



Atherton
CITY COUNCIL AGENDA
Wednesday, March 21, 2001

6:30 p.m.

☞ note time
and location

Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California

SPECIAL MEETING

- 6:30 P.M.** 1. **ROLL CALL** McKeithen, Janz, Carlson, Fisher, Conwell
- 6:35 P.M.** 2. **PUBLIC COMMENTS** (for items which are not on the agenda - limit of three minutes per person)
- 6:40 P.M.** 3. **CLOSED SESSION**
- A. **Conference with Legal Counsel** – Anticipated Litigation pursuant to Government Code Section 54956.9
- One potential case.
- B. **Liability Claim** - pursuant to Section 54956.95
- Claimant: Curt Schulze
 Agency claimed against: Town of Atherton
- 6:55 P.M.** 4. **RECONVENE TO OPEN SESSION**
- Report of action taken.
- 7:00 P.M.** 5. **ADJOURN**



Please contact the City Clerk's Office at 650-752-0529 with any questions.

Town of Atherton City Council Agenda, Special Meeting, March 21, 2001



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

Agenda

March 21, 2001

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

- 7:00 P.M. 1. ROLL CALL McKeithen, Janz, Carlson, Fisher, Conwell**
- 7:05 P.M. 2. PRESENTATIONS**
- A. Proclamation - "Week of the Young Child", week of April 1, 2001**
B. Presentation – Menlo Park Fire Chief Miles Julian
- 7:20 P.M. 3. COUNCIL REPORTS**
- City Manager Recruitment**
- 7:30 P.M. 4. PUBLIC COMMENTS (only for items which are not on the agenda – limit of three minutes per person)**
- 7:40 P.M. 5. CITY MANAGER REPORT**
- 7:50 P.M. 6. DEPARTMENT HEADS' REPORTS**
- 7:55 P.M. 7. CITY ATTORNEY REPORT**
- 8:10 P.M. 8. COMMUNITY ORGANIZATION ROUNDTABLE REPORT (Directed by Resolution No. 99-6)**
- 8:15 P.M. CONSENT CALENDAR (Items 9 - 15)**
- 9. MINUTES OF SPECIAL MEETINGS OF FEBRUARY 8, 2001, MARCH 6, 2001 AND CORRECTED MINUTES OF REGULAR MEETING OF JANUARY 17, 2001**
- 10. BILLS AND CLAIMS FOR FEBRUARY 3, 2001 THROUGH MARCH 9, 2001, IN THE AMOUNT OF \$769,517.53**

11. **ADOPTION OF RESOLUTION NO. 01-___, AUTHORIZING THE ISSUANCE OF TAX AND REVENUE ANTICIPATION NOTES FOR FISCAL YEAR 2000-02**
12. **ADOPTION OF RESOLUTION NO. 01-___, APPROVING THE FILING OF A FUNDING REQUEST TO THE STATE DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING, FOR BEVERAGE CONTAINERS**
13. **AUTHORIZE ONE SWORN MEMBER OF THE POLICE DEPARTMENT TO REPRESENT THE TOWN ON THE REGIONAL CRITICAL INCIDENT TEAM**
14. **APPROVAL OF RESOLUTION NO. 01-___, APPROVING A NEW RATE SCHEDULE FOR BROWNING-FERRIS INDUSTRIES REFUSE, RECYCLABLE MATERIAL, AND PLANT MATERIAL COLLECTION**
15. **APPROVAL OF A PROPOSAL FOR A FIXED ASSETS INVENTORY**

PUBLIC HEARINGS (Items 16 – 18)

- WITHDRAWN* 16. **PUBLIC HEARING – APPEAL OF PLANNING COMMISSION DECISION – WITHDRAWN**
- 8:20 P.M. 17. **PUBLIC HEARING – INTRODUCTION OF ORDINANCE NO. ___, AMENDING THE ATHERTON MUNICIPAL CODE REGULATING HEIGHT OF FENCES ALONG RINGWOOD AVENUE WITHIN THE TOWN OF ATHERTON**
- Recommendation: 1) Conduct public hearing. 2) Introduce Ordinance No. ___ entitled “An Ordinance of the City Council of the Town of Atherton Amending the Atherton Municipal Code Regulating Height of Fences Along Ringwood Avenue Within the Town of Atherton”, and waive further reading.**
- 8:35 P.M. 18. **PUBLIC HEARING – RESOLUTION NO. 01-___ APPROVING THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR MENLO COLLEGE**
- Recommendation: 1) Conduct public hearing. 2) Adopt Resolution No. 01-___ approving the issuance of tax-exempt obligations for Menlo College.**

REGULAR AGENDA (Items 19 - 21)

- 8:55 P.M. 19. **DISCUSSION OF FUTURE PROJECTS AND EXPENDITURES OF PARCEL TAX FUNDS**
- 10:00 P.M. 20. **INTRODUCTION OF ORDINANCE NO. ____, AMENDING ATHERTON MUNICIPAL CODE RELATING TO THE REMOVAL OF AND DAMAGE TO HERITAGE TREES WITHIN THE TOWN OF ATHERTON**
- Recommendation: Introduce Ordinance No. ____, and waive further reading.**
- 10:15 P.M. 21. **INTRODUCTION OF ORDINANCE NO. ____, AMENDING ATHERTON MUNICIPAL CODE REGULATING THE PLACEMENT OF CARGO CONTAINERS ON PRIVATE PROPERTY WITHIN THE TOWN OF ATHERTON**
- Recommendation: Introduce Ordinance No. ____, and waive further reading.**
- 10:25 P.M. 22. **PUBLIC COMMENTS**
- 10:30 P.M. 23. **ADJOURN**

 *Please contact the City Clerk's Office at 650.752.0529 with any questions*

Dated & Posted 03.16.01



Minutes
CITY COUNCIL MEETING
February 8, 2001
5:00 p.m.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California

SPECIAL MEETING

Mayor Fisher called the meeting to order at 5:00 p.m.

1. ROLL CALL

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

Interim City Manager Ralph Freedman and City Attorney Marc Hynes were also present.

2. PUBLIC COMMENTS - None

3. CLOSED SESSION

The Council adjourned to closed session at 5:05 p.m.

4. RECONVENE TO OPEN SESSION

The Council reconvened to open session at 6:43 p.m. The following action was taken:

A. Public Employment – pursuant to Government Code Section 54957
Title: Finance Director

No action taken.

B. Public Employment -pursuant to Government Code Section 54957
Title: City Manager

No action taken.

- C. **Conference with Legal Counsel** – Existing Litigation, pursuant to Government Code Section 54956.9(a)
Thomas E. Bacon v. Town of Atherton, case number 413619
Town of Atherton v. Thomas E. Bacon, et al

The Council authorized the Mayor to sign a mutual release form in the matter of Kevin Block, and directed the City Attorney to conclude a settlement agreement.

- D. **Conference with Legal Counsel** – Existing Litigation pursuant to Government Code Section 54956.9 (a)

Jennifer Luthy v. Town of Atherton, Department of Police, case number 412853

The Council gave instructions to Legal Counsel.

- E. **Conference with Legal Counsel** – Anticipated Litigation pursuant to Government Code Section 54956.9. One potential case.

The Council gave instructions to Legal Counsel.

5. **ADJOURN**

The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Lori Bradshaw
Acting City Clerk



Minutes
CITY COUNCIL MEETING
February 8, 2001
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
SPECIAL MEETING

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

1. ROLL CALL McKeithen, Janz, Carlson, Fisher, Conwell

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

Interim City Manager Ralph Freedman and City Attorney Marc Hynes were also present. Item 2 was removed from the agenda. Item 15 was added to the agenda – Improvements to the City Manager’s house.

2. PRESENTATIONS - Sheryl Snyder of Koff & Associates - presentation canceled.

3. COUNCIL REPORTS

- Council Member Conwell reported on the Airport Roundtable meeting.
- Vice Mayor Carlson reported on the General Plan Committee meeting. A sub-committee has been formed to consider changes to the Heritage Tree ordinance.
 The Audit Committee met and has recommended that the Town hire a person proficient in the accounting software to assist the Finance Director in the reconciliation of bank statements. The next meeting of the Audit Committee will be March 13, 2001. Vice Mayor Carlson asked for information on advertising for the various Park programs.
- Council Member Janz gave an update on the ABAG Power Pool.
 - Council Member McKeithen reported on the January Emergency Services meeting. April is Earthquake Preparedness Month. The City Manager recruitment process is on schedule. The City Manager’s house has been appraised by a professional appraiser at \$5,500 per month before utilities and minimal maintenance.
 - Mayor Fisher reported that the Town will host the Council of Cities dinner meeting on April 27th. She reported on the Library Joint Powers meeting. A follow-up meeting on airport noise issues will be held in Palo Alto next week.

4. PUBLIC COMMENTS

The following members of the audience spoke:

Marion Oster, Heritage Committee
Henry Ilg, 86 Leon Way
Henry Titzler, 68 Walnut Avenue

5. CITY MANAGER REPORT

A. Tennis Key Fee Schedule – The Park and Recreation Commission recommended reducing the fees for Tennis keys to \$150 for residents and \$200 for non-residents. Council Member Carlson asked for information on fees charged by other cities for Tennis Court use.

MOTION – to follow the recommendation of the Park and Recreation Commission to reduce the fees for Tennis keys to \$150 and \$200 for residents and non-residents respectively.

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

B. Position for Building Department and Post Office - Requested that the part-time position budgeted for the Building Department be increased to a full time position to cover the Building Department front counter and the Post Office. This would free the current Public Services Assistant to work in the Finance Department half time.

MOTION – to approve increasing the part-time position budgeted in the Building Department to a full time position which will provide backup for the front counter of the Building Department and the Post Office.

