel Map is in conformance with the Subdivision Map Act and the Atherton Subdivision Ordinance.
2. The size and shape of the proposed subdivision is in general conformance with Town requirements and the general pattern of the neighborhood and will not cause traffic, health or safety hazards
3. The proposed subdivision will have proper and sufficient access to a public street.
4. The proposed map and the design or improvement of the proposed subdivision is consistent with the Atherton General Plan.
5. The site is physically suitable for the proposed type of development.
6. The site is physically suitable for the proposed density of development.
7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
8. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.
9. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, or that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to those previously acquired by

- the public.
10. Discharge of waste from the proposed subdivision will not result in violation of existing water quality requirements prescribed by the regional water quality control board.

**INTRODUCTION:**

Atherton Municipal Code section 16.16 requires Planning Commission and City Council to review and approve, conditionally approve or disapprove tentative parcel maps. This code section also lists the ten findings (as listed above) for consideration of the map.

Atherton Municipal Code section 16.20 outlines the process for final parcel maps. This code section states that “all of conditions of approval of the tentative map shall be fulfilled prior to approval of a final map, except those conditions which are fulfilled by the filing of an agreement to perform those conditions”. The applicant has complied with the required conditions and has submitted the additional information required pursuant to this code section.

The Planning Commission reviewed the tentative parcel map at their December 8, 2004 meeting. At that meeting, the Commission voted 5-0 to approve the tentative parcel map subject to the conditions listed in the attached Tentative Parcel Map certificate. All property owners within 500’ radius of the subject site were notified of that meeting with no correspondence received or public attendance at the meeting.

**ANALYSIS:**

The subject site is 5.09 acres in area and currently contains a residence (guest house) and two detached garages. The existing site contains approximately 351’ of frontage along Isabella Avenue and is approximately 665’ deep. The lot is fairly level and contains numerous heritage trees. A 25’ wide Atherton Channel drainage easement runs across the front of the property. There are two existing driveways that cross over the channel easement.

The applicant is proposing to subdivide the property into two parcels. Parcel A is proposed with 175.46’ of frontage along Isabella Avenue and Parcel B is proposed with 175.47’ of frontage along Isabella Avenue. The existing residence (guest house) will not meet setback requirements with the subdivision. As a condition of approval, the applicant is required to submit a certificate of deposit equal to the cost of demolition and shall remove the structure no later than 42 months from December 20, 2004 or prior to the City issuing an occupancy permit, whichever is earlier.

The proposed subdivision and the minimum R-1A zoning district requirements are as follows:

	<b>Lot area</b>	<b>Width</b>	<b>Depth</b>
Minimum Required	43,560 sq. ft.	175.00’	200.00’
Proposed Parcel A	111,461 sq. ft.	175.46’	665.74’
Proposed Parcel B	110,237 sq. ft.	175.47’	665.64’

The lot width is defined as the “width measured at right angles to its depth at the front line of the building area”. The depth of a lot is defined as the “the mean distance between the front lot line and the rear lot line measured in the main direction of the side lines of the lot”. Staff finds that the

proposed subdivision meets both the required lot width and depth requirement. The proposed subdivision exceeds the minimum lot area requirement of 43,560 square feet.

The tentative parcel map designates all trees on the site.

**CONCLUSION:**

It is Planning Staff's professional opinion the proposed subdivision is consistent with the existing pattern of development and that the proposal is consistent with the purposes and intent of the General Plan and Zoning Code.

**ALTERNATIVES:**

The City Council could deny the request.

**FISCAL IMPACT:**

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

**ENVIRONMENTAL IMPACT:**

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Sections 15315 Minor Land Division involving four or fewer parcels.

**FORMAL MOTION:**

I move that the City Council approve the Tentative Parcel Map and approve the Final Parcel Map for the subdivision of one parcel into two parcels at 85 Isabella Avenue based on the findings and for the reasons incorporated in the Staff Report.

Prepared by:

Approved by:

*/s/ Lisa Costa Sanders*

\_\_\_\_\_  
Lisa Costa Sanders  
Deputy Town Planner

\_\_\_\_\_  
Jim Robinson  
City Manager

**Attachments:**

1. Draft Tentative Parcel Map Certificate
2. Final Parcel Map

**TOWN OF ATHERTON  
CITY COUNCIL  
TENTATIVE PARCEL MAP CERTIFICATE**

THIS IS TO CERTIFY THAT the Atherton City Council at a regular meeting thereof, held on January 18, 2005 did approve a Tentative Parcel Map pursuant to Chapter 16.16 of the Atherton Municipal Code to allow the division of one parcel into two parcels at 85 Isabella Avenue in Atherton (Assessor's Parcel Number 070-250-130). This approval requires substantial compliance with the map entitled, "Tentative Parcel Map, of a portion of lot 2 "Valparaiso Park" (19 maps 10) filed for record on March 19, 1891 doc no 94102261", dated November, 2004 consisting of one sheet. The application was approved with the following conditions:

1. The applicant shall submit a certificate of deposit equal to the cost of demolition of the "existing residence" as determined by the Building Official prior to recordation of the final parcel map. In all events, the structure shall be removed no later than 42 months from the date of this certificate or prior to the City issuing an occupancy permit, whichever is earlier..
2. The Parcel Map and Improvement Plans shall conform to all town Ordinances, standards and fee requirements.
3. Improvement plans, maps and construction shall be to the satisfaction of the Public Works Director/City Engineer.
4. Any tree removal necessitated by subdivision design or improvement construction shall be done in accordance with the Atherton Tree Ordinance, Municipal Code Chapter 8.10.
5. Per Chapter 16 of the Atherton Municipal Code, the subdivider shall provide preliminary and final drainage reports for the site satisfactory to the Public Works Director/City Engineer, showing a plan for drainage of the lots.
6. All fill material and its compaction must conform to the Town of Atherton Municipal Code standards.
7. The applicant shall follow all San Mateo County Storm Water Pollution Prevention (STOPPP) recommended "Construction Materials Handling and Disposal" and "Construction Practices" and prohibit the occurrence of any non-storm water discharges into the storm drain system.

