



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

**July 21, 2004**

**7:00 p.m.**

**TOWN COUNCIL CHAMBERS**

94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

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

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

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

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

**3. PRESENTATIONS**

**A. Certificates of Appreciation for Outgoing Commission and Committee Members:**

**Mayor McKeithen made brief comments regarding outgoing Audit Committee Member and Chair, Marc Hebert, and outgoing Arts Committee Chair and Member, Marguerette Paponis, in recognition of their volunteer service to the Town.**

**B. Proclamation for the Arts Committee – Big Daddy Jazz Festival**

**Mayor McKeithen read a proclamation in recognition of the Arts Committee's successful Big Daddy Jazz Festival held on June 20, 2004.**

**C. Presentation by Menlo Park Rotary Club to Atherton's Tree Committee  
Bob Huber, Rotary Club Member from Menlo Park presented a check to the Town of Atherton's Tree Committee.**

**Bob Huber, Menlo Park Rotary Club Member, presented an \$808.88 check to the Atherton Tree Committee. The check was a donation from a recent bicycle**

ride fundraiser for Menlo Park trees. A portion of the route went through the Lindenwood area of Town, and residents of the area assisted in the efforts.

Denise Kupperman, AthertonTree Committee, thanked Mr. Huber and announced the Committee was sponsoring a Heritage Tree Award. Forms were available in the Town's administrative offices, and the deadline was August 27, 2004, at 5:00 p.m.

#### 4. COUNCIL REPORTS

- Council Member Janz attended the Caltrain Corridor Subcommittee Meeting held on July 6, 2004. A presentation by Train Riders Association of California (TRAC) advocated the inclusion of the Altamont Pass alternative for high-speed rail to Southern California. A meeting was held on July 14, 2004, at the Fair Oaks crossing to discuss the possibility of a "quiet zone" for the Atherton area.
- Council Member Marsala noted the Joint Powers County Library group did not meet in July. He commended the Arts Committee for its work on the Big Daddy Jazz event. Last month, Selby Lane School secured a \$160,000 grant over three years to work with reading and academic intervention. Efforts continued to secure funding for the International Baccalaureate program, which needs \$70,000 by November 1. The Park Foundation held a retreat, selected new officers, and looked at how the Foundation and Atherton Dames could work together. Council Member Marsala thought a review of the Town's sign ordinance might be appropriate to address the appearance of television monitors on fences. Regarding alternative funding for the parcel tax, he wanted to encourage entrepreneurs to secure a Business License from the Town and suggested revisiting ways to inform residents.
- Council Member Carlson attended the July 13, 2004, Transportation Committee meeting. Three radar signs would be arriving shortly. Caltrans announced there were no funds available to redesign the left-hand turn pocket at El Camino Real and Selby Lane. The next meeting would be held on October 12, 2004.
- Vice Mayor Conwell noted the July City/County Association of Governments (CCAG) meeting was not held. He attended the San Francisco Airport Roundtable meeting and reported noise complaints were down. At the Criminal Justice Commission meeting held that day, a presentation on drug problems revealed the situation was out of control. Vice Mayor Conwell thanked Andrea Gemmet, reporter from *The Almanac*, for her recent article on public servants.
- Mayor McKeithen attended the Transportation Committee meeting where a brief discussion on the 2020 Peninsula Gateway Corridor Study took place. Several meetings were held, were not very well attended, and a great deal more work needed to be done before a draft study was completed. A suggested solution for congestion relief affecting Atherton was to increase both Marsh and Middlefield Roads to four lanes to better accommodate emergency vehicles; although, there was no indication an accommodation was needed. The Audit Committee spent time reviewing the auditor's interim report. Staff had implemented most of the recommendations. A consultant was hired to assist staff with the conversion to the new financial reporting model for a total amount not to exceed \$9,025. Mayor McKeithen noted the Office of Emergency Services (OES) for San Mateo County met on June 24, 2004, where discussion took place regarding fair-share payments

for the new microwave system. A surplus would be used for future updates to the system. Southern California was being hit hard by the West Nile Virus. The best method to deal with the virus was through mosquito abatement. In case of a catastrophic event, 50 cities had antibiotics or vaccines for approximately 750,000 people. Stockpiles were moved in and out of undisclosed locations to ensure antibiotics were current. The OES meets quarterly and the public was welcomed to attend. Atherton would have a Citizen Emergency Response Training (CERT) class in the fall where citizens were certified to help in the event of an emergency or catastrophic event.