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

C. Other Items

- Explained various payments from the bills and claims listing.
- Public Works Department has filled the Public Works Superintendent position. The new employee will start March 5, 2001.
- The Menlo School Working Group Committee, made up of neighbors adjacent to Menlo School, has been formed. The committee will work with representatives from Menlo School on the School's Master Plan.
- P. G. & E. is only able to give short notice to the Town before rolling power blackouts.
- A goal setting session with the City Manager, City Council, and Staff is planned in March.

- The Park and Recreation Commission met and held a discussion on the Holbrook-Palmer Park Study. The Commission will return to the Council in March.
- Opening Day for the Little League field is planned for March 24, 2001. Additional landscaping is planned for the Pavilion side of the field. The temporary fencing will be up until March.
- The Tennis Committee will do some volunteer labor on the shelter at the Tennis Courts.
- The Playground project was presented at the Park Foundation meeting earlier in the week. An agreement with MIG, Inc. to develop plans and specifications, and construction documents will be presented to the Council at the March 6 meeting.
- New legislation has been adopted putting financial obligation back on cities and local agencies for LAFCO.
- Town's share for Animal Control for 2000/2001 will be \$63,000. Staff is looking at alternatives.

Council Member McKeithen asked the City Manager to report back to the City Council on the collection of revenues from businesses which may be operating within the Town. She expressed concerns that the Town may not be collecting all of the appropriate fees and revenues from businesses operating within the Town limits.

CONSENT CALENDAR

MOTION – to approve the items on the Consent Agenda, with the exception of the minutes of the January 17, 2001 regular City Council meeting.

M/S Carlson/Janz

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

Council Member McKeithen asked for corrections to the minutes of the January 17, 2001 regular City Council meeting as follows:

Item Number 5 - City Manager Reports

- 1.) Council Member McKeithen requested information on sales tax generated by auctions at Menlo College, not Menlo School.
- 2.) Council Member McKeithen requested that the information on the selection of Mayor and Vice Mayor, and television and/or radio broadcasting of Council meetings be placed on the March agenda.

Item Number 11 – Public Hearing

- 1.) Correct Item 2 in the motion to read “No change (except remove the words – “Condition two (2) and” in the second sentence)”

Item Number 12 – Playground Equipment at Holbrook-Palmer Park

- 1.) Change the word “by” to “when” in the sentence– “The Council requested that the Playground Committee obtain input from the Atherton Dames and the Park Foundation when making presentations of the project at their respective meetings.”

Item Number 15 – Hiring of New Staff at the 70th percentile

- 1.) Correct the first motion under this item to read “to pay up to the 70th percentile for new hires for the positions of Assistant Finance Director, Police Officer, and Public Works Superintendent, as stated in the Koff and Associates Classification and Compensation Study, and to advertise above the 70th percentile for an Assistant Finance Director position.”

Item Number 16 – Discussion and Possible Action on the Parcel Tax

- 1.) Correct the motion to read – “to begin the process to place the Parcel Tax measure on the June 5, 2001 ballot.”
6. APPROVED MINUTES OF SPECIAL MEETINGS OF JANUARY 10, 2001 AND JANUARY 17, 2001.
7. APPROVED BILLS AND CLAIMS FOR JANUARY 9, 2001 THROUGH FEBRUARY 2, 2001, IN THE AMOUNT OF \$500,867.22
8. ACCEPTED THE INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2000

REGULAR AGENDA

9. CONSIDERATION OF LEASE AGREEMENT WITH KNOX PLAYSCHOOL

Interim City Manager Ralph Freedman stated that the expansion of the Knox Playschool has been endorsed by the Park and Recreation Commission, and the Planning Commission has approved a conditional use permit with certain conditions. The current three year Lease Agreement expires June 30, 2001. The proposed lease would be for a period of five years, with an option for two (2) additional five-year terms.

Council Member Carlson stated his concern that the Council had not been given the opportunity to consider the addition of the new Playschool building in Holbrook-Palmer Park. Council Member Conwell agreed that the Council should be able to review the appropriateness of the project. Planning Commission Member Philip Lively stated that the item had come before the Planning Commission as a matter of land use only. The issue passed four to zero (4 to 0) at the Planning Commission meeting. Council Member Janz stated that this issue should have come before the City Council before it went to the Planning Commission.

Mayor Fisher invited Playschool owner Susan Knox to speak. Ms Knox gave the Council an overview of the Playschool’s operations and plans for expansion. She stated that Atherton families are given first choice of openings in the School, and that there is a waiting list of over 250 students. With the expansion, the onsite capacity of the School will be doubled, but no more than sixty-four children will be at the School at any one time. The owner proposes to pay all costs involved in the expansion.

Discussion ensued regarding the issues of the lease of the ground, liability insurance coverage, traffic generated by the Playschool, and the use of sound barriers. The

Council also discussed requiring financial information from the Playschool to determine if the rental value placed on the property is appropriate. Interim City Manager Ralph will meet with Susan Knox regarding these issues prior to the next meeting.

MOTION – 1) to continue this item to the next Council meeting in order to allow Council Members an opportunity to review the terms of the lease with the City Attorney, 2) ask the Planning Commission give a report to the Council on the conditions that were imposed on the project, 3) ask the Park and Recreation Commission report to the Council on what they considered in recommending this project, and 4) have Staff report back regarding the financial statements of the Playschool.

M/S Carlson/Janz

AMENDED MOTION – as stated, with a subcommittee to be appointed consisting of Council Members McKeithen and Janz to meet with the City Attorney to review the terms of the lease.

M/S Carlson/Janz

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

The following members of the audience spoke:

Henry Ilg, 86 Leon Way

Charles Marsala, Park and Recreation Commission

Henry Titzler, 68 Walnut Avenue

John Benedict, Felton Gables resident

Mike McPherson, 123 Watkins Avenue

PUBLIC HEARING

- 10. PUBLIC HEARING – ADOPTION OF ORDINANCE NO. 520, AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON CALLING AN ELECTION TO SUBMIT TO THE VOTERS AN ORDINANCE AUTHORIZING THE LEVY OF A SPECIAL TAX FOR MUNICIPAL SERVICES AND FOR THE EXPENDITURE OF FUNDS DERIVED FROM SUCH TAX**

Interim City Manager Ralph Freedman presented the proposed ordinance calling for an election of the voters for a Special Parcel Tax. The proposed ordinance would levy the same assessments as in prior Parcel Tax levies, except for an increase to private clubs, and a levy of \$285 per parcel of ¼ to ½ acre in size without improvements. The tax would generate approximately \$1.6 million at the levies that were utilized in the past.

Mayor Fisher opened the public hearing. The following individuals provided comments on this issue:

Henry Ilg, 86 Leon Way

**Gloria Berry, 230 Oak Grove Avenue
David Hooper, 211 Stockbridge Avenue
John Sisson, 26 Belleau Ave.
Bob Jenkins, 36 Irving Avenue
Charles Marsala, 33 Emilie Avenue
Henry Titzler, 68 Walnut Avenue
Gene Berry, 230 Oak Grove Avenue**

Mayor Fisher closed the public hearing.

MOTION – to adopt Section 1 of Ordinance No. 520, an Ordinance of the City Council of the Town of Atherton calling an election to submit to the voters an Ordinance authorizing the levy of a Special Tax for municipal services and for the expenditure of funds derived from such Tax.

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

MOTION – to adopt Sub-Section 2 of Section 2 of Ordinance No. 520, modified as follows: remove “building regulation and park maintenance” from the first sentence.

M/S Carlson/Janz Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

MOTION – to adopt Sub-Section 3 of Section 2 of Ordinance No. 520 as submitted.

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

MOTION – to adopt Sub-Section 4 of Section 2 of Ordinance No. 520, modified as follows: change maximum tax under No. 9 from \$3,825.00 to \$10,000 for each year.

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

MOTION – to adopt Sub-Section 5 of Section 2 of Ordinance No. 520 as submitted.

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

MOTION – to adopt Sub-Section 6, of Section 2, of Ordinance No. 520, as submitted.

M/S Carlson/Janz Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

MOTION – to adopt Sub-Section 7 through Section 10, of Ordinance No. 520, as submitted.

M/S Carlson/Janz Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

MOTION - to adopt Sub-Section 11, of Section 2, of Ordinance No. 520 with changes as follows: add “and shall continue through and including June 30, 2005” to the end of the first sentence.

M/S Carlson/Janz

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

MOTION – to adopt the remaining Sections 3 through 7, of Ordinance 520, as submitted.

M/S Carlson/Janz

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

REGULAR AGENDA

11. ADOPTION OF RESOLUTION NO. 01-01, A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON CALLING FOR AN ELECTION TO APPROVE THE SPECIAL MUNICIPAL TAX

MOTION – to adopt Resolution No. 01-01, calling for an election to approve the Special Municipal Tax and authorizing the Interim City Manager to execute an agreement with the County of San Mateo for election services.

M/S Carlson/McKeithen

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

Mayor Fisher called for a break at 11:00 p.m. The Council reconvened at 11:15 p.m.

12. MID-YEAR BUDGET REVIEW

Interim City Manager Ralph Freedman presented the mid-year Budget Review showing actual revenues and expenditures for July 1, 2000 through December 31, 2000, and projected fund balances for the Fiscal Year ending June 30, 2001. He stated that savings had been realized in this year's budget in part because the Town had been unable to fill some of the vacant positions. Information was provided on staffing levels for the current year and the status of the capital improvement program at mid-year. The Interim Finance Director, Building Official, Public Works Director, and Police Lieutenant presented information on their respective budgets.

13. DISCUSSION OF SELECTION PROCESS FOR MAYOR AND VICE MAYOR

Council Member McKeithen asked the Council to consider a proposal that the Town adopt a selection process for Mayor and Vice Mayor similar to the process used by several other cities.