8. The subdivision shall be accomplished by the recording of a Parcel Map that is based on a field survey, and all property corners shall be staked and tagged.

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Michael Hood,  
Zoning and Building Official

Effective Date: January 18, 2005  
Atherton, CA



## Town of Atherton

### CITY COUNCIL STAFF REPORT

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

**FROM: Marc G. Hynes, City Attorney**

**DATE: FOR THE MEETING OF JANUARY 19, 2005**

**SUBJECT: CLAIMS ORDINANCE**

**RECOMMENDATION:** It is recommended that the Council introduce an ordinance adding a new Chapter 1.22 to the Atherton Municipal Code pertaining to claims against the Town. The ordinance should be introduced for first reading, waiving reading of the ordinance beyond its title.

**BACKGROUND:** The attached claims ordinance proposed to be added to the Atherton Municipal Code as Chapter 1.22 will bring into effect certain regulations regarding submittal of claims to the Town. The Town has authority to enact such regulations under the provisions of Government Code section 935.

**ANALYSIS:** The effect of the requirements is to limit the time period for amounts claimed to one year preceding the date of submittal of the claim. The claims requirement also mandates individual claims from all persons who seek class status in the event of litigation.

These types of restrictions have recently been upheld by the Court of Appeal for the Third District in a law suit brought against the City of Roseville, following a successful challenge to a tax ordinance. The Court upheld the one year limit relative to the amounts of taxes required to be refunded and denied class action status to all petitioners who had not filed individual claims.

**FISCAL IMPACT:** None.

Prepared by:

Approved by:

\_\_\_\_\_  
Marc G. Hynes

\_\_\_\_\_  
James H. Robinson

City Attorney

City Manager

Attachment: Proposed Claims Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
ADDING CHAPTER 1.22 TO THE ATHERTON MUNICIPAL CODE PERTAINING TO  
CLAIMS AGAINST THE TOWN OF ATHERTON**

---

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

**SECTION 1:** Chapter 1.22 consisting of Sections 1.22.010 through 122.050 is hereby added to the Atherton Municipal Code to read as follows:

**"Chapter 1.22 CLAIMS AGAINST THE TOWN OF ATHERTON**

Section 1.22.010 **Authority.** The Chapter is enacted pursuant to Section 935 of the California Government Code.

Section 1.22.020. **Claims Required.** All claims against the Town of Atherton for money or damages not otherwise governed by the Tort Claims Act, California Government Code Sections 900 et seq., or another state law (hereinafter in this Chapter, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this chapter.

Section 1.22.030. **Form of Claim.** All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910.

Section 1.22.040. **Claim Prerequisite to Suit.** In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the City Council prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of Section 1.22.020 of this Chapter.

Section 1.22.050. **Suit.** Any action brought against the Town of Atherton upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the Town of Atherton shall conform with the requirements of Section 950-951 of the California Government Code."

Ordinance No. \_\_\_\_\_  
Adopted \_\_\_\_\_  
Page 1 of 2

**SECTION 2:** The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, section by section, and word by word and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph, section, or word of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 3:** This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Introduced this 19<sup>th</sup> day of January, 2005.

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

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

\_\_\_\_\_  
Mayor, Town of Atherton

ATTEST:

\_\_\_\_\_  
Linda Kelly, Acting City Clerk

Approved as to Form:

*/s/ Marc G. Hynes*

\_\_\_\_\_  
Marc G. Hynes, City Attorney

Ordinance No. \_\_\_\_\_  
Adopted \_\_\_\_\_  
Page 2 of 2 pages



## Town of Atherton

### CITY COUNCIL STAFF REPORT

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

**FROM: JOHN P JOHNS, FINANCE DIRECTOR**

**DATE: FOR THE MEETING OF JANUARY 19, 2005**

**SUBJECT: MID-YEAR BUDGET REVIEW REPORT**

#### **RECOMMENDATION**

Approve the schedule of recommended FY 2004-05 budgetary adjustments as itemized in Attachment 1 to this report.

#### **INTRODUCTION**

This report provides mid-year projections of General Fund revenues, expenditures and other financing sources and uses as well as a comparison of such projections with the budget adopted by Council in June of 2004.

Our mid-year projection of General Fund revenues, operating transfers and carry-over funding is \$8,743,794 or \$550,209 more than the estimate of \$8,193,586 that was adopted in the FY 2004-05 budget. The favorable variance of \$550,209 is a result:

- A prior-year carryover of \$398,186 in fund balance or \$190,165 more than the \$208,021 estimate that had been included in the FY 2004-05 budget; and,
- Additional current year revenues amounting to \$360,044, \$236,221 of which is a result of a one-time distribution of excess ERAF withholdings by the San Mateo County Treasurer.

