



**AGENDA**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**January 16, 2002**  
**7:00 p.m.**

**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

- 7:00 P.M.    1.    **PLEDGE OF ALLEGIANCE**
- 7:02 P.M.    2.    **ROLL CALL**    McKeithen, Janz, Carlson, Fisher, Conwell
- 7:05 P.M.    3.    **PRESENTATIONS**
- A. Presentation to former Mayor Dianne M. Fisher  
B. Presentation by California Water Service Representative regarding proposed rate increase.
- 7:15 P.M.    4.    **COUNCIL REPORTS**
- Possible Action: February Council meeting date change.
- 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.    **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed by Resolution No. 99-6)
- Presentation: Atherton Civic Interest League
- 7:45 P.M.    **CONSENT CALENDAR** (Items 7 - 15)
7.    **APPROVAL OF MINUTES OF SPECIAL AND REGULAR MEETINGS OF DECEMBER 19, 2001**
8.    **APPROVAL OF BILLS AND CLAIMS FOR DECEMBER 21, 2001 THROUGH DECEMBER 28, 2001 IN THE AMOUNT OF \$278,762.27**
9.    **ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR DECEMBER 2001**

**10. ADOPTION OF A RESOLUTION ADDING THE POSITIONS OF ASSISTANT AND ASSOCIATE ENGINEER TO THE TOWN'S JOB CLASSIFICATION LISTING**

**Recommendation:** Adopt Resolution No. 02-\_\_ adding the positions of Assistant Engineer and Associate Engineer to the Town's classification listing and setting the salary and benefits for the positions.

**11. ADOPTION OF ORDINANCE NO. 529, RELATING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS**

**Recommendation:** Adopt Ordinance No. 529 amending Chapter 15.52 of the Atherton Municipal Code relating to recycling and diversion of construction and demolition debris.

**12. AGREEMENT FOR LEGAL SERVICES WITH LIEBERT, CASSIDY, WHITMORE FOR LABOR RELATIONS SERVICES**

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

**13. ADOPTION OF A RESOLUTION ACCEPTING SUPPLEMENTAL LAW ENFORCEMENT SERVICES GRANT**

**Recommendation:** Adopt Resolution No. 02-\_\_ accepting the Supplemental Law Enforcement Services Grant in the amount of \$100,000 from the State of California.

**14. APPROVAL OF EMPLOYEE INTERNAL REVENUE SERVICE CODE SECTION 125 PLAN**

**Recommendation:** Approve the agreement with AFLAC Corporation to provide flexible spending account program administrative services for the benefit of the Town's employees.

**15. ADOPTION OF RESOLUTION AUTHORIZING STAFF TO APPLY FOR CDBG GRANT**

**Recommendation:** Adopt Resolution No. 02-\_\_ authorizing staff to apply for CDBG funds in the amount of \$25,000 for the handicap lift at the Main House Building in Holbrook-Palmer Park.

**REGULAR AGENDA (Items 16-25 )**

~~15. ADOPTION OF RESOLUTION NO. 01 \_\_\_\_, INTENT TO ABANDON PORTION OF  
McCORMICK LANE~~

~~16. ADOPTION OF RESOLUTION NO. 01 \_\_\_\_, INTENT TO ABANDON  
PORTION OF FAXON ROAD~~

7:50 P.M. 16. CONSIDERATION OF APPROVAL OF DRAFT VESTING  
TENTATIVE PARCEL MAP CERTIFICATE – 19 SARGENT LANE

**Recommendation:** Approve the Vesting Tentative Parcel Map for 19 Sargent Lane based on the findings stated in the Staff Report and subject to the conditions contained in the Draft Certificate of Approval.

8:15 P.M. 17. DISCUSSION AND POSSIBLE ACTION – C/CAG COUNTYWIDE  
DEFICIENCY PLAN

**Recommendation:** Authorize the City Council’s representative to C/CAG to vote to approve the Countywide Deficiency Plan.

8:30 P.M. 18. PRESENTATION AND ACCEPTANCE OF FISCAL YEAR 2000-01  
AUDITED ANNUAL FINANCIAL STATEMENTS, MANAGEMENT  
LETTER, AND AUDIT COMMITTEE REPORT

**Recommendation:** Accept the independent auditors’ reports and management letter from Caporicci, Cropper & Larson, Certified Public Accountants, for the year ended June 30, 2001. Accept the Audit Committee Report.

9:00 P.M. 19. ADOPTION OF A RESOLUTION ELECTING TO BECOME  
SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST  
ACCOUNTING PROCEDURES AND INTRODUCTION OF AN  
ORDINANCE AMENDING CHAPTER 3.16.120 OF THE ATHERTON  
MUNICIPAL CODE RELATING TO BIDDING PROCEDURES

**Recommendation:**

A. Adopt Resolution No. 02-\_\_ electing under the Public Contract Code Section 22030 to become subject to the Uniform Public Construction Cost Accounting Procedures.

B. Introduce Ordinance No. \_\_ amending Chapter 3.16.120 of the Atherton Municipal Code to provide informal bidding procedures under the Uniform Public Construction Cost Accounting Act (Section 22000, Et Seq. of the Public Contract Code).

9:15 P.M. 20. AUTHORIZATION TO APPLY FOR OFFICE OF TRAFFIC SAFETY  
GRANT

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

- 9:25 P.M. 21. **DISCUSSION AND POSSIBLE ACTION – ESTABLISH DRAINAGE AND FACILITIES COMMITTEES, AND CLARIFY THE ROLE OF THE CITY COUNCIL FINANCE COMMITTEE**

**Recommendation:** Formally establish new Council standing committees, if desired by the Council, and provide staff with further direction regarding composition of and objectives of said committees, and determine meeting dates, times, and frequency.

- 10:00 P.M. 22. **APPOINTMENT OF CITY COUNCIL STANDING COMMITTEES**

**Recommendation:** Appointments of City Council committees as recommended by Mayor Alan B. Carlson.

- 10:10 P.M. 23. **DISCUSSION AND POSSIBLE ACTION – ENHANCED RADIO FREQUENCY ALARM SYSTEM**

**Recommendation:** Reconsider the authorization to expend \$46,000 to complete the optional Radio Frequency portion of the Enhanced Alarm Service, and approve only the \$15,000 portion of the system that has been successfully installed.

- 10:20 P.M. 24. **DISCUSSION AND POSSIBLE ACTION – TOWN GOALS AND OBJECTIVES**

**Recommendation:** Adopt a procedure for establishing Town goals and objectives and capital project priorities each year.

- 11:00 P.M. 25. **DISCUSSION AND POSSIBLE ACTION – APPROVAL OF HOLBROOK-PALMER PARK SURVEY AND AUTHORIZATION OF A SUPPLEMENTAL APPROPRIATION FOR DISTRIBUTION OF SURVEY**

- 11:15 P.M. 26. **PUBLIC COMMENTS**

- 11:30 P.M. 27. **ADJOURN**

*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)



**Minutes  
CITY COUNCIL MEETING  
December 19, 2001  
6:00 P.M.  
Meeting Room  
Town Administrative Offices  
91 Ashfield Road  
Atherton, California  
Special Meeting**

**Mayor Fisher called the meeting to order at 6:00 p.m.**

**ROLL CALL**

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

**Also present were City Manager James Robinson and City Attorney Marc Hynes.**

**PUBLIC COMMENTS**

**There were no public comments.**

**CLOSED SESSION**

**The Council adjourned to closed session at 6:05 p.m. to discuss the following:**

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

**Agency Negotiator: James H. Robinson, City Manager  
Employee Organization: Local Union 856  
Non-management miscellaneous employees**

**RECONVENE TO OPEN SESSION**

**The Council reconvened to open session at 6:55 p.m. No action was taken. Direction was given to the City Manager.**

**ADJOURN**

**The meeting adjourned at 7:00 p.m.**

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**Dianne M. Fisher, Mayor  
Town of Atherton**



**Draft Minutes**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT MEETING**  
**December 19, 2001**  
**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

Mayor Fisher called the meeting to order at 7:09 p.m.

**1. PLEDGE OF ALLEGIANCE**

Mayor Fisher informed the audience that this meeting would be adjourned in memory of Henry Cartan III.

**2. ROLL CALL**

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

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

**3. PRESENTATIONS/APPOINTMENTS**

**A. Appointment of representative to San Mateo County Mosquito Abatement District Board of Trustees.**

**MOTION – to reappoint Doris Kellett to the San Mateo County Mosquito Abatement District for a four year term as recommended by the City Council Screening Committee.**

**Motion – Carlson/Conwell                      Ayes: 5 Noes: 0 Abstain: 0 Absent: 0**

**B. Appointment of representative from Holbrook-Palmer Park Foundation to the Park and Recreation Commission.**

**MOTION – to appoint Jim Massey to fill the term of Henry Cartan on the Park and Recreation Commission, as recommended by the City Council Screening Committee.**

**Motion – Janz/McKeithen                      Ayes: 5 Noes: 0 Abstain: 0 Absent: 0**

**C. Mayor Fisher read a Proclamation “To the Good People of San Mateo County” supporting the Samaritan House Shelter.**

**4. REORGANIZATION OF CITY COUNCIL AND ELECTION OF MAYOR AND VICE MAYOR**

**Mayor Fisher commented on the positive progress the Town has made in the last six months. She then asked for public comments on the reorganization for the offices of Mayor and Vice Mayor. The following members of the audience spoke:**

**Sandy Crittenden, 117 Heather Drive  
John Rugeiro, 10 Stockbridge Avenue  
Jim Dobbie, 124 James Avenue**

**Mayor Fisher asked for nominations for the office of Mayor.**

**MOTION – to nominate Vice Mayor Alan Carlson for the office of Mayor.**

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

**Vice Mayor Carlson took his seat as Mayor and asked for nominations for the office of Vice Mayor.**

**MOTION – by Council Member Fisher, to nominate Council Member Janz for the office of Vice Mayor.**

**MOTION - by Council Member McKeithen, to nominate Council Member William Conwell for office of Vice Mayor. Council Member Conwell declined the nomination.**

**Vote to appoint Council Member Janz as Vice Mayor.**

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

**The oaths of office were administered to Mayor Carlson and Vice Mayor Janz by City Clerk Sharon Barker.**

**Mayor Carlson thanked the Council and former Mayor Fisher for their support. He stated the need to establish two additional Council standing committees including an Atherton Drainage Channel Committee and a Building Committee. He encouraged Council Member McKeithen to volunteer for the Channel Committee and Council Member Fisher to volunteer for the Building Committee. He asked the Transportation Committee and staff to keep the issues of streets and drainage at the forefront. He also**



asked that Council Members who serve on the Finance Committee undertake the development of a long term financial plan for the Town.

## 5. COUNCIL REPORTS

- Council Member Conwell – The Airport Roundtable is still working on the runway reconfiguration. The City/County Association of Governments addressed transportation issues at their last meeting. The Criminal Justice Commission met today.
- Council Member Fisher asked for information from staff on permitting for dead or dying trees. The Library JPA is searching for a new Library Administrator. The Operations Committee met last month, and a schedule of city donor funds was handed out. The Atherton Library's amount of donor funds is approximately \$340,000.
- Vice Mayor Janz – There will be a meeting of the City County Selection Committee on Friday December 21 to elect city representatives to various entities.
- Council Member McKeithen asked the City Manager to look into cellular phone reception in the Lindenwood area and report back to at the next Council meeting. The street striping issue will be addressed at the January 8 Transportation Committee meeting. She asked that striping be addressed in the future when street improvements are planned. She reported that as a result of calls received, the Police Department will be monitoring for speeders in Lindenwood and other neighborhoods. There was no meeting of the San Mateo County Office of Emergency Services in December.
- Mayor Carlson – The Audit Committee met and reviewed the draft annual financial statements of the Town. The Audit Committee Chairperson will make a presentation at the January Council meeting. The Town investments were also reviewed by the Committee.
- City Manager Robinson– The Transportation Committee will meet Tuesday, January 8, at 7:00 p.m. The Joint City Council/Park and Recreation Commission meeting will be held January 10, 7:00 p.m. in the Pavilion. He answered questions regarding several items on the warrant list.

## 5. PUBLIC COMMENTS The following members of the audience spoke:

Steve Schmidt, Mayor, Menlo Park, seeking reappointment to SamTrans Board.

Jim Dobbie, 124 James Avenue

Steve Knox, Walsh Road

## CONSENT CALENDAR

**MOTION - to approve Consent Calendar with the condition that Staff verify that the dates as published in the public notice for Item 11, Adoption of Disadvantage Business Enterprise Goal, be verified as correct.**

M/S McKeithen/Fisher

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

8. **MINUTES – Approved minutes of Regular meeting and Special meeting of November 6, 2001.**
9. **BILLS AND CLAIMS – Approved bills and claims for November 1, 2001 through December 12, 2001 in the amount of \$1,351,434.17.**
10. **MONTHLY FINANCIAL REPORT – Accepted the monthly Financial Reports for the months of October and November, 2001.**
11. **DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL – Adopted the Disadvantaged Business Enterprise Goal for Federal Fiscal Year 2001/2002.**
12. **MIDDLEFIELD ROAD REHABILITATION PROJECT – Approved plans and specifications for Middlefield Road Rehabilitation Project.**
13. **RESOLUTION NO. 01-22, REGARDING A VETERANS' PREFERENCE SYSTEM FOR HIRING – Adopted Resolution No. 01-22, regarding a veterans' preference system for hiring in compliance with California Government Code Section 50088.**
14. **POLICE DEPARTMENT COMMUNICATIONS CENTER REMODEL - Accepted the work and authorized the recording of a notice of completion for Space Planning and Project Management Services for the remodel of the Police Dispatch Center.**
15. **ORDINANCE NO. 529, AMENDING ATHERTON MUNICIPAL CODE CHAPTER 15.52 RELATING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS – Introduced Ordinance No. 529, and waived further reading.**
16. **2001 PAVEMENT MARKING, PROJECT 01-004 – Accepted the work and authorized the recording of a notice of completion for the 2001 Pavement Marking Project.**
17. **RESOLUTION NO. 01-23, DESIGNATING OFFICIAL POSTING PLACES - Adopted Resolution No. 01-23 establishing two posting places, the Atherton City Council Chambers at 94 Ashfield Road, and the bulletin board located at the intersection of Selby Lane and Atherton Avenue, in addition to the four official posting places.**
18. **AMICUS BRIEF – Bonanno v. Contra Costa Transit Authority – Approved support of the Amicus Brief.**

## **PUBLIC HEARINGS**

**19. PUBLIC HEARING AND ADOPTION OF A RESOLUTION ORDERING VACATION OF A PORTION OF McCORMICK LANE RIGHT-OF-WAY, WITH RESERVATION OF EASEMENTS FOR PUBLIC UTILITIES AND SANITARY SEWERS**

Public Works Director Cliff Temps introduced this item and stated that several parties were present to speak against the vacation of the section of McCormick Lane street right-of-way between Burns Avenue and the barricade across McCormick Lane. The Transportation Committee has approved the vacation, and the Planning Commission has found the vacation to not be inconsistent with the General Plan. Senior Planner Lisa Costa Sanders stated that this issue had also come before the General Plan Committee. The Public Works Director answered questions of the Council regarding the history of the barricades, and the recording of the resolution which will show the reservation of easements for utilities.

Mayor Carlson opened the public hearing at 8:19 p.m. The following members of the audience spoke:

Bill Griffith, 156 Burns  
Hildy Shandell, 85 McCormick Lane  
Dr. Barrett Anderson, 65 McCormick Lane  
Clifford Lavine, 85 McCormick Lane  
Richard Novak, 70 McCormick Lane

Mayor Carlson closed the public hearing at 8:27 p.m.

The Council then discussed the consequences of keeping the street open. The issue of the adjoining property owner being able to close off access was also discussed.

**MOTION – to not vacate the portion of McCormick Lane right-of-way.**

M/S Fisher/McKeithen Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

**20. PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION DECISION AND CONSIDERATION OF VESTING TENTATIVE MAP – 19 SARGENT LANE**

The Planning Commission, at their August 22, 2001 meeting, approved the Draft Vesting Tentative Parcel Map for 19 Sargent Lane with certain conditions as outlined in the Vesting Tentative Parcel Map Certificate. An appeal of the Planning Commission decision was filed on September 4, 2001. Town Planner Neal Martin presented this item to the Council and responded to questions regarding the effects of the proposed subdivision on drainage and on Heritage trees. Building Official Mike Hood responded to questions on current procedures the Town requires of developers to accommodate drainage. Concerns were addressed regarding the proximity of the proposed subdivision to the Atherton Channel, and the effect of storm runoff from development along the Channel.

Mayor Carlson opened the public hearing at 9:35 p.m. Testimony was heard from the following:

- Steve Nachtsheim, appellant, 420 Walsh Road
- Sandy Skaggs, McCutchen, Attorneys at Law, representing the applicant, Stanford Management Company
  - John Jessup, appellant, 27 Sargent Lane

Mayor Carlson closed the public hearing at 10:17 p.m.

**MOTION – by Council Member Conwell to declare a moratorium on further development along the Atherton Channel. Motion died for lack of a second.**

Discussion ensued regarding placing performative standards on development of the parcel. Also discussed was requiring that there be proof of adequate drainage detention and a backup system, regular maintenance of the channel and the drains, and requiring Stanford Management Company to provide the drainage reports. It was the desire of the Council that all restrictions of the Certificate be recorded.

The applicant, represented by Mr. Skaggs, agreed to Council continuing this item to the next meeting to be held on January 16, 2002, in order to develop conditions as discussed.

**MOTION – to continue this matter to the regular agenda of the January 16, 2002 City Council meeting with direction to staff that the terms of the Vesting Tentative Parcel Map Certificate be revised to reflect the conditions as per the discussion of the City Council, and to assure that the Certificate contains the sentiment of the Council on this matter.**

M/S Janz/Fisher

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

**21. PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION DECISION ON DENIAL OF VARIANCE – 396 SELBY LANE; EXCESSIVE SIDEWALL AND ROOF HEIGHT**

The Planning Commission, at its September 26, 2001 meeting, denied the application made by the owner for a variance to construct a second story addition to the existing two-story residence. Senior Planner Lisa Costa Sanders addressed this item. Building Official Mike Hood answered questions from the Council.

Mayor Carlson opened the public hearing at 10:55 p.m.

Alan Salzman, owner, 396 Selby Lane, spoke.

Mayor Carlson closed the public hearing at 11:09 p.m.

The Council concurred that the property does not meet the requirements to grant a variance.

**MOTION – to deny the appeal and uphold the Planning Commission decision to deny the variance.**

M/S Fisher/Janz

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

**REGULAR AGENDA** (Items 22 - 25)

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

This item was held over from the November 6, 2001 City Council meeting. City Manager James Robinson stated that Susan Knox, the owner of Knox Playschool, would not be present for this item. Staff recommended several alternatives to the request by the owner to provide funding for electrical work performed by P.G. & E. during the Playschool expansion project. Discussion ensued.

**MOTION – to deny the request by Knox Playschool for funding for electrical work incurred during the Playschool expansion.**

M/S Fisher/McKeithen

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

**23. APPROVAL OF CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2001/02**

**MOTION – to approve the revised Fiscal Year 2001-02 portion of the 4-year Capital Improvement Program including a soils investigation for the tennis courts, excluding the Magnolia/Magnolia street project.**

M/S Fisher/McKeithen

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

**MOTION – to approve the Magnolia to Magnolia street project as stated in the revised Fiscal Year 2001-02 portion of the 4-year Capital Improvement Program.**

M/S Fisher/McKeithen

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

**24. CONSIDERATION OF ACCEPTANCE OF GRANT AWARD OF \$125,000 ADDING ONE (1) SCHOOL RESOURCE OFFICER**

Police Chief Brennan presented this item. He stated that the Town would incur no expense in accepting the Grant award because Sequoia Union High School District will participate in the additional funding needed, and other funds are available from the “Cops on the Street” program and the R.E.A.C.T. Task Force.

**MOTION – to accept the School Resource Officer Grant Award in the amount of \$125,000, and approve the addition of one police officer position to the existing Police Department staff.**

**M/S McKeithen/Fisher**

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

**25. SAN MATEO COUNTY CITY SELECTION COMMITTEE: CONSIDERATION OF ENDORSEMENT FOR APPOINTMENTS**

**Council Member Fisher asked that this item be addressed. Vice Mayor Janz stated that he would attend the City County Selection Committee meeting on Friday, December 21, 2001. The Council concurred that they would recommend Menlo Park Mayor Steve Schmidt for appointment to the SamTrans Board.**

**26. PUBLIC COMMENTS**

**City Manager James Robinson stated that staff would be meeting tomorrow with Menlo Park staff on the Valparaiso Study corridor.**

**27. ADJOURN**

**The meeting adjourned at 11:42 p.m. in memory of Henry Cartan III.**

**Respectfully submitted,**

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**Sharon Barker, City Clerk**

**TOWN OF ATHERTON**

CLAIMS LIST

December 21 - 28, 2001

Payroll Checks	501741 – 501804	\$ 119,847.44
Electronic Transfers		31,193.15
A/P Checks	11834 – 11893	<u>127,721.68</u>

TOTAL \$ 278,762.27

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 501741 – 501804 (Payroll) 11834 – 11893 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$278,762.27 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 501741 – 501804, Accounts Payable check numbers 11834 – 11893 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$278,762.67; and are hereby approved for payment.

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Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$197,042.90
105	Tennis Fund	304.10
201	Special Parcel Tax	13,133.60
202	Transportation	
203	Gas Tax Fund	52,512.35
210	Road Construction Impact Fees	-
401	General Capital Projects	-
402	Storm Drainage	-
404	Park Playground Improvement	14,759.82
610	Vehicle Replacement	-
611	Computer Maint. & Replacement	-
612	Administrative Services	267.72
614	Workers Compensation Insurance	-
715	Evans Estate	741.78
730	H-P Park Improvement	-
731	Tree Committee	-
	TOTAL	\$278,762.27

**Item No. 9**



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: JOHN P. JOHNS, FINANCE DIRECTOR**  
**DATE: FOR THE MEETING OF JANUARY 16, 2001**  
**SUBJECT: MONTHLY FINANCIAL REPORT, DECEMBER, 2001**

### **RECOMMENDATION:**

Receive and file Monthly Financial Report for December, 2001.

### **INTRODUCTION:**

The attached schedules show revenues and expenditures and changes in fund balances for the six months ended December 2001.

### **FINANCIAL HIGHLIGHTS**

In December, the Town realized \$2.2 million in revenues, \$2 million of which represented the apportionment from San Mateo County of the first of two installments of property taxes due each year.

For the first six months ended of Fiscal Year 2001-2002, the Town has realized approximately 40 percent of total estimated revenues. Although we have identified several revenue accounts (such as business licenses taxes) which appear to be short of budgetary projections, the Town's overall revenue position remains consistent with budget estimates prepared at the beginning of the year. (This due to the fact that other revenue accounts such as property taxes are projected to show favorable variances for the FY 2001-02.)

For the first six months ended, general fund expenditures amount to 49 percent of FY 2001-2002 appropriations. For all funds combined expenditures represent approximately 39 percent of what has been appropriated.



**FISCAL IMPACT:**

Informational only.

Prepared by:

Approved by:

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John P. Johns, CPA  
Finance Director

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James H. Robinson  
City Manager

**TOWN OF ATHERTON**

**Revenue Summary**

**As of December 31st, 2001**

<b>Fund</b>	<b>Revenue Source</b>	<b>2001-02 Estimate</b>	<b>2001-02 Actual</b>	<b>2001-02 Estimate * 5/12</b>	<b>% Received</b>
	Property Tax	\$ 2,624,563	1,455,070	\$ 1,093,568	55%
	Sales and Use Tax	306,000	69,882	127,500	23%
	Other Taxes	481,133	125,646	200,472	26%
	Licenses & Permits	1,316,200	691,403	548,417	53%
	Fines & Forfeitures	110,000	32,378	45,833	29%
	Investment & Rental Income	358,200	192,634	149,250	54%
	Revenue from Other Agencies	484,124	230,762	201,718	48%
	Charges for Services	502,700	252,160	209,458	50%
	Other Revenues	12,150	(11,348)	5,063	-93%
	<b>Total General Fund Revenues</b>	<b>6,195,070</b>	<b>3,038,587</b>	<b>2,581,279</b>	<b>49%</b>
	Interfund (Operating) Transfers In	450,000		187,500	0%
<b>101</b>	<b>General Fund Total</b>	<b>6,645,070</b>	<b>3,038,587</b>	<b>2,768,779</b>	<b>46%</b>
	<b>Special Revenue Funds:</b>				
105	Tennis	9,000	2,109	3,750	23%
201	Special Parcel Tax	1,600,000	798,423	666,667	50%
202	Transportation	270,000	92,913	112,500	34%
203	Street Improvement (Gas Tax)	200,000	86,699	83,333	43%
206	SLESF				
208	Police on the Street		22,000		
209	Law Enforcement	100,000	-	41,667	0%
210	Road Construction Impact Fees	450,000	141,241	187,500	31%
211	State Park Grants Fund	89,910	-	37,463	0%
	<b>Total</b>	<b>2,718,910</b>	<b>1,143,385</b>	<b>1,132,879</b>	<b>42%</b>
	<b>Capital Project Funds:</b>				
401	Capital Improvement	10,000		4,167	0%
402	Storm Drainage	10,000	230	4,167	2%
403	Channel Drainage District	38,000	20,854	15,833	55%
404	Park Playground Improvement	325,000	27,292	135,417	8%
405	Middlefield Road Grants	600,000	-	250,000	0%
406	Facilities Construction	220,000	-	91,667	0%
	<b>Total</b>	<b>1,203,000</b>	<b>48,376</b>	<b>501,250</b>	<b>4%</b>
	<b>Internal Service Funds:</b>				
610	Vehicle Replacement	243,020	59,592	101,258	25%
611	Information Technology	77,610	31,438	32,338	41%
612	Administrative Services	213,300	88,877	88,875	42%
614	Workers Compensation Insurance	170,000	35,056	70,833	21%
	<b>Total</b>	<b>703,930</b>	<b>214,963</b>	<b>293,304</b>	<b>31%</b>
	<b>Total Revenues and Transfers -- All Funds</b>	<b>\$ 11,270,910</b>	<b>4,445,311</b>	<b>\$ 4,696,213</b>	<b>39%</b>
	<b>Trust and Agency Funds:</b>				
715	Evans Creative Design	53,040	51,291	22,100	97%
720	Library Extension	-	-	-	
727	Colley Trust Fund	-	1,000	-	
730	H-P Park Improvement	-	-	-	
731	MA Little League	-	-	-	
740	Tree Committee	-	-	-	
	<b>Total</b>	<b>53,040</b>	<b>52,291</b>	<b>22,100</b>	<b>99%</b>

**TOWN OF ATHERTON**  
**Expenditure Summary**  
**As of December 31st, 2001**

<b>Fund</b>	<b>Description Department</b>	<b>2001-02 Budget</b>	<b>2001-02 Actual</b>	<b>2001-02 Budget * 5/12</b>	<b>% Spent</b>
101	General Fund				
	11 City Council	\$ 21,739	\$ 12,917	\$ 9,058	59%
	12 City Manager	442,706	210,985	184,461	48%
	16 City Attorney	196,199	70,822	81,750	36%
	18 Finance	362,600	198,917	151,083	55%
	25 Building	713,814	388,143	297,423	54%
	40 Police	3,268,584	1,685,187	1,361,910	52%
	50 Public Works	1,632,102	742,291	680,043	45%
	Contingency	100,000	-	41,667	0%
	Total General Fund Expenditures	<u>6,737,744</u>	<u>3,309,261.94</u>	<u>2,807,393</u>	49%
	Interfund (Operating) Transfers Out	320,000	-	133,333	0%
101	<b>General Fund Total</b>	<b><u>\$ 7,057,744</u></b>	<b><u>\$ 3,309,262</u></b>	<b><u>\$ 2,940,727</u></b>	<b>47%</b>
<b>Special Revenue Funds:</b>					
105	Tennis	7,500	370	3,125	5%
201	Special Parcel Tax	1,600,000	136,336	666,667	9%
202	Transportation	267,950	177,366	111,646	66%
203	Street Improvement (Gas Tax)	430,700	327,977	179,458	76%
208	SLESF	-	-	-	
208	Police on the Street	-	-	-	
209	Law Enforcement	199,424	51,225	83,093	26%
210	Road Impact Fees	450,000	2,845	187,500	1%
211	State Park Grants	89,910	-	37,463	0%
	Total	<u>3,045,484</u>	<u>696,119</u>	<u>1,268,952</u>	23%
<b>Capital Project Funds:</b>					
401	Capital Improvement	-	-	-	
402	Storm Drainage	162,409	6,250	67,670	4%
403	Channel Drainage District	251,000	-	104,583	0%
404	Park Playground Fund	325,000	37,684	135,417	12%
406	Middlefield Road Grants	600,000	-	250,000	0%
	Total	<u>1,338,409</u>	<u>43,934</u>	<u>557,670</u>	3%
<b>Internal Service Funds:</b>					
610	Vehicle Replacement	106,041	39,403	44,184	37%
611	Information Technology	90,166	13,145	37,569	15%
612	Administrative Services	233,756	159,051	97,398	68%
614	Workers Compensation Insurance	135,000	61,691	56,250	46%
	Total	<u>564,963</u>	<u>273,291</u>	<u>235,401</u>	48%
<b>Total Expenditures and Transfers -- All Funds</b>		<b><u>\$ 12,006,600</u></b>	<b><u>\$ 4,322,606</u></b>	<b><u>\$ 5,002,750</u></b>	<b>36%</b>
<b>Trust and Agency Funds:</b>					
715	Evans Creative Design	54,010	50,808		
727	Colley Reward Fund	-			
730	H-P Park Improvement	-	583		
731	MA Little League	-			
740	Tree Committee	-			
	Total	<u>54,010</u>	<u>51,391</u>		
<b>Total Expenditures</b>		<b><u>12,060,610</u></b>	<b><u>4,373,998</u></b>	<b><u>5,002,750</u></b>	<b>36%</b>

**TOWN OF ATHERTON**  
**Budget Summary**  
**Fiscal Year 2001-02**  
**As of December 31st, 2001**

<b>Fund</b>	<b>Description</b>	<b>Beginning Fund Balance July 1, 2001</b>	<b>Revenues to Date</b>	<b>Transfers to Date</b>	<b>Expenditures To Date</b>	<b>Ending Fund Balance to Date</b>
101	<b>General Fund</b>	5,070,783	3,038,587	-	3,309,262	4,800,108
<b>Special Revenue Funds:</b>						
105	Tennis	19,496	2,109		370	21,235
201	Special Municipal Tax	-	798,423		136,336	662,087
202	Transportation	235,556	92,913		177,366	151,103
203	Street Improvement (Gas Tax)	257,225	86,699		327,977	15,947
206	SLESF	10,956	-		-	
208	Police on the Street	20,235	22,000		-	
209	Law Enforcement	105,350	-		51,225	54,125
210	Road Construction Impact Fees	378,028	141,241		2,845	516,424
211	State Park Grants Fund	-	-		-	-
	Sub Total	<u>1,026,846</u>	<u>1,143,385</u>	<u>-</u>	<u>696,119</u>	<u>1,420,921</u>
<b>Capital Projects Funds:</b>						
401	Capital Improvement	432,662	-		-	432,662
402	Storm Drainage	120,286	230		6,250	114,266
403	Channel Drainage District	377,396	20,854		-	398,250
404	Park Playground Improvement	305,774	27,292		37,684	295,382
405	Middlefield Road Grants	-	-		-	-
406	Facilities Construction	220,000	-		-	220,000
	Sub Total	<u>1,456,118</u>	<u>48,376</u>	<u>-</u>	<u>43,934</u>	<u>1,460,560</u>
<b>Internal Service Fund</b>						
610	Vehicle Replacement	147,415	59,592		39,403	167,604
611	Information Technology	19,890	31,438		13,145	38,183
612	Administrative Services	9,125	88,877		159,051	(61,049)
614	Workers Compensation Insurance	(31,794)	35,056		61,691	(58,429)
	Sub Total	<u>144,636</u>	<u>214,963</u>	<u>-</u>	<u>273,291</u>	<u>86,308</u>
<b>Trust and Agency Funds</b>						
715	Evans Creative Design	110,464	51,291		54,010	107,745
727	Colley Reward Fund	66,931	1,000		-	67,931
730	HP Park Improvement	6,339	-		-	6,339
731	MA Little League	(1,571)	-		-	(1,571)
740	Tree Committee	1,137	-		-	1,137
	Sub Total	<u>183,300</u>	<u>52,291</u>	<u>-</u>	<u>54,010</u>	<u>181,581</u>
	<b>Grand Total</b>	<u>\$ 7,881,683</u>	<u>\$ 4,497,602</u>	<u>\$ -</u>	<u>\$ 4,376,616</u>	<u>\$ 7,949,478</u>



## Town of Atherton

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF JANUARY 16, 2002**

**SUBJECT: ADOPTION OF RESOLUTION ADDING THE POSITIONS OF ASSISTANT ENGINEER AND ASSOCIATE ENGINEER TO THE TOWN'S JOB CLASSIFICATION LISTING**

### **RECOMMENDATION**

Adopt the attached Resolution adding the positions of Assistant Engineer and Associate Engineer to the Town's classification listing and setting the salary and benefits for these positions.

### **INTRODUCTION:**

At the regular City Council meeting of November 6, 2001, the Public Works Director/City Engineer presented an agenda item, Consideration of Content and Implementation of the Capital Improvement Program (CIP). One of the motions adopted by the City Council as part of the approval of that item was the "authorization to the City Manager to augment to the Town engineering staff by the method he and the Public Works Director/City Engineer determine to be the most cost-efficient and that will provide the highest quality of service."

Town staff is now recommending that the best means by which to meet the Town's CIP engineering needs is through the creation of a both an Assistant Engineer classification and Associate Engineer classification. Only one of these positions would be filled, based on the qualifications of the candidate selected and the specific needs of the Public Works Department. Both positions are recommended for creation in order to give the widest latitude for staff in hiring. The position would be filled for a limited term of three years, in conjunction with the CIP.

**ANALYSIS:**

Subsequent to the City Council meeting of November 6, 2001, the Public Works Director/City Engineer attempted to secure staff assistance through the “rent-an-engineer” approach. The intent was to utilize someone from a local engineering firm and have the person on-site working from the Town’s offices. Due to the inability to locate the proper level of talent through the attempts made using this approach, staff is now pursuing the alternative of hiring an in-house staff Engineer. As was stated in the Council staff report of the Public Works Director/City Engineer for the meeting of November 6, 2001, staff’s first preference was to hire an Assistant or Associate Engineer and assign that person, full-time, to design and inspection of CIP projects.

Due to the anticipated difficulty in finding qualified applicants, and due to the project management level experience needed, staff is recommending that two positions be added to the Town’s classification system: Assistant Engineer and Associate Engineer. If approved, staff will begin recruiting for this position immediately in order that the Town’s CIP projects be maintained on schedule. The position will be filled at either the Assistant or Associate level, based on the qualifications and expertise of the candidate selected.

Thus, staff is now seeking authorization of the position descriptions and salary ranges (see attachments). The salary ranges were determined through the use of a survey which utilized the same comparator agencies used for other Town management and miscellaneous positions, and is set at the 70<sup>th</sup> percentile for salary and Public Employees Retirement System (PERS) benefits.

As is required by the Town’s Municipal Code, Town personnel staff reviewed this matter with representatives of the affected employee association (Teamsters Union) on January 11, 2002.

**FISCAL IMPACT:**

The total fiscal impact for Fiscal Year 2001-02, based on filling this position by March 15, 2002, is \$30,331 (based on Associate Engineer top step). The fiscal impact of filling this position from March 1, 2002 through the end of Fiscal Year 2004-05 would be \$342,307. This amount reflects salary (at top step) and all roll-up costs, including PERS contribution, and the standard employee benefit package (health insurance, life insurance, etc.). The amount could be less based on the actual start date of an individual hired, and at the step the individual is brought in at (either Assistant or Associate Engineer).

The funding for this position was identified in the Public Works Director/City Engineer’s staff report as \$326,000 earmarked in the 4-year CIP budget for staffing needs. Specific funding sources will be identified in the Mid-Year Budget Review process scheduled for February 2002.

Prepared by:

Approved by:

\_\_\_\_\_  
Linda Kelly  
Assistant to the City Manager

\_\_\_\_\_  
James H. Robinson  
City Manager

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

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADDING THE POSITIONS OF ASSISTANT AND ASSOCIATE ENGINEER TO THE TOWN'S CLASSIFICATION LISTING AND SETTING SALARY AND BENEFITS FOR THE POSITIONS**

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

**WHEREAS**, the City Council has determined that it is in the best interests of the Town to create the positions of Assistant Engineer and Associate Engineer; and

**WHEREAS**, Attachments A and B to this Resolution specify the job classifications and salary ranges for this positions; and

**WHEREAS**, these positions will be afforded the standard Town employee benefits package appropriate to the level of the position;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the Town of Atherton that the positions of Assistant Engineer and Associate Engineer are hereby added to the Town's classification listing.

\* \* \* \* \*

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 16th day of January, 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:

*/s/Marc Hynes*

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

**ASSISTANT ENGINEER**

**Salary Range \$5,061 – 5,954 per month**

**Definition**

Under direction of the Public Works Director/City Engineer, performs professional field and office engineering work of basic to moderate complexity in conjunction with the Town's Capital Improvement Program (CIP). Coordinates with contractors and representatives of other agencies; performs a variety of studies and prepares reports; and performs related work as required. Work is performed initially under close supervision, and under general supervision as knowledge and experience is gained.

**Class Characteristics**

This single-position class provides technical assistance to the Town in the area of CIP project management and coordination. Initially under close supervision, incumbents with an appropriate educational or equivalent technical background apply basic municipal engineering design, plan review and contract administration practices and techniques. As knowledge and experience are gained, the work may become broader in scope, assignments may become more varied, and performed under more general supervision. Successful performance requires professional skill in engineering project coordination, and skill in coordinating work with other Town departments and public agencies as well as dealing with the public. This class is distinguished from Public Works Superintendent and Public Works Director/City Engineer in that the latter are management classes with responsibility for all capital improvement, engineering and maintenance activities for the Town.

**Examples of Duties** (Illustrative Only)

- Under general supervision, administers major public works construction and repair projects from conceptualization to filing of the notice of completion.



- Assists in managing, coordinating and monitoring the work of contractors; ensures compliance with contract documents, time and budget estimates; recommends field changes as required.
- Assists in planning, designing, reviewing, and preparing detailed engineering plans, drawings, specifications, cost estimates.
- Participates in the preparation of basic designs, specifications, plans, estimates and reports for the development and modification of Town infrastructure, including streets, curbs, gutters, underground lines and various facilities and appurtenances.
- Participates in the development of consultant requests for proposal for professional and/or construction services and the advertising and bid processes; evaluates proposals and recommends project award.
- May assist in the NPDES and STOPPP operational and financial program development and monitoring.
  - Confers with and provides information to property owners, contractors, developers, engineers, architects and the public regarding conformance to standards, plans, specifications and codes; explains codes, requirements and procedures and evaluates alternatives.
- May act as the Town liaison with a variety of committees, construction and design engineers, developers and represents the Town and the department in meetings with other public, regulatory and private organizations
- Prepares a variety of written correspondence, reports, grant applications, master plans, procedures, ordinances and other written materials.
- Maintains accurate records and files.

### **Qualifications**

#### **Knowledge of:**

- Basic principles, practices, procedures and standards related to Town public works and engineering infrastructure development and maintenance.
- Basic principles and practices of civil engineering in a municipal setting.
- Basic principles of capital improvement cost estimation and contract administration.
- Computer applications related to the work, including computer-aided drafting concepts and applications.
- Applicable laws, codes and regulations.
- Techniques for effectively representing the Town in contacts with governmental agencies, community groups, various business, professional, educational and regulatory organizations and with property owners, developers, contractors and the public.
- Basic practices of researching engineering and design issues, evaluating alternatives, making sound recommendations and preparing and presenting effective staff reports.

#### **Skill in:**

- Assisting with the development and review of standard plans for municipal public work projects.

- Assisting in developing and administering contracts for professional services and construction in a public agency setting.
- Conducting basic research projects, evaluating alternatives, making sound recommendations and preparing effective technical staff reports.
- Interpreting, applying and explaining codes, regulations and ordinances.
- Effectively representing the department and the Town in meetings with governmental agencies, community groups and various business, professional, and regulatory organizations and in meetings with individuals.
- Preparing clear and concise reports, correspondence, policies, procedures and other written materials.
- Maintaining accurate records and files.
- Establishing and maintaining effective working relationships with those contacted in the course of the work.

**Education and Experience:**

**Education:**

Equivalent to graduation from a four year college or university with major course work in civil engineering a field related to the work.

**Experience:**

Two years of professional engineering design, plan review and project administration experience, preferably in a public agency setting. Possession of an Engineer-in-Training certificate from the State of California, or substantial progress toward same, is desirable.

**License:**

Must possess a valid California class C driver's license and have a satisfactory driving record  
Possession of an Engineer-in-Training certificate from the State of California is desirable.

**Physical Demands:**

Must possess mobility to work in a standard office setting, to inspect development and construction sites, to operate a motor vehicle and to visit various sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups and over the telephone.

Approved by Council: \_\_\_\_\_

**ASSOCIATE ENGINEER****Salary Range \$5,802 – 6,826 per month****Definition**

Under general direction of the Public Works Director/City Engineer, performs professional field and office engineering work of moderate to considerable complexity in conjunction with the Town's Capital Improvement Program (CIP). Coordinates with contractors and representatives of other agencies; performs a variety of studies and prepares reports; and performs related work as required. Work is performed under general supervision or independently with review primarily for results obtained.

**Class Characteristics**

This single-position class is an experienced journey-level professional who provides expert technical assistance to the Town in the area of CIP project management and coordination. Successful performance requires a related professional background and skill in coordinating work with other Town departments and public agencies as well as dealing with the public. The Associate Engineer completes complex engineering assignments and manages projects and programs requiring the use of judgment and initiative in developing solutions to problems, interpreting general policies, and determining work task methods. This class is distinguished from Public Works Superintendent and Public Works Director/City Engineer in that the latter are management classes with responsibility for all capital improvement, engineering and maintenance activities for the Town.

**Examples of Duties** (Illustrative Only)

- Administering major public works construction and repair projects from conceptualization to filing of the notice of completion.
- Managing, coordinating and monitoring the work of contractors; ensures compliance with contract documents, time and budget estimates; recommends field changes as required.
- Planning, designing, reviewing, and preparing detailed engineering plans, drawings, specifications, cost estimates.
- Prepares basic designs, specifications, plans, estimates and reports for the development and modification of Town infrastructure, including streets, curbs, gutters, underground lines and various facilities and appurtenances.
- Develops consultant requests for proposal for professional and/or construction services and the advertising and bid processes; evaluates proposals and recommends project award.
- Assists in the NPDES and STOPPP operational and financial program development and monitoring.

- Confers with and provides information to property owners, contractors, developers, engineers, architects and the public regarding conformance to standards, plans, specifications and codes; explains codes, requirements and procedures and evaluates alternatives.
- May act as the Town liaison with a variety of committees, construction and design engineers, developers and represents the Town and the department in meetings with other public, regulatory and private organizations
- Prepares a variety of written correspondence, reports, grant applications, master plans, procedures, ordinances and other written materials.
- Maintains accurate records and files.

### **Qualifications**

#### **Knowledge of:**

- Basic principles, practices, procedures and standards related to Town public works and engineering infrastructure development and maintenance.
- Principles and practices of civil engineering in a municipal setting.
- Basic principles of capital improvement cost estimation and contract administration.
- Computer applications related to the work, including computer-aided drafting concepts and applications.
- Applicable laws, codes and regulations.
- Techniques for effectively representing the Town in contacts with governmental agencies, community groups, various business, professional, educational and regulatory organizations and with property owners, developers, contractors and the public.
- Practices of researching engineering and design issues, evaluating alternatives, making sound recommendations and preparing and presenting effective staff reports.

#### **Skill in:**

- Developing and reviewing standard plans for municipal public work projects.
- Assisting in developing and administering contracts for professional services and construction in a public agency setting.
- Conducting basic research projects, evaluating alternatives, making sound recommendations and preparing effective technical staff reports.
- Interpreting, applying and explaining codes, regulations and ordinances.
- Effectively representing the department and the Town in meetings with governmental agencies, community groups and various business, professional, and regulatory organizations and in meetings with individuals.
- Preparing clear and concise reports, correspondence, policies, procedures and other written materials.
- Maintaining accurate records and files.
- Establishing and maintaining effective working relationships with those contacted in the course of the work.

Education and Experience:

Education:

Equivalent to graduation from a four year college or university with major course work in civil engineering a field related to the work. A graduate degree in a related field may substitute for two years of the required experience.

Experience:

Four years of professional engineering work and related responsibilities comparable to duties required by the position leading up to qualifications, knowledge and abilities to perform all duties of the position. Experience in a public agency setting preferred. Requires registration as a Professional Engineer in the State of California, or ability to obtain registration within one year of employment. A graduate degree in a related field may substitute for two years of the required experience.

License:

Must possess a valid California class C driver's license and have a satisfactory driving record Must possess registration as a Professional Engineer in the State of California, or ability to obtain registration within one year of employment.

Physical Demands:

Must possess mobility to work in a standard office setting, to inspect development and construction sites, to operate a motor vehicle and to visit various sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups and over the telephone.

Approved by Council: \_\_\_\_\_

**Item No. 11**



Town of Atherton

**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE CITY COUNCIL MEETING OF JANUARY 16, 2002**

**SUBJECT: ADOPTION OF ORDINANCE 529, AMENDING CHAPTER 15.52 OF THE  
ATHERTON MUNICIPAL CODE RELATING TO RECYCLING AND  
DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS**

**RECOMMENDATION:**

Adopt Ordinance No. 529, amending Chapter 15.52 of the Atherton Municipal Code relating to recycling and diversion of construction and demolition debris.

**DISCUSSION:**

This Ordinance was introduced, and first reading was held, at the regular City Council meeting on December 19, 2001. Further reading was waived. The attached Ordinance is presented for adoption by the City Council.

**ORDINANCE NO. 529**

**AN ORDINANCE OF THE TOWN OF ATHERTON  
AMENDING CHAPTER 15.52 OF THE  
ATHERTON MUNICIPAL CODE,  
RELATING TO RECYCLING AND DIVERSION OF  
CONSTRUCTION AND DEMOLITION DEBRIS**

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

**Section 1.** Chapter 15.52 of the Atherton Municipal Code is hereby amended to read as follows:

**Chapter 15.52  
RECYCLING AND DIVERSION OF DEBRIS FROM  
CONSTRUCTION AND DEMOLITION**

**Sections:**

- 15.52.010 Findings and Purpose**
- 15.52.020 Definitions**
- 15.52.030 Deconstruction and Salvage and Recovery**
- 15.52.040 Diversion Requirements**
- 15.52.050 Information Required Before Issuance of Permit**
- 15.52.060 Deposit Required**
- 15.52.070 Administrative Fee**
- 15.52.080 On Site Practices**
- 15.52.090 Reporting**
- 15.52.100 Violation a Public Nuisance**
- 15.52.110 Penalties**
- 15.52.120 Exemption from Diversion Requirements**
- 15.52.130 Designation of Approved Mixed C&D Recycling Facility**

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**15.52.10 Findings and Purpose**



The City Council of the Town of Atherton hereby finds and determines that the Town is committed to protecting the public health, safety, welfare and environment; that in order to meet these goals it is necessary that the Town promote the reduction of solid waste and reduce the stream of solid waste going to land fills; that under California law as embodied in the California Waste Management Act (California Public Resources Code Sections 40000 et seq.), Atherton is required to prepare, adopt and implement source reduction and recycling elements to reach reduction goals, and is required to make substantial reductions in the volume of waste materials going to landfill, under the threat of penalties of \$10,000 per day; that debris from demolition and construction of buildings represents a large portion of the volume presently coming from Atherton, and that much of said debris is particularly suitable for recycling; that Atherton's commitment to the reduction of waste and to compliance with state law requires the establishment of programs for recycling and salvaging construction and demolition materials; the City Council recognizes that requiring demolition and construction debris to be recycled and reused may in some respects add modestly to the cost of demolition and in other respects may make possible some cost recovery and cost reduction; and that it is necessary in order to protect the public health, safety and welfare that the following regulations be adopted.

**15.52.020 Definitions**

For purposes of this chapter the following definitions apply:

A. "Contractor" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to buildings or accessory structures in Atherton.

B. "Covered Project" means any project that has an estimated cost above \$50,000 or will generate more than ten tons of construction and demolition debris.

**"Covered Project" shall not include:**

- |                        |                      |                               |
|------------------------|----------------------|-------------------------------|
| <u>1. drainage</u>     | <u>5. foundation</u> | <u>9. landscape screening</u> |
| <u>2. electrical</u>   | <u>6. grading</u>    | <u>10. tree removal</u>       |
| <u>3. encroachment</u> | <u>7. mechanical</u> | <u>11. new pools and spas</u> |
| <u>4. excavation</u>   | <u>8. plumbing</u>   |                               |

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**C. "Demolition and Construction Debris" means:**

1. Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project.

2. Clean cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project.
  3. Non-construction and demolition debris wood scraps.
  4. De-minimis amounts of other non hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the industry.
  5. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.
- D. "Designated Recyclable and Reusable Materials" means:
1. Masonry building materials including all products generally used in construction including, but not limited to asphalt, concrete, rock, stone and brick.
  2. Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.
  3. Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use.
  4. Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences.
  5. Roofing Materials including wood shingles as well as asphalt, stone and slate based roofing material.
  6. Salvageable Materials includes all salvageable materials and structures Including, but not limited to wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.
- E. "Mixed C&D Recycling Facility" means: a facility that accepts mixed construction and demolition debris for the purpose of manually and/or mechanically sorting the material into recyclable components for the purpose of recycling a portion of the total material entering the facility.
- F. "Approved Mixed C&D Recycling Facility" means: a facility which has been identified by the Building Official as having diversion rates, reporting mechanisms, and sorting systems which have the highest potential for helping the Town achieve its diversion goals and policies.

**15.52.030 Deconstruction and Salvage and Recovery**

Every structure planned for demolition shall be made available for deconstruction, salvage and recovery prior to demolition. No demolition shall commence until a period of 10 working days has elapsed from the date of issuance of the demolition permit, in order to facilitate de-construction, salvage and recovery prior to demolition. It shall be the responsibility of the owner, the general contractor and all subcontractors to recover the maximum feasible amount of salvageable designated recyclable and reusable materials prior to demolition. Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall qualify to be counted in meeting the diversion requirements of this chapter. Recovered or salvaged materials

may be given or sold on the premises, or may be removed to reuse warehouse facilities for storage or sale. Title to recyclable materials forwarded to the operator of recycling facilities or of a landfill that is under contract to the cities in southern San Mateo County will transfer to the service provider upon departure of materials from the site.

**15.52.040 Diversion Requirements**

It is required that at least the following specified percentages of the waste tonnage of demolition and construction debris generated from the following categories of Covered Projects shall be diverted from land fills by using recycling, reuse and diversion programs:

- A. Demolition:  
Sixty percent (60%) of total waste tonnage.
- B. Full residential Reroofing projects:  
Fifty percent (50%) of waste tonnage.
- C. New Construction :  
Sixty percent (60%) of waste tonnage.
- D. Alteration and Additions:  
Fifty (50%) percent of total waste tonnage.

Separate calculations and reports will be required for the demolition and for the construction portion of projects involving both demolition and construction.

**15.52.050 Information Required Before Issuance of Permit**

Every applicant shall submit a properly completed "Recycling and Waste Reduction Plan", on a form as prescribed by the Building Official

The form shall contain an accurate estimate of the tonnage or other specified units of construction and/or demolition debris to be generated from construction and demolition on the site. Approval of the form as complete and accurate shall be a condition precedent to issuance of any building or demolition permit.

**15.52.060 Deposit Required**

As a condition precedent to issuance of any permit that involves the production of solid waste destined to be delivered to a landfill and is identified as a Covered Project needing to comply with the diversion requirements of this Ordinance, the applicant shall post a cash deposit in the amount of fifty dollars (\$50.00) for each estimated ton of construction and/or demolition debris to be recycled, but not less than One thousand dollars (\$1,000.00) for all covered projects except residential reroofing projects, which shall be required to post a cash deposit of not less than five hundred dollars (\$500). The deposit or cash bond shall be returned, without interest, in total or in

proportion, upon proof to the satisfaction of the building official, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and /or construction project have been diverted from landfills and have been recycled or reused. If a lesser percentage of tons or cubic yards than required is diverted, a proportionate share of the deposit will be returned. The deposit shall be forfeited entirely if there is a failure to comply with the requirements of this chapter.

#### **15.52.070 Administrative Fee**

As a condition precedent to issuance of any permit for a Covered Project that involves the production of solid waste destined to be delivered to a landfill, the applicant shall pay to the Town a cash fee sufficient to compensate the Town for all expenses incurred in administering the permit. The amount of this fee shall be determined in accordance with the then current resolution of the City Council.

#### **15.52.080 On Site Practices**

During the term of the Covered Project, the contractor shall recycle or divert the required percentages of materials, and keep records thereof in tonnage or in other measurements approved by the Building Official that can be converted to tonnage. The Building Official will evaluate and monitor each project to gauge the percentage of materials recycled, salvaged and disposed from the project. The required diversion of a minimum of the required percentages of the demolition and construction debris will be measured separately with respect to the demolition segment and the construction segment of a project where both demolition and construction are involved. To the maximum extent feasible on-site separation of scrap wood and clean green waste in a designated debris box or boxes shall be arranged, in order to permit chipping and mulching for soil enhancement or land cover purposes. In order to protect chipping and grinding machinery, metal and other materials which cannot be chipped or ground shall not be placed in such boxes. On-site separation shall be undertaken for wallboard to the extent feasible on new construction.

#### **15.52.090 Reporting**

Within sixty (60) days following the completion of any Covered Project, the contractor shall, as a condition precedent to the return of any cash deposits, submit documentation to the Building Official which proves compliance with the requirements of Section 15.52.040. Separate reports shall be required for the demolition and new construction phases of a covered project. The documentation shall consist of a final completed "Recycling and Waste Reduction Report" showing actual data of tonnage of materials recycled and diverted, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether materials generated from the site have been or are to be recycled, reused, salvaged or otherwise disposed of. If a project involves both demolition and construction, the report and documentation for the demolition project must be submitted and approved by the Building Official before issuance of a building permit for the construction project. Alternately, the

permittee may submit a letter stating that no waste or recyclable materials were generated from the project, in which case this statement shall be subject to verification by the Building Official. Any deposit posted pursuant to Section 15.52.060 shall be forfeited if the permittee does not meet the timely reporting requirements of this section.

As required, the Building Official shall prepare a report that describes the number and type of permit issued; the number and type of projects covered by diversion requirements; the amount of deposit received; and the total tonnage generated and diverted from completed projects.

**15.52.100 Violation a Public Nuisance**

Each violation of the provisions of this chapter shall constitute a public nuisance and be subject to abatement as such, pursuant to the provisions of Chapter 8.20 of this Code. The costs of abatement of any such nuisance shall be a lien upon the property involved.

**15.52.110 Penalties**

Each violation of the provisions of this chapter shall constitute a misdemeanor, and shall be punishable by imprisonment in the county jail for not to exceed six (6) months, or by fine not exceeding one thousand dollars (\$1,000.00), or by both such fine and imprisonment. Each day that a violation continues shall be deemed a new and separate offense.

**15.52.120 Exemption from Diversion Requirements**

A permit applicant may apply to the Building Official for an exemption to the diversion requirements of this Ordinance at the time of the submittal of the Recycling and Waste Reduction Plan. The Recycling and Waste Reduction Plan must still be filled out, with data indicating what diversion percentage the applicant considers feasible. In addition, a Waiver Request Form must be completed that indicates the reasons the applicant is requesting an exemption from the diversion requirements. Exemptions will be considered based on contamination by hazardous materials and low recyclability of specific materials.

**15.52.130 Designation of Approved Mixed C&D Recycling Facility**

The Building Official may identify individual facilities as an Approved Mixed C&D Recycling Facility and require contractors working on projects covered by the diversion requirements of this Ordinance to deliver non-source-separated construction and demolition materials to these facilities for the purpose of helping to increase Town diversion rates and achievement of AB939 goals.

**Section 2.** Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.

**Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 4.** This Ordinance shall be posted in at least three public places within the Town of Atherton and shall be effective from and after thirty (30) days following its adoption.

|  
\* \* \* \* \*

I hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the Town of Atherton held on December 19, 2001, and was adopted by said City Council at a regular meeting held on \_\_\_\_\_, 2002 by the following roll call vote:

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

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

ATTEST:

\_\_\_\_\_  
Sharon Barker, City Clerk  
Town of Atherton



**Town of Atherton**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF JANUARY 16, 2002**

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

**RECOMMENDATION**

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

**INTRODUCTION:**

Since 1991, the Town has been contracting with Liebert Cassidy Whitmore (formerly Whitmore, Johnson & Bolanos, which superceded Whitmore, Kay & Stevens) for advice and consultation regarding legal matters related to employee relations, labor relations, union negotiations, and general personnel issues. The agreement for 2002 is hereby presented for City Council consideration and approval in compliance with the Town's Municipal Code.

**ANALYSIS:**

Due to the small size of Atherton's staffing resources in the area of personnel, and due to the need for specialized advice on labor laws and employee relations, the Town has traditionally contracted with a labor relations firm. Staff recommends that the Town continue retaining the firm of Liebert Cassidy Whitmore since some of the firm's attorneys have past experience with the Town's labor relations issues. This history and understanding is very helpful to personnel staff in making decisions and for policy matters that arise in the area of human resources. Furthermore, Town staff is in the process of reviewing many previous personnel policies and issues that have not been updated or revisited in many years, and the historical perspective has helped staff facilitate this

process. In addition, Liebert Cassidy Whitmore is well-known for its expertise and professional reputation in the specialized area of municipal employee labor relations.

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

The proposed agreement is not for a specified time period and may be terminated by either party upon 30 days written notice.

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

**FISCAL IMPACT:**

The Town is billed on an hourly basis for services utilized, with actual billing in either one-tenth of an hour or three-tenths of an hour increments. The rates of the two attorneys who primarily respond to Town staff inquiries reflect an increase as follows, effective January 1, 2002:

	<u>Current Rate</u>	<u>New Rate</u>
Cynthia O'Neill	\$205.00	\$225.00
Deborah G. Leon	\$155.00	\$175.00

The new rates for other services are specified on the last page of the agreement.

In Fiscal Year 2000-01, the Town expended \$20,384.75 on labor relations services from Liebert Cassidy Whitmore. For the current Fiscal Year, 2001-02, it is projected that the Town will expend \$15,000 by Fiscal Year end.

Funds for these contract services are included in the City Attorney budget for the current Fiscal Year in the amount of \$30,000, budgeted in the Personnel Attorney account.

Prepared by:

Approved by:

\_\_\_\_\_  
Linda Kelly  
Assistant to the City Manager

\_\_\_\_\_  
James H. Robinson  
City Manager



Item No. 13



**Town of Atherton**

**CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**  
**FROM: JOHN P JOHNS, FINANCE DIRECTOR**  
**DATE: FOR THE MEETING OF JANUARY 16, 2001**  
**SUBJECT: RESOLUTION ACCEPTING SUPPLEMENTAL LAW ENFORCEMENT SERVICES GRANT**

**RECOMMENDATION:**

That the Council adopt the attached resolution declaring its intention to accept the Supplemental Law Enforcement Services Grant from the State of California, and to account for the expenditure of such funds in accordance with the requirements of Government Code Section 30061 through 30065.

**DISCUSSION:**

In 1996 Assembly Bill 3229, Chapter 134, added Government code sections 30061 through 30065 requiring that California cities and counties establish a separate fund to account for receipts of Supplemental Law Enforcement Services (SLES) grant receipts.

The amount originally appropriated by the State Legislature for the SLES grant program was \$100 million in Fiscal Years 1997 through 2000. In 2000, the SLES grant program was extended to FY 2001-2002. During fiscal years 2001 and 2002 Atherton's share of the SLES grant has been \$100,000 or .1 percent of the total statewide appropriation.

In accordance with the provisions of the AB 3229, the Town of Atherton has established a Special Law Enforcement Services Grant fund (Fund 209) and has reported the expenditure of such funds to the State Controller annually.

As of June 30, 2001, Fund 209 had a balance of \$105,350. According to the FY 2001-2002 budget, the Town of Atherton has appropriated \$199,000 in SELSF expenditures for FY 2001-2002, all of which will be for Police Department patrol salaries and employee benefits.

**FISCAL IMPACT:**

Approving the attached resolution will enable the Town of Atherton to receive \$100,000 in SLES grant funding from the State of California.

Prepared by:

Approved by:

\_\_\_\_\_  
John P. Johns, CPA  
Finance Director

\_\_\_\_\_  
Jim Robinson  
City Manager

Attachment A: Resolution accepting Supplemental Law Enforcement Services grant funding from the State of California

**RESOLUTION 02-\_\_\_**

**A RESOLUTION OF THE TOWN OF ATHERTON  
ACCEPTING A SUPPLEMENTAL LAW ENFORCEMENT SERVICES GRANT FROM THE  
STATE OF CALIFORNIA  
FOR THE FISCAL YEAR 2001-2002**

**WHEREAS**, Pursuant to Assembly Bill 3229, Chapter 134, effective July 10, 1996, The State of California has established a program to provide supplemental funding for law enforcement services to municipalities within California;

**WHEREAS**, Government Code Section 30061 (b) requires an approved resolution or expenditure plan from the governing body of a municipality accepting a Supplemental Law Enforcement Services Fund grant from the State of California;

**WHEREAS**, The Controller of the County of San Mateo has notified the Town of Atherton that its share of Supplemental Law Enforcement Services Fund grant is \$100,000; and,

**WHEREAS**, the Town of Atherton has established a special revenue fund and has approved an expenditure plan for Supplemental Law Enforcement Services grant funding in its FY 2001-02 budget.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the Town of Atherton hereby declares its intention to accept the Supplemental Law Enforcement Services Grant funds and to account for the expenditure of such grant funds in accordance with the provisions of Government Code Section 30061.

\* \* \* \* \*

*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



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF JANUARY 16, 2001**

**SUBJECT: APPROVAL OF EMPLOYEE 125 PLAN**

### RECOMMENDATION:

That the Council approve the agreement with AFLAC Corporation to provide flexible spending account program administrative services (IRS Section 125 Plan) for the benefit of the Town's employees.

### DISCUSSION:

Pursuant to memoranda of understanding that are in effect between the Town of Atherton and its public safety and miscellaneous bargaining units, the Town is obligated to provide flexible spending accounts programs to its employees. Under the provisions of IRS Code Section 125, a flexible spending account program provides employees with the opportunity to have pre-tax income deducted and deposited into an account which can subsequently be used by the employee to defray certain medical, child care and health insurance expenses.

Since 1996 flexible spending account program administrative services have been provided on behalf of the town employees by ProBusiness Services at a cost to the Town of \$3,800 per year.

In conducting its evaluation of flexible spending account programs offered by competing vendors, the Finance Department identified another vendor, AFLAC Corporation, as being able to provide services that are comparable to Pro Business but at an annual cost of \$800.

The proposed agreement has been reviewed by the City Attorney. The City Attorney requested that one change be made pertaining to the statutes under which the contract would be governed. While

AFLAC's standard contract stipulated that the contract would be subject to the laws of the State of Georgia, the City attorney requested that the contract be governed by the laws of the State of California. This modification was agreed to by AFLAC.

**FISCAL IMPACT:**

Approving the selection of AFLAC as the flexible spending account program administrator will result in savings of \$3,000 in calendar year 2002.

Attachment A: Proposed reimbursement services agreement between AFLAC and the Town of Atherton

Prepared by:

Approved by:

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John P. Johns, CPA  
Finance Director

---

Jim Robinson  
City Manager



Town of Atherton

**CITY COUNCIL STAFF REPORT**

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

**FROM: LISA COSTA SANDERS, SENIOR PLANNER**

**DATE: FOR THE CITY COUNCIL MEETING OF JANUARY 16, 2002**

**SUBJECT: RESOLUTION AUTHORIZING STAFF TO APPLY FOR CDBG FUNDS**

**RECOMMENDATION:**

Staff recommends that the City Council approve the attached resolution authorizing staff to apply for CDBG funds in the amount of \$25,000 for the Handicap Lift at the Main House Building in Holbrook Palmer Park.

**INTRODUCTION:**

The City Council and Park and Recreation Commission recently approved the Capital Improvement Program for Fiscal Years 2001/2002. That plan identified the need to install a handicap lift at the Main House building in Holbrook Palmer Park. In discussions with County Staff, it was determined that this project is eligible for Community Development Block Grant (CDBG) funds.

**ANALYSIS:**

The handicap lift is proposed to be an enclosed freestanding lift for moving people and items from ground level to the second floor of the Main House. The project would also include the construction of a deck connecting the lift to the landing at the top of the back stairway to the kitchen. This project is estimated to cost \$50,000. Staff had identified State Park Grant funds as the sole funding source in the CIP. As the State Park Grant funds are somewhat flexible, Staff recommends also applying for CDBG funds for this project. Staff recommends utilizing both funding sources for the handicap lift and then reallocating remaining State Park Grant funds to another project in the Park not identified at this time. Staff recommends applying for \$25,000 in CDBG funds and utilizing \$25,000 in State Park Grant funds for the handicap lift. The CDBG funds are also grant funds.

The completed application for CDBG funds is due to the County on Thursday, January 24, 2002. If awarded, funds would be available on July 1, 2002.

**CONCLUSION:**

The handicap lift at the Main House building in the Park is an eligible project for CDBG funds.

**ALTERNATIVES:**

Rather than apply for CDBG funds, the Town could utilize State Park Grant funds.

**FISCAL IMPACT:**

CDBG funds are grant funds. Utilizing these funds would make available State Park Grant funds for another project in the Park.

*/Lisa Costa Sanders*  
Lisa Costa Sanders, Senior Planner

\_\_\_\_\_  
James Robinson, City Manager

**Attachments:**

1. Resolution







**Town of Atherton**

**TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS**  
**FROM: NEAL J. MARTIN, CITY PLANNER**  
**DATE: FOR THE CITY COUNCIL MEETING OF JANUARY 16, 2002**  
**SUBJECT: 19 SARGENT LANE (APN 073-261-120)**  
**DRAFT CERTIFICATE OF APPROVAL**

**RECOMMENDATION:**

It is recommended that the City Council approve the Vesting Tentative Parcel Map for 19 Sargent Lane based on the findings stated in the Staff Report and subject to the conditions contained in the Draft Certificate of Approval accompanying this staff report.

**ANALYSIS:**

Planning Staff prepared the accompanying Draft Certificate of Approval in accordance with the directions provided by the City Council at its December meeting. The Draft Certificate was circulated to the individuals listed below for their review and comment. Their comments were taken into consideration in preparation for this final Draft Certificate.

Jim Robinson, City Manager  
Marc Hynes, City Attorney  
Cliff Temps, City Engineer  
Mike Hood, City Building Official  
Phil Lively, Planning Commission Chairman  
Sanford Skaggs- Stanford Attorney  
Ellen Smith- Stanford Management Company  
Stephen Nachtsheim- Appellant  
Marts Beekley- Appellant  
John Jessup- Appellant

**FORMAL MOTION:**

I move that the City Council uphold the decision of the Planning Commission, make the required findings as stated in the Staff Report and approve the Vesting Tentative Parcel Map subject to conditions listed in the Draft Vesting Tentative Parcel Map Certificate allowing a subdivision of one parcel into four parcels, based on findings and for the reasons incorporated in the Staff Report.

s/Neal J. Martin  
Neal J. Martin, City Planner

\_\_\_\_\_  
James Robinson, City Manager

Attachments:

1. Draft Vesting Tentative Parcel Map Certificate- Draft for Consideration by City Council
2. Letter from McCutchen, Doyle, Brown & Enersen
3. Letter from John Jessup



Town of Atherton

**CITY COUNCIL STAFF REPORT**

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

**FROM: LISA COSTA SANDERS, SENIOR PLANNER**

**DATE: FOR THE CITY COUNCIL MEETING OF JANUARY 16, 2002**

**SUBJECT: C/CAG COUNTYWIDE DEFICIENCY PLAN**

**RECOMMENDATION:**

Staff recommends the City Council authorize the Council's C/CAG representative vote to approve the Countywide Deficiency Plan.

**INTRODUCTION:**

C/CAG has prepared a Countywide Deficiency Plan in response to the deficiencies identified as part of the 2000 Congestion Monitoring. The focus of the plan is to improve the overall mobility in San Mateo County. C/CAG staff presented the plan at a workshop on November 14, 2001 for City and County Management. It was the general consensus at the end of that meeting that the traffic problems in San Mateo County need to be addressed and the best way to do it is through a coordinated effort among jurisdictions. City and County Managers were supportive of the Plan as prepared.

**ANALYSIS:**

The C/CAG Deficiency Plan establishes the following programs that when implemented together, are anticipated to "make a measurable impact on current congestion and slow the pace of future congestion".

- Expand the Countywide Employer Based Shuttle Program (*anticipated to provide 8-10 additional shuttles*)

- Create a network of Local Transportation Services (*funding available on a matching basis with local funds to provide transportation services that meet the characteristics and needs of the jurisdiction. Examples are shuttles for schools, local shuttle or taxi programs, etc.*)
- Expand the Provision of Countywide Transportation Demand Management Programs (*expand the existing program. Examples include; transit pass sales and subsidies, parking cash-out, adjusted work schedules, telecommuting, and ride sharing.*)
- Creation of a Countywide “Try Transit” Campaign (*advertise public transportation*)
- Develop a Countywide Intelligent Transportation Study and Plan (*technological improvements*)
- Develop a Countywide Ramp Metering Study and Plan for US 101 Corridor (*this is for a study only to determine the effectiveness of ramp metering. If it is determined that ramp metering would be appropriate, implementation would require authorization by the C/CAG Board.*)
- Expansion of the Transit-Oriented Development Program (*this program provides funds to local jurisdictions to locate employment and housing near transit stations.*)

Although the planned improvements listed above may not have a direct local impact in Atherton, improvements to the Countywide transportation system will benefit Atherton residents as they travel through these corridors in their daily lives.

To implement the programs discussed above, C/CAG proposed member assessments, use of existing funding sources and matching with other funding sources as listed in the attachment. C/CAG staff has indicated that these funding sources are available. The assessment to jurisdictions is based on the percentage of Countywide automobile trips generated by jurisdiction. Atherton’s cost is \$19,500 per year for four years for a total cost of \$78,000.

It was stated at the Managers meeting that a failure to implement these programs and address the traffic situation could result in the loss of Prop 111 gas tax allocations. Atherton receives approximately \$45,990 annually from Prop. 111 gas tax.

This item is agendaized for consideration of approval at the February 14, 2002 C/CAG meeting.

**CONCLUSION:**

As stated above, the best way to address the current traffic situation is through a coordinated, countywide effort. This plan identifies the programs that can be implemented at a reasonable cost without having to construct significant physical improvements and ensure the receipt of Prop. 111 gas tax funds.

**ALTERNATIVES:**

If Atherton votes against the Deficiency Plan and the majority of C/CAG members vote in favor of the Plan and for the member assessment, C/CAG has the ability to levy the assessment on all member jurisdictions.

**FISCAL IMPACT:**

\$19,500 per year over the next four years for a total cost of \$78,000. This amount is less than revenues received from Prop. 111 gas tax (\$45,990 per year, equating to \$183,960 in four years).

*s/Lisa Costa Sanders*

Lisa Costa Sanders, Senior Planner

\_\_\_\_\_  
James Robinson, City Manager

**Attachments:**

2. C/CAG Countywide Deficiency Plan memo from Richard Napier with Draft Plan attached



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF JANUARY 16, 2001**

**SUBJECT: INDEPENDENT AUDITORS' REPORTS, MANAGEMENT LETTER AND  
AUDIT COMMITTEE ANNUAL REPORT FOR FY 2001**

### **RECOMMENDATION:**

That the Council accept the independent auditors' reports and management letter from Caporicci, Cropper & Larson (CC&L), Certified Public Accountants, for the year ended June 30, 2001, and the annual report of the Town of Atherton Audit Committee for FY 2001.

### **DISCUSSION:**

The auditing firm of CC&L has completed the annual audit of the Town's financial statements and has issued the accompanying audit reports and management letter. The scope of the auditors' review include:

- The general purpose financial statements
- The Measure A funds expenditure report; and,
- Compliance with the Appropriations Limit pursuant to Article XIIB of the California Constitution

In the opinion of CC&L, the Town's financial position as of June 30, 2001 and the results of operations for the year ended June 30, 2001 are presented fairly in all material respects and in accordance with generally accepted governmental accounting standards.

Additionally, in their management letter, the auditors have made certain recommendations to improve upon internal controls and to provide greater assurance that the financial statements are presented fairly in the future, these include:

- Improving upon the level of segregation of duties and controls within the Finance Department;
- Taking steps to implement GASB 34 in FY 2002-03;
- Promoting stability within the finance department organization;
- Improving upon controls within the payroll system; and,
- Closing the financial records in a timely manner at year end.

In accordance with its responsibilities as adopted by the City Council on May 17, 2000, the Audit Committee has issued an annual report for FY 2001. The Audit Committee's report, which is attached to this staff report, provides comments and recommendations regarding the findings and recommendations contained within CC&L's management letter and the Town's investment policy.

The Finance Department concurs with the recommendations of the independent auditors and of the Audit Committee and expects to have the recommendations of both bodies implemented by no later than September 30, 2002.

**FISCAL IMPACT:**

There is no fiscal impact to the Town by implementing the action recommended.

- Attachment A: Town of Atherton, general purpose financial statements
- Attachment B: Town of Atherton Measure A fund expenditure report
- Attachment C: Article XIIB Appropriations Limit Compliance Letter
- Attachment D: CC&L Management Letter
- Attachment E: Annual Report of the Town of Atherton Audit Committee

Prepared by:

Approved by:

---

John P. Johns, CPA  
Finance Director

---

Jim Robinson  
City Manager

**DATE: JANUARY 16, 2002**

**TO: HONORABLE MAYOR AND CITY COUNCIL OF THE TOWN OF ATHERTON**

**FROM: AUDIT COMMITTEE, TOWN OF ATHERTON**

**SUBJECT: ANNUAL REPORT TO THE CITY COUNCIL**

As noted in our report last year, the Audit Committee was formed on May 17, 2000. Its responsibilities and duties are appended to this report as Attachment 1. Consistent with those responsibilities, the Audit Committee is pleased to submit its required annual report herewith.

The work of the committee during the year may be summarized under four broadly defined categories. First, consistent with its fundamental responsibility, it met with the independent accountants to monitor the progress of the annual audit and to review the audited financial statements. Second, it met with the financial staff of the Town in an effort to facilitate its work. Third, it reviewed the Town's investments. Fourth, it reviewed for reasonableness the financial projections submitted by management in connection with the parcel tax proposal. In this regard, the committee took no position on the parcel tax proposal and our review was limited to testing the budgetary assumptions which underlay the projections.

The conclusions of the committee are found at the end of this report. Prior to expressing those, however, it seems appropriate to expand our discussion to cover two areas of our work. The first is our response to the auditors' Recommendations to Management. The second is our review of the Town's investments.

**AUDITORS' RECOMMENDATIONS TO MANAGEMENT;**

Staff Stability - We agree with the observation and the recommendation. The Audit Committee advised the Council of this condition in the memo by its Chair on May 16, 2001. There is simply no substitute for a permanent, professional staff and its absence will always present problems and risks. That said, the Committee believes considerable progress has been made in this regard since June 30, 2001.

Year End Closing - We agree with the observation and the recommendation. It is appropriate to note that this was in reality not a separate problem but rather a symptom of the instability discussed above. We would further note that because of our concern about the state of the financial records discussed in the memo of 5/16/01 we urged the auditors to begin the work as soon as possible. In that sense, we may have contributed to the problem of having the auditors in earlier than would be ideal. At the time, it was our judgment that beginning the audit as soon as possible was a priority and posed less risk than the alternative. With the greatly improved condition of the Town's Finance Department, it may well make sense to begin the 2002 audit a bit later in the year.

Payroll Conversion - We agree with the observation and the recommendation. In our view, improving the payroll system requires immediate attention.



Interim Reporting - We agree with the observation and the recommendation. For the past few years, the priority has been to get past records in adequate condition. With the improvements which have occurred in the past several months, the financial staff should now be able to provide current and forward-looking information to aid the Council in managing the Town.

Implementation of GASB 34 - We have nothing to add.

Prior Year's Recommendations - The comments on the year-end closing made in last year's letter and were obviously not improved this year. Last year's letter noted the need to improve segregation of duties in the financial staff, though recognizing the impossibility of complete segregation in a staff this small. The auditors note that progress was made this year, though full implementation has not occurred. On the other hand, we are pleased to note that the comments on bank reconciliation and fixed assets have been fully implemented.

## **REVIEW OF TOWN'S INVESTMENTS**

At June 30, 2001, Atherton had approximately \$8.4 million of investments, representing more than 70% of the Town's total assets. We undertook a limited review of these investments.

The investments consist of pro rata shares of two investment pools. Approximately \$4.4 million is invested in the San Mateo County Pool (SMCP) and the remaining \$4.0 million is invested in the Local Agency Investment Fund (LAIF) managed by the Treasurer of the State of California. A subcommittee of the Audit Committee consisting of two members reviewed the financial statements of these pools.

Such pools are typically used by California cities to invest funds not currently needed for operations. They are highly liquid and involve little risk to principal. Use of such pools avoids the need for a small town's financial staff to manage an investment portfolio directly. The pools invest in Treasuries, agencies, corporates, commercial paper and CDs.

We feel it is important to note that "low risk" does not mean "no risk." Risk in such a portfolio comes in at least two forms. The first is risk to principal which is mitigated by the diversified and high quality holdings. Yet, mitigation is not elimination of risk and the only security with no risk of principal loss would be a directly owned U.S. Treasury. The second risk is interest rate risk. As interest rates fluctuate, the value of the portfolio will rise and fall. In the year under review, the Town achieved a gain from this source of approximately \$120,000. Given the decline in rates since June, the Town has almost certainly achieved a comparable gain to date. This, of course, will reverse in the future should interest rates rise, and such a "loss" should not come as a surprise if (when) it occurs. Another level of risk could conceivably occur if, for some reason, a majority of cities wanted to "cash out" of the pools at the same time.

In this context, we would note that the SMCP has a somewhat higher yield than the LAIF. It achieves this not through taking on greater principal risk, but from having a longer average maturity in its portfolio. Its modified duration at June 30 was 1.4 compared to about 0.4 for the LAIF. (Modified duration is a shorthand measure of interest rate risk. A duration of 1.0 would mean that a portfolio would decline by roughly 1% for every 1% rise in interest rates.)

## **CONCLUSIONS**

First - We believe that considerable improvement has been made in the stability and professionalism of the Town's staff in the past several months. We commend that progress and urge continued attention to this by the Council. Specifically, we urge that priority be placed upon filling the position of Assistant Finance Director with a highly qualified individual.

Second - As we did last year, we continue to recommend brief interim visits by the auditors to monitor progress.

Third - We recommend periodic review by the Council of interim financial reports, forecasts and comparisons with budget. We feel that this is now possible given the improvements in the financial staff and urge the Council to make use of available tools of financial management.

Fourth - We feel that the degree of risk in the Town's investment portfolio is acceptable. While both principal and interest-rate risk could be eliminated by direct investments in short-term Treasuries, such action is probably not warranted. The Council should, however, be aware that the pools are not risk free.

Fifth - In its work, the Committee has received the full co-operation of Town staff and the firm of Caporicci, Cropper and Larson. It expresses its thanks and commendation to all.

Sixth - The Audit Committee of the Town of Atherton unanimously recommends the acceptance of the audited financial statements for the year ended June 30, 2001. It notes with pleasure that the opinion is without qualification



## 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 JANUARY 16, 2002**

**SUBJECT: ELECTION TO BECOME SUBJECT TO THE UNIFORM PUBLIC  
CONSTRUCTION COST ACCOUNTING PROCEDURES**

**A. RESOLUTION ELECTING UNDER PUBLIC CONTRACT CODE  
SECTION 22030 TO BECOME SUBJECT TO THE UNIFORM PUBLIC  
CONSTRUCTION COST ACCOUNTING PROCEDURES**

**B. INTRODUCTION OF ORDINANCE AMENDING CHAPTER 3.16.120  
OF THE ATHERTON MUNICIPAL CODE TO PROVIDE INFORMAL  
BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC  
CONSTRUCTION COST ACCOUNTING ACT (SECTION 22000, ET SEQ.  
OF THE PUBLIC CONTRACT CODE)**

### **RECOMMENDATIONS**

Adopt resolution No.02-\_\_ Electing Under Public Contract Code Section 22030 to Become Subject to the Uniform Public Construction Cost Accounting Procedures

Introduce Ordinance No. \_\_ Amending Chapter 3.16.120 of the Atherton Municipal Code to Provide Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act (Section 22000, et Seq. Of the Public Contract Code)

## **INTRODUCTION**

The Public Contract Code requires that any public project costing more than \$5,000 must be let through a specified formal bid process. A "Public Project," is defined as construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition and repair work involving a publicly owned, leased, or operated facility. The \$5,000 limit applies to both work done by contractors and the value of work performed by agency forces. The limit was last raised in 1982.

In 1985 the legislature amended the Public Contract Code to provide an alternative to being bound by the \$5,000 limit. It appointed a commission that wrote accounting procedures, applicable to public project work, that require an agency to capture the total cost of performing work. The procedures are intended to make the agency include costs it might otherwise overlook, like materials taken from stock, ownership and operating costs of its own equipment, and supervision and general government overhead, when evaluating the cost effectiveness of doing public projects with its own forces compared to contracting out the work. Agencies adopting these procedures can perform public project work with a value of up to \$25,000 with their own forces or through negotiated contracts. Public project work with a value of up to \$100,000 can be let through a slightly less formal process than the alternative formal bid procedure.

## **PROCESS**

The process to take advantage of the higher Town force/negotiated contract and informal bid limits involves the following:

1. Adopt the resolution electing to become subject to the Uniform Public Construction Cost Accounting Procedures and inform the State Controller of the Town's election.
2. Adopt an amendment to the Purchasing Ordinance implementing a modified informal bid process under which the Town does an annual solicitation for contractors interested in being on a Town list of contractors and then notifies listed contractors when work within their area of specialty is to be let.
3. Develop the list of contractors called for in the ordinance.
4. Implement procedures to identify and capture all the costs prescribed when public project work with a value in excess of \$5,000 is performed by Town employees and which identifies and captures Town staff and overhead costs associated with administering negotiated and informally bid contracts.

## **ANALYSIS**

It isn't likely that the Town will often take advantage of the alternative Informal Bid Process. This is because it differs from the established formal process and practice mainly in not requiring publishing of an advertisement and requiring targeted notice to appropriate listed contractors. It is also unlikely that Town staff would undertake any public project work worth more than \$5,000. Developing a list of contractors interested in bidding on Town work would not be wasted, because the list would be used in conjunction with formal bidding.

The principal advantage for Atherton in electing to become subject to the Uniform Public Construction Cost Accounting Procedures would be the ability to "negotiate" public project contracts under \$25,000. This would allow staff to meet with a number of contractors, describe the work and get written proposals, without preparing formal plans and specifications, advertising and requiring bid bonds. The process would be most useful where there are a limited number of potential bidders or where specialty contractors are too busy to bid (like roofers in winter) and where the work is straight forward, and the time needed to prepare full sets of bid documents is unwarranted. The Wedding Area/Path to Play Structure landscape screen, Post Office Ergonomic Modifications, and Town Hall Entry and Restroom Disabled Improvements are projects in the current year's CIP on which staff could save many hours of its time if it didn't have to do formal plans. Other projects that would fall into this category, and are being talked about for next year, are major roof work on the library, and painting the Carriage House and Water Tank structure in the park.

## **FISCAL CONTROL**

Applying the Uniform Public Construction Cost Accounting Procedures to the rare (if ever) over \$5,000 public project performed by Town forces, and keeping track of engineering administrative time (with an appropriate general overhead factor) on negotiated contract work, will not strain the Town's accounting system. The changes required in the Purchasing Ordinance would not eliminate the requirements of the that Ordinance to get at least three written bids for work over \$5,000, and for Council approval contracts over \$15,000.

## **FISCAL IMPACT**

The fiscal impact of becoming subject to the Uniform Public Construction Cost Accounting Procedures will be to reduce the time spent and related cost in getting competitive bids on small projects.

**CONCLUSION:**

Implementation of the Uniform Public Construction Cost Accounting Procedures should be adopted as an appropriate means to expedite delivery of small public projects.

Respectfully submitted:

Reviewed/Approved:

s/Cliff Temps  
Cliff Temps  
Public Works Director

\_\_\_\_\_  
James Robinson  
City Manager

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

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ELECTING UNDER PUBLIC CONTRACT CODE SECTION 22030 TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES**

**WHEREAS**, prior to the passage of Assembly Bill No. 1666, Chap. 1054 Stats. 1983, which added Chapter 2 commencing with Section 22000 to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

**WHEREAS**, Public Contract Code Section 22000 et seq., the Uniform Public Construction Cost Accounting Act, establishes such a uniform cost accounting standard; and

**WHEREAS**, the Commission established under the Act has developed uniform public construction cost accounting procedures for implementation by local public agencies in the performance of or in the contracting for construction of public projects; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the Town of Atherton that: the Town of Atherton hereby elects under Public Contract Code Section 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended, and directs that the City Clerk notify the State Controller forthwith of this election.

\* \* \* \* \*

*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:

ATTEST:

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

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

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

**AN ORDINANCE OF THE TOWN OF ATHERTON AMENDING CHAPTER 3.16.120 OF THE ATHERTON MUNICIPAL CODE TO PROVIDE INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (SECTION 22000, ET SEQ. OF THE PUBLIC CONTRACT CODE)**

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

**Section 1** Chapter 3.16.120 of the Atherton Municipal Code is hereby amended to read as follows:

3.16.120 PUBLIC PROJECTS - EXEMPTION AND INFORMAL BIDDING PROCEDURE  
Chapter 3.16 does not apply to "Public Projects" as the same are defined in the Public Contract Code, except where the Town elects to undertake a project under the Uniform Public Construction Cost Accounting Act (Section 22000, et seq. of the Public Contract Code) and in accordance with the limits listed in Section 22030 of the Public Contract Code, it may be let to contract by informal procedures as set forth in Section 22032, et seq. of the Public Contract Code when implemented in accordance with the following:

Informal bidding procedures:

A. Contractors List - A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

B Notice inviting informal bids - Where a public project is to be performed which is subject to the provisions of this Ordinance, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 3.16.120A, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the department soliciting bids, provided however: (1) If there is no list of qualified contractors maintained by the Town for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission. (2) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

C. Award of contracts - The City Manager is authorized to award contracts resulting from informal bids that are under the limit requiring formal bidding for supplies and services set by the City Council pursuant to Section 3.16.060. Contracts which exceed this limit shall be awarded by the City Council.



**Section 2** Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.

**Section 3** If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 4** This Ordinance shall be posted in at least three public places within the Town of Atherton and shall be effective from and after thirty (30) days following its adoption.

\* \* \* \* \*

I hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council of the Town of Atherton held on \_\_\_\_\_, 2002, and was adopted by said City Council at a regular meeting on \_\_\_\_\_, 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

Item No. 20



## Town of Atherton

### CITY COUNCIL STAFF REPORT

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

**FROM: ROBERT J. BRENNAN, CHIEF OF POLICE**

**DATE: FOR THE CITY COUNCIL MEETING OF JANUARY 16, 2002**

**SUBJECT: OFFICE OF TRAFFIC SAFETY GRANT**

#### RECOMMENDATION:

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

#### INTRODUCTION:

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

#### ANALYSIS:

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

**CONCLUSION:**

The Police Department feels that submitting this Grant, and hopefully its ultimate approval by OTS, will allow for dedicated enforcement in the areas where statistically, collision rates have been high, without being required to add additional personnel.

**FISCAL IMPACT:**

There would be no fiscal impact by approving the submission of this grant request. However, if the OTS grant is approved by the State and if the Council subsequently authorizes the acceptance of this grant, an appropriation of approximately \$52,000 will be required in FY 2003-2004 to satisfy the matching requirements of the OTS grant in its second year.

Prepared by:

Approved:

\_\_\_\_\_  
Robert J. Brennan  
Chief of Police

\_\_\_\_\_  
James Robinson  
City Manager

Attachment – Grant application



## Town of Atherton

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF JANUARY 16, 2002**

**SUBJECT: DISCUSSION AND POSSIBLE ACTION – PROPOSED DRAINAGE AND FACILITIES COMMITTEES, AND CLARIFICATION OF THE ROLE OF THE CITY COUNCIL FINANCE COMMITTEE**

### **RECOMMENDATION**

Formally establish new Council standing committees, if desired by the Council, and provide staff with further direction regarding composition of and objectives of said committees, and determine meeting dates, times, and frequency.

### **INTRODUCTION:**

At the regular City Council meeting of December 19, 2001, Mayor Carlson expressed a desire to create two new standing committees of the Council: (1) one focused on drainage issues and the Atherton Channel Drainage District; and (2) one focused on Town facility needs. It has also been requested that the objective and purpose of the Finance Committee be clarified.

### **ANALYSIS:**

In response to the Mayor's request, staff is seeking decisions on the following issues in order that these committees may formally be established by the Council.

- Committee composition – members;
- Committee objectives and purpose;
- Meeting dates/times and frequency.

**FISCAL IMPACT:**

There is no immediate fiscal impact as a result of the authorization of new Council standing committees. Obviously, additional staff time would be required and any analyses by consultants, requested by a committee, could generate costs.



## Town of Atherton

### CITY COUNCIL STAFF REPORT

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

**FROM: ROBERT J.BRENNAN, POLICE CHIEF**

**DATE: FOR THE MEETING OF JANUARY 16, 2002**

**SUBJECT: ENHANCED ALARM SERVICE RADIO FREQUENCY**

### RECOMMENDATIONS:

It is recommended that the City Council reconsider the authorization of spending \$ 46,000 to complete the optional Radio Frequency portion of the Enhanced Alarm Service. It is recommended that the Council approve \$15,000 of the portion of the system that has been successfully installed, and return \$36,000 to the general fund.

### INTRODUCTION:

With the defeat of the Parcel Tax in March of 2000, the Town was forced to seek alternative sources of revenue to provide essential services. At the time, the Police Department managed a residential alarm program at no cost to the residents of the Town of Atherton. A fee for service justification was prepared with estimates of \$166,055 Patrol Program Alarm Costs and \$138,361 Dispatch Center Alarm Costs.

On May 9, 2000, then Interim Police Chief Brown Taylor, submitted a staff report entitled Enhanced Alarm Service Proposal with Associated Monthly Fee. This report outlined a service charge of \$25 per month (\$300 per year) for those Town residences that have alarm systems directly connected to the Police Department's Communication Center. It was proposed that in conjunction with the implementation of the monthly service charge, the alarm service be enhanced in terms of "failsafe" contemporary technology and improved customer service. The enhanced system would offer Radio Frequency Technology at a set cost to the homeowner, annual on-site premise alarm and security inspection by a police officer, and increase the number of false alarms permitted prior to fine from one to three. It was estimated that with a \$60,000 initial start cost, this

system would generate approximately \$375,000 annually, if the service was provided to the existing 1,250 residences that are now served by the current system.

In June of 2001, the Parcel Tax was again placed on the ballot and was passed by the voters. Starting in Fiscal Year 2000-01, Council rescinded the \$25 per month alarm fee and changed the false alarm fee schedule to one false alarm per Fiscal Year with a \$100 charge for any subsequent false alarm.

### **ANALYSIS:**

During Fiscal Year 2000-2001, the first year of the residential alarm fees, the Town collected approximately \$130,000 in direct connect charges, far less than anticipated. The software was upgraded and enhanced to include multiple zone coverage. Struggles continued with the new hardware and software. The ability to complete a "data dump" into the new system was not going to work. Each direct connect account would have to be manually entered at a cost of approximately \$40,000 dollars in salary, unless we kept two stand alone systems, which seemed impractical.

The Radio Frequency (RF) portion of the system has been debugged to a point that it would work, if a resident chose that option. A survey conducted to measure the interest level of RF, yielded less than a dozen perspective clients. An attempt was made to come to an agreement with California Security to take over the RF portion of the program and monitor Atherton clients free of any charge. Although California Security agreed to substantially reduce that monthly monitoring rate, the possibility of not charging was not an option they were willing to consider.

After careful consideration, the following options were considered by staff regarding the enhanced alarm service.

1. Do not offer the enhanced RF portion of the system.

Because the City Council repealed the \$25 per month fee, there is no obligation to provide this service. This portion of the system will cost approximately \$10,000 of the \$46,000 allocated for the program. We would not take delivery on any of the uninstalled hardware, and would return the software for a refund. Our commitment would be \$10,000. The remaining \$36,000 would be returned to the General Fund.

2. Continue the original plan of offering the RF portion of the service and pay the \$46,000 as approved by Council.

- A. Without a known customer base, the money spent on this system will most likely service less than a dozen customers. A labor-intensive process will have to be initiated to manually enter all of the direct connect accounts and most likely double the cost of the original estimate.

- B. Only enter those accounts who have chosen the RF option. This would cost one hour of labor and would not substantially increase the original budget.

3. Allow California Security to keep the hardware portion of the system at their location and allow the residences that still want to consider the RF option to pay a monitoring fee. This would still cost approximately \$20,000 for the work already completed by California Security.

**CONCLUSION**

Since the original Enhanced Alarm Service Proposal included a \$300 annual fee that was discontinued after the passing of the Parcel Tax, I believe the prudent decision would be to pay our current obligation to California Security in the sum of \$10,000 and return the unused portion to the General Fund. This would still leave us with an upgrade to our established system that has been a reliable performer for the last 15 years.

**FISCAL IMPACT**

Release \$31,000 encumbered from the Fiscal Year 2000-2001 budget into Fiscal Year 2001-2002 General Fund if the recommendation of not offering the enhanced RF portion of the system is agreed to by Council.

Respectfully submitted:

Reviewed/Approved by:

\_\_\_\_\_  
Robert J. Brennan  
Chief of Police

\_\_\_\_\_  
James Robinson  
City Manager





## Town of Atherton

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF JANUARY 16, 2002**

**SUBJECT: DISCUSSION AND POSSIBLE ACTION – CONSIDERATION OF TOWN GOALS AND OBJECTIVES**

### **RECOMMENDATION**

It is recommended that the City Council adopt a procedure for establishing Town goals/objectives and capital project priorities each year.

### **DISCUSSION**

Periodically, it is necessary to establish both long-term and short-term goals to guide the Town and its resources. Developing a strategy for identifying and prioritizing goals/objectives/capital projects each year allows a forum for the City Council to establish policy that will help guide the development of its annual budget, give direction to staff and provide a measurement of success.

It is suggested that at the beginning of each calendar year the City Council hold a work session to establish goals and objectives prior to the development of its annual budget. This work session would include a review of previously established goals, progress to date, and consideration of additional goals/objectives and capital projects for the upcoming year.

If this is a method that the City Council wishes to utilize, it is suggested that a process be developed to establish an initial list of goals and objectives. Attached are some suggested steps and process to accomplish this task for the Council's consideration. Also included is a list of "potential" goals/objectives that are currently in progress or that have been identified by Council or staff in meetings and conversations since the City Manager's arrival.

**A. IDENTIFY GOALS/OBJECTIVES**

**B. ANALYZE GOALS AND OBJECTIVES**

1. Consider Value/Importance
2. Estimate Time to Complete
3. Develop Cost Estimate

**C. PRIORITIZE GOALS/OBJECTIVES**

City Council Considers Community/Staff Input and Establishes Priorities

**D. INCORPORATE GOALS/OBJECTIVES INTO FISCAL PROCESS**

Establish a realistic time line for Goals/Objectives/Capital projects that represent the priorities of the Council.

**E. REVIEW PROGRESS OF GOALS AND OBJECTIVES**

Conduct work session or as part of council meeting to review progress to date

**Potential Goals/Objectives for City Council Consideration:**

	<b><u>(3) High</u></b>	<b><u>(2) Med</u></b>	<b><u>(1) Low</u></b>
1. General Plan/Review and Update			
2. Housing Element/Completion of Certification Process			
3. Completion of Capital Improvement Program through Fiscal Year 2003-2004			
4. Review and Revise City Council Rules and Procedures			
5. Update Municipal Code			
6. Develop Revised Employee Personnel Rules and Procedures			
7. Update Atherton Resident Handbook			
8. Establish a Strategy for the Atherton Channel - Repairs and Long-Term Maintenance			
9. Establish a Policy For Town-wide Street Striping Improvements			
10. Evaluate Construction Noise Control Techniques			
11. Evaluate Methodology for Expediting Building Plan Review			

12. Establish Strategy for Maintaining the full staffing of Police Department that currently exists
13. Develop Long Term Financing Plan
14. Establish a Formal Policy for Recognition of Volunteers (Planning Commission, General Plan Committee, Tree Committee, etc.)
15. Review and Revise Strategic Park and Recreation Plan
16. Complete Valparaiso Study and Implement Appropriate Recommendations
17. Complete a Needs Assessment for Town Facilities

### **CONCLUSION**

If the City Council wishes to proceed with this process it is requested that the Council review the above goals/objectives and identify any that they would want to add/delete, and direct staff to proceed with preparation of a time table and cost analysis. The City Council would then establish a priority of those identified goals/objectives at a future meeting. One methodology the City Manager has used in the past is to provide each Council Member a list of the priorities, ask them to individually rank each one in importance and develop a weighted value for each goal/objective. For example, each goal would be evaluated against a ranking of:

- (1) Low Priority
- (2) Medium Priority
- (3) High Priority

Example: If (each) Council Member rated the goal of "Developing a Long-Term Financing Plan" as a high priority (3) it would receive a total "score" of 15.



## Town of Atherton

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF JANUARY 16, 2002**

**SUBJECT: DISCUSSION AND POSSIBLE ACTION – APPROVAL OF HOLBROOK-PALMER PARK SURVEY AND AUTHORIZATION OF A SUPPLEMENTAL APPROPRIATION FOR PRINTING AND DISTRIBUTION OF SURVEY**

### **RECOMMENDATION**

Approve the final draft of the Holbrook-Palmer Park Survey and cover letter and authorize a supplemental appropriation for its printing and distribution.

### **DISCUSSION**

At the Joint City Council - Park and Recreation Commission meeting held on Thursday, January 10, 2002 it was recommended that an item be added to the January 16, 2002 Council agenda providing for the approval of the proposed Holbrook Palmer Park survey/cover letter and authorizing an appropriation for its printing and distribution. In addition, a subcommittee was appointed to prepare a final draft of the survey and cover letter to be presented to the Council for approval. An estimate of the printing and distribution costs will be available at the meeting.