



Minutes
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
October 19, 2011
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
REGULAR MEETING

The Mayor called the meeting to order at 7:00 p.m.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Dobbie, Widmer, McKeithen, Carlson
- 3 **PRESENTATIONS**

Introduction of Police Officer Bill Lane – Chief Ed Flint

Chief Flint introduced new Police Officer Bill Lane. Flint said Bill went to college in San Luis Obispo, and became a reserve officer with the Town in 2010. Flint said Bill is a great addition to the team and has done very well so far.

Public Works Operations –Steve Tyler

Tyler informed Council that staff is looking to be completely transparent with the transition of Public Works maintenance to a contract firm. Tyler said MCE Corporation was hired by Council to provide contract public works maintenance services which include street, parks, and facilities maintenance for the Town.

Tyler said his new responsibility is to manage and direct MCE's work activities to annual, monthly, and weekly work plans. Tyler said monthly reports that include expenditures and budget status for Streets, Park, Facilities, Library and Tennis, any major issues, and planned activities will be provided to the City Manager and City Council.

Tyler was happy to announce that a work order program has been implemented that allows real-time work orders through a digital media device including smart phones.

Building Department Operations – Mike Kashiwagi

Kashiwagi presented the business approach and customer service focus that Interwest has implemented for the building department. Kashiwagi explained that building staff is working to improve bureaucratic processes through developmental roundtable meetings with developers, and tree protection training.

Kashiwagi reviewed Interwest's performance standards including major and minor plan reviews, inspections, and answering phone calls.

Kashiwagi concluded that he will begin tracking town arborist and code enforcement services under the community service department section of the city managers written report to Council.

Council Member Carlson asked is there will be an evaluation system that will be implemented on the Towns website to receive resident feedback on the various departments.

City Manager Danielson said staff is discussing customer feedback opinion cards in the building department and as staff enhances the website feedback can be given there as well.

Mayor Dobbie said he has talked to several builders recently who have all had very positive things to say about Interwest.

4. PUBLIC COMMENTS

Paul Quinlan, Atherton resident, requested that Council approach the Felton Gable Homeowners Association for an amendment to the agreement to allow residents and children access to the gate through their neighborhood. The gate is located in the back corner of Holbrook Palmer Park. Quinlan said this route would be much safer for children traveling to school at Encinal.

Colleen Anderson, Atherton resident, discussed her dissatisfaction for a member of the Police Department and her feelings of not being heard. She recapped Council the story of why she believes should get a copy of her 911 dispatch call over the summer.

Jon Buckheit, Atherton resident, praised Colleen Anderson for speaking up about police misconduct. Since residents pay parcel taxes for police services the residents should be treated fairly. Buckheit said he foresees another public records lawsuit if Ms. Anderson doesn't get the tape she is requesting.

Loren Gruner, Atherton resident, echoed Paul Quinlan's points and added that crossing Middlefield to get to Encinal is very tricky.

Caroline Bauers, Atherton resident, agreed with Gruner. She said it is terrifying to walk Middlefield because people don't stop for young children.

Pat Haines, Atherton resident, said she has been involved with the new town center building project having been on the blue ribbon task force and now on the town center task force. Haines clarified the misconception that there was ever any discussion for the library project and town center project, sharing funds. Haines said it was made very clear in October of 2008 that the funds would never be comingled.

Didi Fisher, Atherton resident, spoke on behalf of several Atherton residents requesting a master plan for all town facilities before anything is changed. Fisher said a good master plan would lead to a town discussion that would allow the entire community to be involved in. Fisher said she presented over 200 signatures which was denied; she went back and followed the Town ordinance and she now has 300 names, by email, on the petition. Fisher officially requested a special meeting.

Mayor Dobbie said that once the signatures are verified he will have staff set up the meeting. Fisher said the Towns municipal code doesn't ask for verification of signatures.

Council Member Lewis said there is a tremendous amount of outpouring for this meeting. Lewis said we are in a modern age of electronics and we have a very reputable citizen in front of us, and she requested that Council respect the petition as is.

MOTION by Lewis to call a special meeting to discuss having a master plan done for all Town projects, within the next two weeks.

MOTION by Dobbie, second by Lewis to set up a meeting in the next two weeks to discuss the items on the petition. The motion passed.

Charles Marsala, former Mayor and Council Member, said he is a former member of the park & recreation commission, is a former library JPA appointee, spent several years on the subcommittee for the Town facilities, and the Blue Ribbon Task Force. Marsala said everything at the park was always so meticulously discussed because of the importance of the green space wanted. Marsala concluded that while he was on the JPA he helped get a motion passed that allowed the JPA agreement to allow provisions for donor cities to transfer donor city funds in a validated manner. Marsala agreed with a master plan.