The following members of the audience spoke:

Charles Marsala, 33 Emilie Avenue

Gloria Berry, 230 Oak Grove

Smith McKeithen, 11 Maple Leaf Way

Discussion ensued. Council Member Carlson stated that he wants to retain his right to vote for Mayor and Vice Mayor. It was the rest of the Council's consensus to retain the current system of selecting the Mayor and Vice Mayor.

14. DISCUSSION OF BROADCASTING OF CITY COUNCIL MEETINGS ON TV AND/OR RADIO

Council Member McKeithen did some research on the cost and feasibility of broadcasting City Council meetings. Maureen Dickey, representative from the Mid-Peninsula Access Corporation, stated that a representative from MPAC would be available to assist the Council in the process.

MOTION – to pursue the idea of videotaping City Council meetings.

M/S Conwell/Carlson

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

15. IMPROVEMENTS TO CITY MANAGER’S HOME

Building Official Mike Hood stated that he had obtained bids for repairs to the plumbing and heating unit in the City Manager’s home.

MOTION – to proceed with needed repairs to the house.

M/S Conwell/Carlson

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

16. ADJOURN

The meeting adjourned at 1:15 a.m.

Respectfully submitted,

**Lori Bradshaw
Acting City Clerk**



Minutes
CITY COUNCIL MEETING
Tuesday March 6, 2001
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

SPECIAL MEETING

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

1. ROLL CALL

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

Interim City Manager Ralph Freedman and City Attorney Marc Hynes were also present.

2. PRESENTATIONS There were no presentations.

Mayor Fisher announced that the following items would be moved to the end of the agenda: Council Reports and City Manager Report.

4. PUBLIC COMMENTS

Jerry Carlson, 95 Mount Vernon Lane
John Sisson, 26 Belleau Avenue
John Ruggeiro, 10 Stockbridge Avenue

5. CITY MANAGER REPORT

The Interim City Manager introduced the following new employees: John Iaquinto, Public Works Superintendent, and Linda Kelly, Assistant to the City Manager. He announced that Interim Finance Director Hector Lwin will be leaving March 9th. Bill Yeomans has been appointed to serve as Interim Finance Director.

Other items were moved to the end of the agenda.

CONSENT CALENDAR

MOTION to approve the consent agenda with the exception of Item 8, which will be placed on the regular agenda.

M/S Carlson/Conwell

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

6. ADOPTED RESOLUTION 01-01A (AMENDING RESOLUTION 01-01) CHANGING THE DATES THAT ARGUMENTS AND REBUTTAL ARGUMENTS FOR AND AGAINST THE SPECIAL TAX MEASURE ARE DUE

Resolution 01-01A changes the date that arguments for and against the Special Parcel Tax Measure are due in the City Clerk's office to March 19, 2001, and the date that rebuttal arguments are due to March 29, 2001.

7. APPROVED AGREEMENT WITH MIG, INC. FOR THE HOLBROOK-PALMER PARK PLAY AREA REPLACEMENT AND EXPANSION

The Interim City Manager is authorized to execute a Professional Services Agreement with MIG, Inc. for design, planning, and construction oversight services for the new Playground Project in Holbrook-Palmer Park.

REGULAR AGENDA

8. APPROVAL OF SELECTION OF A PROJECT CONSULTANT FOR THE POLICE DISPATCH CENTER UPGRADE PROJECT

Interim City Manager Ralph Freedman discussed the proposed project which will upgrade the Police Dispatch Center using State grant funds the Town received for technology related purposes that enhance law enforcement.

Council Members Conwell and McKeithen expressed concerns that the City Council had not had an opportunity to consider the proposed improvements to the Dispatch Center.

Dan White from Specialized Communication Services, was present to answer the Council's questions regarding ergonomic solutions and technological improvements for the Police Dispatch Center.

MOTION – to approve the proposed agreement with changes including increasing the professional negligence insurance to \$1,000,000, providing for a \$5,000 cap on any sub-consultants, and several minor corrections to the language of the agreement.

M/S McKeithen/Janz

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

9. CONSIDERATION OF LEASE AGREEMENT FOR THE CONTINUATION AND THE EXPANSION OF THE KNOX PLAYSCHOOL

Interim City Manager Ralph Freedman stated that he originally proposed a five year Lease Agreement with Knox Playschool with two (2) five year options. He discussed

the changes made to the proposed Lease Agreement as a result of the last Council meeting.

Susan Knox gave a presentation on the Playschool's background. She gave an outline of the Playschool's operational expenditures, and the added expenditures the Playschool will incur with the new addition.

Interim City Manager Ralph Freedman stated that he had met with Susan Knox and reviewed the Playschool's financials statements. He discussed the operational costs of the Playschool and stated that the financials appeared to be in good order. Council Member Carlson stated that he views the Playschool as more of a Park program, and that it provides a needed service in the community. Council Member Janz stated that the Lease Committee felt that a five year lease with a five year option was more realistic. Council Member McKeithen stated concerns with how the expansion fits in with the Park Master Plan, and what long term impacts the Playschool's expansion may have.

Council Member Conwell asked if residents in Felton Gables have been contacted. Mike McPherson, of the Park and Recreation Commission, stated that all neighbors in Felton Gables received notice of the meeting addressing the Playschool expansion. He said the Commission recommended approval of the expansion because it will increase utilization of the Park. The primary time usage for the Playschool is weekday mornings when Park usage is usually at its lowest. He said the Commission looked at the expansion as an extension of the current use. He also said that the Lease terms were not addressed by the Commission.

Mayor Fisher opened the public hearing. The following individuals made comments on this issue:

**Randi Desnoes, 77 Serrano Drive
Jack Mills, 44 Holbrook
Gail Tomeri, 65 Wilburn Avenue
Lisa Stone, Menlo Park
Wendy Barman, 62 Selby Lane
Renee Baker, Menlo Park
Charles Marsala, 33 Emilie, Park and Recreation Commission
Mark Balestra, 97 Larch Drive
Debby Barnum, 59 Leon Way
Martha McCaine, 217 Atherton Avenue
Shirley Carlson, 95 Mount Vernon Lane**

MOTION - to support the expansion, and to approve the lease for a five year term with an option for an additional five years, with changes to the lease including: raise insurance to ABAG standards of \$2,000,000, increase the rent to \$3000 per month for the new modular and the same amount for the existing modular beginning July 1, 2006, and other minor corrections to the language of the Lease Agreement.

PUBLIC HEARING

10. SPECIAL MUNICIPAL PARCEL TAX

Interim City Manager Ralph Freedman presented information in answer to issues brought up at the last Parcel Tax public hearing. He provided information on the assessed valuation of the Town, a General Fund budget summary for 2000/2001, and revised recommendations for the use of revenues generated from the proposed parcel tax.

Council Member Janz asked for more information on compensation adjustments. He also asked that the capital improvements be identified as much as possible. Vice Mayor Carlson stated that the Town had reduced staff and capital improvements when the parcel tax last failed, and that in order to balance the operating budget in the future, the parcel tax is needed.

Discussion ensued regarding proposed uses of the parcel tax and how the Council should get the message to the voters that the Town cannot operate without a parcel tax.

In response to Mayor Fisher's request for public comments, the following individuals spoke:

**John Rugeiro, 10 Stockbridge Avenue
Jerry Carlson, 95 Mount Vernon Lane
John Sisson, 26 Belleau Avenue
Charles Marsala, 33 Emilie Avenue
Sandy Crittenden, 117 Heather Drive
Jean Schaaf, 29 Stockbridge Avenue**

The Council asked that Staff work on developing a pro forma set of financial statements reflecting the revenues and expenditures of the Town with and without the special parcel tax.

Agenda Items 3 and 5 were addressed at this time.

3. COUNCIL REPORTS

- Vice Mayor Carlson asked the Interim City Manager to return to the Council to address the points made by Jerry Carlson regarding the Mid-Year Budget Review.**
- Council Member McKeithen discussed the City Manager recruitment process and stated that a timeline for the process has been given to the Council.**
- Mayor Fisher reported that the Library Board is encouraging the State to return the ERAF monies to Special Districts.**

5. CITY MANAGER REPORT

The Interim City Manager reported on the following:

- The first meeting of the month in April will be set aside for a goal setting session to set some priorities for staff and to reflect the goals in next year's budget.
- Watkins-Cartan House update – owners have filed an appeal of the Planning Commission. Building Official Mike Hood and the Interim City Manager have been in contact with the owners.
- Staff changes – Interim Finance Director Hector Lwin is leaving officially on March 9th, but may return for a meeting with the new Interim Finance Director, Bill Yeomans.
- The Audit committee meeting on March 13th will be rescheduled in order to give the new Interim Finance Director a chance to come on board.
- Police Chief Bob Brennan handed out a six month report on the changes in the Police Department. The report will be addressed at the next meeting.

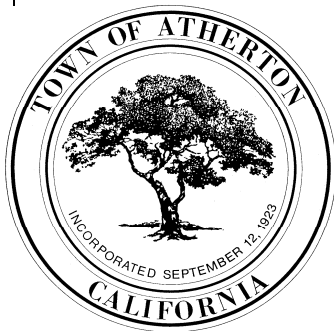
11. PUBLIC COMMENTS - None

12. ADJOURN

The meeting adjourned at 11:05 p.m.

Respectfully submitted,

Sharon Barker, City Clerk



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

January 17, 2001

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Fisher called the meeting to order at 7:05 p.m.

1. ROLL CALL

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

Interim City Manager Ralph Freedman and City Attorney Marc Hynes were also present.

