



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

**July 19, 2000**

**6:00 p.m.**

**PAVILION**

**HOLBROOK-PALMER PARK**

**Atherton, California**

**REGULAR MEETING**

Mayor Chapman called the meeting to order at 6:15 p.m.

**1. ROLL CALL**

**PRESENT:** Alan B. Carlson  
William R. Conwell  
Dianne M. Fisher  
Nanette F. Chapman

**ABSENT:** Malcolm H. Dudley

**2. PUBLIC COMMENTS** The following members of the audience spoke:

- Lamar Van Gunten, 23 Holbrook Lane
- Bob Huber, One Fredrick Avenue
- Robert Simonds, 26 Wilburn Avenue
- John Sisson, 26 Belleau
- John Ruggeiro, 10 Stockbridge
- Kathleen McKeithen, 11 Maple Leaf Way
- Mike McPherson, 123 Watkins Avenue

Council Member Carlson asked the Chief of Police to return to the next meeting with response procedures for contacting responsible agencies and utilities in emergency situations. He also asked the Interim City Manager to contact West Bay Sanitation District regarding the Van Gunten's complaint.

**3. COUNCIL REPORTS**

- Council Member Conwell reported on the Airport Roundtable meeting he attended recently where a controversial vote was taken on the runway configuration.
- Council Member Carlson requested that the regular City Council meeting be held in August for a study session on funding of capital and other expenditures.
- Vice Mayor Fisher reported that the General Plan Committee met this month and agreed to propose an ordinance to the Planning Commission requiring private schools to develop master plans. The Transportation Committee recommended that Sacred Heart Schools be required to have some school traffic exit onto Valparaiso instead of Emilie Avenue.

Vice Mayor Fisher asked for emergency Item 20E to be added to the agenda. The City Council has been asked to submit a letter to the San Francisco Airport Director prior to the next meeting concerning runway configuration.

**Motion:** To add Item 20E as an emergency item – letter to Airport Director.

**M/S Fisher/Carlson**

**Ayes: 4 Noes: 0 Abstain: 0 Absent: 1**

- Mayor Chapman reported that a five year contract had been approved with the Atherton Police Officers' Association after the closed session and prior to the regular meeting.

**4. COMMUNITY ORGANIZATION ROUNDTABLE REPORT - No report.**

Item 22 was taken out of order.

**22. PRESENTATIONS:**

**A. Mayor Chapman administered Oaths of Office to the following new officers:**

**Pilar M. Ortiz, Police Officer  
Mario P. Garcia, Police Officer  
Simone Kuczka, Communications Officer  
Henry G. Machens, Communications Officer**

**B. Interim Police Chief Brown Taylor introduced the members of the Police Service Dogs Program and their dogs:**

**Officers Rush Jackson and Niko. Officer Chris Madsen, coordinator of the Police Service Dog program, with Zak, and Officer Jeff Hunter with Rocky.**



certain parcel map filed in the Office of the San Mateo County Recorder on October 10, 1986 in Volume 58 of Parcel Maps at Page 17.

7. **STREET PAVEMENT STUDY:** Accepted a proposal from Nichols Consulting Engineers to perform a Townwide street pavement need study for a cost of up to \$65,000, to be funded from Measure A funds in the Capital Improvement Budget.
8. **APPROVAL OF BILLS AND CLAIMS:** Approved bills and claims for June 17, 2000 through July 13, 2000, in the amount of \$213,762.49.
9. **CONTRACT FOR CARRIAGE HOUSE FOUNDATION DAINAGE PROJECT:** 1) awarded a contract to Trinet Construction, Inc. and authorized the City Manager to enter into the contract on behalf of the Town, after receipt of \$47,000 from the Holbrook-Palmer Park Foundation; 2) adjusted the Capital Improvement Budget allocation for the project from \$25,000 to \$47,000; and 3) agreed to rename the Carriage House in honor of Genevieve Merrill.
10. **RESOLUTION NO. 00-21, APPROPRIATIONS LIMIT:** Adopted Resolution No. 00-21, approving the Fiscal Year 2000/2001 appropriations limit and calculations.
13. **TENNIS AGREEMENT:** Approved a one year agreement for Fiscal Year 2000/2001 with Alan Margot to provide tennis services and instruction at Holbrook-Palmer Park.
16. **CONSTRUCTION ACTIVITIES ORDINANCE NO. 514:** Adopted Ordinance No. 514, an Ordinance of the City Council of the Town of Atherton adding regulations pertaining to construction activities in Chapter 15.40 of the Atherton Municipal Code and amending Chapter 8.16 of the Atherton Municipal Code pertaining to noise control, and waived further reading.

#### **PUBLIC HEARING**

17. **APPEAL OF PLANNING COMMISSION DECISION TO APPROVE A TENTATIVE PARCEL MAP FOR 64 MOULTON DRIVE.**

Associate Planner Lisa Costa-Sanders presented staff's recommendation to deny the appeal and approve the tentative parcel map for the division of one parcel into two parcels subject to the conditions listed in the Draft Tentative Parcel Map Certificate. Mayor Chapman opened the public hearing at 9:30 p.m. The following testimony was heard: Tom Croft, who appealed the decision, stated his concerns for saving existing trees on the subject property. Frank Merrill of 64 Moulton Drive stated that he has no plans to place asphalt close to the oak tree in question. Rachel Croft, Mark Merrill, and Tom Holt spoke. Mayor Chapman closed the public hearing.

**MOTION: Adopt the Tentative Parcel Map Certificate recommended by staff with an amendment that the portion of the driveway adjacent to the tree be made of a pervious substance and retained as such, that the condition be recorded as a restrictive covenant, and that the appeal be denied.**

**M/S Carlson/Fisher**

**Ayes: 4 Noes: 0 Abstain: 0 Absent: 1**

## **REGULAR AGENDA**

**Items 20A through 20E were added to the regular agenda.**

### **20A. RESOLUTION NO. 00-22 FOR THE ESTABLISHMENT OF AN ENDOWMENT FUND FOR FUNDING CAPITAL IMPROVEMENTS AND MAINTENANCE OF HOLBROOK-PALMER PARK**

**Council Member Carlson stated his intention to change the word “foundation” in the proposed resolution to “endowment”.**

**MOTION: Adopt Resolution No. 00-22, a Resolution of the City Council of the Town of Atherton establishing an Endowment Fund for Holbrook-Palmer Park with the change of the word “foundation” to “endowment”.**

**M/S Carlson/Fisher**

**Ayes: 4 Noes: 0 Abstain: 0 Absent: 1**

### **20B. RESOLUTION NO. 00-23 DECLARING THE INTENTION TO MAINTAIN OPEN SPACE IN HOLBROOK-PALMER PARK**

**Council Member Conwell asked the purpose of the resolution. Vice Mayor Fisher said that a statement is needed by the Council for maintaining open space at the Park. Council Member Carlson said the Strategic Plan of the Park should be reviewed in the near future. Discussion ensued.**

**MOTION: Adopt Resolution No. 00-23, a Resolution of the City Council of the Town of Atherton declaring their intention to maintain the North Meadow of Holbrook-Palmer Park as open space.**

**The following members of the audience spoke: Eugene Berry, John Sisson, and Robert Simonds.**

**M/S Carlson/Fisher**

**Ayes: 3 Noes:1 (Conwell) Abstain: 0 Absent:1**

### **20C. CITY ATTORNEY AGREEMENT**

**Interim City Manager Ralph Freedman discussed the contract terms as outlined in the proposed agreement, stating that all basic services would be covered by a monthly**



the Atherton Municipal Code, to regulate the occupancy and use of the public rights-of-way by cable television systems and open video systems, to provide for the establishment of franchise and license requirements for cable television system and open video system operators, and to prescribe customer service standards and minimum requirements, terms, and conditions applicable to the construction, operation, maintenance and repair of those systems, and repealing all ordinances and portions thereof inconsistent herewith, and waive further reading.

M/S Carlson/Fisher

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

**19. FIRST READING AND INTRODUCTION OF ORDINANCE NO. 516, RELATING TO TIMES WHEN LICENSE TAXES ARE DUE AND PAYABLE**

Both the City Manager and the Finance Director recommend that business licenses be billed out in July of each year instead of sending invoices out each month for renewal. Fiscal Year 2000/2001 will be a transitional year with licenses expiring from August 2000 to June 2001 to be billed on a pro rata basis. The process of billing all current business license holders for a full year will begin on July 1, 2001.

**MOTION:** To conduct first reading and introduction of Ordinance No. 516, amending Chapter 5.12 of the Atherton Municipal Code relating to times when license taxes are due and payable, and waive further reading.

M/S Conwell/Fisher

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

**20. FIRST READING AND INTRODUCTION OF ORDINANCE NO. 517, PERTAINING TO NOISE CONTROL**

The City Council Resolution approving construction of the Little League Field at Holbrook-Palmer called for consideration of an Ordinance providing certain exemptions for practice and games at the field. Mike McPherson noted that the time of Saturday games as stated in the agreement was set from 8:45 a.m. to 4:30 p.m. but the proposed Ordinance stated Saturday games ending at 5:30 p.m. The City Manager said the Ordinance will be corrected.

**MOTION:** To conduct first reading and introduction of Ordinance No. 517, amending the noise ordinance to provide for an exemption for the Little League Field at Holbrook-Palmer Park, with the correction in Section 1 exempting Saturday games from 8:45 a.m. to 4:30 p.m., and waive further reading.

M/S Conwell/Fisher

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

**21. CITY MANAGER REPORTS - No report.**

**23. CLOSED SESSION The Council adjourned to closed session at 10:45 p.m.**

**24. RECONVENE TO OPEN SESSION** The Council reconvened to open session at 11:25 p.m. The following action was taken:

- A. Conference with Legal Counsel – Anticipated Litigation**  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:  
One potential case.

**MOTION:** To engage the services of Richard Whitmore of Whitmore, Johnson & Bolanos in the case of Luthy v. Town of Atherton.

**M/S Fisher/Chapman                      Ayes: 3 Noes: 0 Abstain: 1 (Carlson) Absent: 1**

- B. Conference with Labor Negotiator – Labor Negotiations pursuant to Government Code Section 54957.6.**  
Agency Negotiator: Ralph Freedman, Interim City Manager. Employee Organization: Local Union No. 856  
Non-management miscellaneous employees

**No action taken.**

- C. Conference with Labor Negotiator – Labor Negotiations pursuant to Government Code Section 54957.6.**  
Agency Negotiator: Ralph Freedman, Interim City Manager  
Employee Organization: Management

**No action taken.**

**25. ADJOURN** The meeting adjourned at 11:30 p.m.

**Respectfully submitted,**

---

**Sharon Barker**  
**City Clerk**