



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT

MAY 19, 2004

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

- 7:00 P.M. 1. **PLEDGE OF ALLEGIANCE**
- 7:03 P.M. 2. **ROLL CALL** Janz, Marsala, Carlson, McKeithen, Conwell
- 7:05 P.M. 3. **PRESENTATIONS**
- A. Certificates of Appreciation for Outgoing Commission and
Committee Members
- B. C/CAG Presentation on Traffic Congestion Study
- C. Recognition of Retiring City Clerk
- 7:20 P.M. 4. **COUNCIL REPORTS**
- 7:30 P.M. 5. **PUBLIC COMMENTS** (only for items which are not on the agenda –
limit of three minutes per person)
- 7:40 P.M. 6. **STAFF REPORTS**
- 7:50 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Per
Resolution No. 02-31)
- No Report.
- 7:50 P.M. **CONSENT CALENDAR** (ITEMS 8 – 16)
8. **APPROVAL OF MINUTES OF REGULAR AND SPECIAL
MEETINGS OF APRIL 21, 2004**
9. **APPROVAL OF BILLS AND CLAIMS FOR APRIL 2004 IN THE
AMOUNT OF \$860,134**

10. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR APRIL 2004

11. APPROVAL OF AMENDED STREET CENTERLINE MARKING LIST

Recommendation: Approve the amended Centerline Marking List to include a single stripe on Greenoaks Drive from Oak Grove Road to 170 Greenoaks Drive.

12. ADOPT A RESOLUTION RECOMMENDING THAT THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT IMPOSE CHARGES FOR FUNDING THE 2004/05 COUNTYWIDE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM

Recommendation: Adopt a resolution recommending that the San Mateo County Flood Control District impose charges for funding the 2004/05 Countywide National Pollution Discharge Elimination System (NPDES) General Program

13. APPROVE THE RECORDATION AND REMOVAL OF THE OLD GAZEBO IN HOLBROOK-PALMER PARK

Recommendation: Authorize Park staff to record by digital photography and remove the old gazebo in Holbrook-Palmer Park.

14. APPROVE PURCHASE OF TASER DEFENSIVE WEAPON FOR POLICE DEPARTMENT

Recommendation: Approve authorization of funds to cover the 50 percent matching grant provided by ABAG for the purchase of 20 Taser defensive weapon stun guns.

15. APPROVAL OF PLANS AND SPECIFICATIONS BARRY LANE – ATHERTON CHANNEL BOX CULVERT REPLACEMENT

Recommendation: Approve the plans and specifications for the Barry Lane – Atherton Channel Box Culvert Replacement, Project 03-006.

16. REQUEST TO REFER THE REVIEW OF THE SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES TO THE GENERAL PLAN COMMITTEE

Recommendation: Refer the review of the setback requirements for accessory structures to the General Plan Committee.

REGULAR AGENDA (Items 17 – 23)

- 8:00 P.M. 17. CONSIDER ADOPTION OF A RESOLUTION ADOPTING A DRAFT TRANSPORTATION EXPENDITURE PLAN**

Recommendation: Hear presentation by San Mateo County Transportation Authority and consider adoption of a resolution adopting the Draft Transportation Expenditure Plan.

- 8:20 P.M. 18. PARCEL TAX DISCUSSION – SET PUBLIC HEARING DATE FOR AN ORDINANCE CALLING AN ELECTION TO SUBMIT TO THE VOTERS AN ORDINANCE AUTHORIZING THE LEVY OF A SPECIAL TAX FOR MUNICIPAL SERVICES AND CAPITAL IMPROVEMENTS**

Recommendation: After consideration, set public hearing date for an ordinance calling an election to submit to the voters an ordinance authorizing the levy of a special tax for municipal services and capital improvements.

- 9:00 P.M. 19. CONSIDER ADOPTION OF A RESOLUTION FOR APPROVAL OF LIBRARY STAFF AND SERVICES AGREEMENT AND AMENDED LIBRARY JPA AGREEMENT**

Recommendation: Approve the proposed amendments to the original San Mateo County Library Joint Powers Authority Agreement in the form of the new First Restated Joint Powers Agreement, adopt the resolution approving the new Agreement, and authorize the Mayor to sign and execute the Agreement on behalf of the Town.

- 9:15 P.M. 20. CONSIDER RECOMMENDATION FROM PARKS AND RECREATION COMMISSION AND THE ADOPTION OF A RESOLUTION TO SUPPORT ENABLING LEGISLATION FOR A COUNTYWIDE SPECIAL PARK AND RECREATION DISTRICT**

Recommendation: Consider the recommendation of the Atherton Park and Recreation Commission and adopt a resolution to support enabling legislation to create a countywide special park district.

- 9:30 P.M. 21. CONSIDER REQUEST FOR MEMBERSHIP IN THE PENINSULA POLICY PARTNERSHIP**

Recommendation: Consider the request of the Peninsula Policy Partnership (P³) to join membership at the dues rate of \$2,000 and provide direction to staff.

9:40 P.M. 22. APPROVAL OF RESPONSE TO THE CALTRAIN
ELECTRIFICATION DRAFT ENVIRONMENTAL
ASSESSMENT/ENVIRONMENTAL IMPACT REPORT

**Recommendation: Approve a response to the Caltrain Electrification
Draft Environmental Assessment / Environmental Impact Report.**

9:50 P.M. 23. CONSIDER REQUEST TO REFER THE REVIEW OF BUILDING
PERMIT REQUIREMENTS TO INCLUDE PAVING PROJECTS TO
THE GENERAL PLAN COMMITTEE

**Recommendation: Refer the review of Building Permit requirements for
Paving Projects to the General Plan Committee.**

10:00 P.M. 24. PUBLIC COMMENTS

10:15 P.M. 25. ADJOURNMENT

Agendas and staff reports may be accessed on the Town website at: www.ci.atherton.ca.us

☛ Please contact the City Clerk's Office at 650.752.0529 with any questions

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 752-0529. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)



**DRAFT MINUTES
ATHERTON CITY COUNCIL
April 21, 2004
6:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting**

Mayor McKeithen called the meeting to order at 6:05 p.m.

ROLL CALL

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

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

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

The Council adjourned to Closed Session at 6:10 p.m.

RECONVENE TO OPEN SESSION

The Council reconvened to Open Session at 6:50 p.m. The following action was taken:

- A. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Government Code Section 54956.9 (a)**
- 1. Richard T. LemMon v. Town of Atherton
San Mateo County Superior Court, Case No. 433473**
 - 2. Teamsters Local 856 v. City of Atherton
San Mateo County Superior Court, Case No. 429950**

There was no reportable action on these items.

- B. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation
Initiation of litigation pursuant to Government Code Section 54956.9(c)
1 potential case.**

No reportable action.

- C. LIABILITY CLAIM - Government Code Section 54956.95**

Claimant: Maryann Bloomquist

Agency Claimed Against: Town of Atherton

The Council unanimously denied the claim.

ADJOURN

The meeting adjourned at 6:55 p.m.

Respectfully submitted,

Kathy McKeithen, Mayor



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

APRIL 21, 2004

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor McKeithen called the meeting to order at 7:00 p.m.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**

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

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

3. **PRESENTATIONS**

- A. **A Proclamation Declaring Arbor Day on April 24, 2004 was presented by Mayor McKeithen. Tree Committee Chair Denise Kupperman announced Arbor Day activities. Marion Oster announced a walk-a-thon through the Lindenwood area on May 22, sponsored by the Menlo Rotary Club. A part of the proceeds will go to the Atherton Tree Committee.**
- B. **A Proclamation Declaring May 3 to May 9, 2004 Mosquito and Vector Control and West Nile Virus Awareness Week was presented by Mayor McKeithen.**

4. **COUNCIL REPORTS**

- **Vice Mayor Conwell announced that the San Francisco Airport Roundtable did not meet this month. He reported on a Criminal Justice Commission meeting he attended today. The Commission received a presentation on programs for people coming out of the prison system.**

- Council Member Carlson attended a Caltrain Corridor Subcommittee meeting last night, along with Council Member Janz. He represented Atherton, along with Chief Brennan and Vice Mayor Conwell, at the Little League Opening Day activities.
- Council Member Marsala reported on the County Library Joint Powers meeting. The JPA will begin recruiting for a new Library Director. The Arts Committee held a “Tiffany” event recently with a presentation by the Director of the Palo Alto Tiffany store. The Arts Committee is currently planning the Big Daddy Jazz event which will be held on June 20. Council Member Marsala also reported that a bench will be dedicated to former Park and Recreation Commissioner Henry Cartan. He reported on the proposed special park district which the County is looking into. He will attend the Spring Assembly of ABAG next week.
- Council Member Janz reported on the Caltrain Corridor Subcommittee meeting held last night. On April 1 he attended, along with other representatives from the Subcommittee, a Caltrain Joint Powers Board meeting where the new Baby Bullet schedule was enacted. As a result of actions by the Subcommittee, the JPB implemented limited service (express) for Atherton, as well as hourly service. The JPB will review the newly created service levels in the next six months. Other issues at Subcommittee meeting included discussion on Quiet Zones, the Draft High Speed Rail EIR, and the electrification program. Council Member Janz attended a meeting last Friday on noise issues related to the use of the fields at Menlo School and Menlo College. The May 21, 2004 Council of Cities dinner meeting will be hosted by Atherton. He asked staff to look into facilities other than the Pavilion for the meeting.
- Mayor McKeithen reported on the Transportation Committee meeting held April 13. The Committee approved a permanent no parking zone on Oak Grove Avenue (on tonight’s agenda), and discussed local shuttle service. The Committee determined that unless the City Council decides otherwise, the shuttle service would not provide enough service for the cost. The Emergency Services Commission meets tomorrow, April 22 at 5:30 p.m. in the Jury Room, County Center. Mayor McKeithen attended readings at Laurel School recently. The Screening Committee met last week and interviewed applicants for various commission and committee vacancies. Appointments are on this agenda. The Audit Committee has met on a weekly basis to discuss issues the Town needs to address when considering the upcoming parcel tax. The Atherton Channel Drainage District Subcommittee has not met, but Public Works Director Duncan Jones and Marts Beekley recently walked the Channel with the Army Corps of Engineers and the Department of Fish and Wildlife. The District will be required to respond to Fish and Wildlife on several issues.

5. PUBLIC COMMENTS

John Sisson, Atherton, spoke from the audience.

6. STAFF REPORTS

- **City Manager Jim Robinson reported that Assistant to the City Manager Linda Kelly is out on maternity leave. He introduced Greg Sam, who will fill in for Linda as Interim Assistant to the City Manager. He also introduced Kathi Hamilton who will serve as Interim City Clerk upon the retirement of City Clerk Sharon Barker in June.**
- **The City Manager announced that the League ballot measure on the protection of local property taxes has qualified for the November ballot.**
- **City Attorney Marc Hynes reported out from the Closed Session held at 6:00 p.m.:**

**A. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Government Code Section 54956.9 (a)**

- 1. Richard T. LemMon v. Town of Atherton
San Mateo County Superior Court, Case No. 433473**
- 2. Teamsters Local 856 v. City of Atherton
San Mateo County Superior Court, Case No. 429950**

There was no reportable action on either item.

**B. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation
Initiation of litigation pursuant to Government Code Section 54956.9(c)
1 potential case.**

No reportable action.

C. LIABILITY CLAIM - Government Code Section 54956.95

**Claimant: Maryann Bloomquist
Agency Claimed Against: Town of Atherton**

The Council unanimously denied the claim.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Atherton Civic Interest League President Bob Jenkins presented a six month Progress Report. He announced the 57th annual Town meeting which will be held on May 6. Jerry Carlson gave a brief report on the formation of the Selby Lane School Education Foundation. A carnival sponsored by the Foundation will be held May 1, 11:30 a.m. to 4:30 p.m. at the School.

CONSENT CALENDAR

Mayor McKeithen thanked Denise Kupperman and Joan Dolan for their offer to develop a Park Landscape Master Plan and announced the Charette which will be held on May 1. The City Manager noted a correction to Item 11 on the agenda face. The bid amount should read \$90,069.90.

It was requested that Item 13 be removed from the Consent Agenda and placed on the Regular Agenda.

MOTION – to approve the items on the Consent Agenda with the exception of Item 13 which was placed on the Regular Agenda.

M/S Janz/Conwell

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

8. APPROVED MINUTES OF SPECIAL MEETINGS OF MARCH 2, 2004 AND MARCH 17, 2004 AND REGULAR MEETING OF MARCH 17, 2004

9. APPROVED BILLS AND CLAIMS FOR MARCH 2004 IN THE AMOUNT OF \$733,294

10. ACCEPTED MONTHLY FINANCIAL REPORT FOR MARCH 2004

11. AWARDED CONTRACT FOR THE HOLBROOK-PALMER PARK MAIN HOUSE WHEELCHAIR LIFT PROJECT NO. 03-009

Awarded the contract for the Holbrook-Palmer Park, Main House Wheelchair Lift Project, Project No. 03-009, to George Bianchi Construction, Inc., low bidder on the April 14, 2004 bids, in the amount of \$90,068.90, and rejected the bid from River City Construction due to bid irregularities.

12. APPROVED THE AGREEMENT FOR LANDSCAPE DESIGN SERVICES BETWEEN THE TOWN OF ATHERTON AND JOAN K. DOLAN / DENISE KUPPERMAN FOR PREPARATION OF A LANDSCAPE MASTER PLAN FOR HOLBROOK-PALMER PARK

Authorized the Mayor to execute an agreement with Joan K. Dolan and Denise Kupperman to provide landscape design services for the preparation of a Landscape Master Plan for Holbrook-Palmer Park.

**13. *Removed from Consent Agenda, See Regular Agenda.*
APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE PATCH, SEAL, AND OVERLAY PROJECT**

14. APPROVED PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE 2005 STREET RECONSTRUCTION PROJECT

Approved the plans and specifications and authorized advertisement for bids for the 2005 Street Reconstruction Project, Project No. 03-011.