2. PRESENTATIONS - None

3. COUNCIL REPORTS

- **Council Member Conwell reported on the Criminal Justice Commission meeting.**
- **Council Member Carlson asked for a written opinion from the City Attorney on closed session notification on agendas.**
- **Council Member McKeithen reported that the Screening Committee has set up a mailbox for the City Manager recruitment process.**
- **Mayor Fisher asked that a letter be sent to those employees who received awards last month thanking them for their years of dedicated service. She asked the City Manager for an explanation of certain checks listed on this month's bills and claims. Interim City Manager Ralph Freedman gave the explanations.**

4. PUBLIC COMMENTS

The following members of the audience spoke:

Sandy Kaye, 88 Shearer Drive, asked about the holidays referred to in the construction ordinance. The Council requested that a list of holidays be distributed to all contractors taking out building permits. The Council also requested that an article be placed in the next Athertonian regarding the requirements of the construction ordinance.

5. CITY MANAGER REPORT

The City Manager reported on the following:

- **A City Attorney Report has been added to the agenda.**
- **\$101,610 in Sales and Use Tax were received during the first six months of this fiscal year. Some tax is generated by point of sale transactions within the Town. Approximately \$4,300 has been received from taxable items sold at the Menlo College store and cafeteria.**

- A proposal has been received from Susan Knox for expansion of the Playschool at Holbrook-Palmer Park. A new modular containing two new classrooms adjacent to the existing building are being proposed. The Park and Recreation Commission has approved the expansion. The Planning Commission will address this issue at their next meeting.
- The Audit Committee will meet January 31, at 5:00 p.m. The Committee will meet with the Town auditors in March.
- A meeting was held with Candace Hathaway from Menlo School regarding the School's Master Plan. A citizens committee of residents who live adjacent to the Menlo School has been formed so they will have a voice in the preparation of the Master Plan.
- A resident from Menlo Park has requested all public records involved with the December 20, 2000 City Council decision on the alignment of the Sacred Heart School driveway.
- Study sessions for the budget are scheduled for May 9, 2001 and May 16, 2001. Public hearings for the proposed budget are scheduled for June 16, 2001 and June 20, 2001, with final adoption on June 27, 2001.
- Bids have been let for a Fixed Asset inventory.
- Issues raised at the last Council meeting regarding the last City Manager recruitment were addressed.

Council Member McKeithen asked the City Manager to return with information on the status of the postal contract, sales tax generated by auctions at Menlo College School, -and enforcement of the Heritage Tree ordinance. She asked that two items be placed on the March agenda: the selection of Mayor and Vice Mayor, and television and/or radio broadcasting of Council meetings.

5. CITY ATTORNEY REPORT

City Attorney Marc Hynes reported on the Atherton Channel Drainage District, stating that it was formed in November, 1957, under Health and Safety legislation adopted in 1956. The District is under the governing body of the Town. He will continue to check into obtaining more documents and report back to the Council.

7. DEPARTMENT HEADS' REPORTS

Building Official Mike Hood reported on a complaint made by a resident on Southerland Drive regarding noise and lighting issues generated by neighbors playing sports on a patio.

8. COMMUNITY ORGANIZATION ROUNDTABLE REPORT- no report

CONSENT CALENDAR

MOTION – to approve the consent agenda as submitted.

M/S Carlson/Janz

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

9. APPROVAL OF MINUTES

Approved minutes of Special Meetings of 12/13/00 and 12/20/00, and Regular Meeting of 12/20/00.

10. APPROVAL OF BILLS AND CLAIMS

Approved bills and claims for December 9, 2000 through January 8, 2001, in the amount of \$500,867.22.

PUBLIC HEARING

11. PUBLIC HEARING – APPEAL OF PLANNING COMMISSION DECISION TO APPROVE LOT LINE REDESIGNATION – ONE BELBROOK WAY

Senior Planner Lisa Costa-Sanders presented overhead plans of the property and explained the decision of the Planning Commission approving the request for a lot line redesignation from Walsh Road to Belbrook Way. Staff feels there would be sufficient setbacks between the neighboring properties given the lot line redesignation. Staff recommended that the Council uphold the Planning Commission decision. Building Official Mike Hood stated that the narrowest portion of the lot is on Belbrook Way. He stated that the original building permit filed in 1958 had a note on the plot plan stating that Walsh Road was the front of the property, although there was no official Town action approving such designation. Staff felt that this issue should be resolved at this time.

Discussion ensued regarding the need to redesignate the front of the property and the problems involved in building structures over the Atherton Drainage Channel. Council Member McKeithen stated that she feels the same setbacks should be required on the Walsh Road side of the property as are required on the front of the property. She also expressed concerns regarding the two Heritage trees, which would be removed during construction, and landscape screening, which the neighbors have requested.

Mayor Fisher asked the City Attorney for Council's responsibilities in hearing an appeal. He stated that the Council should come to a public hearing with an open mind, hear all the evidence presented in connection with the appeal, and at the conclusion of the hearing to either uphold, reverse, or modify the decision of the Planning Commission.

Mayor Fisher was concerned that some Council Members had approached the property owner prior to the public hearing. She said that Council Members must remain impartial in these matters when they are hearing an appeal.

Mayor Fisher opened the public hearing at 9:13 p.m. The following testimony was heard:

Hossein Alaee, One Belbrook Way, homeowner
John Stewart, 1351 Laurel Street, San Carlos, architect for the homeowners
Andrew Tiu, landscape architect for the homeowners
Alicia Guerra, attorney for the homeowner

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

Vice Mayor Carlson stated that the Council should make several conditions on the lot line redesignation certificate including restricting the construction of a bridge to a footbridge, and designating the tree to be saved as a Heritage Tree.

Council Member Janz stated that the Council should give the Planning Commission decisions great weight. He stated that he shares concerns with the homeowners regarding the appellants' reasons for appealing, but agreed with the restriction to construct a footbridge only across the channel.

Council Member Conwell stated his concerns with building structures over the Atherton Channel.

Mayor Fisher asked that container sizes be specified in the landscape screening plan.

MOTION – Deny the appeal and uphold the decision of the Planning Commission with the following conditions to the draft lot line redesignation certificate: Item 1. - No change. Item 2. - No change (except remove the words “Condition two (2) and” from the second sentence and replace with “Condition four (4)...”). Item 3. - Modified as follows - landscaping shall be in compliance with the plans reviewed by the Planning Commission at its December 6, 2000 meeting, and prior to the issuance of a building permit, that a Landscape Screening Plan be approved by the Town with the addition of the three oak trees to the December 6th plans reviewed by the Commission with container sizes noted and any significant changes to the plans shall be reviewed and approved by the Town. Item 4. - As written, modified to reflect that a pedestrian bridge may be built across the channel subject to approval of plans by the Town, and that there be a sixty foot setback from edge of the Walsh Rd. right of way and that within that sixty foot setback no construction shall occur within or over the channel with the exception of no more than one pedestrian bridge. Item 5. - As written, with the addition that an arborist be on site to observe and control the work around Tree No. 1, and that Tree No. 1 be designated as a Heritage Tree within the meaning of the Heritage Tree ordinance and shall enjoy all protections of the Heritage Tree ordinance. Item 6 – As written, and that these conditions and the lot line redesignation be recorded as a deed restriction.

M/S Carlson/Janz

AMENDMENT TO MOTION – to require only the recording of Items 2 and 4 as deed restrictions.

M/S Carlson/Janz

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

REGULAR AGENDA (Items 12 - 16)

12. APPROVAL OF REPLACEMENT AND EXPANSION OF PLAYGROUND EQUIPMENT AT HOLBROOK-PALMER PARK

Interim City Manager Ralph Freedman introduced this item stating that the Park and Recreation Commission approved the playground proposal at their January 3, 2001 meeting. He stated that the current playground does not meet safety requirements. The Town would solicit bids for the playground equipment and expansion, and all costs will be raised by the Children's Play Area Committee. The Town would be responsible for maintenance of the equipment and play area.

Michelle Dollinger and Dorothea Collins, representing the Children's Play Area Committee, gave a presentation of their proposal for new playground equipment and an extension of the existing play area. They are proposing to raise funds from Atherton residents to pay for the entire project.

Susan McKay of MIG, Inc., presented a plan of the proposed play area. Discussion ensued regarding the use of wood for the equipment, different types of safety surfacing, and product liability.

Council Member McKeithen asked how this project would fit in with the overall Park Master Plan, and if input had been solicited from the Atherton Dames and Park Foundation. Interim City Manager said that it was the Park and Recreation Commission's contention that the play area's size is small enough that it will not infringe on other uses of the Park. He said that Estelle Hoffman of the Dames had been contacted early in the project discussions, and that Henry Cartan of the Park Foundation was also aware of the proposed project.

The following members of the audience spoke:

Alison Ross, 76 Ridge View Drive
Sharon Harris, 67 Marymont Avenue
Mark Ballestra, 97 Larch Drive
Sandy Crittenden, 117 Heather Drive
Charles Marsala, 33 Emilie Avenue
Dorothea Collins, 98 Catalpa Drive
Dave Dollinger, 241 Polhemus Avenue

The Council requested that the Playground Committee obtain input from the Atherton Dames and the Park Foundation **by when** making presentations of the project at their respective meetings.

MOTION – to approve the proposal for the replacement of the playground equipment and the expansion of the playground area in Holbrook-Palmer Park as presented to the Park and Recreation Commission with the proviso that the Park and Recreation

Commission finalize the plans, and that the construction be designed to minimize maintenance costs.

M/S Carlson/Janz

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

13. CONSIDERATION OF RENEWAL OF CONTRACT WITH J. EDWARDS & ASSOCIATES, INC. FOR WASTE DIVERSION TECHNICAL ASSISTANCE PROFESSIONAL SERVICES

Mayor Fisher stated that the Waste Reduction Committee asked to have the contract for waste diversion technical assistance services extended. The Town does not have enough staff to ensure that contractors comply with recycling requirements.