## **5. PUBLIC COMMENTS**

The following members of the audience spoke:

- Marion Oster, representing the Atherton Heritage Association, gave an update regarding the gazebo at Holbrook-Palmer Park.
- Elizabeth Lewis, Atherton, spoke on behalf of the residents of Emilie Avenue and submitted a request to the Council for utility undergrounding. The Mayor asked that an item be placed on the next Council agenda and asked the Public Works Director to prepare a staff report that included the cost and other priorities. The City Manager noted there was \$727,391 in a reserve fund with P.G.&E. that could be used based on certain conditions and requirements.
- Bob Huber, Atherton, requested that Frederick Avenue be included in the request for utility undergrounding. Council Member Janz requested a staff report on the feasibility of a utility undergrounding assessment district.
- Jerry Carlson, Atherton, spoke regarding Selby Lane School and the Redwood City Elementary School District.
- John Sisson, Atherton, spoke regarding Selby Lane School, the Redwood City Elementary School District, and the current issue of "The Athertonian."
- Mary Ellen Wetlessen, Tiburon, requested the Council prepare an Amicus Curiae letter to the Supreme Court regarding Zack v. Marin Emergency Radio Authority (Case No. S125094). The Mayor noted the deadline to participate was Friday and called a Special Meeting of the City Council for 8:30 p.m. on July 22, 2004, to discuss the issue.

## **6. STAFF REPORTS**

- City Attorney Marc Hynes reported out of the 6:00 p.m. Closed Session as follows:

### **A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9(a):**

**Teamsters Local 856 v. City of Atherton  
San Mateo County Superior Court, Case No. 429950**

**No action was taken; direction was given to the City Attorney.**

**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION -- Initiation of litigation pursuant to Government Code Section 54956.9(c), 2 potential cases.**

The City Attorney was authorized to file a complaint in the following cases:

- A construction ordinance violation against Lisa Chaplinsky.
- An animal regulations violation, dog bite, against William and Joan Morris.

**C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to Government Code Section 54957.6 (f)**

City Attorney

No action was taken.

- City Manager Jim Robinson announced that on July 24, 2004, the Stop, Drop, and Roll Bike Ride, sponsored by the San Mateo County Fire Prevention Officers Association, would be traveling through the Town via Alameda de las Pulgas. He appreciated John Sisson's comments regarding "The Athertonian" and noted the next edition would come out in October, before the election. Volunteers from the Caltrain Corridor Subcommittee submitted the articles on the possible impacts of the high-speed rail project. The EIR process and response to the EIR would be taken up later in the meeting.
- Finance Director John Johns announced that Mike Barsotti was elected the new Chair of the Audit Committee.
- Public Works Director Duncan Jones reported the Red-Legged Frog survey was completed and 3 healthy adult frogs were found, as well as over 100 tadpoles. The Upper Atherton Channel Redevelopment project would be completed in phases to relocate the frogs during the process.

**7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

The Arts Committee

Jean Schaaf, Atherton, presented a report regarding the Atherton Arts Committee. City Manager Jim Robinson clarified the Town of Atherton's insurance liability requirements for contract instructors.

Council Member Marsala thanked the Committee for its dedication and hard work.

**CONSENT CALENDAR**

Mayor McKeithen noted in the Quarterly Investment Report that 61 percent of investments were in the County fund and 39 percent were in the State fund; the return was 1 percent higher in the County fund. Regarding the Monthly Financial Report as compared to last year, expenditures were down 6 percent and income was up 3 percent

resulting in a 9 percent “plus” for the period. Regarding the contract between the Town and the City of Palo Alto for IT services, staff negotiated a smaller increase to the contract by reducing on-site support and forgoing a planned website redesign that resulted in a savings of \$8,450. Additionally, there was a \$128,000 savings from the parcel tax on the 2004 Street Reconstruction Project and a \$30,000+ savings from the Road Impact fee.

