



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**ATHERTON CHANNEL DRAINAGE DISTRICT**  
**June 15, 2011**  
**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California  
**REGULAR MEETING**

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**      **Lewis, Dobbie, Widmer, McKeithen, Carlson – All Present**

Mayor Dobbie announces that Item 31 was removed at the request of Vice Mayor Widmer and Council Member McKeithen.

3. **PRESENTATIONS**      - None.

4. **PUBLIC COMMENTS**

William Grindley, Atherton resident, briefed Council on the status of HSR. The peer review group of the CHSRA sent out a report that was not very kind of the Authority. Grindley said the President submitted a capital development budget for railroads which requires 37 billion dollars in new fees and taxes or cuts equaling to that. Since the proposal had no documentation it died.

Peter Carpenter, Atherton resident, complimented staff and Council for coming to grips with the fiscal issues within the Town. Carpenter said he felt confident that the Town is moving forward.

Loren Gruner, Atherton resident, said she understands how tough the financial situation in Town is but she felt shocked and upset to learn about the drastic cuts to Town staff.

Rudy Gonzalez, Teamsters Local Union 856 representative, said he was representing the Building and Public Works employees in Town. Gonzalez said the Teamsters Union put a proposal forward that far exceeds savings of \$267,000. Gonzales asked that Council carefully consider it because public employees have a dedicated, vested interest in the Town.

Melinda Tevis, Atherton resident, asked what the availability of the organization assessment reports will be. Tevis sought clarification of Council dialogue during public comment.

City Attorney Bill Conners said the Brown Act allows for a brief response to clarification questions.

Joe Aiello, Atherton employee, said the Building Department is a municipal enterprise fund and if the Department is busy then there is no legitimate reason to lay off staff. Aiello said the Town is getting rid of a cumulative of 50 years of knowledge by laying off employees.

Malcolm Dudley, Atherton resident, said he is not against outsourcing, but anytime the Town can solve an issue at an additional parcel tax of \$1 per day to each resident it should be looked at. Dudley said if the Town doesn't look at it then he will begin a citizen's initiative.

Cleveland Prince, APOA representative, said outsourcing takes away the ability to control the Town because there is no vested interest. Prince urged Council to reconsider the decision.

Carol Flaherty, Atherton resident, congratulated Council for bringing John Danielson in as the City Manager. Flaherty said the salaries and benefits for the Town employees are way higher than corporate levels and surrounding cities. Flaherty concluded that it takes a lot longer to receive services with contractors and urged Council to study it and watch over it.

Colleen Anderson, Atherton resident, discussed the different sized trash cans and asked Council to review whether the 20-gallon can does indeed hold 20 gallons of waste. Anderson asked Council to reconsider review and oversight boards.

5. **REPORT OUT OF CLOSED SESSION** - None

6. **CITY MANAGER'S REPORT** - None

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** - None

**EMERGENCY ITEM**

**MOTION by Dobbie, second by Widmer to add the to add Award of contract for Upper Atherton Channel Creek Stabilization and Slope Restoration Project, project number 56037, to the June 15, 2011 City Council meeting, and that the need for action came to the attention of staff subsequent to the agenda being posted and too late to meet the 72-hour posting requirement. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

Council will discuss the item after the regular agenda.

**CONSENT CALENDAR (Items 8-30)**

Council Member Carlson removed Items 21 and 22.

Council Member Lewis clarified that the \$100,000 additional scope of work was deleted.

Vice Mayor Widmer had comments on items 11, 15 and 19.

Mayor Dobbie removed item 15.

Atherton resident Loren Gruner had questions on 13 and 18.

Atherton resident Carol Flaherty removed item 13.

