



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL**  
**June 20, 2012**  
**7:00 p.m.**  
**COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California  
**REGULAR MEETING**

1. **PLEDGE OF ALLEGIANCE** – Lead by Eagle Scout Grant Schaffer from Troop 206.
2. **ROLL CALL** – Lewis, Dobbie, Widmer, McKeithen, Carlson

Interim City Manager made a suggestion to the Council that they remove item 14 from the agenda due to the controversy it created, prior to starting the meeting. The Council agreed to remove the item.

Interim City Manager Theresa DellaSanta announced that those citizens wishing to speak about item 14 could address the Council on the item during item 4 – *Public Comments*.

3. **PRESENTATIONS** –

Mayor Widmer presented a proclamation to Eagle Scout Grant Schaffer.

Police Chief Flint presided over the swearing in of new Atherton Police Officer, Chris Pettit.

4. **PUBLIC COMMENTS** –

William Grindley addressed the Council and commended them on sending a letter to the Governor of California announcing that the Town of Atherton does not support the High Speed Rail project. He gave an update on the project; the Governor does not have the votes to kill the CEQA amendment to the high speed rail project. There appears to be support for the authorization for the state to match the federal 3.3 billion. Mr. Grindley notified Council that there will be a hearing on the High Speed Rail RFP process on Friday, June 22.

Smith McKeithen spoke out about the Athertonian Yahoo! Group and some disparaging remarks that were made about Councilmember McKeithen and her late father. McKeithen feels that personal attacks on Councilmembers and their family is not acceptable and the anonymity of the site makes it very upsetting.

Bob Roeser, Wilburn Avenue, spoke about the need for the tennis courts in Holbrook Palmer Park to be resurfaced and worked on. He is willing to put together a group to fund raise and take on the project to keep tennis in Holbrook Palmer Park.

Vice Mayor Lewis responded that work on the tennis courts is being discussed and Public Works is looking into resurfacing the courts.

Alan Margot, the tennis pro, spoke to the need for work on the tennis courts.

Chad Baines, Bella Hayes Roth, Kate Finney, Rick Thompson, Jennifer Jeffries and Alan, the tennis pro spoke to the merits to having the tennis courts remain in the park. The courts should be resurfaced and retained.

Councilmember McKeithen clarified that the Council has not considered tearing out the tennis courts. The Council is working with Public Works to see how to manage the number of courts and make them playable and safe for park-goers.

John Ruggiero spoke about his desire to understand the Yahoo! Users group and become a member and expressed concern that as a resident of Atherton for more than 30 years, that he cannot join.

Jennifer Jeffries spoke about Atherton being out of control and she hopes that things will settle down.

Mayor Widmer suggested that the Council acknowledge that many of the people at the meeting are there in support of the tennis courts and suggested the meeting move forward onto other topics.

Anne McNertny, Watkins, spoke about her support for the tennis courts.

Denise Kupperman, resident, spoke about the need for private fundraising to support the park and all of the things in it that need attention.

Charles Marsala, Emilie, spoke about the need to use funds that were collected from key holders years ago that went into the General Fund. Those funds should be used for the resurfacing of the tennis courts and people should be made aware that the monies were collected for that purpose.

He also thinks that items are being improperly agendaized. He also offered information on how to join the Yahoo group.

Peter Carpenter spoke about freedom of speech in regards to item 14, which was removed from the agenda. Should not engage in prior restraint. Feels that people have a right to speak freely.

Stuart Awbrey, displayed the plaque from Court 6 from the Holbrook Palmer Park tennis court. 100 families donated to that effort and some are still using the courts.

Mayor Widmer spoke about the Yahoo group and feels that the slanderous comments are not appropriate and he does not condone them or give them merit.

Councilmember Dobbie commented that he feels that free speech is important to our country but doing it in an anonymous fashion is cowardly.

Vice Mayor Lewis and Council Member Carlson offered sympathy for Councilmember McKeithen.

Councilmember McKeithen spoke about the controversy surrounding the emails circulating. She clarified that she did question whether with so few people using the courts was it a good use of Town funds. That is her job as an elected official – to question the use of Town funds. She remarked that she can take criticism but her family should be left out of comments.

Councilmember Carlson agrees that the comments in the email were over the line. He wanted to remind everyone that they should stick to the issues and set an example.