Our mid-year projection for General Fund expenditures and other financing uses is \$8,053,065 or \$6,480 more than the \$8,046,585 that has been appropriated by Council. Accordingly, our mid-year projection indicates that the General Fund will end the year with carry-over funding

available for subsequent year appropriations in the amount of \$543,729. This amounts to seven percent of FY 2004-05 appropriations.

The following table provides a summary of projected FY 2004-05 General Fund revenues, expenditures and other financing sources and uses at mid-year.

	FY 2004-05 Adopted Budget	FY 2004-05 Projection at Mid-Year	Projected Variance Favorable (Unfavorable)
<b>Financing Sources:</b>			
Prior Year Carryover	\$208,021	\$398,186	\$190,165
Revenues	6,684,403	7,044,447	\$360,044
Operating Transfers	1,301,161	1,301,161	\$0
<b>Subtotal Financing Sources</b>	<b>\$8,193,585</b>	<b>\$8,743,794</b>	<b>\$550,209</b>
<b>Financing Uses:</b>			
Expenditures	8,046,585	8,053,065	(6,480)
Operating Transfers	0	0	0
<b>Subtotal Financing Uses</b>	<b>8,046,585</b>	<b>8,053,065</b>	<b>(6,480)</b>
<i>Revenues and Other Financing Sources Over (Under) Expenditures and other Financing Uses</i>	<i>\$147,000</i>	<i>\$690,729</i>	<i>\$543,729</i>

### GENERAL FUND REVENUES AND OTHER FINANCING SOURCES

The following table provides a comparison, by revenue category, of revenues estimated at the beginning of FY 2004-05 with our mid-year projection.

Revenue Category	Budgeted Revenues FY 2004-05	FY 2004-05 Projection as of 12/31/05	Projected Variance Favorable (Unfavorable)
Property Taxes	\$3,060,516	\$3,517,254	\$456,738
Sales Taxes	169,906	120,000	(49,906)
Other Taxes	893,010	757,010	(136,000)
Permits & Licenses	1,606,949	1,796,699	189,750
Fines & Forfeitures	50,000	14,700	(35,300)
From Other Agencies	144,500	215,176	70,676
Service Charges	401,900	335,900	(66,000)
Use of Money & Property	354,622	274,622	(80,000)
Other Revenues	3,000	13,086	10,086
<b>Subtotal Revenues</b>	<b>\$6,684,403</b>	<b>\$7,044,447</b>	<b>\$360,044</b>
Operating Transfers In	1,301,161	1,301,161	-
Prior Year Carryover	208,021	398,186	190,165
<b>Subtotal Other Financing Sources</b>	<b>\$1,509,182</b>	<b>\$1,699,347</b>	<b>\$190,165</b>
<b>TOTAL FINANCING SOURCES</b>	<b>\$8,193,585</b>	<b>\$8,743,794</b>	<b>\$550,209</b>

As indicated in the preceding table, General Fund revenues are projected to amount to \$7,044,447 or \$360,044 higher than the estimate included in the FY 2004-05 adopted budget. Additionally, the fund balance carryover from FY 2003-04 amounts to \$398,186 or \$190,165 higher than the estimate adopted for budgetary purposes. As a result, we project a favorable variance in revenues and other financing of \$550,209 at year-end.

Attachment 1 provides a schedule of recommended adjustments to Atherton’s General Fund revenues according to revenue line items along with a brief description of the nature of the variance identified for each revenue account.

**GENERAL FUND EXPENDITURES AND OTHER FINANCING USES**

General Fund expenditures are projected to amount to \$8,053,065 or \$6,480 higher than the \$8,046,585 adopted at the beginning of the fiscal year. The following table provides our mid-year projection of General Fund expenditures by department for FY 2004-05.

Department	FY 2004-05 Adopted Budget	Add (Subtract) Recommended Appropriation Increases (Decreases)	FY 2004-05 Adjusted Budget
City Council	\$20,204	\$ -	\$20,204
City Manager	509,226	19,000	528,226
City Attorney	176,228	(20,000)	156,228
Finance	456,797	(51,200)	405,597
Building	975,249	43,680	1,018,929
Police	4,002,909	34,000	4,036,909
Public Works	1,805,972	-	1,805,972
Contingency	100,000	(19,000)	81,000
<b>Total General Fund</b>	<b>\$8,046,585</b>	<b>\$6,480</b>	<b>\$8,053,065</b>

As indicated in the preceding table, staff is recommending an increase in appropriations in the amount of \$6,480 or approximately .08% of total General Fund appropriations for FY 2004-05. These recommended appropriation adjustments are also itemized in Attachment 1 to this staff report.

