



**AGENDA**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**

**August 21, 2002**

**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, Janz, Carlson, Fisher, Conwell**
- 7:05 P.M.     3.     PRESENTATIONS**
- A. Proclamation – National Pollution Prevention Week  
September 16-22, 2002**
- B. Oath of Office – Police Officer Clark Du**
- 7:15 P.M.     4.     COUNCIL REPORTS**
- 7:25 P.M.     5.     PUBLIC COMMENTS (only for items which are not on the agenda –  
limit of three minutes per person)**
- 7:35 P.M.     6.     STAFF REPORTS**
- 7:45 P.M.     7.     COMMUNITY ORGANIZATION ROUNTABLE REPORT (Directed  
by Resolution No. 99-6)**
- Victoria Manor Homeowners' Association**
- 8:00 P.M.     CONSENT CALENDAR (Items 8 - 22)**
- 8.     APPROVAL OF MINUTES OF SPECIAL MEETINGS OF JULY 9,  
2002 AND JULY 17, 2002, AND REGULAR MEETING OF JULY 17,  
2002**
- 9.     APPROVAL OF BILLS AND CLAIMS FOR JULY, 2002 IN THE  
AMOUNT OF \$ 742,515**

**10. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR JULY 2002**

**11. AWARD OF CONTRACT FOR WEST MIDDLEFIELD OVERLAY, PROJECT 02-003**

**Recommendation:** Award a contract for West Middlefield Overlay to B. Bortolloto and Company, the low bidder, for an amount not to exceed \$86,000.

**12. AWARD OF LANDSCAPE MAINTENANCE CONTRACT**

**Recommendation:** Award a two-year contract for landscape maintenance of El Camino Real median islands, Town Hall complex grounds, and miscellaneous area landscaping to Commercial Environmental Landscape.

**13. ADOPTION OF A RESOLUTION OF INTENTION TO CONSIDER THE VACATION OF A PORTION OF FAXON ROAD RIGHT-OF-WAY**

**Recommendation:** Adopt Resolution No. 02-\_\_\_, a Resolution of Intention to consider the vacation of a portion of Faxon Road right-of-way adjacent to 96 Faxon Road, with reservation of a public utility easement, and setting a public hearing for October 16, 2002.

**14. APPROVAL OF AWARD OF A NEGOTIATED CONTRACT FOR HOLBROOK-PALMER PARK WATER TOWER REPAIR**

**Recommendation:** Declare finding that no bids were received for the Holbrook-Palmer Park Water Tower repair, and authorize the Mayor to sign a negotiated contract with Nexgen Builders, Inc. for repair and painting of the Water Tower in the amount of \$102,309.79 upon receipt of \$84,716.93 from the Holbrook-Palmer Park Foundation and the Atherton Dames.

**15. ACCEPTANCE OF PROPOSAL TO PROVIDE ENGINEERING SERVICES FOR ELENA AVENUE AND BARRY LANE – ATHERTON CHANNEL BOX CULVERT REPLACEMENTS**

**Recommendation:** Accept the proposal and authorize the Mayor to sign a contract with Wilsey Ham to provide engineering services for Elena Avenue and Barry Lane – Atherton Channel box culvert replacements.

**16. ACCEPTANCE OF PROPOSAL TO PROVIDE SURVEYING AND MAPPING SERVICES FOR 2003 STREET OVERLAY AND RECONSTRUCTION PROJECTS**

**Recommendation: Accept the proposal of CSG Consultants, Inc. to provide surveying and mapping services for 2003 Street Overlay and Reconstruction projects.**

**17. ADOPTION OF ORDINANCE NO. \_\_\_\_, AMENDING CHAPTER 5.20 OF THE ATHERTON MUNICIPAL CODE – REVISIONS OF SECTION 5.20.010 REGARDING PERMITS**

**Recommendation: Adopt Ordinance No. \_\_\_\_amending Chapter 5.20 of the Atherton Municipal Code by revising Section 5.20.010 pertaining to permits required for soliciting.**

**18. APPROVAL OF AGREEMENT AND FIRST AMENDMENT TO AGREEMENT WITH COUNTY OF SAN MATEO TO PROVIDE ANIMAL CONTROL SERVICES FOR FISCAL YEAR 2002-2003**

**Recommendation: Approve agreement and first amendment to the agreement with the County of San Mateo to provide animal control services for FY 2002-03, with billing based on service levels, and authorize the Mayor to sign said agreement and amendment.**

**19. APPROVAL OF SECOND AMENDMENT TO CITY ATTORNEY'S AGREEMENT BETWEEN THE TOWN OF ATHERTON AND MARC G. HYNES OF ATKINSON-FARASYN, LLP**

**Recommendation: Approve Second Amendment to the City Attorney's Agreement between the Town of Atherton and Marc G. Hynes of Atkinson-Farasyn, LLP.**

**20. APPROVAL OF POLICY FOR CENTERLINE STRIPING AND APPROVED CENTERLINE MARKING LIST AS RECOMMENDED BY THE TRANSPORTATION COMMITTEE**

**Recommendation: Adopt the Approved Centerline Marking List and the Policy for Centerline Striping attached to the staff report.**

**21. APPROVAL OF PLANS AND SPECIFICATIONS FOR CENTERLINE STRIPING, PROJECT NO. 02-005**

**Recommendation: Approve the plans and specifications for 2002 Street Striping.**

**8:05 P.M.     PUBLIC HEARING    (Item No. 22)**

**22.     PUBLIC HEARING AND ADOPTION OF A RESOLUTION ORDERING THE VACATION OF A PUBLIC UTILITIES EASEMENT AT 57 BROAD ACRES ROAD**

**Recommendation: Open public hearing, hear testimony, close public hearing. After consideration, adopt Resolution No. 02-\_\_\_, ordering the vacation of the public utilities easement at 57 Broad Acres Road.**

**REGULAR AGENDA (Items 23 - 28)**

**8:25 P.M.     23.     CONSIDER ADOPTION OF A RESOLUTION PROVIDING FOR THE APPOINTMENT TO THE OFFICE OF CITY COUNCIL MEMBER THOSE PERSONS WHO HAVE BEEN NOMINATED, OR ADOPTION OF A RESOLUTION TO HOLD THE GENERAL MUNICIPAL ELECTION AS SCHEDULED ON NOVEMBER 5, 2002**

**Recommendation: Consider adoption of Resolution No. 02-\_\_\_, providing for the appointment to the office of City Council those persons who have been nominated and cancel the November 5, 2002 Municipal Election, or adoption of Resolution No. 02-\_\_\_ to hold the Municipal Election as scheduled for Tuesday, November 5, 2002.**

**8:40 P.M.     24.     AWARD OF CONTRACT – POLICE GARAGE STORAGE BUILDING, PROJECT 02-004**

**Recommendation: Consider award of a contract for the Police Garage Storage Building to Dymond Construction in the amount of \$88,782.00.**

**8:55 P.M.     25.     APPOINTMENT OF ATHERTON ARTS COMMITTEE AND AUDIT COMMITTEE MEMBERS**

**Recommendation: Accept the recommendation of the City Council Screening Committee and appoint Judy Sleeth, Jack Phillips, and Hilary Hausman to the Atherton Arts Committee for an indefinite term, and Marc Hebert to the Audit Committee for a three year term.**

**9:05 P.M.     26.     INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 15.40 OF THE ATHERTON MUNICIPAL CODE PERTAINING TO CONSTRUCTION REGULATIONS**

**Recommendation: Consider an ordinance amending Chapter 15.40 regarding demolition sales, operations of vehicles, and required signs, and penalties for violation, and introduce the ordinance for first reading.**

- 9:25 P.M. 27. **APPROVAL OF AGREEMENT WITH THE CITY OF PALO ALTO FOR INFORMATION TECHNOLOGY SERVICES THROUGH JUNE 30, 2003**

**Recommendation: After consideration, approve the proposed agreement with the City of Palo Alto for Information Technology Services, effective September 16, 2002 through June 30, 2003.**

- 9:40 P.M. 28. **SET DATE FOR JOINT MEETING WITH MENLO PARK CITY COUNCIL FOR CONSIDERATION OF VALPARAISO AVENUE TRAFFIC STUDY**

**Recommendation: Consider a date for a joint meeting with the Menlo Park City Council for consideration of the Valparaiso Avenue Traffic Study.**

- 9:50 P.M. 29. **DISCUSSION AND POSSIBLE ACTION – ATHERTON CHANNEL WATER TESTING**

**Recommendation: After consideration, give direction to staff regarding possible water testing of the Atherton Channel.**

- 10:05 P.M. 30. **PUBLIC COMMENTS**

- 10:15 P.M. 31. **ADJOURNMENT**

*Agendas and staff reports may be accessed on the Town website at: [www.ci.atherton.ca.us](http://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**

**July 9, 2002**

**8:00 A.M.**

**Town Council Chambers**  
**94 Ashfield Road, Atherton**

**Special Meeting**

**Mayor Carlson called the meeting to order at 8:00 a.m.**

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**

**PRESENT:**           McKeithen  
                          Janz  
                          Carlson  
                          Fisher  
                          Conwell

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

- 3. PUBLIC COMMENTS**

**There were no public comments.**

- 4. PUBLIC HEARING**

**ADOPTION OF A RESOLUTION ESTABLISHING A SPECIAL TAX FOR MUNICIPAL SERVICES FOR THE FISCAL YEAR 2002-2003**

**City Manager Jim Robinson stated that Ordinance No. 520, approved by the voters on June 5, 2001, provided for the authorization to levy a Special Tax for Municipal Services and Capital Improvements. Each year, following the adoption of the Budget, it is necessary to hold a Public Hearing and adopt a Resolution levying the Special Tax for Municipal Services.**

**Mayor Carlson opened the public hearing. No public testimony was heard. Mayor Carlson closed the public hearing.**

**The Council asked staff to report back on the number of parcels in Town owned by public utilities, and how many residences are served by the Bear Gulch reservoir.**

**MOTION – to adopt Resolution No. 02-21 establishing a Special Tax for Municipal Services for the Fiscal Year 2002-2003.**

**M/S Fisher/McKeithen**

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

**5. ADJOURNMENT**

**The meeting adjourned at 8:10 a.m.**

**Respectfully submitted,**

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**Sharon Barker, City Clerk**



**Draft Minutes**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT MEETING**  
**July 17, 2002**  
**5:30 P.M.**  
**Meeting Room**  
**Town Administrative Offices**  
**91 Ashfield Road, Atherton**  
**Special Meeting**

Mayor Carlson called the meeting to order at 5:30 p.m.

**1. ROLL CALL**

**PRESENT:**           McKeithen  
                          Janz  
                          Carlson  
                          Fisher  
                          Conwell

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

**2. PUBLIC COMMENTS**

There were no public comments.

**3. CLOSED SESSION**

The Council adjourned to closed session at 5:35 p.m.

**4. RECONVENE TO OPEN SESSION**

The following action was taken:

**A. CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code Section 94957.6**

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

**No action was taken.**



**B. CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code Section 94957.6**

**Agency Negotiator: James H. Robinson, City Manager**  
**Employee Organization: Part Time Employees**

**No action was taken.**

**C. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation pursuant to Government Code Section 54956.9(b).  
Two potential cases.**

**This item was continued to the end of the regular meeting.**

**D. LIABILITY CLAIM – pursuant to Government Code Section 54956.95**

**Claimant: Bob Mondin**  
**Agency claimed against: Town of Atherton**

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

**E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957**

**Title: City Attorney**

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

**F. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957**

**Title: City Manager**

**This item was continued to the end of the regular meeting.**

**5. ADJOURN**

**The meeting was adjourned at 7:00 p.m. to continue after the regular City Council meeting.**

**Respectfully submitted,**

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**Alan B. Carlson, Mayor**



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

**July 17, 2002**

**7:00 p.m.**

**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

**Mayor Carlson called the meeting to order at 7:08 p.m.**

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

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

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

**3. PRESENTATIONS**

- A. Mayor Carlson presented a Letter of Recognition to Sean Devlin for his heroic action in assisting a victim during a crime.**
- B. Mayor Carlson presented a Certificate of Appreciation to Alice Marston for her service on the Atherton Arts Committee.**

**4. COUNCIL REPORTS**

- Council Member Conwell attended the Criminal Justice Council meeting today where Project Focus made a presentation. He asked the Council to consider hosting a special Criminal Justice Council dinner the last Friday in October to recognize outstanding County residents. He attended the C/CAG meeting this month; the topic was the continuation of the special sales tax.**
- Council Member Fisher reported on the July 15<sup>th</sup> General Plan Committee meeting. The issue of side yard setbacks was tabled until the General Plan is considered. No action was taken at the Joint Facilities and Finance Committees meeting this month. The Library JPA met and discussed possible funding cuts by**

the State. The Transportation Committee met this month and heard a presentation by the consultants of the Valparaiso study. The Committee addressed the left turn signs at the Oak and Middlefield intersection. A centerline striping policy was also considered and will be on the August City Council agenda.

