



MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
October 20, 2004
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

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

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

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

3. **PRESENTATIONS**

- A. **Presentation of Annual Tree Awards – Atherton Tree Committee**

Denise Kupperman, Atherton Tree Committee Chair, and Kathy Hughes Anderson, Town Arborist, presented the 2004 Annual Tree Awards to the following residents:

Kenneth and Virginia Frederick
Alex and Antonia Cross
Mario and Danelle Rosati
Marsha Gustafson

4. **COUNCIL REPORTS**

- **Council Member Janz stated that he met with Finance Director John Johns regarding revenue enhancement and cost savings options that would be discussed later that evening. He attended the Menlo Park City Council meeting the previous night, along with Council Member Carlson, City Manager Jim**

Robinson, Public Works Director Duncan Jones, and several members of the Caltrain Corridor Subcommittee. A presentation was given on a feasibility study for grade separations in Menlo Park. An ordinance was passed that said, in essence, that staff from Menlo Park would work with staff from Atherton and other cities on the Peninsula to discuss various perspectives on electrification, high-speed rail, grade separations, etc. Council Member Janz announced on October 26, 2004, from 10:30 a.m. to Noon, in the Menlo Park City Council Chambers, the Menlo/Atherton Branch of the American Association of University Women (AAUW) and the League of Women Voters of South San Mateo County were sponsoring an impartial panel to present the pros and cons of ballot measures for the upcoming November 2, 2004, election.

- Council Member Marsala reported the Holbrook-Palmer Park Foundation and Atherton Dames sponsored a Town barbeque the past weekend that was a great success. He attended the Lindenwood Homeowners' Association (HOA) meeting and a Selby Lane School fundraiser for "Yes" Reading. Council Member Marsala and Council Member Janz spoke at a parcel tax neighborhood meeting on October 18.
- Council Member Carlson also attended the Lindenwood HOA meeting and the Menlo Park City Council meeting. The study of railroad crossings was presented with overlays on the intersections depicting the disruptions the grade crossings would cause, e.g., making adjoining properties virtually inaccessible. In order to have any control over the future of what happened in the corridor, he believed all cities must come together. The idea of grade crossings and high-speed rail would be a disaster for the whole Peninsula.
- Vice Mayor Conwell had no report from the San Francisco Airport Roundtable. At the City/County Association of Governments (C/CAG) meeting, the significant topic was airport influence areas. In the future, homeowners must disclose to prospective buyers that the home was located in an airport influence area. A presentation was given at the Criminal Justice Council that day regarding the Private Defender program which cost San Mateo County \$15 million a year. A high profile and most expensive case was the Billionaire Boys Club at a cost of \$4 million. Vice Mayor Conwell noted that the Criminal Justice Council, in conjunction with the Council of Cities, would hold its annual awards dinner in Pacifica on Friday, October 22, to honor those who went above and beyond to help people who were unable to help themselves. On Sunday, October 17, he attended the 100th Anniversary of the Los Lomitas School where he presented a proclamation on behalf of Mayor McKeithen.
- Mayor McKeithen attended the Lindenwood HOA meeting. She attended a meeting to inform residents regarding Measure O and authored an article for *The Almanac* supporting Measure O. The Transportation Committee met last Tuesday where the following items were discussed: 1) completion of the DeBell Drive centerline striping project; 2) the Caltrans ECR Selby Lane left pocket issue which was not going forward due to the discovery of environmentally unsound earth and no federal monies being available; 3) the Safe Route to School grant for Selby Lane (pending); 4) installation of a warning sign, "Cross Traffic Does Not Stop," was approved at the corner of Alejandro Avenue, Britton Avenue, and Emilie Avenue and would be placed below the stop sign on