Council Members Marsala and Janz had questions regarding Item No. 20 which was moved to the Regular Agenda.

Council Member Janz asked for clarification on Item No. 17, Paragraph 8, of the professional services agreement regarding gross negligence. City Attorney Marc Hynes clarified that the contract employees essentially functioned as Town staff and were afforded the immunities of public employees. However, Paragraph 8 specified in the case of gross negligence, the Town would not be held liable. Vice Mayor Conwell asked to have a letter from ABAG recognizing the issue.

**MOTION – to approve the items as presented on the Consent Agenda with the exception of Item No. 20 which was moved to the Regular Agenda.**

**M/S Conwell/Janz**

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

- 8. APPROVED THE MINUTES FOR SPECIAL MEETINGS OF JUNE 14, 2004, JUNE 16, 2004, AND REGULAR MEETING OF JUNE 16, 2004**
- 9. APPROVED BILLS AND CLAIMS FOR JUNE 2004 IN THE AMOUNT OF \$707,732**
- 10. ACCEPTED THE MONTHLY FINANCIAL REPORT FOR JUNE 2004**
- 11. ACCEPTED THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2004**
- 12. APPROVED AN AGREEMENT FOR INFORMATION TECHNOLOGY SERVICES BETWEEN THE TOWN OF ATHERTON AND THE CITY OF PALO ALTO FOR FISCAL YEAR 2004-05**
- 13. APPROVED LETTER IN RESPONSE TO CIVIL GRAND JURY REQUEST (NARCOTICS INVESTIGATION REPORT)**
- 14. APPROVED LETTER IN RESPONSE TO CIVIL GRAND JURY REQUEST (SEXUAL ASSAULT REPORT)**
- 15. AWARDED CONTRACT FOR BARRY LANE – ATHERTON CHANNEL BOX CULVERT REPLACEMENT, PROJECT NO. 04-001, TO BIANCHI CONSTRUCTION IN THE AMOUNT OF \$254,960.15.**

**Awarded the contract for the Barry Lane – Atherton Channel Box Culvert Replacement, Project No. 04-001, in the amount of \$231,781.95 to Bianchi Construction, the low bidder on the June 25, 2004, bid opening and authorized a**

construction contingency in the amount of \$23,178.20 for a total authorization of \$254,960.15.

16. **ACCEPTED THE WORK, AUTHORIZED TO RECORD A NOTICE OF COMPLETION, AND APPROVED THE CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$13,292.42 FOR THE STREET CORPORATION YARD, PROJECT NO. 03-007**

Accepted the work, authorized staff to record a Notice of Completion, and approved contract change orders in the amount of \$13,292.42 for the Street Corporation Yard Project No. 03-007

17. **APPROVED TO RENEW AGREEMENT WITH NEAL MARTIN AND ASSOCIATES**

Approved agreement for professional services for Fiscal Year 2004-05 for Neal Martin and Associates and authorize an increase in certain hourly rates.

18. **ACCEPTED THE WORK AND AUTHORIZED TO RECORD A NOTICE OF COMPLETION FOR THE 2004 STREET MICRO-SURFACING PROJECT NO. 03-012**

Accepted the work and authorized staff to record a Notice of Completion for the 2004 Street Microsurfacing, Project No. 03-112

19. **REVIEWED TOWN'S CONFLICT OF INTEREST CODE AND ADOPTED A RESOLUTION TO APPROVE APPENDIX "A" DATED JULY 2004 DESIGNATING POSITIONS IN THE CONFLICT OF INTEREST CODE**

Adopted Resolution No. 04-16 approving Appendix "A" dated July 2004 designating positions and describing disclosure categories in the Conflict of Interest Code.