- Vice Mayor Janz reported that the Atherton Channel Drainage District Committee met on July 1<sup>st</sup>. Some issues identified by the Committee are on this agenda for Council discussion and consideration. He will attend an ABAG Executive Board meeting on Thursday, July 18.
  - Council Member McKeithen reported on the sideyard setback issue which was addressed by the General Plan Committee at their July meeting. She added that the Transportation Committee had agreed to add signs at Oak and Middlefield requiring left turns to yield to oncoming traffic. Issues raised at the Atherton Channel Drainage subcommittee meeting on July 1<sup>st</sup> included liability insurance, easements, water testing, and permits issued to properties along the channel. A bond consultant was present to provide information on financing mechanisms. The Committee plans to meet with Caltrans to discuss drainage on El Camino, and will follow up with a later meeting with Assemblyman Simitian.
  - Mayor Carlson reported on the July 3<sup>rd</sup> Joint Facilities and Finance Committees meeting.

## 5. PUBLIC COMMENTS

There were no public comments.

## 6. STAFF REPORTS

- City Attorney Marc Hynes reported out of the closed session as follows:
  - A. CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code Section 94957.6. Agency Negotiator: James H. Robinson, City Manager  
Employee Organization: Management Employees  
  
No action was taken.
  - B. CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code Section 94957.6. Agency Negotiator: James H. Robinson, City Manager  
Employee Organization: Part Time Employees  
  
No action was taken.
  - C. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation pursuant to Government Code Section 54956.9(b).  
Two potential cases.

**This item was continued to the end of the regular meeting.**

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

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

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

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

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

**This item was continued to the end of the regular meeting.**

- **Building Official Mike Hood reported that one bid was received for the proposed improvements to the Water Tower. He is expecting another bid, and will report back to the Council. He also reported that a structural review of the Town Communications Tower was done in 1997, and is still an accurate representation of the safety of the Tower.**
- **Police Chief Bob Brennan reported that the County is proposing to charge fees for processing evidence back to the cities in order to fund the Crime Lab. The Police Chief's organization of San Mateo County is working on negotiating with the County on this issue. Chief Brennan will report back to the Council.**
- **City Manager Jim Robinson reported that a letter has been received from Mr. Fennell, who has reviewed and is satisfied with the plans for the police storage building. He announced that the summer issue of the Athertonian was mailed out today. The Building Department has ordered and received construction signs reflecting allowable construction times and will begin distributing them to contractors. Bills and claims questions were answered.**

## **7. PRESENTATION**

**A special presentation was given on Drug Awareness Resistance Education (D.A.R.E.) by Reserve Officer Bruce Potts.**

## **CONSENT CALENDAR (Items 8 - 18)**

**The City Manager addressed questions from Council Member McKeithen on the monthly financial report, the conflict of interest resolution, and the two NPDES resolutions, and from Vice Mayor Janz on the monthly financial report.**

**MOTION – to approve the Consent Agenda as presented.**

8. **APPROVED MINUTES OF SPECIAL MEETINGS OF JUNE 17, 2002 AND JUNE 19, 2002, AND REGULAR MEETING OF JUNE 19, 2002**
9. **APPROVED BILLS AND CLAIMS FOR JUNE, 2002 IN THE AMOUNT OF \$636,846**
10. **ACCEPTED THE MONTHLY FINANCIAL REPORT FOR JUNE 2002**
11. **AUTHORIZED STAFF TO ISSUE A PURCHASE ORDER TO NORTH CENTRAL SERVICE COOPERATIVE FOR TWO SHARP BRAND PHOTOCOPY MACHINES AND TO ENTER INTO MAINTENANCE AGREEMENT**

**Authorized the issuance of a purchase order for two Sharp brand photocopy machines from the North Central Service Cooperative and authorized entering into a maintenance agreement for said machines with Pinnacle Document Systems. Funding is included in the adopted FY 2002-2003 Budget.**

12. **APPROVED A SIDE LETTER TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF ATHERTON AND THE ATHERTON POLICE OFFICERS' ASSOCIATION**

**Adopted a Side Letter to the Memorandum of Understanding between the Town of Atherton and the Atherton Police Officers' Association for the period of July 1, 2000 through June 30, 2005 regarding a holiday pay issue.**

13. **ADOPTED RESOLUTION NO. 02-22 AUTHORIZING HOURLY SALARY RANGES FOR PART-TIME AND TEMPORARY EMPLOYEES FOR FISCAL YEAR 2002-03**

**Adopted Resolution No. 02-22 authorizing hourly salary ranges for part-time and temporary employees for Fiscal Year 2002-03, effective for the payroll period beginning July 7, 2002.**

14. **ADOPTED RESOLUTION NO. 02-23 AMENDING THE TOWN OF ATHERTON CONFLICT OF INTEREST CODE FOR DESIGNATED EMPLOYEES**

**Adopted Resolution No. 02-23 amending the Town's Conflict of Interest Code to add additional positions as described in the resolution.**

15. **ADOPTED RESOLUTION NO. 02-24 RECOMMENDING THAT SAN MATEO COUNTY FLOOD CONTROL DISTRICT IMPOSE CHARGES FOR FUNDING THE 2002-03 COUNTY-WIDE NATIONAL POLLUTANT DISCHARGE AND ELIMINATION SYSTEM GENERAL PROGRAM**

**ADOPTED RESOLUTION NO. 02-25 IMPOSING ADDITIONAL CHARGES**

**APPROVED AND AUTHORIZED THE MAYOR TO SIGN AN AGREEMENT REGARDING CHARGES FOR FUNDING THE NATIONAL POLLUTANT**

**DISCHARGE ELIMINATION SYSTEM PROGRAM FOR THE COUNTY OF SAN MATEO**

- 16. ACCEPTED THE WORK AND AUTHORIZED THE RECORDING OF A NOTICE OF COMPLETION FOR THE MIDDLEFIELD ROAD PATCHING PROJECT NO. 02-001**
- 17. APPROVED THE PLANS AND SPECIFICATIONS FOR WEST MIDDLEFIELD ROAD OVERLAY PROJECT NO. 02-003, 100 FEET NORTH OF FAIR OAKS LANE TO THE NORTHWEST CITY LIMIT**
- 18. APPROVED THE PLANS AND SPECIFICATIONS FOR A POLICE GARAGE STORAGE BUILDING AND FENCE– PROJECT NO. 02-004**

**PUBLIC HEARING**

- 19. PUBLIC HEARING –APPEAL OF BUILDING OFFICIAL DECISION REGARDING ISSUANCE OF BUILDING PERMIT FOR A RETAINING WALL AT 85 ORCHARD HILLS DRIVE**

**Building Official Mike Hood presented a staff report on this item. A building permit for a retaining wall to be located at 85 Orchard Hills was issued on June 25, 2002. On June 26, 2002, Mr. Eric Amadei, owner of the property at 291 Stockbridge Avenue, filed an appeal of the Building Official’s decision.**

**City Attorney Marc Hynes referred to the Municipal Code section under which the Building Official issued the permit for the retaining wall. Historically, the Town has looked to the accessory structure section of the code for regulations pertaining to retaining walls. The Municipal Code does not refer to construction of retaining walls specifically. He stated that the issue before the Council is to either uphold the Building Official’s decision or to find that an error or omission or abuse of discretion in the issuance of the building permit had occurred. Planning Commission review is not required for this type of permit.**

**Discussion ensued regarding the use of the accessory structure code section in relation to retaining walls. The City Attorney explained that to add provisions for requiring a conditional use permit would take an amendment to the code.**

**Mayor Carlson opened the public hearing at 8:45 p.m.  
The following members of the audience spoke:**

- Eric Amadei, 291 Stockbridge Ave., Appellant, against issuance of the building permit.**
- Robert Balic, 295 Stockbridge Ave. against issuance of the building permit.**
- Robert Mullet, Architect for Eric Amadei, against the issuance of the building permit, asked why landscape screening plans were not turned in with the retaining wall plans.**

- **Robert McBain, architect for Eric Amadei, against the issuance of the permit.**
- **Harim Maskatiya, 85 Orchard Hills Drive, property owner, in favor of permit.**
- **Ismial Baron, 1023 Wilsham Dr. San Jose, property manager for 85 Orchard Hills Dr., in favor of wall.**
- **Paul Baynton, contractor representing Harim Maskatiya, in favor of the wall.**
- **Philip Lively, 24 Hawthorn Drive, submitted a letter against issuance of the building permit for the retaining wall.**

**Mayor Carlson closed the public hearing at 9:50 p.m.**

**The Council instructed the City Manager to have the General Plan Committee address regulations regarding retaining walls at their next meeting.**

**MOTION – that the appeal be granted on the limited grounds that a landscape screening agreement was not reached with the Town prior to the issuance of the building permit, that the appeal be denied on all other grounds stated in the appeal, and that the matter be referred back to the Building Official with respect to the issue of achieving a landscape screening agreement with the owner.**

**M/S Carlson/Fisher**

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

**The Mayor called a recess at 10:15 p.m.**

## **REGULAR AGENDA**

**The Mayor called the meeting back to order at 10:27 p.m.**

### **20. CONSIDERATION OF POSSIBLE ACTION OF A REQUEST FOR REIMBURSEMENT OF PERMIT FEE FOR DEAD OR DANGEROUS TREE**

**A letter was received from resident Douglas M. Heller requesting reimbursement of a \$250.00 tree removal permit. The fee was charged prior to the amended fee resolution adopted February 13, 2002, which established a \$100.00 fee for a permit for the removal of a dead or dangerous tree. City Manager Jim Robinson stated that this item was before the Council because Staff does not have the authority to refund or waive the fee.**

**MOTION – to deny the request for reimbursement on the basis that it would be unfair to other residents who had also paid the higher fee prior to the adoption of the amended fee resolution.**

**M/S Conwell/Janz**

**Ayes: 4 Noes: 1(Fisher) Absent: 0 Abstain: 0**

### **21. DISCUSSION AND POSSIBLE ACTION RE: ATHERTON CHANNEL DRAINAGE DISTRICT – LIABILITY INSURANCE, WATER TESTING, EASEMENTS**

**Council Member McKeithen outlined the issues that have been addressed by the Atherton Channel Drainage District Council subcommittee.**

**Discussion was held on the issue of liability insurance for the District. Coverage is provided under the Town's policy and the policy is paid for by the Town. A concern is that the Town could be held liable for risk incurred by the District. The City Attorney was asked to provide a legal opinion if it is appropriate to have an agreement between the Town and the District addressing liability insurance, and insuring the District separately.**

**On the issue of water testing, a proposal was received from EOA to conduct water sampling for a cost of \$34,700. Concerns have been raised regarding the quality of the water in the channel. The County has been approached and does not desire to share in the cost for the testing. Marts Beekley, 75 Reservoir Road, spoke on the reservoir above the channel. Council Member Conwell will speak with Rich Napier of C/CAG on this matter.**

**Public Works Director Cliff Temps provided a survey outlining how other communities are dealing with creek issues. Discussion was held regarding abandoning the current easements. The Council asked the City Attorney to pursue looking into the procedure for the Channel District becoming part of the San Mateo County Flood Control District, and to look into the procedure for dissolving the Channel District.**

**The City Manager was asked to contact the City Manager of Menlo Park regarding the reservoir above the channel.**

**22. INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 5.20 OF THE ATHERTON MUNICIPAL CODE – REVISIONS OF SECTION 5.20.010 REGARDING PERMITS**

**The City Attorney proposed amending Section 5.20.010 of the Atherton Municipal Code to comply with the Supreme Court decision in the case of Watchtower Bible and Tract Society of New York, Inc., et al v. Village of Stratton, et al. which held that city ordinances requiring a permit prior to engaging in door-to-door soliciting is invalid on First Amendment grounds. Vice Mayor Janz requested that the word “property” be added to the first sentence in Section 1 of the ordinance as follows: “It is unlawful for any person or persons to enter in or upon any private residence, apartment, *property*, or premises.....”.**

**MOTION - introduce an ordinance amending Chapter 5.20 of the Atherton Municipal Code by revising Section 5.20.010 pertaining to permits required for soliciting, as amended, and waive further reading.**



M/S McKeithen/Janz

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

**23. INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 15.40 OF THE ATHERTON MUNICIPAL CODE – CONSTRUCTION REGULATIONS**

City Attorney Marc Hynes presented the proposed ordinance regarding demolition sales, operations of vehicles and required signs and penalties for violation. Discussion ensued regarding the most effective ways of enforcing the allowable construction times. The City Attorney will research the legality of placing conditions on the building permit which would require compliance with the Municipal Code.

