



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 JUNE 15, 2005

**SUBJECT: APPROVAL OF AGREEMENT WITH THE STATE OF CALIFORNIA
FRANCHISE TAX BOARD**

RECOMMENDATION:

Authorize the City Manager to execute the attached agreement with the State of California Franchise Tax Board to provide information related to business entities operating within the Town of Atherton.

DISCUSSION:

Pursuant to the provisions of Assembly Bill 63, the Franchise Tax Board has established a local government information-sharing program. This program enables municipalities within California to obtain the following information regarding business entities operating within the geographic boundaries of a city or county:

- Taxpayer name;
- Taxpayer address;
- Taxpayer social security number; and,
- An indication of the principal business activity of the entity.

This information will enable the Finance Department to better enforce its business license ordinance. Additionally, such information will be useful in ensuring consistency with the

Town's zoning ordinances. Finally, having access to the Franchise Tax Board records will assist the Finance Department in determining whether or not the Town is receiving credit for any taxable sales that occur within the geographic confines of the Town.

FISCAL IMPACT:

Approval of the attached resolution will result in the expenditure of \$500. Sufficient funding is available within FY 2004-05 appropriations.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

Attachment 1: AB 63 Local Government Sharing Program Agreement



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JUNE 15, 2005

**SUBJECT: AWARD OF CONTRACT FOR THE 2005 TREE MAINTENANCE
PROJECT, PROJECT NO. 04-006**

RECOMMENDATION:

Pass a motion to award the contract for the 2005 Tree Maintenance Project, Project No. 04-006, to The Professional Tree Care Co., the low bidder on the June 10, 2005, bids, for 279.66 crew hours at a crew rate of \$118.00, for a total contract of \$33,000.

INTRODUCTION:

This project is for an annual tree trimming contract. The contractor bid an hourly crew rate to provide routine pruning, hazardous tree removal, and storm damage cleanup of City trees up to the contract limit of \$33,000.

ANALYSIS:

One bid was received for the 2005 Tree Maintenance Project as follows:

<u>Firm</u>	<u>Crew Hours</u>	<u>Crew Rate</u>	<u>Total</u>
The Professional Tree Care Co.	279.66	\$118.00	\$33,000

The price bid was compared to the prices for similar contracts with Redwood City and Palo Alto. The price bid is a reasonable price. The Professional Tree Care Co. has the contract with Redwood City.

FISCAL IMPACT:

Fifty thousand dollars in Public Works Operations Tree Maintenance funds are budgeted for this project in FY 2004-05, with a remaining balance of \$29,836. This contract will encumber funds this year, but funds will be spent mostly in 2005-06, where \$51,500 has been budgeted for tree maintenance. The remainder of the tree maintenance funds will be used for specialty tree services. Bids were received for the project on June 10, 2005. The Professional Tree Care Co. was the low bidder at a crew rate of \$118.00 for 279.66 crew hours, for a total of \$33,000.

Prepared By:

Approved:

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

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

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

DATE: FOR THE CITY COUNCIL MEETING OF JUNE 15, 2005

**SUBJECT: AGREEMENT WITH VERIZON WIRELESS TO PROVIDE TOWN
STAFF CELLULAR PHONE SERVICES**

RECOMMENDATION:

Authorize the City Manager to enter into an agreement with Verizon Wireless for Town cellular phone services.

BACKGROUND:

In 2001, the Town switched its cellular phone services from Nextel to AT&T Wireless (which is now Cingular) in order to take advantage of lower cost air time plans and to improve cellular phone reception.

Since that time, staff has noticed, most notably in the last year, that AT&T/Cingular service has not been as reliable in some areas of the town. This has at times resulted in dropped calls at critical times when the Police Department was using a cell phone for a public safety issue. At the same time, Verizon Wireless has expanded its network to provide one of the widest coverage areas in the Bay Area. In an informal survey of staff who have their own personal cellular phones, it was noted that those staff members with Verizon Wireless for their personal cellular phones experience the best coverage throughout town. Other providers were not found to be as reliable throughout Atherton. As Council is aware, due to the abundance of trees in Atherton and the hills in the western area, plus the lesser number of cell phone towers and repeaters as compared to more populated urban areas in the Bay Area, securing reliable cellular phone service that works consistently throughout Atherton can be a challenge.

Due to Verizon's coverage and reliability, in addition to the following reasons, staff is recommending to replace our current AT&T/Cingular cellular phone service with Verizon:

- Verizon offers a "push-to-talk" feature on certain phones that allow the phones to be used as a walkie-talkie. The Public Works Department is desirous of that feature, which will allow for faster communications between staff, especially in the event of an emergency. One of these phones would be located in Police Dispatch to allow for quick relay of information to Public Works. AT&T/Cingular does not offer this push-to-talk feature. Nextel does, but the coverage is not as reliable throughout town.
- Verizon is offering a monthly access cost of \$1,211.50, with 13,500 minutes included in the plan for 30 phones. This is the lowest number of minutes available under Verizon's air time pooling plans. This compares to our current AT&T/Cingular plan that is costing approximately \$1,300 - \$1,400 per month with 5,000 included minutes (we are currently charged for overage time at .20 cents per minute). Verizon's overage cost is .25 cents per minute; however, we should not see any overage due to the high number of minutes included in the plan.
- The pricing offered by Verizon is through the Western States Contract Alliance (WSCA), which allows local governments to participate in the master contract and obtain the competitive pricing available through WSCA. As allowed by Municipal Code Section 3.16.110, the Town will be participating in a state cooperative purchasing contract.
- Verizon will replace all staff cellular phones at no cost, except for the taxation. Accessories will be available at 25% off retail price.
- The air time rates for Verizon will be guaranteed for two years with no early termination fees.
- No roaming or long distance charges will be applied. Currently, we are being charged for roaming and long distance.

AT&T/Cingular offered to upgrade the Town to their latest digital network, but all phones and most equipment would need to be replaced in order for this to take place. The pricing was not as competitive and the service throughout town has not been as reliable, in staff's experience. Since the cellular phone market is highly competitive, staff has found that comparing pricing every few years has been to our benefit.

The total cost will be \$1,211.50 per month for air time, approximately \$180 for tax on the replacement phones and approximately \$1,200 for new equipment (including the car kits to be installed in the police cars).

Staff recommends that the City Manager be authorized to enter into an agreement with Verizon Wireless.

Prepared by:

Approved by:

Linda Kelly
Assistant to the City Manager/
Acting City Clerk

James H. Robinson
City Manager



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 SPECIAL MEETING OF JUNE 15, 2005

**SUBJECT: ADOPTION OF A RESOLUTION APPROVING THE FY 2005-06
OPERATING AND CAPITAL BUDGET**

RECOMMENDATION:

Adopt a Resolution approving the FY 2005-06 Operating and Capital Budget.

DISCUSSION

On May 31, 2005, staff distributed a draft copy of the City Manager's recommended operating and capital budget for Fiscal Year 2005-06.

This document includes:

- A transmittal letter providing an overview of the FY 2005-06 budget, including a statement of assumptions used by staff to prepare the budget as well as a discussion of significant changes from the previous fiscal year;
- An itemization of recommended appropriations and revenue estimates for the upcoming fiscal year by fund, account and program;
- Recommended funding levels for the Town's capital improvement program;
- A host of supplementary information, such as a comparative analysis of current and prior year staffing levels, general fund balance, real property assessments and apportionments; and

- An intermediate-range financial plan illustrating the anticipated revenues, expenditures and general fund balance for the years ended June 30, 2005 through 2010.

During the regularly scheduled Council meeting of June 15, 2005, staff is prepared to respond to questions from the Council or from the public relevant to the proposed FY 2005-06 operating and capital budget.

Upon closure of the public hearing, staff recommends adoption of the resolution as presented or as modified pursuant to any changes in the budget that the Council wishes to be made.

FISCAL IMPACT:

The fiscal impact of staff's recommendation is documented within the proposed FY 2005-06 Budget.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

Attachment: Resolution

RESOLUTION NO. 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON ADOPTING THE FISCAL YEAR 2005-2006
OPERATING AND CAPITAL BUDGET**

WHEREAS, the City Council of the Town of Atherton set June 15, 2005, at the Town of Atherton City Council Chambers, 94 Ashfield Road, Atherton, California, as the time and place for the public hearing on the adoption of the Fiscal Year 2005-2006 Operating and Capital Budget; and

WHEREAS, notice of said hearing was duly given by posting the time and place of said hearing at designated places in accordance with Chapter 2.08 of the Municipal Code of the Town of Atherton; and

WHEREAS, said Council held a public hearing on the Proposed Fiscal Year 2005-2006 Operating and Capital Budget on June 15, 2005; and

WHEREAS, it appears to be in the best interest of the citizens of the Town of Atherton that the Fiscal Year 2005-2006 Operating and Capital Budget be adopted in the format set forth in Exhibit A, attached hereto, and by reference incorporated herein; and

WHEREAS, the budget was made available for public view at the Town Hall, 91 Ashfield Road, Atherton, California, and the Town Library, 2 Dinkelspiel Station Lane, Atherton, California.

NOW THEREFORE, BE IT RESOLVED, that the Fiscal Year 2005-2006 Operating and Capital Budget totaling \$15,043,523, which includes the General Fund Operating Budget and Reserves of \$8,701,011, Other funds' operating budgets of \$1,512,018, and the capital budget of \$4,830,494 as set forth in Exhibit A, attached hereto and by reference incorporated herein, be adopted for Fiscal Year 2005-2006.

BE IT FURTHER RESOLVED, that the City Clerk of the Town of Atherton is hereby directed to forward a copy of said approved and adopted budget to the County Controller of San Mateo County for filing pursuant to Government Code Section 53901.

* * * * *

I hereby certify that the foregoing resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 15th day of June 2005, by the following vote:

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

William R Conwell, Mayor
Town of Atherton

ATTEST:

Linda Kelly, Acting City Clerk

Approved as to Form:

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

EXHIBIT “A”

THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: That an Appropriation-Expenditure Budgeting System entitled Expenditure Control Budget (ECB) is hereby adopted. The system consists of:

- **Present Personnel Policies, Procedures, and Memorandum of Understanding, including salary schedules and benefits, except as hereinafter changed by resolution or ordinance of the City Council.**
- **The Expenditure Control Budget will show overall General Fund and other funds and/or departments.**
- **This system will apply to Operating and Capital Budget Expenditures as intended for use in Fiscal Year 2005-2006.**
- **All encumbered expenditures from the Fiscal Year 2004-2005 Adopted Budget shall be carried forward and re-appropriated in Fiscal Year 2005-2006. Any unencumbered expenditures to be re-appropriated in Fiscal Year 2005-2006 must be initiated by the Department Heads, recommended by the Finance Director, and approved by the City Manager.**
- **Capital Project Commitments: Capital projects for which funds are appropriated in the budget year shall have those funds restricted for use for that project. Such appropriations will continue to be valid in subsequent fiscal years until the project is completed or the Council takes subsequent action to de-appropriate all or part of the funds originally restricted. If a capital project requires an additional appropriation in excess of 5% of its budget, then City Council approval shall be required.**
- **General Fund Balance: The General Fund will maintain a Reserved Balance of \$ 3.7 million to maintain the City’s credit worthiness, and to adequately provide for economic uncertainties, cash flow needs, contingencies, or local disasters.**
- **The City Manager is authorized to make any transfers of Operating Budget appropriation balances between departments and/or programs whenever he deems it necessary to do so in order to carry out the service level objectives and work programs established by the City Council. The City Council will be promptly advised of transfer of operating budget appropriations.**
- **This budget system assumes existing service levels; Council approval will be required for any significant changes involving increased or decreased service levels.**
- **The Department of Finance shall be responsible for constant monitoring of the budget and shall establish and implement appropriate control mechanisms necessary for said purpose after consultation with city staff, and approval by the City Manager.**

- **A monthly financial report shall be prepared by the Finance Director for each department and/or program and/or capital project. Each Department Head shall be accountable for achieving results of his/her organization unit based upon the objectives set for each department by the City Manager and City Council, and shall be evaluated as to their performance in an annual performance appraisal conducted by the City Manager each year.**
- **Deflator: A deflator procedure, to be administered by the City Manager, is hereby established for reducing appropriations in the event that projected revenues are reduced due to a reduction in the State subventions or other revenues that may fluctuate downward due to changes in economic conditions. For the 2004-2005 Fiscal Year, if total revenues, as estimated by the City Manager are insufficient, the amount of total Operating Budget appropriations shall be reduced as determined by the City Manager, based on his assessment of total Town needs and consultation with the City Council; no deferral of capital projects will be implemented until discussed with the City Council and staff at a duly called public meeting.**

Section 2: The FY 2005-2006 General Fund Operating Budget Programs are hereby adopted, establishing the following projected General Fund Revenue and General Fund Expenditures:

**FY 2005-2006 GENERAL FUND REVENUE ESTIMATES &
EXPENDITURE BUDGET**

General Fund Revenues:

Property Tax	\$ 3,651,651
Other Tax	956,760
Licenses and Permits	1,839,879
Fines and Forfeitures	35,000
From Other Agencies	303,166
Current Service Charges	336,208
Investment and Rental Income	291,633
Other Revenues	5,000

Sub-total Revenues: 7,419,297

Transfers and Carry-over:

Carry-over from 2003-2004 Surplus	717,356
Capital Projects Direct Charge	150,000
Transfer from Parcel Tax	799,000
Transfer from Gas Tax and Road Impact	352,161

Sub-total Transfers and Carryovers: 2,018,517

Total Revenues and Transfers: \$ 9,437,814

General Fund Expenditures:

City Council	\$ 20,535
City Manager	475,598
City Attorney	180,255
Finance Dept.	460,667
Building Dept.	1,042,371
Police Dept.	4,521,000
Public Works Dept.	1,900,584
Contingency	100,000

Total Expenditures: \$ 8,701,011

Section 3: FY 2005-2006 all Funds Operating and Capital Budgets are hereby adopted, establishing the following revenue estimates and expenditure budgets:

Revenues & Other Resources:

GENERAL FUND	\$	9,437,814
SPECIAL REVENUE FUNDS		
Transportation Fund		180,000
Parcel Tax Fund		1,858,000
Gas Tax Fund		172,376
Road Construction Impact Fees Fund		1,158,328
State COPS Fund		100,000
Tennis Program Fund		7,000
State Park Grant Fund		197,399
Library Special Revenue Fund		200,000
CAPITAL PROJECT FUNDS		
Capital Improvement Fund		-
Storm Drainage Fund		-
Channel Drainage District Fund		50,665
Middlefield Road Grants Fund		-
Facilities Construction Fund		-
INTERNAL SERVICES FUND		
Information Technology Fund		101,621
Administrative Services Fund		294,389
Workers Comp Insurance Fund		-
Vehicle Replacement Fund		97,980
TRUST & AGENCY FUND		
Evans Estate Fund (Art Committee)		13,200
Total Revenue & Other Resources:	\$	13,868,773

Expenditures & Other Uses:

GENERAL FUND	\$	8,701,011
SPECIAL REVENUE FUNDS		
Parcel Tax Fund		2,631,077
Transportation Fund		323,420
Gas Tax Fund		150,000
Road Construction Impact Fees Fund		1,598,671
State COPS Grant		100,000
State Park Grant Fund		196,736
Tennis Program Fund		25,013
Library Special Revenue		71,044
CAPITAL PROJECT FUNDS		
Storm Drainage Fund		21,394
Channel Drainage District Fund		425,300
Park Playground Fund		-
Facilities Construction Fund		-
Capital Improvement		282,896
INTERNAL SERVICES FUND		
Information Technology Fund		112,622
Administrative Services Fund		317,140
Workers Comp Insurance Fund		-
Vehicle Replacement Fund		76,000
TRUST AGENCY FUND		
Evans Estate Fund (Art Committee)		11,200
Total Expenditures & Other Uses:	\$	15,043,523



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 SPECIAL MEETING OF JUNE 15, 2005

**SUBJECT: ADOPTION OF A RESOLUTION APPROVING THE FY 2005-06
APPROPRIATIONS LIMIT AND SUPPORTING CALCULATIONS**

RECOMMENDATION:

Adopt a resolution approving the FY 2005-06 appropriations limit and supporting calculations.

DISCUSSION

Pursuant to Article XIII B of the California Constitution, the Town of Atherton is required to adopt a resolution that:

- Establishes the appropriations limit at the beginning of each fiscal year; and
- Documents the procedures used to arrive at said limit.

Accompanying this staff report is the recommended appropriations limit and supporting schedules.

Should the City Council choose to make any changes to the recommended budget, the appropriations limit resolution and supporting schedules will be modified accordingly.

As indicated in Attachment II to the appropriations limit resolution, the FY 2005-06 appropriations limit will amount to \$8,779,022. The appropriations limit therefore exceeds the \$5,083,573 of appropriations subject to the appropriations limit by \$3,695,449.

FISCAL IMPACT:

While the adoption of an appropriations limit resolution is required by the California Constitution, there is no direct fiscal impact from implementation of staff's recommendation.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

Attachment: Appropriations Limit Resolution and supporting calculations

RESOLUTION NO. 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
APPROVING APPROPRIATIONS LIMIT AND CALCULATIONS FOR
FISCAL YEAR 2005-2006**

WHEREAS, the Finance Director has calculated the fiscal year 2005/2006 appropriations limit for the Town of Atherton in accordance with applicable State law; and

WHEREAS, the San Mateo County annual percentage change in population is .22% and the per capita personal income percentage change from calendar year 2004 to 2005 is 5.56% (noting that population and personal income data is supplied by the California Department of Finance).

WHEREAS, the Finance Director has recommended approval of said limit at \$8,779,022 and its calculations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby approve the appropriations limit of \$8,779,022 and its calculations as set forth in Attachment 1 through 3, the copies of which are attached hereto.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 15 th day of June, 2005, by the following vote:

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

William R. Conwell, Mayor

ATTEST:

Linda Kelly, Acting City Clerk

APPROVED AS TO FORM:

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

ATTACHMENT I

TOWN OF ATHERTON
 GANN LIMIT COMPUTATION
 SUMMARY
 FY 2005-06

	<u>BUILDING/ENG.</u>	<u>PARKS</u>	<u>OTHER</u>	<u>POLICE</u>	<u>TOTAL</u>
A. COSTS REASONABLY BORNE	1,286,895	456,404	2,795,398	4,471,000	9,009,698
B. FEES	<u>1,470,379</u>	<u>232,600</u>	<u>6,200</u>	<u>2,600</u>	<u>1,711,779</u>
C. FEES OVER(UNDER) COSTS	183,484	(223,804)	(2,789,198)	(4,468,400)	(7,297,919)
D. TRANSFER TO RESERVE	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
E. AMOUNT TO TAX PROCEEDS	<u>183,484</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>183,484</u>
PROCEEDS OF TAXES	4,900,122				
AMOUNT TO TAX PROCEEDS	<u>183,484</u>				
TOTAL PROCEEDS OF TAXES	5,083,606				
APPROPRIATION LIMIT	<u>8,779,022</u>				
AMOUNT OVER / (UNDER) LIMIT	<u>(3,695,416)</u>				

ATTACHMENT II

TOWN OF ATHERTON
CALCULATION OF APPROPRIATION LIMIT
2005-06

2004-05 Base Appropriations Limit			\$	5,691,966
County Population Change	0.22	1.0022		
Per Capita Personal Income	5.26	1.0526		
Calculation Factor		1.0549		
Annual Adjustment Increase				300,056
Parcel Tax Adjustment				2,787,000
Total Adjustments				3,087,056
2005-06 Appropriations Limit			\$	8,779,022

**TOWN OF ATHERTON
CALCULATION OF PROCEEDS OF TAXES
FY 2004-05**

ATTACHMENT III

	<u>PROCEEDS OF TAXES</u>	<u>NON-PROCEEDS OF TAXES</u>	<u>USER FEES</u>	<u>TOTAL</u>
<u>10 PROPERTY TAXES</u>				
- SECURED	3,208,784			3,208,784
- UNSECURED	307,726			307,726
- SB813 SUPPLEMENTAL	100,000			100,000
- HOPTR	35,141			35,141
- OTHER	0			0
<u>011 OTHER TAXES</u>				
- FRANCHISE - PG&E		137,700		137,700
- FRANCHISE - CAL WATER		52,020		52,020
- FRANCHISE - BFI		160,000		160,000
- FRANCHISE - CABLE TV & OTHER		53,040		53,040
- SALES & USE TAXES	68,250			68,250
- PUBLIC SAFETY SALES TAX		57,750		57,750
- REAL PROPERTY TRANSFER	162,500			162,500
<u>0330 LICENSES AND PERMITS</u>				
- BUSINESS LICENSES	412,000			412,000
- HOME OCCUPATIONS	1,500			1,500
- BUILDING PERMITS			1,324,579	1,324,579
- ENCROACHMENT PERMITS			100,000	100,000
- OTHER LICENSES & PERMITS			1,800	1,800
<u>0340 FINES AND FORFEITURES</u>				
- VEHICLE CODE FINES		25,000		25,000
- OTHER FINES AND FORFEITURES		10,000		10,000
<u>0350 USE OF MONEY AND PROPERTY</u>				
- INTEREST-GENERAL FUND		220,000		220,000
- INTEREST-TRAFFIC SAFETY				0
- PARKING REVENUE		0		0
- PROPERTY RENTAL - PLAY SCHOOL		35,158		35,158
- PROPERTY RENTAL - CELLULAR ONE		36,475		36,475
- OTHER		0		0
<u>0353 HOLBROOK-PALMER PARK</u>				
- SOCIAL FEES			136,800	136,800
- MEETING FEES			72,000	72,000
- FOOD SERVICE			0	0
- SUPERVISORY FEES			16,800	16,800
- LIABILITY INSURANCE FEE			0	0
- EQUIPMENT RENTAL			0	0
- CLASS FEES			0	0
- TENNIS CLASSES			0	0
- FOUNDATION REIMBURSEMENT		0	0	0
<u>0360 REVENUE FROM OTHER AGENCIES</u>				
- MOTOR VEHICLE LICENSE FEE	264,000			264,000
- OFF HIGHWAY MVLF	1,500			1,500



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 JUNE 15, 2005

SUBJECT: ADOPTION OF A RESOLUTION TO LEVY SPECIAL PARCEL TAX

RECOMMENDATION:

Adopt a Resolution establishing a Special Tax for Municipal Services for Fiscal Year 2005-06.

DISCUSSION:

On June 7, 2005, the residents of Atherton approved Measure W establishing a special municipal tax. Fiscal Year 2005-06 will be the first year in which the five-year special municipal tax will be in effect.

The FY 2005-06 Budget recommended for Council approval on June 15, 2005, includes an estimate of parcel tax revenue in the amount of \$1,858,000. The recommended parcel tax levy is unchanged from the levy adopted in FY 2004-05.

The FY 2005-06 recommended budget documents how the staff recommends the proceeds of the parcel tax levy be expended. In summary, \$799,000, or 43%, of the proposed levy will be expended upon operations while the remaining \$1,059,000, or 57 %, of the proposed levy will be used to defray the direct and indirect costs of certain improvements to the Town's roads and drainage systems.

If the Council adopts the attached resolution, the tax will be collected for the Town of Atherton by San Mateo County as part of the regular property tax bill due and payable in December 2005 and April 2006. The taxes for each parcel classification are listed on Exhibit A of the resolution.

FISCAL IMPACT:

Should the Council approve the tax levy as is proposed in the attached Ordinance No. 555, the Special Municipal Tax will generate an estimated \$1,858,000, of which \$799,000 would go to the General Fund and the remainder would be expended upon capital improvements to the Town of Atherton's roads and drainage systems.

Prepared by:

Approved by:

John P. Johns, CPA
Finance Director

James H. Robinson
City Manager

Attachments: Resolution
Ordinance No. 555

RESOLUTION 05-__

**A RESOLUTION OF THE TOWN OF ATHERTON
ESTABLISHING A SPECIAL TAX FOR MUNICIPAL SERVICES
FOR THE FISCAL YEAR 2005-2006**

WHEREAS, there is Ordinance No. 555 of the Town of Atherton authorizing the City Council to establish a Special Tax Levy on all properties with the Town of Atherton; and

WHEREAS, such Special Tax must be utilized to finance the cost of municipal services during the year as authorized; and

WHEREAS, such Special Tax was approved by at least two-thirds of the voters voting in the June 7, 2005, Special Tax Election, at which time Ordinance No. 555 was presented to the electorate; and

WHEREAS, the City Council has held all public hearings, and made deliberations and findings of fact, as required by Ordinance 555.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton hereby levies a Special Tax for municipal services in accordance with the tax rates attached and shown as Exhibit "A".

BE IT FURTHER RESOLVED that such tax shall be collected by the Tax Collector of the County of San Mateo in accordance with standard procedures and agreement between the Town of Atherton and the County of San Mateo, providing for such collection.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 15th day of June, 2005, by the following vote:

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

William B. Conwell, Mayor
TOWN OF ATHERTON

ATTEST:

Linda Kelly
Acting City Clerk

APPROVED AS TO FORM:

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

EXHIBIT “A”

**2005-2006 SPECIAL TAX RATE
FOR MUNICIPAL SERVICES**

Within the 2005-2006 annual budget is a revenue estimate of \$1,858,000 to be derived from the Special Municipal Tax as authorized by Ordinance 555 of the Town of Atherton.

This amount will be raised by the levy of the following tax rates for each of the categories listed below:

	<u>Category</u>	<u>Rate</u>
1.	For each dwelling on parcel with an area of less than 1/4 acre.	\$450
2.	For each unimproved parcel with an area of less than 1/4 acre.	225
3.	For each dwelling on parcel with an area of 1/4 acre but less than 1/2 acre.	570
4.	For each unimproved parcel with an area of 1/4 acre but less than 1/2 acre.	285
5.	For a dwelling on parcel with an area of 1/2 acre but less than 2 acres.	750
6.	For each unimproved parcel with an area of 1/2 acre but less than 2 acres.	375
7.	For each dwelling on parcel with an area of 2 acres or more.	960
8.	For each unimproved parcel with an area of 2 acres or more.	480
9.	For each private club.	10,000
10.	For each parcel available for tax owned by a utility which serves Atherton area.	450
11.	For each parcel available for tax owned by a utility which does not directly serve the Atherton community.	750

The records of the San Mateo County Assessor, as of each year, shall determine whether or not any particular lot is unimproved for purposes of this ordinance.

ORDINANCE NO. 555

**AN ORDINANCE OF THE TOWN OF ATHERTON
CALLING AN ELECTION TO SUBMIT TO THE VOTERS AN ORDINANCE
AUTHORIZING THE RENEWAL OF A SPECIAL TAX FOR MUNICIPAL SERVICES
AND CAPITAL IMPROVEMENTS, FOR THE EXPENDITURE OF FUNDS
DERIVED FROM SUCH TAX**

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

SECTION 1. ELECTION CALLED. The City Council of the Town of Atherton submits the following ordinance to the voters of the Town of Atherton at a Special Election to be held on Tuesday, June 7, 2005.

SECTION 2. FULL TEXT OF MEASURE. The complete text of the proposed ordinance shall be:

**“AN ORDINANCE OF THE TOWN OF ATHERTON
AUTHORIZING THE RENEWAL OF A SPECIAL TAX FOR
MUNICIPAL SERVICES AND CAPITAL IMPROVEMENTS AND FOR THE
EXPENDITURE OF FUNDS DERIVED FROM SUCH TAX**

The people of the Town of Atherton do ordain as follows:

SECTION 1. **AUTHORITY TO ADOPT MEASURE.** This ordinance and the tax authorized herein are adopted pursuant to the provisions of the California Constitution, Articles XIII A §4, XIII B §4 and XIII C §2, and pursuant to Sections 50075, 50076, 50077 and 53722 et. seq. of the California Government Code.

