



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
July 25, 2012
3:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

ROLL CALL **Widmer, Lewis, Dobbie, McKeithen, Carlson**

PUBLIC COMMENTS

PUBLIC ANNOUNCEMENT OF CLOSED SESSION ITEMS

CLOSED SESSION

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

Agency Negotiators: Theresa DellaSanta, Interim City Manager; Geoffrey Rothman, Renne Sloan Holtzman Sakai, LLP.
Employee Organization: Miscellaneous - Teamsters Local Union 856

Agency Negotiators: Theresa DellaSanta, Interim City Manager; Geoffrey Rothman, Renne Sloan Holtzman Sakai, LLP.
Employee Organization: Management Employees & Confidential Unit

**B. PUBLIC EMPLOYEE APPOINTMENT: CITY MANAGER (Subsection
(b)(1) of Government Code Section 54957)**

RECONVENE TO OPEN SESSION -Report of action taken.

ADJOURN

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 752-0500. 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)



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
July 25, 2012
4:00 P.M.
Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

ROLL CALL **Widmer, Lewis, Dobbie, McKeithen, Carlson**

4:01 P.M. PUBLIC COMMENTS

4:10 P.M. REGULAR

- 1. RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR ATHERTON LIBRARY BUILDING PROJECT**
Report: Planning Department Staff
Recommendation: Certify the Final Environmental Impact Report for the Atherton Library Building Project is adequate and has been prepared in accordance with the California Environmental Quality Act
- 2. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERTON A MEASURE RELATING TO THE LOCATION OF THE NEW LIBRARY AT HOLBROOK-PALMER PARK AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 12-XX**
Report: Interim City Manager Theresa DellaSanta
Recommendation: Approve Resolution 12-xx ordering the submission to qualified electors of the town of Atherton a measure relating to the new library at Holbrook-Palmer Park at the Consolidated General Municipal Election to be held on Tuesday, November 6, 2012
- 3. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERTON A MEASURE RELATING TO THE MENLO-ATHERTON LITTLE LEAGUE PROPOSAL FOR HOLBROOK-PALMER PARK AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 12-XX**
Report: Interim City Manager Theresa DellaSanta

Town of Atherton City Council Agenda, Special Meeting July 25, 2012

Page 1 of 1

Date posted: 071912

Recommendation: Approve Resolution 12-xx ordering the submission to qualified electors of the town of Atherton a measure relating to the Menlo-Atherton Little League proposal for Holbrook-Palmer Park at the Consolidated General Municipal Election to be held on Tuesday, November 6, 2012

4. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERTON A MEASURE RELATING TO THE NEW TOWN CENTER AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 12-XX

Report: Interim City Manager Theresa DellaSanta

Recommendation: Clarify the nature of the matter to be submitted to the electorate and direct staff to provide language for a Resolution 12-xx ordering the submission to qualified electors of the town of Atherton a measure relating to the new Town Center at the Consolidated General Municipal Election to be held on Tuesday, November 6, 2012

ADJOURN

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Item No. 1

DATE: FOR THE CITY COUNCIL MEETING OF JULY 25, 2012

**TO: HONORABLE CITY COUNCIL
THERESA DELLASANTA, INTERIM CITY MANAGER**

**FROM: NEAL J. MARTIN, TOWN PLANNER
LISA COSTA SANDERS, DEPUTY TOWN PLANNER**

**SUBJECT: CITY COUNCIL RESOLUTION CERTIFYING THE FINAL
ENVIRONMENTAL IMPACT REPORT FOR ATHERTON LIBRARY
BUILDING PROJECT**

RECOMMENDATION:

Staff recommends that the City Council certify the Final Environmental Impact Report for the Atherton Library Building Project is adequate and has been prepared in accordance with the California Environmental Quality Act.

BACKGROUND:

In November 2011 it was determined that prior to proceeding with the necessary discretionary entitlements for implementation of the Atherton Library Building Project, an Environmental Impact Report (EIR) would need to be prepared. The consulting firm of LSA Associates (LSA) was retained by the City Council to prepare the EIR. A scoping hearing was conducted on December 8, 2011. A Draft EIR was prepared and released for public review on March 23, 2012.

The Draft EIR was circulated for the required 45 day public review between March 23 and May 7, 2012. It was transmitted to the State Clearinghouse in accordance with the CEQA Guidelines and distributed to State and regional agencies that might have an interest in the document. On May 8, 2012 a letter was sent from the State Clearinghouse stating that the Town had complied with the CEQA Guidelines concerning distribution of the Draft EIR to the State Clearinghouse and that one comment letter from the California Department of Transportation had been received by that agency.