**24. ACCEPTANCE OF STATUS REPORT BY CITY MANAGER OF ANNUAL REVIEW OF LITTLE LEAGUE COMPLIANCE WITH PARK LICENSE AGREEMENT**

The license agreement entered into between the Town and Menlo-Atherton Little League in August 2000 provides that the City Manager conduct an annual review of use and operation of the Park improvements to ensure compliance. The City Manager met with the Park and Recreation Commission and Town staff regarding issues involving Little League. No complaints were received during the last season.

The Council requested that the City Manager contact Little League regarding increasing their liability insurance to \$2 million in coverage, and to clarify issues on maintenance.

**MOTION – to accept the City Manager’s report of annual review of Little League compliance with the Park license agreement and direct the City Manager to meet with the President of Menlo-Atherton Little League to conduct the annual review of use and operation of the Park improvements.**

M/S Janz/Fisher

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

**25. PUBLIC COMMENTS**

There were no public comments.

**26. ADJOURNMENT**

The meeting adjourned at 11:45 p.m. to Closed Session continued from 7:00 p.m.

The Council reconvened to open session at 12:20 a.m. The following action was taken:

**C. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation pursuant to Government Code Section 54956.9(b). Two potential cases.**

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

**F. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - pursuant to  
Government Code Section 54957**

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

**The meeting adjourned at 12:20 a.m.**

**Respectfully submitted,**

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**Sharon Barker, City Clerk**

## **TOWN OF ATHERTON**

### **CLAIMS LIST**

July, 2002

Payroll Checks	921 - 1001	\$ 52,585
Electronic Transfers		239,014
A/P Checks	13273 – 13479	450,916
	TOTAL	\$742,515

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 921 through 1001 (Payroll) and 13273 through 13479 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$742,515 are true and correct, and that there are funds for payment.

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James H. Robinson  
City Manager

The above claims, Payroll check numbers 921 through 1001, Accounts Payable check numbers 13273 through 13479 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$742,515; and are hereby approved for payment.

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Alan Carlson  
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$569,761
105	Tennis Fund	1,695
201	Special Parcel Tax	49,740
202	Transportation	20,124
203	Gas Tax Fund	
210	Road Construction Impact Fees	500
401	General Capital Projects	
402	Storm Drainage	500
403	Atherton Channel District	
404	Park Playground Improvement	71,445
610	Vehicle Replacement	
611	Computer Maint. & Replacement	15,712
612	Administrative Services	5,616
614	Workers Compensation Insurance	
715	Evans Estate	5,997
730	H-P Park Improvement	1,425
740	Tree Committee	
	TOTAL	\$742,515

**Item No. 10**



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JOHN P. JOHNS, FINANCE DIRECTOR**

**DATE: FOR THE MEETING OF WEDNESDAY AUGUST 22, 2002**

**SUBJECT: MONTHLY FINANCIAL REPORT, JULY, 2002**

### RECOMMENDATION:

Receive and file Monthly Financial Report for July, 2002.

### INTRODUCTION:

The attached schedules show revenues and expenditures and fund balance for all funds as of June 30th, 2002.

### FISCAL IMPACT:

Informational only.

Prepared by:

*s/ John P. Johns*

John P. Johns  
Finance Director

Approved by:

James H. Robinson  
City Manager

**TOWN OF ATHERTON**  
**Revenue Summary**  
For the Month ended July 31st, 2002

Fund	Revenue Source	2002-03 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	<b>Property Tax</b>	\$ 2,927,487	-	\$ -	0%
	<b>Sales and Use Tax</b>	255,000	7,002	7,002	3%
	<b>Other Taxes</b>	882,158	142	142	0%
	<b>Licenses &amp; Permits</b>	1,407,000	124,618	124,618	9%
	<b>Fines &amp; Forfeitures</b>	70,000	1,265	1,265	2%
	<b>Investment &amp; Rental Income</b>	220,974	8,478	8,478	4%
	<b>Revenue from Other Agencies</b>	394,868	7,631	7,631	2%
	<b>Charges for Services</b>	352,400	65,493	65,493	19%
	<b>Other Revenues</b>	3,000	766	766	26%
	<b>Total General Fund Revenues</b>	<u>844,000</u>	<u>215,395</u>	<u>215,395</u>	<u>26%</u>
	<b>Interfund (Operating) Transfers In</b>	694,000	-	-	0%
101	<b>General Fund Total</b>	<u>1,538,000</u>	<u>215,395</u>	<u>215,395</u>	<u>14%</u>
	Special Revenue Funds:				
105	<b>Tennis</b>	9,000	455	455	5%
201	<b>Special Parcel Tax</b>	1,570,000	-	-	0%
202	<b>Transportation</b>	270,000	2,652	2,652	1%
203	<b>Street Improvement (Gas Tax)</b>	200,000	1,571	1,571	1%
208	<b>Police on the Street</b>	-	-	-	0%
209	<b>Law Enforcement</b>	100,000	-	-	0%
210	<b>Road Construction Impact Fees</b>	400,000	18,354	18,354	5%
211	<b>State Park Grants Fund</b>	-	-	-	0%
213	<b>Library</b>	20,000	-	-	0%
	<b>Total</b>	<u>2,549,000</u>	<u>23,032</u>	<u>23,032</u>	<u>1%</u>
	Capital Project Funds:				
401	<b>Capital Improvement</b>	10,000	-	-	0%
402	<b>Storm Drainage</b>	10,000	-	-	0%
403	<b>Channel Drainage District</b>	38,000	-	-	0%
404	<b>Park Playground Improvement</b>	325,000	2,200	2,200	1%
405	<b>Middlefield Road Grants</b>	600,000	-	-	0%
406	<b>Facilities Construction</b>	220,000	-	-	#DIV/0! 0%
	<b>Total</b>	<u>1,203,000</u>	<u>2,200</u>	<u>2,200</u>	<u>0%</u>
	Internal Service Funds:				
610	<b>Vehicle Replacement</b>	243,020	-	-	0%
611	<b>Information Technology</b>	77,610	-	-	0%
612	<b>Administrative Services</b>	213,300	-	-	0%
614	<b>Workers Compensation Insurance</b>	170,000	-	-	0%
	<b>Total</b>	<u>703,930</u>	<u>-</u>	<u>-</u>	<u>0%</u>
	Total Revenues and Transfers -- All Funds	<u>\$ 5,993,930</u>	<u>240,627</u>	<u>\$ 240,627</u>	<u>4%</u>
	Trust and Agency Funds:				
715	<b>Evans Creative Design</b>	53,040	2,635	2,635	5%
720	<b>Library Extension</b>	-	-	-	0%
727	<b>Colley Trust Fund</b>	-	-	-	0%
730	<b>H-P Park Improvement</b>	-	-	-	0%
731	<b>MA Little League</b>	-	-	-	0%
740	<b>Tree Committee</b>	-	-	-	0%
	<b>Total</b>	<u>53,040</u>	<u>2,635</u>	<u>2,635</u>	<u>5%</u>
	Total Revenues	<u>6,046,970</u>	<u>243,262</u>	<u>243,262</u>	<u>4%</u>

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

<b>Fund</b>	<b>Description Department</b>	<b>2002-03 Budget</b>	<b>Current Period Expenditures</b>	<b>Year to Date Expenditures</b>	<b>% Spent</b>
101	General Fund				
	11 City Council	\$ 21,650	\$ 5,930	5,930	27%
	12 City Manager	476,686	31,620	31,620	7%
	16 City Attorney	182,504	-	-	0%
	18 Finance	401,879	29,967	29,967	7%
	25 Building	867,699	39,605	39,605	5%
	40 Police	3,687,057	232,956	232,956	6%
	50 Public Works	1,738,904	111,949	111,949	6%
	Contingency	100,000	-	-	0%
	Total General Fund Expenditures	<u>7,476,379</u>	<u>452,027</u>	<u>452,027</u>	<u>6%</u>
	Interfund (Operating) Transfers Out	-	-	-	0%
101	<b>General Fund Total</b>	<b><u>\$ 7,476,379</u></b>	<b><u>\$ 452,027</u></b>	<b><u>\$ 452,027</u></b>	<b><u>6%</u></b>
<b>Special Revenue Funds:</b>					
105	Tennis	29,946	-	-	0%
201	Special Parcel Tax	1,480,309	93	93	0%
202	Transportation	273,992	-	-	0%
203	Street Improvement (Gas Tax)	57,203	21,951	21,951	38%
208	Police on the Street	40,000	-	-	0%
209	Law Enforcement	100,000	21,951	21,951	22%
210	Road Impact Fees	684,294	-	-	0%
211	State Park Grants	-	-	-	0%
213	Library Fund	22,567	-	-	0%
	Total	<u>2,688,311</u>	<u>43,995</u>	<u>43,995</u>	<u>2%</u>
<b>Capital Project Funds:</b>					
401	Capital Improvement	396,861	-	-	0%
402	Storm Drainage	-	-	-	0%
403	Channel Drainage District	90,848	-	-	0%
404	Park Playground Fund	-	69,732	69,732	0%
405	Middlefield Road Grants	1,299,000	-	-	0%
406	Facilities Construction	198,454	-	-	0%
	Total	<u>1,786,709</u>	<u>69,732</u>	<u>69,732</u>	<u>4%</u>
<b>Internal Service Funds:</b>					
610	Vehicle Replacement	45,000	-	-	0%
611	Information Technology	100,500	1,050	1,050	1%
612	Administrative Services	325,335	4,773	4,773	1%
614	Workers Compensation Insurance	125,000	-	-	0%
	Total	<u>595,835</u>	<u>5,823</u>	<u>5,823</u>	<u>1%</u>
<b>Total Expenditures and Transfers -- All Funds</b>		<b><u>\$ 12,547,234</u></b>	<b><u>\$ 571,577</u></b>	<b><u>\$ 571,577</u></b>	<b><u>5%</u></b>
<b>Trust and Agency Funds:</b>					
715	Evans Creative Design	103,770	5,423	5,423	5%
727	Colley Reward Fund	-	-	-	
730	H-P Park Improvement	-	-	-	
731	MA Little League	-	-	-	
740	Tree Committee	730	-	-	
	Total	<u>104,500</u>	<u>5,423</u>	<u>5,423</u>	
<b>Total Expenditures</b>		<b><u>12,651,734</u></b>	<b><u>577,000</u></b>	<b><u>577,000</u></b>	<b><u>5%</u></b>