5. **REPORT OUT OF CLOSED SESSION** - None

6. **CITY MANAGER'S REPORT**

Danielson explained that upon further inspection of the phone system which is degrading badly, that the allocated funds for the voice over IP system won't be adequate because the wiring is so bad. Danielson said staff is still researching a hybrid type mix and will report back to Council.

Council Member Carlson said he received a message from the Chief of Police about their successful transaction of a copper wire theft. Danielson deferred to Chief Flint.

Chief Flint said that this morning, at 8:16 a.m., Sergeant Sherman Hall and Officer Tim Marks responded to a reported suspicious vehicle with two occupants. Officer Brad Mills arrived on the scene to assist. The passenger and driver were taken into custody for separate incidents. Further investigation by APD revealed that the two suspects were possibly connected to a string of copper thefts on the Peninsula. The vehicle was impounded as evidence and searched at the Police Department where a large quantity of copper wire was found in the vehicle. APD investigators continued working on the case through the afternoon when officers' discovered multiple transactions between the suspects and a metal scrap and salvage yard in Santa Clara. Flint concluded that theft of copper wire represents a huge financial loss to our community as well as the State of California.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**
CONSENT CALENDAR (Items 8-17)

Council Member Lewis had a non-substantive correction on Item 8, page 5 of 7. Lewis pulled item 11, and had a question on item 12.

Vice Mayor Widmer had a question on item 13, and pulled items 15 and 17.

Council Member McKeithen said she had a few questions on item 17.

Atherton resident Loren Gruner removed item 14.

11. ACCEPT CONTRIBUTIONS TOTALING \$9,400 IN SUPPORT OF ENVIRONMENTAL PROGRAMS COMMITTEE EVENT – ATHERTON 2020

Report: City Manager John Danielson

Recommendation: Accept contributions totaling \$9,400 in support of the EPC’s Atherton 2020 event, and increase the EPC budget by the same amount

Council Member Lewis said the \$9,400 will go towards the EPC budget which has been significantly reduced this year. Lewis said she had plenty of fliers to pass out regarding the high energy homes program, which is a program that allows you to log onto PG&E and receive an assessment of your bills.

MOTION by McKeithen, second by Lewis to accept contributions totaling \$9,400 in support of the EPC’s Atherton 2020 event, and increase the EPC budget by the same amount. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

8. APPROVAL OF SEPTEMBER 20, 2011 REGULAR MEETING

Recommendation: Approve September 20, 2011 regular meeting minutes

9. APPROVAL OF BILLS AND CLAIMS FOR SEPTEMBER, 2011 IN THE AMOUNT OF \$1,372,089

Recommendation: Approve Bills and Claims in the amount of \$1,372,089

10. FINANCIAL REPORT FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2011

Report: Finance Director Louise Ho

Recommendation: Receive the General Fund Financial Report for the three months ended September 30, 2011

12. ACCEPT TRANSPORTATION COMMITTEE RECOMMENDATION TO RESTRICT NO RIGHT TURNS FROM HOLBROOK LANE TO MIDDLEFIELD ROAD, MONDAY – FRIDAY, 7AM – 9AM

Report: Public Works Director Mike Kashiwagi

Recommendation: Accept recommendation of the Atherton Transportation Committee to install a “No Right Turn, 7am – 9am, Monday - Friday” sign at Holbrook Lane and Middlefield Road. Take before and after traffic counts and report back in four months regarding the effectiveness and impacts of this measure

Council Member Lewis asked how the effectiveness of the measure will be monitored and who will pay for it. Interim Public Works Director Mike Kashiwagi said the Town will do “before” and “after” traffic counts. The cost is included in the budget.

16. APPROVAL TO CONTINUE SOLE SOURCE CONTRACT WITH BIANCHINI'S CATERING FOR SCHEDULING/STAFFING PARK EVENTS THROUGH FEBRUARY 2012

Report: Public Works Director Mike Kashiwagi

Recommendation: Approve continuation of sole source contract with Bianchini's Catering to schedule and staff park events through February 2012 with modifications to original scope of work. This new agreement calls for 50% of all fees collected from park events will go to Bianchini's catering per month (with a minimum of \$6000.00) for services rendered

MOTION to approve the consent calendar which consists of items 8, 9, 10, 11, 12, and 16. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

PUBLIC HEARINGS - (Item 18)

**18. 70 CAMINO POR LOS ARBOLES (APN 070-302-300)
INTRODUCE ORDINANCE TO PRE-ZONE THE SITE TO R1-A AND AMEND THE GENERAL PLAN MAP TO INCLUDE THE PROPERTY FOR ANNEXATION TO THE TOWN OF ATHERTON**

Report: Town Planner Lisa Costa Sanders

Recommendation: Conduct the public hearing and introduce the Ordinance pre-zoning the site R1-A and amend the General Plan Map to include a portion of the property located at 70 Camino por los Arboles for annexation into the Town of Atherton based on the findings in the staff report

Deputy Town Planner Lisa Costa Sanders said the property owner owns two properties located at 70 Camino por los Arboles. The larger property is approximately 34,793 square feet in area, and the smaller property is approximately 5,346 square feet in area. The larger property is located within the Town of Atherton and the smaller property is located within the County of San Mateo. The two properties have been held under common ownership since 1965.

