



**AGENDA**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**May 15, 2002**  
**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

- 7:00 P.M.**    1.    **PLEDGE OF ALLEGIANCE**
- 7:03 P.M.**    2.    **ROLL CALL**    McKeithen, Janz, Carlson, Fisher, Conwell
- 7:05 P.M.**    3.    **PRESENTATIONS**
- A. Proclamation recognizing Laurel Elementary School Crossing Guard, Carl Jones
- B. Proclamation for Relay for Life, May 18 -19, 2002
- C. Certificates of Recognition for Eagle Scouts:
- |                 |                    |
|-----------------|--------------------|
| Chris Child     | Ted Enns           |
| Garrett Jacobs  | Amarnath Santhanam |
| John Sutherland | Greg Vallarino     |
| Anthony Schoch  | Scott Norton       |
| Mike Merrill    |                    |
- 7:15 P.M.**    4.    **COUNCIL REPORTS**
- 7:25 P.M.**    5.    **PUBLIC COMMENTS** (only for items which are not on the agenda – limit of three minutes per person)
- 7:35 P.M.**    6.    **STAFF REPORTS**
- 7:45 P.M.**    7.    **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed by Resolution No. 99-6)

**8:00 P.M.    CONSENT CALENDAR (Items 8 - 11)**

- 8.    APPROVAL OF MINUTES OF SPECIAL AND REGULAR MEETINGS OF APRIL 17, 2002, AND SPECIAL MEETING OF MAY 1, 2002**
- 9.    APPROVAL OF BILLS AND CLAIMS FOR APRIL, 2002 IN THE AMOUNT OF \$520,403**
- 10.   ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR APRIL 2002**
- 11.   RESOLUTION APPROVING THE CHANGE OF THE FISCAL YEAR DATE AND AMENDING THE JOINT POWERS AUTHORITY FOR THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY**

**Recommendation: Approve Resolution No. 02-\_\_\_ agreeing to change the fiscal year to the period commencing each July 1 and ending the following June 30, and amend the Joint Powers Authority for the South Bayside Waste Management Authority.**

**REGULAR AGENDA (Items 12 - 22)**

- 8:05 P.M.    12.    CONSIDERATION OF RECOMMENDATION OF PARK AND RECREATION COMMISSION TO PROCEED WITH SCULPTURE PROJECT IN LIBRARY READING PARK**

**Recommendation: Consider and possibly approve recommendation of the Arts Committee and Park and Recreation Commission to place a sculpture within the Library Reading Park.**

- 8:20 P.M.    13.    CONSIDER APPROVAL OF CONSTRUCTION OF POLICE STORAGE BUILDING**

**Recommendation: Consider giving direction to staff to prepare bid specifications plans for the construction of a new police storage building behind the Town Administrative Office Building.**

- 8:40 P.M.    14.    REACT TASK FORCE – SIX MONTH REPORT**

**Recommendation: Review and accept the six-month report on the participation of an Atherton Police Officer on the San Mateo County REACT Task Force.**

- 8:50 P.M. 15. INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE REGARDING HERITAGE TREES

Recommendation: Introduce and hold first reading of an ordinance amending Atherton Municipal Code Section 8.10 regarding Heritage Trees and Section 1.16, General Provisions, and waive further reading.

~~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~~

- 9:10 P.M. 16. RESOLUTION APPROVING THE FIRST AMENDMENT TO THE FRANCHISE AGREEMENT BETWEEN THE TOWN OF ATHERTON AND BFI WASTE SYSTEMS OF NORTH AMERICA

Recommendation: Approve Resolution No. 02-\_\_ approving the First Amendment to the Franchise Agreement between the Town of Atherton and BFI Waste Systems of North America to reflect the change of designated clean-up days to on-call clean-ups.

- 9:20 P.M. 17. APPROVAL OF THE PURCHASE OF AN UNMARKED POLICE VEHICLE AND AUTHORIZATION TO SURPLUS FLEET VEHICLES

Recommendation: Approve the purchase of a police vehicle within the current 2001/02 budget from Serramonte Ford for an amount not to exceed \$25,617, and authorize the Police Department to surplus five vehicles in the police fleet.

- 9:30 P.M. 18. DISCUSSION AND POSSIBLE ACTION - REVIEW OF UPDATED CITY COUNCIL RULES OF PROCEDURE

Recommendation: Review City Council Rules of Procedure as revised by the City Attorney, and consider adoption.

- 9:45 P.M. 19. SET DATE FOR CONSIDERATION OF TOWN OF ATHERTON OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2002/03

Recommendation: Select a date(s) for consideration of the Draft Operating and Capital Budget for Fiscal Year 2002-2003.

- 9:50 P.M. 20. SET DATE FOR COMMUNITY ROUNDTABLE MEETING

Recommendation: Set a date for an annual meeting of the Community Organization Roundtable as set forth in Resolution No. 99-6.

- 10:00 P.M. 21. **APPOINTMENT OF A REPRESENTATIVE FROM THE CITY COUNCIL TO ATTEND AND VOTE AT A CITY SELECTION COMMITTEE SPECIAL MEETING TO BE HELD MAY 17, 2002**

**Recommendation:** Appoint a City Council Member to attend the San Mateo County City Selection Committee meeting and authorize said Council Member to vote for city representatives to certain County commissions.

- 10:05 P.M. 22. **DISCUSSION OF PROPOSED SKATE PARK IN FLOOD PARK, MENLO PARK**

**Recommendation:** Discussion of the issue of the possible construction of a skate park within Flood Park in the City of Menlo Park.

- 10:15 P.M. 23. **PUBLIC COMMENTS**

- 10:25 P.M. 24. **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)

# PROCLAMATION

IN RECOGNITION OF

**CARL JONES**

**Laurel Elementary School Crossing Guard**

**WHEREAS**, the Town of Atherton wishes to recognize the efforts of Laurel Elementary School Crossing Guard and Head Custodian Carl Jones; and

**WHEREAS**, Carl has found a unique way of protecting school children while they cross the busy intersection on their way to Laurel Elementary School; and

**WHEREAS**, with humor and innovation, Carl has become a veritable institution at the school, entertaining parents, children, and motorists alike with his collection of over 65 zany hats; and

**WHEREAS**, Carl brings smiles to the faces of everyone he encounters by donning perhaps a cowboy hat one day, a wizard hat the next, and a Daniel Boone hat the next; and

**WHEREAS**, in addition to finding a solution to calming school zone traffic, Carl has put his whole personality into his job, and found many ways to help teachers and others in a most cheerful manner.

**NOW, THEREFORE**, as Mayor of the Town of Atherton, and on behalf of the community, I hereby recognize Carl Jones for his dedication to the safety of Atherton's schoolchildren and for his incomparable sense of humor and outlook on life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Atherton to be affixed this 15th day of May, 2002.

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Alan B. Carlson, Mayor  
**Town of Atherton**

## **PROCLAMATION**

### **OF THE CITY COUNCIL OF THE TOWN OF ATHERTON DECLARING THE TOWN OF ATHERTON AS A RELAY FOR LIFE COMMUNITY**

Whereas, cancer is the second leading cause of death in the United States; and

Whereas, one in four deaths in the United States is from cancer; and

Whereas, in 2002, an estimated 555,500 Americans are expected to die from cancer, more than 1,500 per day; and

Whereas, a projected 15 million Californians who are currently living, will develop cancer during their lifetime; and

Whereas, an estimated 3,455 new cases of cancer will be diagnosed in San Mateo County alone this year; and

Whereas, the American Cancer Society is the nationwide community-based health organization dedicated to eliminating cancer as a major health problem; and

Whereas, the Relay For Life is the American Cancer Society's signature event and means by which the organization accomplishes its' mission; and

Whereas, the City of Atherton has the pleasure of participating in the Redwood City/Menlo Park American Cancer Society Relay For Life, of which there are over 3,000 events nationwide, to honor cancer survivors, educate the general public about the importance of early detection and prevention of cancer, and raise funds in the fight against cancer.

Therefore, the Atherton City Council hereby proclaims the City of Atherton to be a Relay For Life community, and urges our citizens to participate in this effort to eradicate cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service.

Adopted this \_\_\_ day of May, 2002.

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**Mayor, City of Atherton**



**Town of Atherton  
Minutes  
CITY COUNCIL/ATHERTON CHANNEL  
DRAINAGE DISTRICT  
May 1, 2002  
8:00 A.M.  
City Council Chambers  
94 Ashfield Road  
Atherton, California  
Special Meeting**

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

**1. ROLL CALL**

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

**2. PUBLIC COMMENTS - There were no comments from the public.**

**3. AWARD OF CONTRACT FOR MIDDLEFIELD ROAD REPAIR WORK**

City Manager Jim Robinson presented this item. The Council requested that if possible, the Town complete more projects with funds budgeted this fiscal year to take advantage of current low prices.

**MOTION – to award a construction contract to G. Bortollo & Company in the amount of \$43,116.40 plus a 10% contingency for Middlefield Road Repair Work, and authorize the Mayor to execute the contract.**

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

**4. ADJOURN**

The meeting adjourned at 8:13 a.m.

Respectfully submitted,

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Sharon Barker, City Clerk





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

**April 17, 2002**

**7:00 p.m.**

**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

Mayor Carlson called the meeting to order at 7:06 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

**PRESENT:** Kathy McKeithen  
James R. Janz (arrived at 8:20 p.m.)  
Alan B. Carlson  
Dianne M. Fisher  
William R. Conwell

3. **PRESENTATIONS**

A. Certificates of Appreciation were awarded to the following outgoing Commission and Committee members:

|                   |                        |
|-------------------|------------------------|
| Shirley Carlson   | General Plan Committee |
| Ron Fick          | Audit Committee        |
| Kathleen Balestra | Arts Committee         |
| Joanne Baciocco   | Arts Committee         |

B. Mayor Carlson presented a proclamation to Howard (Sandy) Crittenden recognizing his participation in the AIDS/LifeCycle bicycle ride.

4. **COUNCIL REPORTS**

- Council Member McKeithen reported on the April 9<sup>th</sup> Transportation Committee Meeting. The Committee decided not to restore reflective markers on Oak Grove Avenue. Other issues addressed were the status of double yellow line replacement, the striping plan for Middlefield Road, and an analysis of the Middlefield Road/Oak Grove Avenue intersection. A second Valparaiso Corridor Study public

meeting was held on April 10<sup>th</sup>. The General Plan Committee met Monday, April 15<sup>th</sup> and reviewed revisions to the Heritage tree ordinance. Council Member McKeithen will serve on a subcommittee which was formed to work on tree preservation guidelines. The Atherton Channel Drainage District Committee met April 15<sup>th</sup>. Summaries of minutes of the Atherton Channel Drainage District going back to its formation are now available. Finance Director John Johns presented a financial analysis of District revenues to the Committee. The next meeting will be held Monday, May 20 at 8:00 a.m. The County Office of Emergency Services meets April 18<sup>th</sup> at 5:00 p.m. in the County Center, Redwood City.

- Council Member Fisher reported that the Screening Committee met and the resulting recommendations for committee appointments are on this agenda. The Transportation Committee considered a policy for street center line striping, and bus stop changes at Menlo Atherton High School. Enforcement of encroachment permits was discussed at the General Plan Committee meeting. The Library JPA addressed the budget at their last meeting. A Library subcommittee will meet with the County to address issues prior to recruitment of a new Library Director.
- Council Member Conwell reported that the City/County Association of Governments (CCAG) was originally formed to address overlapping problems of the San Mateo County cities and the county. CCAG is currently reviewing traffic issues on Highway 101, and working on a successor to Measure A to provide transportation funds. He reported on the San Francisco Airport Roundtable's efforts to mitigate airplane noise. The County Criminal Justice Commission met today. The Commission works with formal policing groups of the County and each year budgets \$190,000 for youth and other programs.
- Mayor Carlson reported on the April 9<sup>th</sup> Finance and Building Facilities Committee meeting. The Finance Committee will work with staff on three-year revenue projections and projections for capital improvements which will be used in the budget process. Police Lieutenant Glenn Nielsen will provide an analysis of costs of personnel turnover in the Police Department. Use of private funding for building improvements was discussed. Mayor Carlson asked City Attorney Marc Hynes if the Atherton Channel Drainage District meetings should continue to be combined with City Council meetings. The City Attorney stated that the City Council sits as the Board of the Drainage District and that the combined meeting practice is appropriate. The Council, however, could choose to formally separate the meetings if desired. The Council concurred that the agendas should stay combined for the time being. The Mayor addressed a letter from Marion Oster regarding Underground Service Alert markings on the Lindenwood gates. City Manager Jim Robinson responded that Public Works has determined that Pacific Bell is responsible and they have been asked to remove the paint marks on the gates.

## 5. PUBLIC COMMENTS

- John Sisson, 26 Belleau, on a procedure for reporting out closed session items. The City Attorney and City Manager will explore a mechanism for reporting out of closed session.



11. **AGREEMENT FOR STORMWATER POLLUTION PREVENTION PROGRAM SERVICES - Approved an agreement between the Town of Atherton and County of San Mateo for Stormwater Pollution Prevention Services.**
12. **ADOPTED ORDINANCE NO. 531 AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE TOWN OF ATHERTON**
13. **ADOPTED ORDINANCE NO. 532 AMENDING ATHERTON MUNICIPAL CODE SECTION 6.04.040 TO PROVIDE FOR THREE YEAR LICENSES FOR DOGS**
14. **APPROVED AN AGREEMENT BETWEEN THE TOWN OF ATHERTON AND WEST BAY SANITARY DISTRICT FOR MIDDLEFIELD ROAD PAVEMENT AND STORM DRAINAGE IMPROVEMENTS RAISING THE SANITARY MANHOLE COVERS TO GRADE**
15. **APPROVED PLANS AND SPECIFICATIONS FOR REPAIR OF THE WATER TOWER STRUCTURE IN HOLBROOK-PALMER PARK**

**PUBLIC HEARING**

16. **TENTATIVE PARCEL MAP – 291 STOCKBRIDGE AVENUE**

Senior Planner Lisa Costa Sanders presented the Tentative Parcel Map for 291 Stockbridge Avenue for the division of one parcel into two one-acre parcels. The Planning Commission, at their March 27, 2002 meeting, approved the Tentative Parcel Map and designated the west property line of Parcel A as the front property line. The Planning Staff recommended approval based on the findings outlined in the staff report.

Mayor Carlson opened the public hearing at 8:46 p.m. The property owner, Mr. Amadei, spoke. The public hearing was closed.