**8. APPROVAL OF MAY 9, 2011 SPECIAL MEETING MINUTES AND MAY 18, 2011 REGULAR MEETING**

**Recommendation:** Approve May 9, 2011 special meeting minutes and May 18, 2011 regular meeting minutes

**9. APPROVAL OF BILLS AND CLAIMS FOR MAY, 2011 IN THE AMOUNT OF \$819,637**

**Recommendation:** Approve Bills and Claims in the amount of \$819,637

**10. FINANCIAL REPORT FOR THE ELEVEN MONTHS ENDED MAY 31, 2011**

**Report:** Finance Director Louise Ho

**Recommendation:** Receive the General Fund Financial Report for the eleven months ended May 31, 2011

**12. APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH THE CITY OF REDWOOD CITY TO PROVIDE INFORMATION TECHNOLOGY SUPPORT**

**Report:** Interim City Manager John Danielson

**Recommendation:** Approve the amendment to agreement for information technology (IT) support between the City of Redwood City and the Town of Atherton

**14. APPROVE THIRD AMENDMENT WITH MENLO-ATHERTON LITTLE LEAGUE ASSOCIATION TO PERMIT THE LITTLE LEAGUE TO OPERATE AT HOLBROOK-PALMER PARK**

**Report:** Interim City Manager John Danielson

**Recommendation:** Approve amendment between the Menlo-Atherton Little League Association and the Town of Atherton for operation of Little League activities at Holbrook-Palmer Park

**16. APPROVE AN AGREEMENT WITH INTERWEST CONSULTING FOR PUBLIC WORKS MANAGEMENT SERVICES TO THE TOWN**

**Report:** Interim City Manager John Danielson

**Recommendation:** Approve an agreement with Interwest Consulting Group to provide Interim Public Works Management services on a month to month basis in an amount not to exceed \$14,500 per month, and authorize City Manager to execute a contract on behalf of the Town

**17. REPLACEMENT OF ONE POLICE PATROL VEHICLE IN-CAR VIDEO SYSTEM USING ABAG GRANT FUNDS**

**Report:** Police Chief Mike Guerra

**Recommendation:** Approve the use of ABAG reimbursable grant funds in the amount of \$5,846 to purchase one replacement in-car video system along with installation/training services. This equipment includes cameras, digital video recorders, server storage, and installation/training services

**18. ADOPTION OF THE FIRST AMENDMENT OF THE EXISTING PROFESSIONAL SERVICES AGREEMENT FOR PARKING CITATION PROCESSING AND ADJUDICATION BETWEEN THE TOWN OF ATHERTON AND TURBO DATA SYSTEMS, INC.**

**Report:** Police Chief Mike Guerra

**Recommendation:** Authorize the City Manager to approve the attached First Amendment of the existing Professional Services Agreement between the Town of Atherton and Turbo Data Systems, Inc. This amendment would be in effect from June 30, 2011 to June 30, 2014

Gruner asked if this is a mechanism for the Town to bring in additional revenue. City Manager Danielson said it is only the Town's processor for tickets.

**19. APPROVAL OF NICHOLS, MELBURG & ROSSETTO; SIEGEL AND STRAIN & GORING AND STRAJA ARCHITECTS; AND GLASS ARCHITECTS**

**Report:** Town Center Task Force

**Recommendation:** Approval of Nichols, Melburg & Rossetto; Siegel & Strain and Goring & Straja Architects; and Glass Architects to proceed with the conceptual design phase for a new Town Center

Vice Mayor Widmer said when he read the RFP it seemed to imply that there would be a final contract once an architect was chosen.

Council Member Lewis said the TCTF made it very clear that the contracts are volunteer, pro bono architects to create conceptual site designs at no cost to the Town at all.

**23. ACCEPT RESIGNATIONS OF ATHERTON LIBRARY BUILDING STEERING COMMITTEE (ALBSC) MEMBERS RICHARD MOORE, VALERIE GARDNER, AND EARL DOUGLAS AND APPOINT NEW MEMBERS GINNY NILE AND JOAN SANDERS**

**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Accept the resignations of Richard Moore, Valerie Gardner, and Earl Douglas from the ALBSC and appoint Ginny Nile and Joan Sanders as new members

**24. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON INCREASING THE RATES FOR SOLID WASTE/RECYCLING COLLECTION SERVICES**

**Report:** Interim City Manager John Danielson

**Recommendation:** Waive further reading, and adopt ordinance increasing the rates for solid waste/recycling collection services

**25. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$7,592.13 FOR A TOTAL PROJECT COST OF \$103,982.13 FOR THE 2011 SPRING PATCHING PROJECT, PROJECT NUMBER 56050**

**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Accept work, and authorize recording of a notice of completion and approving contract change orders in the amount of \$7,592.13 for a total project cost of \$103,982.13 for the 2011 Spring Patching Project, Project Number 56050