MOTION – to approve a six month extension to an existing twelve month professional services agreement with J. Edwards and Associates, Inc. for a total amount not to exceed \$54,600.

M/S Janz/Conwell

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

14. DISCUSSION AND POSSIBLE ACTION – CITY MANAGER RECRUITMENT, DISCUSSION OF SALARY AND BENEFITS FOR THE POSITION, AND IMPROVEMENTS TO THE HOUSE

The Interim City Manager stated that Council should address repairs that are needed for the heating and air conditioning system and the plumbing in the house occupied by the City Manager. The Council directed the Interim City Manager to obtain bids for the repairs, and to return with a report on the costs and recommendations for the repairs.

Council Member McKeithen requested that three appraisals of the rental value of the house be obtained. The Council agreed to have Council Member McKeithen view the house with realtors in order to obtain the appraisals.

Discussion ensued regarding the recruitment process and the need to attract qualified candidates. Council Member McKeithen asked the Interim City Manager to supply her with the resumes of those who had applied during the last recruitment.

15. CONSIDERATION OF HIRING NEW STAFF ABOVE THE 60TH PERCENTILE, RECLASSIFY THE FINANCE ANALYST POSITION TO AN ASSISTANT FINANCE DIRECTOR POSITION, USE OF “POLICE ON THE STREET” FUND FOR LATERAL POSITIONS, AND THE PROGRESSION FOR ELEVATING POLICE SALARIES TO THE 70TH PERCENTILE FOR NEW POLICE OFFICERS

Interim City Manager Ralph Freedman discussed the difficulty the Town has been experiencing in attracting qualified candidates for the three open positions. He proposed paying new hires for certain positions at the 70th percentile based on the Koff and Associates Study. He proposed using funds donated to the “Police on the Street” account as incentives to attract lateral Police Officers from other Police Departments.

MOTION – to pay up to the 70th percentile for new hire the positions of Finance Director, Public Works Superintendent, and Police Officer, as stated in the Koff and Associates Classification and Compensation Study, and to advertise above the 70th percentile for an Assistant Finance Director position.

M/S McKeithen/Carlson

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

MOTION – to use donated funds from “Police on the Street” for incentives to pay bonuses to newly hired Police Officers for three years, and to give credit for vacation commensurate with what they currently earn.

M/S Fisher/Conwell

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

MOTION – to pay new Academy graduates at the bottom of the Police Officer salary range as specified in the Koff and Associates Compensation Study.

M/S Carlson/McKeithen

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

16. DISCUSSION AND POSSIBLE ACTION – PARCEL TAX

Interim City Manager Ralph Freedman presented a proposal for expenditures to be funded by the proposed parcel tax. The Council discussed the need for public hearings prior to the election.

MOTION – to begin the process to place the Parcel Tax measure on the June 5, 2001 ballot.

M/S Carlson/Fisher

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

The Council set a public hearing for February 8, 2001 for the proposed parcel tax ordinance.

17. PUBLIC COMMENTS – there were no public comments at this time.

18. ADJOURN TO CLOSED SESSION

The meeting adjourned at 1:05 a.m. to continued closed session from the 5:00 meeting.

19. RECONVENE TO OPEN SESSION

The Council reconvened to open session at 1:30 a.m. Action was taken on the following items:

- A. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9

Patricia O'Neal vs. Town of Atherton

Direction was given to Counsel.

- B. Conference with Legal Counsel – Existing Litigation
pursuant to Government Code Section 94956.9
Jennifer Luthy vs. Town of Atherton**

Direction was given to Counsel.

- C. Public Employment pursuant to Government Code Section 54957
Title: City Manager**

No action.

20. ADJOURN

The meeting was adjourned at 1:35 a.m.

Respectfully submitted,

Sharon Barker, City Clerk
March 21, 2001

TOWN OF ATHERTON

CLAIMS LIST

February 3 through March 9, 2001

| | | |
|----------------------|-----------------|----------------------|
| Payroll Checks | 14698-14700 | \$ 3,887.74 |
| Payroll Checks | 500300 – 500478 | 300,879.32 |
| Electronic Transfers | | 81,360.21 |
| A/P Checks | 19597 – 19806 | <u>383,390.26</u> |
| | TOTAL | \$ 769,517.53 |

I, Ralph Freedman, Interim City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 14698-14700 and 500300 – 500478 (Payroll) and 19597 - 19806 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$769,517.53 are true and correct, and that there are funds for payment.

Ralph Freedman
Interim City Manager

The above claims, Payroll check numbers 14698-14700 and 500300 – 500478, Accounts Payable check numbers 19597 - 19806 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$769,517.53; and are hereby approved for payment.

Mayor, Town of Atherton

SOURCE OF FUNDS

| | | |
|-----|--------------------------------|----------------------|
| 101 | General Fund | \$ 715,730.64 |
| 105 | Tennis Fund | 300.50 |
| 202 | Transportation Fund | 3,647.72 |
| 203 | Gas Tax Fund | 0 |
| 206 | SLESF | 0 |
| 401 | GF Projects | 375.00 |
| 402 | Storm Drainage | 0 |
| 403 | Atherton Channel Drainage | 0 |
| 611 | Computer Maint & Replacem't | 4,555.00 |
| 612 | Administrative Services | 41,729.05 |
| 614 | Workers Compensation Insurance | 43,378.66 |
| 715 | Evans Estate | 479.62 |
| 731 | M-A Little League | 2,700.00 |
| 730 | H-P Park Improvement | 0 |
| 731 | Tree Committee | 0 |
| | TOTAL | \$ 769,517.53 |

Item No. 11



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
INTERIM CITY MANAGER RALPH FREEDMAN**

FROM: BILL YEOMANS, INTERIM FINANCE DIRECTOR

DATE: FOR THE MEETING OF MARCH 21, 2001

SUBJECT: APPROVE THE ATTACHED RESOLUTION (A) AUTHORIZING THE TOWN OF ATHERTON TO JOIN THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY, AND (B) AUTHORIZING THE ISSUANCE AND SALE OF A FISCAL YEAR 2001-02 TAX AND REVENUE ANTICIPATION NOTE.

RECOMMENDATION:

Approve a resolution authorizing the issuance of tax and revenue anticipation notes by the Town for the 2001-02 Fiscal Year.

BACKGROUND:

The purpose of this temporary borrowing is to increase available cash balances, which provide operating funds to cover cash shortfalls. Cash shortfalls will arise because of the timing differentials in monthly cash receipts and disbursements throughout Fiscal Year 2001-02. The borrowing also provides an additional source of revenue because the cost of borrowing is less than reinvestment income, producing a net gain to the Town.

The attached resolution authorizes the issuance by the Town of up to \$2,000,000 in Tax and Revenue Anticipation Notes (TRANS) for Fiscal Year 2001-2002. The maturity of the TRANS will not exceed 15 months and will be dated July 3, 2001. The TRANS will be issued through a statewide financing program jointly sponsored by the California State Association of Counties and the League of California Cities.

ANALYSIS:

The advantages of participating in the Statewide TRANS program, rather than individual financing or another pooled TRANS, are many. The costs are lower because the costs are shared by the other participating cities, counties and special districts. There is standardized documentation and credit criteria employed in the financing, as well as a streamlined issuance process. The Statewide program also offers the Town the option of issuing TRANS which mature in 12, 13, or 15 months. The 13 and 15 month options will provide the Town with one or three more months of interest earnings, respectively. Finally, there is the ability to obtain the highest credit rating on the financing with the availability of insurance.

The Town's TRANs maturity will be up to 15 months dated July 3, 2001 and due no later than October 2, 2002. The Town will determine the maturity of the TRANs depending on market conditions in June, 2001. Even if the Town issues 13 or 15 month TRANs, the Town will be able to issue another 12, 13, or 15 month TRANs on July 1, 2002 for the next fiscal year.

The attached resolution authorizes the issuance by the Town of tax and revenue anticipation notes (TRANs) in an amount not-to-exceed \$2,000,000. The Resolution, which authorizes various financing documentation, including a purchase agreement (Exhibit B to the Resolution) and an Indenture, is on file in the Town Hall. The Resolution authorizes the Interim City Manager and the Interim Finance Director to sign financing documentation in connection with the issuance of the TRANs. The resolution also appoints the law firm of Orrick, Herrington & Sutcliffe as bond counsel to the Town. Orrick is a national law firm which specializes in municipal bond law.

FISCAL IMPACT:

The Town's general fund could earn \$30,000 to \$45,000 in interest income in fiscal year 2001-2002.

Respectfully submitted,

Reviewed/Approved,

Bill Yeomans
Interim Finance Director

Ralph Freedman
Interim City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KATHY HUGHES ANDERSON

DATE: FOR THE CITY COUNCIL MEETING OF MARCH 21, 2001

SUBJECT: FUNDING REQUEST FOR BEVERAGE CONTAINER RECYCLING

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 01-___, approving the filing of a Funding Request Form to the State of California Department of Conservation's Division of Recycling.

INTRODUCTION/BACKGROUND:

The State of California has enacted the California Beverage Container Recycling and Litter Reduction Act that provides funds to cities and counties for beverage container recycling and litter cleanup activities. Each city may receive a minimum of \$5,000 or an amount calculated by the Division, per capita based, whichever is greater. Eligible participants must submit the Funding Request Form by the due date and time in order to request funds from the Department of Conservation's Division of Recycling. Each eligible participant must submit, along with the Funding Request Form, a resolution identifying the individual authorized by the eligible participant to receive and expend funds received from the Division, and carry out required activities under this program.