**MOTION – to approve the tentative parcel map for 291 Stockbridge Avenue allowing the subdivision of one parcel into two parcels and designating the west property line as the front property line for Parcel A, based on the findings and for the reasons incorporated in the Staff Report.**

M/S McKeithen/Janz

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

**REGULAR AGENDA (Items 17 - 23)**

~~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~~



**MOTION – that City Council Members on City Council appointed committees be empowered to appoint non-voting resident advisors, without getting approval of the whole City Council, or going through the Screening Committee, whose terms would last for one year concurrent with Council Members’ terms on the committee.**

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

**20. DISCUSSION AND POSSIBLE ACTION – SCOPE OF THE ATHERTON CHANNEL DRAINAGE DISTRICT COMMITTEE AND MEMBERSHIP OF THE CHANNEL DRAINAGE DISTRICT COMMITTEE AND THE TRANSPORTATION COMMITTEE**

City Manager Jim Robinson presented the staff report on this item. The issue of membership on these committees was determined to have been addressed under the previous agenda item. Discussion was held regarding the focus of the Atherton Channel Drainage District Committee and whether to include Town-wide drainage issues in the scope of items to be considered by the Committee. The Council agreed to retain the current scope of the Committee, and to have staff continue to work on broader drainage issues including coordinating with other agencies such as Caltrans.

The Mayor clarified the issue of resident advisors serving on subcommittees. The number of resident advisors is not limited. If Council Members disagree as to the appointment of resident advisors, the appointment would be brought to the full Council. The advisors would serve a one-year term concurrent with the Council Member’s term on the subcommittee.

**21. ACCEPT RECOMMENDATION OF THE TRANSPORTATION COMMITTEE TO EXPAND SCOPE OF THE MIDDLEFIELD ROAD IMPROVEMENTS AND SET A DATE FOR A SPECIAL MEETING OF THE CITY COUNCIL TO APPROVE BIDS AND SPECIFICATIONS FOR THE PROJECT EXTENSION**

City Manager Jim Robinson stated that the Transportation Committee recommended extending the Middlefield Road project from Fair Oaks to the northern Town limits to provide for patching that is not within the current contract. The estimated cost is \$50,000 to \$60,000. Funding is recommended to come from the current year budget for patching. Bids are scheduled to be opened on April 30<sup>th</sup>. In order to approve award of the bids, Council would need to schedule a special meeting.

**MOTION – to accept the recommendation of the Transportation Committee to expand the Middlefield Road project to include patching from Fair Oaks to the northern Town limits, and to set a date of Wednesday, May 1<sup>st</sup> at 8:00 a.m. for approval of bids.**

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

**22. DISCUSSION AND POSSIBLE ACTION – REVIEW OF CITY COUNCIL RULES OF PROCEDURE**

City Manager Jim Robinson stated that this item came up at the March 20<sup>th</sup> meeting when the City Council addressed goals and objectives. Staff was directed to meet with Council Member Fisher to review and make proposed changes to update the Council Rules of Procedure. Council Member McKeithen suggested that there are further corrections and updates to be addressed, and recommended that the City Attorney review the Rules and Procedures and make such changes as he deems necessary. The Council requested that the City Attorney return a redlined copy to the Council for their comments before the agenda packet goes out.

**MOTION - to continue this item of reviewing the City Council Rules of Procedure to the next regular meeting on May 15, 2002.**

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

**23. APPOINTMENT OF A REPRESENTATIVE FROM THE CITY COUNCIL TO ATTEND AND VOTE AT A CITY SELECTION COMMITTEE SPECIAL MEETING TO BE HELD APRIL 26, 2002**

**MOTION – to appoint Vice Mayor Janz to attend the San Mateo County City Selection Committee meeting on April 26, 2002, and authorize him to vote for city representatives to certain County commissions.**

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

**24. PUBLIC COMMENTS**

Vice Mayor Janz reported on a memo provided by Town Planner Neal Martin regarding the population and jobs projections made by ABAG. The Council directed the Planner to send the letter to ABAG that he had proposed in an effort to obtain greater accuracy in ABAG’s future projections.

**25. ADJOURN**

The meeting adjourned at 9:44 p.m.

Respectfully submitted,

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Sharon Barker, City Clerk



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**April 17, 2002**  
**6:00 P.M.**  
**Meeting Room**  
**Town Administrative Offices**  
**91 Ashfield Road, Atherton**  
**Special Meeting**

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

**1. ROLL CALL**

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

**ABSENT:** James R. Janz

**2. PUBLIC COMMENTS**

There were no public comments.

**3. CLOSED SESSION – The Council adjourned to closed session at 6:05 p.m.**

**A. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**  
pursuant to Government Code Section 54956.9 (a)

**Stephen Chaput v. Town of Atherton**  
**Patrick McTaggart v. Town of Atherton**

**4. RECONVENE TO OPEN SESSION - Status report only, no action was taken.**

**5. ADJOURN - The meeting adjourned at 6:55 p.m.**

Respectfully submitted,

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Alan B. Carlson, Mayor

Item No. 9



# TOWN OF ATHERTON

## CLAIMS LIST

April, 2002

|                      |               |    |                |
|----------------------|---------------|----|----------------|
| Payroll Checks       | 474-551       | \$ | 57,490         |
| Electronic Transfers |               |    | 229,257        |
| A/P Checks           | 12518 – 12649 |    | <u>233,656</u> |
| TOTAL                |               |    | \$ 520,403     |

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 474 through 551 (Payroll) 12518 through 12649 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$520,403 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 474 through 551, Accounts Payable check numbers 12518 through 12649 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$520,403; and are hereby approved for payment.

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Alan Carlson  
Mayor, Town of Atherton

### SOURCE OF FUNDS

|       |                               |           |
|-------|-------------------------------|-----------|
| 101   | General Fund                  | \$491,823 |
| 105   | Tennis Fund                   | 88        |
| 202   | Transportation                | 5,616     |
| 402   | Storm Drainage                | 1,584     |
| 403   | Atherton Channel District     | 32        |
| 404   | Park Playground Improvement   | 16,086    |
| 405   | Middlefield Road Grants       | 173       |
| 611   | Computer Maint. & Replacement | 600       |
| 612   | Administrative Services       | 272       |
| 715   | Evans Estate                  | 3,827     |
| 741   | Tree Committee                | 302       |
| TOTAL |                               | \$520,403 |



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

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

**DATE: FOR THE CITY COUNCIL MEETING OF MAY 15, 2002**

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

### **RECOMMENDATION:**

Receive and file Monthly Financial Report for April, 2002.

### **INTRODUCTION:**

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

### **HIGHLIGHTS**

In April the Town received the second installment of FY 2001-02 secured property taxes. The amount of the apportionment was \$1,109,313, of which \$769,538 was deposited in the General Fund and the balance was deposited into the Special Municipal Tax Fund.

Despite unfavorable variances in sales tax revenues and revenue from other governmental agencies, we continue to project General Fund revenues to be slightly higher than budgeted. This due to a very strong performance in the property tax and licenses and permit revenue categories.

General Fund expenditures are also tracking favorably with budgetary estimates prepared at the beginning of FY 2001-02 and at mid-year.

In our mid-year budget report, we reduced our revenue estimate for Road Impact Fees from \$450,000 to \$300,000 (a reduction of \$150,000). However, due to significant development activity in the last several months we have received a total of \$359,000 year to date.

**FISCAL IMPACT:**

Informational only.

Prepared by:

Approved by:

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John P. Johns  
Finance Director

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James H. Robinson  
City Manager

**TOWN OF ATHERTON**  
**Revenue Summary**  
**For the Ten Months Ended April 30th, 2002**

| <b>Fund</b>   | <b>Revenue Source</b>              | <b>2001-02<br/>Estimate</b> | <b>Current Period<br/>Revenues</b> | <b>Year to Date<br/>Revenues</b> | <b>%<br/>Received</b> |
|---|------------------------------------|-----------------------------|------------------------------------|----------------------------------|-----------------------|
|   | Property Tax                       | \$ 2,624,563                | 769,538                            | \$ 2,772,549                     | 106%                  |
|   | Sales and Use Tax                  | 306,000                     | 10,959                             | 112,833                          | 37%                   |
|   | Other Taxes                        | 481,133                     | 220,682                            | 434,259                          | 90%                   |
|   | Licenses & Permits                 | 1,316,200                   | 225,749                            | 1,199,986                        | 91%                   |
|   | Fines & Forfeitures                | 110,000                     | 13,281                             | 77,659                           | 71%                   |
|   | Investment & Rental Income         | 358,200                     | 39,957                             | 281,469                          | 79%                   |
|   | Revenue from Other Agencies        | 484,124                     | 35,499                             | 338,058                          | 70%                   |
|   | Charges for Services               | 502,700                     | 78,074                             | 368,207                          | 73%                   |
|   | Other Revenues                     | 12,150                      | 183                                | 1,977                            | 16%                   |
|   | <b>Total General Fund Revenues</b> | <b>6,195,070</b>            | <b>1,393,922</b>                   | <b>5,586,997</b>                 | <b>90%</b>            |
|   | Interfund (Operating) Transfers In | 450,000                     | -                                  | -                                | 0%                    |
| <b>101</b>  | <b>General Fund Total</b>          | <b>6,645,070</b>            | <b>1,393,922</b>                   | <b>5,586,997</b>                 | <b>84%</b>            |
| <b>Special Revenue Funds:</b>   |                                    |                             |                                    |                                  |                       |
| 105   | Tennis                             | 9,000                       | 2,210                              | 9,124                            | 101%                  |
| 201   | Special Parcel Tax                 | 1,600,000                   | 355,677                            | 1,358,609                        | 85%                   |
| 202   | Transportation                     | 270,000                     | 14,889                             | 166,424                          | 62%                   |
| 203   | Street Improvement (Gas Tax)       | 200,000                     | 16,485                             | 114,465                          | 57%                   |
| 206   | SLESF                              | -                           | -                                  | -                                | -                     |
| 208   | Police on the Street               | -                           | -                                  | 23,500                           | 100%                  |
| 209   | Law Enforcement                    | 100,000                     | -                                  | 100,000                          | 100%                  |
| 210   | Road Construction Impact Fees      | 450,000                     | 101,852                            | 358,872                          | 80%                   |
| 211   | State Park Grants Fund             | 89,910                      | -                                  | -                                | 0%                    |
|   | <b>Total</b>                       | <b>2,718,910</b>            | <b>491,113</b>                     | <b>2,130,994</b>                 | <b>78%</b>            |
| <b>Capital Project Funds:</b>   |                                    |                             |                                    |                                  |                       |
| 401   | Capital Improvement                | 10,000                      | -                                  | -                                | 0%                    |
| 402   | Storm Drainage                     | 10,000                      | -                                  | 230                              | 2%                    |
| 403   | Channel Drainage District          | 38,000                      | 10,873                             | 38,655                           | 102%                  |
| 404   | Park Playground Improvement        | 325,000                     | -                                  | 29,292                           | 9%                    |
| 405   | Middlefield Road Grants            | 600,000                     | -                                  | -                                | 0%                    |
| 406   | Facilities Construction            | 220,000                     | -                                  | -                                | 0%                    |
|   | <b>Total</b>                       | <b>1,203,000</b>            | <b>10,873</b>                      | <b>68,177</b>                    | <b>6%</b>             |
| <b>Internal Service Funds:</b>  |                                    |                             |                                    |                                  |                       |
| 610   | Vehicle Replacement                | 243,020                     | -                                  | 143,020                          | 59%                   |
| 611   | Information Technology             | 77,610                      | -                                  | 77,837                           | 100%                  |
| 612   | Administrative Services            | 213,300                     | -                                  | 213,097                          | 100%                  |
| 614   | Workers Compensation Insurance     | 170,000                     | -                                  | 35,056                           | 21%                   |
|   | <b>Total</b>                       | <b>703,930</b>              | <b>-</b>                           | <b>469,010</b>                   | <b>67%</b>            |
| <b>Total Revenues and Transfers -- All Fund: \$ 11,270,910 1,895,908 \$ 8,255,178 73%</b> |                                    |                             |                                    |                                  |                       |
| <b>Trust and Agency Funds:</b>  |                                    |                             |                                    |                                  |                       |
| 715   | Evans Creative Design              | 53,040                      | 10,915                             | 81,214                           | 21%                   |
| 720   | Library Extension                  | -                           | -                                  | -                                | 0%                    |
| 727   | Colley Trust Fund                  | -                           | -                                  | 1,000                            | 100%                  |
| 730   | H-P Park Improvement               | -                           | -                                  | -                                | 0%                    |
| 731   | MA Little League                   | -                           | -                                  | -                                | 0%                    |
| 740   | Tree Committee                     | -                           | -                                  | -                                | 0%                    |
|   | <b>Total</b>                       | <b>53,040</b>               | <b>10,915</b>                      | <b>82,214</b>                    | <b>155%</b>           |
| <b>Total Revenues</b>   |                                    | <b>11,323,950</b>           | <b>1,906,823</b>                   | <b>8,337,392</b>                 | <b>74%</b>            |