Copies of the Draft EIR were made available to the public at the locations listed below:

- Atherton Town Hall
- Atherton Public Library

- Atherton Permit Center
- Online at the Town of Atherton website

Notice of Draft EIR availability was made in the manner listed below:

- Publication in The Almanac, a newspaper of general circulation in the Town of Atherton
- Posting on the Town of Atherton bulletin boards
- Mailing to all Town residents
- Online at the Town of Atherton website

The Planning Commission held a public hearing on the Draft EIR on April 25, 2012 at which time all persons wishing to comment on the document were afforded an opportunity to do so. A court reporter was present at the hearing and prepared a verbatim transcript of the proceedings. The transcript is posted on the Atherton Town website. At the conclusion of the public hearing LSA was requested to prepare responses to all comments made on the Draft EIR and prepare the Final EIR. In addition to the comments received at the Planning Commission hearing, the Town received 49 written comment letters on the Draft EIR.

LSA has prepared the required Responses to Comments and has also prepared a document entitled “Atherton Library Building Project, Environmental Impact Report, Response to Comments Document” (Final EIR). The Final EIR consists of the documents listed below:

- The Draft EIR
- The Response to Comments Document

In addition to responding to comments, LSA conducted additional traffic analysis at the intersections of Fair Oaks Lane/El Camino Real and Fair Oaks Lane/Middlefield Road for the alternative analysis.

The Final EIR was made available for public review on June 15, 2012 at the Atherton Town Hall, Atherton Library and Town Permit Center. In addition, the Final EIR was posted on the Town of Atherton website. As required by law, a copy of the response to State agencies was provided to the California Department of Transportation. Further, each member of the public who made a comment on the Draft EIR was notified by e-mail that they could review the responses on the Atherton website. These actions were taken at least 10 days prior the date when the Planning Commission considered the adequacy of the Final EIR in accordance with the CEQA Guidelines.

Notice of the Planning Commission June 27, 2012 public hearing to review and consider the adequacy of the Response to Comments and the Final EIR was provided to the public on May 29, 2012 in the manner listed below:

- Publication in The Almanac, a newspaper of general circulation in the Town of Atherton
- Posting on the Town of Atherton bulletin boards
- Mailing to all persons commenting on the Draft EIR
- Online at the Town of Atherton website

Notice of the City Council July 25, 2012 public hearing to review and consider the adequacy of the Response to Comments and the Final EIR was provided to the public on July 2, 2012 in the manner listed below:

- Publication in The Almanac, a newspaper of general circulation in the Town of Atherton
- Posting on the Town of Atherton bulletin boards
- Mailing to all persons commenting on the Draft EIR
- Online at the Town of Atherton website

ANALYSIS:

Staff has reviewed the Draft and Final EIR's and has determined that they were prepared in accordance with the California Environmental Quality Act and its Guidelines. The EIR contains a project description and environmental impact analyses of land use and planning policy, visual resources, historic resources, transportation, circulation and parking, and parks and recreation. Early in the process it was determined that an expanded Initial Study would be prepared to address all required CEQA topics. The Initial Study identified no impacts or less-than-significant impacts to the following environmental issues:

- Agriculture and forestry resources
- Mineral resources
- Population and housing
- Fire, police and school services
- Utilities and service systems

The Initial Study identified potentially significant impacts to the following environmental issues; however these were mitigated to a less-than-significant level with mitigation measures recommended in the Initial Study:

- Air quality
- Biological resources
- Cultural and paleontological resources
- Geology and soils
- Greenhouse gas emissions
- Hazards and hazardous materials
- Hydrology and water quality
- Noise

A more in depth analysis was prepared for the following environmental issues and these were addressed in the Draft EIR. All of these topic areas can be mitigated to a less-than-significant level with the exception of transportation, circulation and parking.

- Land use and planning policy
- Visual resources

- Historic resources
- Transportation, circulation and parking
- Parks and recreation

The project as proposed has a significant impact at the Watkins Avenue/El Camino Real intersection under the cumulative analysis. The EIR provides options that afford the Council the ability to impose mitigation measures that would reduce this impact to a level of insignificance or to make findings that the project results in impacts that are considered significant and unavoidable.

Alternatives to the proposed project are presented. In the Draft EIR Tables II-1 and 2 is a presentation of a Summary of Impacts and Mitigation Measures. In those tables it is shown that all environmental impacts studied will have no impact, less than significant impact, can be mitigated to a less than significant impact, or significant and unavoidable impact. It should be noted that the reduced sized project at Holbrook Palmer Park is analyzed as the environmentally superior alternative.

Chapter 15.32 of the Atherton Municipal Code specifies that when an Environmental Impact Report has been prepared that the Planning Commission shall recommend approval, amendment or disapproval of such report and recommend approval, amendment or disapproval of a project that is subject to the EIR. The Planning Commission's recommendation is discussed below.