#### PUBLIC COMMENTS CLOSED

- 5. REPORT OUT OF CLOSED SESSION** – A special meeting was held at 5pm today with 3 items on the agenda. The Council addressed two of the items. There was no reportable action with labor negotiations and no reportable action with the meeting regarding the search for a City Manager. Council will reconvene with the City Attorney briefly after the meeting regarding potential litigation.

- 6. CITY MANAGER'S REPORT**

July 26 is the special meeting. Some of the Planning Commissioners had asked if the meeting could be moved to Thursday, July 27. Interim City Manager DellaSanta will poll the Commissioners and find an agreeable date.

Interim City Manager DellaSanta also wanted to clarify that the City Manager has sole discretion to put items on the agenda. This was in response to a public comment which suggested that items were being improperly agendized.

Councilmember Carlson questioned the movement of donor funds from the Town's books to the County's books. He feels the Council should have had some input on the matter. He would like to request greater transparency of donor funds, i.e. where funds to, how we arrive at the number at the end of the year.

Councilmember Carlson also commented that he was very pleased the City Manager report and he liked the Building Department's quality assurance program.

Vice Mayor Lewis asked if the current transfer of funds is only going forward. Interim City Manager DellaSanta answered yes. Vice Mayor Lewis commented that in 2002 Library management got the authority to transfer funds back to us. She would like to know how this new decision came about. Interim City Manager DellaSanta answered that she and Finance Director Debra Auker have scheduled a meeting to understand the 2002 decision. They have met with Library Staff and will meet again.

Councilmember McKeithen answered that it started with the Operations Committee.

Vice Mayor Lewis agrees with Councilmember Carlson that there needs to be more transparency and she would like to go on record that she thinks the Town should do everything in their power to regain control of the fund.

Councilmember Dobbie heard that the money was safer in a trust account. The state couldn't come in and take the money if it was in a County trust account. City attorney Bill Connors answered that this is exactly the opposite of what is true. The state can demand the money easier from the County than the city/town.

Vice Mayor Lewis noted that in the City Manager's report it was reported that the Police Division performed 903 home security checks. Vice Mayor Lewis thinks this is a great service provided by the police to the Town.

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

**CONSENT CALENDAR (Items 8-19)**

Items pulled from the Consent Calendar: 10, 13, 15, 17, 18

**8. APPROVAL OF MAY 16, 2012 REGULAR MEETING MINUTES**

**Recommendation:** Approve May 16, 2012 regular meeting minutes

Vice Mayor Lewis wanted her commented added from the meeting that the bid to resurface two courts would cost \$15,000 and this would be her recommendation. Vice Mayor Lewis also wanted it to be known that she has concerns about the Town becoming a charter city and did not see that stated in the minutes.

Mayor Widmer would like follow-up on the question in the minutes regarding how much the tennis pro makes and how much, or what percentage he pays to the Town.

**9. APPROVAL OF BILLS AND CLAIMS FOR MAY, 2012 IN THE AMOUNT OF \$990,796**

**Recommendation:** Approve Bills and Claims in the amount of \$990,796

**11. AWARD OF CONTRACT FOR THE 2012 PARK FACILITY PAINTING PROJECT**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Award the contract for 2012 Park Facility Painting Project, project number 56054, to Olympic Painting, the low bidder on the May 31, 2012 bids. Staff recommends accepting base bid of \$25,440.00 for exterior painting of Carriage House and City Managers residence and the add-alternate of the Water Tower for an additional \$5720.00 for a total of \$31,160.00.

**12. AWARD OF CONTRACT FOR THE 2012 TREE MAINTENANCE SERVICE CONTRACT #56053**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Award the contract for the 2012 Tree Maintenance Project, project number 56053 to West Coast Arborists, Inc., the low bidder on the May 30, 2012 bids, for \$60,000, and to authorize the Mayor to sign the contract on behalf of the Town.

