



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT

February 19, 2003

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

- 7:00 P.M. 1. **PLEDGE OF ALLEGIANCE**
- 7:03 P.M. 2. **ROLL CALL** McKeithen, Marsala, Carlson, Janz, Conwell
- 7:05 P.M. 3. **PRESENTATIONS**
- A. Certificate of Appreciation for Shirley Carlson for serving as Chair of the Atherton Tree Committee.
- 7:10 P.M. 4. **COUNCIL REPORTS**
- 7:20 P.M. 5. **PUBLIC COMMENTS** (only for items which are not on the agenda – limit of three minutes per person)
- 7:30 P.M. 6. **STAFF REPORTS**
- 7:40 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Per Resolution No. 02-31)
- Atherton Civic Interest League
- 7:50 P.M. **CONSENT CALENDAR** (Items 8 – 18)
8. **APPROVAL OF MINUTES OF REGULAR COUNCIL MEETING OF JANUARY 15, 2003**
9. **APPROVAL OF BILLS AND CLAIMS FOR JANUARY 2003 IN THE AMOUNT OF \$715,640**
10. **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR JANUARY 2003**

**11. APPROVAL OF AGREEMENT WITH LIEBERT CASSIDY
WHITMORE FOR LABOR RELATIONS SERVICES**

Recommendation: Authorize the Mayor to execute an agreement with Liebert Cassidy Whitmore for legal services relating to labor relations.

**12. ADOPTION OF A RESOLUTION ADDING THE POSITION OF
SENIOR BUILDING INSPECTOR/PLAN CHECKER TO THE TOWN'S
JOB CLASSIFICATION LISTING (Previously approved by the City
Council as part of the Fiscal Year 2002-03 Budget.)**

Recommendation: Adopt a resolution adding the position of Senior Building Inspector/Plan Checker to the Town's classification listing and setting the salary and benefits for this position.

**13. APPROVAL OF AGREEMENT FOR SERVICES WITH TENNIS
PROFESSIONAL ALAN MARGOT**

Recommendation: Approve the contract for services of Tennis Professional, Alan Margot, effective March 1, 2003 to February 28, 2005.

**14. ACCEPTANCE OF STATE TECHNOLOGY FUNDING GRANT
AWARD OF \$16,196**

Recommendation: Accept the State Technology Funding Grant award of \$16,196 to upgrade Police Department technology, and augment the Police Department budget by that amount.

**15. APPROVAL OF POLICE DEPARTMENT OFFICE OF TRAFFIC
SAFETY GRANT**

Recommendation: Authorize the Police Department to submit a request for a grant to the California Office of Traffic Safety (OTS).

**16. APPROVAL OF AMENDMENT TO CITY COUNCIL RULES AND
PROCEDURES REFLECTING TIME THAT COUNCIL COMMITTEE
ASSIGNMENTS ARE CONDUCTED**

Recommendation: Amend Section 9.1 of the City Council Rules of Procedure to conform with existing practice regarding appointment of Council Members to serve on various committees.

**17. ACCEPTANCE AND AUTHORIZATION TO RECORD NOTICE OF
COMPLETION FOR THE FOLLOWING: LIBRARY RE-ROOFING**

**PROJECT, POLICE STORAGE SHED, HOLBROOK-PALMER PARK
WATER TOWER RESTORATION**

Recommendation: Accept the work performed under the contracts for the Library Re-roofing Project, Police Storage Shed, and Holbrook-Palmer Park Water Tower Restoration, and authorize recording notices of completion.

**18. APPROVAL OF PLANS AND SPECIFICATIONS FOR 2003 STREET
RECONSTRUCTION, STOCKBRIDGE AVENUE OVERLAY**

Recommendation: Approve the plans and specifications for 2003 Street Reconstruction, Project 03-001, and Stockbridge Avenue Patch and Overlay, Project 03-002.

REGULAR AGENDA (Items 19 - 24)

8:00 P.M. 19. MID-YEAR BUDGET REVIEW REPORT

Recommendation: After consideration, accept the Mid-Year Budget Report and reduce General Fund appropriations by \$211,400 for Fiscal Year 2002/2003.

**8:30 P.M. 20. DISCUSSION AND POSSIBLE ACTION – SCHEDULE AND
CONSIDERATION OF PARCEL TAX LEVY FOR FISCAL YEAR
2003/2004**

Recommendation: Review the Town Parcel Tax and provide direction to staff for future discussion of parcel tax levy.

**8:45 P.M. 21. DISCUSSION AND POSSIBLE ACTION – SAFETY CODE REVISION
PERTAINING TO FIRE SPRINKLER REQUIREMENTS**

Recommendation: Consider request from the Menlo Park Fire Protection District regarding amendments to Town regulations which would require fire sprinklers in certain residential construction.

**9:00 P.M. 22. DISCUSSION AND POSSIBLE ACTION – STRATEGIC PARK AND
RECREATION PLAN 2003**

Recommendation: After review, consider adoption of the Draft Strategic Park and Recreation Plan.

**9:20 P.M. 23. APPROVAL OF POLICY FOR THE PLACEMENT OF HYPERLINKS
ON THE TOWN WEBSITE**

Recommendation: Review, and if acceptable, approve the proposed policy for the placement of hyperlinks on the Town website.

- 9:30 P.M. 24. ADOPTION OF A RESOLUTION URGING THE CALIFORNIA LEGISLATURE TO REJECT THE GOVERNOR’S PROPOSED SHIFT OF LOCAL VEHICLE LICENSE FEE REVENUES**

Recommendation: Adopt a resolution urging the State Legislature to reject the Governor’s proposed shift of local Vehicle License Fee (VLF) revenues and to honor the 1998 commitment to restore the VLF.

- 9:45 P.M. 25. PUBLIC COMMENTS**

- 10:00 P.M. 26. ADJOURNMENT**

Agendas and staff reports may be accessed on the Town website at: www.ci.atherton.ca.us

☞ Please contact the City Clerk’s Office at 650.752.0529 with any questions

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk’s Office at (650) 752-0529. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)



Draft Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
January 15, 2003

7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

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

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL

PRESENT: Kathy McKeithen
Charles E. Marsala
James R. Janz
Alan B. Carlson
William R. Conwell

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

3. PRESENTATIONS

Mayor Janz presented a proclamation to the Menlo-Atherton High School 2002/2003 Varsity Football Team and Coach Martin Billings in recognition of their championship season.

4. COUNCIL REPORTS

- Vice Mayor McKeithen reported that the General Plan Committee will meet February 5. The Transportation Committee will meet Tuesday, February 11 at 6:00 p.m. If approved, an item on this agenda will direct the Transportation Committee to address the issue of traffic on Emilie Avenue. The Atherton Channel Drainage District Sub-committee will meet in late February at a date to be determined. Vice

Mayor McKeithen noted that the Sequoia Union School District meeting on February 20 will include a walkthrough of the District offices and schools.

- Council Member Conwell reported that the San Francisco Airport Roundtable did not meet this month. He attended the Criminal Justice Commission meeting today. The Commission is working on grant writing proposals. The City/County Association of Governments Board meets tomorrow.
- Council Member Carlson reported that the Finance Committee will meet to discuss the impact the State budget will have on Town revenues. He asked that an item be placed on the next agenda for the City Attorney to create a timeline for the Council to consider to levy the additional portion of the parcel tax if necessary.
- Council Member Marsala attended a three-day League of Cities Institute in Sacramento for new council members. The State budget deficit's impact on city revenues was addressed.
- Mayor Janz thanked the staff for getting out the new edition of the Athertonian. He commended the Police Department for their success in participating in the "Avoid the 23" program over the holidays. The Mayor announced that one of his goals is to address the issue of recycling. He asked staff to look into additional recycling programs that would benefit Town residents. He also notified staff of ABAG's green business program which helps businesses and public agencies become more environmentally friendly. The ABAG Board will meet Thursday night, January 16. The Council of Cities will meet January 24 and the Peninsula Division League of Cities will meet January 30. A seminar on storm pollution will be conducted by ABAG on January 30.

5. PUBLIC COMMENTS

John Ruggiero, Stockbridge Avenue
Lou Paponis, MacBain Avenue

6. STAFF REPORTS

City Manager Jim Robinson reported on several invoices listed on the Bills and Claims report on this agenda. He reported that at their next meeting the Finance Committee will address the possible reduction in Vehicle License Funds. The staff and Finance Committee will work together on this issue and report back to the Council.

The Council gave the City Manager authorization to send a letter to P.G.&E. reflecting the concerns of the residents regarding recent power outages.

The City Manager will report back regarding the list of proposed improvements for the Town home which was developed by a Council sub-committee consisting of Vice Mayor McKeithen and former Council Member Fisher.

The Waste Reduction Committee will meet February 24. Items to be addressed will be the BFI franchise agreement and recycling programs.

**13. CONSIDERATION OF MENLO PARK FIRE PROTECTION DISTRICT
RESOLUTION RECOMMENDING THAT THE TOWN OF ATHERTON ADHERE
TO FIRE DISTRICT REGULATIONS REQUIRING THE INSTALLATION OF
AUTOMATIC FIRE SPRINKLERS IN CERTAIN RESIDENTIAL STRUCTURES**

Building Official Mike Hood presented the staff report for this item. The Menlo Park Fire Protection District has recommended that the Town consider adhering to Fire District regulations requiring the installation of automatic fire sprinklers where new residential construction exceeds 5000 square feet or where a new basement exceeds 250 square feet.

Board President Peter Carpenter, of the Menlo Park Fire Protection District, gave a brief explanation of the District's request and stated that the District would like to obtain feedback from the City Council on this issue. He introduced new Fire District Chief Paul Wilson. A Powerpoint presentation on residential fire sprinklers was provided along with statistics on the results of fires in homes that are equipped with sprinkler systems.

Discussion ensued regarding the process that will be necessary if the City Council agrees to adopt the District regulations. Chief Wilson stated that any inspections of sprinkler systems would be performed by the District.

City Attorney Marc Hynes will prepare a memo on possible liability the Town might incur if the Council does not take any action on this issue. The Council asked the City Attorney to return to the Council with a clarification of the legal relationship between the District and the Town.

MOTION – to continue this item to the next Council meeting.

M/S Carlson/McKeithen

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

**14. APPROVAL OF AGREEMENTS WITH MENLO PARK RELATING TO
VALPARAISO AVENUE IMPROVEMENTS:**

- PHASE 1 IMPROVEMENT AGREEMENT**
- VALPARAISO AVENUE AND UNIVERSITY DRIVE TRAFFIC SIGNAL
MAINTENANCE AGREEMENT**

Public Works Director Cliff Temps presented the staff report for this item. The Atherton and Menlo Park City Councils, at a joint meeting in September, agreed that a traffic signal should be installed at the intersection of Valparaiso Avenue and University Drive, and that a raised pavement marker island on Valparaiso near Victoria Drive be replaced with a raised curb. He stated that the Menlo Park City Council approved the agreements at their meeting last night. The agreements provide for Menlo Park to act as the lead agency with regard to contracting for construction work and providing for signal maintenance, and for Atherton to pay for half of the cost.

The Public Works Director reported on discussions held at a meeting on Monday night with Sacred Heart School and the homeowners in the Emilie Avenue area. The items discussed were enabling enforceable no parking and no stopping as soon as possible, resolving sight distance problems for cars coming out of MacBain, painting and elevating a crosswalk across Emilie somewhere south of MacBain, and resolving the issue of cars coming out of the School circular driveway allowing cars coming out of MacBain to retain the right-of-way.

In regards to the question of Emilie Avenue being designated a public street, Public Works Director Temps stated that the Vehicle Code would allow the Town to enforce traffic regulations since it is being used as a public road. He stated that he is waiting for a response from the School's attorney regarding having the School offer the Town a roadway easement.

The following members of the audience spoke:

Lou Paponis, 96 MacBain Avenue

Teri Waters, 25 Emilie Avenue

Ed Goodstein, MacBain Avenue

Public Works Director Temps stated that area homeowners will be notified 10 days in advance of the Transportation Committee meetings.

MOTION – to refer to the Transportation Committee for study the attachment to the staff report entitled “Emilie Avenue Issues and Discussion Points” and any other matter connected with this issue that the Transportation Committee deems appropriate to study.

M/S Carlson/Janz Ayes: 4 Noes: 0 Abstain: 1 (Marsala – recused) Absent: 0

Council Member Marsala returned to the meeting at 10:18 p.m. after the deliberation and vote on Items 8 and 15.

**16. CONTINUED FROM DECEMBER 18, 2002 MEETING:
DISCUSSION AND POSSIBLE ACTION – CONSIDER THE DEVELOPMENT OF A
POLICY FOR THE NAMING OF TOWN OF ATHERTON BUILDINGS AND
FACILITIES**

City Manager Jim Robinson presented the staff report for this item. Periodically requests for “naming” Park facilities or buildings in recognition of individuals are received by the Town. Currently the Town does not have a policy addressing this issue.

Discussion ensued regarding whether the Council should have a formal policy regarding the naming of Town owned facilities.

The following members of the audience spoke:

Denise Cupperman, 74 Atherton Avenue

Marion Oster, 38 Flood Circle

MOTION – that all matters of naming public property be brought to the City Council for a decision and that such naming occur only in the most extraordinary circumstances.

M/S Carlson/McKeithen

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

17. CONTINUED FROM DECEMBER 18, 2002 MEETING: DISCUSSION AND POSSIBLE ACTION – CONSIDER POSSIBLE DIRECTION TO STAFF REGARDING THE DEVELOPMENT OF A POLICY REGARDING THE PLACEMENT OF HYPERLINKS ON THE TOWN WEBSITE

Council Member Carlson reported on this item which he asked be brought before the Council. A request has been received by the Town to set up a hyperlink on the Town website with an organization not associated with the Town. After discussion, the Council directed the City Attorney and City Clerk to conduct a survey of practices by surrounding jurisdictions. The City Attorney will return to the Council with a draft policy.