**TOWN OF ATHERTON**  
**Budget Summary**  
**Fiscal Year 2002-03**  
**As of July 31st, 2002**

Fund	Description	Beginning Fund Balance July 1, 2002	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	<b>General Fund</b>	5,141,505	215,395	-	452,027	4,904,873
	<b>Special Revenue Funds:</b>					
105	Tennis	22,305	455		-	22,760
201	Special Municipal Tax	894,215	-		93	894,122
202	Transportation	187,671	2,652		-	190,323
203	Street Improvement (Gas Tax)	77,431	1,571		21,951	57,051
208	Police on the Street	44,989	-		-	44,989
209	Law Enforcement	21,663	-		21,951	(288)
210	Road Construction Impact Fees	896,417	18,354		-	914,771
213	Library Special Revenue Fund	400,000	-		-	400,000
	Sub Total	<u>2,544,691</u>	<u>23,032</u>	<u>-</u>	<u>43,995</u>	<u>2,523,728</u>
	<b>Capital Projects Funds:</b>					
401	Capital Improvement	450,309	-		-	450,309
402	Storm Drainage	55,374	-		-	55,374
403	Channel Drainage District	436,601	-		-	436,601
404	Park Playground Improvement	132,501	2,200		69,732	64,969
405	Middlefield Road Grants	(173)	-		-	(173)
406	Facilities Construction	449,269	-		-	449,269
	Sub Total	<u>1,523,881</u>	<u>2,200</u>	<u>-</u>	<u>69,732</u>	<u>1,456,349</u>
	<b>Internal Service Fund</b>					
610	Vehicle Replacement	263,431	-		-	263,431
611	Information Technology	35,264	-		1,050	34,214
612	Administrative Services	8,524	-		4,773	3,751
614	Workers Compensation Insurance	(115,229)	-		-	(115,229)
	Sub Total	<u>191,990</u>	<u>-</u>	<u>-</u>	<u>5,823</u>	<u>186,167</u>
	<b>Trust and Agency Funds</b>					
715	Evans Creative Design	100,534	2,635		5,423	97,746
727	Colley Reward Fund	66,931	-		-	66,931
730	H-P Park Improvement	6,339	-		-	6,339
731	MA Little League	(1,571)	-		-	(1,571)
740	Tree Committee	1,137	-		-	1,137
	Sub Total	<u>173,370</u>	<u>2,635</u>	<u>-</u>	<u>5,423</u>	<u>170,582</u>
	<b>Grand Total</b>	<u>\$ 9,575,437</u>	<u>\$ 243,262</u>	<u>\$ -</u>	<u>\$ 577,000</u>	<u>\$ 9,241,699</u>



## Town of Atherton

### CITY COUNCIL STAFF REPORT

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

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: AWARD OF CONTRACT FOR WEST MIDDLEFIELD OVERLAY  
PROJECT 2002-02**

### RECOMMENDATION

Award a contract for West Middlefield Overlay to B. Bortolloto and Company, the low bidder for an amount not to exceed \$86,000.

### INTRODUCTION

The FY 02/03 Capital Improvement Budget includes a project to extend the overlay work being done on the Middlefield grant project (from Fair Oaks south) to the northern city limit line. The project consists of overlaying the existing pavement with a 3-inch thick asphalt concrete overlay reinforced with paving fabric, eliminating edge of pavement drop-offs by filling shoulders with base rock tapers, replacing the deep valley gutter at Jennings Lane with twin 6-inch diameter, shallow drain pipes and restriping the new pavement surface with centerlines and bicycle stripes that will match the striping in the grant project.

### ANALYSIS

Seven bids were received and opened on August 6, 2002. The low bid was submitted by G. Bortolotto and Company. A bid summary is presented below:

G. Bortolotto and Company	\$ 78,797.79
Pavex Construction Company	\$ 86,934.00
Redgwick Construction Company	\$ 88,686.00
Interstate Grading and Paving	\$ 90,267.20
El Camino Paving, Inc.	\$ 94,350.70
O'Grady Paving, Inc.	\$ 96,773.00
C. F. Archibald Paving, Inc.	\$ 108,447.00



Staff is asking for approval for spending up to \$86,000, which represents an approximate 10% contingency for asphalt overrun. This type of overrun is more likely on an overlay where a concerted effort is made to maintain the full useful road width by maintaining full overlay thickness at pavement edges and making short tapers beyond the edges. In this case, the “drop off” effect that occurs when full overlay thickness is maintained at pavement edges will be dealt with by filling the shoulders with base rock. Maintaining at least the full existing pavement width is important on this section of Middlefield because, in many sections, there is barely enough room for 12’ travel and 4’ bike lanes.

**FISCAL IMPACT**

The budget for this project is \$55,000, which would be enough to cover the overlay, shoulder and restriping work. The added cost reflected in the bid is due to extensive work we found was required to deal with the drainage and “bottoming out” problem at the Jennings Lane intersection. The existing deep valley gutter, which ponds water, is being removed and replaced by two 6-inch shallow culverts, and the dip is being filled. When finished, Jennings will have a smooth flat connection to Middlefield. The increased cost of doing this work can be more than covered by the significant savings realized in the current 2001 Street Reconstruction project. Both are funded by Parcel tax.

**CONCLUSION:**

The contract for West Middlefield Overlay should be awarded.

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  
CITY MANAGER, JAMES ROBINSON**

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: AWARD OF LANDSCAPE MAINTENANCE CONTRACT**

### RECOMMENDATION

Award a two-year contract for landscape maintenance of El Camino Real median islands, Town Hall complex grounds, and miscellaneous area landscaping to Commercial Environmental Landscape.

### INTRODUCTION

For the past four-and-a-half years the Town has contracted with Coast Landscape for maintenance of landscaping in the El Camino Real islands, other minor street landscape areas and the grounds around Town Hall, the Council Chambers and Library. The cost was not adjusted during the contract period and had a base rate of \$32,847 per year, plus \$3,000 to \$4,000 a year for extras. The extras consist mostly of vehicle damage repairs and irrigation part replacement. The Coast contract expired at the end of last year. Since then we have continued to employ Coast on a month-to-month basis.

### ANALYSIS

In order to get back under a regular contract, we recently readvertized the work for a two-year contract with built-in options for two one-year renewals. The results are shown below:

<u>Firm</u>	<u>1-Year Base Price</u>	<u>Estimated Ann. Hours</u>
Commercial Environmental Landscape	\$ 30,686.22	2398
Coast Landscape Maintenance, Inc.	\$ 38,486.00	1758
Bay Area Landscaping	\$ 46,980.00	1222

Each firm was required to submit a statement of qualifications indicating the experience and training of their supervisors and advisors, the equipment they own that will be available for use on our work, and references relating to work that is similar in size and nature to ours. Commercial Environmental Landscape's supporting materials were thoroughly checked and found to be suitable.

### **FINANCIAL IMPACT**

The FY 02/03 budget has \$38,000 for this contract work, which includes the base contract plus likely extras. Based on Commercial Environmental Landscape's bid, and the contract going into effect in the second half of September, the Town may save \$3,000 to \$4,000 this year.

### **CONCLUSION**

The new contract for landscape maintenance should be awarded to Commercial Environmental Landscape.

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  
CITY MANAGER, JAMES ROBINSON**

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON STATING ITS INTENT TO CONSIDER THE VACATION OF A PORTION OF THE FAXON ROAD RIGHT-OF-WAY ADJACENT TO NUMBER 96 FAXON ROAD, WITH RESERVATION OF A PUBLIC UTILITY EASEMENT, SAID PORTION AND EASEMENT RESERVATION BEING MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF, AND SETTING A PUBLIC HEARING FOR OCTOBER 16, 2002**

### RECOMMENDATION

Adopt a resolution stating intent to consider the vacation of a portion of Faxon Road adjacent to 96 Faxon Road.

### INTRODUCTION

The owners of the property at 96 Faxon Road have requested that a portion of road right-of-way be vacated so they can include it in their yard area.

### ANALYSIS

When Atherton Woods was first subdivided, Faxon Road dead-ended near the southerly corner of 96 Faxon Road, where the road right-of-way was widened to provide room for a turn-around. Faxon Forest subdivision later extended the road and provided a turn-around at the ultimate end of the street. The area proposed to be vacated is a portion of the now unneeded turnaround at number 96. It is shown on the attached Exhibit "B." The property owner is not requesting, and staff is not recommending, vacation of the entire turn-around widening because the driveway serving 98 Faxon cuts across part of the area to avoid going through an unpaved island with substantial trees in what would be a straight-line extension of 98's driveway.

The Planning Commission considered this vacation in August of last year and found it to conform to the General Plan. Utilities have also looked at it, and requested that a Public Utilities Easement covering the entire area to be vacated, be reserved. This matter will be brought back to the Council for a public hearing and adoption of a resolution vacating the easement. The Resolution of Intent sets the date of the hearing for October 16, 2002.

**FISCAL IMPACT**

Vacating the easement has no fiscal impact on the Town.

**CONCLUSION:**

Adoption of the resolution setting a public hearing on the proposed vacation is appropriate.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps  
Public Works Director

James Robinson  
City Manager

RESOLUTION NO. 02-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON STATING ITS INTENT TO CONSIDER THE VACATION OF A PORTION OF THE FAXON ROAD RIGHT-OF-WAY ADJACENT TO NUMBER 96 FAXON ROAD, WITH RESERVATION OF A PUBLIC UTILITY EASEMENT, SAID PORTION AND EASEMENT RESERVATION BEING MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF, AND SETTING A PUBLIC HEARING FOR OCTOBER 16, 2002**

**WHEREAS**, the Town of Atherton has received a request from the owners of the property at 96 Faxon Road, otherwise known as Lot 1 of Atherton Woods Unit 1, recorded in the office of the San Mateo County Recorder on December 30, 1954 in Volume 40 of Maps at Page 50, to vacate a portion of the Faxon Road right-of-way, preserving a public utilities easement, pursuant to Part 3, Chapter 1, Section 8300 et seq. of the California Streets and Highways Code; and

**WHEREAS**, the description and location of the portion of Faxon Road proposed to be vacated is described and shown in Exhibits "A" and "B" attached hereto; and

**WHEREAS**, said California Streets and Highways Code requires public hearing to hear evidence to determine if the portion of street right-of-way proposed for vacation is unnecessary for present or prospective public use,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the Town of Atherton that: The City Council intends to consider the vacation of a portion of Faxon Road right-of-way and will conduct a public hearing on this matter at its regular meeting, commencing at 7:00 p.m. on Wednesday, October 16, 2002, to be held at the City Council Chambers located at 94 Ashfield Road in Atherton California.

\* \* \* \* \*

*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 \_\_\_ day of August, 2002, by the following vote:*

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk

\_\_\_\_\_  
Alan B. Carlson, Mayor  
Town of Atherton

APPROVED AS TO FORM

\_\_\_\_\_  
Marc Hynes, City Attorney

**EXHIBIT "A"**  
**DESCRIPTION OF PORTION OF FAXON ROAD RIGHT-OF-WAY TO BE VACATED**

COMMENCING at the most southerly corner of lot 1, Atherton Woods Unit 1 Subdivision, recorded in the office of the San Mateo County Recorder on December 30, 1954, in volume 40 of maps at page 50, thence along a westerly line of the right-of-way of Faxon Road, shown on said map, at a bearing of north 15° 19' 55" east a distance of 7 feet to the POINT OF BEGINNING, thence continuing along said westerly line of Faxon Road north 15° 19' 55" east 33.00 feet, thence north 71° 28' east 48.19 feet, thence, leaving said right-of way line, south 15° 05' 09" west 15.00 feet, thence south 57° 06' 43" west to the point of beginning. Containing 962.07 square feet.

RESERVING therefrom a Public Utility Easement over the entire area of the parcel described above.