20. ~~**Removed from Consent Agenda, See Regular Agenda.. APPROVAL OF TRANSFER AGREEMENT WITH THE CITY OF MENLO PARK REGARDING THE PEDESTRIAN SIGNAL ON VALPARISO AVENUE**~~

21. **APPROVED RESPONSE TO DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) FOR THE PROPOSED CALIFORNIA HIGH-SPEED TRAIN SYSTEM**

Approved a response to the Draft Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed California High-Speed Train System that requests that California High Speed Authority to include the Altamont Pass Alternative in the environmental evaluation, to consider a trench section through Atherton, and to include additional comments on impacts of the High Speed Rail (HSR) system.

## **REGULAR AGENDA**

**Mayor McKeithen said that Item No. 24 would be brought forward to be heard first on the Regular Agenda.**

### **24. DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED LIGHTING OF ATHLETIC FIELDS AT MENLO ATHERTON HIGH SCHOOL**

**City Manager Jim Robinson noted that some months earlier, staff had attended a meeting at Menlo/Atherton High School (M/A) at the request of former principal Eric Hartwig. The meeting was well attended by residents of Lindenwood and adjoining properties, and a discussion was held on the proposal that had been brought forward by some parents and athletic boosters to add lighting to the athletic field. An application had been submitted to the State; however, no Sequoia Union High School District (District) funds were available to support the project. Discussion centered on the need for lights, the purpose or objective, and the impacts of lighting on neighboring properties. A committee was formed to review the application more carefully.**

**Mayor McKeithen stated that none of those whom expressed interest to be on the committee had been asked to meet on the issue.**

**City Attorney Marc Hynes reported the District was obliged to comply with Town zoning ordinances. Ordinarily, State agencies were immune from regulations by local authorities unless the State consented to regulation. In the case of zoning and instances of building codes, the State had consented as set out in Government Code Sections 53090 through 53095. The Atherton Municipal Code prohibited the lighting of athletic fields as set out in Section 17.36.140e. The District could exempt itself from the effects of Town zoning after holding a public hearing and by a 2/3 vote of its board. To date, the District had not exempted itself; however, an exemption could be filed at any time.**

**The following Atherton residents spoke in opposition of the project.**

**Larry Crouch  
Hans Plesman  
Mel Britton  
Bob Huber  
Philip Lively  
Wayne Kappa  
Mrs. Barry  
Alicia Seebold  
Jim Dobbie  
Rebecca Partridge**

**Vice Mayor Conwell thought the situation was problematic and believed use would escalate to more commercial purposes. He suggested speaking with District board members as a way to mediate the situation.**

**Council Member Marsala had spoken with former neighbors who lived next to a high school with lighted athletic fields, and they reported games had multiplied, lights were on every night, band practice was held in the evenings, and the situation was problematic. He suggested a task force be formed to meet with representatives of M/A to encourage them to work through the Planning Commission. The Town had a precedent with private institutions that complied with Town ordinances.**

**Council Member Carlson noted no one from M/A was present that evening. The Town did not have the same leverage with M/A as it did with private institutions. The District could exempt itself by a 2/3 vote and that would be the end of the matter. He suggested a letter from the Mayor to the President of the Board of Trustees identifying the issues, outlining concerns for public safety, and requesting to meet. Council Member Carlson believed M/A wanted to maintain its image of being concerned about its neighbors.**

**Council Member Janz stated that in addition to the current construction project at M/A, there were plans to add an auditorium, to change the entrance, and to improve the appearance, all of which would have an impact on the neighborhood and Town. The Town provided services to M/A and each needed to support one another. He questioned how far parents could actually pursue the project without District involvement.**

**City Attorney Hynes said eventually, the project would need Board authorization and advertising under the State Contract Act, etc. The Town should request notification of any environmental processing, i.e., CEQA.**

**Mayor McKeithen, noted noise from M/A was not only an issue for adjacent residents but also for those in Lindenwood. Trash, parking, safety, kids staying after games, utilization other than school events, classroom use extension, and commercial use were all issues needing to be addressed. City Attorney Hynes confirmed that use for commercial activities could not be deemed as classroom use. Mayor McKeithen noted the General Plan Committee would be reviewing the Special Event permit process, and requiring a permit for uses other than school activities could be an alternative. The Mayor proposed that City Manager Robinson and City Attorney Hynes draft a letter for the Mayor's signature stating the Council did not believe the project should go forward based on the Town's zoning requirements, based on safety issues, and for the good of the community.**

**Council Member Carlson suggested a joint meeting with the Sequoia Union High School District Board of Trustees and the City Council be held to discuss the issue and the relationship between the Town and the District.**

**Discussion continued on various methods by which to communicate with the District.**

**MOTION – to direct the City Attorney to prepare a letter from the Mayor to the Sequoia Union High School District Board of Trustees outlining the reasons the project**

should not go forward and including a request for the members of the City Council and the Board of Trustees to meet.