18. AUTHORIZE AWARD OF CONTRACT FOR ARCHITECTURAL SERVICES FOR PUBLIC WORKS CORPORATION YARD

Public Works Director Cliff Temps presented an oral report on this item. The current Capital Improvement budget has \$523,000 for design services and construction services for remodeling the Public Works Corporation Yard. Proposals were received from three architectural firms last Thursday. After review of the proposals and reference checks, staff decided the John Matthews Architecture firm was most qualified. Staff has met with the firm and received a not to exceed estimate of \$68,300. Construction of the facility is planned to commence this summer.

MOTION – to award the design contract for the remodeling of the Public Works Corporation Yard facility to the John Matthews Architecture Firm of San Mateo for an amount not to exceed \$68,300.

M/S McKeithen/Marsala

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

19. PUBLIC COMMENTS

There were no public comments.

20. ADJOURNMENT

The meeting adjourned at 10:55 p.m.

Respectfully submitted,

Sharon Barker, City Clerk

TOWN OF ATHERTON
CLAIMS LIST
 January, 2003

Item No. 9

Payroll Checks	1789 - 1867	\$ 46,321
Electronic Transfers		273,051
A/P Checks	14583 - 14767	396,269
TOTAL		\$ 715,640

I, James H. Robinson, City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 1789 through 1867 (Payroll) and 14583 through 14767 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$715,640 are true and correct, and that there are funds for payment.

James H. Robinson
City Manager

The above claims, Payroll check numbers 1789 through 1867, Accounts Payable check numbers 14583 through 14767 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$715,640; and are hereby approved for payment.

James R. Janz
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$571,784
105	Tennis Fund	344
201	Special Parcel Tax	3,120
202	Transportation	849
203	Gas Tax Fund	-
210	Road Construction Impact Fees	-
213	Library Special Revenue Fund	4,998
401	General Capital Projects	35,875

402	Storm Drainage	-
403	Atherton Channel District	5,775
404	Park Playground Improvement	-
405	Middlefield Road Rehab.	27,296
406	Facilities Construction	27,076
610	Vehicle Replacement	-
611	Computer Maint. & Replacement	22,604
612	Administrative Services	15,376
614	Workers Compensation Insurance	-
715	Evans Estate	544
730	H-P Park Improvement	-
740	Tree Committee	-
	TOTAL	\$715,640



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P. JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF FEBRUARY 19, 2003

SUBJECT: MONTHLY FINANCIAL REPORT, JANUARY, 2003

RECOMMENDATION:

Receive the Monthly Financial Report for January 2003.

DISCUSSION

Transmitted in our mid-year budget review report is a detailed report on revenues, expenditures and projected fund balance for the General Fund for fiscal year 2002-03. This report is based upon year to date revenues and expenditures for the seven months ended January 31st 2003.

With respect to capital projects and special revenue funds, the transportation, street improvement and road construction impact fees have received 33 percent, 49 percent and 43 percent of budgeted revenues respectively. By comparison, the transportation, street improvement and road construction impact fees received 49 percent, 76 percent and 36 percent of budgeted revenues for the first seven months ended January 31st, 2002.

While a revenue shortfall in these three special revenue funds is not likely to affect the extend to which funds are available to complete the FY 2002-03 capital improvement plan, expenditures for road related capital improvements in FY 2003-04 and FY 2004-05 may have to be adjusted to reflect revised expectations of available funding in future years. As part of the FY 2003-04 budget process we will present an analysis of estimated revenues for the remaining two years of the FY 2002-05 capital plan as well as recommendations for reductions in capital appropriations if necessary.

FISCAL IMPACT:

No fiscal impact would result.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

TOWN OF ATHERTON
Revenue Summary
For the Month ended January 31st, 2003

Fund	Revenue Source	2002-03 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	Property Tax	\$ 2,927,487	156,049	\$ 1,680,687	57%
	Sales and Use Tax	255,000	7,800	86,853	34%
	Other Taxes	882,158	85,190	365,258	41%
	Licenses & Permits	1,407,000	40,761	652,052	46%
	Fines & Forfeitures	70,000	6,307	42,593	61%
	Revenue from Other Agencies	394,868	369	117,842	30%
	Charges for Services	352,400	19,393	261,056	74%
	Investment & Rental Income	220,974	4,042	120,319	54%
	Other Revenues	3,000	4,798	18,502	617%
	Total General Fund Revenues	6,512,887	324,709	3,345,162	51%
	Interfund (Operating) Transfers In	844,000	422,000	422,000	50%
101	General Fund Total	7,356,887	746,709	3,767,162	51%
	Special Revenue Funds:				
105	Tennis	9,000	1,700	3,060	34%
201	Special Parcel Tax	1,570,000	170,619	955,029	61%
202	Transportation	270,000	16,546	90,042	33%
203	Street Improvement (Gas Tax)	200,000	17,343	98,168	49%
208	Police on the Street	-	-	-	-
209	Law Enforcement	100,000	-	-	0%
210	Road Construction Impact Fees	400,000	7,634	172,701	43%
211	State Park Grants Fund	89,259	-	-	0%
213	Library	20,000	-	80,148	401%
	Total	2,638,259	213,842	1,399,148	53%
	Capital Project Funds:				
401	Capital Improvement	10,000	-	84,722	847%
402	Storm Drainage	10,000	8,680	13,956	140%
403	Channel Drainage District	52,280	2,242	23,904	46%
404	Park Playground Improvement	-	-	2,205	0%
405	Middlefield Road Grants	1,200,000	-	756,880	63%
406	Facilities Construction	22,000	-	4	0%
	Total	1,294,280	10,922	881,671	68%
	Internal Service Funds:				
610	Vehicle Replacement	39,400	-	19,700	50%
611	Information Technology	91,371	-	45,686	50%
612	Administrative Services	406,256	-	118,129	29%
614	Workers Compensation Insurance	80,129	-	40,782	51%
	Total	617,156	-	224,297	36%
	Trust and Agency Funds:				
715	Evans Creative Design	116,900	13,850	38,550	33%
730	H-P Park Improvement	-	-	-	0%
731	MA Little League	-	-	-	0%
740	Tree Committee	-	2,000	4,005	-
	Total	116,900	15,850	42,555	36%

TOWN OF ATHERTON
Expenditure Summary
For the Month Ended January 31st, 2002

Fund	Description	2002-03	Current Period	Year to Date	%
	Department	Budget	Expenditures	Expenditures	Spent
101	General Fund				
	11 City Council	\$ 21,623	\$ 824	13,312	62%
	12 City Manager	475,959	40,527	275,467	58%
	16 City Attorney	195,734	10,359	75,518	39%
	18 Finance	394,460	23,395	224,505	57%
	25 Building	864,252	56,986	498,242	58%
	40 Police	3,615,402	256,788	1,976,407	55%
	50 Public Works	1,725,357	122,592	978,897	57%
	Contingency	100,000	-	-	0%
	Total General Fund Expenditures	<u>7,392,787</u>	<u>511,471</u>	<u>4,042,348</u>	<u>55%</u>
	Interfund (Operating) Transfers Out	-	-	-	0%
101	General Fund Total	<u>\$ 7,392,787</u>	<u>\$ 511,471</u>	<u>\$ 4,042,348</u>	<u>55%</u>
Special Revenue Funds:					
105	Tennis	29,946	344	359	1%
201	Special Parcel Tax	1,480,309	1,950	952,098	64%
202	Transportation	273,992	849	112,467	41%
203	Street Improvement (Gas Tax)	155,319	-	54,308	35%
208	Police on the Street	40,000	-	20,000	50%
209	Law Enforcement	100,000	7,946	100,000	100%
210	Road Impact Fees	684,294	-	19,004	3%
211	State Park Grants	89,259	-	-	0%
213	Library Fund	25,384	4,998	18,750	74%
	Total	<u>2,878,503</u>	<u>16,087</u>	<u>1,276,986</u>	<u>44%</u>
Capital Project Funds:					
401	Capital Improvement	396,861	35,875	98,052	25%
402	Storm Drainage	-	-	63,037	
403	Channel Drainage District	90,848	5,775	17,395	19%
404	Park Playground Fund	-	-	31,664	
405	Middlefield Road Grants	1,299,000	27,296	1,333,265	103%
406	Facilities Construction	198,454	27,076	87,360	44%
	Total	<u>1,985,163</u>	<u>96,022</u>	<u>1,630,773</u>	<u>82%</u>
Internal Service Funds:					
610	Vehicle Replacement	45,000	-	-	0%
611	Information Technology	100,500	22,396	47,240	47%
612	Administrative Services	325,335	22,103	199,100	61%
614	Workers Compensation Insurance	95,000	-	40,782	43%
	Total	<u>565,835</u>	<u>44,499</u>	<u>287,122</u>	<u>51%</u>
Trust and Agency Funds:					
715	Evans Creative Design	84,750	752	43,221	51%
730	H-P Park Improvement	-	-	-	
731	MA Little League	-	-	-	
740	Tree Committee	730	-	2,665	365%
	Total	<u>85,480</u>	<u>752</u>	<u>45,886</u>	<u>54%</u>
	Total Expenditures	<u>12,907,768</u>	<u>668,831</u>	<u>7,283,115</u>	<u>56%</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2002-03
January 31st, 2003

Fund	Description	Beginning Fund Balance July 1, 2002	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	General Fund	5,194,187	3,345,162	422,000	4,042,348	4,919,001
	Special Revenue Funds:					
105	Tennis	21,926	3,060		359	24,627
201	Special Municipal Tax	847,820	955,029		952,098	850,751
202	Transportation	26,779	90,042		112,467	4,354
203	Street Improvement (Gas Tax)	85,697	98,168		54,308	129,557
208	Police on the Street	44,434	-		20,000	24,434
209	Law Enforcement	9,121	-		100,000	(90,879)
210	Road Construction Impact Fees	646,417	172,701		19,004	800,114
213	Library Special Revenue Fund	400,000	-		18,750	381,250
	Sub Total	<u>2,082,194</u>	<u>1,319,000</u>	<u>-</u>	<u>1,276,986</u>	<u>2,124,208</u>
	Capital Projects Funds:					
401	Capital Improvement	446,802	84,722		98,052	433,472
402	Storm Drainage	56,786	13,956		63,037	7,705
403	Channel Drainage District	445,509	23,904		17,395	452,018
404	Park Playground Improvement	58,417	2,205		31,664	28,958
405	Middlefield Road Grants	(173)	756,880		1,333,265	(576,558)
406	Facilities Construction	447,477	4		-	447,481
	Sub Total	<u>1,454,818</u>	<u>881,671</u>	<u>-</u>	<u>1,543,413</u>	<u>793,076</u>
	Internal Service Fund					
610	Vehicle Replacement	357,952	19,700		-	377,652
611	Information Technology	54,979	45,686		47,240	53,425
612	Administrative Services	6,143	118,129		199,100	(74,828)
614	Workers Compensation Insurance	(51,490)	40,782		40,782	(51,490)
	Sub Total	<u>367,584</u>	<u>224,297</u>	<u>-</u>	<u>287,122</u>	<u>304,759</u>
	Trust and Agency Funds					
715	Evans Creative Design	116,028	38,550		43,221	111,357
730	H-P Park Improvement	5,851	-		-	5,851
731	MA Little League	4,821	-		-	4,821
740	Tree Committee	226	2,000		-	2,226
	Sub Total	<u>126,926</u>	<u>40,550</u>	<u>-</u>	<u>43,221</u>	<u>124,255</u>
	Grand Total	<u>\$ 9,225,709</u>	<u>\$ 5,810,680</u>	<u>\$ 422,000</u>	<u>\$ 7,193,090</u>	<u>\$ 8,265,299</u>



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: LINDA KELLY, ASSISTANT TO THE CITY MANAGER

DATE: FOR THE MEETING OF FEBRUARY 19, 2003

SUBJECT: AGREEMENT FOR LABOR RELATIONS LEGAL SERVICES WITH LIEBERT CASSIDY WHITMORE

RECOMMENDATION

Authorize the Mayor to execute the attached agreement with Liebert Cassidy Whitmore for legal services relating to labor relations.

INTRODUCTION:

Since 1991, the Town has been contracting with Liebert Cassidy Whitmore (formerly Whitmore, Johnson & Bolanos, which superceded Whitmore, Kay & Stevens) for advice and consultation regarding legal matters related to employee relations, labor relations, union negotiations, and general personnel issues. The agreement for 2003 is hereby presented for City Council consideration and approval in compliance with the Town's Municipal Code.

BACKGROUND:

Due to the small size of Atherton's staffing resources in the area of personnel, and due to the need for specialized advice on labor laws and employee relations, the Town has traditionally contracted with a labor relations firm. Staff recommends that the Town continue retaining the firm of Liebert Cassidy Whitmore since some of the firm's attorneys have past experience with the Town's labor relations issues. This history

and understanding is very helpful to personnel staff in making decisions and for policy matters that arise in the area of human resources.

Town staff is judicious in its use of Liebert Cassidy Whitmore labor relations services, and only consults with their attorneys when the matter cannot be resolved in another way or if advice cannot be obtained through other means. Due the changing nature of labor relations laws, and due to issues may arise from time to time throughout the year, it is not always possible to predict with accuracy the amount of labor relations advice that will be utilized in any given fiscal year.

Staff asked for and received a copy of the firm's general liability insurance in the amount of \$2 million. (See attachment)

FISCAL IMPACT:

The attached agreement is effective January 1, 2003. The rate of Cynthia O'Neill, the attorney who primarily responds to Town staff inquiries, will remain at its current \$225.00 per hour, effective January 1, 2003 through June 30, 2003, since the Town is part of the San Mateo County Employee Relations Consortium and benefits from the Consortium's negotiated rate.

Since the Consortium agreement ends on June 30, 2003, the attached Liebert Cassidy Whitmore agreement contains a clause which would allow the Town to take advantage of the new Consortium rate as of July 1, 2003 (to be negotiated at a later date by the Consortium), or to be billed at Cynthia O'Neill's new rate of \$240.00 per hour (whichever is lower) beginning July 1, 2003. Note that the Consortium agreement is on a fiscal year basis and the Liebert Cassidy Whitmore Special Services Agreement is on a calendar year basis.

In Fiscal Year 2001-02, the Town expended \$10,465 on labor relations services from Liebert Cassidy Whitmore. For the current Fiscal Year, 2002-03, it is projected that the Town will expend approximately \$10,000 by Fiscal Year end.