SECTION 2. **AUTHORIZATION TO LEVY SPECIAL TAX.** If, in any fiscal year commencing on or after July 1, 2005, the City Council shall determine that municipal services such as police protection, street repair and maintenance, drainage facility repair and maintenance are necessary for the public good, welfare, and safety, and that the cost of providing such services will exceed the amount of funds generated through other revenue and income which are counted under the limit of the Town for such services calculated in accordance with the provisions of Article XIII B of the California Constitution, as provided for in the adopted budget, and/or if capital improvements are required, the cost of which exceeds the amount of funds generated through other revenues and receipts, and/or if amounts should be required to augment operational and capital needs of the Town, then it may levy a special tax for such fiscal year on each parcel of property within the Town in the manner provided herein. This special tax shall be in addition to the annual tax rate allowed by law.

SECTION 3. **DETERMINATION OF AMOUNT TO BE RAISED.** Each year following adoption of the Town's annual budget, the City Council will determine the total amount of expenditures necessary to provide adequate levels of municipal services and capital improvements and deduct therefrom the projected revenue to be gathered from sources other than this special tax. The difference, if any, shall be the maximum amount of funds to be derived from the tax authorized by this ordinance for such year.

SECTION 4. MAXIMUM TAX RATE/METHOD OF ASSESSMENT. After determining the amount of tax to be raised under Section 3, the City Council shall apportion said amount among the parcels of real property within the Town not exempted by law as follows:

		MAXIMUM TAX IN GIVEN YEAR				
		2005-06	2006-07	2007-08	2008-09	2009-10
1.	For each dwelling on a parcel with an area of less than 1/4 acre:	450	450	450	450	450
2.	For each unimproved parcel with an area of less than 1/4 acre:	225	225	225	225	225
3.	For each dwelling on a parcel with an area of 1/4 acre or more, but less than 1/2 acre:	570	570	570	570	570
4.	For each unimproved parcel with an area of 1/4 acre or more, but less than 1/2 acre:	285	285	285	285	285
5.	For each dwelling on a parcel with an area of 1/2 acre or more, but less than 2 acres:	750	750	750	750	750
6.	For each unimproved parcel with an area of 1/2 acre or more, but less than 2 acres:	375	375	375	375	375
7.	For each dwelling on a parcel with an area of 2 acres or more:	960	960	960	960	960
8.	For each unimproved parcel with an area of 2 acres or more:	480	480	480	480	480
9.	For each private club:	10,000	10,000	10,000	10,000	10,000
10.	For each parcel available for tax owned by a utility which serves the Atherton community:	450	450	450	450	450
11.	For each parcel available for tax owned by a utility which does not directly serve the Atherton community:	750	750	750	750	750

The records of the San Mateo County Assessor, as of each year, shall determine whether or not any particular lot is unimproved for purposes of this ordinance.

SECTION 5. HEARING, TAX LIEN AND INCLUSION IN CITY TAXES. Prior to levying a special tax under this ordinance in any fiscal year, the City Council shall conduct a public hearing on the proposed tax. Such hearing shall be conducted after the City Council has adopted an annual budget for that year. Notice of such hearing shall be posted in at least three public places within the Town of Atherton at least fifteen days prior to the hearing. All of the information and material which the City Council intends to consider at such hearing and the amount of tax to be raised shall be made available to the public by being on file in the office of the City Clerk for at least fifteen days prior to said hearing. Following said hearing, the City Council may adopt a resolution fixing the amount of tax to be raised which shall not exceed the amount contained in the material on file in the Clerk's office. Any tax levied under this ordinance shall become a lien upon the properties against which it is assessed and collectible in the manner provided by applicable law and by the levying resolution.

SECTION 6. COLLECTION. The City Council may elect to have any special tax authorized under this Chapter either collected by the Town or, in the alternative, by the Tax Collector of San Mateo County. If the services of the Tax Collector of the County of San Mateo are elected, the special tax may only be included on the annual tax bill sent out by such Tax Collector. A certified copy of the resolution electing to use the service of the Tax Collector of San Mateo County shall be filed with said Tax Collector prior to September 1st of the fiscal year for which the tax is assessed and shall include a list of all parcels of real property to be taxed and the amount of each parcel.

SECTION 7. INCREASE APPROPRIATIONS LIMIT. Pursuant to California Constitution Article XIII B, the appropriations limit for the Town of Atherton will be increased by one and one-half times the aggregate sum authorized to be levied as a special tax in each of the years covered by this ordinance.

SECTION 8. FUNDING AND EXPENDING PROCEEDS. Proceeds of any tax levied under this ordinance shall be deposited in a Special Fund and expended only for the purposes stated in this ordinance.

SECTION 9. UNEXPENDED RESIDUE. In accordance with Section 2(b) of Article XIII B of the California Constitution, all revenues received by the Town in a fiscal year and the fiscal year immediately following it in excess of the amount which may be appropriated by the Town in compliance with Article XIII B during that fiscal year and the fiscal year immediately following it shall be returned by a revision of tax rates or fee schedules within the next two subsequent fiscal years.

SECTION 10. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable.

SECTION 11. DURATION AMENDMENT OR REPEAL. The authorization to levy a tax under this ordinance shall commence with the Fiscal Year 2005-2006, beginning July 1, 2005 and shall continue through and including June 30, 2010. This ordinance or any provision thereof may only be amended or repealed by approval of two-thirds of the voters voting on the proposition at any initiative or referendum election.

This ordinance shall be adopted if approved as an initiative measure by two-thirds of the voters voting at a Special Election to be held on Tuesday, June 7, 2005, and go into effect ten (10) days after the City Council has, by resolution, declared that such initiative measure was approved by two-thirds of the voters voting thereon.”

SECTION 3. CONDENSED STATEMENT OF MEASURE. The manner in which the proposed measure shall appear on the ballot shall be:

“Shall an ordinance renewing the current Town of Atherton Parcel Tax which provides funding for Town general purposes such as, but not limited to, police and public safety services and capital improvement projects be adopted?”

Yes _____ No _____

SECTION 4. PUBLICATION. This ordinance shall be posted in at least three public places within the Town of Atherton, and shall become effective immediately upon its passage and approval. The City Clerk is authorized and directed to give notice of election in accordance with Chapter 2 (commencing with section 12100) of Division 12 of the California Elections Code.

SECTION 5. CONSOLIDATION. Due to the economics involved, the public interest would best be served by consolidating such Special Election with any other elections to be held on Tuesday, June 7, 2005 and by contracting with the County of San Mateo for election services. The Town of Atherton does hereby request the Board of Supervisors of the County of San Mateo to consolidate said Special Election with any other election to be held on June 7, 2005. The City Manager is hereby authorized and directed to enter into a contract with the Chief Elections Official of the County of San Mateo for the purpose of providing election services in connection with said Special Election.

SECTION 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision or application, and to this end the provisions of the ordinance are declared to be severable.

SECTION 7. EFFECTIVE DATE. This ordinance calling an election shall become effective immediately upon its adoption by the City Council of the Town of Atherton.

* * * * *

I hereby certify that the foregoing ordinance was adopted at a regular meeting of the City Council of the Town of Atherton held on February 16, 2005, by the following roll call vote:

AYES: Councilmembers: Janz, Marsala, Carlson, Conwell, McKeithen
NOES: Councilmembers: None
ABSTAIN: Councilmembers: None
ABSENT: Councilmembers: None

/s/ William R. Conwell

William R. Conwell, Mayor
Town of Atherton

ATTEST:

/s/ Linda Kelly

Linda Kelly, Acting City Clerk

APPROVED AS TO FORM:

/s/ Marc G. Hynes

Marc G. Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: KATHY HUGHES ANDERSON, TOWN ARBORIST

DATE: FOR THE MEETING OF JUNE 15, 2005

SUBJECT: LANDSCAPE SCREENING FOR 77 FLOOD CIRCLE

INTRODUCTION:

At the May 18, 2005, City Council meeting, staff was directed to report back to the City Council regarding the landscape plans for the Jarve project located at 77 Flood Circle in Lindenwood. The request was made following comments made to the City Council during Public Comments from the neighbor, Gertrude Blue, 87 Flood Circle.

ANALYSIS:

The landscape designer for the 77 Flood Circle property, Susan Edwards Ogle, has provided me with copies of the proposed plan for your review. Susan has met with Mrs. Blue on several occasions and is well aware of her concerns and the impact of the new home on her property. I have also met with Gertrude and am very empathetic to her concerns regarding the impact on privacy to the pool and patio area from the new home.

The landscape screening plan was submitted to the Town on May 13, 2005. Susan and I met with Mrs. Blue on May 27, 2005. At that meeting, Susan suggested we add a third tree in the area of concern between the new house and the neighbor's property. (New tree is shown on the plan you have.) The proposed *Pittosporum undulatum* trees called for on the plan are shown as 36" box size. I have asked that these be changed to 48" box size. They are agreeable to this change depending on availability. The proposed hedge material, *Ilex x altaclerensis 'Wilsonii,'* will be 24" box size.

Susan was also able to assure Mrs. Blue that the planting proposed to screen the new guest cottage will be planted prior to the start of construction of that building. The plans for the guest cottage have not yet been submitted to the Town for approval. Susan is currently contacting her sources for the plant material in the largest sizes available. The plant material for screening the guest cottage will be a minimum 24" box size installed prior to the start of construction.

I know Mrs. Blue would like to see the plant material for screening the main house installed sooner rather than later; but, logistically for the Jarves, it is not feasible. The plantings will be installed in an area which is now the flag lot driveway, which cannot be removed until it is not needed for access to the rear of the property for construction. The contractor projects that he will be able to remove the existing driveway in the summer of 2006. The new planting should go in by late summer/early fall. They are hoping to have all construction completed by November 2006.

It was also suggested by the contractor that a temporary fabric screen could be installed to shield the house under construction from the Blue's pool area as a temporary measure during the summer when the pool is more frequently used.

CONCLUSION

Chapter 17.50.070 of the Atherton Municipal Code states that "Plantings shall be sized to adequately screen the proposed structure within a period of five years from the date of issuance of a building permit." The permit for the main house at 77 Flood Circle was issued on October 6, 2004. I feel confident that if the new 48" box trees are installed by the fall of 2006, that we will have adequate screening by the October 2009 five-year date.

Staff will continue to work with both parties involved to come to an amicable solution to the landscape screening issues. It is in the Jarve's best interest to provide adequate screening, and they have demonstrated a willingness to work with the neighbor and the Town to ensure that the provisions of the landscape screening ordinance are met.

Prepared by:

Approved by:

Kathy Hughes Anderson
Town Arborist

James H. Robinson
City Manager

Attachments: Landscape Screening Plan prepared by Susan Edwards Ogle



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 CITY COUNCIL MEETING OF JUNE 15, 2005

**SUBJECT: APPROVAL OF MEMBERSHIP IN THE PENINSULA TRAFFIC
CONGESTION RELIEF ALLIANCE**

RECOMMENDATION:

Approve the First Amendment and Restatement of Joint Powers Agreement Establishing the Peninsula Traffic Congestion Relief Alliance; adopt the Resolution approving the agreement; and appoint a Council Member to serve on the Alliance Board and an alternate.

BACKGROUND:

At the regular meeting of January 19, 2005, Christine Maley-Grubl, Executive Director of the Peninsula Traffic Congestion Relief Alliance ("Alliance"), spoke to the City Council regarding the Alliance's activities and requested that the Town consider joining the organization. The Alliance is funded through C/CAG and the Transportation Authority. Its mission is to reduce the number of single-occupancy vehicles traveling through the County and to improve air quality, and 90% of their programming is aimed at employers. According to Ms. Maley-Grubl, there would be no cost to the Town as a result of joining the Alliance.

The issue of membership in the Alliance was placed on the February 16, 2005 agenda. The City Council then voted to join the organization, and the Joint Powers Agreement, which was under revision, was to be brought back to the Council for approval. The JPA has now been revised and is being presented for City Council consideration, along with a resolution of approval.

As further background, the Alliance was established in 2000 to assist the public and private sectors with reducing traffic congestion and air pollution. The Alliance was created through a Joint Powers Agreement between fifteen cities in the County of San Mateo.

The following information was provided by the Alliance to explain the amendment and restated JPA:

- The County of San Mateo and the Town of Atherton, neither of which are currently parties to the JPA, have stated their intention to join the Alliance. The cities of Hillsborough and Woodside may also decide to join. The JPA is being amended to provide for the addition of these new members.
- The JPA is also being amended to increase the flexibility of the committee structure. Specifically, previous sections establishing a Supervisory Committee and an Advisory Council have been deleted and replaced with one provision that broadly addresses "Committees." This change gives the Board discretion to establish committees as it deems necessary and desirable to assist the Alliance in carrying out its organizational purposes, and to designate the purpose and composition of any standing committees in the Bylaws. Finally, the addition of new members and more flexible approach to committees requires a number of other minor housekeeping changes to the JPA, such as changing references from "city" and "cities" to "party" and "parties" and deleting references to the Supervisory Committee.

Each agency which is part of the Alliance is to appoint one Council Member to serve on the Board as well as one member to serve as an alternate. The City Council is being requested to designate one of its members to the Board and an alternate at this time. The Board of Directors meeting schedule is attached for your information. Meetings are held every other month, generally the third Thursday of the month, at 8:00 a.m.

Ms. Maley-Grubl has indicated that she will be in attendance at the Council meeting and available to answer questions.

