



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**ATHERTON CHANNEL DRAINAGE DISTRICT**  
**MARCH 18, 2009**

**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

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

**1. PLEDGE OF ALLEGIANCE**

Council Member Dobbie expressed concern for the length of the evening's agenda. Having a meeting adjourn at midnight or later was not fair to Council, staff or the public. He suggested the meeting should adjourn at 10:15 p.m. and another meeting be scheduled for those items that were not heard.

**2. ROLL CALL**

**PRESENT:** Elizabeth Lewis  
Jim Dobbie  
Charles E. Marsala  
Jerry Carlson  
Kathy McKeithen

City Manager Jerry Gruber and City Attorney Wynne Furth were also present.

**MOTION – to adjourn the meeting at 10:15 p.m. and reschedule those items not heard for a Special meeting**

**M/S Dobbie/McKeithen**

Vice Mayor McKeithen shared the same concern and did not believe the late hour would promote any transparency on behalf of the Council.

Council Member Marsala said a lot of people were in attendance for particular items, and he was concerned they would wait for three hours and Council would reschedule the items. He suggested meetings should convene earlier for presentations in order for regular items to be heard earlier.

Council Member Lewis agreed with Council Member Dobbie. She recommended adjourning part of the meeting to later in the week or within one week.

**Vote on the Motion                      Ayes: 4    Noes: 1 (Marsala)    Absent: 0    Abstain: 0**

**Vice Mayor McKeithen said Council had discussed ending meetings at 11 p.m. She asked that an item be agendaized for discussion.**

**3            PRESENTATIONS**

**A.           Proclamation recognizing American Red Cross Month**

**Mayor Jerry Carlson presented the Proclamation to Patrick Cornwall from the American Red Cross Bay Area Chapter.**

**B.           Certificates of Appreciation for Heroic Act of Saving a Life at Menlo School Basketball Game**

**Police Chief Glenn Nielsen presented Certificates of Appreciation to: Athletic Trainer John Cohen, Dr. Kathryn Rentchler, Dr. James Badger, and Registered Nurse Deborah Addicott for their heroic efforts to save the life of Basketball Referee Pat Boland on January 27, 2009.**

**Pat Boland thanked all the folks at Stanford Hospital in the Trauma and Emergency Room, the Menlo Park Fire Department who arrived on scene in 4 minutes, Menlo School for having the foresight to have defibrillators onsite, and thanked the Council for the opportunity to thank everyone formally.**

**C.           San Mateo County Library JPA – Director Martin Gomez**

**Director Martin Gomez gave a brief overview of the San Mateo County Library Joint Powers Authority (JPA), which was established in 1999 and the agreement amended in 2004. The JPA included the County of San Mateo and the Cities of Belmont, Brisbane, East Palo Alto, Foster City, Half Moon Bay, Millbrae, Pacifica, San Carlos, and the Towns of Portola Valley, Woodside, and Atherton. The JPA was governed by the rules and regulations of state law regarding county libraries and government codes regulating JPAs. The JPA Governing Board was comprised of one representative from each member of the JPA and was responsible for directing policy for the library system. An Operations Committee was responsible for the administration and oversight of daily operations. The local jurisdiction was responsible for the maintenance, repair, and all capital improvements to new and existing city library facilities. The JPA was responsible for the provision of services. Revenues were coming from dedicated public library property taxes and made up the majority of revenues for the organization. Library tax rates differed from city to city, but the average rate in San Mateo County was approximately 3.2 cents for each one hundred dollar of assessed property value. Three cities within the JPA experienced donor city funding. The Governing Board was responsible for ensuring that the annual revenue allocation to each library in each city was not less than the estimated library property tax revenue attributable to property located within that city. When the revenue exceeded the amount to maintain library services, excess funds could be spent on library-related activities within**

that city including but not limited to facilities maintenance, facility remodeling or expansion, increased service hours, or increased book purchases. The Town of Atherton had \$3.2 million deposited in a donor city account. Discussions took place over the past 18 months regarding the use of Atherton's donor funds. The JPA, in August of 2008, approved a motion to acquire existing lands to expand the library with the proviso that the Operations Committee was to examine the proposal to ensure the project adhered to funding guidelines. In November 2008, the legal counsel concluded the Town of Atherton's proposal to use donor city funds for remodeling or expansion was permissible pending written agreement by the JPA; however, the counsel also determined that the Town's proposal to use donor city funds to acquire any building that the Town already owned was not authorized; and the JPA Governing Board had moved 11-0 in February to have the JPA revised. Mr. Gomez responded to Council questions.