Funds for these contract services are included in the City Attorney budget for the current Fiscal Year in the amount of \$38,000 in the Labor Relations/Personnel Attorney account.

Prepared by:

Approved by:

Linda Kelly
Assistant to the City Manager
Attachments

James H. Robinson
City Manager

AGREEMENT FOR SPECIAL SERVICES

This Agreement is entered into between the law firm of LIEBERT CASSIDY WHITMORE, A Professional Corporation (“Attorney”), and TOWN OF ATHERTON, (“Town”).

1. Conditions

This Agreement will not take effect, and Attorney will have no obligation to provide services, until Town returns a properly signed and executed copy of this Agreement.

2. Attorney’s Services

Attorney agrees to provide Town with consulting, representational and legal services pertaining to employment relations matters, including representation in negotiations and in administrative and Town proceedings, as requested by the Town or otherwise required by law.

3. Fees, Costs, Expenses

Town agrees to pay Attorney the sums billed monthly for time spent by Attorney in providing the services and for reasonable travel time.

The range of hourly rates for Attorney time is from One Hundred Sixty to Two Hundred Sixty Dollars (\$160.00 - \$260.00) and Ninety-Five to One Hundred Ten Dollars (\$95.00 - \$110.00) per hour for time of paraprofessional staff. Cynthia O’Neill’s rate will remain \$225 per hour until June 30, 2003. After June 30, 2003, Cynthia O’Neill’s rate will be the rate listed in a consortium services contract for the period July 1, 2003- June 30, 2004 between the Town and Attorney, if any, or \$240 per hour, whichever rate is lower. Attorney reviews its hourly rates on an annual basis. Attorneys and paraprofessional staff bill their time in minimum units of one-tenth of an hour. Communications advice (telephone, voice-mail, e-mail) is billed in a minimum increment of three-tenths (.30) of an hour.

Town agrees to reimburse Attorney for necessary costs and expenses incurred by Attorney on behalf of Town. Attorney bills photocopying charges at Fifteen Cents (\$.15) per page and facsimile charges at One Dollar (\$1.00) per page. A Public Agency Fee Schedule is attached to this Agreement.

Payment by Town against monthly billings is due upon receipt of statements, and is considered delinquent if payment is not received within thirty (30) days of the date of the invoice.

4. **Assignment**

This Agreement is not assignable without the written consent of Town.

5. **Independent Contractor**

It is understood and agreed that Attorney, while engaged in performing the terms of this Agreement is an independent contractor and not an employee of Town.

6. **Term**

This Agreement is effective January 1, 2003, ongoing and may be modified by mutual agreement of the parties. This agreement shall be terminable by either party upon thirty (30) days written notice.

LIEBERT CASSIDY WHITMORE
A Professional Corporation

TOWN OF ATHERTON

By _____

By _____

Date _____

Date _____

Town of Atherton

Approved as to form:

Marc Hynes
City Attorney

I. PUBLIC AGENCY FEE SCHEDULE

(Hourly Rates)

Partners	\$225.00 - \$260.00
Associates	\$160.00 - \$200.00
Of Counsel	\$225.00 - \$240.00
Graduate Legal Assistants	\$110.00
Law Clerks	\$95.00
Paralegals	\$95.00

II. COST SCHEDULE

1. Photocopies	\$ 0.15 per copy
2. Facsimile Transmittal	\$ 1.00 per page



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: LINDA KELLY, ASSISTANT TO THE CITY MANAGER

DATE: FOR THE MEETING OF FEBRUARY 19, 2003

SUBJECT: ADOPTION OF RESOLUTION ADDING THE POSITION OF SENIOR BUILDING INSPECTOR/PLAN CHECKER TO THE TOWN'S JOB CLASSIFICATION LISTING

RECOMMENDATION

Adopt the attached Resolution adding the position of Senior Building Inspector/Plan Checker to the Town's classification listing and setting the salary and benefits for this position.

INTRODUCTION:

The adopted Fiscal Year 2002-03 Budget for the Town included funding in the Building Department salaries and benefits account to provide for the creation of a Senior Building Inspector/Plan Checker classification.

Currently, there are three Building Inspector/Plan Checkers within the Building Department. The Planning Administrator/Building Official recommends that a Senior Building Inspector/Plan Checker classification be created in order to recognize the lead worker/supervisory duties that are considered necessary over the day-to-day operations of building inspection, permit issuance and plan checking. The attached resolution would not add a new employee to Town staff; rather, a new classification would be added which could result in an internal promotional opportunity. If the attached resolution is adopted, staff will conduct an internal promotional recruitment. If successful, a qualified employee would move to Senior Building Inspector/Plan Checker.

ANALYSIS:

Staff is recommending authorization of the position description and salary range (see attachments). The salary range is set at 10% above the current Building Inspector/Plan Checker salary, and is consistent within the Town's salary structure for senior level positions.

As is required by the Town's Municipal Code, Town personnel staff reviewed this matter with representatives of the affected employee association (Teamsters Union) January, 2003, and received a favorable response to the proposal.

FISCAL IMPACT:

A total of \$12,000 was budgeted for this internal promotional opportunity in the Fiscal Year 2002-03 Adopted Budget. The total approximate fiscal impact for Fiscal Year 2002-03, based on filling this position by March 15, 2003, is \$2,450. This amount reflects salary and all roll-up costs, including PERS contribution.

Prepared by:

Approved by:

Linda Kelly
Assistant to the City Manager

James H. Robinson
City Manager

Attachments

RESOLUTION NO. 03-_____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADDING THE POSITION OF SENIOR BUILDING INSPECTOR/PLAN CHECKER TO THE TOWN'S CLASSIFICATION LISTING AND SETTING SALARY AND BENEFITS FOR THE POSITION

The City Council of the Town of Atherton hereby resolves as follows:

WHEREAS, the City Council has determined that it is in the best interests of the Town to create the position of Senior Building Inspector/Plan Checker; and

WHEREAS, Attachment A to this Resolution specifies the job classification and salary range for this position; and

WHEREAS, this job classification will be allocated to the Miscellaneous Employees Unit pursuant to Atherton Municipal Code Section 2.52.090 and will be afforded the benefits available to the employees in the Miscellaneous Employees Unit.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the Town of Atherton that the position of Senior Building Inspector/Plan Checker is hereby added to the Town's classification listing.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 19th day of February, 2003, by the following vote.

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

James R. Janz, Mayor
Town of Atherton

ATTEST:

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc Hynes, City Attorney

SENIOR BUILDING INSPECTOR/PLAN CHECKER**Salary Range \$5,804.63 - \$6,675.33 per month****Definition**

Under general supervision of the Planning Administrator/Building Official, performs complex combination inspections of building sites to enforce all applicable laws and codes; may supervise the work of subordinate staff including Building Inspector/Plan Checkers; checks the work product of subordinate staff; performs non-structural plan checking on a variety of residential construction and modification; provides a variety of information to property owners, developers, architects, engineers and contractors; and performs related work as required.

Class Characteristics

The class has responsibility for lead oversight of building plan review and building inspection activities on a day-to-day basis. Responsibilities also include providing technical support, issuing permits, enforcement of varied codes and public works inspection. This class is distinguished from the Building Inspector/Plan Checker in that the Senior Building Inspector/Plan Checker acts as lead staff; may supervise subordinate staff, perform more complex inspections, and verify the work of subordinate staff and identify needed corrections. This class requires a higher level of experience and knowledge than the Building Inspector/Plan Checker position. This class is distinguished from the Planning Administrator/Building Official in that the latter plans, organizes, provides administrative direction and oversight and participates in all planning, plan checking, building inspection, zoning administration and related activities for private and public construction for the Town.

Examples of Duties (Illustrative Only)

- Performs lead work and oversight of the day-to-day functions related to plan checking, building inspection and building permit issuance for the Town.
- Assigns inspections to Building Inspector/Plan Checkers and reviews their work products.
- Supervises and reviews the work of independent contract building inspectors and plan checkers.
- Reviews requests for building permits; approves permits and determines appropriate fees.
- Performs non-structural plan checking for code compliance.
- Inspects new and existing residential properties for conformance to codes, regulations, plans, specifications and standards related to foundations, framing, electrical, plumbing, access, life safety, energy compliance and other functional elements.
- Makes final inspections and issues certificates of occupancy.
- Confers with and provides information to developers, engineers, architects, property owners, contractors and others regarding code requirements and alternatives; resolves complaints and problems.

- Investigates complaints regarding existing buildings or new construction to determine if code violations or problem conditions exist; reviews buildings for business usage, zoning requirements and for occupancy after fires or other occurrences.

Building Inspector/Plan Checker

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- Reviews and approves applications for architectural variances, rezoning, signs, use permits and other variances.
- Consults with the Planning Administrator/Building Official and City Attorney regarding legal aspects of planning and building matters.
- Inspects Town construction and maintenance projects performed by contractors for conformance to plans, specifications and codes.
- Prepares a variety of correspondence, reports, procedures and other written materials.
- Maintains accurate records and files.
- Represents the Town in meetings with members of other public and private organizations, community groups, contractors, developers and the public.

Qualifications

Knowledge of:

- Principles of personnel supervision and training.
 - Building, plumbing, electrical, mechanical, life safety, energy and related codes as covered in Title 24.
 - Construction methods, materials, tools and equipment used for current complex residential construction.
 - Practices for documenting inspections, correcting violations and carrying through on court procedures.
 - Applicable codes, ordinances and regulations, including applicable safety standards.
 - Computer applications related to the work.
 - Concepts and practices of non-structural plan review.
- Techniques for effectively representing the Town in contacts with governmental agencies, community groups and various professional, educational, regulatory and legislative organizations.
 - Techniques for dealing with and solving the problems presented by a variety of individuals from various socio-economic, cultural and ethnic backgrounds, in person and over the telephone.

Skill in:

- Supervising and reviewing the work of Building Inspectors/Plan Checkers.
 - Explaining codes and regulations to developers, engineers, architects, property owners and others.
 - Interpreting, applying and explaining complex laws codes regulations and ordinances.
 - Reviewing and interpreting plans and specifications.
 - Analyzing facts and providing good independent judgment.

- Effectively representing the Town in meetings with governmental and regulatory agencies, community groups, property owners, contractors, developers, business owners and the public.
- Preparing clear and concise reports, correspondence and other written materials.
- Maintaining accurate records and files.

Page Three

- Organizing and prioritizing work and meeting critical deadlines.
- Using tact, initiative and independent judgment within established procedural guidelines.
- Establishing and maintaining effective working relationships with those contacted in the course of the work.

Education and Experience:

Equivalent to completion of two years of college or possession of an Associate of Arts degree with major course work in construction technology or building inspection or a field related to the work and four years of in any combination of building inspection, plan checking, construction contracting or work that will have provided the required knowledge and skills. Experience in performing work as described above may be substituted for the education on a year for year basis to a maximum of two years.

License:

Must possess a valid California class C driver's license and have a satisfactory driving record. Must possess at least one ICBO building inspection certification.

Physical Demands:

Must possess mobility to work in a standard office setting, to operate a motor vehicle and to inspect various construction sites; vision to read printed materials and a computer screen and note make inspections as noted above; and hearing and speech to communicate in person and over the telephone.

Approved by Council: _____



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF FEBRUARY 19, 2003

**SUBJECT: APPROVAL OF CONTRACT FOR SERVICES
– TENNIS PROFESSIONAL**

Recommendation

Approve contract for services of Tennis Professional Alan Margot.

Background

The Town has previously retained the services of Alan Margot as Tennis Professional. The previous contract effective July 1, 2000 has expired. Attached is a form of contract based upon the previous contract. Changes have been made relative to hourly rates and duties of the professional. The revisions reflect the actual course of conduct which has occurred between the Town, its employees, and the Tennis Professional.

The contract has been reviewed by the Tennis Professional as well as the Holbrook Park Program Manager Jean Cardona.

Fiscal Impact

A slight increase in revenues to the Town is anticipated as a result of the increase in hourly rates proposed by the contract.

Respectfully,

MGH:cwb

MARC G. HYNES

Attachment

AGREEMENT FOR SERVICES OF USPTA
TEACHING TENNIS PROFESSIONAL ALAN MARGOT

This agreement ("contract") is effective as of March 1, 2003 between the Town of Atherton, California ("Town"), a California Municipal Corporation, and Alan Margot, USPTA "Tennis Professional," ("Tennis Pro") on the following terms and conditions:

1. **EMPLOYMENT AS TENNIS PROFESSIONAL**

Position:

During the term of the contract, **ALAN MARGOT** shall serve as a Tennis Professional. Tennis Pro shall provide top quality services and instruction to members of the Atherton Tennis Club (ATC) and local area residents, and shall actively pursue fulfilling the Town's Tennis Mission Statement. Tennis Pro shall support the interests of the Town with undivided loyalties.

Tennis Mission Statement

- The Town shall provide Atherton residents an affordable tennis facility and program for recreation and to build a sense of community among the residents.
- The tennis operation should be self supporting and cover the full expenses and capital improvement costs of the tennis facility and programs.
- The tennis facility may be used for tennis instruction to non-residents, providing ATC members and other Atherton residents have first priority.
- All tennis related revenues and expenses shall be approved annually as part of a tennis program budget, which shall be under the direct supervision of the City Manager.

2. **INDEPENDENT CONTRACTOR STATUS**

The services to be provided, as set forth in the contract, shall be provided by the Tennis Pro as an independent contractor, as defined in Labor Code Section 3353 or as amended, under the control of the City Manager as to the results of the work, but not the means by which such results are accomplished, and nothing herein contained shall be construed to make the Tennis Pro an agent or employee of the Town while providing said services; and, Tennis Pro shall be entitled to no other benefits or compensation except as provided herein.

3. **HOLD HARMLESS AND INDEMNITY PROVISIONS**

Tennis Pro shall:

- A. Hold harmless and indemnify the Town and its officers, employees and agents from and against any and all claims, loss, liability, damage and expense arising from performance of this contract, including claims, loss, liability, damage, and expense caused or claimed to be caused by passive negligence of the Town, its officers, employees, or agents.
- B. Defend the Town, its officers, employees, or agents against all matters set forth in A above; provided, however, that this provision does not apply to claims, loss, liability, damage or expense arising from the active negligence or willful misconduct of the Town.
- C. Provide general liability and automobile liability insurance in the following minimum limits:

1. \$2 million liability insurance, while on court, for bodily injury to others; and for damage to property not in the tennis professional's care, custody or control
2. Automobile liability in limits of \$500,000 bodily injury and property damage combined.
3. Workers' Compensation Insurance in at least the minimum statutory amounts shall be maintained if Tennis Pro hires any employees to work hereunder.