**26. RENEW TOWN RIGHT OF WAY LANDSCAPE CONTRACT ON A MONTH TO MONTH BASIS FOR A NOT TO EXCEED LIMIT OF \$17,000.00**

**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Renew the current landscape contract on a month to month basis in the amount of \$ 2,995 per month for the 2011/12 fiscal year for a not to exceed total of \$17,000.00

**27. AWARD OF CONTRACT FOR THE 2011 CAPE/SLURRY PROJECT NUMBER 56049 AND APPROVAL OF CHANGE IN SCOPE OF WORK**

**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Award the contract for 2011 Cape/Slurry Project, project number 56049 to Graham Contractors, Inc, the low bidder on the June 1, 2011 bids, for \$381,171.25, and approve change in scope of work for an additional \$100,000; for a total authorization of \$481,171.25; and to authorize the City Manager to sign the contract on behalf of the Town

**28. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$1,155.75 FOR THE PD/ADMINISTRATION ROOF REPLACEMENT PROJECT, PROJECT NUMBER 56043**

**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Accept work and authorize recording of a notice of completion and approving contract change orders in the amount of \$1,155.75 for the PD/Administration Roof Replacement Project, Project Number 56043

**29. RENEW THE TOWN TREE MAINTENANCE SERVICES CONTRACT FOR (1) ADDITIONAL YEAR FOR A TOTAL OF UP TO \$60,000.00**

**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Renew the current Tree Maintenance Service contract in the amount of \$60,000.00 annually for the 2011/12 fiscal year. Professional Tree Care has requested a 9% cost of living increase to their low bid award of October 10, 2010 for the 2011/12 fiscal year

**30. AWARD OF SERVICE AGREEMENT FOR THE TOWN JANITORIAL MAINTENANCE SERVICES**

**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Award the contract for Town Janitorial Maintenance Services, to Central Maintenance Company, the low bidder on the June 3, 2011 bids, for \$1995.00, for a total authorization of \$23,940.00; and to authorize the City Manager to sign the service agreement on behalf of the Town

**MOTION by McKeithen, second Widmer by to approve the consent calendar which consisted of items 8, 9, 10, 12, 14, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29 and 30. The motion passed by roll call vote.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**REGULAR AGENDA (Items 31-36)**

**31. PROPOSAL TO MAKE DONATIONS TO THE POLICE DEPARTMENT ANONYMOUSLY**

**Report:** Vice Mayor Widmer and Council Member McKeithen

**Recommendation:** To be determined

Item 31 was removed from the agenda.

**32. PROGRESS REPORT ON CONSTRUCTION, 297 POLHEMUS, ATHERTON**

**Report:** Interim Building Official Dennis Lockard

**Recommendation:** To be determined

Interim Building Official said staff has continued to monitor the progress of the homeowner and help implement all requirements of the code. Lockard said the homeowner is close to being finished and has been actively working on getting his landscape screening complete.

Vice Mayor Widmer asked if the issues brought up by the neighbors have been resolved.

Shawn Massiphour, homeowner, explained that his initial plan was to put redwoods around his property but got opposition from the neighbors because they would be too close to the property line. Massiphour said he is in the process of revising the plan. He added that the major thing he is waiting on is a front door.

Council Member Carlson said that he felt there was less cooperation from the homeowner after reading the staff report. He was discerned and felt the Town has given many opportunities to get this done.

Council Member McKeithen asked if there will be an irrigation system. Lockard said the Town will require it as part of the landscape plan but has not decided if it will be temporary or permanent.

McKeithen was concerned that if the homeowner doesn't put some system in then he won't have viable plant material. McKeithen wondered why the homeowner can't put larger size trees in since they are so far along in the project and no screening has been put up. Lockard said he and the homeowner will discuss it with the Town Arborist.

McKeithen asked if there has been a decision on whom the independent surveyor to verify elevations will be. Interim Public Works Director Mike Kashiwagi said the homeowner is responsible for choosing and the Town will require a post construction survey to check and make sure the final grading plan matches the approved grading plan.

Council Member Lewis said everyone including Town staff and homeowners should pay attention and understand the process early on when building homes of this size and scope. Lewis said it will help mitigate future problems.

Mayor Dobbie opened up for public comment.