STANDARDS FOR DETERMINING ADEQUACY OF AN EIR:

In order to assist the Council in determining the adequacy of the EIR, Sections from the CEQA Guidelines dealing with standards of adequacy are provided below:

Section 15151. Standards for Adequacy of an EIR

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21061 and 21100, Public Resources Code; *San Francisco Ecology Center v. City and County of San Francisco*, (1975) 48 Cal. App. 3d 584.

Discussion: This section is a codification of case law dealing with the standards for adequacy of an EIR. In *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Assoc.* (1986) 42 Cal. 3d 929, the court held that "the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions." In *Browning-Ferris Industries of California, Inc. v. San Jose* (1986) 181 Cal. App. 3d 852, the court reasserted that an EIR is a disclosure document and as such an agency may choose among differing expert opinions when those arguments are correctly identified in a responsive manner. Further, the state Supreme Court in its 1988 *Laurel Heights* decision held that the purpose of CEQA is to compel government at all levels to make decisions with environmental

consequences in mind. CEQA does not, indeed cannot, guarantee that these decisions will always be those which favor environmental considerations, nor does it require absolute perfection in an EIR.

Section 15204. Focus of Review

(a) In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

PLANNING COMMISSION RECOMMENDATION:

The Atherton Planning Commission held a noticed public hearing and completed its review of the FEIR on June 27, 2012. The Commission recommended that the City Council accept the FEIR with the following conditions:

1. Review the Watkins Avenue/El Camino Real intersection,
2. Review the signalization on Middlefield Road to assure that the existing signal at Marsh Road/Middlefield Road is coordinated with the new signal at Watkins Avenue/Middlefield Road, and
3. Base the trip distribution on Atherton Library cardholder data.

REQUIRED FINDINGS:

Prior to approving the project the City Council is required to certify the items listed below. It is recommended that the City Council certify that:

1. The Final EIR has been completed in compliance with CEQA; and
2. The FEIR reflects the lead agency's independent judgment and analysis; and
3. The FEIR was presented to the decision-making body, which reviewed and considered the information in the FEIR before approving the project.

ALTERNATIVES:

An alternative would be for the City Council to request further study or analysis by the environmental consultant (i.e. LSA Associates). Another alternative would be for the City Council not to certify the Final EIR.

FISCAL IMPACT:

All costs covering the processing of this application are paid for by the applicant.

ENVIRONMENTAL IMPACT:

An Environmental Impact Report was prepared for the Atherton Library Building Project. That environmental document was circulated for public review in accordance with the California Environmental Quality Act.

FORMAL MOTION:

I move that the City Council adopt Resolution No. 12-xx, A Resolution of the City Council of the Town of Atherton Certifying the Final Environmental Impact Report for the Atherton Library Building Project.

- 1.

Neal J. Martin, Town Planner

Lisa Costa Sanders, Deputy Town Planner

Attachments:

1. Draft Resolution

RESOLUTION NO. 12-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON CERTIFYING
THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ATHERTON LIBRARY
BUILDING PROJECT
(State Clearinghouse #2011112059)**

THE TOWN OF ATHERTON DOES RESOLVE AS FOLLOWS:

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") Guidelines (Cal. Code of Regulations, Chapter 3, Div. 6 of Title 14) Sections 15050 and 15051, the City Council of the Town of Atherton (ATHERTON) is the CEQA Lead Agency for the preparation and circulation of an Environmental Impact Report for the ATHERTON LIBRARY BUILDING PROJECT (SCH No.2011112059);

WHEREAS, a Draft Environmental Impact Report ("Draft EIR") was prepared for the proposed ATHERTON LIBRARY BUILDING PROJECT (Proposed Project) and circulated for public review; and

WHEREAS, in response to comments received on the Draft EIR, a Final Environmental Impact Report ("Final EIR") has been prepared for the proposed ATHERTON LIBRARY BUILDING PROJECT, and the review process has been satisfactorily completed as more fully described below.

NOW, THEREFORE BE IT RESOLVED that this City Council finds that the foregoing recitals are true and correct and further finds, declares, determines and orders as follows:

Section 1: Procedural Findings.

