



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**MAY 19, 2004**  
**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

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

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**

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

City Manager Jim Robinson and Interim City Attorney Hal Toppel were present.

3. **PRESENTATIONS**

- A. **Certifications of Appreciation for Outgoing Commission and Committee Members :**

Mayor McKeithen presented certificates in recognition of the following outgoing Town Commission and Committee members :

**Phil Lively, Planning Commission**  
**Jennifer Acheson, Planning Commission**  
**Catherine Westover, Park and Recreation Commission**

**Vivian Kral, Planning Commission, Kristi Waldron, General Plan Committee, Arlan Kertz, Audit Committee, and Robert O'Donnell, Audit Committee, were not present.**

**B. City / County Association of Governments (C/CAG) Presentation on Traffic Congestion Study**

**C/CAG Executive Director Richard Napier gave a short presentation on a study being conducted by C/CAG and the Santa Clara Valley Transportation Authority to identify potential ways to improve traffic congestion in the vicinity of the western end of the Dumbarton Bridge. Transportation Systems Coordinator Walter Martone was also present and provided information on the 2020 Peninsula Gateway Corridor Study.**

**C. Recognition of Retiring City Clerk**

**Mayor McKeithen presented a plaque to City Clerk Sharon Barker in appreciation for her years of service to the Town. She will retire on June 1, 2004. The City Manager presented a bouquet of flowers and recognized Sharon Barker for her outstanding service to the Town of Atherton.**

**4. COUNCIL REPORTS**

- Council Member Janz reported on the Housing Endowment and Trust (HEAT) meeting he attended, stating that the organization will consider a name change at their next meeting. HEAT was formed to study ways to improve housing development in the county. The Caltrain Corridor Subcommittee met May 4. Public Works Director Duncan Jones reported on studies for alternative funds for grade separations. At the next Subcommittee meeting on June 1, the group will receive a presentation from Caltrain on widening the boarding area at the Atherton station. Council Member Janz attended the ACIL Town meeting on May 6, where a presentation was given on High Speed Rail.**
- Council Member Marsala attended the Association of Bay Area Governments (ABAG) spring assembly in Oakland. Next year's budget was approved. He also attended a Library Joint Powers Authority meeting. An amending agreement to the JPA is on this agenda. He attended the Holbrook-Palmer Park Foundation meeting on Monday where plans were made to hold a tree dedication in memory of Henry Cartan. The Selby Lane Education Foundation held a fundraising carnival recently at the school. In regards to the parcel tax renewal, Council Member Marsala suggested the possibility of holding more joint meetings with the Audit Committee.**
- Council Member Carlson attended the May 4 Caltrain Subcommittee meeting. He encouraged increased communication with other cities along the corridor. He also attended the last Planning Commission meeting. He commended outgoing commissioners Phil Lively and Jennifer Acheson for their years of service.**
- Vice Mayor Conwell attended a San Francisco Airport Roundtable meeting. He reported that the budget was addressed and a program developed to explain to**

residents the actions the Roundtable has taken in the last few years to reduce airport noise. He also attended the C/CAG meeting where next year's budget was reviewed. The Criminal Justice Commission met today and received a presentation from a representative of the State Correctional Department.

- Mayor McKeithen attended a County Office of Emergency Services meeting on April 22. They received a report on a recent earthquake exercise and adopted the budget. She also attended a meeting with Town staff and representatives of Menlo College regarding noise on the athletic fields. Several resolutions to the noise issues have been implemented. The General Plan Committee met and discussed possible revisions to the Special Events Ordinance. The Committee is looking into what other jurisdictions are doing. She spoke at the ACIL Town meeting on May 6, and met with a student from Las Lomitas School last week.

## 5. PUBLIC COMMENTS

John Sisson, Atherton, spoke to the Council.

## 6. STAFF REPORTS

- City Manager Jim Robinson reported that the Town will host the Council of Cities dinner meeting Friday, May 21, 2004 in the Pavilion. He asked the Council to set a date for a budget hearing in June. The Council agreed to set a special meeting date for Monday, June 14 at 6:00 p.m.
- Public Works Director Duncan Jones reported on a study to be conducted on grade separations. He also announced that the Holbrook-Palmer Park restrooms have been taken out of service and temporary restrooms have been installed during construction of the new restrooms.
- Finance Director John Johns announced that the amount of revenue expected to be lost from state take-aways has been reduced.
- Interim City Attorney Hal Toppel reported that no action had been taken as a result of the closed session held at 6:00 p.m.