**16. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ACCEPTING A DECERTIFICATION PETITION SUBMITTED BY TEAMSTERS LOCAL UNION NO. 856 MEMBERS AND ACKNOWLEDGE RECEIPT OF DISCLAIMED INTEREST IN REPRESENTATION BY TEAMSTERS LOCAL UNION NO. 856 REPRESENTATIVES**

**Report:** Interim City Manager Theresa DellaSanta

**Recommendation:** Approve Resolution No. 12-xx accepting a decertification petition submitted by the Teamsters Local Union No. 856 members, and acknowledge receipt of disclaimed interest in representation by Teamsters Local Union No. 856 representatives.

**19. CONSIDERATION AND POSSIBLE ADOPTION OF A RESOLUTION ASSESSING A SPECIAL TAX FOR MUNICIPAL SERVICES FOR THE FISCAL YEAR 2012-2013**

**Report:** Finance Director Debra Auker

**Recommendation:** Adopt a resolution assessing a special tax for municipal services for the Fiscal Year 2012-2013.

Council then took up items that were removed.

**10. APPROVE THE SELECTION OF BKF ENGINEERS FOR THE GRADING AND DRAINAGE CRITERIA UPDATE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONSULTANT SERVICES AGREEMENT FOR A NOT-TO-EXCEED FEE OF \$74,432**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Approve the selection of BKF Engineers for the Grading and Drainage Criteria Update and authorize the City Manager to execute the Consultant Services Agreement in an amount not-to-exceed \$74,432.

Interim Finance Director, Debra Auker wanted the item pulled. She would like to add language to the motion. Recommends that the Town appropriate funds from the General Fund, Building Division to fund the update to the drainage and grading plan. The Building Division has far exceeded their target revenues for the year.

Interim Finance Director Auker would like the motion to read:

**APPROVE THE SELECTION OF BKF ENGINEERS FOR THE GRADING AND DRAINAGE CRITERIA UPDATE AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONSULTANT SERVICES AGREEMENT FOR A NOT-TO-EXCEED FEE OF \$74,432 AND APPROPRIATE THE FUNDS FROM THE GENERAL FUND, BUILDING DIVISION.**

Mayor Widmer would like to know more about the selection process. Also, Mayor Widmer would like to see the ranking in the staff report, if a ranking is available. Public Works Director Mike Kashiwagi answered that the engineer involved has a lot of experience. Knows the standards and understands the good and the bad. Public Works Director Kashiwagi stated

that they like to have a user as part of the selection committee. This person is a licensed civil engineer.

Mayor Widmer asked if they typically rotate experts on committees. Public Works Director Kashiwagi answered that they don't have a lot of these RFPs so it's not really a rotation but they do like to have stakeholders involved.

Vice Mayor Lewis asked Interim Finance Director Debra Auker if it is okay to take Building Division funds to complete a Public Works project. Interim Finance Director Auker answered that the project is related to Building so it is fine.

**MOTION Lewis, second Dobbie to Approve the Selection of BKF Engineers for the Grading and Drainage Criteria Update and Authorize the City Manager to Execute the Consultant Services Agreement for a Not-to-Exceed Fee of \$74,432 and Appropriate the Funds from the General Fund, Building Division.**

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

**13.    ATHERTON LIBRARY BUILDING PROJECT – THIRD AMENDMENT TO LSA ASSOCIATES AGREEMENT**

**Report:** Town Planner Neal Martin

**Recommendation:** Approve the Third Amendment to the LSA Associates agreement which expands the scope of services to provide additional services and adds \$24,465 to the compensation, and authorize the City Manager to execute the amendment.

Vice Mayor Lewis is hesitant to spend more money with LSA since the project has generated so much controversy already.

Councilmember Carlson asked staff why LSA had not anticipated the level of comments that were received. Deputy Town Planner Lisa Costa Sanders answered that LSA met with Neal Martin and Public Works Director Mike Kashiwagi to determine the scope of the study and the intersections in question. The amount of comments was much greater than anyone has dealt with on prior projects.

Councilmember Carlson feels that the Draft EIR was a shortcut and should have been more complete from the beginning.

City Attorney Bill Connors commented that this is a new situation since the Town is both governing entity and applicant. This is typical of the EIR process but as a Town we usually pass the fees along to the applicant. In this case, the Town is the applicant.