Prepared by:

Approved by:

Linda Kelly
Asstant to the City Manager/
Acting City Clerk

James H. Robinson
City Manager

Attachments: Resolution
Joint Powers Agreement
FY 2005-06 Meeting Schedule

**FIRST AMENDMENT TO AND RESTATEMENT OF
JOINT POWERS AGREEMENT ESTABLISHING THE
PENINSULA TRAFFIC CONGESTION RELIEF ALLIANCE**

THIS AGREEMENT by and among the cities and the County of San Mateo who become signatories to this agreement (hereinafter referred to as “Party” in the singular and “Parties” collectively, as the content requires) is made and entered into as of the _____ day of _____, 2005 and in light of the following recitals:

- A. The Parties have authority to undertake transportation demand management activities in their respective communities and desire to establish the Peninsula Traffic Congestion Relief Alliance under which the parties will work together to reduce the number of single occupant vehicles traveling on streets and highways in San Mateo County.
- B. The Parties are authorized to contract with each other for the joint exercise of any common power pursuant to Government Code Sections 6500 *et seq.*
- C. The Parties desire to establish the Peninsula Traffic Congestion Relief Alliance as a joint powers authority in accordance with the terms and conditions outlined in this Agreement.

NOW, THEREFORE, the Parties, in consideration of the mutual promises and agreements contained herein, agree as follows:

1. **Purpose:**

The Parties enter into this Agreement for the sole purpose of establishing and operating the Peninsula Traffic Congestion Relief Alliance (“Alliance”) to reduce traffic congestion and air pollution through Transportation Demand Management (TDM) programs, services and subsidies and other related consultation services, designed to reduce the number of single occupant vehicles traveling on streets and highways in San Mateo County. The activities of the Alliance also may assist Parties in meeting what is called “TSM” obligations for receipt of Measure A sales tax funds.

2. **Definitions:**

- (a) “Employer” shall mean any public or private employer or group thereof, including a city or the County, who has a permanent place of business in the County of San Mateo.
- (b) “Party” or “Parties” shall mean a member of the Peninsula Traffic Congestion Relief Alliance and a party signator to this Agreement establishing the Alliance.

(c) “TDM or Transportation Demand Management” shall mean a program or activity to improve the efficiency of the existing transportation system by increasing the use of alternative modes of transportation such as carpools, vanpools, public transit, bicycles, walking and telecommuting.

3. **Establishment of Alliance:** The Parties hereby create an entity to be known as the Peninsula Traffic Congestion Relief Alliance to exercise in the manner set forth in this Agreement the specified powers common to each of the Parties. The Alliance shall be a public entity that is separate from the Parties and shall be responsible for the administration of this Agreement. Except as provided herein, the debts, liabilities, and/or obligations of the Alliance shall be the debts, liabilities, and/or obligations solely of the Alliance and shall not be the debts, liabilities, and/or obligations of any Party to this Agreement.
4. **Term:** This Agreement shall be effective on the date by which any nine Parties have executed it and shall continue in effect until terminated as provided herein.
5. **Powers of the Alliance:** The Alliance shall have the powers and duties:
 - (a) To make and enter into contracts;
 - (b) To incur debts, liabilities or obligations;
 - (c) To solicit, receive, and use grants, advances and contributions from all available sources, public or private, including federal, state and local subventions;
 - (d) To adopt bylaws;
 - (e) To employ employees or agents or contract for the services of agents, employees, consultants and such other persons or firms as it deems necessary;
 - (f) To sue and be sued in its own name;
 - (g) To invest any surplus funds not required for the immediate necessities of the Alliance as the Governing Board determines is advisable, in the same manner and upon the same conditions as local agencies pursuant to Government Code Section 53601;
 - (h) To enforce all provisions of this Agreement;
 - (i) To negotiate for, acquire, hold, manage, maintain, control or dispose of real and personal property;

- (j) To levy and collect fees and charges, including administrative and operating costs, to third parties who receive the benefit of services from the Alliance; and
- (k) To do all other acts deemed necessary or convenient to achieve the purposes and objectives of the Alliance.

6. **Governing Board:** There is hereby created a Governing Board (also referred to as “Board”) to govern the Alliance. Each Party shall appoint one Councilmember or, in the case of the County, one member of the Board of Supervisors, to serve on the Governing Board and another Councilmember, or Supervisor in the case of the County, to serve as an alternate, with each continuing in such capacity until replaced. The Governing Board shall elect one of its members to serve as Chairperson. The Board shall meet as needed, but at least one time a year. Meetings shall be held in San Mateo County at a place to be designated. Each member of the Board shall have one vote.

The Governing Board shall be responsible for establishing the policy direction of the Alliance. On an annual basis, the Board shall adopt a work plan and budget for programs, services and subsidies that support the Alliance’s purposes. The Governing Board may from time to time give public recognition to Employers and other participants for notable efforts and achievements with respect to TDM programs. The Board shall exercise all powers and authority on behalf of the parties and may do any and all things necessary to carry out this Agreement.

7. **Committees:** The Governing Board shall establish such committees, either standing or ad hoc, as it deems necessary and appropriate to assist the Alliance in carrying out the purposes of this Agreement. The establishment of standing committees, as well as their composition, method of appointment, role and purpose, shall be designated in the Bylaws of the Alliance as adopted by the Governing Board.
8. **Budget:** The Executive Director annually shall prepare a budget for the Alliance setting forth anticipated expenses, financing sources and proposed service levels and programs necessary to carry out the purposes of this Agreement. The Executive Director shall recommend the budget to the Governing Board for approval after reviewing same with any committee the Governing Board may establish and designate for this purpose. In the event the budget contemplates revenue in the form of monetary contributions from the parties, the budget shall be submitted to each Party for approval.
9. **Staff of the Alliance:** The Governing Board shall appoint an Executive Director. The Executive Director may hire other staff people for the Alliance, as needed, provided that such hiring conforms to the approved

budget. The Executive Director may contract for the provision of other staff services, provided that such contracts conform to the approved budget. In lieu of an Executive Director, the Governing Board may contract for such management services. Staff or contractors will be employee(s) or contractee(s) of the Alliance. The Executive Director and other staff shall serve at the pleasure of the hiring or appointing authority. At the direction of the Governing Board, the Executive Director shall work with such committees as may be established and designated for this purpose.

The Executive Director shall be employed by the Alliance and shall:

- (a) Be responsible for Alliance management, strategic planning, financial management, personnel, and implementation of the Board-adopted annual work program and budget; and
- (b) Be responsible for day to day personnel matters and for the hiring and firing of subordinate staff members; and
- (c) Prepare an annual report describing the results of program implementation, transportation surveys, TDM programs and other information including the successes in attaining the goals and objectives to advance the purpose of the Alliance.

The Governing Board may also appoint legal counsel to represent the Alliance.

10. **Fiscal Agent:** The member Party designated in the Bylaws of the Alliance as adopted by the Governing Board shall act as Fiscal Agent for the Alliance and shall be charged with the following responsibilities:
- (a) The custody of all money, property and assets of the Alliance;
 - (b) The maintenance of all financial books and records necessary to conduct the business of the Alliance; and
 - (c) The development of periodic reports to the Governing Board and the Executive Director regarding receipts, disbursements and the financial condition of the Alliance.

The Alliance, through the Fiscal Agent, shall retain an independent certified public accountant each year to conduct a fiscal year end audit and to prepare financial statements for the Alliance.

11. **Withdrawal:** Any participating Party may withdraw from this Agreement by filing written notice of intention to do so with the other parties. Termination will take effect on July 1 of any year, provided there is a least six months advance notice. The withdrawal of any Party from this

Agreement shall in no way affect the rights and obligations of the remaining Parties. If a Party withdraws from this Agreement, it is not entitled to return of any funds contributed to the Agency nor to the return in cash or in kind of any materials or supplies contributed. Withdrawing Parties still are obligated for all payments due from them for the fiscal year of the withdrawal.

12. **Termination and Disposition of Property:** This Agreement shall be deemed terminated when only one Party continues to participate, or when all participating Parties choose to terminate it. Upon termination, all assets shall be distributed in equal shares to the Parties still active at the time of termination or to the one Party continuing to participate or to a successor agency designated by all of the remaining parties at the time of termination, with the exception that if any surplus money of the Alliance at the time of termination represents monetary contributions from still active member Parties, said money shall be refunded to such Parties in proportion to the contributions made.
13. **Amendment:** This Agreement may be amended from time to time with the written consent of a majority of the participating Parties.
14. **Insurance and Indemnification:** The Alliance shall acquire such insurance protection, including coverage for workers' compensation and commercial general liability, as is necessary to protect the interests of the Governing Board, the Parties, the Alliance staff, representatives, volunteers and other participants. The Alliance shall, at its sole expense, assume the defense of and indemnify and save harmless each Party to this Agreement and its respective councilmembers, officers, agents and employees, from all claims, losses, damages, costs, injury and liability of every kind, nature and description directly or indirectly arising from the performance of any of the activities, programs or services of the Alliance, its Governing Board, or staff.
15. **Execution in Counterparts:** This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto by their duly authorized representatives, have executed this Agreement.

ATTEST:

CITY OF BELMONT

By _____
City Clerk

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF BRISBANE

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF BURLINGAME

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF COLMA

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF DALY CITY

By _____
Mayor

ATTEST

By _____
City Clerk

CITY OF EAST PALO ALTO

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF FOSTER CITY

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF HALF MOON BAY

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF MILLBRAE

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF PACIFICA

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF REDWOOD CITY

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF SAN BRUNO

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF SAN CARLOS

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF SAN MATEO

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF SO. SAN FRANCISCO

By _____
Mayor

ATTEST:

By _____
Clerk of the Board

COUNTY OF SAN MATEO

By _____
President of Board of Supervisors

ATTEST:

By _____
City Clerk

CITY OF ATHERTON

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY HILLSBOROUGH

By _____
Mayor

ATTEST:

By _____
City Clerk

CITY OF WOODSIDE

By _____
Mayor

**Peninsula Traffic Congestion Relief Alliance
Board of Directors
FY 2005-2006 Meeting Schedule**

Board of Directors Meeting Schedule/Time	Meeting Location
August 11, 2005 <i>8:00 –10:00 a.m.</i>	Peninsula Community Foundation <i>Imagination Room</i>
October 20, 2005 <i>8:00 –10:00 a.m.</i>	Peninsula Community Foundation <i>Imagination Room</i>
December 15, 2005 <i>8:00-10:00 a.m.</i>	Peninsula Community Foundation <i>Imagination Room</i>
February 16, 2006 <i>8:00 –10:00 a.m.</i>	Peninsula Community Foundation <i>Imagination Room</i>
April 20, 2006 <i>8:00 –10:00 a.m.</i>	Peninsula Community Foundation <i>Imagination Room</i>
June 15, 2006 <i>8:00 – 10:00 a.m.</i>	Peninsula Community Foundation <i>Imagination Room</i>



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 JUNE 15, 2005

**SUBJECT: ADOPTION OF A RESOLUTION DECLARING THE RESULTS OF THE
SPECIAL ELECTION FOR MEASURE "W," ADOPTED BY THE
VOTERS ON JUNE 7, 2005**

RECOMMENDATION

Adopt a Resolution declaring the results of the Special Municipal Election for Measure "W," which was adopted by the voters on June 7, 2005. The Official Certification of the Results will be provided by the County prior to the City Council meeting.

ANALYSIS

At its meeting of February 16, 2005, the Town of Atherton City Council adopted Ordinance No. 555, which called a Special Election for Tuesday, June 7, 2005 to submit to the voters of the Town one measure to renew the existing parcel tax for a period of five (5) years.

Atherton's parcel tax was last voted into effect by the registered voters of the Town in June of 2001, for a four-year period. The current parcel tax expires on June 30, 2005. The measure submitted to the voters at the Special Election would renew the existing tax at the same rates as currently levied on property owners in Town.

Measure W received the necessary two-thirds (2/3rds) "yes" votes of the voters voting on the measure, and thus has been passed and adopted.

On Friday, June 10th, the County Elections Office provided the Final Election Results as follows:

Measure W (2/3 Vote Required)	Votes	%
YES	1,776	80.04%
NO	443	19.96%
Total Ballots Cast (of 5,320 Registered Voters)	2,219	41.71%

The County Elections Official has indicated that the Official Certification of the Results will be delivered in time for the City Council meeting. Thus, the Resolution Adopting the Results and the Official Certification will be delivered to the City Council and will be made available to the public prior to Wednesday, June 15th.

Section 10262 of the California Elections Code requires that upon certification of the results of an election by the County Election Department, the City Council shall meet to declare the results of the election. This action may be taken at the next regular Council meeting or at a special meeting called for that purpose. The Council is required to adopt a resolution in accordance with Sections 10262 and 10264 of the Elections Code, and the City Clerk is required to enter into the minutes a statement of the results.

Prepared by:

Approved by:

Linda Kelly
Assistant to the City Manager/
Acting City Clerk

James H. Robinson
City Manager

Attachments (Resolution and Certification of Results) to be provided prior to the Council meeting



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT

June 15, 2005

6:00 p.m.

Meeting Room
Town Administrative Offices

91 Ashfield Road
Atherton, California

Special Meeting

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

6:02 P.M. PUBLIC COMMENTS

6:05 P.M. CLOSED SESSION

**6:05 P.M. A. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations
pursuant to Government Code Section 54957.6**

Agency Negotiator: James H. Robinson, City Manager

Employee Organization: Atherton Police Officers Association (APOA)

RECONVENE TO OPEN SESSION

Report of action taken.

ADJOURN

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

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



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON
CHANNEL DRAINAGE DISTRICT
June 15, 2005
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

- 7:00 P.M. 1. **PLEDGE OF ALLEGIANCE**
- 7:03 P.M. 2. **ROLL CALL** Janz, Marsala, Carlson, Conwell, McKeithen
- 7:05 P.M. 3. **PRESENTATIONS**
- Town-Wide Historical Inventory by Laura Jones
Staff Recommendation: Provide direction to staff on scope of inventory.
- 7:15 P.M. 4. **COUNCIL REPORTS**
- 7:25 P.M. 5. **PUBLIC COMMENTS** (only for items which are not on the agenda –
limit of three minutes per person)
- 7:35 P.M. 6. **STAFF REPORTS**
- 7:45 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**
(Directed by Resolution Nos. 99-6 and 02-31)
- No report scheduled.
- 7:55 P.M. **CONSENT CALENDAR** (Items 8 - 20)

(Consent Calendar items are routine in nature and are generally considered in one motion and adopted by a single vote of the City Council. If discussion regarding a Consent Calendar item is desired, the member(s) of the City Council, public, and/or staff wishing to pull the item should so indicate at the time the Mayor calls for consideration of the Consent Calendar.)