15. ADOPTED RESOLUTION NO. 04-05 AUTHORIZING A PERMANENT NO PARKING ZONE ON OAK GROVE AVENUE

MOTION – to accept the recommendation of the Screening Committee to appoint the following residents:

Planning Commission: Kristi Waldron
(Four year terms) James Dobbie

General Plan Committee: Phil Lively
(Two year term)

Park and Recreation Commission: Shirley Carlson (reappointment)
(Four year term)

Audit Committee: Mason Brutschy
(Three year terms) Michael Barsotti
Dr. Sam Goodman

M/S Carlson/Janz Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

18. REPORT FROM ATHERTON AUDIT COMMITTEE ON THE OPTIONS RELATED TO A PARCEL TAX REAUTHORIZATION MEASURE

Marc Hebert, Atherton Audit Committee Chair, presented a report on the options related to a parcel tax reauthorization measure. He stated that the Audit Committee, at the direction of the City Council, has taken on this special project to review the options made available to the City Council at the February 18, 2004 meeting. The objectives of the report included: 1) assess whether the Finance Department's projections made in a report to the Council were reliable in view of the assumptions made and the analytic techniques employed, 2) evaluate at what level and duration a parcel tax reauthorization should be proposed on the November ballot, and 3) suggest certain cost savings and communication techniques and strategies that the Council should consider employing in providing information to the community. Chair Hebert explained that the report was approved by the Audit Committee on a 4 to 1 vote, with one member abstaining from the process.

The Committee recommended that the parcel tax be increased at 50% of the level that the Finance Department determined is necessary to maintain current service levels. The recommendation would mean an average increase of 22% to the current parcel tax.

Finance Director John Johns discussed possible methods of capturing additional revenues by changing administrative procedures utilized to collect business licenses. It was agreed that the Town's fee structure should be examined on a regular basis.

The various assumptions used by the Audit Committee within the report were discussed including the County's reappraisal of property for tax purposes.

Vice Mayor Conwell requested that dollar amounts be attached to the revenue enhancements and cost reductions proposed in the Audit Committee report.

Mayor McKeithen asked staff to produce a list of all cost containments, including those funded by grants, that were enacted in the last four years.

Discussion was held regarding how the Council will work through the process of placing the parcel tax on the ballot. It was agreed that this is the first step in the process and that a more detailed review will need to take place. Council Member Carlson suggested that a special joint study session be held with the City Council and the Audit committee to work on the process. He stated the need to develop a dollar amount for the parcel tax as well as a plan to accompany the dollar amount.

Mayor McKeithen asked for public comments. John Rugeiro, Arlan Kertz and Jerry Carlson spoke from the audience.

The City Manager reported on the Menlo Park Fire Protection District proposal to have a special assessment mailed ballot as opposed to a parcel tax on in November.

A Special Meeting for a Study Session was set for Wednesday, May 12 at 6:00 p.m. in the Council Chambers.

19. DISCUSSION AND POSSIBLE ACTION RELATED TO NOISE ISSUES / FIELD ACTIVITIES AT MENLO COLLEGE AND MENLO SCHOOL

City Manager Jim Robinson presented the staff report for this item. Staff members and Council Member Janz met with two residents of Brittany Meadows and representatives from Menlo College to discuss noise issues related to athletic events held at Menlo College and Menlo School. The primary concern was related to noise emanating from the batting cages and noise occurring during football practice. He reported that some progress had been made as a result of the meeting. Another meeting will be held April 27 at 10:00 a.m. at Menlo College with representatives of Menlo College, Menlo School, adjoining neighbors, the City Manager and Police Lieutenant. He reported that some progress had been made and that the College agreed to cooperate.

Mayor McKeithen called for a short break at 9:45 p.m. The Council reconvened at 9:55 p.m.

20. DISCUSSION AND POSSIBLE ACTION REGARDING DISPOSITION OF HOLBROOK-PALMER PARK CHILDREN'S PLAYGROUND CAPITAL PROJECT FUNDS

Finance Director John Johns presented the staff report for this item. In May 2001, Ms. Michelle Dollinger and other residents raised funds to build a new children's playground at Holbrook-Palmer Park. Construction was completed in June 2003 but the remaining funds were held in reserve pending disposition of additional minor modifications to the playground. The staff report contained a table representing funds received that were in excess of the project expenses as well as three options for disbursement of the remaining funds.

In response to Vice Mayor Conwell, Finance Director Johns stated there was no written contract between the Town and the project donors. City Manager Jim Robinson stated that a letter had been received by the Town from Michelle Dollinger regarding disposition of funds she had provided as seed money to get the project started. It was stated that there had been a verbal agreement between the former Interim City Manager and Michelle Dollinger to reimburse Ms. Dollinger once the project was completed.

The City Manager stated that letters were sent to five or six people who donated later on asking them if they minded if surplus funds went toward maintenance of the Playground equipment. The Town has not received any responses.

City Attorney Marc Hynes stated that questions to be considered include were there any legal conditions on the gift and if so, have the conditions been met?

Council Member Janz read a letter from former council member Didi Fisher regarding the funds received from Michelle Dollinger.

Michelle Dollinger, Atherton, spoke from the audience. She read a letter addressed to the City Council. She stated there was no agreement to provide maintenance costs with the surplus project monies.

Allison Ross, Atherton, spoke from the audience.

Council Member Carlson suggested having the City Attorney secure documentation to support the unwritten understanding.

Dave Dollinger, Atherton, spoke from the audience.

MOTION – to approve a refund to Michelle Dollinger in the amount of \$29,493, subject to the Town receiving a statement of conditional grant from Ms. Dollinger that meets with the City Attorney’s requirements. Upon receipt of the approved statement, the City Manager would be authorized to release the funds.

M/S Conwell/McKeithen

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

21. CONSIDERATION OF GRANT REQUEST FROM SUSTAINABLE SAN MATEO COUNTY

City Manager Jim Robinson presented the staff report for this item. Sustainable San Mateo County is a non-profit public benefit public corporation seeking funding to help support production of an annual report entitled “Indicators for a Sustainable San Mateo County”. The Town has received a request for a grant in the amount of \$1,500 to assist in the project.

The Council agreed to take no action.

22. PUBLIC COMMENTS

There were no public comments.

23. ADJOURNMENT

The meeting adjourned at 10:54 p.m.

Respectfully submitted,

Sharon Barker, City Clerk

TOWN OF ATHERTON

CLAIMS LIST

April, 2004

Payroll Checks	3931 - 4085	\$ 44,823
Electronic Transfers		353,075
A/P Checks	17333 - 17524	462,235
	TOTAL	\$ 860,134

I, James H. Robinson, City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 3931 - 4085 (payroll) and 17333 - 17524 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$ 860,134; are true and correct, and that there are sufficient funds for payment.

James H. Robinson
City Manager

The above claims, check numbers 3931 - 4085 (payroll) and 17333 - 17524 (accounts payable), and electronic transfers for employees federal payroll taxes and fees, inclusive, amount to \$ 860,134; are true and correct, and are authorized for payment.

Kathy McKeithen
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	672,420
105	Tennis Fund	
201	Special Parcel Tax	15,534
202	Transportation	
203	Gas Tax Fund	
210	Road Construction Impact Fees	104,325
211	Park Grants Fund	224
213	Library Special Revenue Fund	4,227
401	General Capital Projects	5,800
402	Storm Drainage	
403	Atherton Channel District	
404	Park Playground Improvement	
406	Facilities Construction	896
610	Vehicle Replacement	
611	Computer Maint. & Replacement	49,030
612	Administrative Services	4,060
614	Workers Compensation Insurance	
715	Evans Estate	3,618
	TOTAL	860,134



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JOHN P. JOHNS, FINANCE DIRECTOR

DATE: FOR THE MEETING OF MAY 19, 2004

SUBJECT: MONTHLY FINANCIAL REPORT, APRIL 2004

RECOMMENDATION:

Receive the Monthly Financial Report for April 2004.

INTRODUCTION:

The attached schedules show revenues and expenditures and fund balance for all funds as of April 30th, 2004.

HIGHLIGHTS

General Fund expenditures for the ten months ended April 30th, 2004 have amounted to \$5,857,172 or 77% of the \$7,596,290 budgeted for the fiscal year. For the ten months ending April 30th, 2004, General Fund revenues have amounted to \$6,266,156 or 80% of the \$7,841,362 estimated for the year. By comparison, General Fund expenditures amounted to 81% of budgeted expenditures for the first ten months of FY 2002-03. Additionally, General Fund revenues amounted to 81% of total budgeted revenues for the first ten months of FY 2002-03.

FISCAL IMPACT:

None

Prepared by:

Approved by:

s/John P. Johns
John P. Johns
Finance Director

s/James H. Robinson
James H. Robinson
City Manager

TOWN OF ATHERTON
Revenue Summary
For the Month ended April 30th, 2004

Fund	Revenue Source	2003-04 Estimate	Current Period Revenues	Year to Date Revenues	% Received
	Property Tax	\$ 3,035,934	140,456	\$ 2,922,726	96%
	Sales and Use Tax	200,640	4,615	121,888	61%
	Other Taxes	882,115	100,372	699,291	79%
	Licenses & Permits	1,541,673	227,777	1,340,658	87%
	Fines & Forfeitures	70,000	5,200	57,356	82%
	Revenue from Other Agencies	139,000	4,314	105,283	76%
	Charges for Services	472,700	13,034	262,830	56%
	Investment & Rental Income	347,300	5,359	165,430	48%
	Other Revenues	3,000	1,212	16,214	540%
	Total General Fund Revenues	6,692,362	502,338	5,691,676	85%
	Interfund (Operating) Transfers In	1,149,000	574,480	574,480	50%
101	General Fund Total	7,841,362	1,076,818	6,266,156	80%
Special Revenue Funds:					
105	Tennis	9,000	2,050	12,390	138%
201	Special Parcel Tax	1,770,000	92,904	1,649,990	93%
202	Transportation	177,740	17,820	142,394	80%
203	Street Improvement (Gas Tax)	149,309	23,237	128,564	86%
209	Law Enforcement	100,000	-	100,416	100%
210	Road Construction Impact Fees	340,000	74,444	379,963	112%
211	State Park Grants Fund	93,040	-	-	0%
213	Library	200,000	-	92,550	46%
	Total	2,839,089	210,455	2,506,267	88%
Capital Project Funds:					
401	Capital Improvement	-	-	-	
402	Storm Drainage	-	-	-	
403	Channel Drainage District	46,000	1,983	40,188	87%
404	Park Playground Improvement	-	2,850	1,500	0%
405	Middlefield Road Grants	-	-	1,514	
406	Facilities Construction	-	-	-	
	Total	46,000	4,833	43,202	94%
Internal Service Funds:					
610	Vehicle Replacement	-	-	-	
611	Information Technology	96,043	-	30,782	32%
612	Administrative Services	283,128	-	64,011	23%
614	Workers Compensation Insurance	-	-	5,436	
	Total	379,171	-	100,229	26%
Trust and Agency Funds:					
715	Evans Creative Design	74,000	1,429	27,170	37%

TOWN OF ATHERTON
Expenditure Summary
For the Month Ended April 30th, 2004

Fund	Description Department	2003-04 Budget	Current Period Expenditures	Year to Date Expenditures	% Spent
101	General Fund				
	11 City Council	\$ 20,174	\$ 186	10,326	51%
	12 City Manager	497,895	34,993	421,451	85%
	16 City Attorney	175,551	9,107	88,435	50%
	18 Finance	434,137	24,858	312,958	72%
	25 Building	952,873	56,395	646,319	68%
	40 Police	3,629,233	260,461	3,020,063	83%
	50 Public Works	1,786,427	116,313	1,348,878	76%
	Contingency	100,000	2,963	8,742	9%
	Total General Fund Expenditures	<u>7,596,290</u>	<u>505,276</u>	<u>5,857,172</u>	<u>77%</u>
	Interfund (Operating) Transfers Out	-	-	-	0%
101	General Fund Total	<u>\$ 7,596,290</u>	<u>\$ 505,276</u>	<u>\$ 5,857,172</u>	<u>77%</u>
Special Revenue Funds:					
105	Tennis	22,936	959	12,062	53%
201	Special Parcel Tax	1,986,917	75,231	1,052,691	53%
202	Transportation	177,740	-	123,789	70%
203	Street Improvement (Gas Tax)	180,080	-	37,107	21%
209	Law Enforcement	100,000	9,272	94,280	94%
210	Road Impact Fees	588,682	45,035	453,353	77%
211	State Park Grants	81,660	-	6,653	8%
213	Library Fund	15,720	848	35,082	223%
	Total	<u>3,153,735</u>	<u>131,345</u>	<u>1,815,017</u>	<u>58%</u>
Capital Project Funds:					
401	Capital Improvement	284,451	-	43,892	15%
402	Storm Drainage	25,713	-	-	0%
403	Channel Drainage District	411,554	112	43,736	11%
404	Park Playground Fund	-	-	637	-
405	Middlefield Road Grants	-	-	-	-
406	Facilities Construction	287,267	713	45,256	16%
	Total	<u>1,008,985</u>	<u>825</u>	<u>133,521</u>	<u>13%</u>
Internal Service Funds:					
610	Vehicle Replacement	10,000	-	73,249	732%
611	Information Technology	107,500	9,175	87,919	82%
612	Administrative Services	328,151	12,454	221,175	67%
614	Workers Compensation Insurance	-	-	-	-
	Total	<u>445,651</u>	<u>21,629</u>	<u>382,343</u>	<u>86%</u>
Trust and Agency Funds:					
715	Evans Creative Design	62,100	3,911	25,636	41%
	Total	<u>62,100</u>	<u>3,911</u>	<u>25,636</u>	<u>41%</u>
	Total Expenditures	<u>12,266,761</u>	<u>662,986</u>	<u>8,213,689</u>	<u>67%</u>

