



**MINUTES
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT MEETING**

Tuesday, November 6, 2001

7:00 P.M.

PAVILION

Holbrook-Palmer Park, 150 Watkins Ave.

Atherton, California

REGULAR MEETING

Mayor Fisher called the meeting to order at 7:25 p.m. and led the pledge of allegiance.

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.

The City Attorney reported the following actions from the Closed Session (Special Meeting) of the City Council held at 6:00 p.m.

A. CONFERENCE WITH LABOR NEGOTIATOR – Labor Negotiations pursuant to Government Code Section 54957.6

Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Teamsters Union Local No. 856
Non-management miscellaneous employees

No action.

B. CONFERENCE WITH LABOR NEGOTIATOR – Labor Negotiations pursuant to Government Code Section 54957.6

Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Management

No action.

- C. Added to the Closed Session agenda by unanimous consent: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: One potential case.

No action.

2. PRESENTATIONS

- A. **Presentation of Annual Tree Awards.**
Atherton Tree Committee Chair Shirley Carlson and Town Arborist Kathy Hughes Anderson presented awards to the following residents for maintaining and preserving outstanding trees:

Jan Zones	Tom and Mimi Howarth
Robert and Barbara Huber	Darlene and George Shaheen
Geoff and Andrea Ralston	Chris Brosterhous
Rita and Amedeo Gado	Jan and Esther Eitel
Max and Irene Silton	Mary H. Ford

- B. **Proclamation Expressing Support for Our Nation.**
Mayor Fisher read a proclamation expressing support for the Nation in fighting terrorism.
- C. **City Manager James Robinson presented a gift to Interim Finance Director Bill Yeomans and thanked him for his dedicated service to the Town during the Finance Director recruitment.**

3. COUNCIL REPORTS

- Council Member Conwell reported that the next CCAG meeting will be held Thursday, November 8th. The San Francisco Roundtable will meet on Wednesday, November 7. The Criminal Justice Commission has cancelled its November meeting.
- Council Member Janz announced the Council of Cities meeting will be held in Burlingame at the end of the month.
- Council Member McKeithen announced that the Town is soliciting applications for an opening on the Mosquito Abatement Board. The deadline for applying is Friday, November 16, 2001. The appointment will be made at the December Council meeting.

Council Member McKeithen also commended Assistant to the City Manager Linda Kelly for the excellent work she did on the Management Resolution report, and Public Works Director Cliff Temps for his work on the Capital Improvement report.

- Mayor Fisher announced that the Library JPA will meet Thursday, November 8th to consider methods of filling the position of Library Director. The Waste Reduction Committee will meet Wednesday.

4. PUBLIC COMMENTS

- Marion Oster, Heritage Association, announced that the tree awards photographs will be on display in the lobby of the Town Offices this week. She also reported that the Heritage Association recently toured the Watkins house, which has been preserved and is the only home in Atherton on the National Register.
- Bob Jenkins, announced that the Audit Committee will have a final review of the Town's Fiscal Year 2000/01 Annual Report on December 4th.
- Virginia Rugeiro, 10 Stockbridge, questioned the cancellation of the October Transportation Commission meeting.
- Bob Simons, President of Holbrook Palmer Park Foundation
- Jean Schaaf, 29 Stockbridge
- Interim Finance Director Bill Yeomans answered questions regarding the Treasurer's Report.
- City Manager James Robinson addressed questions on the bills and claims on the Consent Agenda.

5. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

No report.

CONSENT CALENDAR

MOTION – to approve the Consent Agenda with the following: 1) a notation that the City Attorney is to provide a certificate of insurance along with his agreement, 2) a minor date change to the resolution in Item 13, and 3) with the exception of Items 12 and 16, which will be moved to the end of the regular agenda.

M/S McKeithen/Conwell

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

6. **MINUTES** – Approved the minutes of Special Meetings of October 10, 2001 and October 17, 2001, and the Regular Meeting of October 17, 2001.
7. **BILLS AND CLAIMS** – Approved the bills and claims for October 11, 2001 through October 31, 2001 in the amount of \$351,435.12.