Yvonne Cunningham, Atherton resident and neighbor of 297 Polhemus, said the redwood trees the homeowner proposed to put up were about 2.5 feet from her fence line. Cunningham said past Town

staff should have paid attention to the process. She concluded that there are drains in every direction and she wondered why water keeps gushing out of the pipes.

Lockard said the grade, drainage and landscape screening are all being worked on and staff is waiting to get a completed, approved drainage plan before they can go out and inspect it.

Council member McKeithen asked why there are pipes pointing towards the neighbor's property

Kashiwagi said it was parallel to the neighbor's property line as shown on the plan. He added that staff is not at the property every day from a quality control standpoint. Kashiwagi concluded that staff can still look at the size of the pipes because they are out falling somewhere either into a manhole or onsite drainage catch basin.

McKeithen said she has concerns with the allegations of covering up pipes before they are buried and felt that this should not be done in the future.

Mayor Dobbie said staff needs to go to the property and make sure everything was done according to the rules.

Council concurred that staff will send Council a status report by email to Council.

**33. ADOPTION OF A RESOLUTION RESCINDING THE GENERAL FUND RESERVE POLICY ADOPTED IN RESOLUTION 10-20; APPROVAL OF A NEW GENERAL FUND RESERVE POLICY FOR THE IMPLEMENTATION OF GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54**

**Report:** Finance Director Louise Ho

**Recommendation:** Adopt a resolution of the City Council of the Town of Atherton rescinding the General Fund reserve policy adopted in Resolution 10-20; approve a resolution authorizing the establishment of a fund balance policy for the General Fund for the implementation of GASB 54

Finance Director Louise Ho said that in February 2009, the Governmental Accounting Standards Board (GASB) issued Statements No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. This statement is intended to provide more clearly defined fund balance classifications and to make the nature and extent of the constraints placed on a government's fund balance more transparent. GASB 54 eliminates the previous fund balance classifications of "reserved", "unreserved designated" and "unreserved undesignated" for all governmental funds and replaces them with five new reporting classifications (nonspendable, restricted, committed, assigned, and unassigned). Ho concluded that In lieu of the budget stabilization reserve (15%) and the working capital reserve (5%) as established in Resolution 10-20, the new fund balance policy will formally adopt a minimum *unassigned* General Fund fund balance policy of 20% of the Town's General Fund actual annual operating expenditures.

**MOTION by Carlson, second by Lewis to adopt a resolution of the City Council of the Town of Atherton rescinding the General Fund reserve policy adopted in Resolution 10-20; approve a resolution authorizing the establishment of a fund balance policy for the General Fund for the implementation of GASB 54. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**34. APPROVAL OF A RESOLUTION ADOPTING THE FISCAL YEAR 2011-2012 OPERATING AND CAPITAL BUDGET**

**Report:** Finance Director Louise Ho

**Recommendation:** Approve the attached resolution adopting the Fiscal Year 2011-2012 Operating and Capital Budget

Interim City Manager John Danielson said the budget is a commitment of good faith negotiations and ultimately an interim fix for not knowing what the final business plan for the town will be. Danielson said that once the Town decides to either go contract, hybrid model or status quo he will come back with a finalized budget within 90 days.

Vice Mayor Widmer said he agrees with the methodology. Widmer said he expects 90 days to be a firm number for staff to bring back a finalized and definitive budget.

Council Member Lewis said it is unusual to approve a budget where items have yet to be filled in, but she understands that the Town needs to do something to fix the fiscal problems.

**MOTION by Dobbie, second by McKeithen to approve the attached resolution adopting the Fiscal Year 2011-2012 Operating and Capital Budget contingent upon staff returning to Council with a finalized budget within 90 days. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**35. ADOPTION OF THE APPROPRIATIONS LIMITS FOR FY 2011-2012**

**Report:** Finance Director Louise Ho

**Recommendation:** Adopt the attached resolution setting the Appropriation Limit for FY 2011-2012 at \$10,392,838

Finance Director Louise Ho said this is standard because anytime the Town takes in tax proceeds, calculations need to be done to make sure the revenue is not in excess to what is allowed by the California Constitution.

