



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT MEETING**

**October 17, 2001**

**7:00 p.m.**

**Town Council Chambers**

94 Ashfield Road  
Atherton, California

**Regular Meeting**

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

**1. ROLL CALL**

**PRESENT:** Kathy McKeithen  
James R. Janz  
Alan B. Carlson  
Dianne M. Fisher  
William R. Conwell

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

**2. PRESENTATIONS**

**A. Sustainable San Mateo County – Mary Griffin**

Mary Griffin made a presentation regarding the Bay Area Alliance for Sustainable Development and asked for a resolution of support from the City Council.

Following discussion, the Council directed staff to return to the Council with a draft Resolution supporting the tenets of the Draft Compact of the Bay Area Alliance for Sustainable Development, to be consistent with the Town's General Plan.

John Sisson, 26 Belleau Avenue, addressed the Council on this issue.

**B. Proclamation for Willie McCovey Day, October 25, 2001 – Field Rededication Project - Selby Lane School**

**Mayor Fisher will present the Proclamation at the Willie McCovey Day event on October 25, 2001.**

**At this time the City Attorney reported the following actions out of the Closed Session (Special Meeting) of the Council held at 5:30 p.m. this evening:**

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
pursuant to Government Code Section 54957  
Title: City Attorney**

**Council conducted the evaluation.**

- B. CONFERENCE WITH LABOR NEGOTIATOR – Labor Negotiations  
pursuant to Government Code Section 54957.6  
Agency Negotiator: James H. Robinson, City Manager  
Employee Organization: Management**

**Direction was given to the City Manager.**

- C. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant  
to Government Code Section 54956.9(a):  
Town of Atherton v. Thomas E. Bacon  
Thomas E. Bacon v. Town of Atherton**

**Direction was given to the City Attorney.**

- D. LIABILITY CLAIM pursuant to Government Code Section 54956.95  
Claimant: Makailah Perkins  
Agency claimed against: Town of Atherton**

**Direction was given to the City Attorney.**

- E. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation  
pursuant to Government Code Section 54956.9(b): One potential case.**

**Direction was given to the City Attorney.**

### **3. COUNCIL REPORTS**

- Council Member Conwell reported that no C/CAG meeting was held this month. He stated that he heard a presentation from the manager of San Francisco International Airport (SFO), who stated that the airline industry is in economic jeopardy and that**

**SFO is in a deficit. He also stated that he will be attending the upcoming Criminal Justice awards ceremony in Half Moon Bay. There has been discussion regarding providing a domestic violence habitat in the Town of Atherton, and this issue will need to be discussed at some point in time.**

- **Council Member Janz announced the ABAG Fall General Assembly to be held in Oakland tomorrow. Next week, he will be walking the Atherton Channel, as Mayor Fisher and Council Member McKeithen did a few weeks ago. Council Member Conwell may join him on the walk.**
- **Council Member McKeithen announced that a Creek Workshop will be held in Portola Valley on October 25, 2001 at 7:30 p.m. The workshop will feature environmental and erosion specialists, and may be of interest to individuals concerned about the Atherton Channel, since the issues to be addressed are pertinent to the Channel.**
- **Council Member Janz added that the League of Women Voters and The Almanac are sponsoring a forum on Open Government and the Brown Act tonight, which will be repeated tomorrow night at 7:30 p.m. in the Mountain View Council Chambers.**
- **Mayor Fisher asked that the Council consider adding a Pledge of Allegiance to the Flag at the beginning of each City Council agenda. She further stated that she recently attended a County Library JPA meeting, and that action was taken to hire outside auditors and an outside attorney for the JPA, both of which were seen as positive steps. She stated that there will be increased property tax monies coming to the JPA and has asked the City Manager, as a member of the Library JPA Operations Committee, to find out if the Town will be receiving increased Library funds as a result.**

#### **4. PUBLIC COMMENTS**

- **Bob Jenkins, 36 Irving Avenue, suggested that the Council adopt a proclamation supporting the President's war against terrorism.**

**Mayor Fisher asked that consideration of this item be placed on the next City Council agenda.**

- **John Rugeiro, 10 Stockbridge, on the emergency radio system.**
- **In response to Council questions, Police Chief Robert Brennan stated that he would look into the current status of the emergency radio system, review the Town's disaster preparedness plan as it relates to terrorism, provide further information back to Council, and also place information in the next issue of the Athertonian, perhaps**

including a response card for residents to inform the Town of resources available in the event of an emergency.