**TOWN OF ATHERTON**

**Expenditure Summary**

**For the Ten Months Ended April 30th, 2002**

| <b>Fund</b>  | <b>Description</b>                  | <b>2001-02</b>              | <b>Current Period</b>    | <b>Year to Date</b>        | <b>%</b>          |
|--|-------------------------------------|-----------------------------|--------------------------|----------------------------|-------------------|
|  | <b>Department</b>                   | <b>Budget</b>               | <b>Expenditures</b>      | <b>Expenditures</b>        | <b>Spent</b>      |
| 101  | General Fund                        |                             |                          |                            |                   |
| 11   | City Council                        | \$ 21,739                   | \$ 1,175                 | \$ 19,788                  | 91%               |
| 12   | City Manager                        | 442,708                     | 28,640                   | 346,307                    | 78%               |
| 16   | City Attorney                       | 196,199                     | 14,149                   | 115,081                    | 59%               |
| 18   | Finance                             | 362,598                     | 33,523                   | 397,677                    | 110%              |
| 25   | Building                            | 713,814                     | 80,605                   | 668,478                    | 94%               |
| 40   | Police                              | 3,371,582                   | 230,477                  | 2,679,027                  | 79%               |
| 50   | Public Works                        | 1,632,102                   | 108,428                  | 1,232,237                  | 75%               |
|  | Contingency                         | 100,000                     | -                        | -                          | 0%                |
|  | Total General Fund Expenditures     | <u>6,840,742</u>            | <u>496,997</u>           | <u>5,458,595</u>           | <u>80%</u>        |
|  | Interfund (Operating) Transfers Out | <u>320,000</u>              | <u>-</u>                 | <u>-</u>                   | <u>0%</u>         |
| 101  | <b>General Fund Total</b>           | <b><u>\$ 7,160,742</u></b>  | <b><u>\$ 496,997</u></b> | <b><u>\$ 5,458,595</u></b> | <b><u>76%</u></b> |
| <br>   |                                     |                             |                          |                            |                   |
| <b>Special Revenue Funds:</b>                        |                                     |                             |                          |                            |                   |
| 105  | Tennis                              | 7,500                       | 88                       | 5,026                      | 67%               |
| 201  | Special Parcel Tax                  | 1,600,000                   | -                        | 286,231                    | 18%               |
| 202  | Transportation                      | 267,950                     | 5,616                    | 187,393                    | 70%               |
| 203  | Street Improvement (Gas Tax)        | 330,700                     | -                        | 233,997                    | 71%               |
| 208  | SLESF                               | -                           | -                        | -                          | -                 |
| 208  | Police on the Street                | -                           | -                        | -                          | -                 |
| 209  | Law Enforcement                     | 199,424                     | 19,876                   | 126,529                    | 63%               |
| 210  | Road Impact Fees                    | 450,000                     | -                        | 2,845                      | 1%                |
| 211  | State Park Grants                   | 89,910                      | -                        | -                          | 0%                |
|  | Total                               | <u>2,945,484</u>            | <u>25,580</u>            | <u>842,021</u>             | <u>29%</u>        |
| <br>   |                                     |                             |                          |                            |                   |
| <b>Capital Project Funds:</b>                        |                                     |                             |                          |                            |                   |
| 401  | Capital Improvement                 | -                           | -                        | 472                        | -                 |
| 402  | Storm Drainage                      | 162,409                     | 1,584                    | 53,029                     | 33%               |
| 403  | Channel Drainage District           | 251,000                     | 32                       | 32                         | 0%                |
| 404  | Park Playground Fund                | 325,000                     | 16,086                   | 154,685                    | 48%               |
| 405  | Middlefield Road Grants             | 600,000                     | 173                      | 173                        | 0%                |
|  | Total                               | <u>1,338,409</u>            | <u>17,875</u>            | <u>208,391</u>             | <u>16%</u>        |
| <br>   |                                     |                             |                          |                            |                   |
| <b>Internal Service Funds:</b>                       |                                     |                             |                          |                            |                   |
| 610  | Vehicle Replacement                 | 106,041                     | -                        | 80,039                     | 75%               |
| 611  | Information Technology              | 90,166                      | 1,856                    | 25,313                     | 28%               |
| 612  | Administrative Services             | 233,756                     | 2,315                    | 221,448                    | 95%               |
| 614  | Workers Compensation Insurance      | 135,000                     | -                        | 61,691                     | 46%               |
|  | Total                               | <u>564,963</u>              | <u>4,171</u>             | <u>388,491</u>             | <u>69%</u>        |
| <br>   |                                     |                             |                          |                            |                   |
| <b>Total Expenditures and Transfers -- All Funds</b> |                                     | <b><u>\$ 12,009,598</u></b> | <b><u>\$ 544,623</u></b> | <b><u>\$ 6,897,498</u></b> | <b><u>57%</u></b> |
| <br>   |                                     |                             |                          |                            |                   |
| <b>Trust and Agency Funds:</b>                       |                                     |                             |                          |                            |                   |
| 715  | Evans Creative Design               | 54,010                      | 3,827                    | 65,193                     | 121%              |
| 727  | Colley Reward Fund                  | -                           | -                        | -                          | -                 |
| 730  | H-P Park Improvement                | -                           | -                        | 583                        | -                 |
| 731  | MA Little League                    | -                           | -                        | 480                        | -                 |
| 740  | Tree Committee                      | -                           | -                        | 302                        | -                 |
|  | Total                               | <u>54,010</u>               | <u>3,827</u>             | <u>66,558</u>              | <u>-</u>          |
| <b>Total Expenditures</b>                            |                                     | <b><u>12,063,608</u></b>    | <b><u>548,450</u></b>    | <b><u>6,964,056</u></b>    | <b><u>58%</u></b> |

**TOWN OF ATHERTON**  
**Budget Summary**  
**Fiscal Year 2001-02**  
**As of April 30th, 2002**

| <b>Fund</b> | <b>Description</b>             | <b>Beginning<br/>Fund Balance<br/>July 1, 2001</b> | <b>Revenues<br/>to Date</b> | <b>Transfers<br/>to Date</b> | <b>Expenditures<br/>To Date</b> | <b>Ending<br/>Fund Balance<br/>to Date</b> |
|-------------|--------------------------------|--|-----------------------------|------------------------------|---------------------------------|--|
| 101         | <b>General Fund</b>            | 5,070,783  | 5,586,997                   | -                            | 5,458,595                       | 5,199,185                                  |
|             | <b>Special Revenue Funds:</b>  |  |                             |                              |                                 |  |
| 105         | Tennis                         | 19,496   | 9,124                       |                              | 5,026                           | 23,594                                     |
| 201         | Special Municipal Tax          | -  | 1,358,609                   |                              | 286,231                         | 1,072,378                                  |
| 202         | Transportation                 | 235,556  | 166,424                     |                              | 187,393                         | 214,587                                    |
| 203         | Street Improvement (Gas Tax)   | 257,225  | 114,465                     |                              | 233,997                         | 137,693                                    |
| 206         | SLESF                          | 10,956   | -                           |                              | -                               | -  |
| 208         | Police on the Street           | 20,235   | 23,500                      |                              | -                               | -  |
| 209         | Law Enforcement                | 105,350  | 100,000                     |                              | 126,529                         | 78,821                                     |
| 210         | Road Construction Impact Fees  | 378,028  | 358,872                     |                              | 2,845                           | 734,055                                    |
| 211         | State Park Grants Fund         | -  | -                           |                              | -                               | -  |
|             | Sub Total                      | <u>1,026,846</u>                                   | <u>2,130,994</u>            | <u>-</u>                     | <u>842,021</u>                  | <u>2,261,128</u>                           |
|             | <b>Capital Projects Funds:</b> |  |                             |                              |                                 |  |
| 401         | Capital Improvement            | 432,662  | -                           |                              | 472                             | 432,190                                    |
| 402         | Storm Drainage                 | 120,286  | 230                         |                              | 53,029                          | 67,487                                     |
| 403         | Channel Drainage District      | 377,396  | 38,655                      |                              | 32                              | 416,019                                    |
| 404         | Park Playground Improvement    | 305,774  | 29,292                      |                              | 154,685                         | 180,381                                    |
| 405         | Middlefield Road Grants        | -  | -                           |                              | 173                             | (173)                                      |
| 406         | Facilities Construction        | 220,000  | -                           |                              | -                               | 220,000                                    |
|             | Sub Total                      | <u>1,456,118</u>                                   | <u>68,177</u>               | <u>-</u>                     | <u>208,391</u>                  | <u>1,315,904</u>                           |
|             | <b>Internal Service Fund</b>   |  |                             |                              |                                 |  |
| 610         | Vehicle Replacement            | 147,415  | 143,020                     |                              | 80,039                          | 210,396                                    |
| 611         | Information Technology         | 19,890   | 77,837                      |                              | 25,313                          | 72,414                                     |
| 612         | Administrative Services        | 9,125  | 213,097                     |                              | 221,448                         | 774  |
| 614         | Workers Compensation Insurance | (31,794)   | 35,056                      |                              | 61,691                          | (58,429)                                   |
|             | Sub Total                      | <u>144,636</u>                                     | <u>469,010</u>              | <u>-</u>                     | <u>388,491</u>                  | <u>225,155</u>                             |
|             | <b>Trust and Agency Funds</b>  |  |                             |                              |                                 |  |
| 715         | Evans Creative Design          | 110,464  | 10,915                      |                              | 54,010                          | 67,369                                     |
| 727         | Colley Reward Fund             | 66,931   | -                           |                              | -                               | 66,931                                     |
| 730         | H-P Park Improvement           | 6,339  | -                           |                              | -                               | 6,339                                      |
| 731         | MA Little League               | (1,571)  | -                           |                              | -                               | (1,571)                                    |
| 740         | Tree Committee                 | 1,137  | -                           |                              | -                               | 1,137                                      |
|             | Sub Total                      | <u>183,300</u>                                     | <u>10,915</u>               | <u>-</u>                     | <u>54,010</u>                   | <u>140,205</u>                             |
|             | <b>Grand Total</b>             | <u>\$ 7,881,683</u>                                | <u>\$ 8,266,093</u>         | <u>\$ -</u>                  | <u>\$ 6,951,508</u>             | <u>\$ 9,141,577</u>                        |



**Town of Atherton**

**CITY COUNCIL STAFF REPORT**

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

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

**DATE: FOR THE CITY COUNCIL MEETING OF MAY 15, 2002**

**SUBJECT: RESOLUTION AGREEING TO CHANGE THE FISCAL YEAR AND  
AMENDING THE JOINT POWERS AUTHORITY FOR THE SOUTH  
BAYSIDE WASTE MANAGEMENT AUTHORITY.**

**RECOMMENDATION:**

The South Bayside Waste Management Authority (SBWMA) Board, at their April 25, 2002 meeting, voted to recommend jurisdictions approve the amendment to the Joint Powers Authority.

Staff recommends that the City Council approve the attached Resolution agreeing to change the fiscal year and amend the Joint Powers Authority for the South Bayside Waste Management Authority.

**INTRODUCTION:**

The Joint Powers Agreement (JPA) for the South Bayside Waste Management Authority (SBWMA) was approved by jurisdictions in December, 1999. The JPA defines the "Fiscal Year" as "the period commencing on each October 1 and ending on the following September 30". The SBWMA Board of Directors discussed this item at their April 25, 2002 meeting and recommends that jurisdictions amend the JPA to reflect a fiscal year as "the period commencing on each July 1 and ending on the following June 30".

**ANALYSIS:**

Reasons for changing the fiscal year for the SBWMA:

- The SBWMA and the City of San Carlos share finance staff services. Having the Authority's fiscal year coincide with the City of San Carlos fiscal year would be more efficient.
- The Authority will save money in auditing services because the Auditors can make an on-site visit for both the City of San Carlos and the Authority at the same time
- The Official Statement prepared with the Bond documents, incorrectly states that the JPA's fiscal year shall be July 1 to June 30. Making the change to the JPA would make the JPA in conformance with the Official Statement.

Amending the JPA requires an affirmative vote of two-thirds of the member agencies. SBWMA staff would like to implement the fiscal year change this year (July 1, 2002).

**CONCLUSION:**

It is Staff's professional opinion the changing the fiscal year is appropriate for the Authority.

**ALTERNATIVES:**

The fiscal year could remain unchanged.

**FISCAL IMPACT:**

There will be minor cost savings for the Authority.

**ENVIRONMENTAL IMPACT:**

None.

**FORMAL MOTION:**

I move that the City Council approve the Resolution amending the Joint Powers Authority.

s/Lisa Costa Sanders  
Lisa Costa Sanders, Senior Planner

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

**Attachments:**

1. Resolution







## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF MAY 15, 2002**

**SUBJECT: CONSIDERATION OF PARK AND RECREATION COMMISSION AND ARTS COMMITTEE RECOMMENDATION TO PROCEED WITH THE SCULPTURE PROJECT WITHIN THE LIBRARY READING PARK**

#### **RECOMMENDATION**

It is recommended that the City Council consider the recommendation from the Park and Recreation Commission and Atherton Arts Committee to provide space within the Library Reading Park for the placement of a sculpture and give appropriate direction to staff.

#### **BACKGROUND**

The request of the Arts Committee to place a sculpture within the Town of Atherton was referred by the City Council to the Park and Recreation Commission for review and recommendation. The Park and Recreation Commission considered the proposal at two separate meetings, including a site visit to the Library Reading Park to determine the best location for the sculpture. The Commission recommended approval of the sculpture project to be placed in the Library Reading Park with the proviso that the cost be borne by the Arts Committee and that the sculpture comply with their adopted park plaque policy. Attached is a copy of the "draft" minutes of the May 1, 2002 Park and Recreation Commission meeting.

The Arts Committee has commissioned BJ Stevenson to create a Feather Rock stone sculpture approximately 5' by 4' (2000 lbs. ). The estimated cost for installation, materials and artist's fee is \$9,100. The sculpture is to be entirely funded by the Arts Committee. The sculpture project would include participation by volunteers to work with the artist to complete the project (see attached description of the project and estimated costs). It is proposed that the sculpture be placed in the Library Reading Park at a location determined by the Park and Recreation Commission.

**Item No. 13**



## **CITY COUNCIL STAFF REPORT**

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

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

**DATE: FOR THE CITY COUNCIL MEETING OF MAY 13, 2002**

**SUBJECT: POLICE STORAGE BUILDING**

### **RECOMMENDATION:**

Staff recommends that the City Council direct staff to prepare bid specifications plans for the construction of a new police storage building behind the town administrative office building.

### **INTRODUCTION:**

Town staff is proposing to remove the existing storage containers and replace them with a new 40' by 36' building for police storage. A portion of the building (20' by 40') will be a garage to store police motorcycles and the DARE car, with the remaining portion (16' by 40') for evidence storage.

This project is listed in the 2001/2002 through 2004/2005 Capital Improvement Program as reviewed by the Planning Commission for General Plan Consistency and as approved by the City Council.

### **ANALYSIS:**

The subject site is located in the Public Facilities and Schools zoning district (PFS). Town Hall and associated community uses, Town Corporation yard, public library and public schools are all considered permitted uses in this zoning district. Buildings, structures, or land used for governmental purposes by the Town of Atherton are exempt from the building and lot requirements per section 17.32.040 of the Atherton Municipal Code.

The new building is proposed to be located behind the existing Town Administrative building, at approximately the same location as the existing storage containers. As stated above, the existing storage containers will be removed upon completion of the new building. The new building is

proposed to be single story with exterior siding. The building is proposed to be located 15' from the west side property line. The placement of the new building will not require any modifications to existing mature landscaping along the west property line.

Staff believes that the new building will be an aesthetic improvement over the existing storage containers. Additionally, the building will be minimally visible from adjacent properties and the public right-of-way with existing landscaping and the fenced parking area behind Town Hall.

The Planning Commission, at their April 24, 2002 meeting, reviewed the proposed plans. Their recommended conditions for consideration are attached. The neighboring property owner, Mr. John Fennell of 76 Fair Oaks Lane submitted a letter (attached) and spoke at the Planning Commission meeting. As indicated in his letter, Mr. Fennell is interested in a sound barrier between the properties.