8. **APPROVAL OF MINUTES OF REGULAR AND SPECIAL MEETINGS OF MAY 18, 2005**
9. **APPROVAL OF BILLS AND CLAIMS FOR MAY 2005 IN THE AMOUNT OF \$ 693,916**

10. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR MAY 2005**

11. **ACCEPTANCE OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2005**

12. **INTERIM AUDIT REPORT FOR FISCAL YEAR 2005-06**

Recommendation: Receive the FY 2005-06 Interim Audit Report on internal controls issued by Caporicci & Larson.

13. **REPORT ON PARK AND RECREATION COMMISSION RECOMMENDATION TO INCORPORATE THE HOLBROOK-PALMER PARK LANDSCAPE MASTER PLAN IN THE STRATEGIC PARK AND RECREATION PLAN (Direction from the City Council Meeting of April 20, 2005)**

Recommendation: Receive report of Park and Recreation Commission action of June 1, 2005, recommendation to incorporate the Landscape Master Plan as an element of the Strategic Park and Recreation Plan.

14. **AWARD OF CONTRACT – SELBY LANE RECONSTRUCTION PROJECT, PROJECT NO. 04-004**

Recommendation: Award the contract to the low bidder as determined by the June 14, 2005, bids for an amount to be determined by Council based on the bid results.

15. **APPROVE AN AGREEMENT WITH THE CITY OF MENLO PARK FOR THE RESURFACING OF LAUREL STREET FOR AN ESTIMATED AMOUNT OF \$19,321, WITH A 10% CONTINGENCY OF \$1,932, FOR A TOTAL AUTHORIZATION OF \$21,253**

Recommendation: Approve an agreement with the City of Menlo Park for the overlay of the Atherton portion of Laurel Street.

16. **APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE THE UPPER ATHERTON CHANNEL REPAIR PROJECT, PHASE 1, PROJECT NO. 04-007**

Recommendation: Approve the plans and specifications and authorize advertisement for bids for the Upper Atherton Channel Repair Project, Phase 1, Project No. 04-007.

17. **ADOPTION OF A RESOLUTION RECOMMENDING THAT THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT IMPOSE CHARGES FOR FUNDING THE 2005/06 COUNTYWIDE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM**

Recommendation: Adopt a resolution recommending that the San Mateo County Flood Control District impose charges for funding the Fiscal Year 2005/06 Countywide National Pollution Discharge Elimination System (NPDES) General Program.

18. **CONTRACT WITH STATE FRANCHISE TAX BOARD FOR SHARING INFORMATION FOR BUSINESS LICENSE PURPOSES**

Recommendation: Authorize the City Manager to execute an agreement with the State of California Franchise Tax Board to provide information related to business entities operating within the Town of Atherton.

19. **AWARD OF CONTRACT FOR THE 2005 TREE MAINTENANCE PROJECT, PROJECT NO. 04-006**

Recommendation: Award the contract for the 2005 Tree Maintenance Project, Project No. 04-006, to The Professional Tree Care Co., the low bidder on the June 10, 2005, bids, for 279.66 crew hours at a crew rate of \$118.00, for a total contract of \$33,000.

20. **AGREEMENT WITH VERIZON WIRELESS TO PROVIDE TOWN STAFF CELLULAR PHONE SERVICES**

Recommendation: Authorize the City Manager to enter into an agreement with Verizon Wireless for Town cellular phone services.

PUBLIC HEARINGS (Items 21 - 23)

- 8:00 P.M. 21. **ADOPTION OF A RESOLUTION ADOPTING THE FY 2005-06 OPERATING AND CAPITAL BUDGET**

Recommendation: Presentation of proposed budget from City Manager and Finance Director, open public hearing, receive testimony, and close public hearing. After consideration and appropriate direction to staff, adopt a Resolution adopting Fiscal Year 2005-06 Operating and Capital Budget.

- 8:30 P.M. 22. **ADOPTION OF A RESOLUTION APPROVING THE FISCAL YEAR 2005-06 APPROPRIATIONS LIMIT AND CALCULATIONS**

Recommendation: Adopt a Resolution approving the Fiscal Year 2005-06 Appropriations Limit and Calculations.

- 8:35 P.M. 23. **ADOPTION OF A RESOLUTION ESTABLISHING A SPECIAL TAX FOR MUNICIPAL SERVICES FOR THE FISCAL YEAR 2005-2006**

Recommendation: Open public hearing, receive testimony, and close public hearing. After consideration, adopt a Resolution establishing a Special Tax for Municipal Services for the Fiscal Year 2005-2006 as set forth in Ordinance No. 555.

NOTE: Ordinance No 555 approved by the voters on June 7, 2005, provided for the authorization to levy a Special Tax for Municipal Services and Capital Improvements and for the expenditure of the funds derived from the tax. The Special Tax was to commence in FY 2005-2006 and continue through June 30, 2010. Each year, following the adoption of the Budget, it is necessary to hold a Public Hearing and adopt a Resolution levying a Special Tax for Municipal Services and instructing the Tax Collector of the County of San Mateo to collect the tax rates as identified within the Adopted Resolution.

REGULAR AGENDA (Items 24 - 27)

- 8:50 P.M. 24. **REPORT FROM THE TOWN ARBORIST REGARDING LANDSCAPE SCREENING REQUIREMENTS FOR THE PROPERTY AT 77 FLOOD CIRCLE (Direction from the City Council Meeting of May 18, 2005)**

Recommendation: Receive and file the report from the Town Arborist.

- 9:05 P.M. 25. **APPROVAL OF JOINT POWERS AGREEMENT WITH PENINSULA TRAFFIC CONGESTION RELIEF ALLIANCE**

Recommendation: Approve the First Amendment and Restatement of Joint Powers Agreement establishing the Peninsula Traffic Congestion Relief Alliance; adopt the Resolution approving the agreement; and appoint a Council Member to serve on the Alliance Board and an alternate.

9:15 P.M. 26. ADOPTION OF RESOLUTION DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION HELD ON JUNE 7, 2005

Recommendation: Adopt Resolution declaring the results of the Special Municipal Election for Measure “W,” which was adopted by the voters on June 7, 2005. The official certification of the results will be provided by the County prior to the City Council meeting.

**9:25 P.M. 27. 50 ASHFIELD ROAD -- CITY ATTORNEY REPORT
CONSIDERATION OF FURTHER DIRECTION TO STAFF**

9:45 P.M. 28. PUBLIC COMMENTS

9:50 P.M. 29. ADJOURNMENT

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

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

May 18, 2005

6:00 p.m.

Meeting Room
Town Administrative Offices

91 Ashfield Road
Atherton, California

Special Meeting

The meeting was called to order at 6:07 p.m.

ROLL CALL

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

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

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

2 potential cases
 - B. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6**

Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Atherton Police Officers Association (APOA)

RECONVENE TO OPEN SESSION

Report of action taken.

City Attorney Marc Hynes reported during open session that no reportable action was taken by Council regarding Item A, Anticipated Litigation, 2 potential cases. Additionally, Item B was not heard.

ADJOURN

The Special Meeting adjourned at 6:55 p.m.

Respectfully submitted,

William R. Conwell
Mayor

Minutes Prepared by:

Kathi Hamilton



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON
CHANNEL DRAINAGE DISTRICT
May 18, 2005
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Conwell called the meeting to order at 7:07 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

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

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

3. **PRESENTATIONS**

a. **Recognition of Outgoing Committee Members**

Mayor Conwell presented Certificates of Appreciation to outgoing Committee Members Robert L. Jenkins, Audit Committee; Lida Urbanek, General Plan Committee; Phil Thaire, General Plan Committee; and Leo Joseph, MidPeninsula Community Media Center (not present).

b. **Presentation of ISA Gold Leaf Award to Atherton Tree Committee**

Ray Morneau, Vice President of the Western Chapter of the International Society of Arboriculture, recognized the Atherton Tree Committee with a plaque for its outstanding Arbor Day activities. Shirley Carlson accepted the award on behalf of the committee.

Kathy Hughes Anderson commended the volunteers, past and present, which comprised the Atherton Tree Committee.

City Manager Jim Robinson recognized Kathy Hughes Anderson for her work as the Town Arborist and for organizing participation in various events.

- c. Proclamation Declaring “West Nile Virus and Mosquito and Vector Control Awareness Week,” to be presented to Doris Kellett, Atherton Representative to the San Mateo County Mosquito Abatement District**

Mayor Conwell presented the proclamation to Doris Kellett. Ms. Kellett noted the mosquito abatement technicians had doubly sprayed most of the mosquitoes, particularly in the swamp areas.

3. COUNCIL REPORTS

- Council Member McKeithen attended the Office of Emergency Services (OES) meeting. The budget was approved and assessments were based on many emergency services including the removal of hazardous materials. Atherton had challenged the 50/50 split of population vs. real estate values to determine fees. The OES performed services including finding oil reserves in case of pipeline problems, participated in the Mosquito Abatement District with regards to West Nile Virus and other activities, and maintained medical supplies in the event of a disaster.**
- Council Member Janz reported a number of Caltrain meetings were held during the month. At the Transportation Authority Board meeting, a commitment was made to continue the funding for the design work to make the Atherton Station a non-holdout station. A request was made to allocate money in next year’s budget for the necessary construction at the station. Discussions were taking place with representatives of the Caltrain operating system and the Joint Powers Board (JPB) to preserve some limited train service in Atherton, along with shuttle service to connect Atherton to other stations.**
- Vice Mayor Marsala attended the Library Joint Powers Board meeting. Libraries in the County were funded through property taxes. Because Atherton’s Library budgeted efficiently, surplus funds were available to improve the Library. On Friday, May 13, Vice Mayor Marsala spoke at the Atherton Dames’ luncheon and with the Sisters of the Sacred Heart of Menlo regarding the upcoming parcel tax election. Additionally, he met with staff regarding statistics on police activity since 1999 and parcel tax projects during the past four years. Vice Mayor Marsala was scheduled to speak at the annual Atherton Civic Interest League (ACIL) meeting on Thursday, May 26, with a focus on the parcel tax, the State of the Town, and the initiative process at the State level. He had dinner with John Russo, President of the League of California Cities, who was responsible for Measure 1A which stopped the State from raiding monies from cities. He noted three Governors passed through Atherton during the past week: Governor Christine Todd-Richmond, New Jersey; Mark Warner, Virginia; and Mike Huckabee, Arkansas.**
- Council Member Carlson had nothing to report.**

- **Mayor Conwell attended the San Francisco Airport Roundtable meeting. Atherton had the greatest number of noise complaints, 200+, all from one individual. There was nothing noteworthy to report from City/County Association of Governments (C/CAG). He was saddened to report the San Mateo Criminal Justice Commission was being phased out as of December 31, 2005. Comprised of the Sheriff, District Attorney, elected officials, judges, and members of the Probation Department, the Commission, after 25 years, was being forced out of service due to reduced funding. He was unable to attend the annual meeting of the ACIL, and Vice Mayor Marsala would be presenting the State of the Town Address. Mayor Conwell participated in the Menlo College graduation and executed two aerial salutes.**

4. PUBLIC COMMENTS

Gertrude Blue, Atherton, spoke regarding a newly constructed home neighboring her property. The large structure overlooked her swimming pool and intruded on her privacy. She requested help to encourage the property owner to put in early landscape screening. She recommended that Council revisit the Building Code to determine whether anything could be changed regarding non-conforming sites.

Following Council questions, direction was given for Town Arborist Kathy Hughes Anderson to prepare a report for the City Council meeting of June 15, 2005, on the landscape screening requirements for the property at 77 Flood Circle.

Jerry Carlson, President of the Atherton Civic Interest League (ACIL), announced the annual State of the Town Address was scheduled for Thursday, May 26, at Holbrook-Palmer Park Pavilion. The Redwood City School District Parcel Tax failed to receive the necessary 2/3-majority vote; the vote in Atherton was 57.2% in favor. The ACIL Board met and he thanked Council Member Janz for his work on Caltrain issues. ACIL made a \$1000 donation to the Holbrook-Palmer Park Foundation to supplement a grant to improve the pathways. Finally, he urged Council to take a visible role in passing Measure W.

Mayor Conwell urged everyone to vote “yes” for the renewal of Atherton’s Parcel Tax, a tax-deductible item.

Paul Quinlan, Atherton, spoke regarding the development at 50 Ashfield Road. He believed the recent Certificates of Compliance for a three-lot subdivision were improperly issued. After a brief history of the property, he stated in 1989, a developer asked the Town to issue Certificates of Compliance for the same three lots on the property, and the Town denied the request because the lots did not comply with the State of California Subdivision Map Act. In 2005, the Building Official issued three certificates to a new developer, one of which states the lots conform to the State of California Subdivision Map Act. Mr. Quinlan took exception to that fact. He submitted a comprehensive written report to the Council on the issue.

Council Member Carlson suggested the matter be referred to the City Attorney for review.

City Attorney Marc Hynes confirmed no action could be taken that evening. He would review the Certificates of Compliance and prepare a report for City Council review.

Dr. Patricia Engasser, Atherton, presented Council a copy of the letter her attorney sent to the Town in 1990 requesting notification of any changes being considered to the property. Her property is adjacent to 50 Ashfield Road and would be affected by any development that occurred. (A copy of her letter was now on file in the City Clerk's Office.)

Julie Quinlan, Atherton, said many people were concerned about the issue. As an attorney, she noted that case law did not bar a city from acting to correct a mistake.

Eric Hanson, Atherton, said he and his neighbors were concerned that the developer was moving too quickly and urged Council to expedite the process before something unfortunate occurred.