**MOTION by Dobbie, second by Widmer to adopt the attached resolution setting the Appropriation Limit for FY 2011-2012 at \$10,392,838. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**36. ANNUAL CONSIDERATION AND POSSIBLE ADOPTION OF A RESOLUTION ASSESSING A SPECIAL TAX FOR MUNICIPAL SERVICES FOR THE FISCAL YEAR 2011-2012**

**Report:** Finance Director Louise Ho

**Recommendation:** Adopt a resolution assessing a special tax for municipal services for the Fiscal Year 2011-2012

Finance Director Ho said this item approves a resolution to allow continuance of the parcel tax for police services (60%) and capital improvement projects (40%).

**MOTION by Lewis, second by Widmer to adopt a resolution assessing a special tax for municipal services for the Fiscal Year 2011-2012. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**PUBLIC HEARING (Item 37)**

**37. PROPOSED ORDINANCE TO AMEND REQUIREMENTS FOR THE REMOVAL AND STORAGE OF RECYCLING, COMPOST AND GARBAGE RECEPTACLES**

**Report:** Interim City Manager John Danielson

**Recommendation:** Hold a public hearing and introduce the attached ordinance to amend requirements for removal and storage of recycling, compost and garbage receptacles

Danielson said this item was brought forth from a number of requests from residents to provide enforcement for households that habitually place waste and recycling containers on the curbside or in the public right of way in advance of collection day and/or leave the containers at these locations long after the containers have been emptied. Danielson concluded that the ordinance is not meant to be punitive. He added that the Town has built up a fairly solid database of the most habitual infractions that seem to happen over and over. Staff will plan to proactively address these properties with warnings.

Council Member Lewis felt that the Town is adding another layer of policing and code enforcement to its residents.

Council member McKeithen said she hopes it does not create more problems but felt it was worth a try. McKeithen added that it may not be the homeowner who obstructs right-of-way because Recology seems to pick up cans and just drop them anywhere in the street.

Council Member Lewis questioned where the \$20,000 expense will come from in the budget.

Mayor Dobbie opened up the public hearing for public comment.

Colleen Anderson, Atherton resident, suggested that the Town begin enforcing the laws they already have in place before creating new ones. She concluded that it is not fair that certain people are targeted and others are not.

Loren Gruner, Atherton resident, felt fines add more fuel to the fire.

John Rugeiro, Atherton resident, said in many cases the landlord is not even aware of the problem because they are renting their property and rarely come around. Rugeiro urged Council to deal with the actual homeowner.

**MOTION by Carlson, second by Dobbie to introduce the attached ordinance to amend requirements for removal and storage of recycling, compost and garbage receptacles. The motion passed.**

Ayes: 4 Nays: 1 (Lewis) Abstain: 0 Absent: 0

Council concurred that they would clarify the size and type of container and if it is Recology who obstructs the right-of-way then they will be fined.

**11. ADOPTION OF A RESOLUTION REVISING THE APPOINTMENT OF DIRECTORS TO REPRESENT THE TOWN OF ATHERTON TO ABAG PLAN CORPORATON BOARD OF DIRECTORS**

**Report:** Finance Director Louise Ho

**Recommendation:** Adopt a resolution of the City Council of the Town of Atherton revising the appointment of directors to represent the Town of Atherton to ABAG PLAN Corporation Board of Directors

Vice Mayor Widmer suggested that the Assistant City Attorney attend these meetings as the Town representative.

Finance Director Ho said she attended the annual meeting earlier in the day and the Board discussed marketing and insurance options, the ABAG Plan annual budget, actuarial, and financial impact to the ABAG group.

Council member McKeithen asked Ho if she feels she should attend. Ho said she supports the Assistant City Attorney as the primary and herself as the alternate.

Council Member Lewis it typically falls to the Human Resource Manager because it has to do with liability insurance and claims, and since the Town does not have one she would like Ho to stay closely involved.

Council Member Carlson said he would like the City Manager or City Attorney as the voting delegates with alternates.

Mayor Dobbie said he does not want to add anything to Ho's overwhelming load.

City Attorney Connors said that an agenda comes out before the meeting and whoever attends as the Atherton representative will review it with Ho before attending the meeting.