TOWN OF ATHERTON
Budget Summary
Fiscal Year 2003-04
As of April 30th, 2004

Fund	Description	Beginning Fund Balance July 1, 2003	Revenues to Date	Transfers to Date	Expenditures To Date	Ending Fund Balance to Date
101	General Fund	5,284,633	5,691,676	574,480	5,857,172	5,693,617
	Special Revenue Funds:					
105	Tennis	10,543	12,390		12,062	10,871
201	Special Municipal Tax	895,443	1,649,990		1,052,691	1,492,742
202	Transportation	14,728	142,394		123,789	33,333
203	Street Improvement (Gas Tax)	126,605	128,564		37,107	218,062
209	Law Enforcement	22,911	100,416		94,280	29,047
210	Road Construction Impact Fees	650,346	379,963		453,353	576,956
213	Library Special Revenue Fund	723,832	-		35,082	688,750
	Sub Total	<u>2,444,408</u>	<u>2,413,717</u>	<u>-</u>	<u>1,808,364</u>	<u>3,049,761</u>
	Capital Projects Funds:					
401	Capital Improvement	358,152	-		43,892	314,260
402	Storm Drainage	48,225	-		-	48,225
403	Channel Drainage District	405,865	40,188		43,736	402,317
404	Park Playground Improvement	28,958	1,500		637	29,821
405	Middlefield Road Grants	-	1,514		-	1,514
406	Facilities Construction	274,654	-		45,256	229,398
	Sub Total	<u>1,115,854</u>	<u>43,202</u>	<u>-</u>	<u>133,521</u>	<u>1,025,535</u>
	Internal Service Fund					
610	Vehicle Replacement	402,633	-		73,249	329,384
611	Information Technology	78,723	30,782		87,919	21,586
612	Administrative Services	134,052	64,011		221,175	(23,112)
614	Workers Compensation Insurance	-	5,436		-	5,436
	Sub Total	<u>615,408</u>	<u>100,229</u>	<u>-</u>	<u>382,343</u>	<u>333,294</u>
	Trust and Agency Funds					
715	Evans Creative Design	<u>116,028</u>	<u>27,170</u>		<u>25,636</u>	<u>117,562</u>
	Sub Total	<u>116,028</u>	<u>27,170</u>	<u>-</u>	<u>25,636</u>	<u>117,562</u>
	Grand Total	<u>\$ 9,576,331</u>	<u>\$ 8,275,994</u>	<u>\$ 574,480</u>	<u>\$ 8,207,036</u>	<u>\$ 10,219,769</u>



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MAY 19, 2004

SUBJECT: AMEND CENTERLINE MARKING LIST

RECOMMENDATION:

Amend the Centerline Marking List to include a single stripe on Greenoaks Drive from Oak Grove Road to 170 Greenoaks Drive.

INTRODUCTION:

At the request of a resident, the Lindenwood Homeowner's Association (LHA) discussed the need for a centerline stripe on the sharp curve adjacent to 163 Greenoaks Drive. The purpose of the stripe is to guide drivers to stay in the correct lane around the curve. Town Staff from Police and Public Works attended the LHA meeting. The LHA recommended to the Transportation Subcommittee that the stripe be added. Staff advised the Subcommittee that the Centerline Marking List would need to be amended in order to add the stripe. The Subcommittee discussed the item and recommends that the City Council amend the list to allow the stripe to be added. Adjoining property owners on Greenoaks have been notified of the proposed change.

ANALYSIS:

The curve on Greenoaks Drive at 163 Greenoaks is a relatively sharp curve with limited sight distance. Drivers traveling eastbound sometimes cut across into the opposite lane around the curve. Adding a stripe will guide drivers to stay in the appropriate lane.

FISCAL IMPACT:

Public Works crews will add the stripe with the Town striping machine. The cost of labor and paint will be minimal.

Prepared By:

Approved:

Duncan L. Jones
Public Works Director

James Robinson
City Manager

Attachments: Amended List

APPROVED CENTERLINE MARKING LIST

Street centerlines within the Town of Atherton shall be marked only at the locations listed and shall be of the specific type indicated.

DOUBLE YELLOW STRIPES WITH REFLECTORS AT STANDARD 24' SPACING
(* = stripes done with combination of "bott dots" and reflectors)

Alameda de las Pulgas - all*

Atherton Avenue - El Camino Real to 100 feet west of El Camino Real

Barry Lane - Atherton to Faxon, exclusive of areas with raised median barriers

Fair Oaks - Station Lane to east side of RR tracks

James Avenue - Middlefield to nearest Heather

Marsh Road - all within Town Limits

Middlefield Road - all*

Oak Grove Avenue - Middlefield to High School Driveway

SPLIT DOUBLE YELLOW STRIPES WITH REFLECTORS AT STANDARD 24' SPACING (One yellow line on each side of raised median barrier)

Atherton Avenue - Inglewood to Mercedes

Barry Lane - at Atherton

Barry Lane - at Faxon

Elena Avenue - at Elena/Faxon

Fair Oaks Lane - at El Camino Real

Fair Oaks Lane - at Middlefield

DOUBLE YELLOW STRIPES WITHOUT REFLECTORS

Emilie Avenue - Park to Valparaiso - (School zone)

Encinal Avenue - All (School Zone)

Selby Lane - 190/196 Selby Lane Cul-de-sac to Serrano - (School zone)

Stockbridge - Alameda de las Pulgas to 50 feet west of Alameda de las Pulgas

Valparaiso - all (Shared responsibility with Menlo Park)

Walsh Road - Alameda de las Pulgas to 50 feet west of Alameda de las Pulgas

Watkins - El Camino Real to 100 feet east of El Camino Real

SINGLE YELLOW STRIPES WITHOUT REFLECTORS

Alta Vista Drive - Ridgeview to Fletcher

Atherton Avenue - Alameda de las Pulgas to Inglewood and Mercedes to 100 feet west of El Camino Real

Britton Avenue - Across the frontages of numbers 131 through 191 Britton - Also paint white stripes across private driveways forming triangle at hairpin turn. White stripes to be 8" wide, parallel to and 12 feet from the centerline.

Camino al Lago - Park Lane to west side of number 228, except in intersection

Elena Avenue - Atherton to Elena/Isabella and Elena/Faxon to Valparaiso, exclusive of areas with raised median barrier

Fair Oaks Lane - El Camino Real to Station Lane and east side of railroad tracks to Middlefield, exclusive of areas with raised median barrier

Fletcher Drive - Ridgeview to Alta Vista

Glenwood Avenue - Middlefield to Laurel

Greenoaks Drive – Oak Grove Avenue to 170 Greenoaks Drive

James Avenue - Heather closest to Middlefield to Lilac

Melanie Lane - Stockbridge to end

Oak Grove - High School Driveway to Greenoaks

Oak Grove - Middlefield to Menlo Park jurisdiction

Polhemus Avenue - Alameda de las Pulgas to Euclid

Ridgeview Drive - Fletcher to Alta Vista

Ridgeview Drive/Atherton Avenue - Number 7 Ridgeview through number 397 Atherton - Ridgeview/Atherton curve

Selby Lane - Atherton to E/W Selby

Selby Lane - N/S Selby to 190/196 Selby Lane Cul-de-sac and Serrano to El Camino Real

Stockbridge - Alameda de las Pulgas to El Camino Real

Walsh Road - 100 feet west of Reservoir to 50 feet east of Belbrook

Watkins - 100 feet west of El Camino Real to Middlefield

POLICY REGARDING CHANGES TO APPROVED CENTERLINE MARKING LIST

This list shall be adopted by majority vote of the Atherton City Council

Additions, deletions and changes may be proposed or requested by members of the public, Town staff or members of the Transportation Committee or City Council, and shall be reviewed and reported upon by the Transportation Committee to the City Council, which shall have final authority to change the list.

The City Council may amend the list by a motion approved by a majority vote of its members.

Amended May 19, 2004



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JAMES H. ROBINSON, CITY MANAGER**

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE COUNCIL MEETING OF MAY 19, 2004

**SUBJECT: RESOLUTION RECOMMENDING THAT THE SAN MATEO COUNTY
FLOOD CONTROL DISTRICT IMPOSE CHARGES FOR FUNDING THE
2004/05 COUNTYWIDE NATIONAL POLLUTION DISCHARGE
ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM**

RECOMMENDATION

Adopt a resolution recommending that the San Mateo County Flood Control District impose charges for funding the Fiscal Year 2004/05 Countywide National Pollution Discharge Elimination System (NPDES) General Program.

BACKGROUND

The NPDES Program requires certain permit compliance activities be undertaken on a Countywide basis. The budget for these activities in FY 2004/05 is \$1,434,542. Each city is required to pay its proportionate share of the cost, based on a parcel charge approach. All but four cities in the County elect to pay their share of the cost by having the County collect the charge. The other four pay either from their general fund or have their own parcel tax that covers more than the County NPDES Program. Last year the fee was raised to \$6.0074 for a single family parcel, whether improved or vacant. The FY 2004/05 fee will increase to \$6.0125. In order to have the charge collected by the County, each year the Town must adopt a resolution requesting the County to do so.

FISCAL IMPACT

There is no fiscal impact to the Town.

Respectfully submitted,

Reviewed/Approved

Duncan Jones
Public Works Director

James H. Robinson
City Manager

Attachment: Resolution

RESOLUTION NO. 04 - __

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON RECOMMENDING
THAT THE SAN MATEO COUNTY FLOOD CONTROL DISTRICT
IMPOSE BASIC AND ADDITIONAL CHARGES FOR FUNDING THE EXPANDED
SCOPE OF WORK FOR THE 2004/05 COUNTYWIDE NATIONAL POLLUTION
DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PROGRAM**

WHEREAS, The Environmental Protection Agency, under amendments to the 1987 Federal Clean Water Act, imposed regulations that mandate local governments to control and reduce the amount of stormwater pollutant runoff into receiving waters.

WHEREAS, under the authority of California Porter-Cologne Water Quality Act, the State Water Resources Control Board has delegated authority to its regional boards to invoke permitting requirements upon counties and cities.

WHEREAS, in July 1991, the San Francisco Bay Regional Water Quality Control Board notified San Mateo County of the requirement to submit an NPDES Permit Application by November 30, 1992.

WHEREAS, in furtherance of the NPDES Permit Process, San Mateo County in conjunction with all incorporated cities in San Mateo County has prepared a San Mateo Countywide Stormwater Management Plan which has a General Program as a fundamental component of the Management Plan.

WHEREAS, the San Mateo Countywide Stormwater Management Plan has been submitted to the San Francisco Bay Regional Water Quality Control Board and the Management Plan has been approved by the Board and made part of the NPDES Waste Discharge Permit CA 0029921, issued September 13, 1993 and remaining in effect through June 30, 1998.

WHEREAS, the San Mateo Countywide Stormwater Management Plan and NPDES Waste Discharge Permit CA 0029921 required that San Mateo County submit a renewal application by March 31, 1998 which shall include a Stormwater Management Plan for 1998 through 2003.

WHEREAS, the Town of Atherton has accepted, adopted and committed to implement the San Mateo Countywide Stormwater Management Plan for 1998-2003 and the renewal application and Plan was submitted to the San Francisco Regional Water Quality Control Board on March 18, 1998.

WHEREAS, the San Francisco Bay Regional Water Quality Control Board, after Public Hearing, approved the Renewed NPDES Permit CAS0029921, effective July 21, 1999 and which expires July 20, 2004.

WHEREAS, the San Francisco Bay Regional Water Quality Control Board opened the NPDES Permit CAS0029921 for the San Mateo Countywide Stormwater Pollution Prevention Program to Amend the Permit to add New and Redevelopment Language (Amendment of Order 99-059), and adopted the Amendment on February 19, 2003.

WHEREAS, the San Mateo County Flood Control District Act, as amended by the State Legislature in 1992 (Assembly Bill 2635), authorized the San Mateo County Flood Control District to impose charges to fund storm drainage programs such as the NPDES County-wide General Program.

WHEREAS, the Basic Annual Charges and Additional Annual Charges for fiscal year 2004/05, when adopted, would be necessary to fund a \$1,434,542 Budget for fiscal year 2004/2005 are as follows:

Basic Annual Charges;

Single Family Residence: \$3.44/APN

Miscellaneous, Agriculture, Vacant and Condominium: \$1.72/APN

All Other Land Uses: \$3.44/APN for the first 11,000 square feet plus \$ 0.3127 per 1,000 square feet additional square feet of parcel area.

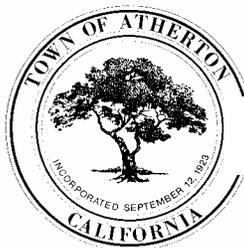
Additional Annual Charge (Adjusted Annually by C.P.I.);

Single Family Resident: \$2.5725/APN

Miscellaneous, Agriculture, Vacant and Condominium: \$1.2863/APN

All Other Land Uses: \$2.5725/APN for the first 11,000 square feet plus \$0.2320 per 1,000 additional square feet of parcel area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Town of Atherton that:



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MAY 19, 2004

**SUBJECT: RECORDATION AND REMOVAL OF THE OLD GAZEBO IN
HOLBROOK-PALMER PARK**

RECOMMENDATION:

Authorize Park staff to record by digital photography and remove the old gazebo in Holbrook-Palmer Park.

INTRODUCTION:

Item N of the 2003 Action Plan Master List of the *Strategic Park and Recreation Plan* for Holbrook-Palmer Park calls for the old gazebo to be either remodeled or removed. Park staff has evaluated the gazebo and determined that the cost to remodel would exceed the cost to replace the gazebo with a new wood structure built to match the old structure.

ANALYSIS:

The gazebo is no longer safe for use. The wood structure is rotted and not suitable for rehabilitation, so a remodel would require replacement of most of the wood parts of the gazebo. There is currently no funding source for reconstructing the gazebo. If funding becomes available in the future, the gazebo can be reconstructed from the photographs.

Staff recommended to the Park and Recreation Commission at their May 5, 2004, meeting that the gazebo be recorded and removed. The Commission unanimously agreed with the recommendation to record and to remove the gazebo.

FISCAL IMPACT:

Park staff can digitally photograph the gazebo using an existing digital camera. The photographs can be stored on a compact disc and on the Town's network server. Park staff can also remove the gazebo to a place in either a recycle or rubbish bin (depending on BFI's preference). Due to the condition of the gazebo, we estimate about five minutes to knock it down and approximately two hours to dispose of it. There would be no other costs involved.