Emilie; 5) the “No Parking Zone” on Park Avenue was well received and no problems were reported; 6) a “Safe Driving” banner was placed at the end of Marsh Road where it connects to Middlefield Road and “Keep Kids Alive” bumper stickers were available; 7) a problem was reported regarding SamTrans bus turnouts on Middlefield Road, traffic was unable to pass the bus; however, widening the pocket was not a possibility; 8) a request from a resident for a traffic signal at Middlefield Road and Glenwood Avenue was denied; 9) a discussion on a channelization plan for the intersection of Greenoaks Drive and Acorn Way proposed three large islands to be installed, and the Lindenwood HOA was asked to consider whether it would be willing to maintain any new vegetation that might be planted. On September 23, the San Mateo County Sheriff’s Office of Emergency Services (OES) met. The third edition of the Portable Water Procurement and Distribution Annex Report was available. Two gallons of water per day, per person were needed in the event of an emergency. If a major event occurred with Hetch Hetchy, an estimate of 60 days would be needed to repair it. Increased alert levels would occur on a regional basis. The transit system was most at risk and concern for the time period just prior to the election was heightened. A draft emergency alert system protocol was in place, tune to KCBS radio, and translators were also available. Genentec wanted to partner with the County to store diesel fuel and was negotiating, along with Nelo Oil Company, to reserve fuel storage capacity. The OES had 18,000 radios for schools to inform them of catastrophic events and were available at the Redwood City office.

5. PUBLIC COMMENTS

Jim Dobbie, Atherton, commented on street renovation delays on James Avenue and Greenoaks Drive.

Staff responded to Council questions. After a brief discussion, Mayor McKeithen requested an item be placed on the next General Plan Agenda regarding the issue of limits to be placed on building permits with a report including other jurisdictions with limits, how they work, and staffing requirements.

Jerry Carlson, Atherton, Atherton Civil Interest League (ACIL) President, gave an update on Selby Lane School. The ACIL Board endorsed Measure O and Proposition 1A. He offered his comments on Caltrain issues.

John Sisson, Atherton, spoke regarding cable lines in his neighborhood, zoning of elementary school districts, and complimented the Council on its public relations campaign for Measure O.

Bob Jenkins, Atherton, spoke regarding Measure O and the possibility of a telemarketing campaign.

6. STAFF REPORTS

- City Attorney Marc Hynes stated no reportable action was taken as a result of the 6 p.m. Closed Session. The three potential litigation cases involved a City Attorney report on code enforcement actions relative to the Heritage Tree ordinance.
- City Manager Jim Robinson announced the fall *Athertonian* would be mailed on Friday, October 22. A letter was received from the Heritage Foundation noting that the cost to rebuild the gazebo at Holbrook-Palmer Park was prohibitive. A report would be scheduled for the City Council meeting of November 17, 2004.
- Police Chief Bob Brennan reported State Fish and Game made a decision that the mountain lion would not be deemed a public safety threat at the present time. Warning signs were posted in the area. The Town Hall meeting would be held at St. Joseph's School on November 4 at 7 p.m. State Fish and Game would be present to answer questions.
- Public Works Director Duncan Jones reported the projects at Valley Road and Walsh Road received their federal permits for installing erosion control. A problem with insurance held up the encroachment permit; however, the permit was ready to be issued the next day. Regarding the pavement project, staff was working with the contractor to defer the project on Alta Vista until spring due to the steepness of the street. A resident complained that a contractor for the Fair Oaks Sewer District, with no identification, was putting rat poison in sewers. Public Works Director Jones indicated he would remind utility companies at the annual meeting in January of the need to notify residents when work was to be done and that identification was needed.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

No report scheduled.

CONSENT CALENDAR (Items 8 - 19)

Council Member Marsala had questions regarding Item No. 15. Mayor McKeithen requested that Item Nos. 14 and 15 be removed and placed on the Regular Agenda for discussion.

Mayor McKeithen announced that in regard to Item No. 12, the Screening Committee recommended that Betty Ulman be appointed to serve on the Arts Committee.

MOTION - to approve the Consent Agenda with the exception of Item Nos. 14 and 15 which were moved to the Regular Agenda for discussion.