1. In November 2011, ATHERTON prepared a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the ATHERTON LIBRARY BUILDING PROJECT which was distributed to Responsible Agencies, Trustee Agencies, adjoining cities, and to other interested parties. The NOP was mailed to the State Clearinghouse and the Office of Planning and Research. The NOP was directly mailed all residents within the Town and posted on the Town's Bulletin Boards. The NOP was circulated for a 30-day public review period on November 29, 2011. The public review period was subsequently extended to January 11, 2012. Comments received in response to the NOP were incorporated into the analysis of the Draft EIR;

2. A public scoping meeting for the ATHERTON LIBRARY BUILDING PROJECT was held on December 8, 2011 at Town Hall, Atherton, California. The purpose of the scoping meeting was to present the proposed project to the public. Attendees were provided an opportunity to voice comments or concerns regarding potential effects of the proposed project and to make comments and suggestions on the scope of the EIR;

3. On March 23, 2012, the Draft EIR for the project was completed and circulated for public review and comment, was distributed to public agencies, local libraries, and persons requesting copies, and was made available for public review;

4. A Notice of Availability of the Draft EIR indicating that comments on the Draft EIR were due to ATHERTON by May 7, 2012, and that a public hearing would be held by the Atherton Planning Commission during the 45-day public review period on April 25, 2012 at Atherton Town Hall was published in The Almanac, a newspaper of general circulation in Atherton, mailed to all residents of the Town, posted on the Town Bulletin Boards, was sent to individuals requesting such notice and posted on the Town website on March 23, 2012;

5. A public hearing was held by the Planning Commission on April 25, 2012 at Atherton Town Hall to hear testimony regarding the project and the Draft EIR for the project. Public comment was received and the public hearing was then closed;

6. Written comments on the Draft EIR were received from approximately one public agency, and forty nine individual comments from members of the public during the public review period;

7. After the close of the comment period, ATHERTON prepared the Responses to Comments document which contains all written and verbal comments received on the Draft EIR, response to those comments, and related text changes to the Draft EIR. The Response to Comments together with the Draft EIR constitutes the Final EIR;

8. The Final EIR was released for agency and public review on June 15, 2012; and

9. The Atherton Planning Commission held a noticed public hearing and completed its review of the FEIR on June 27, 2012. The Commission recommended that the City Council accept the FEIR with the following conditions:

- a. Review the Watkins Avenue/El Camino Real intersection,
- b. Review the signalization on Middlefield Road to assure that the existing signal at Marsh Road/Middlefield Road is coordinated with the new signal at Watkins Avenue/Middlefield Road, and
- c. Base the trip distribution on Atherton Library cardholder data.

10. The City Council held a public hearing on July 25, 2012 to consider certification of the Final EIR. The City Council reviewed and considered the information provided by those testifying, as well as the information provided in the EIR, Planning Commission recommendation, staff reports, and supporting documentation.

Section 2. Substantive Findings and Findings Concerning Adequacy of the Final EIR.

The Atherton City Council finds as follows:

1. That the Final EIR prepared for the proposed ATHERTON LIBRARY BUILDING PROJECT has been prepared, publicized, circulated, and reviewed in accordance with CEQA and the State CEQA Guidelines.

2. That the Final EIR constitutes an adequate, accurate, objective, and complete EIR in compliance with all applicable legal standards.

3. That the responses to comments provide clarification to the information contained in the Draft EIR and do not describe 1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented; 2) a substantial increase in an environmental impact; or 3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project that has not been adopted. The new information provided in the Final EIR does not constitute “significant new information” within the meaning of CEQA so as to require recirculation of the Final EIR. (CEQA Guidelines Section 15088.5) and such information does not change the analysis or determinations of significance of potential impacts. The responses to comments demonstrate the Draft EIR contains sufficient mitigation measures to minimize or reduce impacts to a less than significant level; and revised language provided in the responses to comments is intended to clarify the required action and intent of the measures to ensure compliance.

4. The City Council finds that the Final EIR represents a good faith effort to achieve completeness and full environmental disclosure.

5. Pursuant to CEQA Guidelines Section 15096, the City Council has exercised its independent judgment and analysis, reviewed and considered the information contained in the Final EIR for the ATHERTON LIBRARY BUILDING PROJECT, and considered the effects and impacts of the project as shown in the Final EIR.

6. The City Council finds that the Final EIR is an adequate informational document, and has provided this City Council and the public with full and fair disclosure of potential environmental impacts associated with the project. The City Council will consider this Final EIR prior to making its decision on the merits of the ATHERTON LIBRARY BUILDING PROJECT.

7. Findings of fact are supported by substantial evidence in the record in accordance with CEQA Guidelines Section 15091(b).

NOW, THEREFORE, based on the record of this proceeding and the foregoing findings and determinations, the City Council of the Town of Atherton does hereby resolve and take the following actions:

1. Certification of the Final Environmental Impact Report prepared for the Atherton Library Building Project. The City Council certifies the Final EIR as complete, adequate, and in compliance with CEQA and state and local guidelines. The Final EIR has been prepared in accordance with CEQA Guidelines Section 15132.

a. The Final EIR has been completed in compliance with CEQA; and

b. The FEIR reflects the lead agency’s independent judgment and analysis; and

c. The FEIR was presented to the decision-making body, which reviewed and considered the information in the FEIR before approving the project.