The applicant desires to annex the unincorporated parcel to the Town of Atherton and eliminate the lot line between the Atherton parcel and the unincorporated parcel, thereby resulting in a single 40,139 square foot parcel (just under an acre), entirely within the Town limits. No new building site would be created and the existing home at 70 Camino por los Arboles would remain the only residence on the newly merged site.

Council Member Carlson asked if there was any opposition. Costa Sanders said she has received none.

Vice Mayor Widmer asked whether the property gets re-evaluated for tax rolls and does it roll into Atherton. Costs Sanders said yes and the town gains 5%.

MOTION by Dobbie, second by McKeithen to Conduct the public hearing and introduce the Ordinance pre-zoning the site R1-A and amend the General Plan Map to include a portion of

the property located at 70 Camino por los Arboles for annexation into the Town of Atherton based on the findings in the staff report. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

REGULAR AGENDA – (Items 19-21)

19. ENVIRONMENTAL REVIEW PROCESS FOR NEW LIBRARY

Report: Community Services Director Mike Kashiwagi

Recommendation: To Be Determined:

1. Consider the Atherton Library Building Steering Committee’s (ALBSC) recommendation to approve Holbrook Palmer Park as the preferred site for the new library to replace the Main House pending meeting CEQA requirements.
2. Authorize staff to negotiate an amendment to the LSA Associates professional services agreement to provide for any necessary expansion of the work scope to meet any CEQA requirements.

Interim Public Works Director Kashiwagi said that at its June 15, 2011 meeting the City Council approved the criteria for site selection, process and schedule for the new Atherton Library. Due to concerns about environmental impacts that might result if the new library were sited in Holbrook-Palmer Park, the City Attorney has advised that the presence of public controversy requires the preparation of an EIR if the controversy is related to the project’s environmental effects. The City Attorney has also advised that prior to any decision by the City Council or its advisory commissions on a particular site for the new library, an environmental document must be completed and certified as adequate by the City Council. The City Attorney has advised that, in view of the public controversy related to the project’s environmental effects that the appropriate environmental document should be an EIR.

The Atherton Library Building Steering Committee (ALBSC) requested that the Commission recommend to the City Council that the Main House site at Holbrook Palmer Park be designated as the preferred alternative location for the library. However, the Commission concluded and recommended that no decision should be made until the City Council has conducted a Town-wide resident survey about whether location in the Park would be acceptable or desirable. The Park and Recreation Commission made a recommendation to Council to conduct a Town-wide survey of resident’s opinion concerning location of a new library in Holbrook Palmer Park.

On October 13, a special meeting of the ALBSC was called to develop a recommendation to City Council, which resulted in the ALBSC recommending and requesting the Atherton City Council approve Holbrook Palmer Park as the preferred site for the new library to replace the Main House pending meeting CEQA requirements. Kashiwagi introduced ALBSC Chair Denise Kupperman.

ALBSC Chair Kupperman introduced other members of the committee. Kupperman said the current library doesn’t have an extensive collection of books, the browsing area is cramped, and the program space is extremely limited. It does not meet current seismic building code requirements, or the minimum building performance according to FEMA.

Kupperman said the ALBSC has given the Town a position to design a building that will possess the flexibility to adapt to any changes in the future that a library would want to accommodate.

Kupperman said that if the Town does not make a change soon, we run the risk of our existing library being rendered unusable or unsafe by a seismic event. Kupperman added that there has been much scrutiny over the Needs Assessment study and clarified that the primary purpose of the Needs Assessment was to gather information and determine whether the existing library serves the community. The conclusion was that it does not.

Kupperman said the Committee was to prepare a recommendation for the preferred library site. The Committee engaged the community with four focus groups and three community meetings. The sites have been screened for potential environmental impacts along with numerous criteria commonly used in architectural and library site analysis. The consultant's findings clearly indicate that Holbrook Palmer Park presents significantly greater advantages and opportunities than the existing site.

Kupperman discussed the drawbacks of the existing library site and the advantages of the Holbrook-Palmer park site.