## Town of Atherton

### CITY COUNCIL STAFF REPORT

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

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: HOLBROOK PALMER PARK WATER TOWER REPAIR PROJECT**

- 1. FINDING THAT NO BIDS WERE RECEIVED**
- 2. AUTHORIZATION TO ENTER INTO NEGOTIATED CONTRACT FOR WORK**

### RECOMMENDATIONS

1. Pass a motion declaring the Council's finding that no bids were received in response to the advertisement for bids for the Holbrook Palmer Park Water Tower Repair Project.
2. Pass a motion to authorize the Mayor to enter into a negotiated contract with Nexgen Builders, Inc. for repair and painting of the Holbrook Palmer Park Water Tower for \$102,309.79 upon receipt of \$84,716.93 from the Holbrook Palmer Park Foundation and the Atherton Dames.

### INTRODUCTION

Plans and specifications were prepared for repairing and painting the water tower in Holbrook Palmer Park, and the job was advertised in accordance with the Public Contracts Code. No bids were received by the due date. The State Code provides that when no bids for work are received, the public agency may proceed to have the work performed without further complying with the code. After the bid date passed, staff and a representative of the Holbrook Palmer Park Foundation worked with two contractors in attempts to obtain bids for the work. Only one contractor, Nexgen Builders, Inc. submitted a price.

The work consists of preparing interior and exterior surfaces for painting and repainting the entire structure (items 1 and 2 in the attached Nexgen proposal), and straightening a sag and repairing the stair and landing structure on the south wall of the building, installing a hatch to permit access to the roof from inside the building and replacing the catwalk around the upper level of the building



(proposal items 3 through 6). The painting was included in the Town's FY 2002/03 Capital Improvement Budget. The rest of the work constitutes the project the Holbrook Palmer Park Foundation originally proposed to sponsor and pay for itself.

**ANALYSIS**

The first proposal we received from Nexgen was for \$114,528.00. After staff and a Foundation representative met with them and clarified a number of details regarding the catwalk replacement, Nexgen refined their proposal and came back with a price of \$102,309.79. This is the proposal that is attached and the one staff recommends be accepted. Nexgen's price is based on furnishing routine insurance, performance and payment bonds and paying prevailing wages.

**FISCAL IMPACT**

The \$102,309.79 cost is proposed to be paid with \$17,592.86 from the Town's Capital Improvement Fund (\$30,000 is in the budget) and the remaining \$84,716.96 with donations from the Holbrook Palmer Park Foundation and the Dames. The savings for the Town's part of the work is due mainly to the economy of combining the painting work with the structural work, rather than doing it as a separate project.

**CONCLUSION:**

The negotiated price from Nexgen provides good value to the Town, and the Mayor should be authorized sign the contract upon receipt of the balance of funds necessary to pay for the entire work.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps  
Public Works Director

James Robinson  
City Manager

**ATTACHMENT:**

Nexgen letter proposal



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: ACCEPTANCE OF PROPOSAL TO PROVIDE ENGINEERING SERVICES  
FOR ELENA AVENUE AND BARRY LANE - ATHERTON CHANNEL BOX  
CULVERT REPLACEMENTS**

### **RECOMMENDATION**

Accept the proposal and authorize the Mayor to sign a contract with Wilsey Ham to provide engineering services for Elena Avenue and Barry Lane - Atherton Channel box culvert replacements.

### **INTRODUCTION**

The adopted Capital Improvement Program includes funds for designing and constructing enlarged replacements for existing box culverts at the Elena Avenue and Barry Lane street crossings of the Atherton Channel. The need for these replacements was made clear by waters overflowing both street crossings during the last El Nino winter and was confirmed to be very high priority in the Nolte study.

### **ANALYSIS**

After the El Nino event, the Town commissioned Wilsey Ham to undertake a study to determine the improvements needed to solve culvert capacity problems at these two locations. That study, which cost approximately \$20,000, included topographic surveying, hydraulic design and road grade change studies which basically constituted preliminary engineering design. To avoid duplication of much of that work by another designer, staff recommends that Wilsey Ham be engaged to provide the remaining engineering services needed to rebuild these two box culverts. Their proposal is

based on charging for work actually performed, with a cap on the total to be paid for design services. The hourly rates are standard. If less time is required than estimated, the cost will be less. The cost for design can not be more than called for in the proposal unless the Town authorizes additional work.

Even though the budget calls for building the Elena culvert in 2003 and the Barry culvert in 2004, Wilsey Ham's proposal includes developing the designs for both locations simultaneously. This is to take advantage of the fact that the two culverts will be the same size and have the identical structural details, and to make it possible to include both in the same applications for permits from Fish and Game and the Regional Water Quality Control Board. Final plans for the two will differ in the work needed to conform adjacent street and street frontage landscape improvements to the new culverts. This phase of the Barry Lane project will not proceed until the timing is closer to construction.

**FINANCIAL IMPACT**

The CIP contains \$40,000 in FY 02/03 and another \$40,000 in FY 03/04, both from parcel tax, for designing the two culverts. Per the proposal, the costs of engineering services will be \$46,950 in FY 02/03, \$23,300 in FY 03/04 and \$9,650 in FY 04/05, for a total of \$79,900.

**CONCLUSION**

The proposal of Wilsey Ham to provide engineering services for Elena Avenue and Barry Lane - Atherton Channel box culvert replacements should be accepted, and work started as soon as possible.

Respectfully submitted

Reviewed/Approved

Cliff Temps  
Public Works Director

James Robinson  
City Manager

**ATTACHMENTS**

Proposal to provide engineering services for Elena Avenue and Barry Lane –Atherton Channel box culvert replacements



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: ACCEPTANCE OF PROPOSAL TO PROVIDE SURVEYING AND  
MAPPING SERVICES FOR 2003 STREET OVERLAY AND  
RECONSTRUCTION PROJECTS**

### **RECOMMENDATION**

Accept the proposal of CSG Consultants, Inc to provide surveying and mapping services for 2003 Street Overlay and Reconstruction projects.

### **INTRODUCTION**

The Capital Improvement Program includes patching and overlaying on Stockbridge between Alameda and Selby next spring, and reconstructing Atherton Avenue between Linda Vista and Stern, the Atherton Avenue cul-de-sacs and James Avenue between Magnolia and Lilac next summer. It also allocates \$35,000 for surveying and mapping to provide a basis for plans for these projects. It is necessary to get the surveying and mapping done this fall, so plans can be developed in time to meet the planned construction schedule.

### **ANALYSIS**

The surveying and mapping work was divided into two segments. Four firms that we have used before, and which submitted the lowest prices when we solicited bids for the survey work for the 2002 street reconstruction projects, were invited to submit prices for each segment. The results are shown below:

<u>Firm</u>	<u>Stockbridge</u>	<u>Atherton &amp; James</u>	<u>Sum</u>
Renner Group	\$ 4,750	\$ 4,250	\$ 9,000
CSG Consultants, Inc.	\$ 15,980	\$ 16,650	\$ 32,630
MacLeod & Associates	\$ 18,920	\$ 20,200	\$ 39,120
Kier & Wright	\$ 19,875	\$ 20,875	\$ 40,750

Staff questioned the lowest bid amount and call the firm that submitted it to try to find out if it contained an error. We were informed that the bid was prepared and submitted by a junior member of the firm during the absence of the firm’s principal, and that the principal was going to be out for another week or two on vacation. Based on the close agreement of the bids submitted by the other three surveyors, and the disparity of the low bid, staff recommends hiring the second bidder.

**FINANCIAL IMPACT**

The CIP contains \$35,000 in FY 02/03 and the recommended bidder’s price is within the budget.

**CONCLUSION**

The proposal of CSG Consultants, Inc. to provide surveying and mapping services for 2003 Street Overlay and Reconstruction projects should be accepted.

Respectfully submitted

Reviewed/Approved

Cliff Temps  
Public Works Director

James Robinson  
City Manager

**ATTACHMENTS**

Proposal to provide surveying and mapping services for 2003 Street Overlay and Reconstruction projects.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: CITY COUNCIL MEETING OF AUGUST 21, 2002**

**SUBJECT: AMENDMENT TO CHAPTER 5.20 OF THE ATHERTON MUNICIPAL CODE – REVISIONS OF SECTION 5.20.010 REGARDING PERMITS**

### **RECOMMENDATION**

Adopt ordinance amending Chapter 5.20.

### **BACKGROUND.**

This ordinance was introduced for first reading at the City Council meeting on July 17, 2002. As recited at the time of the first reading, the word "property" now appears in the second line of Section 15.20.010. Upon adoption by a majority vote of the City Council, the ordinance will then be in full force and effect from and after 30 days following its passage and adoption.

### **FISCAL IMPACT.**

None.

Respectfully,

*Marc G. Hynes*  
\_\_\_\_\_  
MARC G. HYNES

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING CHAPTER 5.20 OF THE ATHERTON MUNICIPAL CODE BY REVISING  
SECTION 5.20.010 PERTAINING TO PERMITS REQUIRED FOR SOLICITING**

---

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

**SECTION 1. Amendment of Code.**

Section 5.20.010 of the Atherton Municipal Code is hereby amended to read as follows:

**"Section 5.20.010 Permit -- Required.**

It is unlawful for any person or persons to enter in or upon any private residence, apartment, property or premises in the town for the purpose of soliciting or canvassing the owner or occupants thereof for orders for goods, wares, merchandise or services of any character or description, or for the purpose of offering to give or furnish any goods, wares, merchandise or services to any such owner or occupant in order to induce or invite any such order or orders, or for the purpose of soliciting subscriptions for books, newspapers, periodicals, magazines, or any other thing, or donations of money unless such person or persons shall have first applied for and received from the chief of police of the town a permit so to do.

**SECTION 2. Continued Effect of Chapter 5.20.**

Except as amended by this ordinance, all other provisions of Chapter 5.20 of the Atherton Municipal Code shall continue to remain in effect.

**SECTION 3. Validity.**

The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 4. Posting.**

This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

\* \* \* \* \*

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2002, by the following vote:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS  
ABSTAIN: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS

---

Alan B. Carlson, Mayor  
Town of Atherton

ATTEST:

---

Sharon Barker, City Clerk





## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: MARC G. HYNES, CITY ATTORNEY**

**DATE: CITY COUNCIL MEETING OF AUGUST 21, 2002**

**SUBJECT: AGREEMENT FOR ANIMAL CONTROL SERVICES BETWEEN THE TOWN AND COUNTY OF SAN MATEO**

#### RECOMMENDATION:

It is recommended that the agreement for animal control services between the Town of Atherton and the County of San Mateo which is attached be approved with certain modifications as to effective dates, hold harmless/indemnity provisions, and the recognition of payments which have already been made by the Town to the County.

#### BACKGROUND:

The attached agreement was originally circulated to cities in the County of San Mateo in the spring of 2000. The Town did not execute the agreement at that time, although as a practical matter the County has been providing animal control services and the Town has been making payments consistent with the provisions of the agreement.

It is recommended that the agreement be executed at this time with the following modifications:

**Paragraph B.5.(b). Reimbursement for SB 1785 and AB 1856 for FY 99-00.**

Reimbursement for costs associated with compliance and implementation of SB 1785 and AB 1856, commonly known as the Hayden Bill and Vincent Bill respectively, for FY 99-00 have been paid by CITY to COUNTY.

**Paragraph D.8. Term and Effective Period:.** The term of this Agreement shall be for a period of one year, commencing July 1, 2002 and ending, June 30, 2003.

**Paragraph d.13 Hold Harmless.**

CITY shall hold harmless, indemnify and defend COUNTY, its officers, employees and agents from and against any and all claims, suits or actions of every kind brought for or on

account of injuries to or death of any person or damage to any property of any kind whatsoever and to whomsoever belonging which arise out of the performance or nonperformance of CITY's covenants and obligations under this Agreement and which result from the **actively** negligent or wrongful acts of CITY or its officers, employees, or agents.

COUNTY shall hold harmless, indemnify and defend CITY, its officers, employees and agents from and against any and all claims, suits or actions of any kind brought for or on account of injuries to or death of any person or damage to any property of any kind and to whomsoever belonging which arise out of the performance or nonperformance of COUNTY's obligations under this Agreement and which result from the actively negligent or wrongful acts of COUNTY, its officers or employees **or agents**. This provision requiring COUNTY to hold harmless, indemnify and defend CITY shall expressly no apply to claims, losses, liabilities or damages arising from actions or omissions, negligent or otherwise, of Peninsula Humane Society, or any other independent contractor, or its officers, employees or agents, under **the Peninsula Humane Society's** contract with the COUNTY.