M/S Carlson/Conwell

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

Mayor McKeithen called a recess at 9:08 p.m. The meeting reconvened at 9:21 p.m.

**22. DISCUSSION OF ALTERNATIVES RELATIVE TO SPECIAL MUNICIPAL TAX FOR SUPPORT OF OPERATING AND CAPITAL EXPENDITURES (Continued from the Regular City Council Meeting of June 16, 2004)**

Mayor McKeithen said Item No. 23 would be brought forward to be heard with Item No. 22.

**23. CITY COUNCIL DISCUSSION REGARDING POSSIBLE AMENDMENTS TO TOWN OF ATHERTON ORDINANCE NO. 549 INCLUDING SENIOR EXEMPTIONS RELATIVE TO THE BALLOT MEASURE FOR A SPECIAL MUNICIPAL TAX FOR SUPPORT OF OPERATING AND CAPITAL EXPENDITURES**

Mayor McKeithen received information regarding building permit fees, noting the Town's fees were substantially lower than neighboring jurisdictions. Additionally, these jurisdictions all had design review fees, road impact fees, and business license fees. She did a comparison between Portola Valley and the Town and concluded \$1 million in additional building permit and road impact fees could have been collected using the Portola Valley formula. She queried how other jurisdictions justified the fees and how the funds were used. Mayor McKeithen noted the County clerk indicated \$25,000 more than originally expected would be collected under the proposed parcel tax, which made an argument to lower the rate. Since the last meeting, residents had raised major concerns over the \$930 levy for a 1/2-acre but less than 2-acre parcel. Mayor McKeithen believed the Council should reconsider its previous decision and lower the rate to \$750. The business license fee, building permit fees, other fees, as well as a change to the business license ordinance could bring in millions of dollars of income and needed to be considered.

Council Member Carlson reiterated the need for a comprehensive plan to bring to the voters and strongly believed the election should be deferred until March. Significant greater deficits would exist beyond next year, and a funding mechanism was needed that would take care of the future.

Mayor McKeithen believed Council was listening to the community. She suggested using the August meeting date to discuss all the possible alternatives to a parcel tax and to formulate a plan to secure the future. The parcel tax levy should be reduced to \$750 and be placed on the ballot in November.

Vice Mayor Conwell believed the Town could work harder at cost cutting and should go forward in November with a \$750 parcel tax levy. Several residents had indicated

they would not vote for the tax at the \$930 level. A real estate tax would likely be supported in March.

Council Member Marsala agreed that a meeting in August was necessary to develop alternatives to the parcel tax. Further discussion ensued on the levy amount and what the residents would support.

Finance Director John Johns clarified the Piper Jaffray report was included at the request of Council and identified sources of funding for a capital program from \$10 to \$25 million a year to supplement the parcel tax and was not intended to address any ongoing revenue requirements for operations. Staff researched the Census Bureau and surveyed other districts and was able to identify several school districts that provided senior exemptions. No cities were identified that had a special tax for operations and provided a senior exemption.

The following Atherton residents spoke from the audience.

Jan Simonds  
Jim Dobbie  
Jean Schaaf  
Bob Jenkins  
John Ruggiero  
Bob Huber  
Sandy Crittenden  
Jerry Carlson

Mayor McKeithen requested a final financial report for 2002-03 from each of the seven other jurisdictions.