Staff anticipates the construction cost of the new building at approximately \$55,000-\$60,000. Staff would like authorization from the City Council to prepare detailed working drawings and specifications for bid package. Once the specifications are completed, Staff will request City Council approval of the specifications and authorization to solicit bids.

**CONCLUSION:**

It is Staff's professional opinion that the proposed project is consistent with the General plan policies noted above and is consistent with the character of the neighborhood.

**ALTERNATIVES:**

Other areas behind Town Hall were considered. Staff feels that this is the best location without impacting parking and other uses.

**FISCAL IMPACT:**

This project has been included in the approved Capital Improvement Program.

**ENVIRONMENTAL IMPACT:**

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA 15303, Class 3c (Office, or similar structure, not exceeding 2,500 square feet in area).

*s/Lisa Costa Sanders* \_\_\_\_\_

Lisa Costa Sanders, Senior Planner  
Robinson, City Manager

\_\_\_\_\_ James H.

**Attachments:**

1. Recommended Conditions of Review
2. Description of Police Storage building with site plan and floor plan
3. Letter from John Fennell, 76 Fair Oaks Lane



**TOWN OF ATHERTON  
PLANNING COMMISSION  
RECOMMENDED CONDITIONS OF REVIEW**

The Atherton Planning Commission at a regular meeting thereof, held on Wednesday, April 24, 2002 reviewed plans for a new police storage building behind Town Hall. The Planning Commission recommends the following Conditions of Approval to the City Council:

1. The storage containers shall be completely removed at the completion of construction on the new police storage building.
2. The height of the new building shall not exceed 15' from natural grade.
3. The new building shall be setback at least 20' from the property line between Town property and 76 Fair Oak Lane.
4. The windows on the elevation adjacent to 76 Fair Oaks Lane shall be screened or louvered.
5. Any external lighting shall be shielded or downlit so as not to be visible from adjacent properties.
6. Any vehicle or equipment testing (noise generating) shall be done on the east side of the building (away from residential neighbors).
7. The building exterior shall be earth tones.
8. Recommend the Town work with the neighbor at 76 Fair Oaks Lane on a sound barrier between properties.
9. The police storage building shall contain internal sound proofing (insulation).

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Philip D. Lively  
Planning Commission Chair



## Town of Atherton

### CITY COUNCIL STAFF REPORT

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

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

**DATE: FOR THE MEETING OF MAY 15, 2002**

**SUBJECT: SIX-MONTH UPDATE FOR THE REACT TASK FORCE**

### RECOMMENDATION:

No action to be taken. Staff report provided as an informational six-month report as requested by Council.

### INTRODUCTION:

During the November meeting of the City Council, a presentation was made by the Police Chief to contribute an officer to the San Mateo County REACT Task Force. Although the Chief recommended a two-year full time assignment, the Council agreed to a half-time two-year assignment with an initial six month report. No criterion was given by Council as to what should be contained in the report. Information provided in this report will cover **Education, Significant Contributions, Casework, and Costs** associated with this position.

- Education and Costs: The department selected Officer Jeff Hunter to fill the assignment. His knowledge of computer hardware and software was already at a range that he could contribute immediately to the workings of the Task Force. Although Officer Hunter's knowledge base of computer systems was broad, his police background was at the patrol level with not much investigative experience. Although the benefits of an assignment to a Task Force are numerous and can be explained in a quantitative method, many will be qualitative and cannot be directly measured. Working complex investigations, interview and interrogation, writing complex detailed reports, surveillance techniques, writing and serving search warrants, and networking are certainly skills that can only be developed over time.

Officer Hunter has also attended classroom instruction sponsored by the REACT Task Force, at no cost to the Town in the following areas and has obtained certificates of completion.

| <u>COURSE</u>                                      | <u>HOURS</u> | <u>COST</u> |
|--|--------------|-------------|
| Computer Investigation - Basic                     | (40 hours)   | \$1,500     |
| Computer Investigation- Advanced                   | (40 hours)   | \$1,500     |
| Computer Seizure and Examination                   | (40 hours)   | \$1,500     |
| On line Child Exploitation                         | (40 hours)   | \$1,500     |
| White Collar Crime Data Recovery and Investigation | (40 hours)   | \$1,500     |
| Core Investigations                                | (80 hours)   | \$3,000     |
| Total:   |              |             |
|  | 280 hours    | \$10,500    |

The Finance Department has recently invoiced the Task Force for \$12,000 salary reimbursement and \$4,500 for overtime during the last six months as agreed to under the grant.

➤ Significant Case Work

1. Possession of Stolen Property where the suspect is known to have stolen computers and related equipment from public and private schools.
2. Identity theft of an Atherton resident. The investigation led to an office in Oakland where additional 74 victim names were found.
3. Santa Clara County Rape case where several high school boys were molesting a 15-year-old, with the acts being videotaped.
4. Federal Bureau of Investigation sting that involved the manufacture and sale of counterfeit Microsoft software. The operation resulted in the serving of 30 search warrants and 27 arrests.
5. Arrest and recovery of nearly \$700,000 from an employee who embezzled the funds from her employer.
6. Investigation into an online auction fraud by a local student. Customers expecting delivery on products were defrauded by the suspect who cashed customer checks. but did not deliver the product.
7. Local student who made suicidal threats in an online chat room.



8. A local case where students were manufacturing and distributing California Drivers licenses. This resulted in two arrests and identifying 200 high school age recipients of the identifications that made them legal drinking age although some were as young as 14 years old.
9. Investigation of a local company where \$200,000 was stolen in materials and equipment by a terminated employee for the purposes of operating his own business.
10. Sales and manufacture of counterfeit DVD's.
11. Identity thefts of 40 victims with a total loss of \$100,000.
12. Halloween detail with 7 arrests for driving while under the influence.

Officer Hunter also handles all the civil consumer complaints received by the District Attorney's Office that involve the residents of Atherton.

➤ Significant Contributions

Officer Hunter has been indispensable to the organization in regards to the increasing technology that the public sector is dependent upon. He has been administering the State Technology Grant where he has been coordinating the purchase of everything from digital cameras to computers. Officer Hunter completed the installation of 6 flat screen monitors, two computer stations in the report writing room, and a digital editing machine. Officer Hunter has been our back-up software troubleshooter. He is well versed in all the aspects of our Computer Aided Dispatch system that is the heart of our records system within the Police Department. Officer Hunter has been the point of contact for the Countywide Law Net system, an electronic highway for sharing information built on a Web format.

Additionally with Officer Hunter's alternate duty assignment being Traffic, he has earned a pin during the Avoid the 23 Campaign, arresting four drunk drivers. He also participated in a DUI checkpoint after the Cal-Stanford game netting several drunk drivers.

**ANALYSIS:**

Atherton's contribution to the San Mateo County R.E.A.C.T. Task Force has benefited our organization and the Town in many ways. Not only has the upper atmosphere of Cyber crime been explored and experienced by our officer, he has been able to involve himself in the types of crimes that have been traditionally committed at the street level. The crimes of fraud, forgery, sex crimes, and drugs have now moved to the computer where there are no witnesses, only victims, with the suspects being shrouded behind a computer terminal perhaps hundreds of miles away. During the last six months it has been proven that the interests of Atherton do lie outside the boundaries for we have become a victim to computer crime. The Town credit card information has been stolen and exploited on the Internet. Charges have been made in Europe and in the far reaches of the U.S. Although Atherton is not liable for the charges, it certainly brings the problems of investigating computer crime close to home. Jeff Hunter is investigating but we have not been able to find the

origin of the first false charge. Because the Town is not the victim, the Bank has been reluctant to release information, which illustrates the difficulty in investigating computer crime.

**FISCAL IMPACT:**

With the Police Department being at full staffing (except for the Cops in Schools grant position) there has been no additional fiscal impact on the Police Department budget. The \$25,000 annual reimbursement, overtime reimbursement, and R.E.A.C.T payment of the \$10,500 educational component is also helpful in justifying the position.

|                               |               |                          |               |
|-------------------------------|---------------|--------------------------|---------------|
| Part Time Officer Salary:     | \$ 27,500     | Full Time Officer Salary | 55,000        |
| Part Time REACT Reimbursement | <u>25,000</u> | Full Time REACT Reimb.   | <u>50,000</u> |
| Cost to Town:                 | 2,500         | Cost to Town:            | 5,000         |

**CONCLUSION:**

I continue to recommend the assignment of Officer Jeff Hunter to the R.E.A.C.T Task Force on a half time basis with a future consideration of allowing the Police Department to assign an officer full time.

Prepared by:

Approved by:

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

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

Attachments: October 17, 2001 City Council Minutes  
October 17, 2001 REACT Task Force Staff Report



## **CITY COUNCIL STAFF REPORT**

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

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

**DATE: FOR THE CITY COUNCIL MEETING OF MAY 15, 2002**

**SUBJECT: ORDINANCE AMENDING ATHERTON MUNICIPAL CODE SECTION 8.10  
REGARDING HERITAGE TREES AND SECTION 1.16 (GENERAL  
PROVISIONS)**

### **RECOMMENDATION**

Staff recommends that the City Council introduce the attached Ordinance amending Atherton Municipal Code Section 8.10 (Heritage Trees) and Section 1.16 (General Provisions) based on the following finding for the reasons outlined in this staff report, and waive further reading:

1. The proposed amendment is required to achieve the objectives of the Zoning Plan and the General Plan.

### **INTRODUCTION**

The General Plan Committee discussed changes to the Heritage Tree section of the Atherton Municipal Code at numerous meetings. At their April 15, 2002 meeting, the Committee recommended the Planning Commission consider revisions to the Heritage Tree Ordinance Amendment. The Planning Commission reviewed the proposed changes at their April 24, 2002 meeting, made some minor wording modifications, and recommended that the City Council adopt the attached Ordinance Amendment.

### **ANALYSIS**

The General Plan Committee and Planning Commission recommends the following changes to the Atherton Municipal Code regarding Heritage Trees:

- Establishes tree types that are not considered heritage trees
- Establishes a definition for "damage to a heritage tree"

- Requires a Tree Protection and Preservation Plan to be submitted, at the discretion of staff, with each application.
- Expands the tree replacement requirement and establishes a requirement of replacing a native oak with a 48” container size native Oak. Also states that the Planning Commission may also attach other reasonable conditions to ensure compliance with the purpose and intent of this chapter.
- Lists trees that are discouraged from planting in the Town.
- Revises the penalty section (as prepared by the Town Attorney)

The General Plan Committee also reviewed Tree Preservation Guidelines, Standards and Specifications. The Committee established a sub-committee of members to work with staff to further refine these guidelines.

**CONCLUSION**

It is Planning Staff’s professional opinion that the proposed Ordinance Amendment is consistent with the General Plan and will achieve the desired results of preserving Atherton as a thickly wooded community.

**ALTERNATIVES**

Alternatives were discussed at the General Plan Committee and Planning Commission meetings.

**FISCAL IMPACT**

Costs associated with the implementation of the ordinance will be borne by applicants.

**ENVIRONMENTAL IMPACT:**

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Sections 15305, Class 5 which permits minor alterations in land use limitations which do not result in any changes in land use or density.

**FORMAL MOTION**

I move that the City Council introduce the Ordinance Amendment based on the finding listed in the staff report for the reasons listed in the staff report, and waive further reading.

s/Lisa Costa Sanders  
Lisa Costa Sanders, Senior Planner

James H. Robinson, City Manager

**Attachments:**

1. City Attorney Memo
2. Heritage Tree Ordinance Amendment

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING  
CHAPTER 8.10 (HERITAGE TREES) AND 1.16 (GENERAL PROVISIONS)  
OF THE ATHERTON MUNICIPAL CODE TO AUTHORIZE  
CITATION AUTHORITY FOR THE BUILDING OFFICIAL AND ARBORIST**

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

**SECTION 1:** Amendment of Code. Section 8.10.020 of the Atherton Municipal Code is hereby amended to read as follows:

**"8.10.020 Definitions.**

As used in this chapter:

A. "Heritage tree" means either:

1. A tree, located in the Tree Preservation Area, or a native oak tree (*Quercus lobata*, *Quercus agrifolia* or *Quercus douglasii*) located anywhere on a lot, which has a trunk circumference of forty-eight inches or more, when measured forty-eight inches above the natural grade;

2. A tree so designated by the City Council, based upon findings that the particular tree is unique and of importance to the public due to its unusual age, appearance, location or other factors.

3. The trees listed below shall not be classified as heritage trees:

*Acacia baileyana*-Bailey Acacia

(*Mimosa*)

*Acacia decurrens*-Green Wattle

*Acacia melanoxylon*-Black Acacia

*Ailanthus altissima*-Tree of Heaven

B. "Tree preservation area" means the area outside the building area of the lot, as defined in Section 17.08.080 of this code.

C. "Damage to a heritage tree" means any action, in the judgment of the Building Official or Town Arborist, which will cause damage to its health including, by way of example, but not limited to, excess pruning, topping, cutting, girdling, poisoning, over-watering, unauthorized relocation or transportation of a tree, or trenching, excavating, altering the grade, compaction or paving near the tree."

**SECTION 2:** Amendment of Code. Section 8.10.030 of the Atherton Municipal Code is hereby amended to read as follows:

**"8.10.030 Prohibitions and protections.**

A. No person shall remove a heritage tree unless a permit has first been issued in accordance with Section 8.10.040.

B. All heritage trees must be shown and designated on every plot map that may be required by the town in connection with any application for subdivision, variance, use permit, or building permit. In addition, a heritage Tree Protection and Preservation Plan may be

required with each application. The Heritage Tree Protection and Preservation Plan shall be prepared by a certified arborist to assess impacts to trees; recommend mitigation to reduce impacts to a less than significant level and identify construction guidelines to be followed through all phases of a construction project.

C. It is unlawful for any person to damage or harm a heritage tree by any means whatever, including, without limitation those actions defined in 8.10.020(C) above.

D. The provisions of this chapter shall not be deemed to repeal or otherwise affect the provisions of chapter 8.08 of this code, relating to dead or dangerous trees."

**SECTION 3:** Amendment of Code. Section 8.10.040 of the Atherton Municipal Code is hereby amended by revising Subsections A, D, F, and H to read as follows:

"A. The application for a heritage tree removal permit shall be filed with the Building Department on a prescribed form. The Building Department may require the applicant, at the applicant's expense, to furnish a written report from a licensed tree expert acceptable to the Building Department.