Prepared by:

Approved by:

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John P. Johns, CPA  
Finance Director

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Jim Robinson  
City Manager

Revenue/Expenditure Account	Description	Expenditure Increase (Decrease)	Revenue Increase (Decrease)	Explanation
101-12-3351-123	Election Expense, City Clerk	19,000	-	Appropriation is necessary for June, 2005 Special Election.
101-16-3105-161	Litigation Expense	(20,000)		Lower than expected litigation activity during the first half of FY 2004-05.
101-18-3303-181	Postage Expense	(6,200)		Sufficient funds are available within the administrative services internal services fund.
101-25-3165-125	Contract Services	43,680		Additional funding for contract plan check and building inspection services due to higher than expected permit application activity.
101-40-3511-141	Machinery & Equipment	10,000		Provide carry-over funding for purchase of tasers budgeted for but unexpended in FY 2003-04.
101-18-3001-181	Permanent Salaries	(45,000)		Recognition of salary savings from Assistant Finance Director Vacancy for first 1/2 of FY 2004-05.
101-40-3001-141	Salaries and Benefits	24,000		Agreement with Atherton Police Officers Association necessitated an increase in public safety compensation.
101-00-3702-000	Appropriation for Contingencies	(19,000)		Use of contingency appropriation for June 2005 election expense.
101-00-1010-000	Property Taxes - Current Year Secured		524,624	Increase in secured property taxes is due to higher than expected growth in the secured tax roll and a one-time refund for prior-year ERAF contributions to San Mateo County Schools; Additionally, a \$156,000 increase in the FY 2004-05 ERAF shift did not occur as had been expected. (Such a diversion of revenues did occur, albeit in the form of reduced MVLFF payments to the Town.)
101-00-1015-000	Property Taxes - Current Year Unsecured		(51,678)	Adjust revenue estimate to be consistent with County Controller's October 2004 estimate.
101-00-1030-000	Supplemental Property Taxes		(20,000)	Reduction due to lower than expected supplemental assessment activity.
101-00-1035-000	Homeowner's Property Tax Relief		3,792	Adjust revenue estimate to be consistent with County Controller's October 2004 estimate.
101-00-1110-000	Sales & Use Taxes		(21,466)	Adjustment warranted based upon activity for the first five months of FY 2004-05.
101-00-1115-000	Public Safety Sales Tax		(28,440)	Adjustment warranted based upon activity for the first five months of FY 2004-05.
Revenue/Expenditure Account	Description	Expenditure Increase (Decrease)	Revenue Increase (Decrease)	Explanation
101-00-1220-000	Real Property Transfer Tax		20,000	Adjustment warranted based upon activity for the first five months of FY 2004-05.
101-00-1230-000	Motor Vehicle License Fees		(156,000)	Reduction in legislature funding of Motor Vehicle Backfill Payments (Such a redirection in funding was expected but in the form of an additional shift in Atherton's ERAF contribution).
101-00-1310-000	Business Licenses Tax Revenue		50,000	Adjustment warranted based upon activity for the first five months of FY 2004-05.

101-00-1320-000	Building Permits		160,750	Adjustment warranted based upon activity for the first five months of FY 2004-05.
101-00-1330-000	Encroachment Permits		(21,000)	Adjustment warranted based upon activity for the first five months of FY 2004-05.
101-00-1410-000	Vehicle Code Fines		(25,300)	Adjustment warranted based upon activity for the first five months of FY 2004-05.
101-00-1430-000	Other Fines & Forfeitures		(10,000)	Adjustment warranted based upon activity for the first five months of FY 2004-05.
101-00-1520-000	Equity Distribution		32,047	Receipt from ABAG for distribution of Natural Gas Program participation credits due to the Town.
101-00-1554-000	React Task Force		38,629	Revenue from officer participation in the San Mateo County REACT Task Force.
101-00-1660-000	Social Fees		(66,000)	Lower than expected facility rental activity at the Holbrook Palmer Pavilion.
101-00-1710-000	Interest Income		(80,000)	Lower than expected yields on investment holdings.
101-00-1860-000	Miscellaneous Income		10,086	Adjustment warranted based upon activity for the first five months of FY 2004-05.
<b>TOTAL RECOMMENDED ADJUSTMENTS</b>		<b>6,480</b>	<b>360,044</b>	



**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 MEETING OF JANUARY 19, 2005**

**SUBJECT: AMENDMENT TO ANIMAL CONTROL SERVICES AGREEMENT  
WITH THE COUNTY OF SAN MATEO**

**RECOMMENDATION**

Approve an amendment to the agreement with San Mateo County for the provision of Animal Control Services increasing the contract term from three years to five years and amending the payment schedule.

**BACKGROUND**

In June 2003, the City Council approved an agreement with the County of San Mateo to provide animal control services through the Peninsula Humane Society/Society for the Prevention of Cruelty to Animals for a three-year period through June 30, 2006.

The County has contracted with the Peninsula Humane Society (PHS) for Animal Control Services to all cities and the unincorporated areas of the County for over 45 years. The 20 cities of the County have historically contracted with the County for Animal Control Services.

The FY 2003-04 Countywide contract amount was \$4,454,397 and the contract allows a 5% increase between fiscal years. The County has leased the land occupied by PHS since 1971 for the rate of \$1 (one dollar) per year. The current lease terminates August 12, 2006.

The County, cities and PHS wish to extend the Animal Control Services contract an additional two years through June 30, 2008. In order to do so, the PHS/County amendment also extends the land lease with PHS through June 30, 2008. The County and cities have also requested savings on the Animal Control contract given the current budget reductions at the County and city level.

Although the Amendments provide for a 5% increase for each additional year of service, PHS has agreed to \$732,510 in savings over the five-year term.