## 7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

No Report.

## CONSENT CALENDAR

Mayor McKeithen had questions on Items 14 and 15. Police Chief Brennan and Finance Director Johns explained the funding for the taser defensive weapons. Council Member Janz suggested under Item 16, the General Plan Committee also address setbacks where property abuts to properties not in the Town's jurisdiction. Council Member Carlson asked that Item 13 be removed from the Consent Agenda.

**MOTION – to approve the items as presented on the Consent Agenda with the change to Item 16 as requested by Council Member Janz, and excepting Item No. 13, which was placed on the Regular Agenda.**

**M/S Carlson/Janz**

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

**8. APPROVED MINUTES OF REGULAR AND SPECIAL MEETINGS OF APRIL 21, 2004**

**9. APPROVED BILLS AND CLAIMS FOR APRIL 2004 IN THE AMOUNT OF \$860,134**

**10. ACCEPTED MONTHLY FINANCIAL REPORT FOR APRIL 2004**

**11. APPROVED AMENDED STREET CENTERLINE MARKING LIST**

**Approved the amended Centerline Marking List to include a single stripe on Greenoaks Drive from Oak Grove Road to 170 Greenoaks Drive.**

**12. ADOPTED RESOLUTION NO. 04-06 RECOMMENDING THAT THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT IMPOSE CHARGES FOR FUNDING THE 2004/05 COUNTYWIDE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM**

**Adopted Resolution No. 04-06 recommending that the San Mateo County Flood Control District impose charges for funding the 2004/05 Countywide National Pollution Discharge Elimination System (NPDES) General Program**

**13. *REMOVED FROM CONSENT AND PLACED ON THE REGULAR AGENDA* - APPROVE THE RECORDATION AND REMOVAL OF THE OLD GAZEBO IN HOLBROOK-PALMER PARK**

**14. APPROVED PURCHASE OF TASER DEFENSIVE WEAPON FOR POLICE DEPARTMENT**

**Approved authorization of funds to cover the 50 percent matching grant provided by ABAG for the purchase of 20 Taser defensive weapon stun guns.**

**15. APPROVED PLANS AND SPECIFICATIONS BARRY LANE – ATHERTON CHANNEL BOX CULVERT REPLACEMENT**

**Approved the plans and specifications for the Barry Lane – Atherton Channel Box Culvert Replacement, Project 03-006.**

**16. REQUESTED REFERRAL OF TO GENERAL PLAN COMMITTEE TO REVIEW SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES TO THE GENERAL PLAN COMMITTEE**

Referred the review of setback requirements for accessory structures to the General Plan Committee, and requested that the Committee also consider review of setbacks where property abuts properties not in the jurisdiction of the Town.

**REGULAR AGENDA**

**17. CONSIDER ADOPTION OF A RESOLUTION ADOPTING A DRAFT TRANSPORTATION EXPENDITURE PLAN**

City Manager Jim Robinson presented the staff report for this item. The Draft Transportation Expenditure Plan recommends the extension of the Measure A half-cent sales tax for a 25-year term. The Draft Plan must be approved by a majority of cities representing the majority of the population of the incorporated area of San Mateo County. The Board of Supervisors must also approve it and will then recommend whether the approved Plan and the extension of the local sales tax will be placed on the November 2004 ballot.

The City Manager reported that the list of proposed projects includes funding for grade separation projects at Fair Oaks and Watkins Avenues.

Vice Mayor Conwell referred to the letter previously submitted by the City Council opposing the proposal in the Draft Expenditure Plan to extend the term to 25 years and include funding \$24 million for the BART extension and \$25 million for ferries.

Howard Goode, Executive Director of the San Mateo County Transportation Authority was present and spoke on the Draft Plan. He stated that the Draft Plan has been developed over the last year and that the funding for ferries and Bart were items advocated by other communities. He noted that Bridge toll monies provide the core funding for the ferries. Eleven cities would represent a majority of the population needed to pass the Plan.

The following members of the audience spoke:

John Sisson, Atherton, on electrification of Caltrain  
Bob Huber, Atherton, on proposed ferry service

**MOTION - to adopt Resolution No. 04-07 authorizing the adoption of the Draft Transportation Expenditure Plan for the Extension of Measure A.**

Item 20 was taken out of order on the agenda.