D. The application shall be heard and considered at a public meeting of the Planning Commission. Notice of the meeting shall be mailed by the town at least ten days before the meeting, to the owners of each property described in subsection C-2 of this section.

F. At the discretion of the Planning Commission, for each heritage tree permitted to be removed the permittee may be required to plant three trees of fifteen gallon container size, or two trees of twenty-four inch box container size, or one tree of fifteen gallon container size and one tree of thirty-six inch container size. Where native heritage oak trees are allowed to be removed from within the buildable area, they shall each be replaced with one or more trees of 48 inch container size of native oak species at a location approved by the Planning Commission. The Planning Commission may also attach other reasonable conditions to ensure compliance with the intent and purpose of this chapter.

H. It is strongly recommended that the trees listed below not be planted in the Town of Atherton:

*Acacia baileyana* – Bailey Acacia  
*Acacia decurrens* – Green Wattle.  
*Acacia melanoxylon* – Black Acacia  
*Ailanthus altissima* – Tree of Heaven  
*Eucalyptus globulus* – Blue Gum Eucalyptus  
*Pinus radiata* – Monterey Pine

Except as here amended, all other provisions of 8.10.040 of the Atherton Municipal Code continue to remain in effect."

**SECTION 4:** Amendment of Code. Section 8.10.060 of the Atherton Municipal Code is hereby amended by revising Subsections A, C, and D to read as follows:

"A. Any person causing heritage tree to be removed or damaged in violation of this chapter shall submit a fee as determined by City Council resolution to be deposited into a fund for the planting and maintenance of community trees, as a civil penalty in addition to the penalties as outlined in Chapter 1.20.

C. As part of a civil action brought by the Town, a court may assess against any person who commits, allows, or maintains violation of any provision of this chapter a civil

penalty in an amount not to exceed five thousand dollars per violation. Where the violation has resulted in removal of a tree, the civil penalty shall be in an amount not to exceed five thousand dollars per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. Such amount shall be payable to the Town as described in Subsection A above. Replacement value for the purposes of this section shall be determined utilizing the most recent edition of the Guide for Plant Appraisal. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of violation of any provision in this chapter. In a civil action brought pursuant to this chapter in which the town prevails, the court may award to the Town all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees..

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

Except as here amended, all other provisions of 8.10.060 of the Atherton Municipal Code continue to remain in effect."

**SECTION 5:** Amendment of Code. Chapter 1.16 of the Atherton Municipal Code is hereby amended by adding thereto a new section 1.16.060 to read as follows:

**"1.16.060 Arrest Authority of Building Official and Arborist.**

Pursuant to the provisions of California Penal Code Section 836.5, the Building Official and the Town Arborist are authorized to arrest a person without a warrant where either the Building Official or the Town Arborist or either of them has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the presence of said officer or employee that is a violation of a statute or ordinance that the Building Official or the Town Arborist has the duty to enforce which includes the provisions of Chapter 8.10 (Heritage Trees.)

Except as here amended, all other provisions of Chapters 8.10 and 1.16 of the Atherton Municipal Code continue to remain in effect."

**SECTION 6:** The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 7:** This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

\* \* \* \* \*

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

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

AYES: COUNCILMEMBERS \_\_\_\_\_  
NOES: COUNCILMEMBERS \_\_\_\_\_  
ABSTAIN: COUNCILMEMBERS \_\_\_\_\_  
ABSENT: COUNCILMEMBERS \_\_\_\_\_

\_\_\_\_\_

Alan B. Carlson, Mayor  
Town of Atherton

ATTEST:

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

APPROVED AS TO FORM:

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



Chapter 8.10

**REMOVAL OF AND DAMAGE TO HERITAGE TREES**

**Sections:**

- 8.10.010** Statement of findings
- 8.10.020** Definitions.
- 8.10.030** Prohibitions and protections.
- 8.10.040** Permit process
- 8.10.050** State tree care license
- 8.10.060** Violation—Penalty

**8.10.010 Statement of findings.**

The town finds and declares as follows:

- A. The town is endowed and forested by oaks, bays and other trees.
- B. The preservation of these trees is essential to the health, welfare and quality of life of the citizens of

the town to:

- 1. Preserve the scenic beauty of the town and to ensure the privacy of its citizens;
- 2. Maintain ecological balance;
- 3. Prevent erosion of topsoil;
- 4. Protect against the hazards of floods and the risk of landslides;
- 5. Counteract air pollutants and oxygenate the air;
- 6. Absorb noise;
- 7. Maintain the climatic and micro-climatic balance; and
- 8. Decrease high wind velocities. (Ord.

462 § 1(A), 1991; Ord. 444 § 1, 1989)

**8.10.020 Definitions.**

As used in this chapter:

A. 'Heritage tree means either:

1. A tree, located in the Tree Preservation Area, or a native oak tree (*Quercus lobata*, *Quercus agrifolia* or *Quercus douglasii*) located anywhere on a lot, which has a trunk circumference of forty-eight inches or more, when measured forty-eight inches above the natural grade; ~~or a native Oak tree located anywhere on a lot;~~ or

2. A tree so designated by the City Council, based upon findings that the particular tree is unique and of importance to the public due to its unusual age, appearance, location or other factions.

3. The trees listed below shall not be classified as heritage trees:

*Acacia baileyana*-Bailey Acacia

(*Mimosa*)

*Acacia decurrens*-Green Wattle

*Acacia melanoxylon*-Black Acacia

*Ailanthus altissima*-Tree of Heaven

B. "Tree preservation area" means the area outside the building area of the lot, as defined in Section 17.08.080 of this code. (Ord. 462 § 1(B), 1991; Ord. 444 § 2, 1989;).

C. "Damage to a heritage tree means any action, in the judgment of the Building Official or Town Arborist ~~authorized representative of the Building Department, which will cause may lead to the death of a tree or permanent~~ t which will cause damage to its health including, by way of example, but not limited to, excess pruning, topping, cutting, girdling, poisoning, over-watering, unauthorized relocation or transportation of a tree, or trenching, excavating, altering the grade, compaction ~~completion~~ or paving near the tree.

**8.10.030 Prohibitions and protections.**

A. ~~— No person shall remove a tree from within the tree preservation area of any parcel unless a permit therefore has first been issued in accordance with Section 8.10.010.~~

A. ~~No person shall remove a heritage tree from within the tree preservation area from any parcel or a native heritage oak tree (*Quercus lobata*, *Quercus agrifolia* and *Quercus douglasii*) which is located within the buildable area of the lot, unless a permit has first been issued in accordance with Section 8.10.040.~~

B. All heritage trees must be shown and designated on every plot map that may be required by the town in connection with any application for subdivision, variance, use permit, or building permit. ~~In addition, a Heritage Tree Protection and Preservation Plan shall accompany~~ may be required with each application. ~~The Heritage Tree Protection and Preservation Plan shall be prepared by a certified arborist to assess impacts to trees; recommend mitigation to reduce impacts to a less than significant level and identify construction guidelines to be followed through all phases of a construction project. Detailed standards and specifications for the implementation of a Heritage Tree Protection and Preservation Plan can be found in the Town's current Tree Preservation Guidelines.~~

C. It is unlawful for any person to damage or harm a heritage tree by any means whatever, including, without limitation ~~to those acts defined in 8.10.020(c) as defined above~~ vehicles, machinery, or building supplies or materials (including fluids) during any construction or renovation of structures on the parcel.

D. The provisions of this chapter shall not be deemed to repeal or otherwise affect the provisions of Chapter 8.08 of this code, relating to dead or dangerous trees. (Ord.444 § 3,1989).

**8.10.040 Permit process.**

A. The application for a heritage tree removal permit shall be filed with the Building Department on a prescribed form. The Building Department may require the applicant, at the applicant's expense, to furnish a written report from an ~~licensed independent~~ tree expert acceptable to the Building Department.

B. If the tree which is the subject of the application meets the requirements as set forth in this section based upon a review of the permit application and the inspection report, then the Building Department may grant the permit, conditionally grant the permit specifying mitigation requirements, deny the permit, allow a portion of the proposed work in the permit application to be done, or refer the application to the Planning Commission. The Building Department may attach reasonable conditions to ensure compliance with the intent and purpose of this chapter such as, but not limited to, requiring replacement of the tree or trees removed with plantings acceptable to the Building Department. Denial of the application may be appealed to the Planning Commission. In making the determination of which action to approve, including whether or not to refer the application to the Planning Commission, an authorized representative of the Building Department shall inspect the tree and make a determination based on the following criteria:

1. The probability of failure which is a function of tree and site conditions such as, but not limited to, structural defects, presence of disease, species history, age or remaining life span, and varying weather conditions. The probability of personal injury or significant property damage as a function of proximity to existing structures and objects of value and interference with utility services;

~~2. — The number, species, size and location of existing trees in the area and the effect of the requested removal upon shade, noise buffers, protection from wind damage, air~~

~~pollution, historic value, scenic beauty, health, safety and general welfare of the area and town as a whole;~~

3. Good forestry practices such as, but not limited to, the number of healthy trees a given parcel of land will support.

C. If referred by staff, or a decision by staff is appealed by the applicant the application shall be heard and considered at a public meeting of the Planning Commission. Each application for a heritage tree removal permit shall be accompanied by a fee in an amount as set by resolution of the City Council sufficient to cover all costs of processing the permit. The application for a Planning Commission review shall contain the following:

1. A legal description and accurate map showing the location of the property for which the permit is sought and the location of the tree for which the permit is sought and all other heritage trees on the subject parcel;

2. The names and addresses of the applicant and record owner of the subject property, and of the record owners of each parcel contiguous to the subject property, and of each parcel *directly* across any street from the subject property any part of which is encompassed within the projected side lines of the subject parcel. The applicant shall furnish to the town a stamped plain No. 10 envelope addressed to each such owner;

3. A photograph of the subject tree or trees;

4. A statement of the reason for requested removal, the species of the subject tree, and the circumference at forty-eight inches above natural grade of the subject tree;

5. Such additional information as the Building Department may deem necessary.

D. The application shall be heard and considered at a public meeting of the Planning Commission. Notice of the meeting shall be mailed by the town at least ten days before the meeting, to the owners of each property described in subsection ~~B-2~~ C-2 of this section.

E. At the public meeting, the Planning Commission shall hear all evidence presented, and shall grant the heritage tree removal permit unless it finds that the removal of the subject tree would be contrary to the purpose and intent of the General Plan of the Town.

~~F. At the discretion of the Planning Commission, for each tree permitted to be removed the permittee may be required to plant three trees of fifteen gallon container size, or two trees of twenty-four inch box container size, or one tree of fifteen gallon container size and one tree of thirty-six inch container size, in the tree preservation area.~~

*F. At the discretion of the Planning Commission, for each heritage tree permitted to be removed the permittee may be required to plant three trees of fifteen gallon container size, or two trees of twenty-four inch box container size, or one tree of fifteen gallon container size and one tree of thirty-six inch container size. Where native heritage oak trees are allowed to be removed from within the buildable area, they shall each be replaced with one or more trees of 48 inch container size of native oak species at a location approved by the Planning Commission. The Planning Commission may also attach other reasonable conditions to ensure compliance with the intent and purpose of this chapter.*

G. The decision of the Planning Commission on any application for a heritage tree removal permit may be appealed to the City Council in accordance with the procedures contained in Chapter 17.64 of this code. (Ord. 484 § 1(A)-(C), 1994; Ord. 462 § 1(C)-(J), 1991; Ord. 444 § 4, 1989).

H. It is strongly recommended that the trees listed below not be planted in the

Town of Atherton:

*Ailanthus altissima — Tree of Heaven*

*Acacia baileyana — Bailey Acacia*

*Acacia melanoxylon — Black Acacia*

*Pinus radiata — Monterey Pine*

*Eucalyptus globulus — Blue Gum Eucalyptus*

*Acacia decurrens — Green Wattle*

**8.10.050 State tree care License.**

Except for the property owner, no person shall remove any heritage tree for hire within the Town of Atherton without a valid State Contractor's license as required by the State of California. (Ord. 484 § 1(E), 1994)

**8.10.060 Violation—Penalty.**

A. Any person causing a heritage tree to be removed *or* damaged in violation of this chapter shall submit a fee as determined by City Council resolution to be deposited into a fund for the planting and maintenance of community trees, as a civil penalty in addition to the penalties as outlined in Chapter 1.20.

B. If the tree is removed completely or will be removed completely as a result of the damage, the applicant shall replace the tree with a tree or trees of equal value as determined by a licensed arborist using the most current "Guide for Plant Appraisal" published by The Council of Tree and Landscape Appraisers and to the satisfaction of the Building Official. The appraisal shall be paid for by the applicant.

C. *As part of a civil action brought by the Town, a court may assess against any person who commits, allows, or maintains violation of any provision of this chapter a civil penalty in an amount not to exceed five thousand dollars per violation. Where the violation has resulted in removal of a tree, the civil penalty shall be in an amount not to exceed five thousand dollars per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. Such amount shall be payable to the Town as described in subsection A above. Replacement value for the purposes of this section shall be determined utilizing the most recent edition of the Guide for Plant Appraisal. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of violation of any provision in this chapter. In an civil action brought pursuant to this chapter in which the Town prevails, the court may award to the Town all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.*

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

**C. Any applicant for a permit specified in Section 8.10.030.B shall submit photographs of heritage trees within the tree preservation area and a deposit in the amount of \$5000.00. Any damage to a heritage tree will result in a forfeiture of the deposit at \$1,000.00 per occurrence.**

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

**ATKINSON • FARASYN, LLP**

ATTORNEYS AT LAW

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

**MEMORANDUM**

TO: Honorable Mayor and City Councilmembers  
FROM: City Attorney  
RE: Amendment to Heritage Tree Ordinance  
DATE: May 9, 2002

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Revisions to the City's Heritage Tree Ordinance are shown in a version of Chapter 8.10 of the Atherton Municipal Code attached to the Staff Report from the City Planner. Deleted language is shown in strike-out; added language is shown in italics. The ordinance for Council action amends the respective sections as shown.

Some ministerial revisions which I made in preparing the ordinance include:

1. Section 8.10.030(C). The word "to" appearing in the third line of this subparagraph has been deleted.
2. Section 8.10.040(H). I have rearranged the listing of trees in this section to match the order in which they are listed in Section 8.10.020(A)(3).
3. Finally, the ordinance adds a new section 1.16.060 to the Atherton Municipal Code to give citation authority to the Building Official and Town Arborist. The Town Arborist had requested this authority to improve the efficiency of ordinance enforcement. The Town Arborist is called to a site to examine trees which have been or are being cut and/or damaged to confirm the existence of a violation of the ordinance. Rather than having to wait for a police officer to issue a citation, enactment of new Section 1.16.060 will allow the Town Arborist and/or Building Official to issue the citation.