Vice Mayor McKeithen clarified no decisions had been made on the use of the donor funds. When a proposal was developed, it would come before the Council for deliberation with input from the public, Friends of the Library, library staff, and in conformance with the law.

Council Member Marsala clarified work had actually begun in 2006. He also clarified that the Council and the Blue Ribbon Task Force had not made any decisions. The motions made in August and February were for staff to get a legal opinion on the JPA agreement and that the opinion should include provisions for donor cities to be able to transfer donor city reserves for assets in a validated manner. Additionally, he discussed the possibility of expanding the library with the addition of a lecture hall where presentations and lectures could be held and in which residents have expressed an interest.

#### **4. PUBLIC COMMENTS**

John Rugeiro, Atherton, agreed with the motion to end the meeting at 10:15 p.m. He was interested in Item No. 24, which the Council would most likely not hear that evening. He suggested letting the public know which items would not be heard as soon as possible.

#### **5. REPORT OUT OF CLOSED SESSION**

City Attorney Wynne Furth reported out of Closed Session as follows:

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

**Agency Negotiators: Jerry Gruber, City Manager; Glenn Berkheimer, I.E.D.A.**

**Employee Organization: Atherton Police Officers Association (APOA)**

**No reportable action was taken.**

**B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to subsection (b) of Government Code Section 54956.9:**

Three (3) potential cases

No. reportable action was taken.

**6. CITY MANAGER’S REPORT**

City Manager Jerry Gruber noted that Acting City Clerk Kathi Hamilton would be retiring at the end of the month and the evening’s meeting would be her last. He thanked her for her service. City Manager Gruber noted Council and staff needed to schedule a Study Session to discuss next year’s budget and priorities, as well as a Study Session during the week of April 6 to discuss NBS and the cost allocation plan. Finance Director Louise Ho had been validating every check from 2007/2008 fiscal year, which resulted in \$128.846 in the black. He thanked staff for their efforts to reduce the budget. They understood times were challenging and he would ask staff to reduce next year’s budget as well.

**7. COMMUNITY ORGANIZATION ROUNDTABLE**

Friends of the Library – Joan Sanders

Joan Sanders noted that Atherton’s Head Librarian Barbara Blanchard and Board Member Jean Schaaf were in the audience. She reviewed the Friends of the Library’s newsletter that would be out in a few days. The Friends were working on a Mission Statement to better communicate to the community what they did, e.g., speak up on library issues and raise money to support programs for adults, children, and book collections. There was a \$25 fee to become a member, and she encouraged everyone to become a member. She continued to report on upcoming events at the Atherton library.

**CONSENT CALENDAR (Items 8-17)**

Council Member Lewis commented on Item No. 11 that the Public Works Director should explore other opportunities in Atherton for safe routes to school.

Vice Mayor McKeithen noted on Item No. 11 that “traffic signs” should read “traffic fines” doubled.

**MOTION – to approve the Consent Calendar as presented**

M/S McKeithen/Dobbie

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

**8. APPROVED THE SPECIAL STUDY SESSION/SPECIAL CITY COUNCIL MEETING OF JANUARY 30, 2009; THE SPECIAL CLOSED SESSION MEETING OF FEBRUARY 2, 2009; THE SPECIAL STUDY SESSION/CLOSED SESSION/SPECIAL CITY COUNCIL MEETING OF FEBRUARY 13, 2009; THE**

**SPECIAL CLOSED SESSION MEETING OF FEBRUARY 18, 2009; AND THE  
REGULAR CITY COUNCIL MEETING OF FEBRUARY 13, 2009**

- 9. APPROVED BILLS AND CLAIMS FOR FEBRUARY IN THE AMOUNT OF \$ 907,292**
- 10. ACCEPTED THE MONTHLY FINANCIAL REPORT FOR THE EIGHT MONTHS ENDED FEBRUARY 28, 2009**
- 11. APPROVE THE ENCINAL SCHOOL SAFE ROUTES TO SCHOOL REVISED DRAFT PLAN AND APPLICATION FOR SAFE ROUTES TO SCHOOL GRANT**