Prepared By:

Approved:

Duncan L. Jones, P.E.
Public Works Director

James Robinson
City Manager

Attachments: Picture



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JAMES H. ROBINSON, CITY MANAGER**

FROM: CHIEF ROBERT BRENNAN

DATE: FOR THE MEETING OF MAY 19, 2004

SUBJECT: PURCHASE OF TASER DEFENSIVE WEAPON

RECOMMENDATION:

Approve the authorization of funds to cover the 50% matching grant provided by ABAG for the purchase of 20 Taser defensive weapon stun guns.

INTRODUCTION:

Police work is an inherently dangerous occupation. Over time, it has developed defensive weapons and tactics to render most situations that an officer may encounter safe, not only for himself or herself, but for the public as well. Police officers are issued tools carried on duty belts that not only diffuse a potentially combative situation, but are also there to match any offensive threat in what is known as an “escalation of force”. These encounters can often become a physical hands-on encounter that can escalate in a deadly force option because police officers do not have at their disposal the necessary variety of force options to meet these situations. Some of the most common are encounters with the mentally disturbed and those under the influence of drugs. Physical encounters not only have the chance to injure the suspect permanently or long term, but also the officers. It is important to consider additional methods and tools that provide intervention below the option of deadly force or great bodily injury, even though those deadly force options may be within policy, State and Federal Law. There have been several incidents in the Bay Area that due to the limited options by police, have ended in deadly force. The decision by police to use deadly force always comes under great scrutiny with official internal and external processes. It is with a powerful voice the public is demanding other options.

ANALYSIS:

The Taser is a defensive weapon that shoots nitrogen-charged darts that extend with wires carrying an electrical charge. The high voltage, low amperage, charge causes uncontrollable contractions of

the body's muscular tissue. It does not affect the heart or other organs in the body. Rendering the suspect incapable of a physical confrontation or eliminating his/her ability to access a weapon for a few seconds, gives the officer enough time to gain control of the situation.

The Taser is a hand held devise, deployed by a single officer. It is immediately available and allows an officer to maintain distance, temporarily incapacitates and is non-injurious as compared to impact weapons. Agencies that have deployed this weapon have seen fewer and less severe injuries to suspects and officers, reduced civil liability and complaints, reduced disability claims and retirements as well as an improved public image of the police department.

Taser International provides a lifetime guarantee on the product and carries a \$5,000,000 liability policy on their product. There is only one record of a suit involving the Taser that was the result of an inappropriate use of the weapon. The endorsement of the product through ABAG by providing grant funding is an endorsement of the reduced liability this product potentially has for all cities involved in the plan.

FISCAL IMPACT:

ABAG has agreed to fund half of the cost of the unit up to \$10,000. The cost of each unit is \$1,000 dollars. Atherton can equip all of the sworn staff by purchasing 20 units. Cost to the Town is \$10,000 with potential saving in reduced liability claims being limitless. Replacement cartridges and training cartridges can be absorbed in the current budget.

Prepared By:

Approved:

Robert J. Brennan, Police Chief

James H. Robinson, City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MAY 19, 2004

**SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS BARRY LANE -
ATHERTON CHANNEL BOX CULVERT REPLACEMENT**

RECOMMENDATION:

Pass a motion to approve the plans and specifications for the Barry Lane – Atherton Channel Box Culvert Replacement, Project 03-006.

INTRODUCTION:

The adopted Capital Improvement Program includes funds for designing and constructing enlarged replacements for existing box culverts at the Elena Avenue and Barry Lane street crossings of the Atherton Channel. The need for these replacements was made clear by waters overflowing both street crossings during the last El Nino winter and was confirmed to be very high priority in the Nolte study.

ANALYSIS:

The Elena Avenue Atherton Channel box culvert is budgeted for construction in FY 2003-04, and the Barry Lane box culvert is budgeted for construction in FY 2004-05.

The City Council approved the contract for design of both culverts at the August 21, 2002, City Council meeting. The Barry Lane box culvert plans and specifications are ready to be advertised for construction.

Permits for construction of the Barry Lane box culvert have been approved by the US Army Corps of Engineers, the California Department of Fish and Game, and the California Water Quality Control Board. Bids will be received in June for award at the July 21 City Council meeting. Construction will commence in late July.

FISCAL IMPACT:

The Engineer's Estimate for the Barry Lane - Atherton Channel box culvert project is \$188,381.50. In addition, a 10% construction contingency of \$18,838.15 would bring the total estimate to \$207,219.65, and \$210,000 from Parcel Tax funds will be budgeted for the project in the FY 2004-05.

CONCLUSION:

The plans for this project are consistent with the Capital Improvement Program and should be approved.

Prepared By:

Approved:

Duncan L. Jones, PE
Public Works Director

James Robinson
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

DATE: FOR THE CITY COUNCIL MEETING OF MAY 19, 2004

SUBJECT: REQUEST TO REFER THE REVIEW OF THE SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES TO THE GENERAL PLAN COMMITTEE.

RECOMMENDATION

Staff recommends that the City Council refer the review of the setback requirements for accessory structures to the General Plan Committee.

BACKGROUND

Atherton Municipal Code Section 17.36.050(D) currently requires a 30' setback for accessory structures when the rear property lines abut a street. On lots that do not have streets as abutting the rear property line, accessory structures are allowed to be constructed 10' from the rear property line.

REQUEST

An Atherton resident, Todd Beardsley, requests the City Council refer this item to the General Plan Committee for review. Mr. Beardsley further suggests that the above reference section should be modified to allow accessory structures to be located 10' from the rear property line on lots with rear property lines abutting the following streets; El Camino Real, Marsh Road, Middlefield Road, Valparaiso Avenue, Alameda de las Pulgas, and Bay Road. Mr. Beardsley recommends these roads as the code currently allows for the construction of an 8' tall fence along these property lines. The construction of an 8' tall fence would screen the view of an accessory structure from the public right-of-way.

Prepared By:

Approved:

Lisa Costa Sanders
Deputy Town Planner

James Robinson
City Manager

Attachments:

1. Letter of Request from Todd Beardsley dated April 29, 2004
2. Atherton Municipal Code Sections 17.36.050 and 17.36.150(B)

ATHERTON MUNICIPAL CODE:

17.36.050 Accessory structures—Yard requirements.

Accessory structures may be located within required side or rear yard setbacks but shall not be closer than ten feet to any side or rear property line, except as provided below. In addition, the following yard requirements for accessory structures shall apply:

- A. Except as provided in Sections [17.36.070](#) through [17.36.090](#) of this chapter for pools, Section [17.36.140](#) for athletic courts, and Section [17.36.165](#) for arbors and trellises, accessory structures may be located as follows:
 1. At least thirty feet behind the front line of the main building or at least one hundred twenty feet from the front property line, whichever is closer to the front property line;
 2. Behind the rear line of the main building; and
 3. On flag lots, to the front yard setback of the main residence upon issuance of a conditional use permit
- B. All boundaries of accessory structures shall be located at least eight feet from any wall of the main dwelling.
- C. On corner lots and lots with three property lines abutting a street, accessory structures shall comply with side yard setback requirements for main buildings along any side yard and extension thereof into the rear yard where the side of the lot abuts a street
- D. On lots with both front and rear property lines abutting a street, accessory structures shall not be located within thirty feet of the rear property line
- E. Stables shall not be located within forty feet of any building intended or used for human habitation on the same lot, shall not be located within forty feet of any property line, and shall not be located within eighty feet of any building intended or used for human habitation on an adjoining lot. (Ord. 496 §1, 1997; Ord. 469 § 1(C), 1992; Ord. 454 § 1, 1990; Ord. 442 § 8, 1989; Ord. 407 § 5-2, 1985).

17.36.150 Fence requirements.

- A. Except as provided in subsection B of this section and in subsection 17.36.140(B) of this chapter, no fence or wall (other than a wall supporting a permitted structure) shall be over six feet in height from the natural grade on the property on which it stands. Notwithstanding the foregoing limitation, it is permissible to maintain a light, not exceeding eighteen inches in height, at the top of any entry or exit gate post.
- B. On those lots which have a boundary coincident with a town boundary, except where the boundary is a street, or on those lots adjoining a public or private school or the Southern Pacific right-of-way, a fence or wall may be constructed on such coincident boundary or on the boundary which borders such school or right-of-way, up to a height of eight feet above the elevation of the natural grade upon which it stands.
 1. On those lots adjoining any of the following streets:
 - a. El Camino Real,
 - b. Marsh Road,
 - c. Middlefield Road,
 - d. Valparaiso Avenue,
 - e. Alameda de la Pulgas,
 - f. Bay Road,
 - g. Ringwood Avenuea fence or wall may be constructed on the boundary which borders such street, up to and including a height of six feet above the elevation of the natural grade upon which it stands or eight feet above the elevation of the center of the adjacent pavement or such boundary, whichever is higher.
 2. A building permit for each such fence or wall must first be issued by the building official.
 3. In considering whether to issue a permit for such a fence or wall, the building official shall determine the effect of the proposed structure on the neighborhood, with particular reference to the immediately adjoining properties, and shall ensure that it can meet each and all of the following criteria:

- a. Except for the Lindenwood Wall along Middlefield Road and additions thereto, each such fence or wall shall be of unitary design and construction, shall be uniform in appearance and shall be constructed from ground level, unless it is added to an existing fence or wall in which case the addition shall be of the same design and material and color as the base, so that the resulting fence or wall shall appear to have been built as a single project.
 - b. Each fence or wall greater than six feet in height shall be shielded from the public view by plants installed at the time of construction which will reach maturity within three years of planting, and the permit therefor shall require installation of an adequate irrigation system or proof of the availability of sufficient water from natural springs.
 - c. Each application for a permit shall be accompanied by accurate and detailed plans showing elevations, cross sections and plot plan, together with specification of materials and colors to be used.
4. The building official shall review all fences and walls subject to the provisions of this subsection, and furnish an annual report on the status of such fences and walls to the planning commission and city council.
- C. No fence, wall or shrubbery within a triangular area bounded on two sides by street lines extending a distance of thirty feet from any street corner shall be over three feet in height measured from the level of the closest adjoining pavement to the top of the fence, wall or shrubbery. Within such triangular area, all trees shall be trimmed so that they shall not obstruct the vision of persons operating vehicles on adjoining streets.
 - D. Prior to construction of any fence or wall within ten feet of a public street or right-of-way, the property owners must pay a fee as established by resolution of the city council and obtain a building permit.
 - E. Each fence, wall, shrub or tree constructed or maintained in violation of any of the provisions of this section is declared to be a public nuisance, and subject to abatement as such.
 - F. Each boundary line fence or wall shall be constructed on or immediately adjoining the property line, unless the building official requires that it be set back to allow room for planting. (Ord. 521 § 1, 2001; Ord. 463 § 1, 1991; Ord. 449 §§ 7, 8, 1989; Ord. 433 § 1, 1988; Ord. 423 § 1, 1986; Ord. 422 §§ 1, 2, 1986; Ord. 407 § 4-1, 1985)



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF MAY 19, 2004

SUBJECT: APPROVAL OF THE DRAFT TRANSPORTATION EXPENDITURE PLAN FOR THE EXTENSION OF MEASURE A

RECOMMENDATION

Staff recommends that the City Council adopt the resolution to approve the Draft Transportation Expenditure Plan, dated March 18, 2004, to extend Measure A for a 25-year term beginning January 1, 2009, in accordance with the statutory requirements under California Public Utilities Section 131055 *et seq.*,

BACKGROUND

The enclosed Draft Transportation Expenditure Plan, dated March 18, 2004, recommends the extension of the Measure A half-cent sales tax for a 25-year term, beginning January 1, 2009, and defines the distribution of the extended tax revenues. The Draft Plan establishes a number of objectives including reducing commute corridor congestion, making regional connections, enhancing safety, meeting local mobility needs for seniors and people with disabilities and meeting the unique transportation needs of the cities and County. It provides for funding in six program areas, including transit, highways, local streets/transportation, grade separations, pedestrian and bicycle, and alternative congestion relief projects to meet these objectives. Funding is also provided for grade separation projects. Fair Oaks and Watkins Avenue are included as candidate projects.

The San Mateo County Transportation Authority (TA) prepared the Draft Transportation Expenditure Plan based upon a process that sought input from:

- A Countywide Technical Advisory Committee
- Public Workshops hosted by the TA

Staff Report
May 19, 2004

- Comments from presentations to elected officials
- Available polling information
- Comments from the February 28, 2004 Public Hearing hosted by the TA and League of Women Voters

In accordance with California Public Utilities Code Section 131000 *et seq.*, TA has prepared this Draft Transportation Expenditure Plan at least one year prior to the date of the last general election in which the current measure will be in effect (2008) and held a public hearing on February 28, 2004. The City and County Association of Governments unanimously supported the extension of Measure A and approved an initial draft plan at their March 11, 2004 meeting. As a result of comments received during both the public comment period and the formal public hearing two substantive amendments were made to the plan, 1) changing the term of the extension from 20 to 25 years and 2) increasing the percentage distribution to the Local Streets and Transportation Program Category from 20% -22.5 %. The TA Board adopted the amended plan on March 18, 2004. On April 28, 2004, the Metropolitan Transportation Commission unanimously approved the plan.

In accordance with California Public Utilities Code Section 131055, the Draft Plan will be brought before each of the cities in San Mateo County for approval. The Draft Plan must be approved by a majority of cities representing the majority of the population of the incorporated area of the County by a majority vote of their respective councils. The Board of Supervisors currently scheduled to hear this item at their July 6, 2004 meeting also must approve it. At that time the Board of Supervisors will recommend whether or not the approved Plan and the extension of the local sales be placed on the ballot for voter approval in the next general election (November 2004).

Over the last year, TA staff has been soliciting input from multiple sources on the elements of the Draft Plan. Communities and agencies throughout the County were invited to identify projects and programs for inclusion in the Draft Plan. Interim progress reports were made to the Authority, C/CAG and CMAQ, which resulted in feedback from elected officials. The general public was also invited to provide input through a series of Authority- sponsored workshops throughout the County. Additional insight into voter perspectives has been obtained from available polls.

BUDGET IMPACT

A 25-year extension of the half-cent sales tax is estimated to generate \$1.5 billion in current dollars, which would be distributed as described in the enclosed Draft Transportation Expenditure Plan. Twenty-two and a half percent or \$ 337.5 million dollars will be allocated to the cities and County to fund local transportation needs. Based on the current formula Atherton is projected to receive \$6,365,250 in (2004 dollars) over the life of the extended Measure.