M/S Carlson/Janz

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

8. APPROVED MINUTES OF SPECIAL MEETING OF SEPTEMBER 9, 2004; SPECIAL CLOSED SESSION AND REGULAR MEETINGS OF SEPTEMBER 15, 2004; SPECIAL MEETING OF SEPTEMBER 27, 2004; AND SPECIAL JOINT

MEETING WITH THE PARK AND RECREATION COMMISSION OF OCTOBER 6, 2004

9. **APPROVED BILLS AND CLAIMS FOR SEPTEMBER 2004 IN THE AMOUNT OF \$751,953**
10. **ACCEPTED MONTHLY FINANCIAL REPORT FOR SEPTEMBER 2004**
11. **APPROVED REVISED CORE NATURAL GAS SALES AND AGGREGATION AGREEMENT WITH ABAG POWER**

Approved the revised Core Natural Gas Sales and Aggregation Agreement with ABAG POWER.

12. **APPOINTMENT TO ATHERTON ARTS COMMITTEE**

Approved the recommendation of the Screening Committee to appoint Betty Ulman to the Arts Committee.

13. **ACCEPTED THE WORK, AUTHORIZED RECORDATION OF A NOTICE OF COMPLETION AND APPROVED CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$3,027.81 FOR THE HOLBROOK-PALMER PARK RESTROOM EXPANSION PROJECT NUMBER 03-008**

Accepted work, authorized recordation of a notice of completion and approved contract change orders in the amount of \$3,027.81 for the Holbrook-Palmer Park Restroom Expansion Project Number 03-008 project.

14. *REMOVED AND PLACED ON REGULAR AGENDA FOR DISCUSSION*
AWARDED CONTRACT FOR THE 2004 STREET CAPE SEAL PROJECT, PROJECT NUMBER 04-003 TO GRAHAM CONTRACTORS, INC. FOR \$69,678.50

15. *REMOVED AND PLACED ON REGULAR AGENDA FOR DISCUSSION*
ADOPTION OF RESOLUTIONS AUTHORIZING APPLICATION FOR A YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM GRANT TO REHABILITATE AND EXPAND THE HOLBROOK-PALMER PARK SOUTH MEADOW AND A STATE URBAN PARKS AND HEALTHY COMMUNITIES PROGRAM GRANT TO RECONSTRUCT THE HOLBROOK-PALMER PARK TENNIS COURTS AND COMMITTING THE REQUIRED TWENTY-FIVE PERCENT LOCAL MATCH

16. **ADOPTED A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDING FOR THE VALPARAISO AVENUE RECONSTRUCTION PROJECT AND COMMITTED THE NECESSARY NON-FEDERAL MATCH FOR THE PROJECT AND STATED**

THE ASSURANCE OF THE TOWN OF ATHERTON TO COMPLETE THE PROJECT

Adopted Resolution No. 04-19 authorizing staff to submit an application for Surface Transportation Program (STP) grant funds to reconstruct Valparaiso Avenue, committing the required local match, and stating the assurance of the Town to complete the project.

- 17. ACCEPTED STATUS REPORT ON HETCH-HETCHY RIGHT-OF-WAY ISSUES – CONSIDERED AN AMENDMENT TO THE ZONING ORDINANCE (FROM THE MEETING OF SEPTEMBER 15, 2004)**

Received and filed status report, which was for information only.

- 18. ACCEPTED FISCAL YEAR 2003-2004 AUDITED FINANCIAL STATEMENTS**

Accepted the basic financial statements and independent auditor's report for year ending June 30, 2004.

- 19. ACCEPTED AUDIT COMMITTEE AND STAFF RECOMMENDATION TO AUTHORIZE CONTRACT EXTENSION WITH CAPORICCI & LARSON FOR INDEPENDENT AUDIT SERVICES FOR A THREE-YEAR PERIOD**

Approved a three-year extension to the contract for Independent Audit Services with Caporicci & Larson, Certified Public Accountants.