Kupperman concluded that the Town is uniquely positioned to intentionally choose the most ideal location for the new library. Holbrook-Palmer Park is the Town's place for play, passive and active recreation, community gathering, and social and cultural events. These experiences and activities would be enhanced and complimented by a library – a place to learn, share ideas and knowledge. Kupperman added that a library plays the sacred role of being the neutral place where one can access information and knowledge regardless of its commercial or political value.

Mayor Dobbie thanked Kupperman and the rest of the Committee for their work on the library project.

Jack Ringham, Atherton resident, gave a presentation titled *Atherton Library Space Needs for the e-Books future*. Ringham provided his background as a management consultant and summarized his opinion on why the library should study the size needs before moving forward. Ringham discussed e-book technology growth, specifically a kindle and ipad. Ringham noted the casualties from technology which included the closing of several books stores, video stores, and camera stores. He discussed the advantages of e-books, particularly the costs, and environmental benefits since no space is needed. Ringham said the Atherton Needs Assessment study did not report anything on e-books. Ringham discussed what he believed to be inconsistencies in the Needs Assessment study, specifically the calculations for the proposed size. Ringham felt it was important to research how realistic the service area is, and whether it should be based on actual library users. Ringham concluded that he is making no recommendation except that more research needs to be done to determine the space needed, before the location is determined to ensure this process is done right.

The Mayor opened up for public comment.

Earl Nielsen, Atherton resident, felt this should all be worked out together, and change should be welcomed as long as all the research is done and the community weighs in on it.

Paul Jones, Atherton resident, said the idea of choosing the park for the library site is premature and he felt the committee is grossly biased.

Betty Ullman, Atherton resident, said she strongly supports the Library Committee recommendation.

Dick Sparison, Atherton resident, favored a master plan. He also suggested installing a signal light at Watkins Avenue and Station Lane if the library does go to the park.

Grace Ferrando, Atherton resident, felt that losing the current site of the library would take away from the neighborhood feeling.

Jim Janz, Atherton resident, said the current recommendation to approve the park as the preferred site for the new library pending meeting CEQA requirements. Janz said there is case law that says CEQA is supposed to provide an analysis and alternative so the Council can make a decision based on rationale information. Janz concluded that approving this recommendation is a violation of CEQA.

Walter Sleeth, Atherton resident, said the process by which the Library Committee and all other agencies involved seems to have been very thorough, and there was plenty of time put into it. Sleeth said he supports the recommendation. Sleeth concluded that a master plan can still be done without the library.

Charles Marsala, Atherton resident, gave accolades to all who were involved in the process. Marsala added that Atherton is unique and we should find out how many students in Atherton use their schools libraries. Marsala supported a master plan facility.

Scott Feamster, Atherton resident, said if libraries are so important for educating people then the Town ought to be responsible for educating people on why a master plan will integrate a library as a vital part of the town center.

John Rugeiro, Atherton resident, said the library project is one of the most conflicting issues this Town has seen. Rugeiro suggested sending it out to a vote of the residents so it is fair.

Paul Quinlan, Atherton resident, said the current library does not seem inadequate and he and his family use the library almost daily.

Ginny Niles, Atherton resident, read a letter for the record on behalf of Atherton resident Christina Isenberg, who supported the library in the park.

Loren Gruner, Atherton, supported a ballot measure or survey to make this decision. Gruner said she hopes that there won't be much open space needed for a new library.

Roger Schwab, Atherton resident, said the process was well thought out. Schwab said the people elected Council to make these decisions and that's what should be done.

Marylue Timpson, Atherton resident, said she was concerned about where Jack Ringham got his facts for the numbers he provided in his presentation to Council. Timpson said residents from other cities should not be discounted from our numbers because she has proof that we are not only serving Atherton residents.

Alan Miller, Atherton resident, said he was impressed with the amount of effort that went into the process. Miller said that as he sits in the back of the tiny, freezing cold chambers it makes him think of the need for a master plan.

Sandy Crittenden, Atherton resident, read a letter on behalf of the Atherton Dames President who supports the park as the site for the library.

The Mayor closed for public comment.

Council Member Carlson said he requested a special meeting workshop some time ago so many of these issues can be discussed and Council can engage each other without violating the brown act. Carlson said he attended some of the library meetings and felt they were directed to the outcome of the desires of those running the meeting to have the library in the park. Carlson said comments and ideas were suggested at the community meetings but they were never addressed by the committee. Carlson thanked the library committee for their hard work. He said a major land use issue is how the park should be used in the future and a study should be done since park space is being downgraded to build more buildings in parks these days. Carlson added that a master plan should be done for all town facilities including the chambers and the library. He said he felt a master plan would help generate more interest from donors toward the Town Center.