All liability insurance policies shall specify the Town, its officers, employees and agents as additional named insureds. A certificate of insurance shall be provided to the City Clerk prior to performance pursuant to this contract, which certificate shall provide that it may not be canceled except after 30 days written notice delivered to the City Clerk. Further, any changes in insurance required herein must be approved in writing by Town's City Attorney.

D. Tennis Pro warrants that as an equal opportunity employer Tennis Pro shall comply with applicable regulations governing equal employment opportunity. Neither Tennis Pro nor any of his subcontractors shall discriminate in the employment of any person because of race, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment and Housing Act.

4. TERM OF CONTRACT

A. This contract shall commence effective March 1, 2003, and unless terminated sooner per 4.B. below, terminate on the last day of February, 2005.

B. The City Manager may terminate the contract without cause by giving at least sixty (60) days prior written notice to Tennis Pro. Tennis Pro may terminate the contract without cause by giving at least sixty (60) days prior written notice to the City Manager.

C. The City Manager may terminate this agreement if at any time Tennis Pro is in default in the payment of any fees, portion of net revenue or any other monies required to be paid to the Town, or in the performance of any duty, obligation, covenant or agreement contained herein (time expressly declare to be of the essence,) upon five (5) days written notice to Tennis Pro and Tennis Pro fails to correct such default within said five (5) day period.

D. This agreement shall automatically terminate on the last day of February, 2005, unless both parties agree in writing to extend the existing terms and conditions for another two year term. The Tennis Pro will be automatically terminated if convicted of a felony.

5. TENNIS PRO'S DUTIES AND RESPONSIBILITIES

Tennis Pro will be required to provide the following services:

A. Manage the Town's tennis instruction program, including employment and supervision of all necessary personnel as employees of the Tennis Pro, maintenance of proper records and payments of personnel, including any fringe benefits or other compensation required by law.

B. Conduct programs for all age groups, to include, but not be limited to:

- Large group lessons - 1 to 8 ratio maximum
- Small group lessons - 1 to 4 ratio maximum

- Semi-private lessons - 1 to 3 ratio maximum
- Private lessons - 1 to 1 ratio maximum
- Camps and Clinics - Ratio to be determined
- Adult Jr. leagues - Ratio to be determined

C. Tennis Pro will work closely with the on-site Park Program Manager and the Tennis Committee to create and coordinate a minimum of two (2) tournaments per year designed specifically for members, and two (2) open tournaments per year designed for either adults or juniors (ages 8 – 18). Tennis Pro shall also conduct a minimum of one (1) summer tennis clinic and at least one tennis camp in the spring or summer for adults and/or children (up to the age of 18).

D. Tennis Pro will, at his own expense, provide the necessary equipment to conduct a high-quality tennis instruction program. Tennis Pro may store this equipment in a storage facility at the Holbrook-Palmer Park tennis courts at no cost.

E. Tennis Pro is authorized to use space in the Main House at Holbrook-Palmer Park to conduct administrative duties including, but not limited to, registration, communications and educational purposes that relate to tennis instruction and recreation. Town will provide routine custodial services for the space. No modifications to the area used by Tennis Pro may be made without written approval of the City Manager.

F. Tennis Pro shall not charge personal toll telephone calls to the Town's telephone.

G. Tennis Pro shall work closely with the Park Program Manager to facilitate proper participant enrollment and manage participant's transfers and funds.

H. Tennis Pro will be responsible for conducting registration for Town-sponsored group lessons, tournaments, and mini-group participants through the normal Town registration procedures. Tennis Pro may cancel a class if minimum registration is not met. Tennis Pro shall be responsible for registration of all individuals, taking any kind of private, semi-private, group lessons and clinics.

Tennis Pro will not allow any person to participate in any tennis lessons unless that person has registered; each participant must sign a Town indemnification/hold harmless agreement in order to play or participate in any tennis event or activity. No person who does not have a tennis key may play on the Holbrook-Palmer Park tennis courts unless he is a guest of an ATC member, or he is engaging in activities and programs operated by the Tennis Pro.

Payments for all monthly-tennis revenue (10% of gross revenue) shall be paid by check made payable to the "TOWN OF ATHERTON."

I. The priorities for the Tennis Pro are, in order of importance, as follows:

- | | |
|--------------------------|--|
| 1 st priority | Meet the goals and objectives of the Tennis Program. |
| 2 nd priority | Develop rapport with members – provide user friendly service. |
| 3 rd priority | Remain loyal to Town Parks and Recreation Commission Program, and Holbrook-Palmer Park Foundation. |
| 4 th priority | Increase sale of keys and revenue to the Town. |
| 5 th priority | Maintain rapport with staff – for harmonious coordination. |
| 6 th priority | Develop rapport with students – to demonstrate personal interest. |
| 7 th priority | Maintain teaching ability – provide top quality instruction. |
| 8 th priority | Maintain playing ability - maintain perspective on match play and |

enthusiasm for teaching.

J. Tennis Pro is granted the use of the southeast tennis courts, i.e. Courts No. 5 and 6, at Holbrook-Palmer Park for the purpose of giving individual and mini-group tennis lessons and instruction during the hours of 7:30 a.m. through sundown, Monday through Friday, and Saturdays from 8:00 a.m. through 5:00 p.m. In the event Tennis Pro is not using those courts, they shall be made available for public play. Additional tennis courts may be made available for use by Tennis Pro for lessons and instruction upon prior approval of the City Manager. The City Manager may authorize use of said courts on occasion, for special Town events, giving no less than seven (7) days notice to Tennis Pro of this use. Tennis Pro will post a sign on the fence of the southeast court explaining its special use and indicating how registration can be accomplished.

K. Tennis Pro shall provide professionally competent and experienced instructors to meet instructional obligations. All employees of Tennis Pro shall be neatly dressed and courteous at all times. Tennis Pro shall cover each of said employees with Workers' Compensation insurance. Tennis Pro shall furnish the City Manager with a certificate of statutory coverage therefore. Instructors shall be employees of Tennis Pro, and not Town. The City Manager may observe Tennis Pro's personnel on a periodic basis to determine that such personnel are providing instruction in a professional, competent, and courteous manner. Pursuant to this periodic review, the City Manager may determine Tennis Pro's satisfactory performance of this contract.

L. All lessons taught for the ATC by Tennis Pro shall be given at Holbrook-Palmer Park, unless the City Manager gives prior approval.

M Tennis Pro shall follow the daily rules of work listed below:

1. Arrive at courts at least ten minutes before lesson time.
2. If courts are set, allow enough time to roll-dry all the puddles prior to lesson time.
3. Stay on schedule so all lessons and meeting start and finish on time.
4. When opening, get out all carts, ball machines, and ball pick-up devices to be used that day.
5. When closing, be sure all equipment is put away and storage facility door is locked.
6. Insure that proper tennis attire is worn at all times. Proper tennis attire includes tennis shoes, tennis shorts, tennis skirts, tennis dresses, collared tennis shirts, classy T-shirts and tennis warm-ups. It does not include black-soled running shoes, running shorts and swim suits.
7. Pick up balls and retrieve any that went over the fence (but not on Felton Gables Property) after each lesson, or at least at the end of teaching for the day.

N. All tennis class lists and records originally acquired through association with the ATC shall remain the confidential property of the ATC for the term of this contract, regardless of location at which lesson is given, and shall not be used or taken by Tennis Pro for any other purpose other than for the sole use of the ATC.

ATC Members, followed by Town residents, shall have priority over non-members in registration for instruction.

Tennis Pro shall be responsible for the behavior of all participants in the Town's tennis instruction program while in the tennis area. Tennis Pro shall ensure that all participants in the Town's tennis instruction program comply with club rules regarding use of courts and other facilities, and control of noise.

6. **RATE AND REE SCHEDULE:**

Tennis Pro shall charge the following rates;

Rates (per hour): Private Lessons: \$80.00 Per Hour

Clinics, tournaments and lessons of less than one hour shall be less than the hourly rate (pro rata).

7. **RESPONSIBILITIES OF TOWN**

Town shall be responsible for:

- A. Publication of all Town-sponsored tennis programs, clinics and events in brochures, the ATC newsletter, or in local newspapers.
- B. Maintenance of tennis courts, fencing, nets, wind screens, water fountains, shelters, benches, pathway landscaping, trees, ball machine, and electrical service affecting the tennis courts.
- C. Providing office space, desk, miscellaneous furniture, electricity, ball machine, rollers and/or squeegees, and use of Town photocopier.
- D. Installation, maintenance and monthly fees associated with a telephone or pager, and for telephone answering machine or voice mail.

8. **PAYMENT TO TOWN BY TENNIS PRO**

Tennis Pro shall pay the Town ten percent (10%) of his gross revenues on the last day of each month.

Tennis Pro shall submit a record of all lessons, clinics, etc. taught or held, and include the names of each person, date of lesson, etc. and time expended for each lesson, amount charged/ collected, with a summary sheet showing total hours taught and total (100%) of the money collected.

Tennis Pro shall include, with the above records, a check representing payment for ten percent (10%) of the total income shown by such records made payable to "Town of Atherton" and submit all information to the Holbrook-Palmer Park Program Manger at 150 Watkins Avenue, Main House, Atherton. Said payments shall be made on the last day of each month.

9. **AUDIT**

Once during each year of the term of this contract, and at any one time in the year following the termination of this contract, the City Manager may cause an audit of Tennis Pro's business within the Town, by an independent accountant selected by the City Manager. If any monthly or annual statement of gross revenues submitted by Tennis Pro to the Park Program Manager is found to be more than ten percent (10%) less than the amount of Tennis Pro's actual gross revenue for the same period, Tennis Pro shall immediately pay to Town the cost of the audit pus ten percent (10%) of the difference together with interest thereon computed at the rate of ten percent (10%) per annum. Otherwise, the cost of the audit shall be paid by the Town.

10. **FORCE MAJEURE**

If the facilities at Holbrook-Palmer Park are damaged or made unusable due to a natural disaster or causes beyond the control of the Town, the parties will be relieved of their mutual obligations under this contract. When the affected facilities are again deemed to be useable by the City Manager, the contract will be considered to be resumed.

11. PERFORMANCE REVIEWS

Tennis Pro shall be given an annual evaluation by the City Manager to review the performance of this agreement. Other reviews may be scheduled as agreed upon or as necessary by either party. Any notice given pursuant to this contract shall be considered complete upon hand delivery or three days after mailing, postage pre-paid as follows:

TOWN: City Manager
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

TENNIS PRO Alan Margot
325 M Sharon Park Dr.
Menlo Park, CA 94025

Dated: _____, 2003.

By: _____
JAMES R. JANZ, MAYOR
Town of Atherton

Dated: _____, 2003.

By: _____
ALAN MARGOT, Tennis Professional

APPROVED AS TO FORM:

MARC G. HYNES, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JAMES ROBINSON, CITY MANAGER**

FROM: ROBERT J. BRENNAN, CHIEF OF POLICE

DATE: FEBRUARY 19, 2003

**SUBJECT: ACCEPTANCE OF STATE TECHNOLOGY FUNDING
GRANT AWARD OF \$16,196.00**

RECOMMENDATION:

Accept the State Technology Funding Grant award of \$16,196.00 specifically designated to upgrade and enhance the Police Department's technological capabilities. Augment the PD's budget in the amount of \$16,196.00 (line item 40 141 3503).

INTRODUCTION:

The Town of Atherton Police Department has again been awarded the State Technology Funding Grant Award, this year in the amount of \$16,196.00. The grant award is designated to upgrade and enhance the Police Department's technological capabilities. There are no cash matching requirements with this State grant.

ANALYSIS:

Improving the delivery of police services is the goal of this grant. A panel of police and information technology personnel selected the items designated below for purchase. They were selected for their capability to improve data collection, communications, evidence collection and computer hardware support.

- 1) Additional server to support existing network storage (80GB) \$919.00

Our IT personnel have advised us that our current server has reached maximum capacity and that the storage will soon be full. They advise that this item will greatly enhance our information storage ability for some time.

- 2) Stand alone email server 4,203.00

The addition of this network server will allow the Police Department to access LAWNET in conformance with Department of Justice mandated computer security standards. Furthermore, the Town is currently expending over \$200/mo to an outside firm to maintain our email system. The purchase of this item will allow us to cancel this service and support our own system without any monthly charges. Additionally, service and speed of the email system will be greatly enhanced. Both PD and other Town Offices will benefit from this advanced system.

- 3) Software, Hardware and Support of Dictaphone System 3,000.00

Our system for recording police radio traffic, as well as incoming and outgoing phone calls, is greatly antiquated and frequently fails. This recording device is over ten years old. The drives need replacement and the software needs updating. Dictaphone will make necessary repairs, replace parts, upgrade the software and provide on-going maintenance.

- 4) Printer for Police Dispatch 1,400.00

Our IT representative has designed this as a priority item. The current printer in use is a general printer that is used for all printing jobs in dispatch, the report typing room and the general department. IT recommends that a new dedicated printer be installed that will solely be used for the printing and retrieving of critical information, including the printing of arrest warrants, subpoenas, officer safety bulletins, county-wide broadcasts, restraining orders, etc.

- 5) Police Portable Radios (6) 4,993.00

We purchased new police portable radios with previous grant monies. Unfortunately, we could not afford to buy enough for every sworn officer. Currently, the traffic units, reserves and management personnel do not have the use of the modern radios with their updated features and multiple channel capacity.

- 6) Supplementing the State purchase of the new VESTA 9-1-1 system 1,350.00

The State of California has funded \$72,800.00 towards the purchase of a new 9-1-1 phone system that has been previously approved by the Council. The final cost for our system is \$74,144.45 leaving a matching funds requirement of \$1344.45.

- 7) Computer Equipment Rack 200.00

To support computer equipment including the new server. This unit is surplus equipment from the City of Palo Alto.