Respectfully,

*/s/Marc G. Hynes*  
MARC G. HYNES

MGH:cwb



## **CITY COUNCIL STAFF REPORT**

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

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

**DATE: FOR THE CITY COUNCIL MEETING OF MAY 15, 2002**

**SUBJECT: RESOLUTION APPROVING THE FIRST AMENDMENT TO THE  
FRANCHISE AGREEMENT BETWEEN THE TOWN OF ATHERTON AND  
BFI WASTE SYSTEMS OF NORTH AMERICA, INC.**

### **RECOMMENDATION:**

The South Bayside Waste Management Authority (SBWMA) Board, at their April 25, 2002 meeting, voted to recommend jurisdictions approve the First Amendment to the Franchise Agreement.

Staff recommends that the City Council approve the attached Resolution approving the First Amendment to the Franchise Agreement

### **INTRODUCTION:**

The Town of Atherton entered into the Uniform Franchise Agreement for Solid Waste, Recyclable Materials and Plant Materials Collection Services with BFI Waste Systems of North America, Inc. That agreement designated agency-wide collection of solid waste on specified dates. The Town approved changing the designated spring/fall cleanup days to on-call cleanups. This change was implemented in February, 2001.

### **ANALYSIS:**

The change from designated clean-up days to on-call cleanups was based on the following:

1. Ease for Residents. Residents can call anytime, (two times per year), for their clean ups- instead of waiting for their city's scheduled Spring and Fall Cleanups. Residents are not losing any service – they still have two clean-ups – it is now at their convenience.
2. Illegal dumping should decrease as the clean up days will not be advertised.
3. The change is a cost effective way of providing this service. Many Bay Area cities are changing to this type of service.
4. The change will help meet the diversion goals by reducing overall clean-up disposal tonnage. Many residents will not take advantage of the two clean-up days as they are not reminded throughout the year as opposed to advertisement of designated spring/fall clean-up days.

The change to service was implemented in February, 2001. After review of the last rate application, the Agency's Rate Consultant, Bob Hilton, recommended that jurisdictions approve an amendment to the Franchise Agreement to clearly delineate the service and the costs for such services. Mr. Hilton has prepared the attached Amendment to the Franchise Agreement and has obtained BFI's approval on the modification.

This item was reviewed by the SBWMA Board at their April 25, 2002 meeting. At that meeting the Board recommended individual agencies approve the First Amendment to the Franchise Agreement.

**CONCLUSION:**

It is Staff's professional opinion the First Amendment reflects the appropriate level of service at a reasonable cost for Atherton residents.

**ALTERNATIVES:**

The Council could request modifications to the First Amendment.

**FISCAL IMPACT:**

The cost of service is based on historical costs to operate the program and contain a not-to-exceed amount and is based on proportional disposal tonnages and costs for the year 2000.

**ENVIRONMENTAL IMPACT:**

The change from designated spring/fall clean-up days to on-call cleanups has shown a reduction in overall disposal.

**FORMAL MOTION:**

I move that the City Council approve the Resolution approving the First Amendment to the Franchise Agreement.

s/Lisa Costa Sanders  
Lisa Costa Sanders, Senior Planner

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

**Attachments:**

2. Resolution
3. First Amendment to the Franchise Agreement
4. Original Franchise Agreement with notations to reflect proposed language changes





**First Amendment to the Franchise Agreement  
between the Town of Atherton and  
BFI Waste Systems of North America, Inc., for  
Solid Waste, Recyclable Materials and Plant Materials Collection Services**

This FIRST AMENDMENT to the Franchise Agreement for the Collection of Solid Waste, Recyclable Materials and Plant Materials, effective as of January 1, 2000, is made by and between BFI Waste Systems of North America, Inc. (Contractor), and the Town of Atherton (Agency).

RECITALS

WHEREAS, Agency and Contractor entered into the Agreement; and,

WHEREAS, Agreement contemplated that the Agency might desire Additional Services or the modification of existing services; and,

WHEREAS, Contractor and the Agency agree to change the method by which the Periodic Special Collections shall be scheduled;

NOW, THEREFORE, be it agreed as follows:

1. Section 4.02.5 Periodic Special Collections shall be amended to read as follows:

A. ~~At the option of the Agency, exercised in writing,~~ Contractor will provide two separate on-call cleanups to all ~~may be directed to provide Agency-wide Collection of Solid Waste placed for Collection on specified dates by~~ residential (single-family and multi-family) Waste Generators ~~in accordance with a program established by Agency.~~ Contractor shall Collect up to two cubic yards of Solid Waste from Residential Property comprised of objects larger than ordinarily may be accommodated by residential Solid Waste Containers, including ~~but not necessarily limited to, one large~~ objects ~~not larger than 2 feet by 4 feet nor~~ heavier than 200 pounds, ~~twice not less than once~~ each Operating Year on a day designated by ~~Agency Owner~~ owners or occupants. Such Collections shall be made as part of a year round "on-call community-wide" cleanup program. ~~, and Agency shall require eOwners or occupants of Residential property shall be required to place such Solid Waste at curbside for Collection. Such Collection shall be provided to Agency and to said owners or occupants and Contractor no Compensated~~

2. Section 4.02.5 Periodic Special Collections B shall be amended to read as follows:

B. In conjunction with the on-call cleanups periodic special Collections described in Section 4.02.5A, Contractor shall also offer ~~a similar~~ Collection of service for residential Plant Materials and wood to increase the amount of material diverted from landfills. ~~Contractor shall describe its plan for providing these services to the Agency, which shall approve the program annually prior to its implementation. In its plan, Contractor shall describe the allowed materials for Collection, costs, and the disposition of the materials.~~ SBWMA or Agency may direct Contractor to implement additional special collections programs pursuant to

Section 2.09. Contractor shall work with the Agency and the SBWMA to inform the public of the availability of this option.

3. In all other respects, the Agreement shall remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to the Agreement on the date indicated below.

Dated: \_\_\_\_\_

BFI Waste Systems of North America, Inc.

By: \_\_\_\_\_  
John Zirelli, District Manager

By: \_\_\_\_\_  
James H. Robinson, City Manager  
Town of Atherton

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Marc Hynes, City Attorney

*Proposed Changes to language in Franchise Agreement (as reflected in the First Amendment):*

4.02.5 Periodic Special Collections.

A. ~~At the option of the Agency, exercised in writing, Contractor may be directed to provide Agency wide Collection of Solid Waste placed for Collection on specified dates by Contractor will provide two separate on-call cleanups to all residential (single-family and multi-family) Waste Generators. in accordance with a program established by Agency.~~

Contractor shall collect *up to two cubic yards of Solid Waste* from Residential Property comprised of objects larger than ordinarily may be accommodated by residential Solid Waste Containers, including, ~~but not necessarily limited to, objects not larger than 2 feet by 4 feet nor one large object not heavier than 200 pounds, twice each Operating Year on a day designated by owners or occupants. not less than once each Operating Year on a day designated by Agency.~~ Such Collections shall be made as part of ~~community-wide a year round "on-cleanup" program. Owners or occupants of Residential property shall be required to place such Solid Waste at curbside for Collection. and Agency shall require owners or occupants of Residential Property to place such Solid Waste at curbside for Collection. Such Collection shall be provided to Agency and to said owners or occupants and Contractor not Compensated.~~

~~Upon Agency's request, Contractor shall provide a second such Collection during any Operating Year on a day designated by Agency. Company's costs for such second Collection shall be deemed Pass Through Costs in accounting therefor under Article VI.~~

B. In conjunction with ~~periodic special Collections~~ *the on-call cleanups* described in Section 4.02.5.A, Contractor shall also offer ~~a similar Collection service for~~ of residential Plant Materials and wood to increase the amount of material diverted from landfills. Contractor shall describe its plan for providing these services to the Agency, which shall approve the program annually prior to its implementation. In its plan, Contractor shall describe the allowed materials for Collection, costs, and the disposition of the materials. SBWMA or Agency may direct Contractor to implement additional special collections programs pursuant to Section 2.09. Contractor shall work with the Agency and the SBWMA to inform the public of the availability of this option.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

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

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

**DATE: FOR THE MEETING OF MAY 15, 2002**

**SUBJECT: APPROVAL OF THE PURCHASE OF AN UNMARKED POLICE VEHICLE  
AND AUTHORIZATION TO SURPLUS FLEET VEHICLES**

### **RECOMMENDATION:**

Approve the purchase of an unmarked police vehicle from Serramonte Ford within the current 2001-2002 budget cycle. The cost of the vehicle, a 2002 Ford Crown Victoria, and the necessary equipment will not exceed \$25,617.00, which includes tax and license. It is also recommended that the City Council authorize the Police Department to surplus five vehicles in the police fleet that are beyond their usefulness because of excess mileage or age that would lend itself to either an unsafe vehicle or cause the Town to incur excessive repair expenses. (See attachment.)

### **INTRODUCTION:**

The Police Department's major fixed assets are its police vehicles that transport police officers, investigators, and community service officers to locations within and outside the boundaries of Atherton. Outside of salaries, our highest expenses are the purchase, care and maintenance of our fleet of vehicles. Traditionally police vehicles live a hard life, often running 7 days per week and 24 hours a day. These stresses can shorten the normal useful life expectancy. It has been my experience that consideration for replacing police vehicles should be made when advancements in driver safety substantially increase, an accumulated mileage of approximately 75 thousand miles, and/or when maintenance costs outweigh the cost of replacement.

Along with purchasing new vehicles annually, the Police Department routinely surpluses its older vehicles to an auction company. Used police vehicles are usually not trade-in worthy because of the disclaimers and costs to the dealer for them to be made roadworthy for the general public.

Auction vehicles are sold as is, at a much lower cost to the public. Although some vehicles have remained on the books even after meeting the criterion for replacement, it is my intent to clear the rear lot of vehicles that have been assigned to specific tasks, i.e. transporting the radar trailer, crime scene/evidence van and back-up vehicle. Since the Department has moved to a 12-hour shift rotation with no overlap, we do not have a need for as many marked vehicles.

The unmarked vehicle that we are asking to be replaced in the current budget year was due to be replaced in July 2002 because of the increased maintenance cost and high odometer mileage, but has met its fate with a major engine failure. The cost to replace the vehicle's engine is \$6,000. That amount is more than the vehicle is currently worth.

**ANALYSIS:**

Revenue received from the four surplus vehicles could be in the range of \$10,000. The \$10,000 in funds received from the surplus vehicles could be designated to be returned to the Vehicle Replacement Account to offset this unexpected expense. Since the Town has gone to an enterprise account for vehicle replacement, funds intended for the replacement would be used and not affect other line item accounts within the Police or other Town departments. The Finance Director has confirmed that the account can support a late fiscal year purchase. If the purchase is approved, the Police Department would reduce its replacement of vehicle request for the 2002-2003 fiscal year by one.

**FISCAL IMPACT:**

Although an increase in the vehicle replacement will be above the expected 2001-2002 budget, the 2002-2003 budget expectation should be reduced by the amount spent this year.

**CONCLUSION:**

Approval of the agreement will facilitate the delivery of police services to the community without interruption.

Prepared by:

Approved by:

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

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

Attachment: Surplus Vehicles List/Bid Summary

ATTACHMENT TO MAY 15, 2002 POLICE DEPT. STAFF REPORT

VEHICLES TO BE SURPLUSED

| VEHICLE                     | PLATE # | MILEAGE | VIN #             |
|-----------------------------|---------|---------|-------------------|
| 1988 Kawasaki<br>Motorcycle | E11K37  | 42,800  | JKAKZCP28JB505894 |
| 1989 GMC VAN                | E266622 | 22,602  | 1GTCM15ZOKB532306 |
| 1995 Chevy Caprice          | E010834 | 87,395  | 1GIBL52P8SR153966 |
| 1995 Ford Crown<br>Victoria | E030496 | 84,000  | 2FALP71WTX118313  |
| 1997 Mercury Sable          | 4BJX048 | 71,000  | 1MELM5OU6VG648991 |

SUMMARY OF BID INFORMATION

2002 Ford Crown Victoria

| Vendor                    | Price                 | *Tax    | Total    |
|---------------------------|-----------------------|---------|----------|
| Fremont Ford              | \$25,125              | \$2,282 | \$27,682 |
| Hayward Ford              | \$27,237              | \$2,250 | \$27,259 |
| Downtown Ford (state bid) | \$24,628              | \$2,200 | \$26,828 |
| Serramonte Ford           | \$23,660              | \$1,952 | \$25,617 |
| Town Ford                 | No bid For 2002 Model |         |          |
| Peninsula Ford            | \$24,500              | \$2,200 | \$26,700 |

\*Tax differs from the calculation on rebate from dealer or other incentives applied.



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: CITY COUNCIL MEETING OF MAY 15, 2002**

**SUBJECT: CITY COUNCIL RULES OF PROCEDURE**

Attached is a copy of the City Council Rules of Procedure. Revisions have been made and are shown by added language in italics and deleted language in strike-out. I will be prepared to answer any questions the Council may have regarding any of these changes.

Councilmember Fisher has suggested a policy relative to proclamations. For your consideration I present a brief version of general criteria employed by the City of Sunnyvale as follows:

Resolutions, proclamations and certificates will be issued to recognize legitimate and significant community achievements, contributions, and occasions. These forms of recognition are not intended for partisan, commercial or narrow individual purposes which are inconsistent with the overall policies of the city Council.

A more formal version of a Mayoral Proclamation follows:

#### Mayor Proclamations

A Mayoral Proclamation is signed only by the Mayor. Mayor Proclamations will be issued at the discretion of the Mayor for various purposes, including:

- A. Recognition of individuals and organizations whose contributions and achievements have community-wide significance;
- B. Calling public attention to a significant community event, service or program;



C. Highlighting a special period of observance, celebration, or recognition for community, regional, state, or national occasions.

Mayoral Proclamations do not need formal Council action or approval, and individual Councilmembers can request through the Mayor that proclamations be issued. All public requests for proclamations should be directed to the Mayor for review and preparation. A copy of Mayoral Proclamations will be included in the Council's Reading File.

It will be at the discretion of the Mayor to determine whether it is appropriate to present the proclamation at a Council meeting.

Respectfully,

*s/Marc G. Hynes*  
MARC G. HYNES

Attachment

## RULES OF PROCEDURE

### 1. Authority

As provided by California Government Code Section 36813, the City Council establishes these Rules of Procedure for the conduct of meetings. The following Rules shall be in effect upon their adoption by the City Council and until such time as they are amended or new rules adopted in the manner provided by these Rules.