2. Notice. That all parts of the process were adequately noticed and interested parties were provided an opportunity to comment in accordance with CEQA Section 15087.

3. Administrative Record. ATHERTON is the custodian of the administrative record, including all CEQA documents and other background documents and materials, which constitute the record of the proceedings upon which the ATHERTON City Council's decision to certify the Final EIR is based. The administrative record is located at the ATHERTON administrative offices at 91 Ashfield Road, Atherton, CA 94027.

PASSED AND ADOPTED THIS ____ day of _____ 2012, by the following votes: Council
[Names]

Ayes:

Noes:

Absent:

TOWN OF ATHERTON

ATTEST:

Theresa DellaSanta, Interim City Manager

APPROVED AS TO FORM:

William B. Connors, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: THERESA N. DELLASANTA, INTERIM CITY MANAGER

DATE: FOR THE MEETING OF JULY 25, 2012

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERTON A MEASURE RELATING TO THE LOCATION OF THE NEW LIBRARY AT HOLBROOK-PALMER PARK AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 12-XX

RECOMMENDATION:

Approve Resolution 12-xx ordering the submission to qualified electors of the town of Atherton a measure relating to the new library at Holbrook-Palmer Park at the Consolidated General Municipal Election to be held on Tuesday, November 6, 2012.

BACKGROUND:

Pursuant to Atherton City Council rules of procedures, the Mayor called a special City Council meeting in accordance with State law for Friday, June 29th at 12:00 p.m. to discuss adding ballot measures to this November's regular municipal election to include questions with regard to the library in Holbrook-Palmer Park.

On February 17, 2010 the San Mateo County Library and Anderson Brule Architects presented City Council with the Atherton Library Needs Assessment Report (available in the City Clerk's Office). Based on the findings in the report a recommendation was made for Atherton to partner with the San Mateo County Library, Friends of the Library and other key stakeholders to support and participate in the process of planning and building a new library. Resolution 10-30, memorializing the recommendation was approved at the June 16, 2010 Council meeting. The

resolution also established the Atherton Library Building Steering Committee (ALBSC) based on recommendations from the Atherton Library Needs Assessment Task Force.

At the June 16, 2010 Council meeting, Council authorized the Library Task Force to recruit members for the Steering Committee which it has done. The Atherton Library Task Force in compliance with their understood direction given in Resolution 10-30, spent nearly a month soliciting volunteer applicants and made their recommendations for appointments at the July 21, 2010 Council meeting. City Council approved the recommendations and the ALBSC was formed.

Although the ALBSC has worked diligently for almost two years to present this project to the Town residents, and the City Council approved the park with a 3-2 vote as the preferred environmental location for a new library, Council Members agreed to place the issue of a library in the park on the upcoming November ballot.

The measure would go before the voters at the regular municipal election consolidated with the statewide regular and other San Mateo County elections on November 6, 2012.

Discussion

City Council has already adopted a resolution calling the November 6, 2012 election and consolidating it with the County.

By approving this additional resolution (attached as exhibit A) City Council will add a ballot measure to the *already called election* asking voters to determine whether to approve location of a new Town Library in Holbrook-Palmer Park.

The City Attorney has drafted the ballot question as follows:

"Should the Town of Atherton construct a new library in Holbrook-Palmer Park using funds dedicated for Library purposes only, and not using any existing park open-space for this purpose?"

The deadline for placing the matter on the ballot by adopting this Council Resolution is Friday, August 10, 2012.

Next Steps

August 16, 2012 = Primary Arguments (not to exceed 300 word) in favor of and against local measures are due by 5:00 p.m. (EC §§9162-9163, 9282-9283, 9286, 9315-9316, 9501-03). The California Elections Code provides that the City Council, or members of the City Council as authorized by the City Council, any individual voter, or bona fide association of citizens, or combination of voters and associations may submit ballot arguments.

The City Council may wish to consider whether or not it wants to exercise its right to submit a ballot argument in favor of the measure, and if so, designate either the City Council as a whole or members of the Council to author the arguments.

August 26, 2012 = Rebuttal Arguments (not to exceed 250 word) for measures where a primary argument was filed both in favor and against are due. Impartial Analysis (not to exceed 500 words) written by the City Attorney for city measures are also due. (EC §§9163, 9167, 9285-86, 9316-17, 9501-9504). Rebuttals arguments tend to drive up the costs; therefore Council has the right not to accept rebuttal arguments.