RESOLUTION NO. 04-

**RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AUTHORIZING ADOPTION OF THE DRAFT TRANSPORTATION
EXPENDITURE PLAN FOR THE EXTENSION OF MEASURE A**

WHEREAS, on June 7, 1988, the voters of San Mateo County approved a ballot measure known as “Measure A,” which increased the local sales tax in San Mateo County by 1/2 percent with the tax revenues to be used for highway and transit improvements pursuant to the Transportation Expenditure Plan that included a provision for the creation of the San Mateo County Transportation Authority; and

WHEREAS, in order to extend the local sales tax, California Public Utilities Code Section 131000 *et seq.* requires the San Mateo County Transportation Authority to prepare a new Transportation Expenditure Plan at least one year prior to 2008, hold a public hearing on the Draft Transportation Expenditure Plan and then submit the Draft Plan to the Metropolitan Transportation Commission (MTC) for review and approval; and

WHEREAS, upon approval by MTC, the Draft Transportation Expenditure Plan must be submitted to the Cities and County of San Mateo for approval by a majority of the Board of Supervisors and by a majority vote of the respective City Councils of the majority of the Cities representing a majority of the population in the incorporated areas of the County prior to being ultimately submitted for voter approval at the next general election (November 2004); and

WHEREAS, in accordance with the statutory requirements, San Mateo County Transportation Authority prepared a Draft Transportation Expenditure Plan, reflecting a year long process that sought input from the public, elected officials and technical committees, that was presented at a public hearing on February 28, 2004; and

WHEREAS, the recommended Draft Transportation Expenditure Plan, dated March 18, 2004, attached as Exhibit A, provides for a balanced program of transportation projects and includes implementation guidelines to ensure flexibility to meet the current and future transportation needs of San Mateo County; and

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WHEREAS, staff recommends that the City Council approve the Draft Transportation Expenditure Plan, dated March 18, 2004, attached as Exhibit A

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton hereby adopts the Draft Transportation Expenditure Plan, dated March 18, 2004, attached as Exhibit A, for the extension of Measure A for a twenty-five year term beginning January 1, 2009; and

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this day of 2004, by the following vote:

*AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:*

ATTEST:

Kathy McKeithen, Mayor
TOWN OF ATHERTON

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc G. Hynes, City Attorney

DRAFT

TRANSPORTATION EXPENDITURE PLAN

San Mateo County Transportation Authority

March 18, 2004



Staff Report
May 19, 2004

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DRAFT TRANSPORTATION EXPENDITURE PLAN

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I. SUMMARY

Measure A: Effective and Essential

The 1988 voter approval of Measure A, San Mateo County's half-cent transportation sales tax, adopted under provisions of the California Public Utilities Code commencing at Section 131000, has provided the County with a resource to meet its multi-faceted transportation challenges during the past 16 years. The measure also marked the development of the San Mateo County Transportation Authority (hereafter referred to as the TA), the agency created to administer the sales-tax funds. Because the measure ends in 2008, its extension is at the heart of the County's ability to continue meeting its growing transportation needs.

Growth in employment during the 1990s has increased traffic congestion along several highway segments in the County. Significant progress has been achieved in the County through investments in Caltrain and highway improvements; however, the task is not yet complete. As the economy rebounds and then continues to grow, we need to maintain our infrastructure to accommodate the accompanying traffic congestion in commute corridors and on local streets and roads.

Continuing traffic growth also has underscored the importance of additional safety measures, particularly grade separations along the Caltrain rail line and safe bicycle and pedestrian facilities. Local transit service, especially for the elderly and people with disabilities, has become increasingly important in communities throughout the County.

The extension of Measure A will provide San Mateo County with the resources to continue shaping the transportation program to best meet the needs of County residents. In nearly 20 years since the drafting of the current Transportation Expenditure Plan, the County has seen the emergence of a new set of challenges, which must be met if the quality of life in the County is to be preserved.

Developing the Next Transportation Expenditure Plan

The draft Transportation Expenditure Plan for the extension of Measure A began with a blank sheet of paper and was assembled through a process which embraced the many and varied constituencies that make up San Mateo County. Beginning in the Spring of 2003, we embarked on a process that included melding technical evaluations with the feedback from the public and elected officials throughout the County.

The TA provided an important forum for public input into the draft Transportation Expenditure Plan by sponsoring focus groups, three public workshops and hosting more than 30 outreach events to civic organizations, service groups and neighborhood associations. Through this public process, the TA gained perspectives of residents representing both the general public and groups with special needs. The opinions and suggestions heard at these public outreach events were evaluated by professional staff from the TA, cities and local agencies who worked together to recommend a program which addresses both current and anticipated congestion needs.

While all projects were considered for the draft Transportation Expenditure Plan, not every project could be included because the total estimated cost of all the suggested projects was more than the current estimated income of an extended Measure A.

The draft Transportation Expenditure Plan reflects programs and projects identified by cities and local agencies plus additions from public workshops.

When creating the draft Transportation Expenditure Plan, the TA focused on building a balanced plan, consistent with the Countywide Transportation Plan, reflecting the wants and needs of the public combined with the recommendations of engineers and the support of elected officials.

Plan Vision

Through this multi-party process, a strategy has emerged.

- Target key, congested corridors for highway and transit improvements
- Continue to improve connections with regional transportation facilities
- Enhance safety in all aspects of the transportation system.
- Meet local mobility needs, especially those of seniors and people with disabilities
- Meet the Cities' and County's unique local transportation needs
- Leverage local, state and federal funds
- Encourage transportation projects that support transit-oriented development

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These broad themes have been translated into a balanced plan which provides for the multi-faceted needs of San Mateo County. Specific programs and projects have emerged as components in a countywide strategy.

Draft Transportation Expenditure Plan Program Categories

The draft Transportation Expenditure Plan provides for investment in six program categories. Each program category receives a percentage share of sales tax revenues, currently estimated at \$1.5 billion (in 2004 dollars) over a 25-year period.

	<u>Program Category</u>	<u>Percent Share</u>	<u>25-Year Estimated Revenue</u>
1.	Transit	30%	\$450 Million
2.	Highways	27.5%	\$412.5 Million
3.	Local Streets/Transportation	22.5%	\$337.5 Million
4.	Grade Separations	15%	\$225 Million
5.	Pedestrian and Bicycle	3%	\$ 45 Million
6.	Alternative Congestion Relief Programs	1%	\$ 15 Million

Up to one percent of the revenues is allocated for TA staff salaries and benefits.

Further detail on the specific program within each category is provided in the Transportation Expenditure Plan Summary and Project Description sections of this plan.

Oversight and Administration

The implementation of the Transportation Expenditure Plan will be the continuing responsibility of the current San Mateo County Transportation Authority. The TA is composed of seven elected officials representing the Cities in the County, the County of San Mateo and the San Mateo County Transit District.

The TA will be responsible for developing and updating a strategic plan to guide allocation decisions. The TA will develop the initial strategic plan by December 31, 2008, and prepare and update it at least every five years during the term of the Measure.

The Citizens Advisory Committee established under the original Measure A will continue to advise the TA. The TA also will work closely and cooperatively with the California Department of Transportation (Caltrans), the Metropolitan Transportation Commission (MTC) and the San Mateo City and County Association of Governments (C/CAG) on the programming of grant funding for Transportation Expenditure Plan programs and projects.

II. GOALS AND OBJECTIVES

The programs and projects contained in the draft Transportation Expenditure Plan are based upon the Countywide Transportation Plan and are essential to meeting the mobility requirements of San Mateo County. Four broad goals for the plan are supported by 15 more specific objectives, many of which are reflective of public feedback heard in workshops and at outreach events. Taken together, these Goals and Objectives are the strategy through which San Mateo County can shape its transportation future.

Goal 1. Reduce Commute Corridor Congestion

- A. Improve mass transit serving the County through investments in Caltrain, BART, ferries and local shuttle services.
- B. Construct key highway projects which remove bottlenecks in the most congested commute corridors as indicated by engineers and confirmed by public opinion.
- C. Provide funding for supplemental countywide highway projects determined to be critical for congestion reduction.
- D. Implement information technologies to optimize the efficiency of the transportation system.
- E. Provide incentives for employers to continue and expand their financial support for commute alternatives.

Goal 2. Make Regional Connections

- A. Improve Caltrain's Baby Bullet service as an alternative to driving on Highway 101 along the Peninsula.
- B. Provide San Mateo County's station and route improvements for the Dumbarton rail line connection with Alameda County.
- C. Provide financial assistance as SamTrans' local match for capital investments and operating expenditures associated with the existing San Mateo County/SFO BART Extension.

- D. Provide financial assistance as local match funds for cost-effective ferry service to South San Francisco and Redwood City.

Goal 3. Enhance Safety

- A. Construct roadway under and overcrossings (grade separations) along the Caltrain and Dumbarton rail lines in San Mateo County.
- B. Provide safe paths for bicyclists and pedestrians.
- C. Improve or maintain local streets, roads and other transportation facilities.

Goal 4. Meet Local Mobility Needs

- A. Provide adequate paratransit service for eligible seniors and people with disabilities through the Redi-Wheels and other accessible services administered by SamTrans.
- B. Improve local shuttle services to provide a viable option to the private automobile for local trips, and to meet the needs of transit dependents.
- C. Provide an assured source of funding to Cities and the County for local street and road improvement and maintenance and to meet the unique transportation needs of each community.

III. TRANSPORTATION EXPENDITURE PLAN SUMMARY

The draft Transportation Expenditure Plan contains six transportation program categories providing a balanced approach to meeting the mobility needs of San Mateo County. This summary lists the six program categories along with the major projects within each category. The percentage distribution of Measure A sales tax funding for each program category and project is listed along with the estimated dollars of Measure A, other funding and total cost. All dollar estimates are in 2004 dollars.

	Percent Share	Estimated Measure A Funding	Estimated Other Funding	Estimated Total Cost
A. <u>Transit</u>				
1. Improve Caltrain service through a combination of capital investments and operational expenditures.	16%	\$240M	\$250M	\$490M
2. Provide local shuttle services to meet local mobility needs and access to regional transit services.	4%	\$60M	\$60M	\$120M
3. Annually, 4 percent of the total revenue will be allocated to meet the special mobility needs of county residents through paratransit and other accessible services.	4%	\$60M	\$228M	\$288M
4. Provide financial assistance as local match funds for cost-effective ferry service to South San Francisco and Redwood City.	2%	\$30M	\$92M	\$122M

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5.	Provide financial assistance as SamTrans' local match for capital investments and operating expenditures associated with the existing San Mateo County/SFO BART Extension.	2%	\$30M	\$120M	\$150M
6.	Provide station facilities and enhancements for the Dumbarton rail corridor through East Palo Alto, Menlo Park and Redwood City.	2%	\$30M	\$415M	\$445M
Transit Total		30%	\$450M	\$1,165M	\$1,615M

B. Highways

	Percent Share	Estimated Measure A Funding	Estimated Other Funding	Estimated Total Cost	
1.	17.3%	\$260M	\$260M	\$520M	
2.	10.2%	\$153M	\$65M	\$218M	
Highway Total		27.5%	\$413M	\$325M	\$738M

C. Local Streets/Transportation

1.	Annually, 22.5 percent of the total revenue will be allocated to the 20 Cities and the County for the improvement and maintenance of local transportation, including streets and roads.	22.5%	\$338M	\$527M	\$865M
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D. Grade Separations

1.	Construction or upgrade of underpasses or overpasses at key	15%	\$225M	\$125M	\$350M
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road crossings along the Caltrain and Dumbarton rail lines.

E. Pedestrian and Bicycle

1. Provide safe paths for bicyclists and pedestrians.	3%	\$45M	\$25M	\$70M
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F. Alternative Congestion Relief Programs

1. One percent of the total revenue will be allocated to fund traffic management projects and creative congestion relief programs.	1%	\$15M	\$15M	\$30M
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TOTAL \$1,486M \$2,182M \$3,668M

Although the draft Transportation Expenditure Plan contains projects with inter-county implications, seeking the support of adjacent counties, as outlined in Section 131051(i) of the California Public Utilities Code, is unnecessary because Alameda, San Francisco and Santa Clara counties all have approved Transportation Expenditure Plans, which have been coordinated with San Mateo County.

IV. PROJECT DESCRIPTIONS

A. Transit Each of these projects is deemed to be of equal importance and they are not expressed in any priority order.

Project: *1. Caltrain Improvements*
Cost: \$490 million. Sales tax contribution estimated at \$240 million, Federal \$125-million and State \$125-million.
Sponsor: SamTrans, Peninsula Corridor Joint Powers Board
Description: Continue the current program to rebuild and upgrade Caltrain. Funding would be provided for San Mateo County's share of the capital cost of system wide improvements, including conversion of the line from diesel to electric operation. Funding would also be provided for existing stations upgrades, including expanded parking. Up to one-half of the available funding may be utilized to support operating costs.

Project: *2. Local Shuttle Service*
Cost: \$120 million. Sales tax contribution estimated at \$60 million. Other public and private \$60 million.
Sponsor: SamTrans
Description: This project sponsored by SamTrans would provide matching funding for the operation of local shuttle services.

Priority will be given to shuttle services which include a portion of the funding from businesses, employers and other private sector sources. Priority shall also be given to local services which connect with Caltrain, BART and future Ferry Terminals.

Project: *3. Accessible Services for Eligible Seniors and People with Disabilities*
Cost: \$288 million. Sales tax contribution estimated at \$60 million. Other funding of \$228 million from existing sources and fare revenues.
Sponsor: SamTrans
Description: Annually, 4% of the tax revenue will be allocated to support the operating and capital needs of providing paratransit or other accessible services to eligible seniors and people with disabilities.

Project: *4. San Mateo County Ferry Service*
Cost: \$122 million. Sales tax contribution estimated at \$30 million, \$91 million from bridge tolls, \$1 million from federal grants.
Sponsors: South San Francisco and Redwood City
Description: Provide financial assistance as local match funds for cost-effective ferry service to South San Francisco and Redwood City.