A First Amendment to Agreement has also been provided by the County. This amends subparagraph (a) of Paragraph 5 regarding the payment section of Section (B) as shown. From the Town's point of view, as a housekeeping matter, this language could be inserted into the original contract. However, because the form of first amendment is being utilized by all other communities in the County, I believe that it might be preferable from the County's point of view to have an agreement with a first amendment to it. I will contact the County Counsel and see if he is agreeable to recognizing the changes which are proposed above.

**FISCAL IMPACT:**

Fiscal impact will involve expenditures by the Town of amounts described in the Agreement.

Respectfully,

s/ Marc G. Hynes

Marc G. Hynes

MGH:cwb

Attachment

**ATKINSON • FARASYN, LLP**

ATTORNEYS AT LAW

LEONARD J. SIEGAL  
HAROLD S. TOPPEL  
STEVEN G. BAIRD  
MARC G. HYNES

660 WEST DANA STREET  
P.O. BOX 279  
MOUNTAIN VIEW, CALIFORNIA 94042  
TELEPHONE (650) 967-6941  
FACSIMILE (650) 967-1395

J.M. ATKINSON (1892-1982)  
L.M. FARASYN (1915-1979)

**MEMORANDUM**

TO: Honorable Mayor and City Councilmembers, Town of Atherton  
FROM: Marc G. Hynes, City Attorney  
RE: City Attorney Evaluation  
DATE: August 15, 2002

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Dear Mayor Carlson and City Councilmembers:

I would like to propose an increase in my retainer agreement with the Town. I propose an increase of the retainer in the amount of \$500.00 per month. The existing rate is \$7,000.00 per month. I propose that this be increased to \$7,500.00 per month. My rates for litigation and/or special projects will remain at the present level which is \$145.00 per hour. This increase would be in effect for a period of two years.

In lieu of raising the rates for additional work and/or litigation, I propose that the Town reimburse me for expenses incurred for attendance at the fall League of California Cities meetings. The cost of registration fees, meals, transportation and hotel accommodations should not exceed \$1,000. I propose that the contract be amended to establish a ceiling in the amount of \$1,000 with respect to the reimbursement for such activities. It has been my experience that the League of California Cities is an excellent resource. Continuing education sessions for city attorneys provide an opportunity for being brought up-to-date with the most recent legal developments, and also provide an excellent opportunity to exchange information with other city attorneys.

Respectfully,

s/Marc G. Hynes  
Marc G. Hynes

MGH:cwb

SECOND AMENDMENT TO  
CITY ATTORNEY'S AGREEMENT  
BETWEEN  
TOWN OF ATHERTON  
AND MARC G. HYNES OF ATKINSON-FARASYN, LLP

This Second Amendment to the City Attorney's Service Agreement between the Town of Atherton and Marc G. Hynes, Esq. of Atkinson-Farasyn, LLP dated August 1, 2000, is hereby amended by revising paragraph I. B. to read as follows:

"I. BASIC SERVICES – RETAINER

B. The retainer fee for basic services is \$7,500 per month, effective August 1, 2002 and continuing through July 31, 2004. In addition to the retainer, the City Attorney shall be reimbursed in an amount not to exceed One Thousand Dollars (\$1,000.00) for documented expenses for attendance at the fall League of California Cities Conference generally held in the month of September or October. The retainer shall be paid monthly beginning on the fifteenth day of each month."

All other provisions of the agreement between the Town of Atherton and Marc G. Hynes dated August 1, 2000, except as amended above, shall continue to remain in effect.

Dated: August 21, 2002.

TOWN OF ATHERTON

By: \_\_\_\_\_  
Alan Carlson, Mayor

\_\_\_\_\_  
Marc G. Hynes, City Attorney



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: APPROVAL OF POLICY FOR CENTERLINE STRIPING**

### **RECOMMENDATION**

Adopt the attached Approved Centerline Marking List and Policy for Centerline Striping.

### **INTRODUCTION**

The City Council requested that a policy for determining the appropriate locations and types of street centerline marking be developed. Staff has looked at various formulas and concluded the most straightforward way to approach the subject is to develop an Approved Centerline Marking List and Policy for amending the list. The attached list has been reviewed and fine tuned at two meetings of the Transportation Committee.

### **ANALYSIS**

The development and adoption of a list and means to amend the list avoids the tedium of writing and testing a set of rules which could be subject to different interpretations. The attached list is intended to provide a clear statement of the Council's direction regarding centerline marking. The striping on the list reflects the deletion of double yellow directed by the Council, and includes raised and/or reflective pavement markers only on major streets and in short segments at other locations where needed for safety. The exception is Barry Lane, where a survey was conducted and the results came back showing the majority of residents preferred the double yellow with raised reflective markers. This is reflected in the list.

### **FISCAL IMPACT**

The Department's plan would be to implement the list when renewing centerline stripes. Where existing centerlines are now barely visible, they will be replaced with the lines dictated by the new list. Where double yellow centerlines can still be seen, they will be left alone until they have faded enough that a single line can be painted in their place. The funds available for centerline painting should go farther painting one line in place of two.

**CONCLUSION:**

It is appropriate for the Council to approve the centerline striping list.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps  
Public Works Director

James Robinson  
City Manager

## APPROVED CENTERLINE MARKING LIST

**Street centerlines within the Town of Atherton shall be marked only at the locations listed and shall be of the specific type indicated.**

DOUBLE YELLOW STRIPES WITH REFLECTORS AT STANDARD 24' SPACING  
(\* = stripes done with combination of "bott dots" and reflectors)

Alameda de las Pulgas - all\*

Atherton Avenue - El Camino Real to 100 feet west of El Camino Real

Barry Lane - Atherton to Faxon, exclusive of areas with raised median barriers

Fair Oaks - Station Lane to east side of RR tracks

James Avenue - Middlefield to nearest Heather

Marsh Road - all within Town Limits

Middlefield Road - all\*

Oak Grove Avenue - Middlefield to High School Driveway

SPLIT DOUBLE YELLOW STRIPES WITH REFLECTORS AT STANDARD 24' SPACING (One yellow line on each side of raised median barrier)

Atherton Avenue - Inglewood to Mercedes

Barry Lane - at Atherton

Barry Lane - at Faxon

Elena Avenue - at Elena/Faxon

Fair Oaks Lane - at El Camino Real

Fair Oaks Lane - at Middlefield

DOUBLE YELLOW STRIPES WITHOUT REFLECTORS

Emilie Avenue - Park to Valparaiso - (School zone)

Encinal Avenue - All (School Zone)

Selby Lane - 190/196 Selby Lane Cul-de-sac to Serrano - (School zone)

Stockbridge - Alameda de las Pulgas to 50 feet west of Alameda de las Pulgas

Valparaiso - all (Shared responsibility with Menlo Park)

Walsh Road - Alameda de las Pulgas to 50 feet west of Alameda de las Pulgas

Watkins - El Camino Real to 100 feet east of El Camino Real

SINGLE YELLOW STRIPES WITHOUT REFLECTORS

Alta Vista Drive - Ridgeview to Fletcher

Atherton Avenue - Alameda de las Pulgas to Inglewood and Mercedes to 100 feet west of El Camino Real

Britton Avenue - Across the frontages of numbers 131 through 191 Britton - Also paint white stripes across private driveways forming triangle at hairpin turn. White stripes to be 8" wide, parallel to and 12 feet from the centerline.

Camino al Lago - Park Lane to west side of number 228, except in intersection

Elena Avenue - Atherton to Elena/Isabella and Elena/Faxon to Valparaiso, exclusive of areas with raised median barrier

Fair Oaks Lane - El Camino Real to Station Lane and east side of railroad tracks to Middlefield, exclusive of areas with raised median barrier

Fletcher Drive - Ridgeview to Alta Vista

Glenwood Avenue - Middlefield to Laurel

James Avenue - Heather closest to Middlefield to Lilac

Melanie Lane - Stockbridge to end

Oak Grove - High School Driveway to Greenoaks

Oak Grove - Middlefield to Menlo Park jurisdiction

Polhemus Avenue - Alameda de las Pulgas to Euclid

Ridgeview Drive - Fletcher to Alta Vista

Ridgeview Drive/Atherton Avenue - Number 7 Ridgeview through number 397 Atherton - Ridgeview/Atherton curve

Selby Lane - Atherton to E/W Selby

Selby Lane - N/S Selby to 190/196 Selby Lane Cul-de-sac and Serrano to El Camino Real

Stockbridge - Alameda de las Pulgas to El Camino Real

Walsh Road - 100 feet west of Reservoir to 50 feet east of Belbrook

Watkins - 100 feet west of El Camino Real to Middlefield

## **POLICY REGARDING CHANGES TO APPROVED CENTERLINE MARKING LIST**

This list shall be adopted by majority vote of the Atherton City Council

Additions, deletions and changes may be proposed or requested by members of the public, Town staff or members of the Transportation Committee or City Council, and shall be reviewed and reported upon by the Transportation Committee to the City Council, which shall have final authority to change the list.

The City Council may amend the list by a motion approved by a majority vote of its members.

**Item No. 21**





## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS FOR CENTERLINE  
STRIPING, PROJECT NUMBER 02-005**

### **RECOMMENDATION**

Motion to approve the plans and specifications for 2002 Street Striping.

### **INTRODUCTION**

Centerline striping on recently resurfaced and sealed streets has been done recently and is in good condition. Striping on other streets has been allowed to fade, and many are in need of restriping.

### **ANALYSIS**

The striping proposed is in conformance with the Policy For Centerline Striping, which is also on the Council's agenda for this meeting. The schedule is for the Council to be asked to award the contract at its September meeting and for the striping to be done in October. A copy of the bid documents is available for viewing in the Administration reception area.

### **FISCAL IMPACT**

This work is funded in the operating budget.

### **CONCLUSION:**

It is appropriate for the Council to approve the centerline striping list.

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  
CITY MANAGER, JAMES ROBINSON**

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: PUBLIC HEARING AND ADOPTION OF RESOLUTION ORDERING THE  
VACATION OF A PUBLIC UTILITIES EASEMENT AT 57 BROAD ACRES  
ROAD BEING MORE PARTICULARLY DESCRIBED IN EXHIBITS "A"  
AND "B" ATTACHED HERETO AND MADE A PART HEREOF**

### **RECOMMENDATION**

Hold a public hearing on the vacation of the Public Utilities Easement located on the property at 57 Broad Acres Road, then adopt the resolution ordering its vacation.

### **INTRODUCTION**

The owners of the property at 57 Broad Acres Road renewed the request they made in 1986 that the Public Utility Easement (PUE) crossing their land be vacated. The Council, in June, adopted a resolution of intention setting a public hearing on the vacation for August 21, 2002. The Planning Commission has reviewed the request and found it consistent with the Town's General Plan. Utilities were notified and have responded that they have no interest in retaining the easement.

### **ANALYSIS**

The area proposed to be vacated is shown on the attached Exhibit "B." The easement was once intended for a sanitary sewer. The sewer easement has been relocated to a position farther north.

### **FISCAL IMPACT**

Vacating the easement has no fiscal impact on the Town.

### **CONCLUSION:**

Adoption of the resolution vacating the easement is appropriate to bring this PUE vacation to is

overdue conclusion.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps  
Public Works Director

James Robinson  
City Manager

RESOLUTION NO. 02-\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ORDERING THE VACATION OF THE A PUBLIC UTILITIES EASEMENT AT 57 BROAD ACRES ROAD BEING MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B" ATTACHED HERETO AND MADE A PART HEREOF**

**WHEREAS**, Notice of a Public Hearing concerning the vacation of a Public Utilities Easement at 57 Broad Acres Road was published and posted pursuant to the requirements of Part 3, Chapter 1, Section 8300 et.seq. of the California Streets and Highways Code; and

**WHEREAS**, the City Council has duly conducted a Public Hearing on the 21<sup>st</sup> day of August, 2002 , and all persons interested in the proposed vacation appearing at the hearing were heard; and

**WHEREAS**, utility companies serving properties in the area have been notified regarding the proposed vacation and have not requested the reservation of easements or imposition of conditions.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the Town of Atherton that: The City Council finds from all the evidence submitted, that the Public Utilities Easement described and shown in Exhibits "A" and "B" is unnecessary for public use and hereby orders the vacation of same.