**MOTION Dobbie, second McKeithen to approve the Atherton Library Building Project – Third Amenedment to LSA Associates Agreement.**

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

**15.    RESOLUTION APPROVING THE SALARY SCHEDULE FOR TOWN STAFF FOR FISCAL YEAR 2012-13**

**Report:** Finance Director Debra Auker

**Recommendation:** Adopt the resolution approving the attached Salary Schedule for Town Staff for Fiscal Year 2012-13.

Vice Mayor Lewis has trouble with the head of the Town making less than 4 of the department heads.

Mayor Widmer responded that the salary of the City Manager needs to account for the house. Property in Atherton can be rented for between \$5-7,000 a month. The Menlo Park City Manager was making \$190,000 a year and the East Palo Alto City Manager makes in the mid \$190's.

**MOTION McKeithen, second Lewis Approve the Resolution Approving the Salary Schedule for Town Staff for Fiscal Year 2012-13.**

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

**17.    ATHERTON POLICE FOUNDATION DONATION PROCEDURES**

**Report:** Police Chief Ed Flint

**Recommendation:** Approve the Atherton Police Foundation (APF) procedures thereby allowing the police department to work with the group in obtaining equipment and other goods provided by donors of the APF.

Councilmember Dobbie commented that in the last year the Foundation raised \$1800. If that is the goal it seems like it's not worth it to approve the motion.

Mayor Widmer noted that the Foundation seeks to provide the Police Department with things from their "wish list" that are not on the budget. Mayor Widmer would like to see the wish list. Police Chief Flint answered that he would provide that to the Council.

Herb Lechner spoke on behalf of the Atherton Police Foundation and commented that because of a budget deficit fundraising was put on hold. This was partly so as to not compete with fundraising efforts of the Town Center Task Force. It was his hope that both entities could work cooperatively.

Councilmember McKeithen asked why a non-Atherton resident was on the Foundation's board. Mr. Lechner replied that Mr. Nielsen worked for the Atherton Police Department and has been a wealth of information for the group. It is likely, however that he will step down from the board once procedures are put into place.

**MOTION McKeithen, second Dobbie to Approve the Atherton Police Foundation (APF) procedures thereby allowing the police department to work with the group in obtaining equipment and other goods provided by donors of the APF.**

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

**18. ADOPTION OF RESOLUTION 12-XX APPROVING UPDATE OF THE TOWN'S CONFLICT OF INTEREST CODE AND APPENDIX "A" DESIGNATING POSITIONS IN THE CONFLICT OF INTEREST CODE**

**Report:** Interim City Manager Theresa DellaSanta

**Recommendation:** Adopt a Resolution Amending Conflict of Interest Code of Non-Elected Officials and Designated employees of the Town of Atherton.

Councilmember McKeithen wanted to clarify that the arborist and the code enforcement official fall under consultants. Interim City Manager confirmed that this is the case.

**MOTION McKeithen, second by Dobbie to Adopt a Resolution Amending Conflict of Interest Code of Non-Elected Officials and Designated Employees of the Town of Atherton.**

**Ayes: 5**

**Nays: 0**

**Abstain: 0**

**Absent: 0**

**PUBLIC HEARINGS - (Item 20)**

**20. FIRST READING: INTRODUCTION OF CITY MANAGER ORDINANCE TO AMEND CHAPTER 2.12 ESTABLISHING A CITY MANAGER POSITION DESCRIPTION**

**Report:** City Attorney Bill Connors

**Recommendation:** Introduction of a City Manager Ordinance to amend Chapter 2.12 establishing a City Manager position description. Three votes are required to introduce the Ordinance. A second vote, scheduled at least ten days after the date of this meeting, is required to pass the ordinance.

City Attorney Bill Connors presented the item.

Mayor Widmer asked if next time "*track changes*" could be used to make it easier to see what was removed. He also commented that the language in the description makes it very difficult for the Council to remove the City Manager if it is necessitated.

City Attorney Connors answered that this is essentially a new document so there were no changes to track. The previous description opened the Town up to litigation. It is the City Attorney's job to present the Council with a description which is legally defensible. The prior description was not defensible and bordered on unconstitutional.

Vice Mayor Lewis thinks the description is clear but and it allows the City Manager a rebuttal if he/she is let go. That doesn't mean that the Council cannot follow through.

Mayor Widmer would like to know from the City Attorney what is being worked on. He would like to be able to give feedback and ideas on the upcoming documents. City Attorney Bill Connors responded that he has done that. The City Manager description was first on the list and the CEQA ordinance is next.