The PHS contract Amendment also requires PHS to provide investigation of all animal bites (rabies quarantines) which occur in the County. PHS will provide this service for an additional \$75,000 for the remainder of FY 2004-05, \$150,000 for FY 2005-06, \$154,500 for FY 2006-07, and \$159,135 for FY 2007-08, and provide the service under the direction of the County Health Officer. Last year, the County Health Department handled the rabies quarantines, but experience proved that this responsibility was more appropriately handled by the PHS. The payment for the quarantine services will be solely through the County Health Department, and cities, including Atherton, will see no charge for these services and no interruption in services.

**FISCAL IMPACT**

The Amendment to the PHS contract represents a total savings to the County and cities of \$732,510 over the five-year contract term, assuming a 5% increase between contract years. The city and County cost distribution formula is updated yearly based on an average of actual service costs over the preceding three years. This Fiscal Year 2004-05, Atherton's share of costs is 1.08% or \$41,974. A total of \$44,000 was budgeted in FY 04-05 for animal control services.

The cost of Animal Control Services for the Town of Atherton recent years has been as follows

FY 2004-05	\$41,974
FY 2003-04	\$48,107
FY 2002-03	\$44,862 (decrease in cost from previous year was result of a cost distribution study)
FY 2001-02	\$72,028

**CONCLUSION**

In order to extend the term of the agreement and amend the payment schedule as requested by the County and PHS, it is recommended that the City Council approve the attached amendment to the agreement.

Prepared by:

Approved by:

\_\_\_\_\_  
Linda Kelly  
Assistant to the City Manager/  
Acting City Clerk

\_\_\_\_\_  
James H. Robinson  
City Manager

Attachments: Proposed Amendment to Agreement  
Current Agreement with County of San Mateo for Provision of Animal Control  
Services

**FIRST AMENDMENT TO AGREEMENT FOR ANIMAL CONTROL SERVICES AND  
SHELTER SERVICES BETWEEN THE PENINSULA HUMANE SOCIETY & SPCA  
AND THE COUNTY OF SAN MATEO**

This First Amendment to Agreement For Animal Control Services And Shelter Services Between The Peninsula Humane Society & SPCA And The County Of San Mateo, dated for reference purposes only this \_\_\_\_\_ of \_\_\_\_\_, 2004, between the Peninsula Humane Society & SPCA, a California nonprofit corporation for the prevention of cruelty to animals (hereinafter, “PHS/SPCA” or “Contractor”) and the County of San Mateo, a political subdivision of the State of California (hereinafter, “County”).

**WITNESSETH**

**WHEREAS**, County and PHS/SPCA (collectively hereinafter, “Parties”) entered into the written Agreement For Animal Control Services And Shelter Services Between The Peninsula Humane Society & SPCA And The County Of San Mateo, dated June 2003, in which PHS/SPCA agreed to perform and County agreed to compensate PHS/SPCA for performance of certain specified animal care, control and shelter services (hereinafter, “Services Agreement”);

**WHEREAS**, said Services Agreement is currently scheduled to terminate as of July 1, 2006;

**WHEREAS**, County and PHS/SPCA also entered into a written Lease Agreement, dated October 12, 1971, as amended (hereinafter, “Lease Agreement”), in which County leased to PHS/SPCA and PHS/SPCA leased from County certain premises located at 12 Airport Boulevard in the City of San Mateo containing approximately 8.766 acres, more or less, at the rental rate of one dollar (\$1.00) per annum for an initial period of four (4) years, ending August 31, 1975, and renewable at the option of PHS/SPCA for three (3) successive periods of twenty-five (25) years each upon written notice to the County, for use and occupation by PHS/SPCA in carrying out the animal care, control and shelter services specified in the Services Agreement and any other humane-related services provided in connection with the prevention of cruelty to

animals within the meaning of Section 501(c)(3) of the Internal Revenue Code and under the laws of the State of California;

**WHEREAS**, on or about August 12, 2003, County sent written notice to PHS/SPCA terminating the Parties' Lease Agreement early as of August 12, 2006, pursuant to Section 18(b) of the Lease Agreement (hereinafter, "Lease Termination Notice");

**WHEREAS**, County desires and PHS/SPCA agrees to provide certain cost savings of \$732,510 to County for PHS/SPCA's performance under the Services Agreement over a five-year (5-year) period ending June 30, 2008, as specified herein;

**WHEREAS**, County desires and PHS/SPCA agrees to provide certain additional quarantine services for additional compensation as described herein; and

**WHEREAS**, both Parties desire to extend the term of the Services Agreement, as amended herein, as well as the Lease Agreement's early termination date of August 12, 2006 as stated in the Lease Termination Notice, by a period of approximately two (2) additional years, ending June 30, 2008;

**NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES PROVIDED HEREUNDER, THE PARTIES AGREE AS FOLLOWS:**

1. **Two-Year Extensions.** Section D.1. of the Services Agreement is hereby deleted in its entirety, and the following shall be substituted in lieu thereof:

**"1. Term of the Agreement to Coincide with Property Lease Termination.**

- a) This Agreement shall be effective the period from July 1, 2003 through June 30, 2008. All services are subject to the terms and conditions of this Agreement.
- b) To enable Contractor to perform the services contemplated by this Agreement for the entire term, the Parties hereby agree that Contractor's leasehold of the premises subject to the Parties' Lease Agreement and the Lease Termination Notice shall extend through June 30, 2008, at the rental rate of one dollar (\$1.00) per annum."