**Approved the Safe Routes to Encinal School Revised Draft Plan, with the "Traffic Signs Doubled" sign removed, approved an application for a Safe Routes to School (SR2S) Grant, and directed staff to conduct a public meeting with notice to all affected residents.**

- 12. AWARD OF CONTRACT TO G. BORTOLOTTO & CO. FOR THE SPRING STREET PATCHING CONTRACT PROJECT, PROJECT NO. 08-007**

**Awarded the contract for the Street Patching Project, Project No. 08-007, G. Bortolotto, the low bidder on the March 12, 2009, bids for \$124,054.56, with a 10% construction contingency of \$12,405.46, for a total authorization of \$136,460.02, and authorized the City Manager to execute the contract on behalf of the Town.**

- 13. AWARD OF CONTRACT TO INDEPENDENT CONSTRUCTION CO. FOR THE STREET RECONSTRUCTION PHASE 5 PROJECT, PROJECT NO. 08-023**

**Awarded the contract for Street Reconstruction Phase 5 Project, Project No. 08-023 to Independent Construction Co., the low bidder on the March 12, 2009, bids, for \$428,331.65, with a 10% construction contingency of \$42,833.17, for a total authorization of \$471,164.82; and to authorize the City Manager to sign the contract on behalf of the Town.**

- 14. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$40,333.60 FOR THE PROJECT NUMBER 08-002**

**Accepted work, authorized recording of a notice of completion and approved contract change orders in the amount of \$40,333.60 for the Stevick Drive Reconstruction Project Number 08-002.**

- 15. STATUS REPORT ON TOWN OF ATHERTON v. HIGH SPEED RAIL AUTHORITY AND REQUEST FOR AUTHORIZATION TO SIGN MOU AMONG PENINSULA CITIES REGARDING HIGH SPEED RAIL AND MAYORAL LETTER**

**Authorized the Mayor to sign the Memorandum of Understanding for the Peninsula Cities Consortium ("MOU") and a joint mayoral letter to the High-Speed Rail**

**Authority.** Under the provisions of the MOU, the Mayor would appoint one representative and two alternate representatives, one of which may be a staff person.

**PUBLIC HEARINGS** (Item)

None

**REGULAR AGENDA** (Items 16-25)

**16. REQUEST TO INITIATE REZONING OF PARKER AVENUE FROM R1-A TO R1-B ZONING DISTRICT**

Deputy Town Planner Lisa Costa Sanders presented the staff report. There was a request from several property owners on Parker Avenue to the City Council to initiate rezoning Parker Avenue from an R1A to R1B Zoning District since there was not unanimous support to do so. The R1A Zoning District was the dominant, single-family residential zoning district in Town. The R1B Zoning District encompassed more of the residential lots surrounding Town Hall. Letters were sent to Parker Avenue property owners and responses were included in Council's packet. All of the lots on Parker Avenue were 7,800 square feet in area. Changing the zoning would allow a larger floor area of approximately 547 square feet with reduced front and rear setbacks, as well as a change in the maximum height limit. Since Council would initiate the process, Council would be considered the applicant and might have to pay the resulting costs. The City Attorney would answer any questions regarding whether the applicants could be required to pay the associated fees. She chronicled changes to the zoning code that ultimately led to the 1992 code regarding R1A zoning that indicated a minimum floor area of 2,250 square feet for lots that were less than an acre and added a provision that the floor area above the first floor would be limited to 7.5% of the total lot size. She responded to Council questions.

In response to Mayor Carlson, City Attorney Wynne Furth said Council could approve the request to initiate the rezoning with conditional arrangements with those residents who were requesting it to provide funding.

Debbie Moritz, Parker Avenue, said she had heard the comment that it was not possible to raise a family in 2,200 square feet. Her home was remodeled under the R1A zoning, and she believed there was plenty of space.