Project: *5. Existing San Mateo County/SFO BART Extension*
Cost: \$150 million. Sales tax contribution estimated \$30 million, \$120 million from federal grants.
Sponsor: SamTrans
Description: Provide financial assistance as SamTrans' local match for capital investments and operating expenditures associated with the existing San Mateo County/SFO BART Extension.

Project: *6. Dumbarton Rail Corridor*
Cost: \$445 million. Sale tax contribution estimated at \$30 million, \$415 million from bridge tolls and existing sales tax funding in Alameda, San Mateo and Santa Clara counties.
Sponsor: SamTrans
Description: Funding provided for station facilities and rail corridor improvements in the communities of Redwood City, Menlo Park and East Palo Alto in conjunction with the Dumbarton Rail Corridor.

B. Highways The Highway Program is divided into two components; funding for highway projects in key congested areas as designated by city, county and TA engineers and confirmed by public input; and funding for supplemental projects for all types of roadways (local-collector-arterial-state route) anywhere in the County.

1. Key Congested Areas Each of these projects is deemed to be of equal importance and they are not expressed in any priority order

Project: *a. Highway 280 North Improvements*
Cost: \$154 million. Sales tax contribution estimated at \$77 million. State \$77

million.

Sponsor: Caltrans, Daly City

Description: 1) Reconstruct I-280/Route 1 Interchange;
2) Construct Auxiliary Lanes between I-380 and Hickey Blvd.;

Project: *b. Coastside Highway Improvements*

Cost: \$48 million. Sales tax contribution estimated at \$24 million. State \$24 million.

Sponsors: Pacifica, Caltrans, Half Moon Bay

Description: 1) Route 1 /San Pedro Creek Bridge Replacement;
2) Route 1/ Manor Drive overcrossing improvement and widening;
3) Route 1 and 92 safety and operational improvements within and in the proximity of Half Moon Bay

Project: *c. Highway 92 Improvements*

Cost: \$100 million. Sales tax contribution estimated at \$50 million. State \$50 million.

Sponsors: City of San Mateo, Caltrans, Foster City

Description: Auxiliary lanes and interchange improvements between I-280 and the San Mateo Hayward Bridge.

Project: *d. Highway 101 Mid-County Improvements*

Cost: \$98 million. Sales tax contribution estimated at \$49 million. State \$49 million.

Sponsors: Caltrans, Burlingame, San Mateo

Description: 1) Reconstruction of the Highway 101-Broadway Interchange;
2) Modification of the Highway 101/Peninsula Avenue Interchange;
3) Operational improvements on Highway 101 from Hillsdale to Route 92.

Project: *e. Highway 101 South Improvements*

Cost: \$120 million. Sales tax contribution estimated at \$60 million. State \$60 million.

Sponsor: Caltrans

Description: 1) Reconstruct the Highway 101/Woodside Road Interchange;
2) Highway 101 improvements between Highway 84 and the Santa Clara county line and access improvements to the Dumbarton Bridge.

Project: *2. County-wide Supplemental Roadway Projects*

Cost: \$218 million. Sales tax contribution estimated at \$153 million. State \$65 million.

Sponsors: Caltrans, Cities and San Mateo County

Description: This project provides funding for supplemental roadway projects critical for congestion reduction in addition to those identified in the key congested areas. Supplemental roadway projects may include any type of roadway (local-collector-arterial-state route) anywhere in the County. A partial list of Candidate Projects is included below. Additional Candidate Projects may be submitted to the TA for consideration to account for changing needs during the 25-year term. Funds will not be adequate to construct all Candidate Projects. The TA will determine Candidate Project selection criteria and prioritization in the Strategic Plan as provided in the Implementation Guidelines.

PARTIAL LIST OF CANDIDATE SUPPLEMENTAL ROADWAY PROJECTS

Route 35 (I-280-Sneath Lane) widening
US 101/Produce Avenue Interchange
Route 92 (I-280-Route 35) truck climbing lane
Willow Road adaptive signal control system
US 101 (Sierra Point Parkway – SF/SM County Line) auxiliary lanes
Geneva Avenue extension
I-280/John Daly Boulevard-Overcrossing (north side) widening
Junipero Serra Boulevard Improvements in Daly City, Colma and South San Francisco
US 101/Candlestick Point Interchange
US 101 (Sierra Point Parkway – San Bruno Avenue) auxiliary lanes
I-280/I-380 local access improvement
Highway 101/Sierra Point Pkwy Interchange replacement and Lagoon Way extension
Triton Drive widening (Foster City)
Sand Hill Road signal coordination
Woodside Road Widening (US 101-El Camino Real)

C. Local Streets/Transportation

Project: *1. Local Streets/Transportation*

Cost: \$865 million. Sales tax contribution estimated at \$338-million, Local and State sources \$527 million.

Sponsors: Cities and County of San Mateo

Description: Annually, 22.5% of the tax revenue will be allocated to Cities and the County to fund the improvement or maintenance of local transportation, including streets and roads. The County and Cities may use funding to: maintain or improve local streets and roads by paving streets and sidewalks and repairing potholes; promote or operate alternative modes of transportation, which may include funding shuttles or sponsoring carpools, bicycling and pedestrian programs, and develop and implement traffic operations and safety projects including signal coordination, bike/pedestrian safety projects, eliminating hazardous conditions or acquiring right-of-way.

The annual distribution shall be based 50% on population and 50% on road miles, which will be adjusted annually.

Estimated annual distribution percentage (based on 2004) and dollars to each City and the County are shown below:

	<u>Allocation Percentage</u>	<u>Estimated Funding</u>
Atherton	1.886	\$ 6,365,250
Belmont	3.543	\$ 11,957,625
Brisbane	0.818	\$ 2,760,750
Burlingame	4.206	\$ 14,195,250
Colma	0.299	\$ 1,009,125
Daly City	10.413	\$ 35,143,875
East Palo Alto	3.215	\$ 10,850,625
Foster City	3.364	\$ 11,353,500
Half Moon Bay	1.596	\$ 5,386,500
Hillsborough	3.000	\$ 10,125,000
Menlo Park	4.851	\$ 16,372,125
Millbrae	2.917	\$ 9,844,875
Pacifica	5.174	\$ 17,462,250
Portola Valley	1.488	\$ 5,022,000
Redwood City	9.612	\$ 32,440,500
San Bruno	5.034	\$ 16,989,750
San Carlos	4.271	\$ 14,414,625
San Mateo	11.797	\$ 39,814,875
South San Francisco	7.649	\$ 25,815,375
Woodside	1.683	\$ 5,680,125
County of San Mateo	13.184	\$ 44,496,000

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San Mateo	4 th Avenue	Menlo Park	Willow Road SR 84
San Mateo	5 th Avenue	East Palo Alto	University Avenue
San Mateo	9 th Avenue		

CANDIDATE UPGRADE OF EXISTING GRADE SEPARATION PROJECTS

San Mateo	Poplar Avenue	San Mateo	Mt. Diablo Ave.
San Mateo	Santa Inez Avenue	San Mateo	Tilton Avenue
		Menlo Park	Highway 101

E. Pedestrian and Bicycle

Project: *1. Pedestrian and Bicycle Facilities*

Cost: \$70 million. Sales tax contribution estimated at \$45 million. State \$25 million.

Sponsors: Cities and County of San Mateo

Description: This project provides funding for the construction of facilities for bicyclists and pedestrians. Eligible projects include paths, trails and bridges over roads and highways. A partial list of Candidate Projects is included below. Additional Candidate Projects may be submitted to the TA for consideration to account for changing needs during the 25-year term. Funds will not be adequate to construct all Candidate Projects. The TA will determine Candidate Project selection criteria and prioritization in the Strategic Plan as provided in the Implementation Guidelines.

PARTIAL LIST OF CANDIDATE BICYCLE AND PEDESTRIAN PROJECTS

Route 1/Santa Rosa Avenue Pedestrian Overcrossing
Route 1 pedestrian/bike trail from Montara through Half Moon Bay
Route 35/Route 1 pedestrian/bike overcrossing
Millbrae Avenue/US 101 pedestrian/bike overcrossing
Hillcrest Blvd./US 101 pedestrian/bike overcrossing to Bay Trail
US 101 near Hillsdale pedestrian/bike overcrossing
Ralston Avenue/US 101 pedestrian/bike overcrossing
Willow Road/Bayfront Expressway pedestrian/bike tunnel upgrade
Willow Road/US 101 pedestrian/bike overcrossing
Portola Road pedestrian/bike path paving

F. Alternative Congestion Relief

Project: *1. Alternative Congestion Relief Projects*

Cost: \$30 million. Sales tax contribution estimated at \$15 million. \$15 million from local sources.

Sponsors: Cities and San Mateo County

Description: This program category provides 0.8 percent of the tax revenue to encourage efficient use of the transportation network through ride sharing, flexible work hours and other commute alternatives. It also provides 0.2 percent of the tax revenue for the planning and design of information systems and Intelligent Transportation Systems, which facilitate more efficient use of available highway and transit capacities.

V. GOVERNING BOARD/ORGANIZATIONAL STRUCTURE

The Transportation Expenditure Plan recommends:

- A. That the voters authorize the Transportation Authority to continue administering the funds. The make up of the Transportation Authority shall continue to be as follows:

Two members of the County Board of Supervisors.

Four representatives selected by the City Selection Committee (one representative from each Judicial Division and one at-large representative).

One member of SamTrans (elected city official) selected by SamTrans prior to City Selection Committee selections.

All representatives shall be elected officials.

- B. That the Transportation Authority be authorized to continue to contract its administrative duties to SamTrans or to the County, MTC, or other qualified agency.
- C. That the Citizens Advisory Committee shall continue to advise the Transportation Authority on the administration of the Transportation Expenditure Plan. The membership of this committee will reflect a broad spectrum of interests and geographic areas of the County.

VI. IMPLEMENTATION GUIDELINES

- A. The duration of the tax will be 25 years, beginning on January 1, 2009 and expiring on December 31, 2034.
- B. Environmental reporting, review and approval procedures as provided for under the National Environmental Policy Act, the California Environmental Quality Act, or other applicable laws will be adhered to as a prerequisite to the implementation of any project.
- C. Upon expiration of the 1988 Measure A tax, the Transportation Authority will bear responsibility for any outstanding debt incurred under the 1988 Measure A program and all remaining assets under that program will remain assets of the Transportation Authority to be administered under this Transportation Expenditure Plan. In the event that any funds from the 1988 Measure A program remain unexpended as of the expiration of the 1988 Measure A tax, the Transportation Authority will reallocate such funds to complete any project that was commenced under any category in the 1988 Measure A program. If any funds remain unexpended after reallocation to complete projects under the 1988 Measure A program, the funds will be allocated in accordance with the percentage distributions to the Program Categories contained in this Transportation Expenditure Plan.
- D. Use of the retail transactions and use tax under this Transportation Expenditure Plan will be subject to the following restrictions:
 - 1. The tax proceeds must be spent for the purposes of funding the transportation programs and projects as allowed in this Transportation Expenditure Plan and may not be used for other purposes.
 - 2. In accordance with California Public Utilities Code Section 131100, the tax proceeds will be used to supplement, and may not be used to replace, existing local property tax or other local revenues used for transportation purposes.
 - 3. The tax proceeds will be expended in San Mateo County, except that any expenditure for the Caltrain Improvement Project under the

Transit Program Category may be made for systemwide costs and expenditures for the Highway Program Category may be made for projects that reasonably include project costs that minimally extend into adjacent counties.

4. The Transportation Authority is charged with a fiduciary duty in administering the tax proceeds in accordance with the applicable laws and this Transportation Expenditure Plan. Receipt of tax proceeds may be subject to appropriate terms and conditions as determined by the Transportation Authority in its reasonable discretion, including, but not limited to, the right to require recipients to execute funding agreements and the right to audit recipients' use of the tax proceeds.
- E. Actual tax proceeds may be higher or lower than estimated in this Transportation Expenditure Plan over the 25-year term. This Transportation Expenditure Plan is based on the percentage distributions to each Program Category and Project and the dollar values included are estimates only. Actual tax proceeds will be programmed annually in accordance with the percentage distributions in this Transportation Expenditure Plan.
- F. The Transportation Authority will prepare a Strategic Plan prior to January 1, 2009, which will identify funding prioritization criteria consistent with the goals and objectives of the Countywide Transportation Plan and this Transportation Expenditure Plan. The Strategic Plan will include general procedures for project sponsors to initiate a project and identify an implementation schedule and the programming of funds for each listed project. Criteria will include priority for transportation projects which support transit-oriented development. For those projects which include a list of Candidate Projects (the County-wide Supplemental Project under the Highway Program Category, the Grade Separation Program Category, and the Pedestrian and Bicycle Program Category), the Strategic Plan will also include the evaluation criteria and prioritization for selection of Candidate Projects. Once a Candidate Project is selected, it will become a listed project in the Strategic Plan. Lastly, the Strategic Plan will include the evaluation criteria for reallocation of tax proceeds that become available pursuant to Section VI.G below. The Strategic Plan will be updated at least every five years during the term of the Measure.

- G. The ability to fully fund or complete all programs or projects in this Transportation Expenditure Plan may be impacted by changing circumstances over the duration of the tax. Tax proceeds originally allocated to a listed project may become available for reallocation due to any of the following reasons:
1. a listed project is completed under budget;
 2. a listed project is partially or fully funded by funding sources other than tax proceeds;
 3. a Project Sponsor requests deletion of a listed project because of unavailability of matching funds;
 4. a listed project cannot be completed due to an infeasible design, construction limitation or substantial failure to meet specified implementation milestones;

Upon a finding that tax proceeds are available for reallocation due to one of the conditions above, the Transportation Authority may reallocate such tax proceeds subject to the following guidelines:

1. Available tax proceeds can be reallocated only to project(s) within the same Program Category as the original listed project.
2. Reallocation of tax proceeds within a Program Category will be based on criteria specified in the Strategic Plan, which may include impact on congestion, cost-effectiveness, availability of matching funds, project readiness and schedule adherence as determined by the Transportation Authority; provided, however, that in the case of the Highway Program, proceeds made available from any County-wide Supplemental listed project must be reallocated within the County-wide Supplemental component and may not be reallocated to the listed projects in the Key Congested Areas component of the Highway Program Category.
3. Reallocation of tax proceeds within the Transit Program Category only will also require the approval of a majority of the County Board of Supervisors and a majority of the cities representing a majority of the

population in the incorporated area of the County by a majority vote of their respective City Councils.