Council Member Janz shared Council Member Carlson's concern over Council's piecemeal approach to the issue. He initially raised the idea of a senior exemption after Council decided to raise the parcel tax levy to \$930. There were people in Atherton on a fixed income, and any increase in taxes could have an adverse effect. He viewed the senior exemption as a way to ensure the parcel tax would pass. If Council decided to reduce the levy to \$750, the senior exemption may not be necessary. The easiest method of granting an exemption was to set an age requirement (65 or older) and require people to apply for it. Only 7.5% of households in Atherton met the criteria.

Mayor McKeithen proposed reducing the parcel tax from \$930 to \$750 and that the Council meet in late August to have a comprehensive study for any and all alternatives to the parcel tax. She invited the members of the public and the Audit Committee to provide suggestions. She did not believe a senior exemption was the fair thing to do at the current time.

**MOTION:** to amend Ordinance No. 549 to reduce the parcel tax from \$930 to \$750 for a 1/2-acre but less than 2-acre parcel, to meet in late August for a comprehensive study of alternative solutions to be adopted by the Council before the November election.

Council Member Carlson supported the parcel tax. He pointed out that cuts had been made, i.e., \$300,000 was removed from the budget mid-year, and vacant positions continued to remain vacant. A balance had been reached with employees in terms of benefits and salaries, which eliminated expensive turnover. The biggest concern was how the Council appeared to the residents. He Urged Council to delay the vote until March when a comprehensive plan could be presented. Council Member Carlson would not vote in favor of the motion because it did not represent a plan.

Council Member Marsala was concerned about losing \$450,000 a year by reducing the parcel tax levy to \$750 and thought the \$930 levy with a senior exemption had merit.

Discussion continued regarding the merits of going forward with an election in November vs. March. The intent was to have a plan in place before the election in November so voters would know what could possibly be brought forward for an election in March. There was a danger of losing the parcel tax altogether by waiting until March and putting more than one measure before the voters.

Finance Director Johns clarified at the \$750 level, \$700,000 would be needed from reserves in 2005-06; at the \$940 average, \$278,000 would be needed. Discussion ensued regarding various contingencies from year to year and the possibilities of surplus funds that could reduce deficits.

Vice Mayor Conwell favored putting the parcel tax on the ballot in November at the \$750 level.

**MOTION RESTATED:** to amend Ordinance No. 549 to reduce the parcel tax from \$930 to \$750 for a 1/2-acre but less than 2-acre parcel with all other rates remaining at the current level, and to meet in late August for a comprehensive study of alternative solutions to be adopted by the Council before the November election.

M/S McKeithen/Conwell Ayes: 3 Noes:2 (Carlson and Marsala) Absent: 0 Abstain: 0

**25. CONSIDER ADOPTION OF AN ORDINANCE RATIFYING THE  
MENLO PARK FIRE PROTECTION DISTRICT FIRE SPRINKLER  
SYSTEM REQUIREMENTS**

Building Official Mike Hood presented the staff report noting that the Menlo Park Fire Protection District (District) had amended/repealed its Ordinance No. 28 regarding fire sprinkler system requirements which was previously ratified by the Town of Atherton. The new ordinance contained no substantive changes as it applied to Atherton. Council was being asked to ratify the District's new Ordinance No. 29 by the adoption of a new ordinance, effectively repealing Town of Atherton Ordinance No. 548.

Vice Mayor Conwell, after receiving comments and doing research, asked to defer the item until he had time to reconsider his previous decision.

Council Member Janz had also heard from several residents who questioned the benefit vs. cost of the requirement. He needed more information before imposing significant additional cost to construction.

Mayor McKeithen called several fire sprinkler companies and discovered there were many variables in determining what the actual cost would be and was cautioned against relying on estimates. Records for the last six years indicated there were no fire-related deaths in the Town. She hesitated to ask the residents to bear more costs in light of the parcel tax and possible raise in fees. The Mayor read a letter from Ian Wall into the record (letter on file in the City Clerk's Office).

Council Member Carlson requested staff to obtain a copy of the City of Menlo Park's staff report regarding the item.

Sandy Crittenden, Atherton, spoke from the audience.