Prepared by:

Theresa N. DellaSanta
Interim City Manager

Attachments:

Exhibit A: - Draft resolution adding ballot measure to the November election

RESOLUTION NO. 12-XX

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERTON A MEASURE RELATING TO THE LOCATION OF THE NEW LIBRARY AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 12-XX

WHEREAS, a Consolidated General Municipal Election on Tuesday, November 6, 2012 has been called by Resolution No. 12-XX, adopted on July 25, 2012, and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to the location of the library;

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council pursuant to its right and authority, does order the submitted to voters at the Consolidated General Municipal Election Election the following question (s):

"Should the Town of Atherton construct a new library in Holbrook-Palmer Park using funds dedicated for Library purposes only, and not using any existing park open-space for this purpose?"	YES
	NO

SECTION 2. That the full text of the proposed measure submitted to the voters is attached as Exhibit A.

SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That notice of the time and place of holding the elections is given and the City Clerk is authorized, instructed and directed to give further or additional notice of election, in time, form and manner as required by law. The hours during which the polling places for the Election shall be open shall be the hours established for the Consolidate Municipal Election.

SECTION 5. The City Clerk is hereby directed to do all things required by law to effectuate the Consolidated General Municipal Election, and to present the measure submitted herein to the electorate, including, but not limited to, required publications, postings, noticing

and filings. Further the City Clerk is directed to forward a copy of this resolution to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure.

SECTION 6. Arguments for and against, not to exceed 300 words in length, as well as rebuttal arguments, not to exceed 250 words in length, may be filed consistent with Elections Code requirements.

SECTION 7. The City Council hereby requests the San Mateo County Registrar of Voters to provide all services necessary to conduct the Election and to conduct and canvass the results of the Election.

SECTION 8. The City shall reimburse the San Mateo County Registrar of Voters for services performed at the rate specified per registered voter in the City, when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions; and forward a copy to the San Mateo Board of Supervisors and County Clerk-Recorder.

William R. Widmer, Mayor

ATTEST:

Theresa DellaSanta, City Clerk
(SEAL)

APPROVED AS TO FORM:

William B. Connors, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: THERESA N. DELLASANTA, INTERIM CITY MANAGER

DATE: FOR THE MEETING OF JULY 25, 2012

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERTON A MEASURE RELATING TO THE MENLO-ATHERTON LITTLE LEAGUE PROPOSAL FOR HOLBROOK-PALMER PARK AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 12-XX

RECOMMENDATION:

Approve Resolution 12-xx ordering the submission to qualified electors of the town of Atherton a measure relating to the Menlo-Atherton Little League proposal for Holbrook-Palmer Park at the Consolidated General Municipal Election to be held on Tuesday, November 6, 2012.

BACKGROUND:

On August, 2010 the Menlo-Atherton Little League (M-ALL) began initial discussions with the Atherton Dames, park neighbors and the Park & Recreation Commission about their plans for erecting and maintaining spectator bleachers at the park.

Below is a timeline of what transpired since the initial discussion began.

April 6, 2011 - Park and Recreation Commission, based on review of conceptual plans voted to unanimously support the M-ALL proposal, however expressed concern with parking and trees in the outfield section

May 18, 2011 - City Council reviewed conceptual plans and referred the item to the Planning Commission for additional community outreach

August 24, 2011 - Planning Commission reviewed conceptual plans and discussed process to review proposal. Additionally, the Commission requested that M-ALL prepare more detailed plans for their review

June 27, 2012 - Planning Commission reviewed further detailed plans submitted by M-ALL. Staff mailed notice of the meeting to all Atherton residents. The Commission continued the item to the next meeting for further discussion. The Planning Commission Chair and Little League representatives agreed to remove the item from the July 25 Planning Commission meeting pending the ballot measure.

Discussion

City Council has already adopted a resolution calling the November 6, 2012 election and consolidating it with the County.

By approving this additional resolution (attached as exhibit A) City Council will add a ballot measure to the *already called election* asking voters to determine whether to approve the Menlo-Atherton Little League proposal for Holbrook-Palmer Park.

The City Attorney has drafted the ballot question as follows:

“Should the Town permit Little League to erect and maintain spectator bleachers in the existing area used by that organization for playing baseball in Holbrook-Palmer Park?”

The deadline for placing the matter on the ballot by adopting this Council Resolution is Friday, August 10, 2012.

Next Steps

August 16, 2012 = Primary Arguments (not to exceed 300 words) in favor of and against local measures are due by 5:00 p.m. (EC §§9162-9163, 9282-9283, 9286, 9315-9316, 9501-03). The California Elections Code provides that the City Council or members of the City Council as authorized by the City Council, any individual voter, or bona fide association of citizens, or combination of voters and associations may submit ballot arguments.