Richard Pike, Parker Avenue, read a letter into the record from Lorna and Bruce Basso who lived on Euclid Avenue. Six homes on Parker Avenue bordered their property with some in violation of existing 39-foot setbacks and some on the property line. An increase in size would have a negative impact on property values, peacefulness and privacy. Rezoning would destroy the reason why people lived in Atherton.

Rachel Warner, Parker Avenue, was a 12-year Atherton resident. She respectfully requested that Council consider rezoning Parker Avenue. Atherton's R1A zoning was based on one-acre or larger lot sizes. Parker Avenue was unique in that the lot sizes were considerably smaller, approximately 7,800 square feet. R1B zoning already

existed in other areas of Atherton that had similar lot sizes. She believed that residents of Parker Avenue should be governed under the same R1B zoning.

Jonathan Tang, Parker Avenue, said although he owned a home on Parker, he continued to live in Menlo Park because the home did not meet his family's needs. His intent was to raze the home and build new; however, there was concern with consistency and uniformity in application of the building code. He did not want to rely on variances that might not be allowed. In the spirit of equitable treatment for all the properties of a similar profile (less than an acre), he requested Council to consider the request.

Anne Anderson lived adjacent to Parker Avenue on an acre property since 1991. Her property was rectangular in shape and shared a boundary with five houses on Parker Avenue. She believed her property would be disproportionately affected by the possibility of five large, two-story houses looming over her one-story home. She believed her property value would be affected. She urged Council to deny the request.

Barbara Carson, Bergesen Court, said her home abutted homes on Parker Avenue and she did not receive notification. She read a letter into the record. She believed a change in zoning would not be in keeping with the character of that part of Atherton. She moved from the Lloyd Park area of Atherton because she and her family wanted a more rural environment. If Parker Avenue were rezoned, the tree-like setting would be destroyed and the rural character changed. She was not in favor of rezoning the street.

Michael Bennet, Parker Avenue, was in favor of rezoning the street because he wanted to add a garage.

Loren Gruner, Walnut Avenue, lived in an R1B neighborhood and believed it worked well. Homes had been remodeled, the overall neighborhood had improved, and property values had increased. There were longtime residents as well as newer ones, and she thought consideration on how to continue families and a consistent community was important.

Art Martin, represented Grant Anderson on Parker Avenue, was a building designer. He said the aesthetics of a neighborhood should consider all adjacent properties. If all the R1A small lots in Town were changed to R1B at one time, there would not be any spot zoning. Some of the existing issues would disappear and there would be fewer variances, etc. He urged Council to grant the request. He distributed four photos of R1B homes that had two-car garages that faced the street with driveways directly in front.

Colleen Anderson, Parker Avenue, said Parker was in a flood zone, and digging a basement would be problematic. Second stories were already allowed at 30 feet. Under R1B, the height would be lowered by two feet. She wanted to have a garage and get cars off the street. She requested a cost-effective way to improve the neighborhood. She urged Council to approve the request.

**Andrew Carlsen, Parker Avenue, wanted to keep the zoning as it was. The attraction of his Parker Avenue home was that it was a modest-sized house with good space around it. In 1992, the houses on Parker Avenue were allowed a disproportionately larger area, as well as allowance for a basement.**

**Jeannette Frenster, Stockbridge Avenue, enjoyed the residential rural atmosphere and the lovely wooded areas. She believed a change in zoning would negatively impact the quality of life. She urged Council not to approve the rezoning.**

**Tina Isenberg, Polhemus Avenue, said the current zoning system was working well and saw no need to change it. The smaller lots interspersed around Town made for a more diverse community made up of retirees, couples, or small families. Her property abutted two properties on Parker, and she was not in favor of allowing more bulky homes.**

**Duane Wadsworth had lived 45 years on Parker Avenue. His home was built in the 1930s, with special variances that had 100% approval of Parker Avenue residents to preserve the original house. He was baffled by the idea that a few people wanted to change an entire street than had been zoned R1A for 50 years. The issue had been brought before the Council three times and denied. He urged Council to do the right thing and deny the request.**

**Linda Grossman, Parker Avenue, said accept for the oldest house on the street, all the mid-1950s houses were much as they were at the present time, built to the same generous setbacks creating an appealing open, tree-lined street. She owned one of the larger homes on the street. She disagreed that a garage could be built on existing lots without moving the existing house. She urged Council not to turn the street into houses that were too big for the lots.**