The eligible participant must provide a description of an activity(ies) that meets one or more of the following criteria:

- ◆ The activity has a primary emphasis on the collection and recycling of beverage containers at large venues, public areas, residential communities, or schools;

- ◆ The activity has a primary emphasis on public education promoting beverage container recycling and/or litter prevention; or
- ◆ The activity has a primary emphasis on beverage container litter prevention and/or abatement in public places including community clean-up projects or other related activities involving the recycling of beverage containers.

Last year staff submitted a proposal and was awarded \$5,000 under this grant program to purchase recycling bins for the meeting rooms, picnic areas, and Children's Playground in Holbrook-Palmer Park. Staff would like to submit a proposal this year to purchase recycling beverage containers for the new Little League Field and the tennis courts that are currently not funded in the Town's Fiscal Year 2000/2001 Budget. A new style of recycling container has been found that will make it easy for people to recycle, and make it easier for staff to empty with no contamination or bee problems.

FISCAL IMPACT:

The Division will make annual payments, based upon a fiscal year beginning July 1st of each year. The Division will issue payments to each approved city or county, on or near June 30th of the respective fiscal year. There are no reporting requirements or matching funds expenditures required under this funding program. The funding will cover the entire cost of the purchase of recycling containers with no additional expenditure required by the Town.

Respectfully Submitted,

Reviewed/Approved

Kathy Hughes Anderson

Ralph Freedman
City Manager

RESOLUTION NO. 01-___

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REQUESTING FUNDING FROM THE CALIFORNIA BEVERAGE CONTAINER RECYCLING AND LITTER REDUCTION ACT

WHEREAS, the people of the State of California have enacted the California Beverage Container Recycling and Litter Reduction Act that provides funds to cities and counties for beverage container recycling and litter cleanup activities; and

WHEREAS, the California Department of Conservation’s Division of Recycling has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures for cities and counties or their designees under the program; and

WHEREAS, per Section 14581 (a)(4)E) of the California Beverage Container Recycling and Litter Reduction Act, the eligible participant must submit the Funding Request Form by the due date and time in order to request funds from the Department of Conservation’s Division of Recycling.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton authorizes the submittal of the Funding Request Form to the Department of Conservation’s Division of Recycling. The City Manager, is hereby authorized and empowered to execute in the name of the Town of Atherton all necessary forms hereto for the purposes of securing payments and to implement and carry out the purposes specified in the Section 14581 (a)(4)(A) of the California Beverage Container Recycling and Litter Reduction Act and provide information regarding this program to the Division upon request.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 21st day of February, 2001, by the following vote:

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

Dianne M. Fisher, Mayor

ATTEST:

Sharon Barker, City Clerk



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: POLICE CHIEF ROBERT BRENNAN

DATE: FOR THE CITY COUNCIL MEETING OF MARCH 21, 2001

SUBJECT: PERSONNEL CONTRIBUTION TO A REGIONAL CRITICAL INCIDENT TEAM

RECOMMENDATION:

Staff recommends Council approve the contribution of one sworn member of the Police Department to represent the Town of Atherton on the Regional Critical Incident Team.

INTRODUCTION:

A Critical Incident Team is designed to respond to and safely resolve high-risk situations, and aid in the service of arrest/search warrants involving potentially dangerous individuals. In recent years, a Critical Incident Team has become a standard component of law enforcement agency efforts to protect the public. The increasing availability of diverse weaponry necessitates the need for a specialized unit that is properly equipped to respond to the hazard posed to the public.

Currently, the regional team is comprised of Redwood City, San Carlos and Menlo Park. Joining the existing team provides the following advantages:

- Proven experience
- Increased resources
- Greater local control
- Improved response time
- Enhanced training
- Promotes inter-agency cooperation and communication in a crisis situation
- Furthers career development

A Memorandum of Understanding between the agencies has been prepared, and is required to implement the program. The attached agreement has been reviewed and approved by the City Attorney.

ANALYSIS:

The urbanization of the Bay Area has brought increasing stress and levels of violent crime. These crimes are not limited to inner city areas, but have come to our own backyard. The need for a highly trained team to respond is even more apparent as we view the recent violence in our schools and homes. With our single contribution of one officer, we receive the combined force of three other agencies' personnel and equipment without the added associated costs.

Without an agreement, we come under the Office of the Sheriff. Although the Sheriff is certainly capable, we would surrender local control of any critical incident while still bearing the liability. As the Memorandum of Agreement points out:

“Tactical Command of the teams will be under the authority of the agency where the occurrence is taking place unless the Incident Commander decides to the contrary. Although a regional team would not bring immunity to any situation, command and the decision to take or not to take action would remain under the Town of Atherton.”

The ability for the Atherton Police Department to solely staff or provide training to existing personnel would be cost prohibitive. New challenges of this type for members of this team will increase the officer's confidence, ability to make critical decisions, job skills, and career satisfaction, while decreasing attrition and the costs associated with hiring and training new officers.

FISCAL IMPACT:

All associated costs of training and equipment can be supported under the existing budgetary constraints.

Prepared By:

Reviewed/Approved By:

Robert J. Brennan
Police Chief

Ralph Freedman
Interim City Manager

THE ATHERTON POLICE DEPARTMENT,
THE MENLO PARK POLICE DEPARTMENT,
THE REDWOOD CITY POLICE DEPARTMENT,
AND
THE SAN CARLOS POLICE DEPARTMENT
REGARDING THE REDWOOD CITY POLICE DEPARTMENT'S
SPECIAL WEAPONS AND TACTICS TEAM

❖ PURPOSE:

The Atherton Police Department (APD), the Menlo Park Police Department (MPPD) the Redwood City Police Department (RCPD), and the San Carlos Police Department (SCPD) individually sometimes referred to as "PD" and collectively referred to as "Parties," agree to this Memorandum of Understanding (MOU) in an effort to clearly establish the control, training, team standards, and hold harmless agreements between the participating agencies regarding the Redwood City Police Department's Special Weapons and Tactics team. Individually, none of the agencies may have sufficient SWAT personnel to handle certain tactical situations. By entering into this MOU, the APD, MPPD, RCPD, and the SCPD should have sufficient personnel to provide professional service during tactical situations to each other, and to other law enforcement agencies in San Mateo County that may request it. This MOU does not revise, amend or supersede any mutual aid agreements, or other agreements or understandings between the parties.

❖ CALL OUT PROCEDURES:

If the Atherton Police Department, Menlo Park or San Carlos agencies require the use of the SWAT team, the department will contact the Communications Center of the Redwood City Police Department. The dispatcher from the Redwood City Police Department will then initiate a callout of the team's members.

A tactical situation may not require personnel from all agencies. However, all agencies should be notified as a safeguard in the event that a tactical situation is extended or requires additional personnel.

❖ TACTICAL SCENE CONTROL:

Tactical command of the team will be under the authority of the Tactical Commander unless the incident commander decides to the contrary. Incident command of the event will be under the authority of the agency where the event is taking place.

❖ SELECTION:

Team members will be selected by their respective departments. All applicants must pass the physical agility test administered by the Redwood City Police Department. All applicants must successfully complete the Basic SWAT course approved by the Redwood City Police Department.

❖ TRAINING:

The APD, MPPD, RCPD, and the SCPD teams agree to train together on a monthly and quarterly basis. Firearms training will be conducted once per month. That training will last approximately two hours. Other training will be conducted quarterly with a goal of 40 hours per quarter. The agencies' respective SWAT commanders will determine the location and hosting of training. Team members will be required to wear during training any equipment they would wear during a call out. Each team member will be required to pass the FBI SWAT Fitness Test at all times, and will be required to show that they have passed their department's firearms qualification course. Qualification may be shown through the departmental training records. Each team member must also pass the annual SWAT Firearms Qualifications Course.

❖ EQUIPMENT:

Each team agrees to purchase and separately maintain its own equipment, however, team members will be cross-trained with most equipment shared by APD, MPPD, RCPD, and SCPD. All team members may utilize any equipment that is approved for use and that they have trained and qualified with.

❖ POST INCIDENT CRITIQUE:

Following each incident, involved agencies should be debriefed as soon as possible. A tactical team debriefing involving tactical members, Tactical Command, and Incident Command only, should occur immediately after the incident. A critique of the entire incident should occur within two weeks and should include all agencies involved in the incident, especially personnel identified as having key roles in the incident (officers, supervisors, communications, fire/medical, public works, and crime lab personnel, etc.).

❖ POST INCIDENT INVESTIGATION:

In the event of a situation involving the use of force, the host agency will have jurisdiction in the use of force investigation. When appropriate, all agencies agree to involve the District Attorney's Office and agree further to implement the homicide protocol if the incident involves the use of deadly force.

❖ HOLD HARMLESS AGREEMENT:

1. Members of a PD shall not be deemed to be employees or agents of the other PD's by virtue of their participation, pursuant to this MOU.
2. Each PD (the Releasing PD) waives and releases the other PD's from any and all claims, suits, liabilities and damages for personal injuries, property damage, worker's compensation, or any other claims, loss, or damage asserted or made by the Releasing

PD's personnel, its heirs, executors, administrators, beneficiaries, or assigns as a result of Releasing PD's personnel participation under this MOU. Each PD assumes any and all risks associated with, or that relate to, its members' participation under this MOU.

3. Each PD hereby agrees to hold harmless, defend, and indemnify the other PD's, their respective officers, agents and/or employees from any and all damages and claims that arise as a result of the intentional tortuous acts or sole negligence of its personnel participating under this MOU.