### 2. General Rules

2.1 Public Meetings All meetings (except closed sessions as provided by State law) of the Council shall be open to the public.

2.2 Meeting Dates/Times Regular meetings will be held on the third Wednesday of each month. Adjourned regular or special meetings may be called by the Mayor or a majority of the Council. All regular meetings will convene at ~~7:30~~ 7:00 p.m. unless noticed at a different time by publishing a notice and/or posting a notice ~~in at least three conspicuous places as required by Section 5.3.~~

2.3 Quorum Three members of the Council shall constitute a quorum necessary to transact business. In the event a quorum is not in attendance, those attending will be named in the minutes, and they shall adjourn the meeting to a later set time. If no one is present, the Clerk shall adjourn the meeting to a later date and post notice of that fact pursuant to Government Code Section 36811.

2.4 Compelling Attendance Members must request the ~~Mayor~~ Presiding officer to issue an "excused absence" when they are unable to attend. The member may notify the City Manager or City Clerk if the Presiding Officer is not available and the City Manager or City Clerk will notify the Presiding Officer of the request; or it will be noted in the minutes as an unexcused absence. In the event of perpetual absence by members, the Council may adjourn from day to day to compel attendance under the penalties prescribed by law. The seat of a member with two or more consecutive unexcused absences shall be vacated pursuant to Government Code Section 36513(b).

2.5 Minutes of Proceedings An account of all public proceedings of the City Council shall be recorded by the City Clerk and entered into official minute books of the Council. These minutes shall be available to the public following approval by the Council.

2.6 Right of Floor Any member desiring to speak shall first be recognized by the Mayor and shall, with the exception of Citizens' Forum, Public Comments, confine any remarks to the subject under consideration.

2.7 Rules of Order Except in cases of conflict with these Rules, Robert's Rules of Order shall be used as a non-binding guide to govern the proceedings of this Council.

2.8 City Manager The City Manager shall attend all meetings of the Council unless excused, and in his/her absence, a designee shall substitute. The City Manager may make recommendations and shall have the right to take part in all discussions of the Council, but shall have no vote.

2.9 City Attorney The City Attorney shall attend all meetings of the Council unless excused, and in his/her absence, a designee shall substitute. The City Attorney, upon request of the City Council or authorized representatives, shall give opinions, either written or oral, on questions of law and shall act as the Council's parliamentarian.

2.10 City Clerk The City Clerk shall attend all meetings of the Council unless excused, and in her/his absence, the Deputy City Clerk shall substitute. The City Clerk shall record, prepare and maintain the official record of the Council and perform other related duties as prescribed by the Council and/or City Manager.

2.11 Department Heads/Employees Department Heads/Employees, as described by the City Manager or requested by the Council, shall attend Council meetings.

### 3. Types of Meetings

3.1. Regular Meetings ~~Unless otherwise designated by the Council, the Council~~ shall meet in the City Council Chambers for all regular meetings. The regular meetings shall begin at ~~7:30~~ 7:00 p.m. on the third Wednesday of each month, unless otherwise specified by posted notice. If the meeting date should fall on a legal holiday, the Council shall meet at a time and date so designated by the Council.

3.2 Adjourned Meetings Any meeting of the City Council may be adjourned to a later date, place, and time provided no adjournment is for a longer period than the next regularly scheduled meeting.

3.3 Special Meetings ~~Only matters specified in the notice may be discussed at special meetings. Notice shall be posted as required by law. Special meetings may be called by the Mayor or by a majority of the Councilmembers. The call for a special meeting must specify the day, hour, and place and shall specify the subject(s) to be considered. At least twenty-four hours notice must be given prior to the meetings. Only specified matters may be discussed at special meetings.~~

3.4 Closed Session Meetings Closed sessions, formerly referred to as Executive Sessions, may be held in accordance with the provisions of the Brown Act (Government Code Section 54954.5).

3.5 Study Session Minutes The Council may meet informally in Study Sessions called by the Mayor or the majority of Councilmembers. Study Sessions are open to the public and are meetings for purposes of the Brown Act. Council may not take any formal action at study session meetings. Meeting notice requirements are contained in Section 2.2.

3.6 Media Attendance All meetings (except Closed Sessions) of the City Council and Commissions shall be open to the media, and may be recorded by tape, radio, television, and photography, provided such recordings do not interfere with orderly conduct of the meetings.

#### 4. Mayor - Duties

4.1 Mayor The Mayor is elected by members of the Council for a one-year period, ~~and shall not serve more than two consecutive one-year terms.~~ No member shall serve as mayor for consecutive terms. The City Council shall meet at least annually to choose one of its members as Mayor. The selection of the Mayor and Vice Mayor shall take place at the regular November Council meeting of each year.

4.2 Vice Mayor The Vice Mayor shall be selected annually by a Council majority vote. No member shall serve as vice-mayor for consecutive terms.

4.3 Presiding Officer The Mayor, if present, shall preside. In the Mayor's absence, the Vice Mayor shall preside. In the absence of both, the Councilmembers present shall elect a temporary Presiding Officer.

4.4 Call to Order The Mayor or Vice Mayor shall call the meeting to order at the hour appointed. In the absence of both, the meeting shall be called to order by the City Clerk and those Councilmembers present shall proceed to elect a temporary Presiding Officer.

4.5 Preservation of Order The Mayor shall preserve strict order and decorum, shall prevent verbal attacks on Councilmembers, staff, and/or citizens, and confine debate to the item under discussion.

4.6 Point of Order The Mayor shall determine all points of order, subject to the right of any member to appeal. If an appeal is taken, the question shall be, "Shall the decision of the Mayor be sustained?"

4.7 Motion to be Stated The Mayor shall state all motions submitted for a vote and announce the result. A roll call vote shall be taken upon ordinance, resolution, and at the request of any member.

#### 5. Order/Preparation of Agenda

##### 5.1 Order of Business

- ~~1. Call to Order, Roll Call~~
- ~~2. Submission of Minutes~~
- ~~3. Council and Staff Reports~~
- ~~4. Citizens' Reports~~
- ~~5. Consent Agenda~~

~~6. Regular Agenda/Public Hearings~~

~~7. Adjournment~~

- ~~1. Call to Order, Pledge of Allegiance, Roll Call~~
- ~~2. Presentations~~
- ~~3. Council Reports~~
- ~~4. Public Comments~~
- ~~5. Staff Reports~~
- ~~6. Community Organization Roundtable Report~~
- ~~7. Consent Agenda~~
- ~~8. Regular Agenda/Public Hearings~~
- ~~9. Public comments~~
- ~~10. Adjournment~~

5.2 Agenda Preparation The agenda shall be prepared in accordance with the preparation procedure as directed by the City Manager. The agenda shall be delivered to the Mayor, Councilmembers, and Library after 5:00 p.m. on the Friday preceding the Wednesday meeting. Council materials are available for public review at the Library the Saturday, and at the City Administrative Office beginning on the Monday, before the regular Wednesday Council meeting.

5.3 Agenda Posting The City Clerk shall post an agenda at least 72 hours before a regular meeting at the following locations: (a) Atherton Town Offices, 91 Ashfield Road (lobby); (b) Atherton Branch Library, 2 Dinkelspiel Lane; (c) Atherton Train Station Bulletin Board; (d) Rosewood @ Green Oaks Bulletin Board; (e) Atherton @ Selby Lane Bulletin Board, (f) Town Council Chambers, 94 Ashfield Road. The agenda shall specify the time, date, and location of the meeting and contain a brief description and proposed action of each item of business to be transacted or discussed at the meeting.

5.4 Minutes Unless requested by Council, minutes may be approved without reading if the City Clerk previously furnished a copy to each member and the Library.

~~5.5 Citizen's Reports (See also Citizens' Rights) During Citizens' Reports, any person may address the Council, provided that the item (1) is of interest to the public and is within the subject matter jurisdiction of the Council and (2) is not otherwise on the agenda.~~

Section 5.5 Public Comments (See also Citizens' Rights) During Public Comments, any person may address the Council, provided that the item (1) is of interest to the public and is within the subject matter jurisdiction of the Council and (2) is not otherwise on the agenda.

~~5.6 Consent Agenda Items listed under the Consent Agenda are those items staff believes will not require Council discussion and are routine in content. Also listed under the Consent Agenda are resolutions confirming action from a previous meeting which are brought back for approval of form rather than approval of action. Items may be removed for separate discussion for clarification.~~

Section 5.6 Consent Agenda Items listed under the Consent Agenda are those items staff believes will not require Council discussion and are routine in content. Also listed under the Consent

Agenda are resolutions confirming action from a previous meeting which are brought back for approval of form rather than approval of action. Items may be removed for separate discussion for clarification and/or upon request by any member of the public who wishes to speak on that item.

5.7 Regular Agenda/Public Hearings Items requiring a public hearing will be noticed as required by law.

5.8 Actions Limited to Posted Agenda The City Council shall not take action on any item not appearing on the posted agenda except under the conditions permitted by Government Code Section 54954.2 (Brown Act).

## 6. Citizens' Rights

### 6.1 Addressing the Council

(1) Any person may address the Council on the following portions of the agenda:

- (1a) ~~Citizens' Reports~~, Public Comments, as provided in Section ~~5.4.5.5.~~
- (2b) Public hearings, as provided in Sections 8.1 and following.
- (3c) If invited by the Mayor, all other portions of the agenda prior to the vote, if any, being taken.

(2) The following shall apply:

- (4a) Each person addressing the Council shall step to the podium and give his/her name and address (optional) for the record.
- (2b) A time limit may be imposed by the Council on each speaker depending on the subject matter. (Exception: See "Public Hearing Procedures" under Section 8.1 and following.)
- (3c) All remarks shall be directed to the Mayor and Council as a body and not to any particular member.
- (4d) No person, other than members of the Council and the person having the floor, shall be permitted to enter into the discussion.
- (5e) No question shall be asked of Councilmembers except through the Mayor.

6.2 Personal and Slandorous Remarks Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous may be requested by the Mayor to leave the meeting. The Mayor shall discourage demonstrations before the Council, such as applauding or "booing". Upon instructions by the Mayor, a Sergeant-at-Arms may be called for the purpose of removing any person who, in the Mayor's judgment, has violated the rules of conduct and has disrupted the meeting. The Mayor appoints a person to fulfill the responsibilities of the Sergeant-at-Arms at the beginning of each meeting if he/she deems it to be necessary.

6.3 Reading of Protests Interested persons, or their representatives, may address the Council for the reading of protests, petitions or communications relating to the matter under consideration if a majority of the Council agree that the person should be heard.

6.4 Written Communications Any citizen may submit written comments to the Council through the City Clerk or City Manager's office and request that Council receive copies in the agenda packet provided such written comments are received four business days before the scheduled Council meeting. Written comments can be filed with the City Clerk or City Manager's office up to the time of the meeting and distributed to the Council at the meeting.

6.5 Printed Materials Printed materials contained in the agenda packet will be available upon request after the meeting is adjourned. There may be a copy charge, based on the Town's current copy fee, if printing is necessary. If the action taken requires retyping, the document will be available in Town Hall the next business day, as soon as the retyping is complete.

## **7. Ordinances, Resolutions and Contracts**

7.1 Document Preparation All ordinances and resolutions shall be approved by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council or prepared by the City Attorney on his/her own initiative.

7.2 Document Approval All ordinances, resolutions, and contracts shall, before being placed on the agenda, be approved as to form and legality by the City Attorney. Additionally, all these documents shall be reviewed by the City Manager.

7.3 Ordinance Introduction/Adoption Except as to urgency ordinances, unless a member requests a full reading, a proposed ordinance will be introduced by the reading of the title only. Ordinances introduced by first reading shall not be adopted within five days of the introduction or at other than regular Council meetings. If the ordinance carries an emergency clause, introduction and adoption may occur at the same meeting.

7.4 Majority Vote Required An affirmative vote of at least a majority of a quorum of the Council shall be necessary to adopt an ordinance. Urgency (emergency) ordinances must be adopted by the affirmative vote of at least four members of the Council. Resolutions, motions, and any other matters may be adopted by the majority present.

7.5 Ordinance Preservation Following adoption of an ordinance, the City Clerk will assign a number to the ordinance, and post according to law. The ordinance shall be filed and preserved in the City Clerk's office.

## 8. Procedures Regarding Public Hearings

8.1 Introduction Mayor announces subject of the public hearing.

### 8.2 Staff and Written Material Presentation

1. Staff summary report and other written material included in the agenda packet is received and filed. Written comments not in the agenda packet (e.g. protests, etc.) are noted for the record.
2. Written material not in the agenda packet, if any, is received and filed.
3. Staff report, if any, is presented by staff member.
4. Staff responds to Councilmember questions.
5. Mayor declares the public hearing open.

### 8.3 Public Comment

1. Purpose is to provide opportunity to concerned members in the audience who wish to testify in support or opposition to the matter being heard.
2. Mayor instructs members of the audience: (a) speak from the podium; (b) to give their name and address (optional) before speaking; (c) a time limit for each speaker may be designated; and (d) that repetition should be avoided.
3. The applicant/representative will normally speak first.
4. Questions by speakers will be noted prior to Council deliberation.
5. Mayor declares the public hearing closed.

### 8.4 Council Deliberations

1. After the Mayor has determined that no other member of the audience wishes to speak, the matter is returned to the City Council for deliberation.
2. The Council may ask questions of speakers for clarification.
3. The Council makes a motion and debates.

### 8.5 Council Action

1. Council may, at this time, continue the open public hearing.
  - (a) This should be done if any additional information is requested (e.g. a staff report).
  - (b) Continuing a public hearing to a specific date does not require additional notice.
2. Council may:
  - (a) Close the public hearing and vote on the item;



- (b) Offer amendments or substitute motions allowing additional public comment;
- (c) Close the public hearing and continue the matter to a later date for a decision. (Note: no additional reports or testimony may be received after the hearing has been closed).

**9. Commissions and Committees**

9.1 Mayor/Council Committee At the regular meeting in December, the Mayor shall appoint Councilmembers to serve on various committees which require a Council representative.

9.2 Citizen Commissions and Committees Commissions and Committees shall be created/appointed in accordance with the Atherton Municipal Code.