\* \* \* \* \*

*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 \_\_\_\_ day of August, 2002, by the following vote:*

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

ATTEST:

\_\_\_\_\_  
Alan B. Carlson, Mayor  
Town of Atherton

\_\_\_\_\_  
Sharon Barker, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Marc Hynes, City Attorney

EXHIBIT "A"

DESCRIPTION OF PUBLIC UTILITY EASEMENT TO BE VACATED

All of that 10' P.U.E (Public Utility Easement) lying on Lot 11 as shown on that map entitled "Broad Acres, Atherton, San Mateo County, Calif." recorded on February 28, 1945 in the office of the San Mateo County Recorder in Volume 24 of Maps at Page 36.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

**FROM: SHARON BARKER, CITY CLERK**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: CONSIDER ADOPTION OF A RESOLUTION PROVIDING FOR THE  
APPOINTMENT TO THE OFFICE OF CITY COUNCIL THOSE PERSONS  
WHO HAVE BEEN NOMINATED, OR ADOPTION OF A RESOLUTION TO  
HOLD THE GENERAL MUNICIPAL ELECTION AS SCHEDULED ON  
NOVEMBER 5, 2002**

### **RECOMMENDATION:**

After consideration, adopt Resolution No. 02-\_\_\_\_, providing for the appointment to the office of City Council those persons who have been nominated, or adopt Resolution No. 02-\_\_\_\_, to hold the General Municipal Election as scheduled for November 5, 2002.

### **ANALYSIS:**

The extended nomination period for candidates for the Atherton City Council closed on Wednesday, August 14, 2002. At the close of the nomination period, there were an equal number of candidates (three) for the offices to be elected. Pursuant to Section 10229 of the Elections Code of the State of California, the City Clerk must post a notice of these facts and notify the City Council. After the fifth day following the posting of the notice, and prior to August 22, 2002, the City Council may take one of the following courses of action:

1. Appoint to the office the persons who have been nominated.
2. Hold the election.

Attached are two proposed resolutions, one appointing the nominees and canceling the election, and one providing for holding the election as scheduled. If the Council adopts the resolution appointing the nominees, the nominees will take office at the regular November Council meeting.

### **CONCLUSION:**

Notice of these facts has been posted and given to the City Council as required. The City Council may make the appointments or direct the election to be held.

Respectfully submitted by:

Reviewed/Approved by:

Sharon Barker  
City Clerk

James Robinson  
City Manager



RESOLUTION NO. ~~029~~\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THE  
TOWN OF ATHERTON  
THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 5, 2002**

**WHEREAS**, pursuant to Section 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 14, 2002, there are not more candidates than offices to be elected and that Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated
3. Hold the election if either no one or only one person has been nominated.

**WHEREAS**, a notice was posted on August 15, 2002 pursuant to law.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the Town of Atherton does resolve, declare, determine and order as follows:

SECTION 1. That pursuant to Section 10229 of the Elections Code of the State of California, the following action is being taken:

The following persons are being appointed to the office of City Council to which they were nominated:

Alan B. Carlson  
William R. Conwell  
Charles E. Marsala

SECTION 2. The election scheduled to be held on Tuesday, November 5, 2002, is now canceled.

SECTION 3. The persons appointed shall qualify and take office and serve exactly as if elected at a municipal election for the office of City Council.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

\* \* \* \* \*

*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 \_\_\_\_ day of \_\_\_\_\_, 2002, by the following vote:*

*AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:*

\_\_\_\_\_  
Alan B. Carlson, Mayor  
TOWN OF ATHERTON

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc G. Hynes, City Attorney

**RESOLUTION NO. 020-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
PROVIDING THAT THE TOWN OF ATHERTON GENERAL MUNICIPAL ELECTION  
FOR TUESDAY, NOVEMBER 5, 2002 WILL BE HELD AS SCHEDULED**

**WHEREAS**, pursuant to Section 10229 of the Elections Code of the State of California, as of the close of the nomination period on August 14, 2002, there are not more candidates than offices to be elected and that Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

4. Appoint to the office the person who has been nominated.
5. Appoint to the office any eligible voter if no one has been nominated
6. Hold the election if either no one or only one person has been nominated.

**WHEREAS**, a notice was posted on August 15, 2002 pursuant to law.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the Town of Atherton does resolve, declare, determine and order as follows:

SECTION 1. That pursuant to Section 10229 of the Elections Code of the State of California, the following action is being taken:

The General Municipal Election scheduled to be held on Tuesday, November 5, 2002 will be held as scheduled.

SECTION 2. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

\* \* \* \* \*

*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 \_\_\_\_ day of \_\_\_\_\_, 2002, by the following vote:*

*AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:*

\_\_\_\_\_  
Alan B. Carlson, Mayor  
TOWN OF ATHERTON

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc G. Hynes, City Attorney



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: AWARD OF CONTRACT - POLICE GARAGE STORAGE BUILDING,  
PROJECT 02-004**

### **RECOMMENDATION**

Decide if the Council wants to proceed with the project and either

3. Award the contract for the Police Garage Storage Building to Dymond Construction Group for \$ 88,782.00, or
4. Reject all bids.

### **INTRODUCTION**

The Capital Improvement Program includes \$75,000 for constructing a building that will provide garaging for police motorcycles and the DARE car and storage for evidence. These are functions that are currently being addressed by a carport, shed, and metal storage container, located in the police parking lot. The new, 36' x 40' building will be located where the storage container and shed are now, and both will be permanently removed from the site when the new building is completed. As part of the work, a new sound fence will be built parallel to the end of the building, and about 1' on the Town's side of the line separating Town property and 76 Fair Oaks. There will be a 15' wide buffer between the new building and the property line, and the buffer space will be fenced to discourage its becoming used for storage. The plan for the building and site development was reviewed and approved by the Planning Commission and neighbor.

**ANALYSIS**

Six bids were received and opened on August 15, 2002, and the results are shown below:

Dymond Construction Group	\$ 88,782.00
Jens Hansen	\$ 103,845.00
Nexgen Builders	\$ 118,040.22
M.L. Nielsen	\$ 127,300.00
John Plane	\$ 145,113.00
Tinney Construction	\$ 164,500.00

Two things which contributed to the cost exceeding the budget were outcomes of Planning Commission and neighbor review:

We originally planned the interior to be unfinished, with sheetrock only on the walls dividing the storage areas from each other and from the garage area. The Planning Commission required sound insulation, which meant not only adding insulation but also sheetrocking the inside faces of all exterior walls and the ceiling.

The requirement to build a sound fence between the new building and the property at 76 Fair Oaks and to fence off the area between the property line and the new building was added.

The low bid is \$13,782.00 over budget, and staff does not believe that rebidding the same building would result in a lower price. The building is the smallest size that the Police Department indicates is needed. The practical options are to reject the bids and forget the project or to award the contract to the low bidder.

**FINANCIAL IMPACT**

The project was proposed to be funded entirely from the Facilities Construction Fund, which in the CIP was treated as though its income stream would dry up after June 30, 2002. In reality, this source will more likely taper off gradually and be adequate to fund the added \$13, 782.00.

**CONCLUSION**

If the Council chooses to proceed with the project at this time, the bid of Dymond Construction Group should be accepted.

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  
CITY MANAGER, JAMES ROBINSON**

**FROM: SHARON BARKER, CITY CLERK**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: COMMITTEE APPOINTMENTS**

### RECOMMENDATION:

Approve the recommendations of the Screening Committee for the following appointments:

Atherton Arts Committee: Judy Sleeth  
(Indefinite term) Jack Phillips  
Hilary Hausman

Audit Committee: Marc Hebert  
(Three-year term)

### ANALYSIS:

The Atherton Arts Committee, by Resolution No. 98-06, consists of ten members who are appointed by the City Council for an indefinite term. There are currently three vacancies on the Arts Committee. The Audit Committee has seven members including two Council Members from the Finance Committee and five residents of the Town. The members of the Audit Committee serve three year terms. The Audit Committee currently has one vacancy. The Screening Committee, consisting of Vice Mayor Janz and Council Member Fisher, has interviewed and is recommending the residents listed above to fill the vacancies.

Respectfully submitted by:

Reviewed/Approved by:

Sharon Barker  
City Clerk

James 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 AUGUST 21, 2002**

**SUBJECT: AMENDMENT TO CHAPTER 15.40 OF THE ATHERTON MUNICIPAL CODE –CONSTRUCTION REGULATIONS**

#### **Recommendation:**

It is recommended that the ordinance amending Chapter 15.40 regarding demolition sales, operations of vehicles and required signs and penalties for violation be considered and introduced for first reading.

#### **Background:**

Based upon comments received regarding the operation of the Town's rules for construction, revisions to Section 15.40.110 (Definitions); Section 15.40.140 (Operation of Vehicles – Pick-Ups and Deliveries); Section 15.40.160 Violations and a new Section 15.40.155 regarding Posting of Signs have been prepared for consideration by the Council.

Attention is invited to Section 15.40.110.A. This is the definition of "construction" and includes so-called demolition sales. The Town's experience with these sales has been that they occur on weekends. As presented, demolition sales will only be allowed during weekdays between the hours of 8 a.m. to 5. p.m. Demolition sales will not be allowed on holidays. Because demolition sales encourage recycling, the Council may wish to consider authorizing such activities on weekends. If that were to be done, the number of such demolition sales per property per year could be limited along with hours of conduct and any other type of regulations which would minimize adverse impacts upon neighboring properties.

Attention is also invited to Section 15.40.160.D. which authorizes the Building Official to issue a stop work order when violations of the provisions of Chapter 15.40 have occurred. My



review of the Uniform Building Code, 1997 edition (adopted by Chapter 15.04 of the Municipal Code) supports this amendment. Section 104.2.4 of the Uniform Building Code provides that

"Whenever any work is being done contrary to the provisions of this code [the Uniform Building Code], or other pertinent laws or ordinances implemented through the enforcement of [the Uniform Building Code], the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work."

Chapter 15.40 regulating the hours of work is, in my opinion, a pertinent law or ordinance which may be implemented through the enforcement of the Uniform Building Code. I anticipate that instances of violations of Chapter 15.40 will involve either failure to place and maintain signs and/or conduct of work deliveries and pickups outside required time limits. In the event these actions occur, the building official will be authorized to stop the work which may not be resumed until the condition is corrected. In the case of sign placement, the correction is obvious. Correction of time violations will depend upon the nature of the incident. Assuming the usual defense that the subcontractor or other worker did not know the requirement, the building official would have authority to order the work stopped until such time as he is satisfied that all contractors and subcontractors have been made aware of Town time requirements.

**Fiscal Impact:**

None.

Respectfully,

s/Marc G. Hynes  
MARC G. HYNES

Attachment

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING CHAPTER 15.40 OF THE ATHERTON MUNICIPAL CODE,  
CONSTRUCTION REGULATIONS, REGARDING DEMOLITION SALES, OPERATIONS  
OF VEHICLES, REQUIRED SIGNS AND PENALTIES FOR VIOLATION**

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

**SECTION 1.**

Section 15.40.110 of the Atherton Municipal Code is amended to revise Subparagraph A to read as follows:

**"15.40.110 Definitions.**

As used in this chapter:

A. Except as otherwise provided in this chapter, "Construction" means the act or process of building, including, but not limited to landscape installation, site preparation, alteration, repair, remodeling, assembly, erection, or similar action, of buildings, structures, pavement, flat work and other works including the use of power equipment in connection with activities therewith. Site preparation includes demolition and the removal of materials in connection with the demolition and/or removal of materials including landscape plantings, by any means including "demolition sales" or invitations to the public to retrieve and remove any material from the site."

**SECTION 2.**

Section 15.40.140 of the Atherton Municipal Code is hereby amended to read as follows:

**"15.40.140 Operation of Vehicles – Pick-Ups and Deliveries.**

Vehicles engaged in the delivery or pick-up of supplies and materials to or from construction projects shall be loaded or unloaded on the construction site whenever possible. Vehicles are not to arrive at the construction site before the hour of 8:00 a.m. and must depart the construction site no later than 5:00 p.m. The engines of delivery and pick-up vehicles shall be shut off upon arriving at the site and shall remain shut off during the time supplies, materials, or equipment are being loaded onto or unloaded from the vehicle unless the operation of the engine is required to load or unload the vehicle."

**SECTION 3.**

Section 15.40.155 is hereby added to the Atherton Municipal Code to read as follows:

**"15.40.155 Posting of Signs.**

Signs advising of the provisions of this Chapter and prepared by the Town shall be purchased from the Town by the person acquiring any building permit or engaging in construction as defined above. Signs shall be posted at locations and in the manner prescribed by the City Manager or designee."

**SECTION 4.**

Section 15.40.160 of the Atherton Municipal Code is hereby amended to read as follows:

**"15.40.160 Violations.**

A. A violation of this ordinance is a misdemeanor and shall be punished as provided in Section 1.20.040. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of violation of any provision in this Chapter. In a civil action brought pursuant to this Chapter in which the Town prevails, the court may award to the Town all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.

B. As part of a civil action brought by the Town, a court may assess against any person who commits, allows, or maintains a violation of any provision of this Chapter a civil penalty in an amount not to exceed five thousand dollars per violation.

C. Upon any guilty plea or judgment or conviction, in any criminal proceeding brought for the violation of this ordinance, where the defendant is entitled by law to probation, then the court may require the payment to the Town of the costs and expenses as described above and the code provision incorporated by reference as one of the conditions of such probation."

D. The Building Official is authorized to order work stopped whenever work is being done contrary to the provisions of this Chapter.

**SECTION 5.**

Except as added and amended, all other terms and provisions of Chapter 15.40 continue to remain in effect.

**SECTION 6.**

The City Council hereby declares it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions are severable and, if for any reason any sentence, paragraph, or section of this ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this ordinance.

**SECTION 7.**

This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

\* \* \* \* \*  
\* \* \* \* \*

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Alan B. Carlson, Mayor  
Town of Atherton

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc G. Hynes, City Attorney



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

**FROM: LINDA KELLY, ASSISTANT TO THE CITY MANAGER**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: APPROVAL OF AGREEMENT WITH CITY OF PALO ALTO FOR  
INFORMATION TECHNOLOGY SERVICES THROUGH JUNE 30, 2003**

### **RECOMMENDATION**

It is recommended that the City Council approve the attached agreement with the City of Palo Alto for Information Technology Services, effective September 16, 2002 through June 30, 2003.

### **BACKGROUND**

#### *Current Situation and Issues*

Over the past decade or so, computers have become more integrated with the way we conduct business at City Hall. Citizens and staff are more and more dependent on “information technology services” for accessing law enforcement data, posting information on the Town website for public viewing, and maintaining financial transactions in an electronic format. The need for a comprehensive computer solution at City Hall has become readily apparent in recent years.

Earlier this year, a Staff Information Technology Committee was formed consisting of the City Clerk, Finance Director, and Assistant to the City Manager. We identified the following issues with respect to the way we currently manage our information technology systems (which include all hardware and software, related wiring, and the Town website):

- We currently rely on one vendor who is a “one-person shop” to fix most of our hardware and software problems. He is utilized on a month-to-month basis. Calls for service are on a “break and repair” basis.

- For the Town website, we rely on a vendor who is also a one-person business, who last year relocated across the country. The Police Department portion of the website is maintained by another vendor, who is local and is also a one-person business. Their services are utilized on a month-to-month basis.
- For purchasing hardware (computers, monitors, and printers) and software programs, each department typically purchases these items on their own, which has sometimes resulted in varying versions of software programs. This process does not encourage volume discounts that can be had through purchase agreements utilizing government pricing for computer equipment.
- For repair of computer printers, we utilize another vendor who repairs computer equipment on an as-needed basis.

### ***Recommended Comprehensive Approach***

The Committee started looking at an alternative to our current computer vendors which would be a more comprehensive, coordinated approach to the Town's information technology needs. The City of Palo Alto's Information Technology Department approached staff regarding the possibility of contracting with Palo Alto for our computer needs. Palo Alto currently provides computer support services for the Cities of Los Altos, Los Altos Hills, East Palo Alto and Menlo Park. These cities contracting with Palo Alto have found their services to be a cost-effective alternative to in-house information technology staff or private vendors.

After researching this issue and speaking extensively with the City of Palo Alto staff, the Staff Information Technology Committee believes that contracting with the City of Palo Alto would address many of the issues described above, and would take care of the Town's information technology systems with more of a comprehensive approach as opposed to the current situation. During the process of considering this idea, the Committee and Palo Alto Information Technology staff met with each Town department and assessed their concerns and needs regarding the Town's computer systems.

### ***Advantages to the Town***

The advantages of the City of Palo Alto approach are as follows:

- A **written agreement** that would hold the vendor (Palo Alto) accountable for the provision of services provided for in the contract.
- A negotiated, **guaranteed response time** to meet the needs of the Town to keep our systems, most critically Public Safety Dispatch, up and operational. The response times would be negotiated at prior to the commencement of the agreement.
- Annual **cost approximately the same** as is expended now on computer services, with **more services** than is currently the case.
- A **"help desk"** function with a dedicated phone number for staff to call with computer problems, questions, and service calls 7 days a week. We do not currently have such a service.
- An **on-site computer technician** for certain hours per week. We currently do not have dedicated, reliable on-site technician hours.

- A team of trained **government website experts** to maintain the existing Town website, and provide assistance with site improvements and expansion of on-line services. Palo Alto staff is also willing to train Town staff to upload our own website pages, which would give staff more control over the website content and timing of updates, eventually decreasing the need to rely on outside help for this function.
- The Town would also be able to take advantage of pre-bid and negotiated **lower-cost pricing on computer hardware** and equipment by “piggy-backing” on Palo Alto’s computer purchasing contracts for replacement of Town computers, when needed. Initial estimates show that the cost savings through the use of these government pricing contracts is approximately 10-20% per piece of equipment.
- Town staff would have the benefit of working with talented technical support personnel who are in the specialized business of government computing, and thus are more cognizant of our needs.
- This is a proven approach that is working for other local cities.

This recommendation is an integrated model that would take advantage of the already-existing Palo Alto systems and staff, and provide Town staff more control over changes to our computer services, more accountability from a management standpoint, within the existing computer services budget. Atherton, as a small agency, does not have the funds, time or staff talent to devote significant resources to computer services or information technology needs.

### ***Future Technology Planning***

We believe that this local government partnership could also help us **plan for our future technology needs** in areas which we and Palo Alto share public service models to our public customers, such as website design, financial computing packages, and perhaps someday on-line permitting and payment over the web. Staff currently is not planning for future information technology needs with the current vendors. In March 2002, Council ranked as a Goal and Objective to “Develop a Strategic Plan for the Town’s Computer and Information Technology Needs” with a total score of 8, a mid-level ranking in the total scheme of Capital Improvement Projects. Staff believes that the contract with Palo Alto would allow staff to, over time, identify the future information technology needs of the Town. Palo Alto has proposed to prepare a long-term Information Technology Strategic Plan for the Town, and as we gain experience with their services, this is an option staff may bring forth in a future fiscal year.

### ***Municipal Code Purchasing Procedures***

Staff is recommending that this contract be entered into and approved under Town of Atherton Municipal Code Section 3.16.110(A)(5) and (6) which allows for bidding to be dispensed with under the following circumstances:

- (5) When participating in state and county cooperative contracts or utilizing other municipal government’s competitive bids.
- (6) When the services of attorneys, engineers, accountants or other specialized professionals are sought as approved by the City Manager.

Regarding 3.16.110(A)(5), the contract with Palo Alto would allow the Town to purchase replacement computer hardware and equipment through their contract with Hewlett-Packard, which is a government-pricing contract with substantial volume discounts.

Regarding 3.16.110(A)(6), the City of Palo Alto's information technology staff are specialized professionals trained in the needs of local government public safety systems, financial software needs, and government electronic records systems, and local government website design.

City Attorney Marc Hynes has reviewed and approved as to form the attached agreement.

### ***Other Town Service Agreements with Municipalities***

The Town has set precedent in the area of contracting with other local municipalities. For instance, since 2000, the City of Redwood City has been providing all maintenance of Town vehicles, including police cars, as well as vehicle gasoline purchases. In addition, the Town staff currently utilizes the City of Palo Alto's computer and professional development training classes which are offered to surrounding municipalities at a lower cost than private training vendors.

Both of these intergovernmental service relationships have been positive and cost-effective for the Town, and dealing with other municipalities for service provision has been a smooth and seamless process.

### **FISCAL IMPACT**

The total cost for the 9 ½ month contract is \$30,400. An amount of \$42,000 was budgeted for Information Technology services for Fiscal Year 2002-03. Staff will monitor the use of any after-hours on-call services from Palo Alto to ensure that costs stay within budget.

Palo Alto's cost structure is based on rates of \$65 to 80 per hour. Staff informally gathered quotes from private vendors of similar computer services, and these ranged from \$100 to \$175 per hour.

### **CONCLUSION**

It is recommended that the City Council approve the attached agreement with the City of Palo Alto for Information Technology Services, effective September 16, 2002 through June 30, 2003. The agreement contains a clause allowing for extension of the contract for an additional one year. If the agreement is entered into, staff will monitor, review, and evaluate the services provided and recommend whether to extend the contract for Fiscal Year 2003-04, with or without modifications to the services provided.

If approved by the Atherton City Council, the agreement would be scheduled for approval by the Palo Alto City Council at its meeting of September 9, 2002, for an effective date of September 16, 2002.

At its meeting of August 12, 2002, the City Council's Finance Committee reviewed the concept of contracting with Palo Alto for Information Technology Services. The Committee's response to the idea was favorable.



Prepared by:

Approved by:

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Linda Kelly  
Assistant to the City Manager

---

James H. Robinson  
City Manager

Attachment: Agreement for Information Technology Services between the City of Palo Alto and the Town of Atherton



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JAMES H. ROBINSON, CITY MANAGER**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: SET DATE OR JOINT MEETING WITH MENLO PARK CITY COUNCIL  
FOR CONSIDERATION OF VALPARAISO AVENUE TRAFFIC STUDY**

#### **RECOMMENDATION**

It is recommended that the City Council select a date for a joint meeting with the City of Menlo Park to discuss the draft Valparaiso Avenue Traffic Study.

#### **BACKGROUND**

The Atherton Transportation Committee held a meeting July 9, 2002 to discuss the Draft Valparaiso Corridor Study. DKS and Associates presented a summary of the draft Valparaiso Study prepared for the Town of Atherton and the City of Menlo Park. Following a review of the draft study, it was recommended that a joint meeting with Menlo Park and Atherton be held some time after Labor Day.

Please be sure to bring your calendars to the meeting so we can select some dates for this joint meeting.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: JAMES H. ROBINSON, CITY MANAGER**

**DATE: FOR THE MEETING OF AUGUST 21, 2002**

**SUBJECT: DISCUSSION AND POSSIBLE ACTION – ATHERTON CHANNEL WATER TESTING**

### **RECOMMENDATION:**

After consideration, give direction to staff regarding possible water testing of the Atherton Channel

### **BACKGROUND:**

Discussion of this item was held at the July 17, 2002 City Council meeting. The Council was presented with a proposal for water testing from EOA, Inc. in the amount of \$34,700. The item was continued to this Council meeting for further discussion.