❖ SIGNATURES:

Robert J. Brennan, Chief of Police
Atherton Police Department

Date

Scott S.G. Vermeer, Chief of Police
Menlo Park Police Department

Date

Carlos G. Bolanos, Chief of Police
Redwood City Police Department

Date

James R. Granucci, Chief of Police
San Carlos Police Department

Date



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
INTERIM CITY MANAGER, RALPH FREEDMAN**

FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MARCH 21, 2001

**SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
RESCINDING ALL PREVIOUS RESOLUTIONS APPROVING RATE
SCHEDULES FOR BROWNING-FERRIS INDUSTRIES REFUSE,
RECYCLABLE MATERIAL AND PLANT MATERIAL COLLECTION
SERVICE FEES AND APPROVING A NEW RATE SCHEDULE FOR SAME,
RETROACTIVE TO MARCH 1, 2001**

RECOMMENDATION

Pass a motion to adopt the attached resolution rescinding all previous resolutions approving rate schedules for Browning-Ferris Industries refuse, recyclable material and plant material collection service fees and approving a new rate schedule for same, retroactive to March 1, 2001.

INTRODUCTION

Under the Uniform Franchise Agreement between the Town and Browning-Ferris Industries (BFI), and the Town's participation in the South Bayside Waste Management Authority (SBWMA), the Town sets appropriate rates for refuse, recyclable material and green waste collection and disposal. The process involves BFI submitting cost and performance data to SBWMA, SBWMA's consultant reviewing that data and making recommendations regarding appropriate rates to each member agency and each agency adopting rates by resolution. The consultant's recap of the data and fee recommendations are contained in the report titled "Review of San Mateo Scavenger (a Division of BFI Waste Systems of North America, Inc.) Refuse, Recyclable Material and Plant Material Collection Application", (rate study), a copy of which is attached. The rates recommended for Atherton by the consultant are 42.6% higher than rates charged in 2000.

ANALYSIS

Comparing Line 20, Current Year Revenue Requirement for 2000 and 2001, in Exhibits 5 and 6 on pages 12 and 13 of the rate study, the total revenue increase recommended for 2001 for BFI is 5.1%. Atherton's columns in the same tables show the current year revenue requirement goes from \$1,122,000 to \$1,179,000, which is also a 5.1% increase.

The basis for the consultant's recommended 42.6% increase for Atherton is found in lines 21, 22 and 23 of the cited tables. Atherton rates have been too low to cover the cost of service for years. The deficit was \$209,000 at the end of last year, and is projected to grow by another \$209,000 in 2001, if the rates are not increased. Last year, the consultant recommended a rate increase of 35%. However, he also offered the option to tackle the deficit over three years, starting with a rate increase of 12%, which was enacted. It turned out that the 12% fell quite short of what was needed.

The Town's Solid Waste Reduction Committee was given information showing how different rate increase strategies would eliminate the deficit over one, two or three years. The options ranged from a 15.93% per year increase, compounded over three consecutive years, to the full 42.6% increase in one year. The low and high first year's monthly charges for the two extreme options were \$36.91 and \$45.39 per month respectively, for a two can customer. The 3-year average rates for the same two options were \$43.10 and \$42.80. This works out to a total difference of only \$10.80 over the three years.

The Solid Waste Reduction Committee considered the options and decided to recommend that the Council adopt a level rate that was calculated to eliminate the deficit over three years. The Committee increased the three-year, two can rate, calculated by staff by \$1.00 to provide a contingency allowance that could accommodate some unexpected BFI cost increase, without requiring another rate adjustment during the three years. If there are no such unexpected cost increases, the same rate could remain in effect for 4 years. The numbers are shown below:

| CATCH UP WITH LEVEL RATE THAT SHOULD REMAIN CONSTANT FOR AT LEAST 3 YEARS | | | | | | |
|--|-----------|-----------|-----------|-----------|-----------|-----------|
| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
| Revenue Req. (est. @ 5.5% inc./yr. after 2001) | 1,122,000 | 1,179,000 | 1,243,845 | 1,312,256 | 1,384,431 | 1,460,574 |
| Carryover Shortfall | 60,000 | 209,000 | 48,673 | -55,890 | -98,314 | -71,110 |
| Interest on Shortfall | 8,000 | 12,000 | 2,920 | -3,353 | -5,899 | -4,267 |
| Total Req to Cover All | 1,190,000 | 1,400,000 | 1,295,438 | 1,253,013 | 1,280,218 | 1,385,198 |
| Atherton Enacted Increase | 12% | 37.75% | 0.00% | 0.00% | 0.00% | 2.50% |
| Two Can Monthly Charge | \$31.84 | \$43.86 | \$43.86 | \$43.86 | \$43.86 | \$44.96 |
| Revenue w/ Atherton Increase | 981,000 | 1,351,328 | 1,351,328 | 1,351,328 | 1,351,328 | 1,385,111 |
| Carryover Shortfall | 209,000 | 48,673 | -55,890 | -98,314 | -71,110 | 87 |

Based on the two can rate of \$43.86, the rate changes for other containers are shown below:

| <u>Category</u> | <u>Old Rate</u> | <u>New Rate</u> | <u>Category</u> | <u>Old Rate</u> | <u>New Rate</u> |
|-----------------|-----------------|-----------------|--------------------|-----------------|-----------------|
| 1 Can | \$16.79 | \$23.13 | 1 yd. Bin 1 x/week | \$ 71.79 | \$ 98.89 |

| | | | | | |
|--------|---------|---------|--------------------|----------|----------|
| 2 Cans | \$31.84 | \$43.86 | 2 yd. Bin 1 x/week | \$136.26 | \$187.70 |
| | | | 3 yd. Bin 1x/week | \$151.72 | \$208.99 |
| 3 Cans | \$46.89 | \$64.59 | 1 yd. Bin 2x/week | \$118.05 | \$162.61 |
| | | | 2 yd. Bin 2x/week | \$226.72 | \$312.31 |
| | | | 3 yd. Bin. 2x/week | \$262.10 | \$361.04 |

FISCAL IMPACT

Free service to Town facilities is part of the consideration under the contract between the Town and BFI. Therefore, there is no fiscal impact to the Town.

CONCLUSION:

The 37.75 % rate increase recommended by the Solid Waste Reduction Committee is fiscally responsible and should be enacted.

Respectfully submitted:

Reviewed/Approved:

Cliff Temps

Ralph Freedman

Public Works Director

Interim City Manager

Attachments: Rate Study
 Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON RESCINDING ALL PREVIOUS RESOLUTIONS APPROVING RATE SCHEDULES FOR BROWNING-FERRIS INDUSTRIES REFUSE, RECYCLABLE MATERIAL AND PLANT MATERIAL COLLECTION SERVICE FEES AND APPROVING A NEW RATE SCHEDULE FOR SAME, RETROACTIVE TO MARCH 1, 2001

WHEREAS, the Town of Atherton has provided a franchise to Browning-Ferris Industries allowing for and governing the collection of refuse, recyclable material and plant material within the Town limit; and

WHEREAS, under said franchise the Town may approve and change rates that may be charged for this service by Browning-Ferris Industries; and

WHEREAS, after an audit by Hilton, Frankophf and Hobson, the Town of Atherton has determined that Browning-Ferris Industries is entitled to an increase in the fees charged for refuse, recyclable material and plant material collection; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Town of Atherton that: all previous resolutions are rescinded, and that the rates stated in the table below are approved effective March 1, 2001:

| Category | Monthly Rate | Category | Monthly Rate |
|----------|--------------|----------------------|--------------|
| 1 Can | \$23.13 | 1 Yd. Bin 1 x a week | \$ 98.89 |
| | | 2 Yd. Bin 1 x a week | \$187.70 |
| 2 Cans | \$43.86 | 3 Yd. Bin 1 x a week | \$208.99 |
| | | 1 Yd. Bin 2 x a week | \$162.61 |
| 3 Cans | \$64.59 | 2 Yd. Bin 2 x a week | \$312.31 |
| | | 3 Yd. Bin 2 x a week | \$361.04 |

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 21st of March, 2001 by the following vote:

| | |
|-----------------|------------------------|
| <i>AYES:</i> | <i>COUNCILMEMBERS:</i> |
| <i>NOES:</i> | <i>COUNCILMEMBERS:</i> |
| <i>ABSENT:</i> | <i>COUNCILMEMBERS:</i> |
| <i>ABSTAIN:</i> | <i>COUNCILMEMBERS:</i> |

ATTEST:

Dianne M. Fisher, Mayor
Town of Atherton

Sharon Barker, City Clerk



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: NEAL MARTIN, CITY PLANNER

DATE: FOR THE CITY COUNCIL MEETING OF MARCH 21, 2001

SUBJECT: FENCE HEIGHTS ALONG RINGWOOD AVENUE

RECOMMENDATION:

It is recommended that the City Council introduce the attached Ordinance.

INTRODUCTION:

It has been the City Council's policy, as expressed in Municipal Code Section 17.36.150, to allow fences up to eight feet in height along major streets, adjoining schools, adjacent to the Southern Pacific right-of-way or along the Town boundary. The General Plan Committee initiated the accompanying amendment to add Ringwood Avenue to the list of major streets where fence heights of up to eight feet would be permitted. The Planning Commission recommended City Council adoption of the amendment on January 24, 2001.

ANALYSIS:

The attached Ordinance would add Ringwood Avenue to the list of streets where fences of up to eight feet in height are permitted.

CONCLUSION:

It is Planning Staff's opinion that the proposed Ordinance Amendment would not be contrary to the purpose and intent of the General Plan and the Zoning Ordinance.

ENVIRONMENTAL IMPACT:

This Ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

FORMAL MOTION:

I move that the City Council find that the adoption of the proposed Ordinance would not be contrary to the purpose and intent of the General Plan and the Zoning Ordinance. I further move that the Council waive further reading and introduce the ordinance entitled, "An Ordinance of the City Council of the Town of Atherton Amending the Atherton Municipal Code Regulating Height of Fences Along Ringwood Avenue Within the Town of Atherton."