2. **Payment Amounts and Schedule.** Section C.1. of the Services

Agreement is hereby deleted in its entirety, and the following shall be substituted in lieu thereof:

“1.(a) County shall pay to Contractor in twelve (12) equal monthly installments the annual amounts set forth below to cover all services except those provided in subparagraph (b) below.

<u>Fiscal Year</u>	<u>Amount</u>
2003-04	\$4,454,397
2004-05	\$4,424,617
2005-06	\$4,703,348
2006-07	\$4,829,745
2007-08	\$5,076,951

Where County and Cities issue permits for public exhibitions and events which include animals, such permits shall not be issued without the approval of Contractor. Contractor is entitled to recover costs which relate to staffing that may result during or after the exhibition or event. Such costs shall be collected by Contractor based on a fee schedule approved by the City or County in which the event is taking place. Contractor agrees to process permits expeditiously.

(b) In addition to the payment amounts stated immediately above, County shall annually pay to Contractor the following amounts in twelve (12) equal monthly installments, for rabies investigation and quarantine services as described in subparagraph c) of Paragraph 1 of Exhibit B, Contractor Responsibilities.

<u>Fiscal Year</u>	<u>Amount</u>
--------------------	---------------

2004/05	\$ 75,000
2005/06	\$150,000
2006/07	\$154,500
2007/08	\$159,135”

3. **Early Termination.** Section C.6.c) of the Services Agreement is hereby amended by adding the following provision to the end of the paragraph:

“Notwithstanding any provision of the Lease Agreement to the contrary, should the County choose to exercise the early termination option described herein by providing the required three- hundred- sixty-five (365) days prior written notice of termination of the Services Agreement to Contractor, the early termination of the parties' Lease Agreement shall also be automatically effected thereby, as of the same date of termination as the Services Agreement, without further notice to Contractor, including but not limited to that otherwise required by Section 18 (b) of the Lease Agreement.”

4. **Quarantine Services.** Subparagraph c) of Paragraph 1. of Exhibit B (“Contractor Responsibilities”) to the Services Contract is deleted in its entirety. A new subparagraph c) of Paragraph 1 of Exhibit B is hereby added to read as follows:

“c) Provide rabies investigation and quarantine services according to the procedures described in the document attached and incorporated herein as Attachment 1 to this amendment. Contractor shall notify County on January 1<sup>st</sup> of each year the status of the number of quarantines handled to date, broken down by city, compared to the average number of quarantines for the prior three years. In the event that the number of quarantines or the reasonable costs therefore will exceed the prior year average, County and Contractor agree to negotiate service reductions and/or additional reimbursements for Contractor in good faith, as defined in section C.6.a) of the Services Agreement.”

5. The sixth bullet point listed under Paragraph 11 of Exhibit B (“Excluded Services”) referring to “[t]he processing of in-home quarantines which may be resolved over the phone” is hereby deleted in its entirety.

6. **Effectiveness of Amendment.** Except as set forth in this First Amendment, all other provisions of the Services Agreement shall remain unchanged and in full force and effect. Moreover, no other change to the terms and conditions of the Lease Agreement or the Lease Termination Notice is intended by the Parties.

**IN WITNESS WHEREOF**, the Parties hereto have caused this First Amendment to Agreement For Animal Control Services And Shelter Services Between The Peninsula Humane Society & SPCA And The County Of San Mateo to be executed by their duly authorized representatives on the day and year first written above.

Dated: \_\_\_\_\_

COUNTY OF SAN MATEO

By \_\_\_\_\_

PENINSULA HUMANE SOCIETY & SPCA

By \_\_\_\_\_

Ken White, President

**DRAFT REVISED 12/3/04**



## 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 MEETING OF JANUARY 19, 2005**

**SUBJECT: DISCUSSION AND CONSIDERATION – OPTIONS FOR THE  
PLACEMENT OF A REVENUE ENHANCEMENT MEASURE ON THE  
JUNE 7, 2005 SPECIAL ELECTION BALLOT, AND SELECTION OF  
DATES FOR COMMUNITY INFORMATIONAL MEETINGS (SPECIAL  
COUNCIL MEETINGS) REGARDING A BALLOT MEASURE**

### **RECOMMENDATION**

Discuss and consider options for placing a measure on the June 7, 2005 Special Election ballot, and select dates for holding community informational meetings regarding a possible ballot measure.

### **BACKGROUND**

The City Council has previously indicated its interest in considering alternatives for a revenue enhancement measure on a Special Election ballot for June 7, 2005.

The attached June 7, 2005 Special Election Calendar has been provided for the Council's information.

As is noted on the calendar, should the City Council wish to place a measure on the June 7, 2005 ballot, March 11, 2005 is the last day to adopt an ordinance calling a Special Election and requesting the services of the County in conducting the election.

If the City Council wishes to place a parcel tax on the June ballot, a public hearing is required.

In order to meet the public hearing notice deadline, a notice will need to be published and posted no later than February 1, 2005. Attached is a draft hearing notice that is prepared to be submitted to the *Almanac* for publication on February 1, 2005.

Should the Council wish to consider a parcel tax, the public hearing would need to be held at a regular meeting. February 16, 2005 is the last regular meeting before the March 11, 2005 deadline to place a measure on the ballot. Thus, the public hearing would need to be held at the Regular City Council meeting on February 16, 2005.