**MOTION by McKeithen, second by Carlson to adopt a resolution of the City Council of the Town of Atherton revising the appointment of directors to represent the Town of Atherton to ABAG PLAN Corporation Board of Directors. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**15. APPROVE CONSULTANT SERVICE AGREEMENT FOR HIGH SPEED RAIL GOVERNMENT AFFAIR SERVICE WITH CAPITOL ADVOCATES FOR AN AMOUNT NOT TO EXCEED \$30,000.00**

**Report:** Interim City Manager John Danielson

**Recommendation:** Approve an amendment to the Consultant Services Agreement for High Speed Rail Government Affair Services with Capitol Advocates to extend the services for six (6) months for an amount not to exceed \$30,000

Vice Mayor Widmer felt the Town was being “nickel and dimed” for small things such as parking and toll booth fees. He requested that in the future we have an all-encompassing services description that includes the provisions of the services and the cost of providing the services.

Council Member Carlson said we need anything we can get to persuade legislators to get rid of this project.

William Grindley, Atherton resident, said the Town needs a qualified expert representing them during the drafting of legislation.

**MOTION b Carlson, second by McKeithen to approve an amendment to the Consultant Services Agreement for High Speed Rail Government Affair Services with Capitol Advocates to extend the services for six (6) months for an amount not to exceed \$30,000. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**20. THIRD AMENDMENT TO AGREEMENT BETWEEN SAN MATEO COUNTY AND TOWN OF ATHERTON FOR ANIMAL CONTROL SERVICES**

**Report:** Interim City Manager John Danielson

**Recommendation:** Approve third amendment to the agreement between San Mateo County and the Town of Atherton for animal control services

Mayor Dobbie asked how many animals we handle and wondered why the cost is so expensive.

Police Chief Mike Guerra said he is working on a complete detailed spreadsheet of the fiscal year which he will forward to Council by email.

**MOTION by Dobbie, second by Carlson to approve third amendment to the agreement between San Mateo County and the Town of Atherton for animal control services. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**22. REVIEW AND APPROVE THE CRITERIA FOR SITE SELECTION AND PROCESS AND SCHEDULE FOR SITE SELECTION FOR THE NEW ATHERTON LIBRARY**

**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Approve the criteria for site selection and public input process for the new Atherton Library as developed and recommended by the Atherton Library Building Steering Committee (ALBSC) and consultant, Group 4 Architects

Council Member Carlson said five different sites have been identified which Parks & Recreation were not notified about. Carlson wondered why we are planning to build such a large building and is

a bricks and mortar style library the right option with the ever-changing technology. Carlson said if these 5 sites are being seriously considered then all stakeholders need to be consulted regarding site selection criteria.

Council Member Lewis said she recognizes the Library Committee have met for months and invested many hours to get to this stage, but she felt that the focus of the project was too narrow. Lewis said it would be in the Town's best interest to take a breath and give it a month or two to do a master site plan to take into consideration a potential new library structure, along with a new town center.

Vice Mayor Widmer said he was surprised to see five sites in the park. He added that he believes the park is a good area for the library, but that there is no need for a major rush. Widmer felt the need for more outreach to residents and stakeholders.

Council Member McKeithen felt there was misunderstanding with the report. 5 sites were identified in the park because the committee did not want to foreclose any opportunity to consider different sites. McKeithen said that while the Committee and the architect have one location that they would like to recommend, it is for the community to ultimately decide the location. McKeithen said that even with the ever-changing technology there is a need for historical information, music materials and access to technology. McKeithen concluded that the Committee has started to engage the community with flyers, emails and notices inviting the public to two separate community meetings.

Mayor Dobbie opened up for public comment.

Denise Kupperman, Atherton resident and Chair of Library Committee, said all meetings have been open to the public for the past year. The committee has worked extensively on a process to get stakeholders and the community involved to seek an understanding on the type of library everyone would like to see.

Walter Sleeth, Atherton resident, said the Library Committee should be able to move forward with the meetings and their process.

Loren Gruner, Atherton resident, applauded everyone for their work on this. Gruner said she loves the idea of having a library close by.

Rosemary Maulbetsch, Atherton resident, asked what evidence shows that the current library is not sufficient enough as it is now. Maulbetsch suggested tabling this project until there is evidence.

Colleen Anderson, Atherton resident, said if there is funding then the project should move forward.