FISCAL IMPACT:

Zero or minimal impact. The actual costs of the above listed items can not be determined until Council authorizes the receipt of the \$16,196.00 and the Chief of Police makes the purchases in compliance with the Town's purchasing policy. Every effort was made to secure accurate bids. Should the final cost of the above items exceed \$16,196.00 the supplemental expenditures will come from the existing FY 02/03 budget.

Prepared by:

Approved:

Robert J. Brennan
Chief of Police

James Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JAMES ROBINSON, CITY MANAGER**

FROM: ROBERT J. BRENNAN, CHIEF OF POLICE

DATE: FOR THE MEETING OF FEBRUARY 19, 2003

SUBJECT: OFFICE OF TRAFFIC SAFETY GRANT

RECOMMENDATION:

Authorize the Police Department to submit a request for a grant to the California Office of Traffic Safety (OTS), for the purpose of rebating 100% of the total cost of an existing officer during the first year and 50% during the second year.

INTRODUCTION:

The Town of Atherton Police Department currently has two officers assigned full-time to the Traffic Division. These officers are involved in general traffic enforcement, but are not dedicated to working specific areas that are considered high-collision rate locations. The officers are often also used to augment patrol when necessary. If we are awarded the grant, we agree to dedicate one existing officer to these identified problem areas. That officer's salary and other expenses are paid for by the State.

ANALYSIS:

If an OTS Grant were obtained, one of these existing traffic officers would be assigned to the grant, and would focus on high-collision rate areas, and also community education. These grants are generally for a two-year period, with the first year being fully funded by OTS (officer and equipment), and the second year funded 50% by the Town of Atherton.

CONCLUSION:

The Office of Traffic Safety Grant will allow for dedicated enforcement in the areas where statistically collision rates have been high, without requiring additional personnel.

FISCAL IMPACT:

The total amount of this two-year reimbursement grant is approximately \$188,818.31. The first year of the grant is funded 100% by OTS. This would include the purchase of a police motorcycle and all related equipment. The Town’s fiscal responsibility would be in the amount of approximately \$54,318.36, which is budgeted. This reimbursement represents 50% of the officer’s total compensation package for the second year of the grant.

Prepared by:

Approved:

Robert J. Brennan
Chief of Police

James Robinson
City Manager

Attachment – Grant application



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF FEBRUARY 19, 2003

SUBJECT: AMENDMENT TO CITY COUNCIL RULES AND PROCEDURES

Recommendation

Amend section 9.1 of the City Council Rules and Procedures to conform with existing practice regarding appointment of Councilmembers to serve on various committees which require a Council representative..

Background

Section 9.1 of the City Council Rules and Procedures entitled "Mayor/Council Committee" presently provides that at a regular meeting in December, the Mayor shall appoint Councilmembers to serve on various committees which require a Council representative. Based upon existing practice in the Town, it is recommended that Section 9.1 be revised to read as follows:

"9.1 Mayor/Council Committee At least annually, at a regular meeting, the Mayor shall appoint Councilmembers to serve on various committees which require a Council representative."

Fiscal Impact

None.

Respectfully,

s/Marc G. Hynes
MARC G. HYNES

MGH:cwb

Attachment



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF FEBRUARY 19, 2003

SUBJECT: ACCEPTANCE AND AUTHORIZATION TO RECORD NOTICE OF COMPLETION:

LIBRARY RE-ROOFING
POLICE STORAGE SHED
HOLBROOK-PALMER PARK WATER TOWER RESTORATION

RECOMMENDATION:

Accept the work performed under contracts for Library Re-Roofing, Police Storage Shed, and Holbrook-Palmer Park Water Tower Restoration and authorize recording notices of completion.

INTRODUCTION:

Contracts for all three of the listed projects were approved by the Council last year, and work on each as been completed.

ANALYSIS:

<u>Project</u>	<u>Contract Amount</u>	<u>Budget Amount</u>	<u>Final Cost</u>
Library Re-Roofing	\$24,989	\$35,000	\$24,989
Police Storage Shed	\$88,782	\$75,000	\$91,914
Holbrook-Palmer Park Water Tower Restoration	\$102,310		\$102,310
Town	\$17,593	\$30,000	\$17,593
Contributions	\$84,717	\$84,717	\$84,717

The Library roofing is part of a \$50,000 three part project which includes revamping the HVAC system, roofing and a new sign. The HVAC work was completed last fall for \$9,833. Up to \$5,000 is earmarked for a new sign. The roof work represents a savings of \$10,000, which will remain in the Library Fund.

The Police Storage Shed increased in cost as a result of the bidding, and again during construction, due to an unexpected soils problem. The project is funded from the Facilities Construction Fund which varies with permitted building activity. The difference between cost and budget can be absorbed by money in the fund, but funding of the one remaining project for which the fund is earmarked, the Street Corporation Yard, could be affected.

The Town paid portion of the Water Tower project was painting. This came in under budget. The savings is in the Capital Improvement Fund and could be used to make up most of the possible shortfall in the Street Corporation Yard project, which is partially funded from this source.

FISCAL IMPACT:

Overall, the use of Town funds exceeded budget by \$4,507. This may have a minor impact on funding available for the Street Corporation Yard project.

CONCLUSION:

The work on all three projects has been completed in accordance with their respective plans and specifications. Therefore the work should be accepted, and recording of notices of completion should be authorized.

Respectfully submitted

Reviewed/Approved

Cliff Temps
Public Works Director

James Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF FEBRUARY 19, 2003

**SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS
2003 STREET RECONSTRUCTION
STOCKBRIDGE PATCH AND OVERLAY**

RECOMMENDATION:

Pass a motion to approve the plans and specifications for 2003 Street Reconstruction, Project 03-001 and Stockbridge Avenue Patch and Overlay, Project 03-002.

INTRODUCTION:

The 2003 Street Reconstruction Project consists of rebuilding the streets originally scheduled for reconstruction this year plus a section of James Avenue that is programmed for rebuilding in FY 03/04. The former include San Benito Avenue, Bassett Lane, Lane Place, Lowery Drive and both the cul-de-sac and through segments of Lilac Drive. These streets have Pavement Condition Indexes (PCIs) ranging from 16 to 28 out of a possible 100. Spencer Lane, with a PCI of 17, was originally intended to be included. It was left out after discovering that the street right-of-way was never dedicated to the Town. Only 5 of the 9 abutting property owners responded positively to a poll to determine if everyone would be willing to dedicate road easements. The segment of James Avenue that is included lies between Magnolia and the most westerly intersection of James and Greenoaks and has a PCI of 31.

The Stockbridge Avenue Patch and Overlay Project starts at Alameda de las Pulgas and ends at Selby Lane. Plans and specifications for both projects are available for inspection at the Town Hall document desk.

ANALYSIS:

The street reconstruction in the 2003 Street Reconstruction Project involves the same method that was used on Magnolia and James and Irving cul-de-sacs last year. The old pavement and material below is removed using a milling machine that loads directly into trucks that haul the material away. Next, treated wood headers are installed to control street alignment and elevation and to provide support for pavement edges. Finally, the area between the headers is filled with asphalt concrete, placed and compacted in 3 to 4 layers. The end result is a street that looks very much like the one that existed before any work was done.

Including James Avenue in the 2003 Street Reconstruction Project technically moves it up one fiscal year. This was done because it makes sense to do it at the same time work is done on other streets in the immediate area, and a sufficient balance exists in the Parcel Tax Fund, which is paying for James Avenue, to do the work this fiscal year.

The section of road included in the Stockbridge Avenue project was extensively patched two years ago. The patches are holding up well, in spite of the street's 34 to 45 PCI range. This project will patch remaining areas that are showing distress and then cap the street with pavement reinforcing fabric and 3 inches of asphalt concrete overlay. This technique is the same as was used on Middlefield Road. As part of the work, fill will be added where pavement edges are adjoined by dirt or rock, to assure there is no pavement drop off and to correct areas where drop offs were left in the past.

FISCAL IMPACT:

\$972,583 from Parcel Tax and Road Impact funds is budgeted for streets in the 2003 Street Reconstruction Project. \$321,276 from Measure A and Traffic Congestion Relief funds is budgeted for the Stockbridge project. It is expected that bids will come in well below the budgeted amounts.

CONCLUSION:

The plans for these two projects are consistent with the Capital Improvement Program and should be approved.

Respectfully submitted

Reviewed/Approved

Cliff Temps
Public Works Director

James Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF FEBRUARY 19, 2003

SUBJECT: MID-YEAR BUDGET REVIEW REPORT

INTRODUCTION

Transmitted herein is the mid-year budget report for Fiscal Year 2002-03. This report contains an updated estimate of General Fund revenues and ending fund balance and recommendations for further reductions in appropriations. This report also includes an update on the Town's FY 2002-2005 financial plan along with a brief description of the strategies recommended by staff to close the imbalance between revenues and expenditures during the next two years.

DISCUSSION

General Fund Revenue Analysis

General fund revenues are expected to fall short of budgetary estimates prepared at the beginning of FY 2002-2003 by \$344,000. The anticipated revenue shortfall is due to the following factors:

- A decline of 20 percent in residential real estate transaction volume from Calendar Year 2001 to 2002;
- A decline of approximately 50 percent from the previous several years in retail sales activity within the town of Atherton that is subject to State sales and use tax;
- A further erosion in yields on cash balances invested with the State Local Agency Investment Fund and with the San Mateo County Pool of Investments.

- A suspension in payments for jail booking fees, peace officer training, animal control services and other activities that are subject to reimbursement pursuant to the SB 90 claiming process.

Of the four factors cited above, the first three were noted in staff's monthly financial report to Council in November, 2002. This report indicated that General Fund revenues were projected to fall \$256,000 short of estimates prepared at the beginning of the year. The fourth item, a suspension of mandated reimbursements, is a result of actions taken by the Governor in January as part of his plan to reduce the State's \$35 billion projected deficit over the next 18 months. The Governor's action to continue the suspension of such reimbursements will result in an additional loss of \$88,000 in general fund revenues.

As part of the his January deficit reduction package, the Governor also proposed to eliminate approximately \$2.5 billion in motor vehicle fee license fee revenue for the remainder of FY 2002-03 and for all of FY 2003-04. If the Governor's budget proposal were to be accepted by the Legislature the Town would lose an additional \$150,000 in motor vehicle license fees in FY 2002-03 and approximately \$320,000 in such revenues in FY 2003-04.

During the past several weeks, the Finance Department has tracked the Governor's budget proposals and the State Legislatures response thereto. Since motor vehicle license fee subventions have already been appropriated in FY 2002-03 and since the State Legislature has demonstrated an aversion to denying local governments this source of revenue, we do not anticipate a loss of motor vehicle revenue for the balance of FY 2002-03. However, we believe that it would be prudent to plan for the loss of \$320,000 in motor vehicle license fee revenue in FY 2003-04 and beyond. This is due to the fact that in order for local governments to continue to receive motor vehicle license fee revenue, the legislature would either have to restore motor vehicle license fees to their pre-1998 levels or backfill appropriations from the State's General Fund would have to continue, actions which the Governor has heretofore opposed.

The following table provides a comparison of revenues estimated at the beginning of FY 2002-03 with our projection of such revenues as of January, 2003.

Revenue Source	2002-03 Budget	2002-03 Revised Est.	Projected Variance
Taxes:			
Property	\$ 2,927,487	\$ 2,854,574	\$ (72,913)
Sales and Use	255,000	133,714	(121,286)
Other	882,157	802,157	(80,000)
Total Taxes	4,064,645	3,790,445	(274,199)
Licenses & Permits	1,407,000	1,357,400	(49,600)
Fines & Forfeitures	70,000	70,286	286
Investment & Rental Income	352,400	284,400	(68,000)
Intergovernmental Revenues:			
Revenue from Other Agencies	220,974	202,000	(18,974)
Charges for Services	394,868	451,349	56,481
Other Revenues	3,000	12,300	
Interfund (Operating) Transactions:			
Capital Projects Indirect Cost	150,000	150,000	-
Police on the Street	40,000	40,000	-
Special Tax Operating Transfer	554,000	554,000	-
Gas Tax Operating Transfer	100,000	100,000	-
Total Interfund transactions	844,000	844,000	-
Total Revenues	7,356,887	7,012,180	(344,706)

I. General Fund Expenditure Analysis

Appropriations for General Fund programs and activities were reduced by \$97,000 in December 2002 pursuant to recommendations of the City Manager and Finance Director. Such reductions were primarily related to lower than expected costs for employee benefits, internal services fund charges and contract services expenses. At this time we recommend a further reduction in General Fund appropriations of \$211,400 including:

- A reduction in the Public Works Department general fund budget in the amount of \$128,000 to reflect capital projects management expenditures that had already been appropriated in within each individual capital project, net of increased expenses related to storm clean up activities and increased maintenance requirements at the new Hollbrook-Palmer Park children’s playground.
- A city-wide reduction of \$35,000 in appropriations for employee salaries. A \$35,000 reduction in appropriations for salaries is warranted because actual salary increases granted to City employees were less than had been projected for budgetary purposes.
- A reduction of \$48,400 in appropriations for overtime, contract services and communications expenses in the City Attorney, the Finance Department and the Police Department to reflect revised expectations of such requirements.

The following table provides an analysis of the effect of the reductions in appropriations analysis of appropriations established at the beginning of FY 2002-03 with summary of recommended reductions in appropriations for each department.