9.3 Subcommittees of City Council Any subcommittee or committee of the Council shall be subject to the same rules of procedure as the City Council. Each subcommittee is comprised of two Councilmembers appointed by the Mayor, and is staffed by the appropriate staff members. The standing Council subcommittees are:

- (1) Transportation Committee, which meets ~~quarterly, the second Tuesday on the Tuesday two weeks~~ prior to the Council meeting, at 4:30 ~~6:00~~ p.m., in Council Chambers, 94 Ashfield Road, Atherton.
- quarterly, (2) General Plan Committee ~~Water Management Committee~~, which meets at 6:00 p.m. in Council Chambers, 94 Ashfield Road, Atherton.
- (3) Waste Reduction and Recycling Committee ~~Personnel Committee~~, which meets ~~quarterly~~ each February, May, August and November on the first Wednesday of the month at 4:30 p.m., ~~City Manager's Office, in the Administrative Offices,~~ 91 Ashfield Road, Atherton.
- (4) Budget and Finance Committee, which meets ~~on an as-needed basis~~ each February, May, August and November, on the second Wednesday of the month at 8:15 a.m., ~~City Manager's Office, in the Administrative Offices,~~ 91 Ashfield Road, Atherton.
- (5) Atherton Channel Drainage District Committee, which meets on an as-needed basis in the Council Chambers, 94 Ashfield Road.
- (6) Buildings and Facilities Committee which meets on an as-needed basis in the Administrative Offices, 91 Ashfield Road.
- (7) Screening Committee which meets on an as-needed basis in the Administrative Offices, 91 Ashfield Road.

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**10. Suspension and Amendment of These Rules**

10.1 Suspension Any provision of these rules not already governed by the City Code may be temporarily suspended by a majority vote by the Council.

10.2 Amendment These rules may be amended by additions or deletions or new rules adopted by a majority vote of the Council provided the proposed amendment or new rules are introduced into the record at a prior Council meeting.

**11. Miscellaneous Rules**

11.1 Roll Call Votes Upon demand by any Councilmember, made before the "Nays" are called for, a roll call vote shall be taken on the motion before the Council. The Mayor's name shall be called last with other members' names called at random by the City Clerk. Members shall not give explanations for their vote during roll call.

11.2 Silence During a collective vote ("Ayes", "Nays" or "Abstain"), silence by any member denotes an affirmative vote.

11.3 Continuance of an Item

1. Continuance by a Councilmember: Any Councilmember may, with the consent of the Council, continue an item (not subject to a deadline) to the next agreed upon meeting. If the Councilmember will not be in attendance at the meeting, his/her request to continue item should be personally conveyed to the Mayor or City Manager prior to the meeting. *(Amended 3/15/95)* an

2. Continuances Requested by Someone Not a Councilmember: Anyone may request a continuance of an item by the Council. A request for a subsequent continuance may be granted by vote of the Council only if it finds that (1) the need for the continuance was beyond the control of the person requesting it, and (2) the need for the continuance arose after (a) the date of the notice of public hearing was published if the item is subject to a public hearing, or (b) the time the Council agenda was posted for items not subject to public hearing. a

11.4 Personal Privilege The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which the integrity, character, or motives of the Councilmember is in ~~questions~~ question, or where the welfare of the Council is concerned. The Councilmember may not interrupt the speaker, however, until recognized by the Mayor.

11.5 Protests Any member shall have the right to enter into public record or ~~protests~~ protest against any action carried by the majority.

11.6 Motion to Reconsider A motion to reconsider any action taken by the Council may be made in accordance with the following:

1. The motion must be made by a member of the prevailing side, although it may be seconded by any Councilmember.
2. The motion must be made prior to the adjournment of the meeting at which the original action was taken.
3. The motion is debatable and has precedence over a pending motion.

## 12. Rules of Debate

12.1 Mayor as Presiding Officer The Mayor may move, second, and debate from the Chair, and shall not be deprived of any rights and privileges of a Councilmember.

12.2 Appeals Any ruling of the Mayor may be appealed at the request of a Councilmember. The Mayor shall call for a roll call vote to determine if the ruling is upheld.

12.3 Precedence of Motions When a motion is before the Council, no motion shall be entertained except:

1. Motion to Amend (debatable only as it relates to the amendment): An amendment which modifies the motion is in order, however, a substitute motion is in order if the intent is changed. Amendments are voted on first, main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There shall only be one amending motion on the floor any one time. an
2. Motion to Postpone: If such a motion is adopted, the principal question is lost. Motion to postpone to a definite time is subject to debate and amendment as it relates to propriety of the postponement and time set.
3. Motion to Table (Undebatable and not subject to amendment): The purpose of a motion to table is to temporarily bypass the item. If a motion to table is adopted, subject to applicable agenda requirements, the item may be taken from the table at any time prior to the adjournment of the next regular meeting. If the item is not taken from the table in the time specified, the business of the item is killed.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF MAY 15, 2002**

**SUBJECT: SET DATE FOR CONSIDERATION OF TOWN OF ATHERTON  
OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2002-03**

### **RECOMMENDATION**

It is recommended that the City Council select a date(s) for consideration of the Draft Operating and Capital Budget for FY 2002-2003. City Council Members are reminded to please bring their personal calendars to the Council meeting so that date(s) can be established.

### **BACKGROUND**

Staff is currently in the process of completing a proposed Draft of the FY 2002-2003 Operating and Capital Budget. It is recommended that a date(s) be set for a meeting for review by the City Council and to receive public comment. It is anticipated that a draft could be available for the June 19, 2002 City Council meeting for consideration. It is suggested that the City Council consider setting sufficient time to review and approve the Budget prior to the beginning of the July 1, 2002 Fiscal Year. If the Council would need additional time for review and approval of the budget it is recommended that an additional date be established. Staff is suggesting that Thursday, June 27, 2002 be reserved as a back-up date for an additional meeting to complete the process if necessary.



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF MAY 15, 2002**

**SUBJECT: SETTING A DATE FOR A COMMUNITY ORGANIZATION ROUNDTABLE MEETING**

#### **RECOMMENDATION**

It is recommended that the City Council set a meeting date for holding a Community Organization Roundtable meeting in accordance with Resolution No. 99-6.

#### **BACKGROUND**

On April 20, 1999, the Atherton City Council adopted Resolution No. 99-6, which established an annual Community Organization Roundtable to “facilitate communication between the City Council and community committees and groups of Atherton.” This resolution states that an annual Community Organization Roundtable meeting shall be held each September. Furthermore, “those invited to the meeting shall be each member of the City Council, the City Manager, chairpersons or representatives of the Atherton General Plan Committee, Atherton Planning Commission, Atherton Park and Recreation Commission, Atherton Arts Committee, and a representative from each recognized community committee and group.” The following committees and groups are specified in the Resolution: Atherton Arts Committee, Atherton Civic Interest League, Atherton Dames, Atherton Heritage Association, Atherton Tree Committee, Holbrook-Palmer Recreation Park Foundation, Lindenwood Homes’ Association, Lloyd Park Homeowner’s Association, The Crime Prevention Task Force, The Friends of the Atherton Library, Victoria Manor Homeowner’s.

The last Community Organization Roundtable meeting was held on September 9, 1999. The minutes of that meeting are attached. Once a date and time is set for the meeting, staff will notify the community groups and committees.

Attachments: Minutes of September 9, 1999 Community Organization Roundtable Meeting  
Resolution No. 99-6

**TOWN OF ATHERTON**

**RESOLUTION NO. 99-6**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON,  
CALIFORNIA ESTABLISHING AN ANNUAL COMMUNITY ORGANIZATION  
ROUNDTABLE AND TO FACILITATE COMMUNICATION BETWEEN THE CITY  
COUNCIL AND COMMUNITY COMMITTEES AND GROUPS OF ATHERTON**

WHEREAS, Atherton has a wealth of community committees and groups, some established by City Council action, each composed of many caring residents interested in the preservation and betterment of Atherton. The common goal of each, which is shared with the City Council, is to make Atherton a better community for its residents.

WHEREAS, each committee or group represents a potentially unique resource for Atherton and the City Council. First, each committee and group represents a link to the residents of the Town and their views and thoughts on the many issues that confront the Town. Second, each represents a source of new ideas or different perspectives on existing issues. Third, each represents a resource of individual residents with particular abilities or talents that may be enlisted to help or give input on particular issues, problems or projects. Finally, each organization represents a group of Town residents that can be potentially mobilized around or in support of solutions to issues and problems that can currently or will confront the Town in the future.

WHEREAS, the City Council can potentially benefit from the resource re represented by Atherton's community committees and groups.

THEREFORE, BE IT RESOLVED by the City Council of the Town of Atherton that the following be adopted establishing an annual Community Organization Roundtable and to facilitate communications between the City Council and community committees and groups of Atherton:

1. That each September an annual Community Organization Roundtable meeting shall be held. Those invited to the meeting shall be each member of the City Council, the City Manager, chairpersons or representatives of the Atherton General Plan Committee, Atherton Planning Commission, Atherton Park and Recreation Commission, Atherton Arts Committee, and a representative from each recognized community committee and group. Staff department heads shall be available during the meeting as a resource. The meeting shall be chaired by the Mayor who will establish and distribute an agenda prior to the meeting.
2. That in advance of the Community Organization Roundtable, in order to make it potentially more productive, each community committee and group shall be requested by the City Manager to provide to the City Council, and each other committee and group, annual report of its goals, activities, and views on current issues, problems confronting the community, or matters which they believe should be addressed by the Town. Providing such shall be entirely voluntary on the part of each committee or group.

3. That at each regular City Council meeting time shall be provided on the agenda for a Community Organization Report. On a scheduled, rotating basis, one committee or group shall be invited by the City Manager to have a representative make up to a ten minute presentation reporting on the activities of the organization and its adopted views or positions on matters arising from time to time. Given the activities of an organization, it may be most appropriate for a group to address Council at a particular time of the year in which case an attempt shall be made to schedule the group's appearance at that time. At the option of the committee or group, it may supplement its oral presentation with a more comprehensive or detailed written report.
4. That each community committee and group shall be asked by the City Manager to appoint an officer or representative to act as a liaison person who is authorized to represent the organization to the Town, and through which communication between the Town and group can be coordinated.
5. That the City Manager shall provide in a timely manner by mail, email or facsimile to the liaison person for each committee and group copies of the agenda and approved minutes for each City Council.
6. That each committee and group shall be requested by the City Manager to provide to the Town, for distribution to each City Councilmember, copies of approved minutes for their regular meetings and any newsletters they might publish. Providing such shall be entirely voluntary on the part of each committee group.
7. That the City Manager shall designate one issue of the Athertonian each year to articles submitted by Atherton committees and groups, and that the City Manager shall solicit such articles for this issue.
8. That for purposes of this resolution the following committees and groups are recognized by the City Council: Atherton Arts Committee, Atherton Civic Interest League, Atherton Dames, Atherton Heritage Association, Atherton Tree Committee, Holbrook-Palmer Recreation Park Foundation, Lindenwood Homes' Association, Lloyd Park Homeowner's Association, The Crime Prevention Task Force, The Friends of the Atherton Library, Victoria Manor Homeowner's. At the discretion of the City Council, the foregoing list shall be periodically reviewed by the Council for additions and deletions.
9. That with respect to the responsibilities given the City Manager by this resolution, the City Manager may delegate to staff those responsibilities he deems appropriate for such delegation.
10. That one year after adoption of this resolution, the City Manager shall place this matter on the agenda of the City Council for evaluation, and that with respect thereto each community committee and group shall be requested to submit its views on the success or failures of this resolution.



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I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the Town of Atherton at a regular meeting of said Council duly held on April 20, 1999 by the following roll call vote.

|          |   |   |
|----------|---|---|
| AYES:    | 5 | Councilmembers: Carlson, Conwell, Dudley, Fisher, Chapman |
| NOES:    | 0 | Councilmembers:   |
| ABSENT:  | 0 | Councilmembers:   |
| ABSTAIN: | 0 | Councilmembers:   |

Nanette F. Chapman, Mayor  
Town of Atherton

ATTEST:

Marti Brown  
Town of Atherton



**Town of Atherton**

**CITY COUNCIL STAFF REPORT**

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

**FROM: SHARON BARKER, CITY CLERK**

**DATE: FOR THE CITY COUNCIL MEETING OF MAY 15, 2002**

**SUBJECT: SAN MATEO COUNTY CITY SELECTION COMMITTEE  
APPOINTMENT OF COUNCIL REPRESENTATIVE**

**RECOMMENDATION:**

Appoint a Town of Atherton City Council Member to attend the San Mateo County City Selection Committee meeting on Friday, May 17, 2002, if the Mayor is unable to attend, and authorize said Council Member to vote for city representatives to certain county commissions.

**BACKGROUND/ANALYSIS:**

Council Member Duane Bay, Chair of the San Mateo County City Selection Committee, has called a special meeting of the Committee on May 17, 2002. The purpose of the meeting is to select city representatives to serve on various commissions as outlined in the attached agenda. If the Mayor is unable to attend this meeting, a letter authorizing another Council Member to vote, must be submitted to the Secretary of the City Selection Committee.

Prepared by:

Approved by:

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

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

Attachments: City Selection Committee Agenda Packet



## Town of Atherton

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

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

**DATE: FOR THE MEETING OF MAY 15, 2002**

**SUBJECT: DISCUSSION OF PROPOSED SKATE PARK IN FLOOD PARK,  
IN THE CITY OF MENLO PARK**

### **RECOMMENDATION**

It is recommended that the City Council discuss the issue of the possible construction of a skate park within Flood Park in the City of Menlo Park, and give direction to staff on this matter, if appropriate.

### **BACKGROUND**

Staff was made aware that the City of Menlo Park had distributed flyers to the residents in the vicinity of Lindenwood, notifying them of an upcoming meeting on May 11, 2002 regarding a proposal to build a skate park in Flood Park, which is off Bay Road. There are resident concerns about potential noise and other impacts to the area of Flood Park that is near the Atherton border.

Staff contacted the City of Menlo Park and requested a report on this issue (see attached). According to Menlo Park staff, this issue has been in discussion stages for a few years and the City is still in the preliminary stages of this project. The meeting on May 11 will be an opportunity for the public to hear more of the details of the proposal. The City of Menlo Park distributed meeting notice flyers within a 2,000 foot radius of the Park. Menlo Park staff has indicated that this project requires a Joint Use Agreement between Menlo Park and the County of San Mateo since the Park is in the City of Menlo Park but it is administered by the County. In addition, Menlo Park staff stated that the proposed area for the skate park is near the baseball field and the old tennis courts, which is toward the Northeast end of Flood Park, not near the Atherton border side of the Park.

Attachments: City of Menlo Park Staff Report of June 19, 2001  
Letter from Lindenwood Homes Association  
City of Menlo Park flyer