/s/ Neal J. Martin

Neal J. Martin, City Planner

Attachments:

1. Draft Ordinance
2. Municipal Code Section 17.36.150
3. General Plan Committee Minutes of December 7, 2000
4. Planning Commission Minutes of January 24, 2001

Item No. 18



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: BILL YEOMANS, INTERIM FINANCE DIRECTOR

DATE: FOR THE MEETING OF MARCH 21, 2001

SUBJECT: PUBLIC HEARING ON MENLO COLLEGE FINANCING THROUGH THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY

RECOMMENDATION:

Adopt Resolution No. 01-___, approving the issuance of tax-exempt obligations by the California Statewide Communities Development Authority for financing the acquisition of educational equipment located at Menlo College, the borrower of the obligations.

INTRODUCTION:

This action allows Menlo College to access tax exempt financing through a State agency, the California Statewide Communities Development Authority (CSCDA). With the maximum principal amount of \$2,000,000, the College plans to purchase a single voice and data video network located on the campus. Attached is a letter from Bob Hite, Vice President of Administration for Menlo College.

In order for Menlo College to obtain the financing through the CSCDA, the Internal Revenue Code requires that the proposed financing be approved by a governmental unit having jurisdiction over the area in which the project to be financed is located. This approval process requires published notice at least 14 days prior to a public hearing. The required notice was published in *The Almanac* on March 7, 2001. The Town of Atherton would not incur any financial liability or responsibility as a result of this transaction.

ANALYSIS:

California Statewide Communities Development Authority (CSCDA) is a government agency established in 1988 under the California Government Code as a statewide Joint Powers Authority. CSCDA is jointly sponsored by the California State Association of Counties and the League of California Cities. Over 330 local public agencies are members of CSCDA, including 56 of the 58 counties in California and over 200 cities. CSCDA has issued more than \$11 billion in tax-exempt debt and ranks among the largest issuers of tax-exempt debt in the United States.

CSCDA provides local governments access to low-cost, tax-exempt financing for projects that include government facilities, manufacturing facilities, multi-family and senior housing, non-profit facilities, solid waste and recycling facilities, and other facilities that meet the requirements for tax-exempt financing under the Internal Revenue Code. The CSCDA is authorized to issue bonds, notes, or other evidences of indebtedness, or certificates of participation in leases, or other agreements to finance or refinance facilities owned and operated by organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, and which are determined by the CSCDA to satisfy the criteria set forth in their authorizing resolution.

Pursuant to the Joint Powers Agreement under which CSCDA was established, the CSCDA cannot approve a financing unless the governing body of the program participant in whose jurisdiction the project is located or is to be located, approves the project and the financing of the project.

FISCAL IMPACT:

There is no fiscal impact to the Town as a result of the adoption of this resolution. CSCDA structures its financings so that neither the Town of Atherton nor the CSCDA will be subject to financial liability.

Prepared by:

Approved by:

Bill Yeomans
Interim Finance Director

Ralph Freedman
Interim City Manager

Attachments: 1. Letter from Bob Hite, Menlo College
2. Resolution No.01-_____

RESOLUTION NO. 01-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE
TOWN OF ATHERTON APPROVING THE ISSUANCE OF TAX-EXEMPT
OBLIGATIONS BY THE CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY**

WHEREAS, the Town of Atherton is the Local Government Participant, the California Statewide Communities Development Authority is the Issuer, and Menlo College, or an affiliate, is the Borrower in this transaction;

WHEREAS, the Equipment is the financing and refinancing of the acquisition of educational equipment, including a single voice-data-video network located on Borrower's campus;

WHEREAS, the Obligations to be incurred by the Borrower shall consist of Notes, Bonds, or any other evidence of indebtedness of the Issuer, with the Maximum Principal Amount of \$2,000,000;

WHEREAS, the Borrower has requested that the Issuer issue its notes, bonds or any other evidence of indebtedness (the "Obligations") in an aggregate principal amount not expected to exceed the Maximum Principal Amount for the purpose of providing funds to finance and refinance the Equipment and pay related costs;

WHEREAS, the Issuer has requested that the City Council of the Town of Atherton approve the issuance of the Obligations and the Equipment in order to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and the requirements of Section 9 of the Amended and Restated Joint Exercise of Powers Agreement (the "Joint Powers Agreement"), dated as of June 1, 1988, among certain local agencies, including the Town of Atherton;

WHEREAS, the Town of Atherton held a public hearing on March 21, 2001, providing a reasonable opportunity for persons to comment on the issuance of the Obligations for the Equipment; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Obligations and the Equipment required by Section 147(f) of the Code, Section 9 of the Joint Powers Agreement and Section 91530(f) of the Government Code of the State of California.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the Town of Atherton, that the issuance of the Obligations and the Equipment are hereby approved for the purposes of Section 147(f) of the Code and Section 9 of the Joint Powers Agreement; and

RESOLVED FURTHER, the City Clerk of the Town of Atherton shall certify the adoption of this resolution, and thenceforth and thereafter the same shall be in full force and effect.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 21st day of March, 2001, by the following vote:

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

*Dianne M. Fisher, Mayor
Town of Atherton*

ATTEST:

Sharon Barker, City Clerk

Item No. 19



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: RALPH FREEDMAN, INTERIM CITY MANAGER

DATE: FOR THE MEETING OF MARCH 21, 2001

SUBJECT: DISCUSSION OF FUTURE PROJECTS AND EXPENDITURES OF PARCEL TAX FUNDS

RECOMMENDATION:

Continue the discussion on analyzing the need for the Parcel Tax, and how potential monies from this tax could be expended.

INTRODUCTION:

Based upon the discussion at the last City Council meeting, staff will be projecting both revenues and expenditures of the Town budget for the next four (4) years. This information is in the process of being assembled, and it will be presented to the City Council and the public at Wednesday's meeting. As a reference point, attached to this Staff Report is the financial data that I presented at the March 6 City Council meeting. No changes have been made to this data.

ANALYSIS:

Over the next few months, the need for this tax must be clearly conveyed to Atherton residents. The goal of staff will be to assemble the necessary information for Council consideration and approval before it is disseminated to the public.

FISCAL IMPACT:

The Parcel Tax will generate approximately \$1.6 million with funding for the following categories:

- Police Staffing - overhiring to help keep the Department fully staffed due to training, turnover, and absences.
- Compensation Adjustments - to keep salaries and benefits competitive in order to retain and attract staff.
- Miscellaneous Capital Improvements - funding for capital improvement needs.
- Street & Storm Drainage Maintenance - funding for necessary maintenance until a definitive funding plan can be implemented for the major capital needs in the Town's streets and storm drainage systems.

Item No. 20

CITY COUNCIL

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: NEAL MARTIN, CITY PLANNER
DATE: MARCH 21, 2001
SUBJECT: DRAFT AMENDMENTS TO HERITAGE TREE ORDINANCE

RECOMMENDATION:

Review proposed amendments and introduce Ordinance.

DISCUSSION:

This item was proposed by the General Plan Committee and reviewed at its December 7, 2000 and February 7, 2001 meeting. The committee recommended its adoption by the City Council. Please see attached minutes for details. The accompanying Ordinance has been reviewed and recommended by Kathy Hughes Anderson.

ENVIRONMENTAL IMPACTS:

The proposed amendments would be categorically exempt from the California Environmental Quality Act under Section 15305 (minor alterations in land use limitations) of the CEQA Guidelines.

FISCAL IMPACTS:

All costs of preparing these amendments are born by the Town of Atherton.

FORMAL MOTION:

I move that the City Council find that the proposed amendment is consistent with the Atherton General Plan. I further move that the Council introduce “an Ordinance of the

City Council of the Town of Atherton amending various sections of the Atherton Municipal Code relating to the removal of and damage to heritage trees within the Town of Atherton.” and waive further reading.

Neal J. Martin, City Planner

Attachments

1. Draft Ordinance
2. Municipal Code Chapter 8.10
3. General Plan Committee Minutes of December 7, 2000 and February 7, 2001



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: NEAL MARTIN, CITY PLANNER
DATE: FOR THE CITY COUNCIL MEETING OF MARCH 21, 2001
SUBJECT: PROHIBITION ON THE PLACEMENT OR MAINTENANCE OF CARGO CONTAINERS

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance prohibiting the placement or maintenance of cargo containers on private property.

INTRODUCTION:

At the December 7, 2000 General Plan Committee meeting, the topic of the use of cargo containers for permanent or temporary storage was discussed. The Committee directed staff to prepare an Ordinance which would amend the Nuisance Abatement Ordinance by adding a section prohibiting the placement or maintenance of cargo containers on private property.

ANALYSIS:

The attached Ordinance would add a category to the Nuisance Abatement Section which would prohibit the placement or maintenance of cargo containers on private property.

CONCLUSION:

It is Planning Staff's opinion that the Ordinance prohibiting placement or maintenance of cargo containers would not be contrary to the purpose and intent of the General Plan and the Zoning Ordinance.

ENVIRONMENTAL IMPACT:

The proposed Ordinance Amendment is categorically exempt from the California Environmental Quality Act pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

FORMAL MOTION:

I move that the City Council find that proposed Ordinance Amendment would not be contrary to the purpose and intent of the General Plan and the Zoning Ordinance, waive further reading, and introduce the Ordinance entitled, “An Ordinance of the City Council of the Town of Atherton Amending the Atherton Municipal Code Regulating the Placement of Cargo Containers on Private Property Within the Town of Atherton.”

/s/ Neal J. Martin

Neal J. Martin, City Planner

Attachments:

1. Draft Ordinance
2. Municipal Code Chapter 8.20
3. General Plan Committee Minutes dated December 7, 2000