REGULAR AGENDA

Item Nos. 14 and 15 were removed from the Consent Agenda and placed on the Regular Agenda for discussion.

- 14. AWARDED CONTRACT FOR THE 2004 STREET CAPE SEAL PROJECT, PROJECT NUMBER 04-003 TO GRAHAM CONTRACTORS, INC. FOR \$69,678.50**

Awarded the contract for 2004 Street Cape Seal Project, Project Number 04-003, to Graham Contractors, Inc., the low bidder of the October 14, 2004 bids, for \$69,678.50.

In response to Mayor McKeithen, Public Works Director Duncan Jones said a cape seal consisted of a three-layer pavement rehabilitation, was being used for the first time in the Town on low-traffic streets, and could be used in the future in place of overlays. Slurry seals were used on streets in good condition.

Mayor McKeithen noted the bid was 22% below the engineer's estimate of \$85,000.

- 15. ADOPTION OF RESOLUTIONS AUTHORIZING APPLICATION FOR A YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM GRANT TO**

REHABILITATE AND EXPAND THE HOLBROOK-PALMER PARK SOUTH MEADOW AND A STATE URBAN PARKS AND HEALTHY COMMUNITIES PROGRAM GRANT TO RECONSTRUCT THE HOLBROOK-PALMER PARK TENNIS COURTS AND COMMITTING THE REQUIRED TWENTY-FIVE PERCENT LOCAL MATCH

Adopted Resolution No. 04-21 authorizing staff to submit an application for Youth Soccer and Recreation Development (YSRD) program grant to rehabilitate and expand the Holbrook-Palmer Park south meadow and Resolution No. 04-20 for a State Urban Parks and Healthy Communities (SUPHC) program grant to reconstruct the Holbrook-Palmer park tennis courts and committing the required local match of 25%.

Council Member Marsala asked whether Atherton was at a disadvantage to receive the grants and whether other grants were available.

City Manager Jim Robinson noted the Park and Recreation Commission reviewed the grant applications and recommended approval by the City Council. The grants were competitive and contingent upon approval and inclusion in the long-term Capital Improvement Program. Approval was indicative of support for the project and a commitment to provide supplemental funding if funds were available.

Public Works Director Duncan Jones said a total of three grants were available for the tennis courts. The Town could receive only one grant from the State with a commitment of matching funds from another non-State source.

Mayor McKeithen was concerned with making a commitment of \$225,000 at the present time for turf remediation, new irrigation and drainage, without knowing whether the parcel tax had passed.

Public Works Director Jones stated the irrigation system was inadequate, the system needed to be redone, and the original turf was not intended for a real playing field. Having the whole field rebuilt through the grant, might be the most cost-effective method.

City Manager Robinson stated even though a commitment was being made in the resolution, the opportunity could be declined if the application were granted. Staff would provide each project on a list that Council could prioritize to determine which, if any, project to pursue.

Council Member Marsala believed the matching funds could be raised through donations and the user groups should be asked to participate in that effort.

Council Member Janz said the potential for a major restoration of the Park to be done quickly was a possibility. Applying for a grant that provided 75% of the funds from the State should be attempted.

MOTION— to approve Item Nos. 14 and 15 as presented

M/S McKeithen/Carlson

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

20. HOLD FIRST READING OF AN ORDINANCE RATIFYING, IN PART, THE MENLO PARK FIRE PROTECTION DISTRICT FIRE SPRINKLER SYSTEM REQUIREMENTS

City Manager Jim Robinson stated Council's action that evening was to introduce the ordinance ratifying, in part, the Menlo Park Fire Protection District Fire Sprinkler System Requirements based on conditions that were considered at the City Council Meeting of September 15, 2004.