Alice Hanson, Atherton, was a longtime resident and supported the Town and its activities. She thanked Council for listening to everyone's concerns and reminded the members that developers walked away, but residents stayed.

After questions and clarifications of the Council, direction was given to the City Attorney to review the Certificates of Compliance regarding 50 Ashfield Road, to prepare a report and share the draft report with Mr. Quinlan, and to forward the final report to Council by Friday, May 27, 2005. Further, if the City Attorney determined an error was made, the City Manager should poll the Council to determine if a Special Meeting of the Council should be called.

6. STAFF REPORTS

- Public Works Director Duncan Jones said three of four permits had been received to begin the Upper Atherton Channel repairs. The California Department of Fish and Game needed to respond by May 22 or the permit would issue. Construction plans would be presented to Council at the June 15, 2005, meeting with an award of contract at the July 20, 2005, meeting. Council Member McKeithen requested that Dr. Beekley be notified when construction was to begin.
- City Attorney Marc Hynes reported out of Closed Session as follows:

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

No reportable action was taken.

Atherton Municipal Code and the Subdivision ordinance. The applicant indicated he would meet all the conditions within the two-year period. The main residence had been moved to meet the current setback requirements. A few smaller structures on the access portion of the flag lot needed to be removed prior to acceptance of the Final Parcel Map. Staff was recommending approval of the Tentative Parcel Map.

Mayor Conwell opened the Public Hearing.

Frank Merrill, applicant, noted his intention to comply with the conditions of the Tentative Parcel Map.

Mayor Conwell closed the Public Hearing.

MOTION – to approve the Tentative Parcel Map for the subdivision of one parcel into two parcels at 64 Moulton Drive based on the findings and for the reasons stated in the staff report dated May 18, 2005.

M/S Carlson/Marsala

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

13. INTERIM ORDINANCE REGARDING HISTORICAL ARTIFACTS

City Attorney Marc Hynes presented the staff report. The Interim Ordinance before the Council would extend the moratorium that was adopted at the City Council meeting of April 20, 2005. Since that meeting, the Town had engaged the services of a consultant with a background in historic preservation. In order to continue the moratorium, a 4/5 vote was required to adopt the ordinance. The ordinance before the Council would not only protect the items listed in Exhibit A, but also could expand/contract Town-wide to include/exclude other properties.

Deputy Town Planner Lisa Costa Sanders noted Public Hearing Notices had been posted and mailed to property owners listed in Exhibit A as required by law.

In response to Council Member Carlson, City Attorney Hynes said the final ordinance would require a hearing before the Planning Commission. Deputy Town Planner Costa Sanders said staff received a draft proposal from the historic consultant. The process would begin by building a team of volunteers to inventory artifacts using County and local resources to authenticate and document the artifacts. Two community meetings would be held to gather input, the artifacts would be evaluated against state and federal criteria, and regulations would be proposed with tiered implementation measures. The process would take two to three months and would be a Town-wide approach.

After a brief discussion regarding the status of the fountain at 42 Flood Circle, Deputy Town Planner Costa Sanders said staff had received an application for a Conditional Use Permit to move the fountain offsite. Staff met with the applicant to discuss mitigation measures to ensure they met the qualifications of the California Environmental Quality Act (CEQA). Alternate mitigation measures were not

proposed in time for the document to be published for the May Planning Commission meeting. Since that time, an application was submitted to keep the fountain onsite; however, the applicant wished to continue with the Conditional Use Permit process to keep the option of moving the fountain offsite. Additionally, the item before the Council was clarified to include the extension of the moratorium and not a discussion of any particular item, e.g., the fountain at 42 Flood Circle.

Mayor Conwell opened the Public Hearing.

John Hanna, Hanna and Van Atta Law Offices, Palo Alto, represented the prospective homebuyer for 42 Flood Circle, questioned whether there ever was a real urgency/emergency to warrant the moratorium. Additionally, in order to extend the ordinance, Council needed to find an immediate threat to the public health, safety and welfare, which he did not believe existed. The Conditional Use Permit process was expensive and lengthy, and he questioned whether Council really wanted to add the burden of the process to property owners who might want to remodel or sell their homes.

Harriett Tuckman, Atherton, Board Member, Lindenwood Homes Association, noted the subject of proposing a historic ordinance had been discussed at the Lindenwood Homes Association long before the present issue arose. She spoke in favor of extending the urgency ordinance.

William Grindley, Atherton, said each historic object was in the mind of the beholder. He believed that Frank Lloyd Wright's house should be on the list, as well as others. He applauded preservation but believed the item before the Council was draconian and should be reconsidered.

Natalie Cardenas, Government Affairs Director, Silicon Valley Association of Realtors, stated she had sent a letter to the Council (on file in the City Clerk's Office) and spoke against the urgency ordinance.

Judy Castaillac, Atherton, spoke in support of extending the moratorium so the artifacts on the list could be studied and a solution that was fair to everyone could be reached.

Neil Rasmussen, Atherton, owner of Item 1 on Exhibit A, spoke against extending the urgency ordinance.

Monique Cannell, Atherton, supported preserving the fountain onsite. She urged Council to vote against extending the ordinance.

Fred Chapman, 42 Flood Circle, spoke on behalf of the trustees of the Virginia Pond Chapman Trust and submitted his comments to Council (on file in the City Clerk's Office). He appeared that evening to "show cause" why the ordinance should not be extended.

Mayor Conwell closed the Public Hearing.

City Attorney Hynes clarified the ordinance before the Council was temporary and not necessarily what would be adopted in permanent form. The items in Exhibit A were a starting point; the items would be analyzed and possibly considered not to have historic value. Unfortunately, CEQA had oftentimes been misused to stall or thwart a project. The Act, itself, talked about analyzing a project, developing information, and circulating the information.

Vice Mayor Marsala was not comfortable going forward due to the number of items on Exhibit A that needed to be reviewed and a number of items that were not on the list but perhaps should be. He wanted to place an item on a future agenda to instruct staff how items should be donated to the Town.

Council Member McKeithen clarified the ordinance was a work in progress. A historical consultant would authenticate the items to determine what was worthwhile and why it was historical. The ordinance before the Council was an ordinance to consider what would become part of a true ordinance and what process should be followed. Individuals would have a say on what should or should not be included and a right to challenge the findings.

Council Member Carlson agreed with Council Member McKeithen. Additionally, he explained that due process was the process by which a matter came before the Council and the status quo was preserved until a final ordinance was put in place. The process was one of balancing private and public interests. With respect to the fountain, he noted that if the property owners wanted to donate the fountain to the Town, they needed to write a letter to the Town, and the City Manager would enter into discussions with the owners.

Council Member Janz agreed with the previous speakers. The Interim Ordinance might appear to be broad and sweeping; however, there was no other way to keep the artifacts safe until the determination was made of whether a permanent ordinance would be enacted.

Vice Mayor Marsala opposed the ordinance. There was a proposal on the table for donating the fountain from Mr. Chapman, and he believed the other issues could be resolved outside of a moratorium.

In response to Council Member Carlson, City Attorney Hynes said Council could direct staff to discuss Mr. Chapman's proposal for donating the fountain to the Town. If an agreement were reached, Council could call a special meeting to exempt the fountain from the Conditional Use Permit process.

After further discussion of the status of Mr. Chapman's proposal to donate the fountain to the Town, the length of time to extend the ordinance, and the public process of developing a permanent ordinance, Council Member Carlson made the following motion:

MOTION – to adopt Ordinance No. 558 extending the urgency measures adopted by the City Council on April 20, 2005, for a period of six months. Interim regulations would require a Conditional Use Permit to remove, alter or demolish any historical item described in Exhibit A to the ordinance.

M/S Carlson/McKeithen Ayes: 4 Noes: 1 (Marsala) Absent: 0 Abstain: 0

Further, by consensus, the Council requested if a proposal were presented to the Town with respect to the fountain at 42 Flood Circle, that the City Attorney/City Manager engage in discussions and report back to the Council whether that proposal should be accepted and under what conditions and, if necessary, call a Special City Council meeting to consider the proposal.

REGULAR AGENDA (Item 14)

14. REQUEST TO REFER THE REVIEW OF THE NOISE ORDINANCE TO THE GENERAL PLAN COMMITTEE

Council Member McKeithen stated when the Noise Ordinance was discussed previously at the General Plan Committee, various methods of measuring noise levels were reviewed, e.g., ambient vs. peak. She thought the previous consultant could update and/or recommend changes to the General Plan Committee for a minimal cost.

Council Member Carlson said the General Plan Committee decided not to adopt the peak noise level method because it created violations such as the sound of a bouncing basketball. Most ordinances did not use “peak” as the method of measuring noise levels. He was not in favor of sending the item to the General Plan Committee.

Council Member McKeithen said the Police Department had a continuing problem with understanding how to measure. She believed there was no harm in reviewing the issue to assess whether any new methods and/or equipment were available.

Council Member Janz thought the issue should be reviewed.

Mayor Conwell said in deference to the citizens, he was in favor of reviewing the ordinance.

Carol Smith, Atherton, spoke regarding the noise at Menlo-Atherton High School. She said the noise had become significantly different over the past 1-1/2 years. She asked Council to revisit the ordinance and review new methods.

In response to Council’s question regarding officers’ understanding of the Noise Ordinance and the use of meters, Police Chief Bob Brennan said reasons included the Police Department was called upon so infrequently to use the meters, there were a number of new officers needing training, and the training diminished over time.

MOTION – to refer the review of the Noise Ordinance to the General Plan Committee.

M/S McKeithen/Janz

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

15. PUBLIC COMMENTS

There were no public comments.

16. ADJOURNMENT

The meeting was adjourned by Mayor Conwell at 10:22 p.m.

Respectfully submitted,

Linda Kelly, Acting City Clerk

Minutes Prepared By:

Kathi Hamilton

TOWN OF ATHERTON
CLAIMS LIST
 May 2005

Payroll Checks	6034 - 6110	\$ 29,615
Electronic Transfers		304,372
A/P Checks	19873 - 20027	359,929
TOTAL		\$693,916

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 6034 - 6110 (payroll) and 19873 - 20027 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$693,916; are true and correct, and that there are sufficient funds for payment.

James H. Robinson
City Manager

The above claims, check numbers 6034 - 6110 (payroll) and 19873 - 20027 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$693,916; are true and correct, and are authorized for payment.

William R. Conwell
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	644,625
105	Tennis Fund	
201	Special Parcel Tax	
202	Transportation	
203	Gas Tax Fund	
210	Road Construction Impact Fees	600
211	Park Grants Fund	28,123
213	Library Special Revenue Fund	968
401	General Capital Projects	
402	Storm Drainage	
403	Atherton Channel District	1,250
404	Park Playground Improvement	
406	Facilities Construction	
610	Vehicle Replacement	
611	Computer Maint. & Replacement	8,187
612	Administrative Services	9,003
715	Evans Estate	21
740	Tree Committee	1,139
TOTAL		\$693,916



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 JUNE 15, 2005

SUBJECT: MONTHLY FINANCIAL REPORT, MAY 2005

RECOMMENDATION:

Receive the Monthly Financial Report for May 2005.

INTRODUCTION:

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

HIGHLIGHTS

General Fund expenditures for the eleven months ended May 31, 2005, have amounted to \$6,889,131, or 86% of the \$8,046,585 appropriated for FY 2004-05. For the eleven months ended May 31, 2005, General Fund revenues have amounted to \$7,630,149, or 94% of the \$8,109,387 in revenues estimated for FY 2004-05.

By comparison, General Fund expenditures for the eleven months ended May 31, 2004, amounted to 84% of FY 2003-04 appropriations. Additionally, for the eleven months ended May 31, 2004, General Fund revenues amounted to 89% of the total revenues estimated for FY 2003-04.

FISCAL IMPACT:

None

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

TOWN OF ATHERTON
Revenue Summary
For the Month ended May 31st, 2005

Fund	Revenue Source	2004-05 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	Property Tax	\$ 3,281,033	-	\$ 3,292,791	100%
	Sales and Use Tax	120,000	-	131,070	109%
	Other Taxes	757,010	71,574	856,178	113%
	Licenses & Permits	1,796,699	341,716	1,833,184	102%
	Fines & Forfeitures	14,700	3,872	47,167	321%
	Revenue from Other Agencies	215,176	21,651	248,162	115%
	Charges for Services	335,900	21,945	296,892	88%
	Investment & Rental Income	274,622	2,498	236,547	86%
	Other Revenues	13,086	394	37,577	287%
	Total General Fund Revenues	6,808,226	463,650	6,979,568	103%
	Interfund (Operating) Transfers In	1,301,161	-	650,581	50%
101	General Fund Total	8,109,387	463,650	7,630,149	94%
	Special Revenue Funds:				
105	Tennis	7,010	1,000	11,394	163%
201	Special Parcel Tax	1,858,000	-	1,826,716	98%
202	Transportation	178,500	-	179,620	101%
203	Street Improvement (Gas Tax)	147,000	-	131,522	89%
209	Law Enforcement	100,000	-	100,936	101%
210	Road Construction Impact Fees	400,000	99,393	531,066	133%
211	State Park Grants Fund	220,000	-	54,400	0%
213	Library	200,000	-	20,570	10%
	Total	3,110,510	100,393	2,856,224	92%
	Capital Project Funds:				
401	Capital Improvement	-	-	-	
402	Storm Drainage	-	-	-	
403	Channel Drainage District	48,530	14,016	30,039	62%
404	Park Playground Improvement	-	-	-	0%
405	Middlefield Road Grants	-	-	-	
406	Facilities Construction	-	-	-	
	Total	48,530	14,016	30,039	62%
	Internal Service Funds:				
610	Vehicle Replacement	66,000	33,000	66,000	100%
611	Information Technology	98,661	49,321	98,642	100%
612	Administrative Services	285,815	142,908	292,982	103%
614	Workers Compensation Insurance	-	-	-	
	Total	450,476	225,229	457,624	102%
	Trust and Agency Funds:				
715	Evans Creative Design	45,150	60	4,862	11%
740	Tree Committee	-	-	2,785	
	Total	45,150	60	7,647	17%
	Total Revenues	11,764,053	803,348	10,981,683	93%