Councilmember Dobbie thinks that there should be no mention of the word "tenure" in the description. City Attorney Connors agreed.

Councilmember Carlson noted that in Section 2.08.040 he feels that A and B should be clarified, that each paragraph should exclude the City Attorney.

Councilmember McKeithen noted that Section 2.08.060 should be clarified to say something like: “unless the City Manager authorizes it.” City Attorney Connors advised against changing that wording.

Mayor Widmer remarked that some of the wording taken from other cities was awkward and could be streamlined.

Peter Carpenter, Larch Avenue, mentioned that it is there to protect the Council and the City Manager and it is the role of the City Manager to provide direction to Staff, not the Council.

**MOTION by McKeithen, second by Lewis Introduce the City Manger Ordinance to Amend Chapter 2.12 Establishing a City Manager Position Description.**

**Ayes: 5**

**Nays: 0**

**Abstain: 0**

**Absent: 0**

**REGULAR AGENDA – (Items 21-28)**

**21. APPROVAL OF CONTRACT WITH GODBE RESEARCH FOR A POLLING SURVEY FROM GODBE RESEARCH**

**Report:** Interim City Manager Theresa DellaSanta

**Recommendation:** Approve contract with Godbe Research to conduct a polling survey in an amount not to exceed \$18,500, and authorize the City Manager to negotiate and execute the contract.

Mayor Widmer is in favor of a survey. He feels it could be unifying.

Councilmember Dobbie is in favor of a survey if it is done professionally and he feels that the survey should target 400 not 200. He would like more concrete answers and to why people are for or against the Library in Holbrook Palmer Park.

Councilmember Carlson thinks that the focus of the survey should be the Library. That is the hot issue. Councilmember Carlson also feels like instead of a survey it should be a vote conducted by Godbe of the whole Town. It would go a long way to helping the Town.

Vice Mayor Lewis feels like a survey won't heal the Town. The only thing that will heal the Town is a vote. Phone surveys are not helpful – people don't want to be bothered. It won't be a good sample and it is a waste of money.

Councilmember McKeithen feels that this is a complex, polarizing issue. It is hard to boil that all down to a yes or no vote. It reminds her of the High Speed Rail project and there is a lot of information to look at and it might be too complex for a vote. Councilmember McKeithen also pointed out that the events in the park don't make enough money for that to be a deciding factor for putting the Library in the park or not.

Councilmember Carlson noted that Atherton was the only town on the peninsula that shot down High Speed Rail and that the residents are smart and thoughtful.

Vice Mayor Lewis noted that the events in Holbrook Palmer Park were on track to make money in 2011 but the Council took steps to take events out of the park. Councilmember McKeithen noted that at a recent meeting, the former Finance Director did not confirm that statement.

#### OPEN PUBLIC COMMENTS

Walter Sleeth, feels that the analysis has provided a good solution. The Library Steering Committee has been transparent. He wants the survey set up in such a way that it is not later viewed as biased and the topic can be settled.

Paul Jones, Moulten Drive, spoke about how easy it is for a survey to be biased or skewed. He thinks the Library Steering Committee should be objective and that the Council should stay neutral and not guide the survey process either.

John Ruggiero, agreed with Paul Jones. He feels that the survey should be mailed to everyone. If it is only sent to a select few then there will be an uproar that people were left out.

Peter Carpenter, thinks there should be a Town-wide vote. The issue is too divisive as evidenced by the Council being split on the issue 3-2. Whichever side loses the decision will say that the process wasn't fair, unless it is put to a vote.

Anne McNertney, Watkins Avenue, would like to see a vote of all Atherton residents. She has no faith that a survey could be done fairly.

Stuart Awbrey, resident, remarked that the Final EIR shows many comments against the park in the Library.

Ray Gerard, resident, feels that there should be a vote. Surveys can be biased.

Greg Conlon, Virginia Ave., thinks that 200 people isn't enough for a survey. It leaves too much margin for error. The survey needs to get enough of a sample to make the survey legitimate.

Charles Marsala, Emilie Avenue, feels there should be a vote. A survey will be biased. The Town seems to want to save the park as open space.