MOTION – to approve the first reading of an ordinance ratifying, in part, Ordinance No. 29 of the Menlo Park Fire District amending District Fire Prevention Code pertaining to automatic fire sprinkler system requirements

M/S McKeithen/Janz

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

21. CONSIDERATION AND POSSIBLE ACTION ON ALTERNATIVES RELATIVE TO SPECIAL MUNICIPAL TAX FOR SUPPORT OF OPERATING AND CAPITAL EXPENDITURES AND EVALUATION OF REVENUE ENHANCEMENTS AND COST-SAVING OPTIONS

Finance Director John Johns presented the staff report. Recommendations in the report presented the Council with cost reductions/revenue enhancements that would close the gap between expected expenses and revenues over the next several years. Secondly, from the various revenue enhancements strategies identified, Council was being asked to select one of the four options to pursue for the long term. Additionally, changes were being recommended to the Intermediate Financial Plan that included a combination of cost savings and revenue enhancements representing the most promising targets.

Staff responded to Council questions. Finance Director Johns stated with regard to a surcharge on excavation permits, staff was being conservative in its expectations of a \$200,000 increase in the operating transfer from road impact fees. After preliminary discussions with a consultant, staff believed generating \$400,000 per year was reasonable; however, splitting the surcharge between ongoing operations and maintenance and long-term capital projects was more prudent.

Mayor McKeithen noted that major landscaping needed to be included, as well as expanding on the excavation permit terminology to include "fill."

City Manager Jim Robinson stated the focus of the consultant would be to look at the existing fees and new fees as related to the issues raised by the Council.

In response to Council Member Janz, Finance Director Johns said if the consultant's fee was less than \$15,000, staff would execute a purchase order; however, if the scope of work was greater than \$15,000, staff would bring the item to the City Council for approval. Once the consultant was secured, staff anticipated a report within 8 to 12 weeks. Additionally, Council was being asked to 1) authorize staff to implement the cost savings/revenue enhancement options as presented on Page 2 of the staff report; and 2) choose among the long-term revenue enhancements strategies as presented on Page 3. Staff was concentrating on amending the business license ordinance as the primary vehicle for providing a supplemental source of revenue.

Council Member Carlson preferred deferring action until after the November 2, 2004, parcel tax election.

Discussion ensued regarding the elimination of funding for two full-time equivalent positions in the Police Department and one full-time position in Administration. The information was being presented to show the cost savings of making those positions permanently vacant.

In response to Mayor McKeithen, Finance Director Johns said the paying down of unfunded pension liabilities would begin in fiscal year 2006-07 as part of the budget process.

Council Member Carlson clarified the recommendations were guidelines for the next budget and future budgets. The assumptions in the box on Page 2 of the staff report were the items to be changed and incorporated into the next budget.

MOTION (McKeithen) -- to conceptually change the way the budget is prepared to incorporate the recommended actions on Page 2 of the staff report dated October 20, 2004, with the addition of implementing a surcharge not only for excavation permits but also for landscaping permits, fill permits, and other related activities. In addition, to incorporate a consultant who costs less than \$15,000 or will return to Council for review and approval, to review the gross receipt basis for business license tax for construction and real estate trades to include recommended amounts in accordance with the four criteria set forth on Page 3 of the staff report (equitability, consistency with other communities, set annually through the budget process, and set at a level to offset a catastrophic loss of discretionary revenues). Further, staff is to prepare a recommended phase-in over the next four years, depending upon the need, with various alternatives from year to year, as well as what happens with the parcel tax on November 2, 2004.

Council Member Janz had requested that the analysis of potential revenue enhancements include all the items Council had discussed and displayed in one table.

Council Member Carlson thought the motion should be separated by 1) the assumptions in the box on Page 2; and 2) by the revenue enhancement measures on Page 3.

Finance Director Johns addressed Council Member Janz' concern regarding the omission of a table and indicated that any one of the four long-term revenue enhancement opportunities could generate between \$500,000 and \$2.1 million, relatively equivalent to one another. Staff believed Council should focus on one strategy rather than a combination because each one would require voter approval.

Mayor McKeithen believed Council had discussed all the options over the past few weeks and the time had come to finally make a decision and take action.