- **Public Works Director Cliff Temps announced that the Street Micro-surfacing Project is moving forward next week, and it will involve street closures. Signs will be posted and the affected residents will be alerted.**
- **Building Official Mike Hood stated that at the last meeting there was concern regarding the length of time for plan checks to be completed. He reported that 28 major projects were in the pipeline, and that the next project up was submitted 12 weeks ago. He stated that staff would get back to the normal four to six week turnaround time in approximately one month.**
- **City Manager Jim Robinson stated that the Council recently received a letter that California Water Service submitted to the Public Utilities Commission, proposing a rate increase of 12.2% for 2002, 3.52% for 2003, 3.1% for 2004, and 3.2% for 2005. He stated that he could invite a representative from Cal Water to a future meeting to address the City Council regarding this issue if Council so desired. Council then directed the City Manager to pursue having a Cal Water representative speak to Council. Furthermore, Council Member McKeithen asked staff to look into whether the Town has any tax advantage from having Bear Gulch Reservoir in Town.**
- **City Manager Robinson responded to Council Member McKeithen's questions regarding the bills and claims on the consent agenda.**
- **City Manager Robinson asked the Council to consider their calendars in scheduling future City Council meetings. The following dates for meetings were agreed upon:**
  - **Special Meeting – Joint Meeting with Park and Recreation Commission to consider their Holbrook-Palmer Park Study – Thursday, January 10, 2002 at 7:00 p.m., Holbrook-Palmer Park. The City Manager will confirm this with the Commission.**
  - **Regular Meeting of November 6, 2001 – Will include a Capital Improvement Projects Work Session to discuss projects and give direction to staff.**
  - **Special Study Session to Consider Goals and Objectives for the Town – To be included as part of the Regular Meeting of the City Council scheduled for Wednesday, January 16, 2002.**
  - **Special Meeting – Study Session to consider Atherton Channel Drainage District issues – date to be set.**

## **5. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

**Charles Marsala, 33 Emilie, Member of the Arts Committee, reported that the recent “Autumn Stars” fundraiser was a successful event, with about 120 residents in attendance. He also announced the upcoming Villa Montalvo-Fox Theatre events with an Atherton seating section in the Fox Theatre. He further reported as a Member of the Park and Recreation Commission that the Commission recently asked staff to start flying the American flag at the Park. The City Manager stated that staff is working on the lighting for the flag. Mr. Marsala also reported that he attended a Parks and Recreation Association meeting at which grant opportunities were discussed.**

## **CONSENT CALENDAR**

**MOTION – Approve Consent Agenda as presented.**

**M/S Conwell/Janz**

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

- 6. APPROVED MINUTES OF SPECIAL MEETINGS OF SEPTEMBER 12, 2001 AND SEPTEMBER 19, 2001 AND REGULAR MEETING OF SEPTEMBER 19, 2001 (Approved corrected version of Minutes of Regular Meeting of September 19, 2001 as handed out at City Council meeting.)**
- 7. APPROVED BILLS AND CLAIMS FOR SEPTEMBER 11, 2001 THROUGH OCTOBER 10, 2001 IN THE AMOUNT OF \$900,705.62**
- 8. APPROVED MONTHLY FINANCIAL REPORT FOR SEPTEMBER 2001**
- 9. ADOPTED ORDINANCE NO. 527 AMENDING THE ATHERTON MUNICIPAL CODE RELATED TO ALARM FEES**
- 10. ADOPTED RESOLUTION NO. 01-19 STATING INTENT OF CITY COUNCIL TO VACATE A PORTION OF McCORMICK LANE RIGHT-OF-WAY, WITH RESERVATION OF EASEMENTS FOR PUBLIC ENTITIES AND SANITARY SEWERS, AND SETTING A PUBLIC HEARING FOR DECEMBER 19, 2001**
- 11. SET DECEMBER 19, 2001 AT 7:00 P.M. AS THE DATE AND TIME TO HEAR AN APPEAL OF PLANNING COMMISSION DECISION ON DENIAL OF VARIANCE – 396 SELBY LANE; EXCESSIVE SIDEWALL AND ROOF HEIGHT**