**20. CONSIDER RECOMMENDATION FROM PARKS AND RECREATION COMMISSION AND THE ADOPTION OF A RESOLUTION TO SUPPORT ENABLING LEGISLATION FOR A COUNTYWIDE SPECIAL PARK AND RECREATION DISTRICT**

San Mateo County parks supporter, Linda Liebes, spoke on this proposal to create a countywide special park district committee. She stated that the group is trying to get legislation passed at the state level that would allow San Mateo County voters to vote on the formation of a special park district to provide additional support to the County and City parks systems. The proposal would take at least a year before it would go to the voters.

In response to questions by the Council, Ms. Liebes stated that each city would retain control of its own parks, but that the joint funding mechanism may be a benefit to the cities. Council Member Carlson stated his concerns with going to the voters with so many assessments.

**MOTION – to adopt Resolution No. 04-09 supporting enabling legislation for a Countywide Special Park District.**

**18. PARCEL TAX DISCUSSION – SET PUBLIC HEARING DATE FOR AN ORDINANCE CALLING AN ELECTION TO SUBMIT TO THE VOTERS AN ORDINANCE AUTHORIZING THE LEVY OF A SPECIAL TAX FOR MUNICIPAL SERVICES AND CAPITAL IMPROVEMENTS**

Finance Director John Johns presented the staff report for this item. Staff recommends that the Council adopt the schedule attached to the staff report to begin the process to place a measure on the November 2004 ballot authorizing renewal of the parcel tax. He reported that an addendum to the staff report has been provided in response to issues brought forth at the Joint City Council / Audit Committee meeting on May 12, 2004.

Discussion ensued regarding possibly amending the Business License ordinance. City Attorney Marc Hynes provided a memorandum to the Council suggesting that if the Town proceeds further with the Business License amendment, the Council may wish to have this issue reviewed by special legal counsel. The Finance Director was asked to find out how the City of Pleasanton arrived at the amount they charge for business license gross receipts on real estate firms.

**Finance Director Johns reported that he has contacted the supervisor of contracts for San Mateo County Dispatch to obtain costs involved with outsourcing the Town's alarm service and dispatch. The County has the ability to place dispatch on an existing channel and the cost will depend on the level of service provided. The Sheriff's Department is planning on providing direct connect alarm service to the Towns of Woodside and Portola Valley, and will need to obtain approval from the Board of Supervisors in order to charge for this service. Chief Brennan noted that dispatch outsourcing would not include records maintenance, and that costs for this would have to be budgeted.**

**Council Member Carlson asked Chief Brennan to research a previous contract between the Town and the City of Menlo Park for nighttime dispatch. He asked for information on what problems were encountered, what the benefits were, and why the contract was not continued.**

**Vice Mayor Conwell suggested that the Council retain the current rate for the parcel tax, and stated that the Town has not realized the full result of charging the maximum annual amount of \$750. He stated that if the parcel tax is renewed at \$750, and the Town is able to implement business license fee changes for real estate firms, the Council could review the police dispatch issues in December.**

**Concerns were expressed by Council Member Carlson that the residents have not voted to reduce Town services. He also stated his concern that the Audit Committee's recommendation is to set the parcel tax a half million dollars lower than staff's recommendation, and cited the need for a long term solution to the Town's financial needs.**

**Council Member Marsala stated that the parcel tax allows for fairness in that each household is asked to contribute funding for Town services. He noted that the parcel tax is tax deductible for most residents.**

**Council Member Janz agreed with Vice Mayor Conwell's suggestion of keeping the parcel tax at the current level and working to bridge the funding gap with increased business license revenues.**

**Atherton residents Jack Ringham and John Sisson spoke from the audience.**

**MOTION – to set June 16, 2004 as a date for a public hearing to consider adoption of an ordinance calling an election to submit to the voters an ordinance authorizing the levy of a special tax for municipal services and capital improvements.**

**M/S Carlson/Conwell**

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

**Item 13 was removed from the Consent Agenda and placed on the Regular Agenda.**

**13. APPROVE THE RECORDATION AND REMOVAL OF THE OLD GAZEBO IN HOLBROOK-PALMER PARK**

Council Member Carlson asked that this item be removed from the Consent Agenda because of the possibility there may be some historical significance to the Old Gazebo.

Marion Oster, representing the Atherton Heritage Association, spoke against the proposal to remove the Gazebo in Holbrook-Palmer Park. She gave a report stating that the Gazebo had been part of the original estate and is currently being used. She asked that the Heritage Association be given time to study how renovation might be funded. Public Works Director Duncan Jones stated his concern that the Gazebo's roof structure appears to be coming apart. He stated it is a safety issue and could be closed to the public by erecting a chain link fence to secure the structure.