Council Member Carlson agreed; however, until the parcel tax either passed or failed, the philosophical questions of whether the measures were supplemental to or supplanting the parcel tax could not be answered. He believed action should be deferred until the City Council Meeting of November 17, 2004, when Council could determine the goal.

Council discussion continued on the pros and cons of deferral, the merits of looking at the four criteria to determine a formula, and the need for a list of all alternatives presented in a table format for future Councils or other organizations.

Vice Mayor Conwell believed the most influential item was the passage of the parcel tax that would generate \$1.8 million. Council should defer action until after the election.

Mayor McKeithen said Council made a promise in the language of Measure O and was troubled by deferring action.

Council Member Carlson disagreed and believed Council had accomplished a great deal during the many special meetings and study sessions. The time had come to give firm direction to staff on what goals Council wanted to achieve. Council would be better able to determine the goals after the election.

MAIN MOTION DIED FOR LACK OF A SECOND

SUBSTITUTE MOTION-- to approve the proposed revenue enhancements and cost reduction actions as presented on Page 2 of the staff report dated October 20, 2004, and to defer other action until after the election on November 2, 2004.

Council Member Janz believed the action, combined with the parcel tax, had fulfilled Council's promise to the electorate. Future actions would be for a particular purpose, either to supplement or supplant the parcel tax.

Council Member Marsala believed by limiting the action, people would not be confused before the passage of Measure O.

City Manager Robinson clarified the cost savings and revenue enhancements that were identified in the staff report represented an action that would be realized in next year's budget. The study of road impact fees and other related issues was also in place. What

remained were the revenue enhancement measures to supplement/supplant the parcel tax. Council needed to provide direction to staff on which measures to pursue and by what timeline.

Mayor McKeithen wanted to take action that evening for staff to pursue the options. Whether the parcel tax passed or not was not an issue.

Council discussion continued on the merits of requesting staff to pursue the options or defer the action until after the election when the goal could be determined. Council Members Janz and Marsala agreed to work with Finance Director Johns to develop a list of all alternatives with the relevant numbers and presented in a table format. The majority of Council favored approving the proposed revenue enhancements and cost reduction actions and deferring other action until after the election.

SM/S Carlson/Conwell Ayes: 4 Noes: 1 (McKeithen) Absent: 0 Abstain: 0

22. DISCUSSION OF MUNICIPAL CODE SECTION 12.06.100 - STANDARDS FOR WORK IN THE PUBLIC RIGHT OF WAY

Director of Public Works Duncan Jones presented the staff report summarizing the current status of Municipal Code Section 12.06.100 passed in 1999 that provided guidelines and was applicable specifically for new landscaping and new construction projects. If existing landscaping was determined to be hazardous or posed a physical obstruction, abatement was subject to being deemed a public nuisance on a complaint-based basis. Most people complied upon receipt of the first notice; a small percentage of complaints were actually referred to the city attorney. The question for discussion was whether a different level of activity should be undertaken, such as inspection of all streets to actively look for hazards, or a modification of the current ordinance to incorporate existing landscaping.

City Manager Jim Robinson clarified the item was before Council as a result of a public comment from the previous meeting. Staff wanted to explain the rules and past practice and determine whether Council wanted to pursue the issue.

Council Member Janz recalled when the item was discussed at the General Plan Committee in 1999. He believed if the ordinance was going to be revised, it should be referred to the General Plan Committee.

Discussion centered on the issue of enforcement. The question was whether the problem had become severe enough that the Town needed to take action to clear the right-of-way.

City Attorney Marc Hynes stated the ordinance was written to proceed on a complaint-based, case-by-case basis. If a situation existed where rocks and logs were creating a safety hazard, then action was taken on that particular property.

Council Member Carlson believed in extreme cases, the Police Department could notify the Public Works staff of traffic hazards.