Fire Chief Paul Wilson, Menlo Park Fire Protection District, stated he had computerized records dating back to 1998. In the Town of Atherton during the 6-year period, there was \$21,400,000 in losses due to structural fires and an additional \$11,500,000 in contents loss. In 1999, there was one injury; there were no fatalities. The District served the Town and, as the staff professionals, believed the item was a life-safety issue for the future. Chief Wilson asked Council to ratify the ordinance.

Vice Mayor Conwell asked what would happen if the Council did not ratify the ordinance.

Chief Wilson said the District Board of Directors held to its position that the investment would pay for itself over time and was a life-safety issue. The District was going forward, and the ordinance would be in effect in those jurisdictions that ratified it. He clarified if the Town chose not to ratify, the current ordinance would remain in effect (all structures 5,000 square feet or larger required sprinklers).

Discussion continued regarding other jurisdictions adjacent to Atherton and various amendments. Concerns related to high-end homes where construction costs were \$300 to \$400 a square foot. Quotes for installation of sprinklers varied, but some were as low as \$1.90 and as high as \$3 a square foot.

**MOTION -- to defer the item to the Regular City Council Meeting of September 15, 2004, and request staff to obtain the staff report from the City of Menlo Park.**

M/S Conwell/Carlson

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

**20. (Removed from the Consent Calendar) APPROVAL OF TRANSFER AGREEMENT WITH THE CITY OF MENLO PARK REGARDING THE PEDESTRIAN SIGNAL ON VALPARAISO AVENUE**

**Council Member Janz asked what the electrical costs would be to maintain the signal.**

**City Manager Jim Robinson said the Town had a maintenance agreement for traffic signals and the pedestrian signal would be included. Electrical costs were minimal, the greater cost being any maintenance or damages related to the signal.**

**Council Member Janz was opposed to acquiring the signal and was unsure it was utilized or needed.**

**City Manager Robinson clarified the Town had wanted the pedestrian signal to remain as part of the Valparaiso Signal Project with City of Menlo Park. The City of Menlo Park did not want the signal, believed there was not a need for it, and would remove it if the Town of Atherton decided not to accept the transfer.**

**Council Member Marsala noted many joggers used the signal, as did he. There were two schools across the street, and the traffic on Valparaiso Avenue made it unsafe to cross anywhere else.**

**Council Member Carlson believed Sacred Heart School had made a request to retain the signal.**

**Council Member Janz said he would approve the item since the signal was being used.**

**MOTION -- Authorize the Mayor to execute an agreement with the City of Menlo Park to accept a transfer of ownership of the pedestrian signal on Valparaiso Avenue near Arbor Road.**

**M/S Carlson/McKeithen**

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

**26. CITY COUNCIL DISCUSSION - AUTHORIZING BALLOT ARGUMENTS RELATIVE TO THE BALLOT MEASURE FOR A SPECIAL MUNICIPAL TAX FOR SUPPORT OF OPERATING AND CAPITAL EXPENDITURES**

**Mayor McKeithen queried the Council on a meeting date to prepare a ballot argument relative to the ballot measure for the November 2, 2004, election.**

**Mayor McKeithen called a Special Meeting of the Council for Tuesday, July 27, 2004, at 6:00 p.m.**

**Mayor McKeithen, regarding the Menlo Park Fire Protection District item, requested information on whether the Town, when adopting such an ordinance, had any liability if a spurious activation of the fire sprinklers occurred and was not covered by insurance.**

**City Attorney Marc Hynes stated the Town would have legislative immunity and there would be no liability on the part of the Town.**

**27. CONSIDERATION OF CANCELLATION OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 18, 2004**

**The Council decided to hold its regularly scheduled meeting of August 18, 2004.**

**PUBLIC COMMENTS**

**Shirley Carlson, Atherton, spoke regarding a possible joint meeting in September between the Council and the Park and Recreation Commission to discuss the Master Plan for Holbrook-Palmer Park.**

**City Manager Jim Robinson said the Park and Recreation Commission, at its next meeting, could suggest possible dates for the Council to review.**

**ADJOURNMENT**

**The meeting adjourned at 11:20 p.m.**

**Respectfully submitted,**

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**Kathi Hamilton  
Interim City Clerk**

***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)