Joan Sanders, Atherton resident and Library Committee member, said she believes the town center project is moving quickly without enough public outreach. Sanders said the library project has had ample outreach and continues its process of outreach.

Council member Lewis said the Town Center Task Force is currently having 3 pro bono architects create conceptual designs to bring back to the Town for public input. Lewis said she is not at all against a library project, she just wants to make sure the Town doesn't do piecemeal planning with the limited resources it has. Lewis concluded that the projects should be looked at holistically.

Ginny Nile, Atherton resident and Library Committee, said there has been a tremendous amount of work put into the library project and how to make it the library of the 21<sup>st</sup> century. Nile added that it will have community meetings spaces, study rooms and historical information.

Mayor Dobbie said the item before Council is only to approve the site selection criteria. Dobbie said it would be a “real kick in the teeth,” for the Library Committee if Council slows this process down. Dobbie concluded that it would be very negative for the Town.

Council member Carlson said the stakeholders in the park should have input into the site selection criteria. Carlson said our public school libraries are being hit hard with cutbacks in education dollars. He said he would like to see a more modest library project so we can use excess library funding to set up grants to our local schools. Carlson added that the library project needs to have a “cooling off” period and ask the residents how they think the funds should be used including outright grants to public school libraries. Carlson concluded that the Town needs to develop a master plan that encompasses all of the services the Town provides including the library.

Council Member McKeithen felt that a “cooling off” period would end the library project altogether. McKeithen said the Committee has met with every stakeholder there is and has held meetings almost weekly over the last year. McKeithen said this project is an opportunity to do something positive and personal interest should be put aside to see what the community feels. McKeithen said giving grants to schools would be a mistake because they do not do outreach, they do not build flexible libraries and they do not build libraries that are responsive to the stakeholders needs.

Vice Mayor Widmer said he is not against a library. Widmer said he believes it would be a good opportunity if it meets the criteria of the 21<sup>st</sup> century and had meetings spaces. Widmer said he was surprised that the project is consistent with the master plan because he didn’t believe the Town had a forward-looking master plan. Widmer concluded that there needs to be more community input on how big of a library is wanted.

Mayor Dobbie asked Council to recognize that all that is being asked is approval of criteria for site selection so the Committee can move forward with public outreach and input.

Council Member Lewis reiterated that she is not against a library. She added that an overall comprehensive master plan is needed. Lewis concluded that many residents go away for the summer and won’t be available for the scheduled community meetings. She concluded that the Town should use the summer to create a master plan and schedule community meetings in the fall.

**MOTION by McKeithen, second by Dobbie to approve the criteria for site selection and public input process for the new Atherton Library as developed and recommended by the Atherton Library Building Steering Committee (ALBSC) and consultant, Group 4 Architects. The motion passed.**

Ayes: 3                      Nays: 0                      Abstain: 2 (Carlson, Lewis)                      Absent: 0

- 21. APPROVE CONTRACT AMENDMENT NO. 1 TO THE AGREEMENT FOR ARCHITECTURAL SERVICES WITH GROUP 4 ARCHITECTURE RESEARCH + PLANNING, INC. IN THE AMOUNT OF \$9900 FOR ATTENDING AND PREPARING FOR TWO ADDITIONAL COMMUNITY MEETINGS**  
**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Approve Consultant Service Contract Amendment No. 1 to Group 4 Architecture Research + Planning, Inc. in the amount of \$9900 for attending and preparing for 2 additional community meetings requested by the Atherton Library Building Steering Committee (ALBSC)

Council Member Carlson said this project has a long way to go before the community will buy into a plan. Carlson said he is concerned with whether or not we get enough participation in the meetings and hopes we can engage the community with more than just 2 additional meetings. Carlson concluded that there needs to be a lot more dialogue and community engagement to have a successful project.

Mayor Dobbie said this item will allow more community meetings.

Council Member Lewis concurred with Carlson. She added that she is concerned that there are only 2 community meetings at the end of June when many residents are on summer break.

Council Member McKeithen said a determination should be made after the meetings so we can make sure there was enough public in attendance at the meetings.

Vice Mayor Widmer said he agrees that there needs to be more community input. Widmer said he is not in favor of an additional \$900 for the two meetings. Widmer suggested staff look into whether it is justified based on the approved contract.