The City Council may wish to consider whether or not it wants to exercise its right to submit a ballot argument in favor of the measure, and if so, designate either the City Council as a whole or members of the Council to author the arguments.

August 26, 2012 = Rebuttal Arguments (not to exceed 250 word) for measures where a primary argument was filed both in favor and against are due. Impartial Analysis (not to exceed 500 word) written by the City Attorney for city measures are also due. (EC §§9163, 9167, 9285-86,

9316-17, 9501-9504). Rebuttals arguments tend to drive up the costs; therefore Council has the right not to accept rebuttal arguments.

Prepared by:

Theresa N. DellaSanta
Interim City Manager

Attachments:

Exhibit A: - Draft resolution adding ballot measure to the November election

RESOLUTION NO. 12-XX

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERTON A MEASURE RELATING TO THE MENLO-ATHERTON LITTLE LEAGUE PROPOSAL FOR HOLBROOK-PALMER PARK AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 12-XX

WHEREAS, a Consolidated General Municipal Election on Tuesday, November 6, 2012 has been called by Resolution No. 12-xx, adopted on July 25, 2012, and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to the Menlo-Atherton Little League proposal for Holbrook-Palmer Park;

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council pursuant to its right and authority, does order the submitted to voters at the Consolidated General Municipal Election the following question (s):

Should the Town permit Little League to erect and maintain spectator bleachers in the existing area used by that organization for playing baseball in Holbrook-Palmer Park?	YES
	NO

SECTION 2. That the full text of the proposed measure submitted to the voters is attached as Exhibit A.

SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That notice of the time and place of holding the elections is given and the City Clerk is authorized, instructed and directed to give further or additional notice of election, in time, form and manner as required by law. The hours during which the polling places for the Election shall be open shall be the hours established for the Consolidate Municipal Election.

SECTION 5. The City Clerk is hereby directed to do all things required by law to effectuate the Consolidated General Municipal Election, and to present the measure submitted herein to the electorate, including, but not limited to, required publications, postings, noticing

and filings. Further the City Clerk is directed to forward a copy of this resolution to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure.

SECTION 6. Arguments for and against, not to exceed 300 words in length, as well as rebuttal arguments, not to exceed 250 words in length, may be filed consistent with Elections Code requirements.

SECTION 7. The City Council hereby requests the San Mateo County Registrar of Voters to provide all services necessary to conduct the Election and to conduct and canvass the results of the Election.

SECTION 8. The City shall reimburse the San Mateo County Registrar of Voters for services performed at the rate specified per registered voter in the City, when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions; and forward a copy to the San Mateo Board of Supervisors and County Clerk-Recorder.

PASSED, APPROVED AND ADOPTED ON July 25, 2012

William R. Widmer, Mayor

ATTEST:

Theresa DellaSanta, City Clerk
(SEAL)

APPROVED AS TO FORM:

William B. Conners, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: THERESA N. DELLASANTA, INTERIM CITY MANAGER

DATE: FOR THE MEETING OF JULY 25, 2012

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERTON A MEASURE RELATING TO THE NEW TOWN CENTER AT THE CONSOLIDATED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 12-XX

RECOMMENDATION:

Clarify the nature of the matter to be submitted to the electorate and direct staff to provide language for a Resolution 12-xx ordering the submission to qualified electors of the town of Atherton a measure relating to the new Town Center at the Consolidated General Municipal Election to be held on Tuesday, November 6, 2012.

BACKGROUND:

The Town has buildings that do not conform to California's seismic, fire, or other codes, including the Town Hall complex. In response, a Blue Ribbon Task Force (BRTF) was established in 2008 to look at the political, economic and financial feasibility of a new town center.

The Blue Ribbon Task Force gave recommendations on space and other needs. The BRTF concluded among several things, that no Town restroom meets ADA requirements, and the sole bathroom in the police and dispatch area serves male and female officers, suspects, witnesses as well as intoxicated and often ill individuals. Active storage, now in the attic of the 1965 building, is both an earthquake and fire risk, and the 12 year old 'temporary' modules are beyond the end of their useful lives.

The 70 page report reflected community ideas indicating the town center should stay near its present location, should be either contemporary or Mission style architecture (like the 1920's chambers), and be a series of linked pavilions if construction must be staged due to financial challenges. Total costs were estimated around \$15 million, including parking, landscaping and professional fees.