- H. The Transportation Authority may take the following actions administratively in accordance with these Implementation Guidelines and such actions will not be considered an amendment to the Transportation Expenditure Plan, which adds or deletes a project or is of major significance under California Public Utilities Code Section 131304:
1. The reallocation of tax proceeds.
 2. The addition of a new project to the list of Candidate Projects in the County-wide Supplemental Roadway project or Pedestrian and Bicycle Program Category.
- I. The Transportation Authority is authorized to bond for the purposes of advancing the commencement of or expediting the delivery of transportation programs or projects. The Transportation Authority may issue limited tax bonds, from time to time, to finance any program or project in this Transportation Expenditure Plan as allowed by applicable law and as approved by the Transportation Authority, and the maximum bonded indebtedness shall not exceed the total amount of proceeds of this retail transactions and use tax, estimated to be \$1.5 Billion in 2004 dollars. Such bonds will be payable solely from the proceeds of the retail transactions and use tax and may be issued prior to the collection of such taxes beginning January 1, 2009.

Item No. 18



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JOHN P. JOHNS, FINANCE DIRECTOR
DATE: FOR THE SPECIAL MEETING OF MAY 19, 2004
**SUBJECT: SCHEDULE OF EVENTS FOR THE PARCEL TAX
REAUTHORIZATION**

**SET PUBLIC HEARING DATE FOR ORDINANCE AUTHORIZING A
SPECIAL MUNICIPAL TAX (PARCEL TAX)**

RECOMMENDATION:

Establish a date of June 16th, 2004 as the public hearing date for an ordinance to authorize a proposed parcel tax measure on the November 2, 2004 ballot.

DISCUSSION

As indicated in the attached schedule of events, the recommended date by which a public hearing to consider an ordinance to establish a special parcel tax is June, 2004. Although it is conceivable that a public hearing date could be held at a later time, staff believes that it would be prudent for the Council to take action during the regularly scheduled meeting in June in order to avoid having to compress the schedule of subsequent events that are required.

Prior to establishing a parcel tax the City Council has also asked a number of questions regarding the feasibility and fiscal impact of various revenue enhancement and cost savings opportunities identified by the Audit Committee, these included:

- Ascertaining whether other municipalities assess business taxes on real estate firms based upon the firm's level of gross receipts;

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- Determining whether other municipalities differentiate the business taxes assessed against various enterprises according to category of enterprise;
- Determining the prospective costs of contracting with another governmental agency for police dispatch services;
- Determining the relative costs of police officer retirement benefits.

The Finance Department is currently researching these issues and will be prepared to issue a verbal report at the City Council meeting of May 19th.

FISCAL IMPACT:

There is no direct fiscal impact from acceptance of staff's recommendation.

Prepared by:

Approved by:

John P. Johns
Finance Director

s/James H. Robinson
James H. Robinson
City Manager



Town of Atherton

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF MAY 19, 2004

**SUBJECT: CONSIDER ADOPTION OF A RESOLUTION APPROVING THE FIRST
RESTATED JOINT POWERS AGREEMENT FOR LIBRARY SERVICES
AND AUTHORIZE THE MAYOR TO SIGN AND EXECUTE THE
AGREEMENT ON BEHALF OF THE TOWN OF ATHERTON**

RECOMMENDATION

It is recommended that the Council approve the proposed amendments to the original San Mateo County Library Joint Powers Authority Agreement in the form of the new First Restated Joint Powers Agreement, adopt the attached resolution approving the new Agreement and authorize the Mayor to sign and execute the Agreement on behalf of the Town.

BACKGROUND

In April 2003, the San Mateo County Library Joint Powers Authority (JPA) hired Management Partners, Inc. to conduct a study on the administration and operation of the JPA. It had been determined that in order to improve library operations, certain changes would be needed to clarify roles and responsibilities and address any issues that might lead to disagreement among the members. After a year long process, Management Partners prepared the attached report on their findings and recommendations, which resulted in proposed amendments to the original JPA Agreement. The amendments were subsequently approved by the Library Governing Board at their meeting of April 5, 2004. Councilmember Marsala has been the Town's representative on the Board. The JPA members are now being asked to consider and approve the amendments.

Following adoption of the new Agreement, the Library JPA and County plan to execute a separate agreement relating to library staff and services (please see attached).

ANALYSIS

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The proposed amendments to the JPA Agreement incorporate the consultant's recommendations to address six (6) primary issues. The amendments are as follows:

- 1) Clarify the role of the Governing Board as related to the policies of the Library;
- 2) Specify the relationship of the Library Director to the Board for policy direction and to the County for administrative direction;
- 3) Require a Staffing Services Agreement between the Library JPA and the County for staff and administrative procedures;
- 4) Clarify the Library budget process and the role of the Governing Board;
- 5) Clarify the County General Fund and unincorporated tax proceeds contributions to the JPA; and
- 6) Specify that the County Treasurer and Auditor/Controller will perform the functions legally required by the Government Code.

Please see the attached report for details on each issue and amendment.

The Governing Board is asking members to adopt the new Agreement in order to implement the recommended changes. Approval of the Agreement by May 30, 2004, will insure Atherton's continuance as a Library JPA member, and will replace the existing agreement approved in 1999.

Attached is a letter from the South San Mateo County League of Women Voters urging support of the Agreement.

If the Town does not wish to adopt the new Agreement, this would have the effect of indicating our withdrawal from the JPA. The Town would be forced to operate its library using its own resources. We would lose the benefits of delivering services under economies of scale, use of County Library property tax from the unincorporated areas to help support library operations in the cities and access to specialized services that would not otherwise be available to us.

FISCAL IMPACT

There is no direct fiscal impact to the Town. Under the current financial arrangement, the portion of the Town's property tax collected for library services is given to the JPA as our member contribution. The new Agreement will not change this relationship.

In addition, the Town of Atherton will retain its "Donor" City status when the library service revenue exceeds the amount required to maintain the minimum library service. Excess funds are remitted directly to the Town each year for facility maintenance, remodeling, expansion or increased service hours.

Attachments: 1) Management Partners Executive Summary Report titled: "Recommendations for Approval of First Restated Joint Powers Authority for the San Mateo County Library System."

2) First Restated JPA Agreement titled: "First Restated Joint Powers Agreement"

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Between the County of San Mateo and the Cities of Atherton, Belmont, Brisbane, East Palo Alto, Foster City, Half Moon Bay, Millbrae, Pacifica, Portola Valley, San Carlos, and Woodside Relating to Library Services.”

- 3) Staff and Services Agreement titled: “Agreement Between the County of San Mateo and the San Mateo County Library Joint Powers Authority for Staff and Services.”
- 4) Letter dated April 15, 2004, from the South San Mateo County League of Women Voters
- 5) Proposed Resolution.

RESOLUTION NO. 04-_____

**RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
APPROVING THE FIRST RESTATED JOINT POWERS AGREEMENT FOR
LIBRARY SERVICES BETWEEN THE COUNTY OF SAN MATEO AND THE CITIES
OF ATHERTON, BELMONT, BRISBANE, EAST PALO ALTO, FOSTER CITY, HALF
MOON BAY, MILLBRAE, PACIFICA, PORTOLA VALLEY, SAN CARLOS AND
WOODSIDE, RELATING TO LIBRARY SERVICES**

WHEREAS, a Joint Powers Agreement for library services between the above parties was approved in 1999; and

WHEREAS, in November 2003, the Library Joint Powers Governing Board recommended that certain changes be made in the original Joint Powers Agreement to clarify the roles and responsibilities of the Governing Board and to make other changes to the nature of the agreement between the parties, as defined in the Joint Powers Agreement; and

WHEREAS, in April 2004, the Library Governing Board approved the proposed amendments to the original Joint Powers Agreement, and is asking all members to adopt the amendments; and

WHEREAS, this First Restated Joint Powers Agreement will replace the original Agreement approved in 1999; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby approve the First Restated Joint Powers Agreement for Library Services and authorizes the Mayor to sign and execute the Agreement on behalf of the Town.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the ____ day of _____, 2004, by the following vote:

*AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:*

ATTEST:

Kathy McKeithen, Mayor
Town of Atherton

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc Hynes, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JAMES H. ROBINSON, CITY MANAGER

DATE: FOR THE MEETING OF MAY 19, 2004

SUBJECT: CONSIDER RECOMMENDATION FROM PARKS AND RECREATION COMMISSION AND THE ADOPTION OF A RESOLUTION TO SUPPORT ENABLING LEGISLATION FOR COUNTYWIDE SPECIAL PARK DISTRICT

RECOMMENDATION:

It is recommended that the City Council consider the recommendation of the Atherton Park and Recreation Commission regarding support of legislation enabling the creation of a countywide special park district. It is also recommended that the City Council consider adoption of the attached Resolution supporting the enabling legislation for a countywide special park district.

BACKGROUND:

San Mateo County supporters of parks are seeking approval of enabling legislation that would allow San Mateo County voters the opportunity to vote on the formation of a special park district to provide additional support to the County and City park systems. The District, if approved by the voters, would have the ability to develop a variety of funding mechanisms for operations, maintenance and additions to local park systems.

This proposal was considered by the Atherton Parks and Recreation Commission at its May 5, 2004 meeting. The Commission received a presentation from Linda Liebes of Atherton, who is supporting this effort, and the Commission unanimously endorsed the idea of placing this enabling legislation before the voters. If the state legislation is approved, elected officials and park stakeholders would develop the exact language for the ballot measure that would be submitted to the voters. The attached summary of the proposal to create a countywide special

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park district is attached for your review. Also, Ms. Liebes will be in attendance at the Council meeting to answer any questions.

To date, the following San Mateo County Cities have voted to support the idea of proposed enabling legislation: Belmont, Daly City, Pacifica, San Carlos and Woodside.

FISCAL IMPACT:

Placing this enabling legislation before the voters would have no direct financial impact on the Town of Atherton. If approved by the voters to create a special district, there is the potential of financial mechanisms being created that would represent an assessment or tax against properties within the Town of Atherton. Additional funding mechanisms would require voter approval.

Attachment: 1) Proposal dated March 2, 2004, from the San Mateo County Parks and Recreation Division entitled "PROPOSAL TO CREATE A COUNTYWIDE SPECIAL PARK DISTRICT COMMITTEE."

2) Proposed Resolution.

RESOLUTION NO. 04-_____

**RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
SUPPORTING ENABLING LEGISLATION FOR A COUNTYWIDE SPECIAL PARK
DISTRICT**

WHEREAS, decreased revenues are significantly impacting the Town’s ability to provide parks and recreation services; and

WHEREAS, establishment of a countywide special park district would provide the ability to develop a variety of local funding mechanisms for operations, maintenance and additions to our local parks and recreations systems, as well as provide a mechanism to support collaboration on projects; and

WHEREAS, the funding is meant to supplement and not replace existing funding sources for the parks; and

WHEREAS, the establishment of a countywide special park district will require a vote of the citizens of San Mateo County; and

WHEREAS, a broad-based participatory process is being established to develop the ballot measure to be placed before the citizens of San Mateo County; and

WHEREAS, Senator Byron Sher is willing to introduce enabling legislation for the creation of a countywide special park district to serve the cities and County of San Mateo.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby support enabling legislation to create a countywide special park district.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the _____ day of _____, 2004, by the following vote.

*AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:*

Kathy McKeithen, Mayor
Town of Atherton

ATTEST:

Staff Report
May 19, 2004

Sharon Barker, City Clerk

APPROVED AS TO FORM:

Marc Hynes, City Attorney



**Town of
Atherton**

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JAMES H. ROBINSON, CITY MANAGER**

FROM: GREGORY L. SAM, INTERIM ASSISTANT TO THE CITY MANAGER

DATE: FOR THE MEETING OF MAY 19, 2004

**SUBJECT: CONSIDERATION OF REQUEST FOR MEMBERSHIP IN THE
PENINSULA POLICY PARTNERSHIP**

RECOMMENDATION:

Consider the request of the Peninsula Policy Partnership (P³) to join membership at the dues rate of \$2,000, and provide direction to staff.

BACKGROUND:

The Peninsula Policy Partnership, known as P³, has submitted a request to the Town to join membership at the dues rate of \$2,000. P³ is an organization in San Mateo County that is designed to bring agencies together to “find mutual solutions to our many interdependent issues: economic vitality, housing, transportation, water and energy, just to name a few. . .” (please see attached letter).

P³ recently led the effort to attract a newly created airline, Virgin USA, to locate and build their headquarters in San Mateo County. They have also worked on a number of other projects in the County including Measure “A” Campaign; BART to SFO, South San Francisco, San Bruno and Millbrae; and the Caltrain Baby Bullet train. Their next project is to employ their newly created team of local City and business leaders to attract and retain businesses on the Peninsula.

Last year, P³ made a similar request to the Town to join membership at the cost of \$2,000, which was declined. Should the City Council wish to join the Peninsula Policy Partnership this year,

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funding for the membership dues of \$2,000 would need to be added to the FY 2004-05 Town Budget, as this is not a budgeted item.

Staff is requesting Council direction on whether to fund the membership request from P³.
Prepared by: _____ Approved by: _____

Gregory L. Sam
Interim Assistant to the City Manager

James H. Robinson
City Manager

Attachment: 1) Letter dated April 13, 2004, and invoice dated April 9, 2004, from Peninsula Policy Partnership to Mayor Kathy McKeithen regarding membership in P³.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MAY 19, 2004

SUBJECT: RESPONSE TO CALTRAIN ELECTRIFICATION DEA/EIR

RECOMMENDATION:

Approve a response to the Caltrain Electrification Draft Environmental Assessment/Environmental Impact Report (DEA/EIR).