Mayor Dobbie concurred with Widmer's comment about the 10% contingency fee. He suggested staff look into it.

Joan Sanders, Atherton resident, said that Council should lose sight of the fact that the Town had a seismic study of the current library and it will cost over \$300,000 in upgrades to make it seismically safe.

Pat Dobbie, Atherton resident, said she has witnessed the incredible amount of work that the Library Committee has put into this project. Dobbie said she agrees that all stakeholders should have input and that is exactly what the committee is trying to do.

Carol Flaherty, Atherton resident, said this item is whether or not the Town should spend \$10,000 on a discretionary item. Flaherty said the Town has a fiscal crisis and spending this amount of money in a time when we are laying employees off is ill-advised.

Council Member McKeithen said this project will be a job producer and certainly a resource for people who are seeking jobs. She concluded that there will be more public input.

**MOTION by McKeithen, second by Dobbie to approve Consultant Service Contract Amendment No. 1 to Group 4 Architecture Research + Planning, Inc. in the amount of \$9000 for attending and preparing for 2 additional community meetings requested by the Atherton Library Building Steering Committee (ALBSC). (Council removed the \$900 contingency) The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**13. APPROVAL OF AMENDMENT TO CONSULTANT SERVICES AGREEMENT WITH THE CSG CONSULTANTS, INC. TO PROVIDE CODE ENFORCEMENT SERVICES**

**Report:** Interim City Manager John Danielson

**Recommendation:** Approve the amendment to agreement for code enforcement services between the Town of Atherton and CSG Consultants, Inc.

Gruner asked what the Town's goal for Code Enforcement is. City Manager Danielson said it is only a continuation of the current services.

Melinda Tevis said when the Town hired the Code Enforcement officer it was because the Police did not want to do code enforcement.

Carol Flaherty, Atherton resident, said she is not convinced that the Town needs code enforcement on a contract basis and suggested Council look at alternatives.

Council Member McKeithen said the current Code Enforcement Officer has done a great job and she thinks it is money well spent.

Mayor Dobbie said approval of this item is on a month-to-month basis until the Town can look at other alternatives.

**MOTION by Dobbie, second by McKeithen to approve the amendment to agreement for code enforcement services between the Town of Atherton and CSG Consultants, Inc. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**URGENCY ITEM**

**AWARD OF CONTRACT FOR THE UPPER ATHERTON CHANNEL CREEK STABILIZATION AND SLOPE RESTORATION PROJECT, PROJECT NUMBER 56037.**

**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Award the contract for Upper Atherton Channel Creek Stabilization and Slope Restoration Project, project number 56037 to WR Forde Associates, the low bidder on the June 7, 2011 bids, for \$562,975.00; and authorize the City Manager to sign the contract on behalf of the Town

**MOTION by McKeithen, second by Carlson to award the contract for Upper Atherton Channel Creek Stabilization and Slope Restoration Project, project number 56037 to WR Forde Associates, the low bidder on the June 7, 2011 bids, for \$562,975.00; and authorize the City Manager to sign the contract on behalf of the Town. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**38. COUNCIL REPORTS – Nothing further to add to written reports.**

**39. FUTURE AGENDA ITEMS - None**

**40. PUBLIC COMMENTS**

Malcolm Dudley, Atherton resident and ex-Mayor, urged the Town to do a survey of Town residents on whether or not they want to keep the public employees. Dudley said that Council discusses extensively about the need for public input and community outreach and the issue of laying off employees should be no different. Dudley said that if Council does not move forward with a survey to the residents then the citizens group will move forward with an initiative for a special election. He asked for clarification on whether Council will move forward or not.

Rudy Gonzalez, Teamsters Local Union 856 representative, said there was a lively discussion on the library project and he request just half of that time to be given to the negotiations proposal.

Carol Flaherty, Atherton resident, said that increasing the parcel tax would be a gross mistake. Flaherty said the salaries of Town employees are obscene. She concluded that the Teamsters Union has done this Town a huge disservice.

**41. ADJOURN**

**MOTION by Dobbie, second by McKeithen to adjourn the meeting. The motion passed unanimously.**

Mayor Dobbie adjourned the meeting at 10:34 p.m.

**Respectfully submitted,**

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**Theresa DellaSanta  
Deputy City Clerk**