City Manager Jim Robinson reported that during the Park and Recreation Commission's Annual Walk-through, the condition of the gazebo was discussed. It was the Commission's unanimous recommendation that the structure be removed. The historical significance was not addressed.

**MOTION – that the Old Gazebo be fenced off for at least six months to allow time to evaluate its condition, determine the costs necessary for renovation and make a recommendation for relocating the structure. The Heritage Association will look into fundraising for the renovation and report back to the City Council in six months.**

M/S Carlson/Conwell

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

**19. CONSIDER ADOPTION OF A RESOLUTION FOR APPROVAL OF LIBRARY STAFF AND SERVICES AGREEMENT AND AMENDED LIBRARY JPA AGREEMENT**

As a result of a study conducted by Management Partners, Inc., certain changes have been recommended related to the administration and operation of the San Mateo County Library Joint Powers Authority. A resolution amending the JPA agreement has been presented to the members for adoption.

**MOTION – to approve the proposed amendments to the original San Mateo County Library Joint Powers Authority Agreement in the form of the new First Restated Joint Powers Agreement, adopt Resolution No. 04-08 approving the new Agreement, and authorize the Mayor to sign and execute the Agreement on behalf of the Town.**

M/S Janz/Conwell

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

**21. CONSIDER REQUEST FOR MEMBERSHIP IN THE PENINSULA POLICY PARTNERSHIP**



**The Peninsula Policy Partnership, an organization in San Mateo County that is designed to bring agencies together to find mutual solutions to many interdependent issues, has asked the Town to join membership at an annual dues rate of \$2,000.**

**The Council agreed that the Town would benefit from membership in the Peninsula Policy Partnership.**

**MOTION – to approve the membership in the Peninsula Policy Partnership at a dues rate of \$2,000.**

**M/S Janz/Conwell**

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

**22. APPROVAL OF RESPONSE TO THE CALTRAIN ELECTRIFICATION DRAFT ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT REPORT**

**Public Works Director Duncan Jones presented the staff report on this item. The Atherton Caltrain Corridor Subcommittee met May 4, 2004, and discussed five issues related to the Caltrain Electrification Draft Environmental Assessment/Environmental Impact Report. (DEA/EIR). The Subcommittee has requested that the City Council send a letter to Caltrain in response to the Electrification DEA/EIR. Comments are due by May 25. Public Works Director Jones stated that the critical issue is the planned removal of trees along the corridor.**

**Mayor McKeithen suggested the letter include a request for information on the potential interference for homeowners' cell phone and home electronics reception.**

**Public Works Director Jones stated that the electrification project would not take any Town right of way, but that the draft document does not address whether four tracks are being planned. He stated that when he met with Caltrain subsequent to writing the staff report, they indicated plans to four-track the whole corridor.**

**Council Member Janz stated that he would like to revise the response letter to provide comments on the Draft EIR document that were discussed tonight.**

**The following members of the audience spoke:**

**Jack Ringham, Atherton, on proposed Caltrain improvements.**

**Rosemary Maulbetsch, on various issues including the recent advertising on the trains.**

**MOTION – to approve the letter in response to the Caltrain Electrification Draft EIR and authorize Council Member Janz to work with the Public Works Director to provide slight changes in the language and to add questions covering right of way and effects on personal electronics.**

**M/S Carlson/Marsala**

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

**23. CONSIDER REQUEST TO REFER THE REVIEW OF BUILDING PERMIT REQUIREMENTS TO INCLUDE PAVING PROJECTS TO THE GENERAL PLAN COMMITTEE**

**Building Official Mike Hood presented the staff report for this item.**

**Atherton resident Marion Oster submitted a letter to the City Manager asking that the General Plan Committee be authorized to look into the issue of pavement related construction that does not fall under the current code. She referred to a recent construction project that involved the removal of a circular driveway, pool decking, and an alleged heritage tree. The project did not require a building permit and as such, there was a lack of compliance by the contractor to the Town's code requirements.**

**MOTION – to authorize the General Plan Committee to review the current Town ordinances and to make recommendations to the City Council regarding projects which do not require a building permit, but are subject to the ordinances of the Town.**

**M/S Conwell/Janz**

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

**24. PUBLIC COMMENTS**

**There were no public comments.**

**25. ADJOURNMENT**

**The meeting adjourned at 10:22 p.m.**

**Respectfully submitted,**

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**Sharon Barker, City Clerk**