ANALYSIS:

Five issues were discussed at the May 4, 2004 Caltrain Subcommittee meeting:

1. Impact on existing signal system – the environmental document states that the constant warning system is the signal system that would need to be changed. The new system for the CTX project does not upgrade the constant warning system. The new CTX signaling system is a computerized tracking system that allows precise location and control of the trains so headways can be reduced. The existing constant warning system uses the rails as an electrical circuit to operate the crossing gates when a train is coming so the gates will come down in time. The electrified system uses the rails as the ground for the trains. The two systems are not compatible, so a new constant warning system will be needed.
2. Traction power stations – the EIR shows where each station is located. They are spaced 29 to 37 miles apart, with none inside the City Limits of Atherton. North of Atherton the first traction power station is a switching station at the wye with the Dumbarton rail line, which lines up with Buckingham Avenue in North Fair Oaks. South of Atherton the first traction power station is a paralleling station at San Antonio Road in Mountain View.
3. Coordination with High Speed Rail – the electrification system is designed to be compatible with the High Speed Rail electrification with no significant overhaul of the electrification system. Additional overhead contact wires and poles would be required for the high speed rail in

those areas where Caltrain is still only two tracks, and many of the Caltrain poles will need to be relocated when the rails are moved to make room for the additional High Speed Rail tracks.

4. Catenary visual impact – the EIR shows the appearance of the catenary wires on a number of plates. Figure 3.1-5 shows the Atherton Station area from the parking lot. It does not show any support poles and minimizes the wire impact. The text states that the support poles would be largely obscured by the existing landscaping. It states “There would be only a minor visual effect.” However, the view to the corridor from the residences along the corridor, from Holbrook-Palmer Park and from the Town Center complex will be dramatically and significantly impacted by the addition of the poles and wires.

The document goes on to state that measures to mitigate visual impacts will be incorporated into the project design, but it also states that screening landscaping may need to be removed, and that additional landscaping may not be possible due to safety clearances from the wires. It therefore appears that it is not possible to mitigate the visual impacts of this system. The impact is therefore significant and not able to be mitigated to a less than significant level.

5. Heritage or significant trees – page 3-17 states that no adverse impacts are anticipated to heritage or significant trees. Page 3-36, in section 3.4.1.4 states that some trees and mature screening may encroach into vertical and horizontal clearances for installation and safe operation of electrical wires. Section 3.4.2.2 states that a certified arborist assessed the corridor, that overhanging branches would need to be trimmed and further states that this information would be available to assist property owners to comply with PUC requirements. These PUC requirements only come into effect because of the construction of this project; therefore the impacts of these requirements are impacts of this project and should be identified in detail.

There are a considerable number of mature trees along the corridor, especially in the Town of Atherton, that will be impacted by the project. The project needs to identify these impacts. The impact to trees also relates to the visual impact. The visual impact section states that existing screening will minimize the impact. But the tree section states that some of the screening trees will need to be removed. This is a contradiction and creates a significant impact that is not able to be mitigated to a less than significant level.

The arborists report referenced in the DEA/EIR was obtained from Caltrain and shows 80 trees (of 306 surveyed) to be removed in Atherton and 1,727 trees (of 19,250 surveyed) to be removed by the project, but the DEA/EIR shows that this is “No Impact”. The impact needs to be recognized, and specific avoidance or mitigation proposals need to be included in the project.

Additional Comments were received from Subcommittee Members and developed by staff to include in the revised response to Caltrain.

Prepared By:

Approved:

Duncan L. Jones, P.E.
Public Works Director

James Robinson
City Manager

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Attachments: Draft Response

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May 19, 2004

May 20, 2004

Erik Olafsson, Senior Planner
San Mateo County Transit District
1250 San Carlos Avenue
P.O. Box 3006
San Carlos, CA 94070-1306

Subject: Comments on Electrification EA/EIR

Dear Mr. Olafsson:

The Town of Atherton has reviewed the Draft EA/EIR for the Caltrain Electrification Program. Our staff, our Caltrain Subcommittee and our City Council have the following comments:

Catenary visual impact

To quote an Atherton resident: "Overhead wires are ugly". Considerable funds have been expended in this Town and in many Cities along the corridor to underground overhead utility wires to rid the cities of the blight created by the proliferation of overhead wires. Adding these Caltrain electrification wires would be a major step backwards from a visual standpoint.

The EIR shows the appearance of the catenary wires on a number of plates. Figure 3.1-5 shows the Atherton Station area from the parking lot. It does not show any support poles and minimizes the wire impact. The text states that the support poles would be largely obscured by the existing landscaping. It states "There would be only a minor visual effect." However, the view to the corridor from the residences along the corridor, from Holbrook-Palmer Park and from the Town Center complex will be dramatically and significantly impacted by the addition of the poles and wires. The view used for the rendering is not representative of the view from the Town center, and is certainly not representative of the view after extensive vegetation removal.

The document goes on to state that measures to mitigate visual impacts will be incorporated into the project design, but it also states that screening landscaping may need to be removed, and that additional landscaping may not be possible due to safety clearances from the wires. It therefore appears that it is not possible to mitigate the visual impacts of this system. This impact is therefore significant and not able to be mitigated to a less than significant level.

Heritage or significant trees

Page 3-17 states that no adverse impacts are anticipated to heritage or significant trees. Page 3-36, in section 3.4.1.4 states that some trees and mature screening may encroach into vertical and horizontal clearances for installation and safe operation of electrical wires. Section 3.4.2.2 states that a certified arborist assessed the corridor, that overhanging branches would need to be trimmed and further states that this information would be available to assist property owners to comply with PUC requirements. These PUC requirements only come into effect because of the construction of this project; therefore the impacts of these requirements are impacts of this

project and should be identified in detail. The specific clearance requirements and the distance that the trees would need to be removed needs to be shown in the document.

There are a considerable number of mature trees along the corridor, especially in the Town of Atherton, that will be impacted by the project. The project needs to identify these impacts. The impact to trees also relates to the visual impact. The visual impact section states that existing screening will minimize the impact. But the tree section states that some of the screening trees will need to be removed. This is a contradiction and creates a significant impact that is not able to be mitigated to a less than significant level.

In addition, the Town of Atherton has a tree protection ordinance and permit requirements for removal of trees. Table 1.5-1 states "No permitting requirements identified." for the Town of Atherton and the Environmental Checklist, page A-3, under item IV (e), regarding conflict with local policies or ordinances shows "No Impact". However, the project arborist consulted with the Town Arborist and determined that permits would be required for removal or extensive pruning of heritage trees, and that removal or extensive pruning (greater than 25%) of heritage trees conflicts with Atherton tree protection policies.

On page 3-36, Section 3.4.1.4 states that "Potential project impacts on such vegetation were therefore considered.", but the significant impact of removal of 80 trees within Atherton, and of 1,727 trees in total, some of them heritage oak trees, was considered to be "No Impact". It is not possible that the removal of this many trees is "No Impact", especially within the Town of Atherton where 26% of the screening trees are being removed, and a larger undisclosed percentage are being pruned, possibly drastically pruned.

Finally, regarding tree removal and pruning, the DEA/EIR implies on page 3-37 that property owners will be required to remove or prune their trees to comply with PUC requirements, and that the JPB "will coordinate with the property owners if the need arises." This is a totally unacceptable means to deal with this significant project impact. When the JPB constructs a project that will impact private trees, many which have been overhanging the tracks for decades, the JPB needs to include in the project all tree work required, and include the impacts of this work as a project impact.

Historic Resources

The addition of poles within 40 feet of the historic Atherton train station, and multiple wires within a few feet of the station would have a direct and adverse impact on the historic train station's site. Note also that 1913 is when the station was restored, but the original station was constructed in 1866.

The test is not whether the structure itself must be modified, but whether the site and context of the station is modified. The test is also not whether it is adverse, but whether the adverse impact is significant. This impact needs to be appropriately addressed, with its significance determined in accordance with standard historical guidelines.

Public Services

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The DEA/EIR makes no mention of the Town of Atherton City Hall complex immediately adjacent to the Caltrain tracks. This complex includes the Police Station, City Hall, Post Office, Library, Permit Center and Public Works Corporation Yard. Please include these Town of Atherton facilities in the report. The report should also address the potential interference of the electrified wires on emergency radio reception from the Atherton Police Dispatch center, and others along the corridor.

Recreational Facilities

The DEA/EIR states that there would be “no proximity impacts on public parks and recreation areas.” It is not clear what a proximity impact is, but the poles and wires, and the removal and trimming of screening trees will have a significant impact on Holbrook-Palmer Park, which abuts the Caltrain right of way. This impact needs to be appropriately addressed.

Bus Transit

Section 3.15.1 should note that the Atherton station is served by shuttle buses for several local schools.

Avoidance or Mitigation

The DEA/EIR should address what alternatives have been considered to avoid or mitigate the anticipated significant impacts as noted above and in the report. One alternative that could reduce some of these impacts would be to move the two tracks through Atherton and other communities as close to the center of right of way as possible, such that the required clearances will remove less trees, and reduce the pruning impacts to many others.

Another alternative is to delay electrification until the corridor is grade separated, either by Caltrain or by the High Speed Rail project, then use third rail electrification instead of overhead catenary, avoiding both the visual impact and the tree trimming impacts. It is possible to have trains pick up their power from both overhead and third rail, allowing grade separated portions of the corridor to use third rail, while at-grade portions use catenary. This would mitigate the dual impacts of grade separation and overhead wires, which could result in poles extending 60 feet high. It would also provide an incentive for at-grade portions to grade separate. Note also that this delay will save significant costs, because not only is the third rail less costly to construct and maintain than the catenary system, but costs to shoofly the electrified system would be considerable.

Please address the above comments in your Final EA/EIR, and advise us of what action you propose to avoid or mitigate the dramatic visual and tree impacts to our area. If these impacts can be neither avoided nor mitigated, the JPB should make a finding of overriding considerations before proceeding with the project. Thank you for your consideration.

Sincerely,
Town of Atherton

Staff Report
May 19, 2004

Kathy McKeithen
Mayor



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

DATE: FOR THE CITY COUNCIL MEETING OF MAY 19, 2004

SUBJECT: REQUEST TO REFER THE REVIEW OF BUILDING PERMIT REQUIREMENTS TO INCLUDE PAVING PROJECTS TO THE GENERAL PLAN COMMITTEE

RECOMMENDATION

Staff recommends that the City Council review the request and provide direction to staff as appropriate.

BACKGROUND

The Uniform Building Code defines a structure as greater than 18" above grade. The Code further requires the issuance of a Building Permit for the construction of structures. Work that is less than 18" above grade does not trigger a Building Permit requirement but must meet other code requirements. These requirements include compliance with the heritage tree ordinance, noise ordinance and construction and demolition recycling ordinance.

REQUEST

An Atherton resident, Marion Oster, requests the City Council refer this item to the General Plan Committee for review. Ms. Oster references a recent project that involved the removal of a large circular driveway, pool decking, and a heritage tree. As indicated above, this type of work does not require a Building Permit, but the work must be conducted within allowed construction hours, the material must be recycled, and all heritage trees shall be protected. Ms. Oster notes a lack of compliance by the contractor to the Town's code requirements. The non-compliance is enforceable by the Police Department and Building Department even though a Building Permit is not issued.

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Based on the attached memo from the City Attorney, the areas of concern raised in the letter are currently covered by Town Ordinances or Federal Regulations.

Prepared By:

Approved:

Lisa Costa Sanders
Deputy Town Planner

James H. Robinson, City Manager

Attachments:

1. Letter of Request from Marion Oster dated April 28, 2004
2. Memo prepared by Marc Hynes dated May 14, 2004

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ATKINSON • FARASYN, LLP

ATTORNEYS AT LAW

LEONARD J. SIEGAL
HAROLD S. TOPPEL
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MOUNTAIN VIEW, CALIFORNIA 94042
TELEPHONE (650) 967-6941
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J.M. ATKINSON (1892-1982)
L.M. FARASYN (1915-1979)

MEMORANDUM

TO: Honorable Mayor and City Councilmembers, Town of Atherton
FROM: Marc G. Hynes, City Attorney
RE: Paving Project Concerns
DATE: May 14, 2004

The Deputy Town Planner Report includes a copy of a letter of request from Marion E. Oster, dated April 28, 2004, suggesting possible changes to building ordinances. The letter outlines a number of problems related to work on properties which does not require building permits. Examples include the remodeling of driveways and pool decking. Existing provisions of the Atherton Municipal Code appear to address most all of these issues:

1. Workers on properties not having business licenses.
Sections 5.12.010 and 5.12.040 require individuals performing work on properties in the Town to have a Town business license.
2. (a) Work continuing on properties after 5:30 p.m.
Section 15.40.120 establishes time limits of 8 a.m. to 5 p.m. on weekdays and a prohibition of this activity on weekends and holidays.
- (b) Parking of commercial vehicles on Town streets overnight.
Section 10.16.010 limits parking of commercial vehicles for a time longer than 30 minutes between the hours of 2 a.m. and 4 a.m. of any day. The practical effect of this is to preclude overnight parking of commercial vehicles.
- (c) Blocking of streets by vehicles in connection with construction projects. This is prohibited by Section 15.40.150. It is the responsibility of the property owner to keep adjacent roads and streets open for travel by the public, adjacent property owners,

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their visitors and guests at all reasonable times. Blockage exceeding five minutes is considered a violation of the ordinance.

Honorable Mayor and City Councilmembers
May 14, 2004
Page Two

d. Protection of heritage trees/ Flood Estate.

Section 8.10.020.C regulates any action which in the judgment of the building official or Town arborist will cause damages to a heritage tree. Section 8.10.020.C makes it unlawful for any person to damage or harm a heritage tree by any means whatever.

Although there is a belief that the Town has assumed ownership and responsibility of Flood Estate artifacts, I am not aware of that this has ever actually occurred. Should the Council wish to consider adopting regulations which protect these items, I recommend that the first step to be taken is development of an inventory of items to be protected.

e. Retention of rainwater on property being developed. This issue is addressed, in some detail, by federal regulations as part of national pollutant discharge elimination system permits (NPDES). I believe the Town is obliged to ensure that any development of property proceed in a manner that accounts for changes in storm water runoff. Prior to General Plan Committee review of this subject, a review of these regulations and requirements is in order.

Respectfully,

MARC G. HYNES

MGH:cwb

Enclosure: Cited Municipal Code Provisions