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

Fund	Description Department	2004-05 Budget	Current Period Expenditures	Year to Date Expenditures	% Spent
101	General Fund				
	11 City Council	\$ 20,204	\$ 3,449	\$ 19,992	99%
	12 City Manager	509,226	28,417	459,861	90%
	16 City Attorney	176,228	8,499	123,639	70%
	18 Finance	456,797	26,382	367,367	80%
	25 Building	975,249	66,462	805,778	83%
	40 Police	4,002,909	304,401	3,663,351	92%
	50 Public Works	1,805,972	126,640	1,449,143	80%
	Contingency	100,000	-	-	0%
	Total General Fund Expenditures	<u>8,046,585</u>	<u>564,250</u>	<u>6,889,131</u>	<u>86%</u>
	Interfund (Operating) Transfers Out	-	-	-	0%
101	General Fund Total	<u>\$ 8,046,585</u>	<u>\$ 564,250</u>	<u>\$ 6,889,131</u>	<u>86%</u>
Special Revenue Funds:					
105	Tennis	-	568	835	
201	Special Parcel Tax	2,591,910	-	1,222,260	47%
202	Transportation	211,120	-	38,000	18%
203	Street Improvement (Gas Tax)	147,000	-	137,929	94%
209	Law Enforcement	100,000	6,519	99,352	99%
210	Road Impact Fees	400,000	-	247,495	62%
211	State Park Grants	80,000	28,123	64,049	80%
213	Library Fund	-	968	21,446	
	Total	<u>3,530,030</u>	<u>36,178</u>	<u>1,831,366</u>	<u>52%</u>
Capital Project Funds:					
401	Capital Improvement	367,902	-	48,925	13%
402	Storm Drainage	21,394	-	2,963	14%
403	Channel Drainage District	48,530	1,250	10,888	22%
404	Park Playground Fund	-	-	-	
405	Middlefield Road Grants	-	-	-	
406	Facilities Construction	-	-	-	
	Total	<u>437,826</u>	<u>1,250</u>	<u>62,776</u>	<u>14%</u>
Internal Service Funds:					
610	Vehicle Replacement	98,853	-	57,189	58%
611	Information Technology	104,625	8,187	37,990	36%
612	Administrative Services	285,815	16,757	253,499	89%
614	Workers Compensation Insurance	-	-	-	
	Total	<u>489,293</u>	<u>24,944</u>	<u>348,678</u>	<u>71%</u>
Trust and Agency Funds:					
715	Evans Creative Design	43,287	21	9,556	22%
740	Tree Committee	-	-	-	
	Total	<u>43,287</u>	<u>21</u>	<u>9,556</u>	<u>22%</u>
	Total Expenditures	<u>12,547,021</u>	<u>626,643</u>	<u>9,141,507</u>	<u>73%</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2004-05
As of May 31st 2005

Fund	Description	Beginning Fund Balance July 1, 2004	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	General Fund	6,060,452	6,979,568	650,581	6,889,131	6,801,470
	Special Revenue Funds:					
105	Tennis	11,867	11,394		835	22,426
201	Special Municipal Tax	963,223	1,826,716		1,222,260	1,567,679
202	Transportation	145,636	179,620		38,000	287,256
203	Street Improvement (Gas Tax)	45,050	131,522		137,929	38,643
209	Law Enforcement	12,174	100,936		99,352	13,758
210	Road Construction Impact Fees	632,420	531,066		247,495	915,991
211	State Park Grants	(5,663)	54,400		64,049	(15,312)
213	Library Special Revenue Fund	1,075,913	20,570		21,446	1,075,037
	Sub Total	<u>2,880,620</u>	<u>2,856,224</u>	-	<u>1,831,366</u>	<u>3,905,478</u>
	Capital Projects Funds:					
401	Capital Improvement	302,895	-		48,925	253,970
402	Storm Drainage	48,225	-		2,963	45,262
403	Channel Drainage District	404,424	30,039		10,888	423,575
404	Park Playground Improvement	1,309	-		-	1,309
405	Middlefield Road Grants	1,514	-		-	1,514
406	Facilities Construction	65,382	-		-	65,382
	Sub Total	<u>823,749</u>	<u>30,039</u>	-	<u>62,776</u>	<u>791,012</u>
	Internal Service Fund					
610	Vehicle Replacement	449,451	66,000		57,189	458,262
611	Information Technology	106,856	98,642		37,990	167,508
612	Administrative Services	122,618	292,982		253,499	162,101
614	Workers Compensation Insurance	10,871	-		-	10,871
	Sub Total	<u>689,796</u>	<u>457,624</u>	-	<u>348,678</u>	<u>798,742</u>
	Trust and Agency Funds					
715	Evans Creative Design	117,129	4,862		9,556	112,435
740	Tree Committee	1,253	2,785		-	4,038
	Sub Total	<u>118,382</u>	<u>7,647</u>	-	<u>9,556</u>	<u>116,473</u>



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: JOHN P. JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF JUNE 15, 2005

**SUBJECT: QUARTERLY INVESTMENT REPORT, FOR THE QUARTER ENDED
MARCH 31, 2005**

RECOMMENDATION:

Note, receipt and file.

INTRODUCTION:

This is the quarterly status report of the Town's investments in the Local Agency Investment Fund (LAIF) and the San Mateo County Investment Pool (SMCIP) for the quarter ending March 31, 2005.

DISCUSSION:

As of March 31, 2005, the Town had a total investment of **\$11,402,457**. The total interest earning for the quarter ending March 31, 2005, amounted to **\$76,954**. The funds are invested in the San Mateo County Investment Pool (SMCIP) and the Local Agency Investment Fund (LAIF).

During the third quarter of FY 2004-05, interest earnings on funds invested with LAIF amounted to an annual rate of 2.38 percent of the average daily cash balance of funds invested. This compares to an annual interest earnings of 2.83 percent of the average daily cash balance of funds invested with San Mateo County Investment Pool.

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

Investment at SMCIP: San Mateo County Investment Pool is created and managed by the County Treasurer. As of March 31, 2005, the County's investment pool carried investments with a total value at cost of \$2.3 billion and an average duration of 1.4 years. The Town's investment with the San Mateo County Investment Pool as of March 31 amounted to \$8,209,978, or 72 percent of the town's total investment holdings.

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

Investment in LAIF: Local Agency Investment Fund (LAIF) is created and managed by the California State Treasurer as part of the Treasurer's Pooled Money Investment Account (PMIA). According to the State Treasurer, 2,733 local government agencies and special districts participate in LAIF with total investments amounting to approximately \$20 billion or roughly 37 percent of the \$51.3 billion that the State Treasurer manages in the PMIA. (Since LAIF investments are combined with PMIA, the Treasurer does not report the results for LAIF separately).

The Town's investment with LAIF as of March 31, 2005, amounted to \$3,192,479, or 28 percent of the Town's total investment holdings.

The average duration to maturity of PMIA as of December 31, 2004 was 217 days. Attachment 2 to this report provides a summary of investment holdings for the PMIA as of March 31, 2005.

FISCAL IMPACT:

Informational only.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

Attachments:

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

Attachment 1

COUNTY OF SAN MATEO
ESTIMATED SUMMARY OF POOL EARNINGS
FOR THE 3RD QUARTER ENDED MARCH 31, 2005

	<u>03/31/05 Par Value</u>	<u>Gross Earnings</u>
<u>Fixed Income Investments</u>		
U S Treasury Notes	\$405,000,000	\$1,965,948
Corporate Notes	\$282,000,000	\$2,161,923
Asset Backed Securities	\$3,051,254	\$2,757
Federal Agencies	\$445,000,000	\$2,519,414
Floating Rate Securities	\$139,000,000	\$322,994
<u>Short Term Investments</u>		
Corporate Notes	\$74,000,000	\$530,702
Federal Agencies	\$593,000,000	\$2,044,142
Floating Rate Securities	\$45,000,000	\$28,747
Commercial Paper	\$266,500,000	\$92,967
LAIF	\$37,000,000	\$221,087
SUBTOTAL - ACCRUED INCOME	\$2,289,551,254	\$9,890,681

<u>Realized Gain/Loss & Interest Received</u>		
Repurchase Agreements		\$1,192,186
U S Treasury Notes		\$352,770
Corporate Notes		\$1,327,096
Asset Backed Securities		\$32,077
Federal Agencies		\$1,809,432
Floating Rate Securities		\$1,048,630
Commercial Paper		\$1,012,273
Certificate of Deposit		\$33,656
Securities Lending Income		\$242,439
GROSS POOL RATE/EARNINGS*	3.04%	\$16,941,240

<u>POOL BREAKDOWN</u>	<u>Pool 1</u>	<u>Pool 2</u>	<u>Pool 3</u>	<u>TOTAL</u>
Average Balance	304,512,641	531,562,311	1,425,564,793	2,261,639,745
Gross Earnings	2,281,009	3,981,768	10,678,462	16,941,240
Admin Fees	(93,857)	(163,838)	(439,386)	(697,081)
Bank Fees	(75,217)	(50,145)		(125,362)
Net Earnings	2,111,935	3,767,785	10,239,076	16,118,797
Net Earnings %	2.81%	2.87%	2.91%	2.89%

Earnings %'s are based on Q3 04-05 average daily balance of investment pools.
Pool 1 and Pool 2 are charged with bank fees associated with their disbursement/depository activity.

Attachment 2

PHIL ANGELES
TREASURER
STATE OF CALIFORNIA

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

March 31, 2005

<u>TYPE OF SECURITY</u>	<u>AMOUNT</u>	<u>PERCENT OF PORTFOLIO</u>	<u>DIFFERENCE IN PERCENT OF PORTFOLIO FROM PRIOR MONTH</u>
Government			
Bills	\$ 2,203,089	4.29	-0.06
Bonds	0	0.00	0.00
Notes	6,232,241	12.15	+0.34
Strips	0	0.00	0.00
Total Government	<u>\$ 8,435,330</u>	<u>16.44</u>	<u>+0.28</u>
Federal Agency Coupons	\$ 7,571,265	14.75	+0.69
Certificates of Deposit	9,028,055	17.59	+2.37
Bank Notes	450,000	0.88	-0.75
Bankers' Acceptances	0	0.00	0
Repurchases	0	0.00	0
Federal Agency Discount Notes	6,584,826	12.83	-1.25
Time Deposits	6,746,495	13.15	+0.08
GNMAs	334	0.00	0
Commercial Paper	4,449,131	8.67	-2.80
FHLMC/Remics	594,789	1.16	-0.04
Corporate Bonds	1,547,599	3.01	-0.09
AB 55 Loans	5,720,749	11.15	+0.55
GF Loans	187,871	0.37	+0.37
Reversed Repurchases	0	0.00	-0.59
Total (All Types)	<u>\$ 51,316,444</u>	<u>100.00</u>	

INVESTMENT ACTIVITY

	<u>MARCH 2005</u>		<u>FEBRUARY 2005</u>	
	<u>NUMBER</u>	<u>AMOUNT</u>	<u>NUMBER</u>	<u>AMOUNT</u>
Pooled Money	487	\$ 23,585,002	422	\$ 19,639,325
Other	33	1,122,811	4	38,330
Time Deposits	139	2,115,500	132	3,270,300
Totals	659	\$ 26,823,313	558	\$ 22,947,955
PMIA Monthly Average Effective Yield	2.542		2.368	
Year to Date Yield Last Day of Month	2.027		1.964	



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 JUNE 15, 2005

SUBJECT: FY 2005-06 INTERIM AUDIT REPORT

RECOMMENDATION:

Receive the FY 2005-06 Interim Audit Report on internal controls issued by Caporicci & Larson.

DISCUSSION:

Pursuant to the direction of the Audit Committee and consistent with the practice of the past four years, the Finance Department retained the independent auditing firm of Caporicci & Larson to conduct an interim review of the Town's internal controls for FY 2005-06.

The purpose of the interim review is to assist the Finance Department in identifying and rectifying any circumstances in which improvements are warranted to ensure that the Town's financial assets are properly safeguarded and to ensure that the Town's financial statements are produced in a reliable and timely manner.

It has been the experience of the Finance Department that the interim review process has been effective in helping the Finance Department enhance its internal controls and improve the reliability of the financial reporting. For instance, FY 2003-04 was the first year in recent memory in which the independent auditors deemed it unnecessary to issue a management letter as part of their annual review.

Included as Attachments 1 and 2 to this report are copies of the independent auditors' interim review recommendations and the Finance Department's response. The auditors' observations and recommendations were primarily related to:

- Improving the level of documentation associated with the review of cash receipting, disbursements and the bank reconciliation; and,
- Ascertaining the source of minor differences between yearend account balances as indicated in the City's general ledger system and the audited financials; and,
- Ensuring that employee timekeeping records are submitted promptly.

In summary, the Finance Department concurs with the observations of the external auditors and expects to implement the recommendations contained therein prior to the auditors' arrival to perform their yearend fieldwork.

FISCAL IMPACT:

None

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JUNE 15, 2005

**SUBJECT: REPORT ON PARK AND RECREATION COMMISSION
RECOMMENDATION TO INCORPORATE THE HOLBROOK-PALMER
PARK LANDSCAPE MASTER PLAN IN THE STRATEGIC PARK AND
RECREATION PLAN**

RECOMMENDATION:

Receive report of Park and Recreation action of June 1, 2005 recommendation to incorporate the Landscape Master Plan as an element of the Strategic Park and Recreation Plan.

BACKGROUND:

The City Council at their April 20, 2005 meeting directed the Park and Recreation Commission to report back on how it intends to review and implement the Park Landscape Master Plan.