**Linda Grossman read a letter on behalf of Audrey Polster (Parker Avenue) who said many of the turnovers on the street were the result of death, divorce, or family relocation. Other residents who moved either wanted or needed larger homes and did not try to change the zoning. The zoning was not a secret; therefore, people should not move here if the homes were too small.**

**Richard Pike, Parker Avenue, said he recently celebrated 19 years in his home; however, the Atherton experience had been mixed. Years prior, a former land speculator tried to initiate rezoning Parker Avenue and only succeeded in injecting poison into the neighborhood that still lingered. A compromise was reached in the R1A zoning for lots less than one acre, i.e., homes could be built to 2,250 square feet and a basement was allowed for a total of 3,900 square feet. Rezoning was a bad idea, and he urged Council to deny the request.**

**John Frenster said he had lived in Atherton for 43 years. Parker Avenue was a community and neighbors cared about one another. He did not want to lose any of his neighbors because of a zoning change. He urged Council to deny the request.**

**Ted Johnson, Parker Avenue, said letters inferred that R1A was good for the big people. He considered R1A as good for the little people because it gave him light. Rezoning to R1B would allow a complete second story, which he was against**

**Denise Kupperman, Atherton, said the Town was looking at revising its zoning with regard to setbacks, basements, and light wells as it related to R1A and R1B zoning. She suggested not considering the item until the revised zoning code was approved.**

**David Bagshaw, Parker Avenue, was happy with the existing zoning and did not believe a zoning change was necessary.**

**Council Member Lewis, with use of overheads, described the difference between R1A and R1B zoning. Currently, R1A lots were 60 feet by 130 feet, with 14-foot side setbacks and 39-foot front and rear setbacks. With R1B, side setbacks would remain the same and front and rear setbacks would be 23 feet. The maximum footprint for one story in R1A was 1,728 square feet, which would allow a 585 square foot second story to reach the 2,250 maximum. With R1B, the maximum footprint for a one story was 2,752 square feet, which would only allow 35 square feet for a second story. She described various scenarios that might be possible. She concluded that building monster homes was not likely on the small lots.**

**Council Member Dobbie was totally opposed to rezoning Parker Avenue. Many of the people who spoke that evening were longtime residents and were happy with the zoning as it was. A zoning change would possibly increase the value of homes on Parker Avenue but decrease the value of other streets. He would not vote in favor of the request.**

**Council Member Marsala said Council had debated many issues that were later found not to have had as much of a negative impact as initially thought. He was in favor of keeping back setbacks as they were so space between homes was not lessened; however, he liked the idea of keeping cars off the street and a front garage had merit.**

**Vice Mayor McKeithen said the Town had a strict policy against granting variances.**

**Mayor Carlson said the issue was contentious without unanimous support to initiate the rezoning. If Council were to go forward, he was not in favor of the Town paying the \$7,000 to \$10,000 cost. He did not believe there was agreement on any particular item.**

**MOTION – to deny the request for initiating the rezoning of Parker Avenue**

**M/S Dobbie/McKeithen**

**Vice Mayor McKeithen said people moved to areas of Town with expectations. People who moved to Parker Avenue knew that the zoning was R1A and knew what the limitations were on building. Spot zoning would open the gates for any neighborhood that made a similar request. Greater nonconformance could exist. Putting in a basement was an option and could be built in flood zones. R1B did exist in other areas; however, the issues were not the same. A quote in one of the arguments said, “The**

R1A classification was intended to control the overall appearance of all properties regardless of size. What it ensures on both large and small lots is a modest proportion of house size and bulk to lot size, thus preserving the appealing openness and lack of crowding that is Atherton's very reason for being." Parker was a special community because of the General Plan and she hoped differences could be mediated.

Council Member Marsala said the issue was contentious and he saw both sides. Things changed over time and there was some merit to revisit past decisions. He would vote no on the motion because the issue should be studied more.