8. **QUARTERLY INVESTMENT REPORT – Accepted the Quarterly Investment Report for the quarter ended September 2001.**
9. **MICRO-SURFACING PROJECT - Accepted the work and authorized the recording of the notice of completion for the 2001 Street Micro-Surfacing Project 01-003.**
10. **CITY ATTORNEY AGREEMENT - Approved the amendment to the compensation provision of the agreement with City Attorney Marc Hynes, increasing the monthly retainer from \$6,000 to \$7,000, to be effective August 2001. City Attorney to provide proof of insurance.**
11. **POLICE TOWING CONTRACTS - Approved the towing contracts with All Weather Towing and Exotic Towing for addition to the Atherton Police Department Tow Rotation List.**
13. **RESOLUTION NO. 01-20, BAY AREA ALLIANCE FOR SUSTAINABLE DEVELOPMENT - Adopted Resolution No. 01- 20 in support of the Bay Area Alliance for Sustainable Development.**
14. **GENERAL PLAN COMMITTEE REQUEST - Authorized the General Plan Committee to consider home day care regulations.**
15. **POLICE DEPARTMENT VEHICLE REPLACEMENT - Approved A&S BMW as the sole-source vendor (State Contract), and approved the purchase of two 2002 BMW Police Motorcycles in the amount of \$30,918.68 to be funded from the current year vehicle budget.**
17. **AMICUS BRIEF – Agreed to support the Amicus Brief in the matter of Alford v. Superior Court (San Diego County)**

REGULAR AGENDA

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

City Manager James Robinson presented this item. Council Member Janz proposed some alternate language to clarify Section 15.52.040 of the proposed ordinance regarding Diversion Requirements. Mayor Fisher suggested that this item be addressed at the Waste Reduction Committee meeting on Wednesday, November 7th . Council Member McKeithen asked that the Waste Reduction Committee also consider including Accessory Structures in the definition of “Covered Projects”.

MOTION – to place the proposed ordinance relating to recycling and diversion of construction and demolition debris on the December 19, 2001 Consent Agenda.

M/S Conwell/McKeithen

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

19. ADOPTION OF URGENCY ORDINANCE REGARDING PROCEDURES FOR REORGANIZATION OF CITY COUNCIL AND SELECTION OF MAYOR AND VICE MAYOR

City Attorney Marc Hynes explained that this urgency ordinance would amend Section 2.04.030 of the Municipal Code to allow for the appointment of mayor and vice mayor on an annual basis. The current code reflects procedures for appointment based on the former two-year mayoral term. Referring to the Publication section of the ordinance, Council Member McKeithen asked where the official posting places are for posting ordinances. City Clerk Sharon Barker stated that all Town ordinances are posted at the four sites set out by ordinance, and at two additional sites as well. Ordinances are also posted on the Town website. Council Member McKeithen asked that notice of the Town posting sites be put in the Athertonian. Staff was directed to return with a resolution establishing a policy regarding posting. Mayor Fisher asked that notice of the Town website be placed on each agenda face. The City Attorney stated that selection of the mayor and vice mayor may take place at the December 19 regular meeting.

Jean Schaaf and John Rugeiro spoke from the audience.

MOTION – to adopt Urgency Ordinance No. 528 amending Section 2.04.030 of the Atherton Municipal Code allowing for the City Council to meet annually to choose one of its members as mayor and one of its members as vice mayor.

M/S McKeithen/Conwell

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

20. CONSIDERATION OF KNOX PLAYSCHOOL REQUEST FOR AMENDMENT TO LEASE AGREEMENT REGARDING FUNDING OF ELECTRICAL WORK FOR PLAYSCHOOL EXPANSION

City Manager Jim Robinson presented two letters from Susan Knox, owner of Knox Playschool, requesting that the Council provide some assistance in the cost of upgrading the electrical service at Holbrook-Palmer Park. Improvements to the electrical service in the amount of \$11,496.87 were required by P.G. & E. as a result of the Playschool expansion project.

Susan Knox spoke from the audience.

Council Member McKeithen suggested a fifth alternative to the alternatives outlined in the staff report, that the Town look into providing the Playschool with a loan with charges for interest equal to that which the Town is earning on its current investments.

