



Minutes
Town of Atherton
CITY COUNCIL
August 7, 2012
6:00 p.m.
COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
SPECIAL MEETING

PLEDGE OF ALLEGIANCE –

ROLL CALL – Lewis, Widmer, Carlson, McKeithen, Dobbie (present)

PUBLIC COMMENTS –

Michael Haven, speaking on behalf of Menlo Atherton Little League (MALL) proposed wording for the ballot measure that MALL feels more accurately describes the project: *Should the Town permit the Menlo Atherton Little League to enhance and beautify the baseball fields and surrounding areas at Holbrook Palmer Park including safe covered seating for spectators, a safer playing area for children and new restrooms for all park users.*

REGULAR

1. **A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERTON A MEASURE RELATING TO THE MENLO-ATHERTON LITTLE LEAGUE PROPOSAL FOR HOLBROOK-PALMER PARK AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 12-XX**

Report: Interim City Manager Theresa DellaSanta

Recommendation: Approve Resolution 12-xx ordering the submission to qualified electors of the town of Atherton a measure relating to the Menlo- Atherton Little League proposal for Holbrook-Palmer Park at the Consolidated General Municipal Election to be held on Tuesday, November 6, 2012

Interim City Manager Theresa DellaSanta gave an overview of the item. It was continued from the July 25, 2012 City Council meeting to allow the Council to review the proposed plans and get more information from the Planning Department.

City Attorney Bill Connors commented that this is an unusual situation that it hasn't gone through the normal channels (i.e. Planning Commission and City Council).

Councilmember McKeithen asked the City Attorney if there is any reason why the wording by Menlo Atherton Little League couldn't be used. City Attorney Bill Connors answered that language like "beautify" and "safety" cannot be used in ballot language because it is subjective. He also commented that the project could be sent out to Town staff for evaluation.

Mayor Widmer asked of the City Attorney if the Planning Commission decided that a portion of the project couldn't be done, it could be appealed and brought to the City Council. City Attorney Bill Conners answered in the affirmative.

Councilmember McKeithen asked if the subjective words were taken out of the wording, could they leave in words like "restrooms for all park users." City Attorney Bill Conners answered that neutral words would be acceptable.

Vice Mayor Lewis feels that the park proposal has more work to be done on it since it hasn't gone through the usual channels, i.e. Planning Commission. She also commented that since the ballot measures have an explanation associate with them, the subjective wording could be used in the description if not the actual ballot measure. Vice Mayor Lewis asked if the ballot measure needs to explain fiscal impacts. City Attorney Conners answered that it is not necessary but it doesn't preclude one from doing so.

Councilmember Dobbie agrees with Little League that it should go on the ballot for the General Election. There is a better turn out for General Elections than special elections.

Councilmember McKeithen feels that the wording suggested by Little League should be used (subject to City Attorney approval).

City Attorney Conners suggested a potential revision to the suggested wording: *Should the Town permit the MALL to improve the baseball field and surrounding areas in Holbrook-Palmer Park, including covered seating for spectators and players, an improved playing area for children, and new restrooms for all park users, using private funds only.*

Mayor Widmer asked if the Menlo Atherton Little League representative would be happy with the wording as amended and approved by the City Council. The representative answered in the affirmative.

PUBLIC COMMENT OPENED

Lee Price, with Management Partners, the firm contracted by the City Manager to aid in the management of the General Election spoke about the option to make the vote an Advisory Vote Only. This allows the Council to find out the opinion of the people but doesn't bind the Council to action.

Anne McNertney, Watkins, asked Ms. Price why an advisory vote would be used. She also commented that she would like the Little League project to be fully vetted even if it is voted for by the people of Atherton. She thinks the addition of the Little League issue to the ballot dilutes the issue of the Library.

Vice Mayor Lewis has a problem with holding a vote when the City Council can then overturn. She feels that if the public takes the time to vote, the Council should be bound to that.

Fereshteh Nejat, Faxon Road, feels like the Council should not put such a small issue to the vote. He feels that parks should be for everyone and not left for special interest groups to use at their whim.

PUBLIC COMMENT CLOSED

Councilmember Dobbie would like it to be an advisory vote.

Councilmember Carlson is uncomfortable having the Little League issue on the ballot. He feels that they are circumventing the governmental process.

Councilmember McKeithen feels that a vote doesn't circumvent the process. It gives people a voice which they feel they haven't had with the Library process. She feels the Planning Commission will have a lot to say about how the project evolves. But this just asks if the people of Atherton want to move forward with the process.

Vice Mayor Lewis doesn't feel like it's time for a vote. The public needs time to see the process.

Councilmember Dobbie thinks that what happened with the Library gave them a good idea that the people of Atherton care very deeply about what happens in the Park. He feels like an Advisory vote is the way to go.