City Manager Robinson said staff removed obvious obstacles on a weekly basis. He noted part of the problem was residents' perception of what the actual rules were. Some believed nothing should be within 3' of the curb; and in actuality, the rules said 5" high for vegetation and abutting the pavement was acceptable.

Mayor McKeithen believed the real issue was that nothing was being done to enforce the ordinance. Discussion continued on the merits of the ordinance as it was written.

City Attorney Hynes said unless Council wanted to revisit authorizing a Code Enforcement Officer, having a complaint-based ordinance was common for smaller jurisdictions and was a cost-controlled measure.

Mayor McKeithen said a two-pronged test was necessary: 1) was there a safety hazard; and 2) was there a complaint. The community needed to know what was required and what the criteria were.

City Manager Robinson stated every city struggled with the issue of compliance. Council needed to establish the standards and what level of enforcement was required.

Mr. John Worthing, Atherton, believed the pavement should be clear within 3 feet. He was concerned that the Building Department, Police Department, and Public Works Department were not adequately enforcing or informing people regarding the Municipal Code.

Phil Lively, Atherton, explained when the ordinance was crafted, the Lindenwood area was a developed community with extensive existing landscaping. The ordinance was developed for new landscaping and existing landscaping was "grandfathered." The Lindenwood Homeowners' Association notified those residents, on an annual basis, whose landscaping posed obstructions and/or safety hazards.

Council discussion continued on whether any action was necessary, whether the Police Department should be involved in enforcing the ordinance, and the Building Department's responsibility for informing/enforcing the ordinance for new construction.

City Manager Robinson restated the issues: 1) amend the ordinance as it related to vegetation 5" high and abutting the pavement; 2) continue to enforce the ordinance on a complaint basis and ensure follow-up by staff; 3) ensure new construction complied with the ordinance.

No action was taken.

Mayor McKeithen called for a recess at 10:05 p.m. The meeting reconvened at 10:12 p.m.

23. CONSIDERATION OF A RESOLUTION SUPPORTING PROPOSITION 1A, “PROTECTION OF LOCAL GOVERNMENT REVENUES,” A BALLOT INITIATIVE ON THE NOVEMBER 2, 2004 STATEWIDE BALLOT TO RESTRICT THE STATE LEGISLATURE’S ABILITY TO TAKE LOCAL GOVERNMENT FUNDING

City Manager Jim Robinson stated Proposition 1A was supported by the Governor; Menlo Park Fire Protection District; and the cities of Redwood City, Burlingame, Foster City, San Carlos, Belmont, San Bruno, and Daly City. The proposition, in essence, would restrict the State’s ability to utilize cities, counties, and school districts as sources of income to bail out its own revenue shortfalls. There had been some opposition as well as a bipartisan effort to put the issue on the ballot. Council was being asked to adopt a resolution to indicate its support of Proposition 1A.

Mayor McKeithen stated Proposition 1A, more than any other proposition, directly affected the Town of Atherton and moved to adopt the resolution.

Council Member Marsala wrote an article in support of Proposition 1A for *The Almanac* and was in attendance when the Governor spoke in support of the proposition at a League of California Cities meeting. Proposition 1A was a compromise agreement with the Governor. Council Member Marsala seconded the motion.

MOTION – to adopt Resolution No. 04-22 supporting Proposition 1A, “Protection of Local Government Revenues” a ballot initiative, to restrict the State Legislature’s ability to take local government funding.

Council Member Janz believed a better, more creative solution should have been crafted by the legislature and considered Proposition 1A to be a missed opportunity to straighten out the funding mechanisms of the State for the various levels of government. The proposition solved one problem and created another by institutionalizing and making permanent a system that was already dysfunctional. He would abstain on the motion.

Vice Mayor Conwell supported the motion although he had concerns about some provisions.

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

24. PUBLIC COMMENTS

There were no public comments.

25. ADJOURNMENT

The meeting was adjourned at 10:17 p.m.

Respectfully submitted,

Linda Kelly, Acting City Clerk

Minutes prepared by:

Kathi Hamilton