The Council concurred that they would like to have Building Official Mike Hood present to address questions regarding this issue. They asked that this item be brought back to the December 19th meeting.

MOTION – to add this item to the December 19th City Council meeting agenda.

M/S Carlson/Janz

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

21. DISCUSSION AND POSSIBLE ACTION – CONSIDERATION OF CONTENT AND IMPLEMENTATION OF CAPITAL IMPROVEMENT PLAN

Public Works Director Cliff Temps presented a plan for developing a capital improvement program for the next four fiscal years. The plan included a recommended four-year Capital Improvement project list. The Council addressed the five recommendations contained in the staff report for implementing the plan. Vice Mayor Carlson stated he would stand down in the consideration of any vote on the reconstruction of Magnolia, Magnolia to end, due to a potential conflict of interest.

It was agreed that the Planning Commission and Park and Recreation Commission should review and comment on some of the proposed projects. The City Manager will announce to the Park and Recreation Commission at their meeting on November 7th, that they will be asked to review projects.

As per the Public Works Director's request, the Council directed staff to conduct a poll of property owners for input on discretionary street reconstruction projects. Discussion ensued on the Fiscal Year 2001/02 recommended projects. The 2002-2005 segments of the proposed CIP will be addressed during the annual budget process.

Charles Marsala and Jean Schaaf spoke from the audience.

MOTION - to authorize staff to proceed with selection and retention of consultants to perform surveying/base mapping, soils investigation and specialized design services for approved Fiscal Year 2001/02 projects.

M/S McKeithen/Conwell

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

MOTION - to approve the proposed FY 2001/02 projects recommended in the Capital Improvement Plan with the exception of the Magnolia, Magnolia to end project, subject to

review and comments by the Planning Commission and Park and Recreation Commission on certain projects.

M/S McKeithen/Carlson

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

MOTION – approve Magnolia, Magnolia to end as a discretionary project for Fiscal Year 2001/02.

M/S Janz/Conwell

Ayes: 4 Noes: 0 Abstain: 1 (Carlson) Absent: 0

MOTION - authorize the City Manager to augment the Town engineering staff by the method he and the City Engineer determine to be the most cost efficient and that will provide the highest quality of service.

M/S McKeithen/Carlson

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

12. APPROVAL OF AMENDMENT TO AGREEMENT FOR PROFESSIONAL CITY PLANNING SERVICES FOR FISCAL YEAR 2001/02 – NEAL MARTIN AND ASSOCIATES

Council Member Conwell asked that this item be removed from the Consent Agenda because of concerns with the memo stating Neal Martin and Associates would propose a cost of living increase for next year. Senior Planner Lisa Costa Sanders stated that the Town was not making any commitment to an increase in rates this year, but that next year their firm would ask for an increase to cover the cost of the increased liability insurance coverage. The Council, at their October 17, 2001 meeting, asked Neal Martin and Associates to return with a revised agreement reflecting an increase in comprehensive liability insurance from \$1,000,000 to \$2,000,000. The Council also asked that the names of the signatory and consultant be identified on the agreement. The other terms of the contract remain the same as the previous year as well as the rate schedule.

MOTION – to approve the revised agreement with Neal Martin and Associates for Fiscal Year 2001/02.

M/S McKeithen/Carlson

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

16. ADOPTION OF RESOLUTION NO. 01-21 SETTING MANAGEMENT SALARIES AND BENEFITS FOR FISCAL YEAR 2001-02

Vice Mayor Carlson asked that this item be removed from the Consent Agenda to add the language “or as otherwise provided by law” to the second sentence, paragraph three of Section 6, regarding the use of Sick Leave.

MOTION – to adopt Resolution No. 01-21, as amended, setting management salaries and benefits for Fiscal Year 2001-02.

M/S McKeithen/Janz

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

- 22. PUBLIC COMMENTS: City Manager James Robinson introduced new Finance Director John P. Johns.**
- 23. ADJOURN: The meeting adjourned at 10:36 p.m.**

Respectfully submitted,

Sharon Barker, City Clerk