Mayor Widmer thinks it is something people would use, but it is a substantial change to the park and people should have a say.

MOTION McKeithen, second Widmer to Approve a Resolution of the City Council of the Town of Atherton, California ordering the submission to the Qualified Electors of the Town of Atherton a measure relating to the Menlo-Atherton Little League proposal for Holbrook-Palmer Park at the consolidated General Municipal Election to be held on Tuesday, November 6, 2012, as called by Resolution No. 12-Xx and worded as Follows:

Should the Town permit Menlo Atherton Little League to improve the baseball field and surrounding areas in Holbrook-Palmer Park, including covered seating for spectators and players, an improved playing area for children, and new restrooms for all park users, using private funds only. The motion passed with a roll call vote of 3-2:

Carlson: no

Dobbie: yes

McKeithen: yes

Lewis: no

Widmer: yes

2. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERTON A MEASURE RELATING TO THE NEW TOWN CENTER AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 12-XX

Report: Interim City Manager Theresa DellaSanta

Recommendation: Clarify the nature of the matter to be submitted to the electorate and direct staff to provide language for a Resolution 12-xx ordering the submission to qualified electors of the town of Atherton a measure relating to the new Town Center at the Consolidated General Municipal Election to be held on Tuesday, November 6, 2012

City Attorney Bill Connors explained that the short statement that would appear on the ballot is separate from the explanation that would appear on election documentation. He wants to make sure the explanation is agreeable to everyone so voters are sure to understand what is meant by "Town Center."

Councilmember McKeithen asked if there is a way to word the explanation so that it is clear that the proposal doesn't include a new Council Chambers or Library in the project. Councilmember Carlson and Councilmember Dobbie agree that those two structures should be taken out of the explanation.

City Attorney Bill Connors noted that the explanation was drafted in an attempt to make sure the wording was relevant 10 or 15 years down the road when the wording could become very important. It was kept quite broad on purpose.

Vice Mayor Lewis asked what the objective of the vote is. She gave the background of the project and a timeline. Vice Mayor Lewis asked why the Town is taking the issue to a vote when taxpayer funds won't be used no matter what occurs.

Councilmember McKeithen commented that a vote would bind the Council to using only donor funds in the event that the project nears completion and there isn't enough money to finish.

Councilmember Dobbie thinks that the vote is needed to bind the project to using only private funds.

Mayor Widmer commented that he would actually like to use some Town funds to help the project move forward and secure donors. He doesn't want any new taxes but the improvements are necessary.

City Attorney Bill Connors explained that the wording of the ballot measure does not preclude the Town from using public funds for the project due to the word "primarily." Council can always ask for taxes; the people can vote no.

Mayor Widmer commented that if the Town becomes a charter city, they can apply fees. City Attorney Connors answered in the affirmative but clarified that those "fees" would essentially be taxes.

Vice Mayor Lewis commented that the current plans for the Town Center are scaled back. She thinks that the Town is losing police candidates who don't want to work in the current conditions.

OPEN PUBLIC HEARING

Fereshteh Nejat, Faxon Road, appealed to the Council to make the tough decisions and stop pushing issues down to the voters.

Rose Hall, Isabella Avenue, asked what they are voting for and what will happen if the measure gets turned down.

Ann McNertney, Watkins, feels the issue should not be on the ballot and it is far too confusing.

CLOSE PUBLIC HEARING

Councilmember McKeithen agrees with the resident who thinks the issue should be decided by the Council but the public has made it clear that they want a say in the issue.

Councilmember Dobbie would like to keep Library money from being used.

Councilmember Carlson doesn't see the Library funds being used as a threat.

Vice Mayor Lewis suggested that we can't compare the Library issue to the Town Center and Little League and thinks things are going on the ballot just to be put on the ballot.

Mayor Widmer thinks the wording should be changed to "primarily."

City Attorney Bill Connors clarified that Library funds cannot be used for this project.

MOTION by Lewis, second by Carlson to deny the resolution. The motion failed by a roll call vote of 2-3:

Carlson: yes

Dobbie: no

McKeithen: no

Lewis: yes

Widmer: no

MOTION by McKeithen, second by Dobbie to pass a Resolution of the City Council of the Town of Atherton, California Ordering the submission to the Qualified Electors of the Town of Atherton a Measure Relating To The New Town Center at the Consolidated General Municipal Election to be held on Tuesday, November 6, 2012 as called by Resolution No. 12-XX. The motion passed by a roll call vote of 3-2:

Carlson: no

Dobbie: yes

McKeithen: yes

Lewis: no

Widmer: yes

Vice Mayor Lewis asked what happens if a no vote is returned.

Councilmember McKeithen answered that the process will start over.

ADJOURN – the meeting was adjourned.

Respectfully submitted

**Theresa DellaSanta
Interim City Manager**