Also be aware that due to timing of election deadlines, if the Council submits an argument in favor of a measure and an argument is filed against the measure, the Council would need to call a Special Meeting between the dates of March 22 and March 31, 2005 in order to meet the rebuttal deadline.

The City Council has previously indicated its interest in requesting that community meetings be scheduled in order to inform the residents about any measure. These “town hall” style meetings would technically be Special Meetings of the City Council, and would be for the purpose of information and discussing the measure, not advocacy on behalf of the Town of Atherton.

If the Council wishes to proceed with scheduling community meetings, it is suggested that Council Members check their calendars for any conflicts and select those dates/times/locations which are preferable from the following list.

**Potential Dates, Times and Locations for Community Meetings**

<b>Date</b>	<b>Pavilion Availability</b>	<b>Chamber Availability</b>
Thurs., January 6	Any time after 6:00 p.m.	Any time
Sat., January 8	Any time	Any time
Mon., January 10	Any time	Any time
Tues., January 18	After 6:00 p.m.	Any time
Sat., January 22	Any time	Any time
Mon., January 24	Any time	Any time
Tues., January 25	Not available	Any time
Sat., January 29	Not available	Any time
Mon., January 31	Any time	Any time
Tues., February 1	Any time	Any time
Sat., February 5	Any time	Any time
Mon., February 7	After 5:00 p.m. only	Any time
Tues., February 8	Any time	Any time
Thurs., February 10	Any time	Any time
Sat., February 12	Any time	Any time
Mon., February 14	Any time	Any time
Tues., February 15	After 6:00 p.m. only	Any time
Thurs., February 17	Any time	Any time
Fri., February 18	Any time	Any time
Sat., February 19	Any time	Any time
Tues., February 22	Any time	Any time
Wed., February 23	Any time	Any time

<b>Date</b>	<b>Pavilion Availability</b>	<b>Chamber Availability</b>
Fri., February 25	Any time	Any time
Tues., March 1	Not available	Any time
Thurs., March 3	Not available	Any time
Sat., March 5	Any time	Any time

Prepared by:

Approved by:

\_\_\_\_\_  
Linda Kelly  
Assistant to the City Manager/  
Acting City Clerk

\_\_\_\_\_  
James H. Robinson  
City Manager

Attachments: June 7, 2005 Special Election Calendar  
Draft Parcel Tax Public Hearing Notice

**June 7, 2005 Special Election Calendar**

January 19, 2005	<i>Regular January City Council Meeting</i>
January 27, 2005	Clerk to submit Public Hearing Notice to <i>Almanac</i> for publication on February 1, 2005
February 1, 2005	Public Hearing Notice to be published in <i>Almanac</i> and Notice to be posted on Town bulletin boards
<i>February 16, 2005</i>	<i>Regular February City Council Meeting –</i>  Hold Public Hearing (required if a Parcel Tax Election). Adopt Ordinance calling election for June 7, 2005. Adopt Resolution regarding ballot arguments for June.
<b>March 11, 2005</b>	<b>Last day to adopt ordinance calling Special Election requesting consolidation of the Special Election with the County Board of Supervisors for June 7<sup>th</sup> election</b>
<i>March 16, 2005</i>	<i>Regular March City Council Meeting –</i>  Council to consider/approve Primary Argument in Favor of measure, if Council previously designated themselves as the author of the argument via Resolution adopted 2/16/05
March 21, 2005	Primary Arguments Due regarding City Measure
(Date to be determined)	Special Council Meeting – Council to consider/approve of Rebuttal Argument, if an argument has been submitted against the measure.
March 31, 2005	Rebuttal Arguments Due regarding City Measure
<i>April 20, 2005</i>	<i>Regular April City Council Meeting</i>
April 28 – May 17, 2005	Sample Ballot Pamphlet Mailing Period
May 9 – May 31, 2005	Absentee Voter Ballots applied for/mailed between these dates
<i>May 18, 2005</i>	<i>Regular May City Council Meeting</i>
<b>June 7, 2005</b>	<b>Election Day for Special Election regarding City Measure</b>
<i>June 15, 2005</i>	<i>Regular June City Council Meeting</i>
July 5, 2005	Last day for County to certify election results
(Date to be determined)	Notice of Public Hearing regarding Annual Budget Adoption and (if measure passes) Establishing a Special Tax for Municipal Services
(Date to be determined)	Public Hearing to Adopt FY 05-06 Annual Town Budget  If measure passes, hold Public Hearing regarding establishing a

	Special Tax for municipal services for FY 05-06 (Hearing must be held following adoption of FY 05-06 budget)
<i>July 20, 2005</i>	<i>Regular July City Council Meeting</i>

*DRAFT*

## Town of Atherton NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the City Council of the Town of Atherton will hold a Public Hearing at a regular meeting on Tuesday, February 16, 2005, commencing at 7:00 p.m. in the City Council Chambers, 94 Ashfield Road, Atherton, CA for the purpose of considering:

Consideration of the possible adoption of an ordinance calling a Special Election for June 7, 2005, placing a tax measure before the voters, including but not limited to the potential consideration of an ordinance authorizing the levy of a Special Parcel Tax for Municipal Services and Capital Improvements, and expenditures of funds derived from such a tax.

INTERESTED PERSONS, may appear and be heard, or written comments may be submitted to the Atherton City Council, c/o City Clerk, 91 Ashfield Road, Atherton, CA 94027, prior to the meeting. Comments may also be faxed to the Town Administrative Offices at (650) 688-6528, or e-mailed to [lkelly@ci.atherton.ca.us](mailto:lkelly@ci.atherton.ca.us). Contact Linda Kelly, Acting City Clerk, for additional information regarding the City Council meeting, at (650) 752-0529.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**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 MEETING OF JANUARY 19, 2005**

**SUBJECT: ANNUAL CITY COUNCIL COMMITTEE ASSIGNMENTS**

### **RECOMMENDATION:**

Approve the 2005 Council Committee assignments made by Mayor Conwell (attached).

### **BACKGROUND/ANALYSIS:**

Section 9 of the City Council Rules of Procedure provides for the annual appointment by the Mayor of Council Members to various committees. There are currently seven standing subcommittees, one ad hoc subcommittee (Caltrain Corridor Subcommittee) and seven other governmental and quasi-governmental committees requiring council representatives. Earlier this month Council Members were provided with a survey to determine their choices for the committees and to assist the Mayor in making the assignments.

Prepared by:

Approved by:

---

Linda Kelly  
Assistant to the City Manager/  
Acting City Clerk

---

James H. Robinson  
City Manager

Attachment: Committee Assignments List

**ATHERTON CITY COUNCIL COMMITTEE ASSIGNMENTS 2005**

<b>COMMITTEE</b>	<b>Member(s)</b>	<b>Alternate(s)</b>
Atherton Channel Drainage District Subcommittee	McKeithen, Marsala	Conwell
Buildings And Facilities Subcommittee	Carlson, Marsala	McKeithen
Finance Subcommittee (Also Serve on Audit Committee)	Carlson, McKeithen	Marsala
General Plan Committee	Janz, Carlson	McKeithen
Waste Reduction & Recycling Committee	Janz, Marsala	Conwell
Screening Subcommittee	Conwell, Marsala	McKeithen
Transportation/Traffic Subcommittee	Carlson, McKeithen	Marsala
Caltrain Corridor Subcommittee	Janz, Conwell	Marsala
Holbrook-Palmer Park Foundation	Marsala	Conwell
Association of Bay Area Governments (ABAG)	Janz	Carlson
City/County Association Of Governments (C/CAG)	Conwell	Janz, Carlson
Library JPA Governing Board	Marsala	Carlson
San Francisco Airport Community Roundtable	Conwell	Marsala
San Mateo County Criminal Justice Commission	Conwell	Janz
San Mateo County Emergency Services Council	McKeithen	Marsala



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF JANUARY 19, 2005**

**SUBJECT: CITY COUNCIL SUBCOMMITTEE CITIZEN ADVISOR APPOINTMENTS**

#### **RECOMMENDATION:**

That the City Council consider the current Policy regarding the non-voting status of citizen advisors to Council sub-committees and determine if any change is appropriate.

#### **BACKGROUND:**

The current City Council Rules of Procedure were last amended on April 16, 2003. The Revised Rules incorporate section 9.4 - Appointment of Non-Voting Citizen Members to Subcommittees.

Section 9.4 states "City Councilmembers on City Council appointed committees shall have the authority to appoint one or more non-voting resident advisors to the subcommittee. If Councilmembers are unable to agree upon the appointment of any particular resident advisor, that issue will be brought before the entire City Council for final determination. Advisors serve a one year term concurrent with the Councilmembers term on the subcommittee." (see attached)

The Transportation Subcommittee currently has three citizen advisors serving on the subcommittee. The Subcommittee has discussed an amendment to the City Council Rules of Procedure to allow for a modification to the non-voting provision. Following a discussion at the most recent Transportation Subcommittee meeting, it was recommended that this issue be referred to the City Council.

Attachment: City Council Rules of Procedure Section 9.4

- (5) Atherton Channel Drainage District Committee, which meets on an as-needed basis in the Council Chambers, 94 Ashfield Road, Atherton.
- (6) Buildings and Facilities Committee which meets on an as-needed basis in the Administrative Offices, 91 Ashfield Road., Atherton.
- (7) Screening Committee which meets on an as-needed basis in the Administrative Offices, 91 Ashfield Road., Atherton.

#### 9.4 Appointment of Non-Voting Citizen Members to Subcommittees

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

### 10. Suspension and Amendment of These Rules

10.1 Suspension Any provision of these rules not already governed by the Atherton Municipal Code may be temporarily suspended by a majority vote by the Council.

10.2 Amendment These rules may be amended by additions or deletions or new rules adopted by a majority vote of the Council provided the proposed amendment or new rules are introduced into the record at a prior Council meeting.

### 11. Miscellaneous Rules

11.1 Roll Call Votes Upon demand by any Councilmember, made before the "Nays" are called for, a roll call vote shall be taken on the motion before the Council. The Mayor's name shall be called last with other members' names called at random by the City Clerk. Members shall not give explanations for their vote during roll call.

11.2 Silence During a collective vote ("Ayes", "Nays" or "Abstain"), silence by any member denotes an affirmative vote.

#### 11.3 Continuance of an Item

1. Continuance by a Councilmember: Any Councilmember may, with the consent of the Council, continue an item (not subject to a