## **REGULAR AGENDA**

- 12. APPROVAL OF AMENDMENT TO AGREEMENT FOR PROFESSIONAL CITY PLANNING SERVICES FOR FISCAL YEAR 2001-2002 – NEAL MARTIN AND ASSOCIATES**

**Council directed staff to integrate the agreement presented along with all pertinent exhibits into one comprehensive document; request \$2 million liability insurance coverage for the agreement (as is recommended by ABAG); spell out the names and titles of who is signing the agreement and in what capacity; and have Neal Martin and Associates bring back the agreement at the next City Council meeting. City Manager Robinson stated that staff would check on whether the Town has a current certificate of liability on file for Neal Martin and Associates.**

**13. INTRODUCTION AND FIRST READING OF ORDINANCE AMENDING  
ATHERTON MUNICIPAL CODE CHAPTER 15.52 RELATED TO RECYCLING AND  
DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS**

**Building Official Mike Hood responded to Council questions regarding how recycling percentages are calculated.**

**Following discussion, Council directed staff to clarify the description in the draft ordinance of what is a “covered project” in Section 15.25.020 of the proposed Ordinance, as it relates to the cost of projects over \$50,000 and under \$50,000, and return the Introduction and First Reading of the Ordinance to the next Regular City Council meeting.**

**14. APPROVAL OF LETTER COMMENTING ON PHILLIPS BROOKS SCHOOL  
REVISED DRAFT ENVIRONMENTAL IMPACT REPORT**

**Council commended Public Works Director Cliff Temps on the draft letter and informed him that they are supportive of him obtaining assistance in this effort if he believes he needs it.**

**MOTION - Approve letter and authorize Mayor/Chair of the Atherton Channel Drainage District to sign the letter on behalf of the District, and direct City Clerk to transmit letter to Town of Woodside.**

**Dr. Marts Beekley stated that the Atherton Channel cannot accept any more water, and that the Channel should not be subject to any more runoff generated by this project.**

**M/S McKeithen/Carlson                      Ayes: 5    Noes: 0    Abstain: 0    Absent: 0**

**15. APPROVAL OF ASSIGNMENT OF A POLICE OFFICER TO THE SAN MATEO  
COUNTY RAPID ENFORCEMENT ALLIED COMPUTER TEAM (R.E.A.C.T.) TASK  
FORCE**

**Council Members expressed concerns with assigning a Police Officer to a two-year full-time assignment, and stated their preference for ensuring that the Town will benefit from this program and that the Town will still have access to the Officer when he is needed for Police Department priorities.**

**Council Member Conwell made a motion to not approve this assignment at this time, since there are other public safety priorities of the Town. The motion died for lack of a second.**

**MOTION - Approve request to temporarily reassign one Officer on a half-time basis to the R.E.A.C.T. Task Force for a two-year period of time, with the understanding that the Town can withdraw from this program at any time, and direct the Police Chief to return with an initial report on the program in six months.**

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

**16.    PUBLIC COMMENTS**

**There were no comments from the public.**

**ADJOURN**

**The meeting adjourned at 9:55 p.m.**

**Respectfully submitted:**

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**Linda Kelly  
Acting City Clerk**