ANALYSIS:

The Park and Recreation Commission at their June 1, 2005 meeting approved a recommendation to incorporate the Park Landscape Master Plan in the Strategic Park and Recreation Plan by reference as an attachment. The Park and Recreation Commission also plans, at their July meeting, to update Attachment "A" to the Strategic Plan to reflect those projects that have been completed, and add those projects from the Landscape Master Plan that will be recommended either for a specified action date or for "Longer-Term". In addition, the Commission also took a report from staff on the "First Steps" that staff could begin work on immediately. All of these revisions will be prepared as recommendations to Council for approval of a revised Strategic Plan at the July 2005 City Council meeting.

FISCAL IMPACT:

There is no fiscal impact at this time. Many of the projects recommended for implementation will have costs associated with them. These costs will be determined in detail at the time of implementation of each project.

Prepared by:

Approved by:

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

James H. Robinson
City Manager

Attachments: None



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JUNE 15, 2005

**SUBJECT: AWARD OF CONTRACT FOR SELBY LANE RECONSTRUCTION
PROJECT, PROJECT NUMBER 04-004**

RECOMMENDATION:

Pass a motion to award the contract for the Selby Lane Reconstruction Project, Project No.04-004, to the low bidder to be determined by the June 14, 2005, bids, for an amount to be determined by Council based on the bid results.

INTRODUCTION:

The adopted Capital Improvement Program includes funds for designing and constructing new pavement, shoulders, bike lane and drainage for Selby Lane from West Selby Lane to El Camino Real. The need for this replacement project was made clear by the cracking and base failure of the existing pavement and the poor drainage of the roadway.

ANALYSIS:

The Selby Lane Reconstruction project was initially planned as a dig-out and overlay project. Based on a field review by Town Public Works staff, it was determined that significant base failure had occurred since the pavement condition survey was conducted and that reconstruction of the pavement is now required. The project was re-budgeted and delayed one year in hopes of obtaining a Safe Routes to School grant for the walking path to be constructed along the shoulders. The grant was not awarded to this project. The project was further delayed pending the outcome of the Parcel Tax election. Now that the Parcel Tax has been approved, the project can proceed.

FISCAL IMPACT:

Because this project will not start until July, the project has been re-budgeted in 2005-2006 with a budget of \$1,500,000 based on the Engineer's Estimate, current at the time of budget preparation. The most recent Engineer's Estimate for the project is \$1,570,644 due to additional drainage pipe required for the west end of the project. The Street Reconstruction, Phase 2 project has been postponed to July 2005 so that if budget adjustments are required for the Selby Reconstruction bid results, they can be accommodated within the Street Reconstruction budget.

Bids will be received for the project on June 14, 2005. A separate staff report will be prepared for distribution at the City Council meeting to convey the bid results.

Prepared By:

Approved:

Duncan L. Jones, PE
Public Works Director

James H. Robinson
City Manager

Attachments: None



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 JUNE 15, 2005

**SUBJECT: APPROVAL OF AGREEMENT WITH MENLO PARK FOR OVERLAY
OF LAUREL STREET**

RECOMMENDATION:

Approve an agreement with the City of Menlo Park for the overlay of the Atherton portion of Laurel Street.

BACKGROUND:

Both Menlo Park and Atherton have constructed dig-outs to repair base failures on their respective portions of Laurel Street. The street is still very rough and uneven. Menlo Park plans to include the overlay of Laurel Street in their major paving project this summer. They asked if Atherton would like to include the small portion of Laurel Street that is within the Town limits.

ANALYSIS:

Including the Atherton portion of Laurel Street in the Menlo Park contract would be beneficial to Atherton for two reasons. First, the large Menlo Park paving contract should result in lower costs because unit prices are normally lower on large competitive bid contracts. Second, overlaying the entire street in one project will result in a better end product. The paving will be continuous with no cold joints.

FISCAL IMPACT:

The pre-bid estimate of Atherton's share of the construction cost is \$19,321. This estimated cost includes a 5% reimbursement to Menlo Park for engineering and administration of the project. With a 10% construction contingency included, the authorization will total \$21,253. Patch, Seal and Overlay projects are budgeted for \$389,471 in Parcel Tax, Gas Tax and Road Impact funds in FY 2004-05. Menlo Park will conduct the bidding for the project and administer the construction. Atherton will reimburse Menlo Park for the quantities used within the Atherton City Limits.

Prepared by:

Approved by:

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

James H. Robinson
City Manager

Attachments: Agreement with cost estimate and plan



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF JUNE 15, 2005

**SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS AND
AUTHORIZATION TO ADVERTISE THE UPPER ATHERTON
CHANNEL REPAIR PROJECT, PHASE 1, PROJECT NO. 04-007**

RECOMMENDATION:

Approve the plans and specifications and authorize advertisement for bids for the Upper Atherton Channel Repair Project, Phase 1, Project No. 04-007.

INTRODUCTION:

The FY 2004-05 adopted Capital Improvement Program includes funds for constructing the Upper Atherton Channel Repair Project. The need for this project resulted from the non-completion of the channel upgrade project from decades ago, and the continued erosion of the channel bottom and banks in the intervening years.

ANALYSIS:

The Upper Atherton Channel Repair project is located between Reservoir Road and the Hetch-Hetchy pipeline crossing. It is located behind 75 Reservoir Road and 400, 410 and 420 Walsh Road. The Phase 1 project will construct the extension of the drop structure to create an energy dissipator to reduce erosion in the project reach, a retaining wall to shore up Walsh Road, a shear pin wall to shore up Dr. Beekley's shed, and the upstream frog habitat pool adjacent to the drop structure.

The permit agencies required the project be split into two phases to protect the red-legged frogs found on the project. The first phase will reconstruct the pool at the drop structure to current frog habitat standards. The frogs will then be moved to the pool and a new frog survey will be conducted next spring to determine if the frogs like the new habitat. Assuming the frogs are pleased, Phase 2 can be constructed next summer, completing the bank stabilization and additional frog habitat pools.

All of the required permits have been received for the project with the exception of the California Department of Fish and Game (CDFG). CDFG has promised its permit and conditions by June 20. Any changes required to the plans to meet the CDFG conditions will be included in the plans by an addendum.

The Upper Atherton Channel Repair project is budgeted for construction in FY 2004-05. Because the project permits are just now being approved, the project has been re-budgeted to FY 2005-06. BKF Engineers, together with HT Harvey, prepared the design for the project. The Upper Atherton Channel Repair Project, Phase 1 plans and specifications are ready to be advertised for construction.

The project is scheduled to receive bids in July and award the contract at the July 20, 2005, City Council meeting. Construction will begin in early August and be completed by mid-October.

FISCAL IMPACT:

The Engineer's Estimate for the Upper Atherton Channel Repair Project, Phase 1 is \$213,000. In addition, a 10% construction contingency of \$21,300 would bring the total estimate to \$234,300. \$390,000 from the Channel District funds is budgeted for the project. \$108,257 of these budgeted funds has already been encumbered for BKF Engineering/H.T. Harvey final design consultant services.

CONCLUSION:

The plans for this project are consistent with the Capital Improvement Program and the Environmental Agency Permits and should be approved.

Prepared By:

Approved:

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

James H. Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE COUNCIL MEETING OF JUNE 15, 2005

**SUBJECT: RESOLUTION RECOMMENDING THAT THE SAN MATEO COUNTY
FLOOD CONTROL DISTRICT IMPOSE CHARGES FOR FUNDING THE
2005/06 COUNTYWIDE NATIONAL POLLUTION DISCHARGE
ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM**

RECOMMENDATION

Adopt a resolution recommending that the San Mateo County Flood Control District impose charges for funding the Fiscal Year 2005/06 Countywide National Pollution Discharge Elimination System (NPDES) General Program.

BACKGROUND

The NPDES Program requires certain permit compliance activities be undertaken on a County-wide basis. The budget for these activities in FY 2005/06 is \$1,504,409. Each city is required to pay its proportionate share of the cost, based on a parcel charge approach. All but four cities in the County elect to pay their share of the cost by having the County collect the charge. The other four pay either from their General Fund or have their own parcel tax that covers more than the County NPDES Program. Last year the fee was raised to \$6.0125 for a single family parcel, whether improved or vacant. The FY 2005/06 fee will increase to \$6.06.

In the past in order to have the charge collected by the County, each year the Town must adopt a resolution requesting the County to do so. The current resolution allows for an annual increase based on the increase in the Consumer Price Index (CPI). This will allow the NPDES charges to be collected by the District until such time that the City Council rescinds the authorization

FISCAL IMPACT

There is no fiscal impact to the Town.

Prepared by:

Approved by:

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

James H. Robinson
City Manager

Attachment: Resolution

RESOLUTION 05-__

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
RECOMMENDING THAT THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT
IMPOSE BASIC AND ADDITIONAL CHARGES FOR FUNDING THE EXPANDED
SCOPE OF WORK FOR THE 2005/06 COUNTYWIDE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM**

WHEREAS, The Environmental Protection Agency, under amendments to the 1987 Federal Clean Water Act, imposed regulations that mandate local governments to control and reduce the amount of stormwater pollutant runoff into receiving waters.

WHEREAS, under the authority of California Porter-Cologne Water Quality Act, the State Water Resources Control Board has delegated authority to its regional boards to invoke permitting requirements upon counties and cities.

WHEREAS, in July 1991, the San Francisco Bay Regional Water Quality Control Board notified San Mateo County of the requirement to submit an NPDES Permit Application by November 30, 1992.

WHEREAS, in furtherance of the NPDES Permit Process, San Mateo County in conjunction with all incorporated cities in San Mateo County has prepared a San Mateo Countywide Stormwater Management Plan which has a General Program as a fundamental component of the Management Plan.

WHEREAS, the San Mateo Countywide Stormwater Management Plan has been submitted to the San Francisco Bay Regional Water Quality Control Board and the Management Plan has been approved by the Board and made part of the NPDES Waste Discharge Permit CA 0029921, issued September 13, 1993 and remaining in effect through June 30, 1998.

WHEREAS, the San Mateo Countywide Stormwater Management Plan and NPDES Waste Discharge Permit CA 0029921 required that San Mateo County submit a renewal application by March 31, 1998 which shall include a Stormwater Management Plan for 1998 through 2003.

WHEREAS, the Town of Atherton has accepted, adopted and committed to implement the San Mateo Countywide Stormwater Management Plan for 1998-2003 and the renewal application and Plan was submitted to the San Francisco Regional Water Quality Control Board on March 18, 1998.

WHEREAS, the San Francisco Bay Regional Water Quality Control Board, after Public Hearing, approved the Renewed NPDES Permit CAS0029921, effective July 21, 1999 and which expired July 20, 2004.

WHEREAS, the San Francisco Bay Regional Water Quality Control Board opened the NPDES Permit CAS0029921 for the San Mateo Countywide Stormwater Pollution Prevention Program to Amend the Permit to add New and Redevelopment Language (Amendment of Order 99-059), and adopted the Amendment on February 19, 2003.

WHEREAS, with the complete and timely application by the San Mateo Countywide Stormwater Pollution Prevention Program for Permit renewal submitted on January 23, 2004, the San Francisco Bay Regional Water Quality Control Board will administratively extend the expiration of said Permit until such time as a Public Hearing is held and the application is considered.

WHEREAS, the San Mateo County Flood Control District Act, as amended by the State Legislature in 1992 (Assembly Bill 2635), authorized the San Mateo County Flood Control District to impose charges to fund storm drainage programs such as the NPDES County-wide General Program.

WHEREAS, the Basic Annual Charges and Additional Annual Charges for fiscal year 2005/06, when adopted, would be necessary to fund a proposed \$1,504,409 Budget for fiscal year 2005/2006 are as follows:

Basic Annual Charges;

Single Family Residence: \$3.44/APN

Miscellaneous, Agriculture, Vacant and Condominium: \$1.72/APN

All Other Land Uses: \$3.44/APN for the first 11,000 square feet plus \$ 0.32 per 1,000 square feet additional square feet of parcel area.

Additional Annual Charge (Adjusted Annually by C.P.I.);

Single Family Resident: \$2.62/APN

Miscellaneous, Agriculture, Vacant and Condominium: \$1.30/APN

All Other Land Uses: \$2.62/APN for the first 11,000 square feet plus \$0.24 per 1,000 additional square feet of parcel area.

WHEREAS, the charges are in the nature of a sewer service charge in that they are intended to fund a federally mandated program the purpose of which is to create waste treatment management planning processes to reduce the amount of pollutants in discharges from property into municipal storm water systems which in turn, discharge into the waters of the United States.

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

1. The Town of Atherton approves the amended Scope of Work imposed on the NPDES General Program and respectfully requests the San Mateo County Board of Supervisors, acting as the governing board of the San Mateo County Flood Control District, to impose those basic and additional charges necessary to fund the County-wide NPDES General Program annually; and
2. The Town of Atherton requests the basic and additional charges to be collected through the San Mateo County Flood Control District until a Council Resolution rescinding or modifying this authorization is transmitted to the San Mateo County Flood Control District by May 1, prior to the budget year the cancellation or modification is to take effect; and
3. The Town of Atherton agrees that the charges to be imposed will be adjusted annually based on the Consumer Price Index (CPI) and CCAG shall notify the Town of said adjustments annually prior to May 31 of each year; and

- 4. The Town of Atherton requests that all properties within the territorial limits of said Town be charged the basic and additional annual charges in accordance with said charges stated above; and
- 5. The City Clerk is hereby directed to forward copies of this Resolution to the Clerk of the San Mateo County Board of Supervisors, the San Mateo County Flood Control District, the San Mateo County Engineer and to the NPDES Coordinator of C/CAG.

* * * * *

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 15th day of June, 2005, by the following vote:

<i>AYES:</i>	<i>COUNCILMEMBERS:</i>
<i>NOES:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSENT:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSTAIN:</i>	<i>COUNCILMEMBERS:</i>

ATTEST:

 William R. Conwell, MAYOR
 TOWN OF ATHERTON

 Linda Kelly, Acting City Clerk

APPROVED AS TO FORM:

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