Vice Mayor Lewis read three letters, the first of which was signed by 90 residents who feel that the issue should be put to a vote which would be the fair and democratic thing to do. The second letter was from Gail Alberty who feels the old library should be updated as need but should remain the small Town library that it has always been and should stay in the same location. The third letter read was in favor of a vote run by volunteers.

**MOTION by Councilmember Carlson, second by Vice Mayor Lewis to approve an all mail survey of registered voters. The motion failed 2-2-1, with Dobbie and McKeithen opposed and Widmer abstaining.**

Mayor Widmer noted that the 1-3% return rate for a mail-in survey makes the survey results inconsequential. He feels the phone can target their demographics more precisely.

Vice Mayor Lewis feels there should be a vote.

Mayor Widmer clarified that the only decision tonight will be whether there is a survey or no survey. The idea of a vote would have to be put on the agenda of another meeting.

City Attorney Connors noted that a survey is non-binding. A vote by the residents would be binding.

Councilmember Dobbie thinks a survey could be beneficial if done right. If it were extended to more than 200 people he would support a survey.

Mayor Widmer noted that he would not support a mail survey.

**MOTION by Widmer, second by Dobbie to approve a contract with Godbe Research for a telephone polling survey from Godbe Research. The motion failed 2-3, with Carlson, Lewis and McKeithen opposed.**

**22. AUTHORIZE THE APPROPRIATION AND PAYMENT OF \$1,224,321 TO PAY OFF THE CALPERS PENSION PLAN SIDE FUND OBLIGATIONS FOR THE ATHERTON SAFETY PLAN BY JUNE 30, 2012 AND COMMIT FUNDS TO PAYOFF THE MISCELLANEOUS PENSION PLAN SIDE FUND OBLIGATIONS IN JUNE 2013**

**Report:** Finance Director Debra Auker

**Recommendation:** Adopt a resolution (Attachment A) to appropriate and authorize payment of \$1,224,321 to the California Public Employees' Retirement System (CalPERS) to pay off, in full, the CalPERS Safety Pension Plan Side Fund obligation prior to June 30, 2012 from General Fund reserves. Staff also recommends committing \$704,313 of General Fund Balance to pay off the Miscellaneous Pension Plan Side Fund obligation by July 1, 2013

Interim Finance Director Debra Auker presented the report. Recommends paying off the CalPERS side fund. It will cost 1.2 million dollars and would save a minimum of 282,000 in the first year. Pay off the miscellaneous plan obligation a year from now. Set aside part of fund balance as "Committed Fund Balance."

Mayor Widmer thanked Interim Finance Director Debra Auker for her work on this.

Councilmember Dobbie thinks it's a good financial decision to pay it off and reiterated the calculations from the report.

Vice Mayor Lewis wanted clarification on Councilmember Dobbie's statement. Finance Director Auker and Councilmember Dobbie clarified that he's not talking about saving but

rather the depletion of the Town's cash reserves would remain much the same if we take Ms. Auker's recommendation.

Councilmember Carlson asked Interim Finance Director Auker for clarification of the timing. Why should it be done sooner rather than later? Interim Finance Director Auker answered that if we wait longer will it affect the balance. The rate that we pay is calculated annually. It is always based on the prior year's actuarial data. PERS has made some adjustments. The real savings could come if we pay it off now – we have the money set aside right now. It would reduce our rate per employee by 13.5% and could assume more of the present-value savings the sooner you pay it off.

Councilmember McKeithen noticed that on page 4 of 9 at the top – the 15% Emergency Reserve figure was omitted. It should be \$1.63 million. Interim Finance Director Auker agreed that it was an oversight and that money is still in the reserve fund.

**Motion by McKeithen, second by Carlson to Authorize the Appropriation and Payment of \$1,224,321 to Pay Off the CalPERS Pension Plan Side Fund Obligations for the Atherton Safety Plan by June 30, 2012 and Commit Funds to Pay off the Miscellaneous Pension Plan Side Fund obligations in June 2013.**

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

The meeting was continued to Friday, June 29, 2012 at 9:30 a.m. where Council will take up the remaining items 23 through 32.

**33. ADJOURN –**

Mayor Widmer adjourned the meeting at 10:35pm.

Respectfully submitted,

---

Theresa DellaSanta  
Interim City Manager