Council Member Lewis believed the Town's Landscape Screening Plan that shielded and buffered properties could be relied upon to keep the Town a thickly wooded area. She understood the needs and desires of those who wanted to improve their property, as well as the fear of the neighboring residents who did not want looming two-story homes in their backyards. She believed the fear was not rational in the way setbacks would actually work. She thought the issue should go before the Planning Commission for further study.

Mayor Carlson was deeply concerned about the divisiveness of the issue. He supported the motion and did not want the Town to further study the issue.

Vote on Motion:                   Ayes: 3   Noes: 2 (Marsala, Lewis)   Absent: 0   Abstain: 0

**17.   REQUEST FOR ADDITIONAL FUNDS TO SUPPORT THE WALSH ROAD  
DISASTER PREPAREDNESS PROJECT**

Police Chief Glenn Nielsen noted he and the City Manager had been working with the Atherton Disaster Preparedness Committee and Fire Chief Harold Schapelhouman, Menlo Park Fire Protection District, on a number of projects including the Walsh Road evacuation issue. The staff report outlined the accomplishments.

Fire Chief Harold Schapelhouman, Menlo Park Fire Protection District (MPFPD), distributed a handout describing the options that MPFPD and the Town had been considering for Walsh Road. The most desirable option was a cost-effective method to implement an emergency signaling and siren system of notification before fire season began. The cost was between \$21,000 and \$30,000. Cal Water and the MPFPD worked in partnership with the Town, and the Town had a responsibility to its residents with regard to shelter and evacuation. Walsh Road was unique because it was one way in and one way out, as well as having one of the singular interface threats because of its vegetation management issues. MPFPD believed the best method to notify residents of a fire or dam issue was through the signaling device. The cost would be shared between the three entities: MPFPD, Cal Water, and the Town.

Doug DaVivo, Atherton Disaster Preparedness Committee, said the project had a lot of research with a group working on it since last July. The other alternatives were very expensive. The siren would wake people up with a different signal for fire or a dam break. Cal Water contributed \$10,000 plus the pole and the cost of running power to the pole.

**Paul Jemelian, Atherton, said an automatic shut off was designed into the system, as well as a manual shutoff. There were unique, different layers in place to prevent failures.**

**Berna Davis, Atherton, urged Council to approve the request. She asked for Council's ongoing support. June 1 was the target date to have a drill, which coincided with the beginning of fire season.**

**MOTION – to augment the Walsh Road Disaster Preparedness Project budget by \$5,500**

**M/S McKeithen/Carlson**

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

**By Consensus, Council agreed to move Item Nos. 21 forward to be heard before Item No. 18, with Item No. 20 following Item No. 21.**

**21. ADOPT THE STATEMENT OF INVESTMENT POLICY AND RESCIND THE INVESTMENT POLICY ADOPTED ON NOVEMBER 1, 2008**

**Finance Director Louise Ho said the reason for restating the Investment Policy was because the existing policy was very limited. MBIA, the Town's consultant, recommended adopting a Statement of Investment Policy in order to go forward with the Town's investment goals. The Investment Policy was just a guideline and conformed to state code. The priority of MBIA was to ensure safety, liquidity and risk. A broader investment policy would allow for diversification of assets. She highlighted the differences between the new policy and the one adopted on November 1, 2008.**

**Council Member Dobbie asked whether there was any chance of getting back any of the Town's losses.**

**Finance Director Ho said she added Atherton to the group in San Mateo County requesting relief. A discussion was taking place in Congress, and the areas Senator would be involved in the hearing to address the issue.**

**MOTION – to adopt the Statement of Investment Policy and Rescind the Investment Policy Adopted on November 1, 2008**

**M/S McKeithen/Lewis**

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

**20. APPROVAL OF SPRINGBROOK SOFTWARE LICENSE AGREEMENT, SPRINGBROOK SOFTWARE MAINTENANCE AGREEMENT, AND AUTHORIZE THE CITY MANAGER TO SIGN BOTH CONTRACTS (*This item was continued from the City Council meeting of February 18, 2009*)**

**Council Member Dobbie asked whether staff had contacted any other cities/towns that had experience with the software.**

**Finance Director Louise Ho said both she and the City Manager had experience with the software in previous jurisdictions. The City of St. Helena was in the implementation stage at the current time.**