<u>Department</u>	<u>2002-03 Budget</u>	<u>November Reductions</u>	<u>January Reductions</u>	<u>Increase (Decrease)</u>	<u>2002-03 Revised</u>
City Council	\$ 21,650	\$ (27)	\$ -	\$ (27)	\$ 21,623
City Manager	476,686	(6,727)	(3,000)	(9,727)	466,959
City Attorney	182,504	(175)	(25,000)	(25,175)	157,329
Finance	401,879	(1,419)	(14,000)	(15,419)	386,460
Building	867,699	(3,447)	(3,400)	(6,847)	860,852
Police	3,687,057	(71,655)	(38,000)	(109,655)	3,577,402
Public Works	1,738,904	(13,550)	(128,000)	(141,550)	1,597,354
Contingency	<u>100,000</u>	<u>-</u>	<u>0</u>	<u>-</u>	<u>100,000</u>
Total Expenditures	<u>\$ 7,476,379</u>	<u>\$ (97,000)</u>	<u>\$ (211,400)</u>	<u>\$ (308,400)</u>	<u>\$ 7,167,979</u>

General Fund Balance

Taking into account the anticipated revenue shortfall and appropriations reductions recommended herein, we expect the General Fund balance to decline by \$155,299 from a beginning fund balance of \$5,194,187 to \$5,038,388. Although the General Fund balance is expected to decline by \$155,299 we still expect the fund balance to be higher than the \$7,476,379 which was appropriated at the beginning of FY 2002-03. This is due to the fact that the General Fund balance as of June 30th, 2002 was \$198,515 higher than had been estimated when preparing the FY 2002-03 budget.

The following table provides a comparative analysis of budgeted revenues, expenditures and fund balance for FY 2002-03.

	FY 2002-03 Adopted Budget	Estimated as of 1/30/03	Projected Variance Favorable (Unfavorable)
FY 2002-03 Beginning Fund Balance	\$ 4,995,672	\$ 5,194,187	\$ 198,515
Plus: Revenues	7,356,887	7,012,180	(344,707)
Less: Expenditures	(7,476,379)	(7,167,979)	308,400
Equals Ending Fund Balance	\$ 4,876,180	\$ 5,038,388	\$ 162,208

FY 2002-05 Financial Plan Update

Subsequent to the preparation of the FY 2002-03 budget certain events have transpired which will have a significant impact on the Town's revenues and expenditures during the next two years. These include:

- The expected elimination of \$320,000 in motor vehicle license fee revenues for FY 2003-04 and beyond;
- The continued deferral of \$88,000 in state mandated reimbursements;
- Substantial increases in employee benefit costs resulting from higher health care premiums and employee pension funding costs.

As a result of these dynamics, the Town's year-end General Fund balance is expected to decline by \$807,000 and \$1.3 million in Fiscal Years 2003-04 and 2004-05 respectively.

The following table illustrates this trend.

**General Fund Revenue and Expenditure Analysis
Fiscal Years 20023 through 2005**

Revenue Category	FY 2003	FY 2004	FY 2005
Property Tax	2,854,574	2,997,591	3,177,446
Sales Taxes	133,714	136,389	143,208
Other Taxes	802,157	529,670	550,857
Licenses and Permits	1,357,400	1,407,000	1,378,860
Fines and Forefietures	70,286	70,000	71,400
Aid from other Agencies	202,000	177,000	157,000
Service Charges	451,349	390,000	390,000
Use of Money and Property	284,400	305,900	305,900
Other Revenues	12,300	3,000	3,000
Total Revenues	6,168,180	6,016,549	6,177,671
<i>Imputed Revenue Growth</i>	-6.9%	-2.5%	2.7%
Expenditure Category			
Contingency	100,000	100,000	
Council	21,623	21,650	22,516
Manager	466,959	538,702	614,120
Attorney	157,329	177,623	184,728
Finance	386,460	390,515	445,187
Building	860,852	914,879	1,015,515
Police	3,577,402	3,840,267	4,251,176
Public Works	1,597,354	1,689,302	1,903,843
Total Expenditures	7,167,979	7,672,938	8,437,086
<i>Imputed Expenditure Growth</i>	8.1%	7.0%	10.0%
Surplus Deficit of Revenues over Expend	(999,799)	(1,656,389)	(2,259,415)
Add (subtract) Operating Transfers In (out)			
Parcel Tax	554,500	599,225	654,186
Police on the Street	40,000	-	-
Gas Tax	100,000	100,000	100,000
CIP Support	150,000	150,000	150,000
Public Facilities Fund	-	-	-
Vehicle Replacement Fund	-	-	-
Subtotal Operating Transfers	844,500	849,225	904,186
Beginning Fund Balance	5,194,187	5,038,888	4,231,724
Ending Fund Balance	5,038,888	4,231,724	2,876,495
<u>Increase (Decrease) in Fund Balance</u>	<u>(155,299)</u>	<u>(807,164)</u>	<u>(1,355,229)</u>

In anticipation of the substantial imbalance between revenues and expenditures, staff is working with the Finance committee to establish a revenue enhancement and expenditure reduction plan that, to the maximum extent practical contains the following elements:

- Preservation of existing financial reserves;
- Intensified efforts to reduce expenditures while preserving existing service levels; and
- Pursuit of local revenue sources in the interests of attaining greater financial self-sufficiency.

RECOMMENDATIONS:

We recommend the Council:

Accept the mid-year budget review report and reduce general fund appropriations by \$211,400.

Prepared by:

Approved by:

John P. Johns, CPA
Finance Director

Jim Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF FEBRUARY 19, 2003

**SUBJECT: OUTLINE OF PROCEDURES
PARCEL TAX LEVY**

Recommendation

Review the Town Parcel Tax and provide direction to Staff for future discussion of parcel tax levy.

Background

Ordinance No. 520, approved by the voters of the Town of Atherton in 2001, authorizes a special tax to finance municipal services and capital improvements. The impartial analysis of this tax which was presented to the voters as Measure F is attached as Enclosure A and incorporated by this reference. The ordinance itself is attached and incorporated by reference as Enclosure B.

As explained in the analysis and as provided in Section 3 of the ordinance, each year following adoption of the Town's annual budget, the City Council will determine the total amount of expenditures necessary to provide adequate levels of municipal services and capital improvements. The City Council will then deduct from that amount the projected revenue to be gathered from sources other than the special tax. The difference, if any, shall be the maximum amount of funds to be derived from the tax authorized by Ordinance No. 520 for that year.

Section 4 of Ordinance No. 520 sets the maximum rate of the tax. The maximum tax rate for the year 2002-2003 is described in a table set out in Section 4.

Section 5 of the Ordinance states that prior to levying a special tax in any fiscal year, the City Council shall conduct a public hearing on the proposed tax. The hearing must be preceded by notice posted in at least three public places within the Town at least 15 days prior to the hearing. Following the hearing, the City Council may adopt a resolution fixing the amount of tax to be raised.

Fiscal Impact

None.

Respectfully,

s/Marc G. Hynes
MARC G. HYNES

MGH:cwb

Attachments: Enclosure A City Attorney Impartial Analysis of Measure F
Enclosure B Ordinance No. 520

IMPARTIAL ANALYSIS OF MEASURE F

INITIATIVE - AUTHORIZES SPECIAL TAX
TO FINANCE MUNICIPAL SERVICES AND CAPITAL IMPROVEMENTS

This initiative Measure proposes to add a new ordinance to the Ordinance Code of the Town of Atherton that would allow the City Council to impose a Special Tax on Real Property to finance Municipal Services, such as police protection, street repair and maintenance, drainage facility repair and maintenance, and capital improvements where other sources of revenue are not sufficient because of restraints imposed by Article XIII A of the California Constitution also known as Proposition 13. The ordinance would correspondingly increase the appropriations limit under Article XIII B of the California Constitution.

The City Council must conduct a duly noticed public hearing on proposed tax after adoption of the annual budget. The tax may not exceed the total amount of expenditures necessary to provide adequate levels of municipal services and capital improvements, as determined by the City Council, after deducting the projected revenue to be gathered from sources other than the Special Tax.

The tax on individual parcels may not, however, exceed in any year the amounts set forth in Section 4 of the proposed ordinance.

The tax will be a lien on individual parcels and may be collected by the Town or the County Tax Collector at the option of the City Council.

Any monies raised by this Special Tax may be used only for said municipal services and capital improvements. In accordance with Article XIII B of the California Constitution, all revenues received in a fiscal year and the fiscal year following it in excess of the town's appropriations limits during that fiscal year and the fiscal year immediately following it shall be returned by a revision of tax rates or fee schedules within the next two subsequent fiscal years.

Authority to levy this tax will commence with the tax year 2001-2002 and will expire with the tax year 2004-2005, and may only be amended or repealed by a two-thirds vote of the people.

Marc G. Hynes
City Attorney
Town of Atherton

March 16, 2001
Date

ORDINANCE NO. 520
AN ORDINANCE OF THE TOWN OF ATHERTON
CALLING AN ELECTION TO SUBMIT TO THE VOTERS
AN ORDINANCE AUTHORIZING THE LEVY OF A SPECIAL TAX
FOR MUNICIPAL SERVICES AND CAPITAL IMPROVEMENTS, AND FOR THE
EXPENDITURE OF FUNDS DERIVED FROM SUCH TAX

The City Council of the Town of Atherton does hereby ordain as follows:

SECTION 1. ELECTION CALLED. The City Council of the Town of Atherton submits the following ordinance to the voters of the Town of Atherton at an election to be held on Tuesday, June 5, 2001.

SECTION 2. FULL TEXT OF MEASURE. The complete text of the proposed ordinance shall be:

“AN ORDINANCE OF THE TOWN OF ATHERTON
AUTHORIZING THE LEVY OF A SPECIAL TAX FOR
MUNICIPAL SERVICES AND CAPITAL IMPROVEMENTS AND FOR THE
EXPENDITURE OF FUNDS DERIVED FROM SUCH TAX

The people of the Town of Atherton do ordain as follows:

SECTION 1. **AUTHORITY TO ADOPT MEASURE.** This ordinance and the tax authorized herein are adopted pursuant to the provisions of the California Constitution, Articles XIII A §4, XIII B §4 and XIII C §2, and pursuant to Sections 50075, 50076, 50077 and 53722 et. seq. of the California Government Code.

SECTION 2. **AUTHORIZATION TO LEVY SPECIAL TAX.** If, in any fiscal year commencing July, 2001, the City Council shall determine that municipal services such as police protection, street repair and maintenance, drainage facility repair and maintenance are necessary for the public good, welfare, and safety, and that the cost of providing such services will exceed the amount of funds generated through other revenue and income which are counted under the limit of the Town for such services calculated in accordance with the provisions of Article XIII B of the California Constitution, as provided for in the adopted budget, and/or if capital improvements are required, the cost of which exceeds the amount of funds generated through other revenues and receipts, and/or if amounts should be required to augment operational and capital needs of the Town, then it may levy a special tax for such fiscal year on each parcel of property within the Town in the manner provided herein. This special tax shall be in addition to the annual tax rate allowed by law.

SECTION 3. **DETERMINATION OF AMOUNT TO BE RAISED.** Each year following adoption of the Town’s annual budget, the City Council will determine the total amount of expenditures necessary to provide adequate levels of municipal services and capital improvements and deduct therefrom the projected revenue to be gathered from sources other than this special tax. The difference, if any, shall be the maximum amount of funds to be derived from the tax authorized by this ordinance for such year.

SECTION 4. MAXIMUM TAX RATE/METHOD OF ASSESSMENT. After determining the amount of tax to be raised under Section 3, the City Council shall apportion said amount among the parcels of real property within the Town not exempted by law as follows:

		MAXIMUM TAX IN GIVEN YEAR			
		2001-02	2002-03	2003-04	2004-05
1.	For each dwelling on a parcel with an area of less than 1/4 acre:	450.00	450.00	450.00	450.00
2.	For each unimproved parcel with an area of less than 1/4 acre:	225.00	225.00	225.00	225.00
3.	For each dwelling on a parcel with an area of 1/4 acre or more, but less than 1/2 acre:	570.00	570.00	570.00	570.00
4.	For each unimproved parcel with an area of 1/4 acre or more, but less than 1/2 acre:	285.00	285.00	285.00	285.00
5.	For each dwelling on a parcel with an area of 1/2 acre or more, but less than 2 acres:	750.00	750.00	750.00	750.00
6.	For each unimproved parcel with an area of 1/2 acre or more, but less than 2 acres:	375.00	375.00	375.00	375.00
7.	For each dwelling on a parcel with an area of 2 acres or more:	960.00	960.00	960.00	960.00
8.	For each unimproved parcel with an area of 2 acres or more:	480.00	480.00	480.00	480.00
9.	For each private club:	10,000.00	10,000.00	10,000.00	10,000.00
10.	For each parcel available for tax owned by a utility which serves the Atherton community:	450.00	450.00	450.00	450.00
11.	For each parcel available for tax owned by a utility which does not directly serve the Atherton community:	750.00	750.00	750.00	750.00

The records of the San Mateo County Assessor, as of each year, shall determine whether or not any particular lot is unimproved for purposes of this ordinance.

SECTION 5. HEARING, TAX LIEN AND INCLUSION IN CITY TAXES. Prior to levying a special tax under this ordinance in any fiscal year, the City Council shall conduct a public hearing on the proposed tax. Such hearing shall be conducted after the City Council has adopted an annual budget for that year. Notice of such hearing shall be posted in at least three public places within the Town of Atherton at least fifteen days prior to the hearing. All of the information and material which the City Council intends to consider at such hearing and the amount of tax to be raised shall be made available to the public by being on file in the office of the City Clerk for at least fifteen days prior to said hearing. Following said hearing, the City Council may adopt a resolution fixing the amount of tax to be raised which shall not exceed the amount contained in the material on file in the Clerk's office. Any tax levied under this ordinance shall become a lien upon the properties against which it is assessed and collectible in the manner provided by applicable law and by the levying resolution.

SECTION 6. COLLECTION. The City Council may elect to have any special tax authorized under this Chapter either collected by the Town or, in the alternative, by the Tax Collector of San Mateo County. If the services of the Tax Collector of the County of San Mateo are elected, the special tax may only be included on the annual tax bill set out by such Tax Collector. A certified copy of the resolution electing to use the service of the Tax Collector of San Mateo County shall be filed with said Tax Collector prior to September 1st of the fiscal year for which the tax is assessed and shall include a list of all parcels of real property to be taxed and the amount of each parcel.

SECTION 7. INCREASE APPROPRIATIONS LIMIT. Pursuant to California Constitution Article XIII B, the appropriations limit for the Town of Atherton will be increased by one and one-half times the aggregate sum authorized to be levied as a special tax in each of the years covered by this ordinance.

SECTION 8. FUNDING AND EXPENDING PROCEEDS. Proceeds of any tax levied under this ordinance shall be deposited in a Special Fund and expended only for the purposes stated in this ordinance.