Once the Blue Ribbon Task Force completed their duties and presented their report to Council, a Town Center Task Force (TCTF) was created to assist the City Council in developing a vision and goals for the new Town Center, engage Town residents and outside professional services to aid in the visioning process, and assist in obtaining funds for Town Center improvements. In light of staff reductions through layoffs and attrition, the Town Center Task Force continues to refine the concept designs developed by Nichols, Melburg, Rossetto (NMR), the Council approved architect. The next Town Center Task Force meeting will be held on Thursday, August 2nd at 2:00 pm. At this meeting the TCTF will review and discuss reductions made by NMR in the net usable areas of most spaces including public spaces (like lobbies and restrooms). In addition to the changes in the programmed areas, NMR also adjusted the multipliers to reflect the desire of the Committee for a more compact and efficient building

Discussion

Pursuant to Atherton City Council rules of procedures, the Mayor called a special City Council meeting in accordance with State law for Friday, June 29th at 12:00 p.m. to discuss adding ballot measures to this November's regular municipal election, to include questions regarding the New Town Center. Unfortunately, it was unclear to staff exactly what question was desired to be presented to the electorate, hence the need to seek clarification at this time.

The measure would go before the voters at the regular municipal election consolidated with the statewide regular and other San Mateo County elections on November 6, 2012.

While staff believes that the Council has previously stated it is in favor of a new Town Center funded predominately by public donations, it is unclear what direction the Council seeks from the voters. The Town has amassed significant funds regarding the Building Department contribution to any new facility, but there is no current plan for funding the remainder of the cost of the new structure. If this is to be included on the November election, staff needs clarification of what issues should be addressed in the ballot measure, and we can then provide appropriate language to carry out that direction.

City Council has already adopted a resolution calling the November 6, 2012 election and consolidating it with the County.

The deadline for placing the matter on the ballot by adopting this Council Resolution is Friday, August 10, 2012.

Next Steps—Assuming the Council adopts a resolution putting forth a ballot measure on this topic, are as follows:

August 17, 2012 = Primary Arguments (not to exceed 300 words) in favor of and against local measures are due by 5:00 p.m. (EC §§9162-9163, 9282-9283, 9286, 9315-9316, 9501-03). The California Elections Code provides that the City Council, or members of the City Council as authorized by the City Council, any individual voter, or bona fide association of citizens, or combination of voters and associations may submit ballot arguments.

The City Council may wish to consider whether or not it wants to exercise its right to submit a ballot argument in favor of the measure, and if so, designate either the City Council as a whole or members of the Council to author the arguments.

August 27, 2012 = Rebuttal Arguments (not to exceed 250 words) for measures where a primary argument was filed both in favor and against are due. Impartial Analysis (not to exceed 500 words) written by the City Attorney for city measures are also due. (EC §§9163, 9167, 9285-86, 9316-17, 9501-9504). Rebuttals arguments tend to drive up the costs; therefore Council has the right not to accept rebuttal arguments.

Prepared by:

Theresa N. DellaSanta
Interim City Manager

Attachments:

Exhibit A: - Draft resolution adding ballot measure to the November election

RESOLUTION NO. 12-XX

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERTON A MEASURE RELATING TO _____ AT THE CONSOLIDATED GENERAL MUNICIPAL TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, AS CALLED BY RESOLUTION NO. 12-XX

WHEREAS, a Consolidated General Municipal Election on Tuesday, November 6, 2012 has been called by Resolution No. 12-XX, adopted on July 25, 2012, and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to _____;

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council pursuant to its right and authority, does order the submitted to voters at the Consolidated General Municipal Election the following question (s):

	YES
	NO

SECTION 2. That the full text of the proposed measure submitted to the voters is attached as Exhibit A.

SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That notice of the time and place of holding the elections is given and the City Clerk is authorized, instructed and directed to give further or additional notice of election, in time, form and manner as required by law. The hours during which the polling places for the Election shall be open shall be the hours established for the Consolidate Municipal Election.

SECTION 5. The City Clerk is hereby directed to do all things required by law to effectuate the Consolidated General Municipal Election, and to present the measure submitted herein to the electorate, including, but not limited to, required publications, postings, noticing and filings. Further the City Clerk is directed to forward a copy of this resolution to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed

500 words in length, showing the effect of the measure on the existing law and the operation of the measure.

SECTION 6. Arguments for and against, not to exceed 300 words in length, as well as rebuttal arguments, not to exceed 250 words in length, may be filed consistent with Elections Code requirements.

SECTION 7. The City Council hereby requests the San Mateo County Registrar of Voters to provide all services necessary to conduct the Election and to conduct and canvass the results of the Election.

SECTION 8. The City shall reimburse the San Mateo County Registrar of Voters for services performed at the rate specified per registered voter in the City, when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions; and forward a copy to the San Mateo Board of Supervisors and County Clerk-Recorder.

PASSED, APPROVED AND ADOPTED ON July 25, 2012

William R. Widmer, Mayor

ATTEST:

Theresa DellaSanta, City Clerk
(SEAL)

APPROVED AS TO FORM:

William B. Connors, City Attorney