Carlson said he has a number of concerns about who the library is being built for. The library is being paid for with Atherton taxpayers' money which is distributed by the San Mateo County governing board. Carlson said determining the right size of the library is critical. Carlson questioned whether Atherton residents want a library that serves other cities, and whether they want to help subsidize the County library system, with a larger facility. Carlson said there is no discussion in the site plan document on whether there are synergies with having the library included with a Town center or with having a library in the park. Carlson added that Council needs to slow down the library process, research synergies further, and create a master plan in order to make sure there is no duplication of spaces, such as a heritage room, meeting space, and community rooms. He said Council needs to compare from a financial perspective the difference between having a library in the park funding certain services, and associate it with the new park event management model that has been implemented at the park. Carlson added that Atherton library donor funds are growing about \$750,000 per year, and there has been no clear answer as to whether the funds can contribute toward other school libraries and school programs; long-term the Town should consider whether they want to remain with the County library system. He added that park space is getting to be rarer as time goes on, and schools and playgrounds are being downsized for more buildings and there is a real contention problem in the sense of what uses to make for town parks. Carlson concluded that listening to the entire community and constructing a master plan will help ensure the success of both projects, and until a majority of the Town says that the park is the preferred site for the library a survey should be undertaken.

Council Member Lewis said that during the entire library process she has always said there needs to be ample public outreach so all residents have opportunity to give their comments and ideas. Lewis felt that a master plan is critical to the Town. Lewis said the library needs assessment study was inadequate, and was extrapolated based on cookie cutter assumptions. She added that choosing the location of the library before it is subject to CEQA requirements is premature and Council should not vote on the item as it has been presented by the committee. Lewis added that the Park & Recreation Commissions idea to survey the entire town for their opinion on the location is the only way to create a unified decision among the community. Lewis said the library committee has done great work, but there is a lot more work to be done. It is prudent to be conservative and diligent, and if it is determined that the park is the best place for the library that will be fine, but a master plan process and a survey will assist in a successful decision. Lewis concluded that Council needs to be

unified and for such a divisive issue a unanimous vote should be had.

Council Member McKeithen said she has always tried to do what best for the general well-being of the Town. McKeithen said that if the park were ever deemed to not be the right location between now and the time a shovel is put in the ground she would be the first to stop the process. McKeithen said she has heard all the reasons why we don't need a library including the fact that schools have libraries and the new age of technology, however it is amazing how much libraries are growing in popularity these days. McKeithen said the reason is that they have come to the same conclusion we have which is people like libraries because they want to get together and share art and history, learn about computers, meet their neighbors and communicate with one another. McKeithen said she was concerned that the idea of a master plan for all town facilities only came up when the committee decided on the park as the preferred site for the library. She added that the park already has a master plan, and it should be updated based on the multitude of potential changes. McKeithen said that nowhere in either studies done by the Blue Ribbon Task Force or the Town Center Task Force was there ever any mention of the desire for a master plan. McKeithen said the library committee has a lot of hard work, and it fully intends to do a master plan, seek community input on the size of the library and has every intention on meeting CEQA requirements, as necessary. She added that she believe the Council is allowed to state the preferred location and members should have the spine to do so. She added that removing ourselves from the County JPA is a terrible mistake because it is too costly to maintain a library. McKeithen concluded that she wants a positive approach to the library that will benefit the community and the future of the town; Council needs to choose a preferred site subject to an expeditious review of CEQA requirements.

Vice Mayor Widmer said this is the hardest issue that he has had to deal with and its very discouraging. Widmer felt it should be joyous that we have the funds to build a new library but instead it has become a divisive issue among the community. Widmer said he made his position on the library when he began his campaign for Council over a year ago and his position has not changed. The facts are that the current library is in need of substantial safety repairs and it does not accommodate the needs of our changing demographics and dynamics of our community. He added that the library committee did plenty of community outreach and properly solicited input and conducted studies for council review. Widmer said the meetings were advertised in multiple locations, mailings, banners, advertisements and in the newspaper. The fact that they were poorly attended does not render the committees work invalid. He added that poor attendance can be related to the fact that an email was sent to over 1,800 residents and only 200 to 300 have responded. Widmer added that he has asked many people why they don't want the library in the park and a majority of them really weren't sure why with a few defining that size and change were factors. Widmer said it is Councils decision on the size of the library and they will base that off of community input.

Vice Mayor Widmer said a master plan requires decisions and approvals on major items. Widmer believed that Council is well within their duties to make the decisions and approvals based on community input because this isn't a massive project. Widmer added that unless there is overwhelming evidence that it is against the law for the Town to decide on a preferred site for the library now then he didn't feel that it should be delayed. He added that the library should be one which does not take up any new green space and one which will abide by our rules and regulations so as not to impact our livelihoods. Widmer concluded that he extensively studied this and personally felt a park location is the right decision for Atherton.

Mayor Dobbie said he has questioned many residents on why they don't want the library in the park

and they have no real reason. Dobbie felt that it appears the idea of a master plan is being used to derail the library project. He said the Town can't discount that High Speed Rail won't come along in the future and it would bring 4 years of construction which would impact the library in its current location. Dobbie added that he believes if the new library doesn't take up more green space than the current main house does, then he supports the location and felt it would enhance the park.

Mayor Dobbie said that currently there are such enormous events in the park on the weekends that it fills up every parking spot available. He felt that residents should be the ones to enjoy the park on the weekends, and currently the events being held on weekends are hindering that.

Council Member Carlson said that in his discussions with the Joint Powers Board they stated that in every case where they remodeled or built a new library there has been a significant increase in traffic. Regarding High Speed Rail, Carlson said the Town should know by the end of the year whether or not it will be something the Town will have to fight. Carlson added that the Main House in the park is 3,500 square feet and the proposed library is 11,000 square feet, which represents a significant difference. Carlson said he is disappointed that the Council is not taking more time to bring everyone together and work out a process to develop community consensus.

Council Member Lewis said she is disappointed in Council Members who support moving ahead with the preferred site for a library in light of the huge amount of resident outpouring in such a short period of time. Lewis said it is a severe misuse of Council fiduciary responsibility to move ahead at this point in time. Lewis concluded that if Council is going to do something that will have a lasting impact then a majority of the community should support it.

MOTION by McKeithen, second by Dobbie to approve the Atherton Library Building Steering Committee's (ALBSC) recommendation to approve Holbrook Palmer Park as the preferred site for the new library to replace the Main House pending meeting CEQA requirements as determined by City Council and staff, that staff move forward with a revised master plan for the park, and that specifications, particularly that the dimensions of the library will be the exact same size as the main house so that no green space is lost, are approved by Council.

Vice Mayor Widmer said he would like to amend it to add that specifications and sizing of the library is approved by Council, and include that the dimensions of the library will be exactly the size of the main house so we wouldn't lose any green space footprint.

Council Member Carlson said he would like to add an amendment that staff is directed to move ahead with a survey of the residents in town about their feelings of having a library in the park.

Dobbie called for a vote on Council Member Carlson's amendment. The motion failed 2-3 (Dobbie, Widmer and McKeithen opposed).

Dobbie called for a vote on the main motion. Dobbie and McKeithen agreed to add Widmer's amendment to the motion. The motion passed 3-2 (Carlson and Lewis opposed).

20. CONTINUATION OF EVENT BOOKINGS AT HOLBROOK-PALMER PARK THROUGH THE 2012 CALENDAR YEAR
Report: Interim City Manager John Danielson

Recommendation: Provide direction to staff to regarding the continuation of full event bookings at Holbrook-Palmer Park through December 31, 2012

Mayor Dobbie said the Town has not been taking any bookings for the 2012 season, and Council needs to determine if staff should reopen the season or not.

Council Member McKeithen said the staff report says we might net \$65,000 in revenue but it does not include capital expenditures or overhead allocations. She asked what the Town stands to net if those two are included.

Finance Director Louise Ho said the last cost allocation study done in 2010 allocated a cost of over \$150,000 to the parks programs. Ho said because of the reduction in workforce, staff is looking to do an updated cost allocation study.

Interim City Manager John Danielson said he is not comfortable closing the 2012 season unless it is a policy decision made by council. Danielson said we have constant inquiries about events in the park. The system that we have today eliminates the problems we had in the past that overhead was so steep we couldn't make a profit. We can now make 50% of all revenues collected. Danielson said Council needs to decide if they want to continue meetings such as the Atherton Dames and ACIL as well.

McKeithen said if you take the cost allocations and it is going to be less because we don't have the same overhead, how much of that overhead wouldn't be there but for those events. She asked how much we are costing out against those events so we know whether or not it is profitable.

Danielson said the fee study will tell us that. The study will show what the real cost is to do it the current way.

McKeithen said she wants to know the overhead associated with the events and what the overhead would be if we did not have the events.

City Attorney Connors said Proposition 26 does not allow cities to make a profit unless by voter-approved tax, except for proprietary concerns such as renting facilities to the general public. The fee does not have to be in the fee study and can be set to whatever the Town wants.

Mayor Dobbie said the amount of money the Town stands to profit or lose is not substantial. Dobbie felt the park should be open and available to Atherton residents on the weekends. Most weddings and weekend events are almost always non-Atherton residents, so Council needs to decide whether they want to make the park available to people who are not residents.

Council Member Carlson said he was concerned with inconsistencies in Council. He said that Mayor Dobbie just supported putting the library in the park when there will be plenty of residents outside of Atherton coming to visit that library. Carlson added that rejecting consideration of maintaining or improving revenues from holding events to offset costs is completely inconsistent with our financial goals to balance the budget.

Mayor Dobbie said he doesn't believe that the library users will fill up the parking spots in the park like events do.

Council Member Lewis felt that the Town was always charging too low of fees for park events in the past. She added that the new management model coupled with new fees should be a good source of revenue generation.

Council Member McKeithen asked for more information on actual costs relating to overhead. She wanted figures for the costs with the events and the costs without the events.

Council Member Carlson asked if the Town will lose the event planner if no decision is made.

Danielson said the current vendor has indicated that he needs weddings to turn a profit and if he can't make reservations for the 2012 season he can't continue. Danielson said he will have staff work on direct cost allocation figures and bring it back to Council.

McKeithen requested figures for overhead that is not direct but rather necessary for the park facilities even if the events did not continue. Carlson said those costs would continue whether the events continue or not.

Mayor Dobbie said he is very concerned about filling up the park with weddings and other events on the weekends.

Loren Gruner, Atherton resident, said residents do use the park for events too. If the costs are so high, that Atherton residents cannot afford to use them anymore then you are taking away from the residents.

Vice Mayor Widmer asked how long it will take to receive the documentation.

Danielson said the only change will be the addition of direct costs. He added that the only thing to consider by waiting another month is the people we turn away who call to book events for 2012.

Widmer asked Ho if she felt there would be a substantial change in the numbers. McKeithen asked if the Town will end up with a profit or not.

Ho approximated about \$30,000 in revenue. Mayor Dobbie did not feel like this was a substantial enough amount to open the events to non-Atherton residents.

MOTION by Carlson, second by Lewis to reopen the park event bookings for the 2012 season.

Widmer said that since staff is not totally sure on the amount of revenue the Town stands to earn that the analysis should be done and reported back to Council.

MOTION by McKeithen, second by Dobbie to table the item, and keep the events status quo until the next meeting.

Ayes: 3 Nays: 2 (Carlson, Lewis) Abstain: 0 Absent: 0

Council directed Danielson to have staff address these questions and report back to Council.

21. REPORT ON SOLID WASTE RATE HEARING

Report: Refuse & Recycling Rates Ad-Hoc Committee (Widmer, Carlson)

Recommendation: Receive report

On behalf of the ad-hoc committee for solid waste rates (Carlson, Widmer), Vice Mayor Widmer presented a PowerPoint presentation on the proposed rate increase. [A copy of the presentation is available in the City Clerk's office].

Widmer's presentation included a review of the contract and cost drivers, SBWMA and recology forecasts, Allied Waste final settlement figures, and recommendations to fund it, and noticed and recommended rates.

Widmer felt said there was consensus among the ad-hoc committee that lower rates are prudent, so there is no big surplus, and it wouldn't lessen the blow to our residents.

Council Member Carlson said the Town will continue to subsidize the green carts even with these proposed rates. He felt that the numbers still need to be adjusted.

Council Member Lewis felt the proposal is palatable. She added that she likes the new services including composting and food waste.

Mayor Dobbie thanked Widmer for a very thorough presentation. He opened up for public comment.

Paul Quinlan, Atherton resident, asked if there is a restriction on having multiple 20-gallon cans since money can be saved by doing so.

Widmer said the Town is allowed to restrict it but hasn't taken action to do so. Lewis said that Menlo Park does restrict it.

Quinlan asked what the methodology is behind continuing to subsidize the green cans when a gardener can dump it. Widmer felt the break-even point is close and the committee is not trying to push anyone out.

Carlson said it has been very difficult to get data from SBWMA and Recology, but the ad-hoc committee continues to research and question their fees.

The item was continued to the November meeting for a first rate hearing.

13. ADDITIONS OF CENTERLINE STRIPING AND SIGNAGE AT INTERSECTION OF HEATHER DRIVE AND IRVING AVENUE

Report: Public Works Director Mike Kashiwagi

Recommendation: The Atherton Transportation Committee recommends approval of an addition to the approved Atherton Striping List. This striping will be a single yellow centerline stripe through the intersection of Heather Drive onto Irving Avenue (100' each side of intersection). In addition, staff recommends approval of placement of a W1-1 15 MPH warning sign (turn ahead) on W/B Irving 200' prior to Heather

Vice Mayor Widmer asked what kind of survey was done to come to this recommendation. Mayor Dobbie said there is a cul-de-sac at the corner of Irving that looks like it goes through Middlefield

and people of the cul-de-sac are getting fed up with so many cars coming through and having to turn around.

MOTION by McKeithen, second by Widmer to approve an addition to the approved Atherton Striping List. This striping will be a single yellow centerline stripe through the intersection of Heather Drive onto Irving Avenue (100' each side of intersection). In addition, staff recommends approval of placement of a W1-1 15 MPH warning sign (turn ahead) on W/B Irving 200' prior to Heather. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

14. SIGN INSTALLATION (NO RIGHT TURN ON RED – 7:30 AM TO 8:30AM M-F) CORNER OF S/B MIDDLEFIELD ROAD AT ENCINAL AVENUE

Report: Public Works Director Mike Kashiwagi

Recommendation: Atherton Transportation committee recommends allowing the placement of two (2) signs, one at the southbound corner of Middlefield at Encinal and the other 200' prior (N) of the intersection, reading, " NO RIGHT TURN ON RED – 7:30 AM TO 8:30AM – M-F"

Loren Gruner, Atherton resident, said that putting up these signs will have a negative impact on Middlefield Road. A no right on red sign will back up the traffic more than it already is. Gruner said it will take more time for parents to get their kids to school.

Dobbie said this was requested by the principal at Encinal school and kids are put in danger by people making right turns on red.

Council Member McKeithen suggested that Gruner talk to the Principal and see if she will withdraw her request for the signs.

Interim City Manager Danielson said discussions like this are counter-productive to having a Transportation meeting. If this is going to happen, then these items should be going to a traffic engineer to make a decision.

Interim Public Works Director Mike Kashiwagi said that he did not have opportunity to review these, and to improve in this area he and the Police Chief will do a field review of all citizen-initiated traffic control requests prior to each meeting.

MOTION by Widmer, second by McKeithen to table the item until staff has a chance to further review the item.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

15. AWARD OF CONTRACT FOR THE HOOVER STREET CROSSWALK PROJECT NUMBER 56011

Report: Public Works Director Mike Kashiwagi

Recommendation: Award the contract for Hoover Street Crosswalk Project, project number 56011 to Republic Intelligent Transportation services, the low bidder on the September 21, 2011 bids, for \$61,039; and to authorize the City Manager to execute the contract

Vice Mayor Widmer questioned why the amount is so much higher than what was proposed to Council last April. He said the staff report notes that the monies will be used from cape seal funds and questioned whether that was excess money.

Kashiwagi said there is no surplus in the cape seal fund so using the funds will decrease the number of streets in the cape seal program. He added that this would not have a significant effect on the condition of the roadways. The streets that were taken off the program will get added to next year's program.

Council Member McKeithen noted that the Town accelerated some of the cape seals this year because the bid was so low that we were able to include more.

MOTION by Carlson, second by Lewis to Award the contract for Hoover Street Crosswalk Project, project number 56011 to Republic Intelligent Transportation services, the low bidder on the September 21, 2011 bids, for \$61,039; and to authorize the City Manager to execute the contract. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

17. ADOPT RESOLUTION AMENDING THE MASTER FEE SCHEDULE FOR HERITAGE TREE REMOVAL FEES AND LANDSCAPE SCREENING REVIEW

Report: Town Planner Lisa Costa Sanders

Recommendation: Adopt the Resolution replacing the fees for Heritage Tree Removal Permits-Staff Level and Landscape Screening Permit with a required minimum Deposit to pass-thru the expense of the contract Town Arborist and add a billing rate for the contract Town Arborist

Council Member McKeithen didn't feel this should be changed because the fees were revised recently. She felt that conformity should continue to exist throughout the fee schedule.

Vice Mayor Widmer said that during outsourcing Council promised that all services would be better and hopefully cheaper. He said he continually receives calls that the service has declined. He wasn't comfortable raising the fee at this time.

Interim City Manager Danielson said he would caution assuming that some who is disgruntled is actually getting lower levels of service. Danielson said the staff is trying to get cost recovery for certain services that are unique to Atherton. The previous Arborist did a great deal of extra work which residents became used to and now they have expectations. Danielson said he is trying to get 80% cost recovery, and if certain services cost the Town money then those costs need to be passed onto the user. Danielson concluded that if Council decides that arborist services are to be a subsidized service then he can do that.

Widmer did not agree that it costs \$150 per hour for certain services.

Council Member Carlson supported the proposal put forward by staff.

There was discussion about tabling the item until January, 2012. Mayor Dobbie requested that Vice Mayor Widmer provide feedback to staff on the number and type of complaints he has received.

MOTION by Widmer, second by Dobbie to table the item to January, 2012. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

22. **COUNCIL REPORTS** – Nothing further to add.

23. **FUTURE AGENDA ITEMS** – None.

24. **PUBLIC COMMENTS** – None.

25. **ADJOURN**

MOTION by Dobbie, second by Widmer to adjourn the meeting. The motion passed.

Mayor Dobbie adjourned the meeting at 12:25 a.m.

Respectfully submitted,

**Theresa DellaSanta
Deputy City Clerk**