SECTION 9. UNEXPENDED RESIDUE. In accordance with Section 2(b) of Article XIII B of the California Constitution, all revenues received by the Town in a fiscal year and the fiscal year immediately following it in excess of the amount which may be appropriated by the Town in compliance with Article XIII B during that fiscal year and the fiscal year immediately following it shall be returned by a revision of tax rates or fee schedules within the next two subsequent fiscal years.

SECTION 10. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid such invalidity shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable.

SECTION 11. DURATION AMENDMENT OR REPEAL. The authorization to levy a tax under this ordinance shall commence with the Fiscal Year 2001-2002, beginning July 1, 2001 and shall continue through and including June 30, 2005. This ordinance or any provision thereof may only be amended or repealed by approval of two-thirds of the voters voting on the proposition at any initiative or referendum election.

This ordinance shall be adopted if approved as an initiative measure by two-thirds of the voters voting at a consolidation election to be held on Tuesday, June 5, 2001, and go into effect ten (10) days after the City Council has, by resolution, declared that such initiative measure was approved by two-thirds of the voters voting thereon.”

SECTION 3. CONDENSED STATEMENT OF MEASURE. The manner in which the proposed measure shall appear on the ballot shall be:

“Shall an ordinance entitled “An Ordinance of the Town of Atherton Authorizing the Levy of a Special Tax for Municipal Services and Capital Improvements and for the Expenditure of Funds Derived from such Tax, and numbered 520 be adopted?”

SECTION 4. PUBLICATION. This ordinance shall be posted in at least three public places within the Town of Atherton, and shall become effective immediately upon its passage and approval. The City Clerk is authorized and directed to give notice of election in accordance with Chapter 2 (commencing with section 12100) of Division 12 of the California Elections Code.

SECTION 5. CONSOLIDATION. The election on the proposed ordinance shall be consolidated with any and all other elections to be held on June 5, 2001.

SECTION 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid such invalidity shall not affect any other provision or application, and to this end the provisions of the ordinance are declared to be severable.

SECTION 7. EFFECTIVE DATE. This ordinance calling an election shall become effective immediately upon its adoption by the City Council of the Town of Atherton.

* * * * *

I hereby certify that the foregoing ordinance was adopted at a special meeting of the City Council of the Town of Atherton held on February 8, 2001, by the following roll call vote:

AYES: 5 Councilmembers: McKeithen, Janz, Carlson, Fisher, Conwell
NOES: 0 Councilmembers:
ABSTAIN: 0 Councilmembers:
ABSENT: 0 Councilmembers:

s/Dianne M. Fisher
Dianne M. Fisher, Mayor
Town of Atherton

ATTEST:

s/Sharon Barker
Sharon Barker, City Clerk



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF FEBRUARY 19, 2003

**SUBJECT: SAFETY CODE REVISION
FIRE SPRINKLERS**

Recommendation

Consider request from Menlo Park Fire Protection District regarding amendments to Town regulations which would require fire sprinklers in certain residential construction.

Background

The City Council has previously reviewed a memorandum from the Town Building Official and heard a presentation by representatives of the Menlo Park Fire Protection District concerning proposed amendments to Town regulations which would result in fire sprinklers being required in residential construction exceeding 5,000 square feet in area or where a new basement exceeds 250 square feet. As detailed in the enclosed memorandum dated January 23, 2003, the presentation by the Fire District was a part of a process which must be followed in the event Town fire safety regulations are to be modified.

At this point the City Council has the following options:

1. Recommend to the District that the proposed amendments not be adopted;
2. Recommend to the District that the proposed amendments be adopted, based upon appropriate findings;
3. Continue a final determination on this matter pending a review of the findings justifying the requested amendments.

As the District is the appropriate entity to prepare these findings in any event, the City Council may wish to choose this last option, following preparation and presentation of the findings to the City Council.

Fiscal Impact

Unknown.

Respectfully,

MARC G. HYNES

Attachment



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF FEBRUARY 19, 2003

SUBJECT: DISCUSSION AND POSSIBLE APPROVAL – STRATEGIC PARK AND RECREATION PLAN 2003

RECOMMENDATION

It is recommended that the City Council review and adopt the Draft Strategic Park and Recreation Plan.

BACKGROUND:

A Special Joint Meeting between the City Council and the Park and Recreation Commission was held on November 19, 2002 regarding the revision of the Strategic Park and Recreation Plan. At that meeting, the Commission was directed to consider the City Council's comments regarding the draft, fine tune the document based on this input, and bring the Plan back to the City Council.

Subsequently, the Park and Recreation Commission met on December 4, 2002, January 8, 2003 and February 5, 2003 and revised the draft Plan. The attached Draft Strategic Park and Recreation Plan is the result of these revisions.

It would be appropriate at this time for the City Council to adopt the Plan, adopt the Plan with revisions by the City Council, or provide further direction to the Park and Recreation Commission and staff.

Attachment

DRAFT

Strategic Park and Recreation Plan

Town of Atherton
Park and Recreation Commission

February 19, 2003

TABLE OF CONTENTS

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I. Vision

II. Purpose

III. Mission Statement

IV. Planning Assumptions, Goals and Objectives

1. Enhancement to the Natural Arboretum Environment
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3. Program Enhancement
4. Development of Action Plan Master List
5. Finances
6. Development of Parks Policies and Procedures Manual
7. Governmental Compliance
8. Evaluation and Update

Appendix 1: Strategic Plan Origination and Evolution

Attachment "A": Action Plan Master List

Attachment "B": Maintenance and Improvement List

This 5-year Strategic Plan is the Park and Recreation Commission's blueprint for systematic Parks planning. It will be reviewed and revised again in 2008. It is anticipated that the Park and Recreation Commission, Town of Atherton leadership and citizens will use this document as a guide to identify maintenance, improvement projects and activities that will complement the Plan's substance. Citizens can review the document and gain a sense of the direction the Park and Recreation Commission is pursuing. The Plan represents the interested community's collective efforts. This Strategic Park and Recreation Plan is submitted in accordance with Chapter 2.40, Section 2.40.080, of the Atherton Municipal Code. Appendix 1 relates to the origination and evolution of this Plan's development.

- I. **Vision:** Atherton's Parks shall be centers of community activities, valuable open space, and recreational assets for the Town.

- II. **Purpose:** The Town of Atherton is entrusted to provide for the collective well being of its citizens to include intellectual, social, recreational, cultural and educational interaction.

- III. **Mission Statement:**
The mission of Holbrook-Palmer Park and the Reading Park is to provide venues for those community activities and programs consistent with citizen needs. In bequeathing the Elmwood property to the Town of Atherton, the Olive Holbrook-Palmer Will decreed that the "Town shall, at its own cost and expense, keep, maintain and operate said property in proper order and condition and in a manner suitable for a high class public recreational park" to benefit the community. This Mission Statement serves as a basis for strategic planning, goal setting, short and long-term objectives, and associated action plans that will benefit the citizens and the property.

- IV. **Planning Assumptions, Goals and Objectives:** Planning assumptions are general concepts that the Park and Recreation Commission will pursue in fulfilling the policies of the City Council and the wishes of Atherton residents.

1. **Enhancements to Natural Arboretum Environment:** The Parks' open space environment is a valued asset.

A. Goals:

1. To preserve the natural beauty of the Town of Atherton.
2. To increase the attractiveness of the Parks' environment.
3. To encourage Park users to enjoy the open space environment consistent with the preservation of that space.

B. Objective:

To develop improvements and programs that preserve, enhance and facilitate enjoyment of the Parks' beautiful, natural arboretum. Open fields, with extensive walking paths, seating and unstructured play areas shall be emphasized.

2. **Park Facilities and Their Uses:** Holbrook-Palmer Park and the Reading Park have existing facilities that require improvements to meet citizen needs.

A. Goal:

1. To foster a sense of community among Town residents by providing Park facilities for social, cultural, recreational, educational, and meeting uses.
2. To preserve the character of the historic structures in the Park.
3. To foster the collaborative relationship between the Holbrook-Palmer Park Foundation/Atherton Dames, Atherton Arts Committee, Tree Committee, Tennis Committee, and other community organizations and individuals to ensure the Park facilities and activities meet the needs of the entire community to the extent possible.

B. Objectives:

1. To develop policies and procedures governing Park use that shall give appropriate priority to uses by Atherton residents and community organizations, and to review annually the Master Calendar for Park Events to ensure opportunity exists for Atherton resident use.
2. To encourage Park use by individuals, families and small groups of the Atherton community.
3. To encourage Park use by civic organizations and local schools whose activities serve the Atherton community.
4. To exclude large groups exceeding two hundred and fifty (250) people and organized sports activities with the exception of

Little League and AYSO Soccer. The Park and Recreation Commission may consider recommending a conditional exception to the policy, on a case-by-case basis, after a Commission public hearing. Any recommendations for an exception to this policy must be formally approved by the City Council.

5. To maintain the current user limits on Park facilities concurrent with the improvement of facilities to meet the community needs.
6. To solicit input from neighbors living adjacent to the Parks. The Park and Recreation Commission and Town staff will attempt to mitigate uses adversely affecting neighbors.
7. To annually review tennis key membership policies and programs and make recommendations to the City Council.
8. To periodically evaluate regional non-park rental facilities that offer services competitive with Holbrook-Palmer Park.
9. To enhance and expand existing Park facilities, i.e. existing buildings and other physical structures, to meet identified needs of the community.
10. To promote activities, such as weddings and other social functions, to financially support Park operation and maintenance of recreational activities.
11. To exclude Park facilities use for large events by firms or individuals for the purpose of selling objects and/or services that do not benefit the Town of Atherton. The Park and Recreation Commission may consider recommending a conditional exception to this policy, on a case-by-case basis, after a Commission public hearing. Any recommendations for an exception to this policy must be formally approved by the City Council.
12. To approve facilities use by fund-raisers benefiting the Town of Atherton and for cultural events fulfilling the Atherton Arts Committee Charter after receiving a formal written proposal and subject to meeting conditions set by the Park and Recreation Commission.
13. To maintain and upgrade facilities in accordance with available Town budgetary resources.

3. **Program Enhancement:**

A. Goal:

To foster a variety of recreational classes and programs being provided that will meet the needs of the multi-faceted, broad age spectrum Atherton community.

B. Objectives:

1. To evaluate and explore community needs and solicit resident feedback on the effectiveness of Park management, infrastructure maintenance, recreational programs, and events, the Park and Recreation Commission will:
 - i. sponsor an annual “State of the Park” Public Forum with the Atherton Arts Committee, Tree Committee, Tennis Committee, Little League, Playschool Management, and other community-interest groups (Atherton Civic Interest League, Homeowner Associations, etc).
 - ii. encourage citizen communication with the Commission (i.e., via Town website, *Athertonian* newsletter, and during Public Comments at Park and Recreation monthly meetings, etc.).
2. To encourage the development and promotion of recreational classes and programs (i.e., seasonal sports activities, etc.) that cater to community needs. Tennis program development that expands court use will be a priority.
3. To encourage the development and promotion of all types of Park usage by Atherton residents and their families, i.e., Town functions, national, state and local civic interest events, lectures and educational events, concerts, celebrations, etc.
4. To keep abreast of facilities and programs at public and private schools and regional parks within the immediate area and to evaluate the extent of their use by Atherton residents.

4. **Development of Action Plan Master List of Needs:**

A. Goal:

The Park and Recreation Commission will work with the Town staff to develop an Action Plan Master List for its inclusion in the Annual Capital Outlay/Improvement Program. See Attachment “A”. Contained therein are projects that directly relate to the Parks’ grounds and buildings that should be considered and/or implemented, if feasible. Prioritized, certain projects are identified

for 2003 implementation and others will require longer-term implementation. As the priority projects are completed or deferred, other listed projects will be advanced and re-prioritized.

B. Objectives:

1. The members of the Park and Recreation Commission shall conduct semi-annual maintenance inspections with the Public Works Director, Park Program Manager, or a Town staff designee in April and October of each calendar year and submit a written report to the City Manager after each inspection with a copy furnished to the City Council. See Attachment "B".
2. Prioritize the Master List Action Plan annually.
3. Promote staff development of a scheduled buildings and grounds maintenance program that avoids an accumulation of deferred projects.

5. **Finances:**

A. Goals:

1. Relative to Park expenditures, The Town of Atherton shall implement sound financial planning and fiscal restraint.
2. The City Manager will continue to work in concert with the Holbrook-Palmer Park Foundation/Atherton Dames, Atherton Arts Committee, Tree Committee, Tennis Committee, interested organizations and private groups to fund capital projects as needed for the Park system, bearing in mind the priorities the City Council has established for use of Town resources.

B. Objectives:

1. The Park Program Manager will submit monthly to the Park and Recreation Commission the Park activities and revenue report. The City Manager and the Park Program Manager shall submit a proposed capital projects budget to the Park and Recreation Commission no later than their May meeting each year.
2. The City Manager and City Council, in concert with the Park and Recreation Commission, will review additional budget requests and make appropriate recommendations to implement the proposed Strategic Plan, or portions thereof, which may require allocation of additional resources over a five-year planning period.

3. The City Manager and Park Program Manager shall present annually to the Park and Recreation Commission a review of Park rental and user fee policies to assure they are contributing to the overall financial health of the Park.
4. To support fund-raising activities of the Holbrook-Palmer Park Foundation/Atherton Dames, Atherton Arts Committee, Tree Committee, and Tennis Committee for Park betterment.
5. To support privately instigated fund-raising activities that will provide direct Town or Park betterment.
6. To investigate grants and other sources of private funds that might offer additional revenue for Park improvements.
7. To promote rentals of facilities for business meetings and social events.
8. To require all Parks hardscape projects to have an integrated landscape design plan and funding for long-term maintenance.

6. **Development of Parks Policies and Procedures Manual:**

The Park and Recreation Commission and Town staff shall develop in 2003 a Parks Policies and Procedures Manual governing the use of the Parks, subject to approval of the City Council. The policies and procedures shall give appropriate priorities to uses by Atherton community organizations.

7. **Governmental Compliance:**

The Park and Recreation Commission will act within the California Environmental Quality Act (CEQA) and all other appropriate Federal, State and Municipal laws prior to approval of any project or program. The Park and Recreation Commission will cooperate in implementing any noise control measures and any other ordinances and rules adopted by the City Council.