**City Manager Jerry Gruber had experience with changing from one software system to Springbrook. The change over was the most challenging part; however, he was excited about what the software would do for the organization in the areas of efficiency and effectiveness.**

**Council Member Lewis said staff needed to have the right tools to do its job and the Town needed to invest in its staff.**

**MOTION – to approve the Springbrook Software License Agreement, Springbrook Software Maintenance Agreement, and Authorize the City Manager to Sign both contracts.**

**M/S McKeithen/Dobbie**

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

**19. REQUEST FOR PROPOSAL FOR PROFESSIONAL OPINION RESEARCH SURVEY AND COMMUNICATION STRATEGY CONSULTING SERVICES**

**City Manager Jerry Gruber said staff recommended the Godbe Research firm for the opinion survey. Three firms were considered and Godbe had the best price and the best record of success.**

**Assistant City Manager Eileen Wilkerson said the price included a 300-registered voter telephone survey.**

**Both Council Member Dobbie and Council Member Lewis thought a bigger sample was needed. Council Member Dobbie suggested organizing a citizen group to do a much larger survey.**

**Vice Mayor McKeithen thought a professional group was needed because the issue was too important.**

**Council Member Lewis thought residents' outreach might be better.**

**Council Member Marsala thought the independent agency numbers would not be biased. Residents would be making a huge mind shift, and impartiality was needed.**

**City Attorney Wynne Furth said one issue to keep in mind was that one reason public agencies use a service was because of the obligation not to become engaged in campaign activities for or against a ballot measure.**

**Mayor Carlson supported the idea mainly because of timing and resources.**

**MOTION – to approve a professional services agreement with GODBE Research, Inc. for professional opinion research survey and communication strategy consulting**

services and that the Council authorize the City Manager to execute an agreement in an amount not to exceed \$19, 550.00

Larry Sweeney, Atherton, was not sure a good distribution of representation would be achieved though a telephone survey. He suggested supplementing a mail survey so people could respond.

M/S Carlson/McKeithen

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

A discussion on scheduling a Special meeting ensued for the remainder of items. Two additional items would be included on the agenda: 1) Forming an ad hoc committee for legal transition, and 2) Discussion regarding concluding Council meetings at a set time.

18. **ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR BUDGET ADJUSTMENTS FOR FISCAL YEAR 2008-2009** *(This item was continued from the City Council meeting of February 18, 2009.)*

The item was continued to a Special meeting, date and time to be determined.

22. **PROCEDURES FOR COUNCIL MEMBERS TO REQUEST AN ITEM BE PLACED ON A CITY COUNCIL AGENDA**

The item was continued to a Special meeting, date and time to be determined.

23. **APPOINTMENT OF DESIGNATED CITY COUNCIL REPRESENTATIVES FOR NEGOTIATIONS WITH THE CITY MANAGER**

The item was continued to a Special meeting, date and time to be determined.

24. **DISCUSSION AND POSSIBLE ACTION REGARDING COMMITTEE/COMMISSION PROCESS AND SCHEDULING A SPECIAL MEETING FOR INTERVIEWS**

The item was continued to a Special meeting, date and time to be determined.

25. **REVISE CITY COUNCIL RESOLUTION 09-09 BY AMENDING THE RESOLUTION TO REQUIRE REGULARLY SCHEDULED MONTHLY FINANCE COMMITTEE MEETINGS**

The item was continued to a Special meeting, date and time to be determined.

26. **COUNCIL REPORTS**

The item was continued to a Special meeting, date and time to be determined.

27. **PUBLIC COMMENTS**

**John Ruggeiro, Atherton, said he and Ms. Jean Schaaf were present for Item No. 24. He requested that Council scheduled that item first on the rescheduled meeting.**

**Jean Schaaf, Atherton, expressed displeasure at another postponement. She believed the committee reorganization was unnecessary.**

**City Manager Jerry Gruber introduced and welcomed new Executive Assistant/Deputy City Clerk Theresa DellaSanta who was in the audience.**

**28. ADJOURN**

**Mayor Carlson adjourned the meeting at 10:26 p.m.**

**Respectfully submitted,**

---

**Kathi Hamilton  
Acting City Clerk**