8. **Evaluation and Update:**

- A. Throughout the Strategic Planning process, the Park and Recreation Commission's efforts will be evaluated by community members and the City Council.
- B. Attachment "A" will be reviewed, updated and re-prioritized annually in May by the Park and Recreation Commission and approved by the City Council at a public meeting. This planning document should be reviewed and revised in 2008.

Appendix 1: Strategic Plan Origination and Evolution

The development of this plan is based upon the following factors:

1. The Park and Recreation Commission serves the Atherton City Council in an advisory role on parks and recreational issues.
2. The Holbrook-Palmer Park Foundation/Atherton Dames, Atherton Arts Committee, Tree Committee, and Tennis Committee volunteer their services to foster fund-raising efforts in support of the Park and provide community outreach through recreational, social, educational, and cultural activities within the Town of Atherton.
3. An Advisory Committee consisting of members from the Park and Recreation Commission, Holbrook-Palmer Park Foundation/Atherton Dames, Watkins Avenue, and Felton Gables neighborhood formed the nucleus of the revisions to the 1997 Strategic Plan, and is given recognition here.
4. Citizens participated through a series of public sessions.
5. A comprehensive public review and discussion regarding the plan document was held first by the Park and Recreation Commission prior to consideration by the City Council for adoption.
6. The City Attorney has reviewed current Park uses, and will continue to review future uses, to assure that they meet the obligations established by the Olive Holbrook Palmer Will, by Federal, State, and Municipal laws, contractual and grant requirements, and the Atherton General Plan.
7. Demographic profiles of Atherton families were considered throughout the plan.
8. Reports from previous long-range planning efforts and other documentation were reviewed and considered:
 - a) Olive Holbrook Palmer Will, 1959.
 - b) Atherton Interest in a Community Park and Recreation Report for the City Council prepared by Louis Kroeger & Assoc., February 1959.
 - c) Council Policy Committee White Paper Report: Holbrook-Palmer Park to a Self-Funding Status, February 1979.
 - d) Holbrook-Palmer Park Foundation Committee's Long-Range Plan Report, August 1989.
 - e) Park and Recreation Commission's Strategic Outline Report for Holbrook-Palmer Park, February 1991.
 - f) City Council adopted Park Strategic Plan, September 1992.
 - g) City Council adopted Park Strategic Plan, July 1997.

- h) Park and Recreation Commission Report to Council dated August 30, 2001.
- i) Atherton Town-wide Survey on Holbrook-Palmer Park Use, 2002.
- j) Public Meetings of Park and Recreation Commission in Summer and Fall 2002.
- k) Joint Public Meeting of the City Council and Park and Recreation Commission of November 19, 2002.

Attachment "A"

Park and Recreation Commission
2003 Action Plan Master List

A. Natural Arboretum:

2003:

1. The Tree Committee and Town Arborist are encouraged to develop and implement a Tree Management General Plan in coordination with the 1994 Tree Maintenance Program.

B. Park Entrances:

2003:

1. Develop a signage policy consistent with permitted uses and code enforcement.
2. Install approved signage throughout Holbrook-Palmer Park.

C. Main House/Rita Corbett Evans Arts Center/Front Patio:

2003:

1. Install Americans with Disabilities Act (ADA) compliant elevator for disabled (handicapped) access and restroom accessibility.

Longer-Term:

2. Solicit design ideas for patio area (where the large oak previously stood) and implement most appropriate finding.
3. Explore the feasibility of developing a new Arts Center within existing Park structures.
4. Improve Appointment Center décor.

D. Pavilion/Rear Patio:

2003:

1. Provide City Council requested improvement options [addressed by the City Council and the Park and Recreation Commission at the Joint Meeting of November 19, 2002]: (a) renovating lights, kitchen, carpets, floors and paint and (b) reconfiguring the four corners of the building (to accommodate larger group use), adding French doors, plus the renovations mentioned in (a) above.

2. Improve rear patio and front plantings.

Longer-Term:

3. Implement most feasible renovation option addressed in #1 above.

E. Carriage House (protect and preserve the historical building's unique exterior/interior character)/Rear Patio:

2003:

1. Paint exterior. [2002 funds appropriated by Town.]
2. Plant trees/bushes in the rear of patio area.
3. Re-stain the sanded interior entrance.

Longer Term:

4. Renovate the kitchen.
5. Renovate the bathrooms.
6. Develop the upstairs into functional space.

F. Water Tower (protect and preserve the historical building's unique character):

2003:

1. Stabilize/renovate the exterior. [2002 funds appropriated by HPP Foundation/Atherton Dames]
2. Paint the exterior. [completed in 2003.]

Longer Term:

3. Renovate and develop the interior into usable space. Encourage interested citizens and groups to financially contribute toward this endeavor. [HPP Foundation/Atherton Dames 2003 Kitchen Tour proceeds are dedicated to this pursuit.]

G. Playschool:

2003:

1. Periodically request/review enrollment statistics to assure Atherton resident use.

H. Town Home Residence:

2003:

1. City Council subcommittee and the City Manager shall prioritize projects in the Town home.

I. Tennis Courts/Covered Shelter/Practice Wall:

2003:

1. Renovate six courts. [2002 funds appropriated by Town; implementation to occur in 2003.]
2. Encourage development of a court maintenance and repair schedule and dedicated reserve fund for future expenditures.

Longer Term:

3. Expand and improve or replace the adjacent covered shelter and add seating area.

J. Little League Field/Shed:

Annually:

1. Review compliance with Little League Agreement.

K. Children's Playground:

2003:

1. Build small bench at playground entrance; affix replacement donor tiles on walls. [2002 funds available from Playground Committee.]
2. Continue structural maintenance and repair schedule.

L. Picnic Area (near Playground):

Longer Term:

1. Install more picnic benches and tables.

M. Restrooms:

2003:

1. Build back-to-back with present unit to increase facility size.
2. Add diaper-changing facilities.

N. Gazebo:

2003:

1. Determine future use; remodel or remove.

O. Corporation Yard:

2003:

1. Encourage development of a landscaping/planting plan for the Corporation Yard area; plant more trees along fence.

Longer Term:

2. Explore future yard options: relocate and build smaller; downsize current buildings; use current structures and architecturally enhance the exterior.

P. Parking Lots/Roads:

2003:

1. Repair and restripe asphalt in identified problem areas.

Q. North Meadow Open Space:

No projects contemplated.

R. South Meadow Open Space and Adjacent Landscaped Areas:

No projects contemplated.

S. Other Infrastructure (sewer, wells):

2003:

1. Staff to investigate sewer system and wells.

Attachment “B”

TOWN OF ATHERTON – PARK AND RECREATION COMMISSION

MAINTENANCE AND IMPROVEMENT LIST

PARK AND RECREATION COMMISSION'S
VISUAL MAINTENANCE REVIEW OF HOLBROOK-PALMER PARK

(COMPLETED BY PARK AND RECREATION COMMISSION AND TOWN STAFF
IN APRIL AND OCTOBER OF EACH YEAR)

ITEM/AREA REVIEWED	DATE REVIEWED	CORRECTIVE ACTION RECOMMENDED AS APPLICABLE
Entry Gates – Watkins Avenue		
South Meadow		
North Meadow		
Fountain Area		
Children's Playground		
Parking Area – Main House		
Parking Area – Pavilion		
Parking Area – City Manager's House		
Main House – Interior		
Main House – Exterior		
Main House – Patio Area		
Gazebo		
Pavilion and Patio Area		
Tennis Courts		
Playschool – Interior		

Playschool – Exterior		
Carriage House – Interior		
Carriage House – Exterior		
Corporation Yard – Interior		
Corporation Yard – Exterior		
Water Tower – Interior		
Water Tower – Exterior		
Park Lighting		
Trees and Shrubs		
Drinking Water Fountains		
Walking/Fitness Paths/ Fitness Station		
Restrooms		
Little League Field		
Overall Condition of Park/ Park Roads		

SIGNATURE OF CITY MANAGER
OR HIS/HER DESIGNEE: _____ DATE: _____

SIGNATURE OF CHAIR OF
PARK & RECREATION COMM.
OR HIS/HER DESIGNEE _____ DATE: _____

- COPY TO:
- 1) Town of Atherton City Clerk/Central Files
 - 2) Park and Recreation Commission File



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: MARC G. HYNES, CITY ATTORNEY

DATE: CITY COUNCIL MEETING OF FEBRUARY 19, 2003

SUBJECT: POLICY FOR THE PLACEMENT OF HYPERLINKS ON TOWN WEBSITE

Recommendation

Review and, if acceptable, approve the proposed policy for the placement of hyperlinks on the Town Website.

Background

Pursuant to direction of the City Council, a policy has been prepared regarding hyperlinks on the Town Website. The policy will provide that the Atherton Website will only provide hyperlinks to other public agencies.

The City Council has previously discussed the issue of providing hyperlinks on the Town Website. Based upon prior Council discussion and direction, the following policy is recommended:

"The Atherton Website shall only provide hyperlinks to other public agencies as defined in California Government Code Section 6252."

Section 6252 defines public agencies as "state", or "local."

"(a) "State agency" means every state, office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(b) "Local agency" includes a county; city, whether general law or chartered; city and county; school district, municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or *** entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.

A form of use policy based upon that presently in place for the City of Palo Alto sets out the hyperlink policy in the second clause. Should the City Council approve of the additional provisions in the Use Policy, a copy of which is attached and incorporated by reference, the enclosure can be put into effect.

Fiscal Impact None.

Respectfully,

MARC G. HYNES

Attachment



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P. JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF FEBRUARY 19, 2003

SUBJECT: ADOPTION OF RESOLUTION SUPPORTING LEGISLATION PERTAINING TO VEHICLE LICENSE FEES

RECOMMENDATION

Consider the adopting the attached resolution supporting legislation pertaining to motor vehicle license fees.

DISCUSSION

Attached is a sample resolution drafted by the League of California Cities urging the California state legislature to enact legislation that would preserve motor vehicle license fee revenue as a source of discretionary funding for local governments in future years. The sample resolution takes note of the fact that:

- Motor vehicle license fees are a revenue source which local governments are entitled to by the California Constitution;
- Local governments rely upon motor vehicle license fees to fund essential public services; and,
- Prior to the Legislature reducing motor vehicle license fees in 1998 such fees had consistently been established at two percent of a vehicle's estimated value for the previous fifty years.

The sample resolution also urges the California legislature to restore motor vehicle license fees to their 1948 levels in the event the State deems it can no longer afford to replace the funding that local governments lost when the Legislature reduced motor vehicle license fees State general fund appropriations.

FISCAL IMPACT:

Adopting the attached resolution will have no immediate fiscal impact on the Town of Atherton.

Prepared by:

Approved by:

John P. Johns
Finance Director

James H. Robinson
City Manager

RESOLUTION NO. 03-__

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON URGING THE CALIFORNIA LEGISLATURE TO REJECT THE GOVERNOR'S PROPOSED SHIFT OF LOCAL VLF REVENUES AND TO HONOR THE 1998 COMMITMENT TO RESTORE THE VLF

WHEREAS, prior to 1935, cities and counties collected property taxes on motor vehicles to fund essential local public health and safety services; and

WHEREAS, in 1935, the Legislature first enacted the Vehicle License Fee (VLF) Act, replacing the property tax on vehicles with a 1.75 percent fee charged against the value of the motor vehicle; and

WHEREAS, in 1948, the rate of the VLF was increased to 2 percent of the value of the vehicle; and

WHEREAS, in 1986, the voters voted overwhelmingly to constitutionally dedicate the proceeds of the VLF to fund city and county services; and

WHEREAS, in 1998, a period of strong economic growth, the Legislature approved the use of a portion of the rapidly growing state General Fund to reduce the VLF payments of vehicle owners. This amount, known as the "offset", grew in future years to a 67.5 percent offset against the amount owed. The amount paid to local governments in lieu of the reduced VLF payment is known as the "VLF backfill"; and

WHEREAS, the Legislature's action in reducing the VLF appears to directly contradict the intention of the voters for dedicated VLF funding for local services; and

WHEREAS, the 1998 legislation and subsequent enactments contain clear provisions that when insufficient funds are available to be transferred from the General Fund to fully fund the offsets and backfill amount that the VLF offset shall be reduced and VLF payments increased; and

WHEREAS, VLF and backfill revenues constitute 15 to 25 percent of typical city and county general purpose revenues. On average, more than 60 percent of city general fund spending and more than half of county general funds go to front line law enforcement, fire, emergency medical services, and health care programs. VLF revenues represent at least 5% of Atherton General Fund revenues; and

WHEREAS, revenues derived from the VLF and backfill are of critical importance in funding vital local public health and safety services; and

WHEREAS, any failure by the Legislature to maintain the VLF backfill or restore the VLF will cause widespread disruption in local government services essential to the well-being of California citizens and their cities and counties; and

WHEREAS, Governor Davis' proposal to divert \$4 billion in local VLF backfill payments over the next 17 months fails to honor the 1998 commitment and is a direct assault on local services that will be felt by every California resident; and

WHEREAS, shifting \$4.2 billion in locally controlled revenues for local services is neither equitable nor fair. No state program or department has been asked to shoulder such a disproportionate share of the budget pain. These cuts come on top of the nearly \$5 billion each year that is transferred from local services to fund state obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA, that if the state General Fund can no longer afford the expense of part or all of the VLF "backfill" that the Legislature and Governor of California are hereby respectfully urged to implement the provisions of current law providing for the

reduction of the VLF offset in bad economic times and to restore the VLF in an amount necessary to reduce the VLF backfill; and

RESOLVED FURTHER, that the City Council of the Town of Atherton hereby expresses its profound appreciation to the legislators who support such VLF restoration legislation.

* * * * *

I HEREBY CERTIFY that the foregoing Resolution was regularly introduced and adopted at a Regular Meeting of the City Council of the Town of Atherton held on _____, 2003 by the following roll call vote:

*Ayes: Councilmembers:
Noes: Councilmembers:
Absent: Councilmembers:
Abstain: Councilmembers:*

James R. Janz, Mayor
Town of Atherton

ATTEST:

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney