



**Town of Atherton
CITY COUNCIL AGENDA**

April 18, 2001

5:00 p.m.

☞ Note time

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

SPECIAL MEETING

- 5:00 P.M. 1. ROLL CALL McKeithen, Janz, Carlson, Fisher, Conwell**
- 5:05 P.M. 2. PUBLIC COMMENTS (only for items which are not on the agenda – limit of three minutes per person)**
- 5:10 P.M. 3. CLOSED SESSION**
- A. Conference with Legal Counsel -Existing Litigation pursuant to Government Code Section 54956.9**
- Patricia O’Neal vs. Town of Atherton**
- B. Public Employment pursuant to Government Code Section 54957**
- Title: City Manager**
- 6:55 P.M. 11. RECONVENE TO OPEN SESSION**
- Report of action taken.**
- 7:00 P.M. 12. ADJOURN**

☞ *Please contact the City Clerk’s Office at 650.752.0529 with any questions*

Dated & Posted 04.13.01



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

**Agenda
April 18, 2001
7:00 p.m.**

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

- 7:00 P.M. 1. **ROLL CALL** McKeithen, Janz, Carlson, Fisher, Conwell
- 7:05 P.M. 2. **PRESENTATIONS**
- A. **Proclamations** –
Arbor Day – April 28, 2001
Eagle Scout Justin Baron
- B. **Oaths of Office** –
Police Officers – Donald Dunphy
Tim Marks
Kristen Lee
Communications Supervisor – Priscella O’Shea
Police Dispatcher – Joanne Thomas-Smith
- C. **Presentation** – Sheryl Snider, Koff and Associates, Classification
and Compensation Study
- 7:50 P.M. 3. **COUNCIL REPORTS**
- City Manager Recruitment
- 8:00 P.M. 4. **PUBLIC COMMENTS** (only for items which are not on the agenda –
limit of three minutes per person)
- 8:10 P.M. 5. **CITY MANAGER REPORT**
- 8:20 P.M. 6. **DEPARTMENT HEADS’ REPORTS**
- 8:35 P.M. 7. **CITY ATTORNEY REPORT**

8:45 P.M. 8. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed by Resolution No. 99-6)

8:50 P.M. **CONSENT CALENDAR** (Items 9 - 13)

9. MINUTES OF SPECIAL MEETINGS OF MARCH 15, 2001, MARCH 21, 2001, MARCH 29, 2001, REGULAR MEETING OF MARCH 21, 2001, AND CORRECTED MINUTES OF SPECIAL MEETINGS OF FEBRUARY 8, 2001 AND MARCH 6, 2001

10. BILLS AND CLAIMS FOR MARCH 10, 2001 THROUGH APRIL 10, 2001, IN THE AMOUNT OF \$601,556.26

11. QUARTERLY INVESTMENT REPORT

12. ADOPTION OF ORDINANCE NO. 521, AMENDING THE ATHERTON MUNICIPAL CODE REGULATING HEIGHT OF FENCES ALONG RINGWOOD AVENUE WITHIN THE TOWN OF ATHERTON

13. ADOPTION OF ORDINANCE NO. 522, AMENDING ATHERTON MUNICIPAL CODE RELATING TO THE REMOVAL OF HERITAGE TREES WITHIN THE TOWN OF ATHERTON

REGULAR AGENDA (Items 14 and 15)

9:00 P.M. 14. INTRODUCTION OF ORDINANCE NO. ____, AMENDING ATHERTON MUNICIPAL CODE REGULATING THE PLACEMENT OF CARGO CONTAINERS ON PRIVATE PROPERTY WITHIN THE TOWN OF ATHERTON

Recommendation: Introduce Ordinance No.____, and waive further reading.

9:15 P.M. 15. DISCUSSION AND POSSIBLE ACTION -PARCEL TAX, AUDIT COMMITTEE REPORT ON PRO FORMA BUDGETS

10:15 P.M. 16. **PUBLIC COMMENTS**

10:30 P.M. 17. **ADJOURN**

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

Dated & Posted 04.13.01



Minutes
CITY COUNCIL MEETING
Thursday, March 15, 2001
8:30 A.M.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

SPECIAL MEETING

Mayor Fisher called the meeting to order at 8:34 a.m.

1. ROLL CALL

PRESENT: Kathy McKeithen
James R. Janz
Alan B. Carlson (by speaker telephone)
Dianne M. Fisher
William R. Conwell

2. PUBLIC COMMENTS

There were no public comments.

3. DISCUSSION AND POSSIBLE ACTION – Approve the argument in favor of the Special Parcel Tax Measure for the June 5, 2001 Special Municipal Election.

The City Council reviewed the proposed argument in favor of the Parcel Tax Ballot Measure which was written by a committee including Council Member McKeithen and Town resident Sandy Crittenden. Various changes were discussed.

The following members of the audience commented on the proposed argument:
Charles Marsala, 33 Emilie Avenue
John Sisson, 26 Belleau Avenue
Sandy Crittenden, 117 Heather

MOTION – to submit the argument in favor of the Parcel Tax Measure with changes to certain wording as discussed.

M/S Janz/Fisher

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

- 4. DISCUSSION AND POSSIBLE ACTION – Approve the impartial analysis written by the City Attorney for the Special Parcel Tax Measure for the June 5, 2001 Special Municipal Election.**

MOTION – to approve the City Attorney’s impartial analysis of the Special Parcel Tax Measure for the June 5, 2001 ballot with some minor changes as discussed.

M/S Carlson/McKeithen

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

- 5. ADJOURN**

The meeting adjourned at 9:27 a.m.

Respectfully submitted,

Sharon Barker, City Clerk



Minutes
CITY COUNCIL MEETING
Wednesday, March 21, 2001
6:30 p.m.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California

SPECIAL MEETING

Mayor Fisher called the meeting to order at 6:30 p.m.

1. ROLL CALL

PRESENT: **Kathy McKeithen**
 James R. Janz
 Alan B. Carlson
 Dianne M. Fisher
 William R. Conwell

2. PUBLIC COMMENTS - There were no public comments.

3. CLOSED SESSION

The Council convened to closed session at 6:35 p.m.

4. RECONVENE TO OPEN SESSION

The Council reconvened to open session at 6:55 p.m. The following action was taken:

- A. Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9. One potential case.**

Direction was given to the City Attorney by the City Council.

- B. Liability Claim - pursuant to Section 54956.95**
Claimant: Curt Schulze
Agency claimed against: Town of Atherton

Direction was given to the City Attorney by the City Council.

5. ADJOURN

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Sharon Barker, City Clerk



Minutes
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT MEETING

March 21, 2001

7:00 p.m.

TOWN COUNCIL CHAMBERS

94 Ashfield Road
Atherton, California

REGULAR MEETING

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

1. ROLL CALL

PRESENT: Kathy McKeithen
James R. Janz
Alan B. Carlson
Dianne M. Fisher
William R. Conwell

Also present were Interim City Manager Ralph Freedman and City Attorney Marc Hynes.

2. PRESENTATIONS

- A. Mayor Fisher proclaimed the week of April 1, 2001, as the “Week of the Young Child”.**
- B. Presentation – Menlo Park Fire Protection District Chief Miles Julian gave a presentation on fire protection and emergency medical services provided to the Town. He presented a plaque in recognition of the Town’s participation as a partner agency in the San Mateo County Hospital Emergency Medical Services Group.**

3. CITY COUNCIL REPORTS

- Council Member Conwell reported on the recent CCAG meeting. Area shuttle systems were discussed. He also reported on the Criminal Justice Commission meeting. The Commission is looking into the accuracy of reported crime statistics. The San Francisco Airport Roundtable is working on a program called “Quiet Flight”. A new procedure is in place where SFO can be contacted in order to find which individual planes are not complying with flight regulations.**

- Vice Mayor Carlson reported that he has reviewed the bills and claims on the Consent Calendar. The Interim City Manager will address items in question.
- Council Member Janz reported on the ABAG Executive Committee Meeting held last week. The Housing Unit allocation process was discussed at the meeting. The ABAG General Assembly will meet April 12, 2001 in San Francisco.
- Council Member McKeithen reported that the Emergency Services Council will meet on Thursday, March 22. She reported that she has received calls from people who expressed concerns with the Interim City Manager's announcement that he will apply for the position of City Manager.
- Mayor Fisher read a letter from a contractor praising Building Department employees including Lois English and Kevin Cittadini, and Town Arborist Kathy Hughes-Anderson.

4. PUBLIC COMMENTS

The following members of the audience spoke:

- Sandy Kaye, 88 Shearer, on a complaint of excessive noise by neighboring children riding skateboards on private property.
- Gloria Berry, 230 Oak Grove
- Estelle Hoffman, Selby Lane
- John Sisson, 26 Belleau Avenue
- John Rugeiro, 10 Stockbridge Avenue
- Charles Marsala, 33 Emilie Avenue

5. CITY MANAGER REPORT

- Koff and Associates Study - Sheryl Snyder has had health problems and has been unable to come before the Council. The Interim City Manager will contact Ms. Snyder to see if she is available for the next meeting.
- Introduced Bill Yeomans, Interim Finance Director.
- Postal Contract – A new contract has been proposed for the Post Office in the amount of \$51,762 per year. With the new contract, the Town will operate a full service Post Office, accepting all international packages, providing international express mail service, and money orders to Mexico and Japan.
- A Goal Setting Session will be held on April 11 for the City Council, Staff, and the community. The results from this session will assist in putting together the FY 2001/2002 Budget. Both long and short-term goals that staff feels are important will be provided to the Council for consideration.
 - Council Meetings – encouraged all Council members to contact the Interim City Manager with any questions regarding items on the agenda in order to streamline Council meetings. Council Members are encouraged to meet regularly with the Interim City Manager.
 - Management Team Reports – Staff members will be reporting to the Council at regular meetings on important projects in their respective departments.

- **ABAG Claim – The Town is attempting to seek financial restitution for the removal of a tree damaged in a vehicle accident.**
- **Little League Field – Work has been completed except for some minor modifications to the fencing. Opening day ceremonies will be held in Menlo Park on March 24. One game is scheduled at Holbrook-Palmer Park on March 24.**
- **Playground Project – The Playground Committee expects to raise all of the needed funds in the next thirty days. The Park and Recreation Commission will meet with Susan McKay of MIG, Inc. on April 4 to review the plans.**
- **Search Engine for Town website – The Search Engine is now installed on the Town website. Key words may be entered to search for any item that is on the website.**
- **Bills and claims – Various items on the bills and claims report were explained.**

6. DEPARTMENT HEADS' REPORTS

- **City Clerk Sharon Barker reported on the openings on Town Commissions and Committees. She gave critical dates for the June 5, 2001 Special Municipal Election, and reported on the status of current employee recruitments.**
- **Police Chief Robert Brennan stated that the Police Department will be fully staffed by April 7. He asked the Council to write a letter to State Senator Jackie Speier to support San Mateo County Crime lab funding in the Governor's budget. The Council asked the Interim City Manager to put this item on the April 11 Special meeting consent agenda. Chief Brennan asked the City Council to contact him with any questions on the six month report on the Police Department.**
- **Interim Finance Director Bill Yeomans reported that his Department is working to prepare for the annual audit and the FY 2001/2002 Budget. The current accounting system is being converted to a Windows NT platform.**
- **Building Official Mike Hood presented a report on building permit revenues collected over the last five years. He announced that the new Building Inspector will start on April 2.**
- **Linda Kelly, Assistant to the City Manager, announced that the fall 2000 issue of the Athertonian has been placed on the Town website. The spring issue is currently being assembled, and will be published in early April. She has started a review of the Town's personnel policies and procedures, and the policies and procedures for purchasing goods and services.**
- **Public Works Director Cliff Temps gave a report on the Middlefield Road Rehabilitation Project which was funded primarily through a federal grant. It is scheduled to be completed in Fiscal Year 2002/2003.**

7. CITY ATTORNEY REPORT

City Attorney Marc Hynes reported on the results of the closed session held prior to the regular meeting. Instructions were given to the City Attorney on the matter involving anticipated litigation. Instructions were also given to the City Attorney regarding the liability claim of Mr. Curt Schulze.

8. COMMUNITY ORGANIZATION ROUNDTABLE REPORT – No report

CONSENT CALENDAR (Items 9, 10, 12, and 14)

MOTION - to approve the consent agenda with the exception of the minutes of the open session of February 8, 2001, and the minutes of March 6, 2001, and to place Item 11, Item 13, and Item 15 at the end of the regular agenda.

M/S Conwell/Janz

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

9. Approved minutes of the closed session of the Special Meeting of February 8, 2001, and the corrected minutes of the Regular Meeting of January 17, 2001.

10. Approved bills and claims for February 3, 2001 through March 9, 2001, in the amount of \$769,517.53.

12. Adopted Resolution No. 01-03, approving the filing of a funding request in the amount of \$5,000 to the State Department of Conservation, Division of Recycling, for beverage containers.

14. Approved Resolution No. 01-04, approving a new rate schedule for Browning-Ferris Industries refuse, recyclable material, and plant material collection effective March 1, 2001.

PUBLIC HEARINGS

16. PUBLIC HEARING – This item was withdrawn by the applicant.

17. PUBLIC HEARING – INTRODUCTION OF ORDINANCE NO. 521, AMENDING THE ATHERTON MUNICIPAL CODE REGULATING HEIGHT OF FENCES ALONG RINGWOOD AVENUE WITHIN THE TOWN OF ATHERTON

Town Planner Neal Martin stated that this ordinance was recommended by the General Plan Committee and has received approval by the Planning Commission. It would add Ringwood Avenue, between Menlo-Atherton High School and Bay Road, to the list of major streets where fence heights of up to eight feet would be allowed.

Mayor Fisher opened the public hearing.

Stanley Bernhard, from the audience, spoke in favor of the ordinance amendment.

MOTION – to find that the adoption of the proposed Ordinance would not be contrary to the purpose and intent of the General Plan and the Zoning Ordinance. Further move that the Council waive further reading and introduce the Ordinance entitled, “An Ordinance of the City Council of the Town of Atherton Amending the Atherton Municipal Code Regulating Height of Fences Along Ringwood Avenue Within the Town of Atherton.”

M/S Carlson/McKeithen

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

18. PUBLIC HEARING – RESOLUTION NO. 01-05 APPROVING THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR MENLO COLLEGE

Jerry Burke, of California Statewide Communities Development Authority (CSCDA), explained that Menlo College has requested them to issue tax exempt bonds in order to provide financing for the acquisition of educational equipment. CSCDA is a governmental agency and is one of the largest issuers of tax-exempt debt in the United States. Pursuant to the Joint Powers Agreement under which CSCDA was established, financing cannot be approved unless the governing body of the program participant in whose jurisdiction the project is located, approves the project and the financing of the project. The Town will incur no financial liability as a result of the financing.

Mayor Fisher opened the public hearing at 9:30 p.m. There were no public comments on this issue. Mayor Fisher closed the public hearing.

MOTION –to approve Resolution No. 01-05, approving the issuance of tax-exempt obligations by the California Statewide Communities Development Authority, as drafted, with the addition of the reference to Section 91530(f) of the Government Code of the State of California to the Resolution if it is found to be necessary by a counsel of Menlo College.

M/S McKeithen/Janz

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

REGULAR AGENDA (Items 19 - 21)

19. DISCUSSION OF FUTURE PROJECTS AND EXPENDITURES OF PARCEL TAX FUNDS

Interim City Manager Ralph Freedman presented revenue projections over a five year period without factoring in a potential parcel tax (Attachment A). Interim Finance Director Bill Yeomans answered questions regarding specific revenue items. A five year projection of expenditures by program with anticipated fund balances (Attachment A1) was also presented.

Discussion ensued. The Finance Department and the Interim City Manager will continue to work on the pro forma reports. Council asked that the Audit Committee review the pro forma reports at their next meeting. This item will be continued to the April 11, 2001 Special City Council meeting.

The following members of the audience spoke:

Jerry Carlson, 95 Mount Vernon Lane, commented that he would like to see a combined statement of revenues and expenditures to include capital project expenditures.

**Charles Marsala, 33 Emilie Avenue
John Rugeiro, 10 Stockbridge Avenue
Sandy Crittenden, 117 Heather Drive
Philip Lively, 24 Hawthorne**

20. INTRODUCTION OF ORDINANCE NO. 522, AMENDING ATHERTON MUNICIPAL CODE RELATING TO THE REMOVAL OF AND DAMAGE TO HERITAGE TREES WITHIN THE TOWN OF ATHERTON

Town Planner Neal Martin stated that the General Plan Committee had proposed this ordinance and recommended adoption by the City Council. It would require a permit to remove any native heritage tree in the buildable area of a lot. It would also require when native heritage oaks are allowed to be removed from within the buildable area, they shall be replaced with a 48 inch box native oak. Discussion ensued regarding the amendment to Section 3 which refers to fees charged for causing damage to a heritage tree. The Planner stated that the General Plan Committee plans to review the entire Heritage Tree Ordinance.

Mayor Fisher asked for public comments. Gloria Berry, 230 Oak Grove Avenue spoke.

MOTION – find that the proposed amendment is consistent with the Atherton General Plan. Further move to introduce Ordinance No. 522, amending various sections of the Atherton Municipal Code regulating the removal of heritage trees within the Town of Atherton, removing the words “or damaged” from Section 8.10.060 of Section 3 of the proposed ordinance, and waive further reading.

M/S Janz/Carlson

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

21. INTRODUCTION OF AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE REGULATING THE PLACEMENT OF CARGO CONTAINERS ON PRIVATE PROPERTY WITHIN THE TOWN OF ATHERTON

Town Planner Neal Martin stated that the General Plan Committee had recommended this ordinance. Discussion ensued regarding the definition of “cargo container”.

**The following members of the audience spoke:
Philip Lively, 24 Hawthorne
Smith McKeithen, 11 Maple Leaf Way**

MOTION – to send the proposed ordinance back to the General Plan Committee for further review.

The following items were removed from the Consent Agenda and placed at the end of the Regular Agenda.

9. MINUTES OF FEB. 8, 2001 AND MARCH 6, 2001

Council Member McKeithen asked for corrections to the minutes of the February 8, 2001 Special Meeting as follows:

- 1. Under the consent calendar, change the corrections to Item 15 of the January 17, 2001 minutes to reflect the changes made.**
- 2. Under City Council reports, remove the word “minimal” in the last sentence of Council Member McKeithen’s report.**
- 3. Item 10 – correct motion to adopt Subsection 4 of Section 2 of Ordinance No. 520 – to add that the amounts on Line No. 4 of Maximum Tax in Given Year be changed to \$285.00.**
- 4. Item 10 – correct motion to adopt Subsection 5 of Section 2 of Ordinance No. 520- change noticing provision to require posting in at least three public places within the Town of Atherton.**
- 5. Item 14 – correct motion to read “to pursue the idea of videotaping and broadcasting of City Council meetings.**
- 6. Item 15 – correct motion to read “to proceed with needed plumbing and heating repairs to the house.**

Council Member McKeithen asked for corrections to the minutes of the March 6, 2001 Special Meeting as follows:

- 1. Item 8 – correct motion to read “to approve the proposed agreement with changes including increasing the professional negligence insurance to \$1,000,000, providing for a \$5,000 cap on any sub-consultants to be paid out of grant funds, no substitution of the project manager, and several minor corrections to the language of the agreement.”**
- 2. Item 9 – refer to the Lease “Sub”-committee, which consisted of Council Members Janz and McKeithen.**
- 3. Item 10 – The Council asked Staff to work on developing a four year set of pro-forma financial statements.**

11. ADOPTED RESOLUTION NO. 01-02, AUTHORIZING THE ISSUANCE OF TAX AND REVENUE ANTICIPATION NOTES BY THE TOWN OF UP TO \$2,000,000 FOR FISCAL YEAR 2000-02

Interim City Manager Ralph Freedman stated that this is basically the same procedure the Town followed last year in borrowing temporary funds to cover cash shortfalls. He stated the Town actually accrues interest earnings on the TRANs.

MOTION – to adopt Resolution No. 01-02, authorizing the Town to join the California Statewide Communities Development Authority, and authorizing the issuance and sale of a Fiscal Year 2001-02 Tax and Revenue Anticipation Note.

M/S Carlson/Janz

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

13. AUTHORIZED ONE SWORN MEMBER OF THE POLICE DEPARTMENT TO REPRESENT THE TOWN ON THE REGIONAL CRITICAL INCIDENT TEAM

Police Chief Brennan stated that the Town would absorb much of the cost of the program since participation would be in lieu of regular duty. Discussion ensued regarding the liability incurred by the agencies involved. Police Chief Brennan answered questions regarding the program and its benefits to the Town.

MOTION – to adopt the MOU subject to the correction of a typo in Paragraph 3, Page 3, and conditioned upon the acceptance and approval of the City Councils of the other jurisdictions involved (Redwood City, San Carlos, and Menlo Park).

M/S Carlson/Janz

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

15. APPROVAL OF A PROPOSAL FOR A FIXED ASSETS INVENTORY

The Audit Committee recommended that a Fixed Asset Inventory be undertaken by the Town. Interim Finance Director Bill Yeomans stated the need to obtain a good fixed asset inventory which will be auditable, and provide a base for the new requirements of GASB 34. The proposed approach has been approved by the Town auditor. Staff recommended accepting the proposal of The Valuation Advisory Group, Inc.

MOTION – to accept the recommendation of Staff to award the contract for fixed asset inventory to The Valuation Advisory Group, Inc. in the amount of \$4,150.

M/S Janz/Conwell

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

22. PUBLIC COMMENTS - None

23. ADJOURN

The meeting adjourned at 12:37 a.m.

Respectfully submitted,

Sharon Barker, City Clerk



Minutes
CITY COUNCIL MEETING
Thursday, March 29, 2001
8:00 A.M.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
SPECIAL MEETING

Mayor Fisher called the meeting to order at 8:00 a.m.

1. ROLL CALL

PRESENT: Kathy McKeithen
Alan B. Carlson
Dianne M. Fisher
William R. Conwell (by speaker phone)

ABSENT: James R. Janz

Interim City Manager Ralph Freedman was also present.

2. PUBLIC COMMENTS - There were no public comments.

3. DISCUSSION AND POSSIBLE ACTION - Review and approval of City Council rebuttal argument for Measure F.

The City Council reviewed the rebuttal argument for Measure F which was written by Council Member McKeithen and Town resident Sandy Crittenden. Several minor changes were agreed upon.

MOTION – to approve the rebuttal argument as written with the modifications made by the Council.

M/S Carlson/Fisher Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 (Janz)

4. DISCUSSION AND POSSIBLE ACTION - Set tentative schedule for City Manager recruitment.

The following members of the audience spoke on this issue:
Sam Goodman, Atherton resident
John Rugeiro, 10 Stockbridge Avenue

The Council agreed on a tentative schedule for the City Manager recruitment.

5. ADJOURN

The meeting adjourned at 9:05 a.m.

Respectfully submitted,

Sharon Barker, City Clerk



Minutes
CITY COUNCIL MEETING
February 8, 2001
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

SPECIAL MEETING

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

1. ROLL CALL McKeithen, Janz, Carlson, Fisher, Conwell

PRESENT:

- Kathy McKeithen**
- James R. Janz**
- Alan B. Carlson**
- Dianne M. Fisher**
- William R. Conwell**

Interim City Manager Ralph Freedman and City Attorney Marc Hynes were also present. Item 2 was removed from the agenda. Item 15 was added to the agenda – Improvements to the City Manager’s house.

2. PRESENTATIONS - Sheryl Snyder of Koff & Associates - presentation canceled.

3. COUNCIL REPORTS

- **Council Member Conwell reported on the Airport Roundtable meeting.**
- **Vice Mayor Carlson reported on the General Plan Committee meeting. A sub-committee has been formed to consider changes to the Heritage Tree ordinance. The Audit Committee met and has recommended that the Town hire a person proficient in the accounting software to assist the Finance Director in the reconciliation of bank statements. The next meeting of the Audit Committee will be March 13, 2001. Vice Mayor Carlson asked for information on advertising for the various Park programs.**
- **Council Member Janz gave an update on the ABAG Power Pool.**
- **Council Member McKeithen reported on the January Emergency Services meeting. April is Earthquake Preparedness Month. The City Manager recruitment process is on schedule. The City Manager’s house has been appraised by a professional appraiser at \$5,500 per month before utilities and maintenance.**

- P. G. & E. is only able to give short notice to the Town before rolling power blackouts.
- A goal setting session with the City Manager, City Council, and Staff is planned in March.
- The Park and Recreation Commission met and held a discussion on the Holbrook-Palmer Park Study. The Commission will return to the Council in March.
- Opening Day for the Little League field is planned for March 24, 2001. Additional landscaping is planned for the Pavilion side of the field. The temporary fencing will be up until March.
- The Tennis Committee will do some volunteer labor on the shelter at the Tennis Courts.
- The Playground project was presented at the Park Foundation meeting earlier in the week. An agreement with MIG, Inc. to develop plans and specifications, and construction documents will be presented to the Council at the March 6 meeting.
- New legislation has been adopted putting financial obligation back on cities and local agencies for LAFCO.
- Town's share for Animal Control for 2000/2001 will be \$63,000. Staff is looking at alternatives.

Council Member McKeithen asked the City Manager to report back to the City Council on the collection of revenues from businesses which may be operating within the Town. She expressed concerns that the Town may not be collecting all of the appropriate fees and revenues from businesses operating within the Town limits.

CONSENT CALENDAR

MOTION – to approve the items on the Consent Agenda, with the exception of the minutes of the January 17, 2001 regular City Council meeting.

M/S Carlson/Janz

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

Council Member McKeithen asked for corrections to the minutes of the January 17, 2001 regular City Council meeting as follows:

Item Number 5 - City Manager Reports

- 1.) Council Member McKeithen requested information on sales tax generated by auctions at Menlo College, not Menlo School.
- 2.) Council Member McKeithen requested that the information on the selection of Mayor and Vice Mayor, and television and/or radio broadcasting of Council meetings be placed on the March agenda.

Item Number 11 – Public Hearing

- 1.) Correct Item 2 in the motion to read “No change (except remove the words – “Condition two (2) and” in the second sentence)”

Item Number 12 – Playground Equipment at Holbrook-Palmer Park

- 1.) Change the word “by” to “when” in the sentence– “The Council requested that the Playground Committee obtain input from the Atherton Dames and the Park Foundation when making presentations of the project at their respective meetings.”

Item Number 15 – Hiring of New Staff at the 70th percentile

- 1.) Correct the first motion under this item to read “to pay up to the 70th percentile for the positions of Assistant to the City Manager and Public Works Superintendent, as stated in the Koff and Associates Classification and Compensation Study, and to advertise above the 70th percentile for the Assistant Finance Director position.”

Item Number 16 – Discussion and Possible Action on the Parcel Tax

- 1.) Correct the motion to read – “to begin the process to place the Parcel Tax measure on the June 5, 2001 ballot.”
6. APPROVED MINUTES OF SPECIAL MEETINGS OF JANUARY 10, 2001 AND JANUARY 17, 2001.
7. APPROVED BILLS AND CLAIMS FOR JANUARY 9, 2001 THROUGH FEBRUARY 2, 2001, IN THE AMOUNT OF \$500,867.22
8. ACCEPTED THE INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2000

REGULAR AGENDA

9. CONSIDERATION OF LEASE AGREEMENT WITH KNOX PLAYSCHOOL

Interim City Manager Ralph Freedman stated that the expansion of the Knox Playschool has been endorsed by the Park and Recreation Commission, and the Planning Commission has approved a conditional use permit with certain conditions. The current three year Lease Agreement expires June 30, 2001. The proposed lease would be for a period of five years, with an option for two (2) additional five-year terms.

Council Member Carlson stated his concern that the Council had not been given the opportunity to consider the addition of the new Playschool building in Holbrook-Palmer Park. Council Member Conwell agreed that the Council should be able to review the appropriateness of the project. Planning Commission Member Philip Lively stated that the item had come before the Planning Commission as a matter of land use only. The issue passed four to zero (4 to 0) at the Planning Commission meeting. Council Member Janz stated that this issue should have come before the City Council before it went to the Planning Commission.

Mayor Fisher invited Playschool owner Susan Knox to speak. Ms Knox gave the Council an overview of the Playschool’s operations and plans for expansion. She

stated that Atherton families are given first choice of openings in the School, and that there is a waiting list of over 250 students. With the expansion, the onsite capacity of the School will be doubled, but no more than sixty-four children will be at the School at any one time. The owner proposes to pay all costs involved in the expansion.

Discussion ensued regarding the issues of the lease of the ground, liability insurance coverage, traffic generated by the Playschool, and the use of sound barriers. The Council also discussed requiring financial information from the Playschool to determine if the rental value placed on the property is appropriate. Interim City Manager Ralph will meet with Susan Knox regarding these issues prior to the next meeting.

MOTION – 1) to continue this item to the next Council meeting in order to allow Council Members an opportunity to review the terms of the lease with the City Attorney, 2) ask the Planning Commission give a report to the Council on the conditions that were imposed on the project, 3) ask the Park and Recreation Commission report to the Council on what they considered in recommending this project, and 4) have Staff report back regarding the financial statements of the Playschool.

M/S Carlson/Janz

AMENDED MOTION – as stated, with a subcommittee to be appointed consisting of Council Members McKeithen and Janz to meet with the City Attorney to review the terms of the lease.

M/S Carlson/Janz

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

The following members of the audience spoke:

Henry Ilg, 86 Leon Way

Charles Marsala, Park and Recreation Commission

Henry Titzler, 68 Walnut Avenue

John Benedict, Felton Gables resident

Mike McPherson, 123 Watkins Avenue

PUBLIC HEARING

- 10. PUBLIC HEARING – ADOPTION OF ORDINANCE NO. 520, AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON CALLING AN ELECTION TO SUBMIT TO THE VOTERS AN ORDINANCE AUTHORIZING THE LEVY OF A SPECIAL TAX FOR MUNICIPAL SERVICES AND FOR THE EXPENDITURE OF FUNDS DERIVED FROM SUCH TAX**

Interim City Manager Ralph Freedman presented the proposed ordinance calling for an election of the voters for a Special Parcel Tax. The proposed ordinance would levy

MOTION – to adopt Sub-Section 6, of Section 2, of Ordinance No. 520, as submitted.

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

MOTION – to adopt Sub-Section 7 through Section 10, of Ordinance No. 520, as submitted.

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

MOTION - to adopt Sub-Section 11, of Section 2, of Ordinance No. 520 with changes as follows: add “and shall continue through and including June 30, 2005” to the end of the first sentence.

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

MOTION – to adopt the remaining Sections 3 through 7, of Ordinance 520, as submitted.

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

REGULAR AGENDA

11. ADOPTION OF RESOLUTION NO. 01-01, A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON CALLING FOR AN ELECTION TO APPROVE THE SPECIAL MUNICIPAL TAX

MOTION – to adopt Resolution No. 01-01, calling for an election to approve the Special Municipal Tax and authorizing the Interim City Manager to execute an agreement with the County of San Mateo for election services.

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

Mayor Fisher called for a break at 11:00 p.m. The Council reconvened at 11:15 p.m.

12. MID-YEAR BUDGET REVIEW

Interim City Manager Ralph Freedman presented the mid-year Budget Review showing actual revenues and expenditures for July 1, 2000 through December 31, 2000, and projected fund balances for the Fiscal Year ending June 30, 2001. He stated that savings had been realized in this year’s budget in part because the Town had been unable to fill some of the vacant positions. Information was provided on staffing levels for the current year and the status of the capital improvement program at mid-year. The Interim Finance Director, Building Official, Public Works Director, and Police Lieutenant presented information on their respective budgets.

Lori Bradshaw
Acting City Clerk
April 9, 2001



Minutes
CITY COUNCIL MEETING
Tuesday March 6, 2001
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

SPECIAL MEETING

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

1. ROLL CALL

PRESENT: Kathy McKeithen
James R. Janz
Alan B. Carlson
Dianne M. Fisher
William R. Conwell

Interim City Manager Ralph Freedman and City Attorney Marc Hynes were also present.

2. PRESENTATIONS There were no presentations.

Mayor Fisher announced that the following items would be moved to the end of the agenda: Council Reports and City Manager Report.

4. PUBLIC COMMENTS

Jerry Carlson, 95 Mount Vernon Lane
John Sisson, 26 Belleau Avenue
John Ruggeiro, 10 Stockbridge Avenue

5. CITY MANAGER REPORT

The Interim City Manager introduced the following new employees: John Iaquinto, Public Works Superintendent, and Linda Kelly, Assistant to the City Manager. He announced that Interim Finance Director Hector Lwin will be leaving March 9th. Bill Yeomans has been appointed to serve as Interim Finance Director.

Other items were moved to the end of the agenda.

CONSENT CALENDAR

MOTION to approve the consent agenda with the exception of Item 8, which will be placed on the regular agenda.

M/S Carlson/Conwell

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

6. ADOPTED RESOLUTION 01-01A (AMENDING RESOLUTION 01-01) CHANGING THE DATES THAT ARGUMENTS AND REBUTTAL ARGUMENTS FOR AND AGAINST THE SPECIAL TAX MEASURE ARE DUE

Resolution 01-01A changes the date that arguments for and against the Special Parcel Tax Measure are due in the City Clerk’s office to March 19, 2001, and the date that rebuttal arguments are due to March 29, 2001.

7. APPROVED AGREEMENT WITH MIG, INC. FOR THE HOLBROOK-PALMER PARK PLAY AREA REPLACEMENT AND EXPANSION

The Interim City Manager is authorized to execute a Professional Services Agreement with MIG, Inc. for design, planning, and construction oversight services for the new Playground Project in Holbrook-Palmer Park.

REGULAR AGENDA

8. APPROVAL OF SELECTION OF A PROJECT CONSULTANT FOR THE POLICE DISPATCH CENTER UPGRADE PROJECT

Interim City Manager Ralph Freedman discussed the proposed project which will upgrade the Police Dispatch Center using State grant funds the Town received for technology related purposes that enhance law enforcement.

Council Members Conwell and McKeithen expressed concerns that the City Council had not had an opportunity to consider the proposed improvements to the Dispatch Center.

Dan White from Specialized Communication Services, was present to answer the Council’s questions regarding ergonomic solutions and technological improvements for the Police Dispatch Center.

MOTION – to approve the proposed agreement with changes including increasing the professional negligence insurance to \$1,000,000, providing for a \$5,000 cap on any sub-consultants, to be paid out of grant funds, no substitution of the project manager, and several minor corrections to the language of the agreement.

M/S McKeithen/Janz

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

9. CONSIDERATION OF LEASE AGREEMENT FOR THE CONTINUATION AND THE EXPANSION OF THE KNOX PLAYSCHOOL

Interim City Manager Ralph Freedman stated that he originally proposed a five year Lease Agreement with Knox Playschool with two (2) five year options. He discussed the changes made to the proposed Lease Agreement as a result of the last Council meeting.

Susan Knox gave a presentation on the Playschool's background. She gave an outline of the Playschool's operational expenditures, and the added expenditures the Playschool will incur with the new addition.

Interim City Manager Ralph Freedman stated that he had met with Susan Knox and reviewed the Playschool's financials statements. He discussed the operational costs of the Playschool and stated that the financials appeared to be in good order. Council Member Carlson stated that he views the Playschool as more of a Park program, and that it provides a needed service in the community. Council Member Janz stated that the Sub-Lease Committee, consisting of Council Members McKeithen and Janz, felt that a five year lease with a five year option was more realistic. Council Member McKeithen stated concerns with how the expansion fits in with the Park Master Plan, and what long term impacts the Playschool's expansion may have.

Council Member Conwell asked if residents in Felton Gables have been contacted. Mike McPherson, of the Park and Recreation Commission, stated that all neighbors in Felton Gables received notice of the meeting addressing the Playschool expansion. He said the Commission recommended approval of the expansion because it will increase utilization of the Park. The primary time usage for the Playschool is weekday mornings when Park usage is usually at its lowest. He said the Commission looked at the expansion as an extension of the current use. He also said that the Lease terms were not addressed by the Commission.

Mayor Fisher opened the public hearing. The following individuals made comments on this issue:

**Randi Desnoes, 77 Serrano Drive
Jack Mills, 44 Holbrook
Gail Tomeri, 65 Wilburn Avenue
Lisa Stone, Menlo Park
Wendy Barman, 62 Selby Lane
Renee Baker, Menlo Park
Charles Marsala, 33 Emilie, Park and Recreation Commission
Mark Balestra, 97 Larch Drive
Debby Barnum, 59 Leon Way
Martha McCaine, 217 Atherton Avenue
Shirley Carlson, 95 Mount Vernon Lane**

MOTION - to support the expansion, and to approve the lease for a five year term with an option for an additional five years, with changes to the lease including: raise insurance to ABAG standards of \$2,000,000, increase the rent to \$3000 per month for the new modular and the same amount for the existing modular beginning July 1, 2006, and other minor corrections to the language of the Lease Agreement.

M/S McKeithen/Conwell

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

PUBLIC HEARING

10. SPECIAL MUNICIPAL PARCEL TAX

Interim City Manager Ralph Freedman presented information in answer to issues brought up at the last Parcel Tax public hearing. He provided information on the assessed valuation of the Town, a General Fund budget summary for 2000/2001, and revised recommendations for the use of revenues generated from the proposed parcel tax.

Council Member Janz asked for more information on compensation adjustments. He also asked that the capital improvements be identified as much as possible. Vice Mayor Carlson stated that the Town had reduced staff and capital improvements when the parcel tax last failed, and that in order to balance the operating budget in the future, the parcel tax is needed.

Discussion ensued regarding proposed uses of the parcel tax and how the Council should get the message to the voters that the Town cannot operate without a parcel tax.

In response to Mayor Fisher's request for public comments, the following individuals spoke:

**John Rugeiro, 10 Stockbridge Avenue
Jerry Carlson, 95 Mount Vernon Lane
John Sisson, 26 Belleau Avenue
Charles Marsala, 33 Emilie Avenue
Sandy Crittenden, 117 Heather Drive
Jean Schaaf, 29 Stockbridge Avenue**

The Council asked that Staff work on developing a four-year set of pro forma financial statements reflecting the revenues and expenditures of the Town with and without the special parcel tax.

Agenda Items 3 and 5 were addressed at this time.

3. COUNCIL REPORTS

- Vice Mayor Carlson asked the Interim City Manager to return to the Council to address the points made by Jerry Carlson regarding the Mid-Year Budget Review.
- Council Member McKeithen discussed the City Manager recruitment process and stated that a timeline for the process has been given to the Council.
- Mayor Fisher reported that the Library Board is encouraging the State to return the ERAF monies to Special Districts.

5. CITY MANAGER REPORT

The Interim City Manager reported on the following:

- The first meeting of the month in April will be set aside for a goal setting session to set some priorities for staff and to reflect the goals in next year's budget.
- Watkins-Cartan House update – owners have filed an appeal of the Planning Commission. Building Official Mike Hood and the Interim City Manager have been in contact with the owners.
- Staff changes – Interim Finance Director Hector Lwin is leaving officially on March 9th, but may return for a meeting with the new Interim Finance Director, Bill Yeomans.
- The Audit committee meeting on March 13th will be rescheduled in order to give the new Interim Finance Director a chance to come on board.
- Police Chief Bob Brennan handed out a six month report on the changes in the Police Department. The report will be addressed at the next meeting.

11. PUBLIC COMMENTS - None

12. ADJOURN

The meeting adjourned at 11:05 p.m.

Respectfully submitted,

Sharon Barker, City Clerk
April 9, 2001

TOWN OF ATHERTON
CLAIMS LIST

March 10 through April 10, 2001

Payroll Checks	500479- 500594	\$ 212,362.02
Electronic Transfers		58,706.73
A/P Checks	10002-10177	<u>330,487.51</u>
	TOTAL	\$ 601,556.26

I, Ralph Freedman, Interim City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 500479 – 500594 (Payroll) and 10002-10177 (Accounts Payable), and Electronic Transfers for Employees Federal Payroll Taxes and fees, inclusive, amount to \$601,556.26 are true and correct, and that there are funds for payment.

Ralph Freedman
Interim City Manager

The above claims, Payroll check numbers 500479 – 500594, Accounts Payable check numbers 10002 - 10177 and Electronic Transfers for employees federal payroll taxes and fees, amount to \$601,556.26; and are hereby approved for payment.

Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$ 536,209.18
105	Tennis Fund	0
202	Transportation Fund	42,685.00
203	Gas Tax Fund	0
206	SLESF	0
401	GF Projects	0
402	Storm Drainage	0
403	Atherton Channel Drainage	0
611	Computer Maint & Replacem't	3,541.49
612	Administrative Services	2,533.30
614	Workers Compensation Insurance	0
715	Evans Estate	130.41
731	M-A Little League	0
730	H-P Park Improvement	351.38
731	Tree Committee	16,105.50
	TOTAL	\$ 601,556.26

INVESTMENT ACCOUNT WITH SMCIP AND LAIF

FISCAL YEAR 2000/2001

Date	Transaction	SMCIP	Balance	LAIF	Balance
07/01/00	Opening Balance	4,694,982.95	4,694,982.95	1,727,468.08	1,727,468.08
07/06/00	Withdrawal to Checking	(100,000.00)	4,594,982.95		1,727,468.08
07/07/00	Deposit to LAIF		4,594,982.95	100,000.00	1,827,468.08
07/14/00	Interest Deposit		4,594,982.95	26,088.24	1,853,556.32
07/25/00	MA Sales Tax Deposit	12,084.76	4,607,067.71		1,853,556.32
07/24/00	Withdrawal to Checking	(80,000.00)	4,527,067.71		1,853,556.32
07/25/00	PS Sales Tax Deposit	6,881.17	4,533,948.88		1,853,556.32
07/31/00	MA Sales Tax Deposit	2,935.71	4,536,884.59		1,853,556.32
08/07/00	Withdrawal to Checking	(100,000.00)	4,436,884.59		1,853,556.32
08/09/00	Deposit to LAIF		4,436,884.59	100,000.00	1,953,556.32
08/17/00	MA Sales Tax Deposit	20,027.30	4,456,911.89		1,953,556.32
08/17/00	Withdrawal to Checking	(150,000.00)	4,306,911.89		1,953,556.32
08/18/00	Supplemental Prop Tax	6,856.78	4,313,768.67		1,953,556.32
08/19/00	Supplemental Prop Tax	99.98	4,313,868.65		1,953,556.32
08/25/00	PS Sales Tax Deposit	5,580.41	4,319,449.06		1,953,556.32
09/01/00	Withdrawal to Checking		4,319,449.06	(100,000.00)	1,853,556.32
09/02/00	Withdrawal to Checking	(50,000.00)	4,269,449.06		1,853,556.32
09/13/00	Deposit to LAIF		4,269,449.06	350,000.00	2,203,556.32
09/13/00	Withdrawal to Checking	(50,000.00)	4,219,449.06		2,203,556.32
09/15/00	Withdrawal to Checking	(50,000.00)	4,169,449.06		2,203,556.32
09/18/00	Withdrawal to Checking	(100,000.00)	4,069,449.06		2,203,556.32
09/20/00	Supplemental Prop Tax	2,241.12	4,071,690.18		2,203,556.32
09/29/00	Deposit to LAIF		4,071,690.18	100,000.00	2,303,556.32
09/29/00	PS Sales Tax Deposit	5,766.27	4,077,456.45		2,303,556.32
09/29/00	MA Sales Tax Deposit	29,697.52	4,107,153.97		2,303,556.32
09/30/00	Interest Adjust by County	(397.92)	4,106,756.05		2,303,556.32
09/30/00	Opening Balance	(397.92)	4,106,756.05		2,303,556.32
10/01/00	Interest Deposit	64,629.23	4,171,385.28		2,303,556.32
10/02/00	Withdrawal to Checking	(150,000.00)	4,021,385.28		2,303,556.32
10/06/00	Withdrawal to Checking	(50,000.00)	3,971,385.28		2,303,556.32
10/13/00	Withdrawal to Checking	(100,000.00)	3,871,385.28		2,303,556.32
10/13/00	Deposit to LAIF		3,871,385.28	140,000.00	2,443,556.32
10/13/00	Interest Deposit		3,871,385.28	31,622.07	2,475,178.39
10/19/00	MA Sales Tax Deposit	15,710.52	3,887,095.80		2,475,178.39
10/20/00	Supplemental Prop Tax	1,493.94	3,888,589.74		2,475,178.39
10/31/00	Unsecured Property Tax	226,267.44	4,114,857.18		2,475,178.39
10/31/00	PS Sales Tax Deposit	5,628.05	4,120,485.23		2,475,178.39
11/01/00	Withdrawal to Checking		4,120,485.23	80,000.00	2,555,178.39
11/09/00	Withdrawal to Checking	(100,000.00)	4,020,485.23		2,555,178.39
11/10/00	Withdrawal to Checking	(50,000.00)	3,970,485.23		2,555,178.39
11/13/00	Withdrawal to Checking		3,970,485.23	(100,000.00)	2,455,178.39
11/16/00	Secured Property Tax	97,182.00	4,067,667.23		2,455,178.39
11/16/00	Secured Property Tax	1,395.00	4,069,062.23		2,455,178.39
11/20/00	Supplemental Prop Tax	27.51	4,069,089.74		2,455,178.39
11/20/00	Supplemental Prop Tax	1,899.37	4,070,989.11		2,455,178.39

11/22/00	MA Sales Tax Deposit	20,947.11	4,091,936.22		2,455,178.39
11/22/00	Withdrawal to Checking	(50,000.00)	4,041,936.22		2,455,178.39
11/27/00	Withdrawal to Checking	(70,000.00)	3,971,936.22		2,455,178.39
11/29/00	PS Sales Tax Deposit	7,178.87	3,979,115.09		2,455,178.39
11/29/00	MA Sales Tax Deposit	49.07	3,979,164.16		2,455,178.39
12/08/00	HOPTR	4,200.69	3,983,364.85		2,455,178.39
12/15/00	Secured Property Tax	885,672.95	4,869,037.80		2,455,178.39
12/19/00	Deposit to LAIF		4,869,037.80	100,000.00	2,555,178.39
12/20/00	Supplemental Prop Tax	2,530.85	4,871,568.65		2,555,178.39
12/22/00	Withdrawal to Checking	(50,000.00)	4,821,568.65		2,555,178.39
12/26/00	Withdrawal to Checking	(50,000.00)	4,771,568.65		2,555,178.39
12/28/00	PS Sales Tax Deposit	5,592.27	4,777,160.92		2,555,178.39
12/28/00	MA Sales Tax Deposit	32,757.30	4,809,918.22		2,555,178.39
12/28/00	Withdrawal to Checking	(50,000.00)	4,759,918.22		2,555,178.39
01/01/01	Interest Deposit	61,514.14	4,821,432.36		2,555,178.39
01/05/01	Withdrawal to Checking	(80,000.00)	4,741,432.36		2,555,178.39
01/08/01	HOPTR	9,801.62	4,751,233.98		2,555,178.39
01/11/01	Withdrawal to Checking	(80,000.00)	4,671,233.98		2,555,178.39
01/12/01	ERAF Allocation	12,240.00	4,683,473.98		2,555,178.39
01/12/01	Interest Deposit		4,683,473.98	40,518.74	2,595,697.13
01/16/01	Withdrawal to Checking	(40,000.00)	4,643,473.98		2,595,697.13
01/17/01	Deposit to LAIF		4,643,473.98	210,000.00	2,805,697.13
01/18/01	MA Sales Tax Deposit	17,849.89	4,661,323.87		2,805,697.13
01/19/01	Supplemental Prop Tax	9,142.68	4,670,466.55		2,805,697.13
01/25/01	Withdrawal to Checking	(150,000.00)	4,520,466.55		2,805,697.13
01/31/01	Secured Property Tax	129,756.40	4,650,222.95		2,805,697.13
01/31/01	PS Sales Tax Deposit	5,277.38	4,655,500.33		2,805,697.13
02/01/01	Deposit to LAIF		4,655,500.33	190,000.00	2,995,697.13
02/02/01	Withdrawal to Checking	(100,000.00)	4,555,500.33		2,995,697.13
02/06/01	Withdrawal to Checking	(100,000.00)	4,455,500.33		2,995,697.13
02/08/01	Withdrawal to Checking	(100,000.00)	4,355,500.33		2,995,697.13
02/20/01	Supplemental Prop Tax	2,679.39	4,358,179.72		2,995,697.13
02/20/01	Withdrawal to Checking	(50,000.00)	4,308,179.72		2,995,697.13
02/20/01	Withdrawal to Checking	(100,000.00)	4,208,179.72		2,995,697.13
02/20/01	Withdrawal to Checking	(80,000.00)	4,128,179.72		2,995,697.13
02/23/01	MA Sales Tax Deposit	23,800.11	4,151,979.83		2,995,697.13
02/26/01	Deposit to LAIF		4,151,979.83	180,000.00	3,175,697.13
02/28/01	PS Sales Tax Deposit	7,687.42	4,159,667.25		3,175,697.13
03/05/01	Withdrawal to Checking		4,159,667.25	(50,000.00)	3,125,697.13
03/05/01	Deposit to LAIF		4,159,667.25	200,000.00	3,325,697.13
03/06/01	Deposit to LAIF		4,159,667.25	200,000.00	3,525,697.13
03/07/01	Withdrawal to Checking		4,159,667.25	(200,000.00)	3,325,697.13
03/07/01	Withdrawal to Checking	(100,000.00)	4,059,667.25		3,325,697.13
03/08/01	Withdrawal to Checking	(100,000.00)	3,959,667.25		3,325,697.13
03/09/01	Withdrawal to Checking	(80,000.00)	3,879,667.25		3,325,697.13
03/09/01	Deposit to LAIF		3,879,667.25	100,000.00	3,425,697.13
03/14/01	Unsecured Property Tax	187.05	3,879,854.30		3,425,697.13
03/14/01	Unsecured Property Tax	13,031.17	3,892,885.47		3,425,697.13
03/14/01	Deposit to LAIF		3,892,885.47	40,000.00	3,465,697.13
03/14/01	Withdrawal to Checking	(60,000.00)	3,832,885.47		3,465,697.13
03/15/01	Withdrawal to Checking		3,832,885.47	(50,000.00)	3,415,697.13
03/19/01	Withdrawal to Checking		3,832,885.47	(100,000.00)	3,315,697.13
03/20/01	Supplemental	1,963.27	3,834,848.74		3,315,697.13
03/20/01	Supplemental	28.48	3,834,877.22		3,315,697.13
03/20/01	Withdrawal to Checking		3,834,877.22	(65,000.00)	3,250,697.13
03/22/01	Deposit to LAIF		3,834,877.22	140,000.00	3,390,697.13

03/22/01	Withdrawal to Checking		3,834,877.22	(105,000.00)	3,285,697.13
03/27/01	Deposit to LAIF		3,834,877.22	40,000.00	3,325,697.13
03/27/01	MA Sales Tax Deposit	25,835.42	3,860,712.64		3,325,697.13
03/28/01	PS Sales Tax Deposit	5,990.38	3,866,703.02		3,325,697.13
03/29/01	Secured Property Tax	99,613.00	3,966,316.02		3,325,697.13



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: RALPH FREEDMAN, INTERIM CITY MANAGER

DATE: FOR THE CITY COUNCIL MEETING OF APRIL 18, 2001

SUBJECT: ADOPTION OF ORDINANCE 521, AMENDING THE ATHERTON MUNICIPAL CODE REGULATING THE HEIGHT OF FENCES ALONG RINGWOOD AVENUE WITHIN THE TOWN OF ATHERTON

RECOMMENDATION:

Adopt Ordinance No. 521, amending the Atherton Municipal Code regulating the height of fences along Ringwood Avenue within the Town of Atherton.

DISCUSSION:

This Ordinance was introduced, and first reading was held, at the regular City Council meeting on March 21, 2001. Further reading was waived. The attached Ordinance is presented for adoption by the City Council.

ORDINANCE NO. 521

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING THE ATHERTON MUNICIPAL CODE REGULATING HEIGHT OF FENCES ALONG
RINGWOOD AVENUE WITHIN THE TOWN OF ATHERTON**

The City Council of the Town of Atherton does ordain as follows:

SECTION 1: Subsection B.1.g is hereby added to Section 17.36.150 on the Atherton Municipal Code as follows:

17.36.150 B.1.g Fence Requirements

g. Ringwood Avenue

SECTION 2: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions on this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

SECTION 3: This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

* * * * *

I hereby certify that the foregoing ordinance was adopted at a regular meeting of the City Council of the Town of Atherton held on _____, 2001, by the following roll call vote:

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

Dianne M. Fisher, Mayor
Town of Atherton

ATTEST:

Sharon Barker, City Clerk



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: RALPH FREEDMAN, INTERIM CITY MANAGER

DATE: FOR THE CITY COUNCIL MEETING OF APRIL 18, 2001

SUBJECT: ADOPTION OF ORDINANCE 522, AMENDING THE ATHERTON MUNICIPAL CODE RELATING TO THE REMOVAL OF HERITAGE TREES WITHIN THE TOWN OF ATHERTON

RECOMMENDATION:

Adopt Ordinance No. 522, amending the Atherton Municipal Code relating to the removal of Heritage trees within the Town of Atherton.

DISCUSSION:

This Ordinance was introduced, and first reading was held, at the regular City Council meeting on March 21, 2001. Further reading was waived. The attached Ordinance is presented for adoption by the City Council.

ORDINANCE NO. 522

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING VARIOUS SECTIONS OF THE ATHERTON MUNICIPAL CODE
REGULATING TO THE REMOVAL OF HERITAGE TREES WITHIN THE TOWN OF
ATHERTON**

The City Council of the Town of Atherton does ordain as follows:

SECTION 1: Section 8.10.030A is hereby amended to read as follows:

8.10.030 Prohibitions and Protections

- A. No person shall remove a heritage tree from within the tree preservation area from any parcel or a native heritage oak tree (*Quercus lobata*, *Quercus agrifolia* and *Quercus douglasii*) located within the buildable area of the lot unless a permit therefore has first been issued in accordance with Section 8.10.040.

SECTION 2: Section 8.10.040F is hereby amended to read as follows:

8.10.40 Permit Process

- F. At the discretion of the Planning Commission, for each tree permitted to be removed the permittee may be required to plant three trees of fifteen gallon container size, or two trees of twenty-four inch box container size, or one tree of fifteen gallon container size and one tree of thirty-six inch container size, in the tree preservation area, Where native heritage oak trees are allowed to be removed from within the buildable area they shall be replaced with one tree of 48” container size native oak tree.
- G.

SECTION 3: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions on this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

SECTION 4: This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

* * * * *

I hereby certify that the foregoing ordinance was adopted at a regular meeting of the City Council of the Town of Atherton held on _____, 2001, by the following roll call vote:

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

Dianne M. Fisher, Mayor
Town of Atherton

ATTEST:

Sharon Barker, City Clerk

Item No. 14



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: NEAL MARTIN, CITY PLANNER

DATE: FOR THE CITY COUNCIL MEETING OF MAY 18, 2001

SUBJECT: PROHIBITION ON THE PLACEMENT OR MAINTENANCE OF CARGO CONTAINERS

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance prohibiting the placement or maintenance of cargo containers on private property.

INTRODUCTION:

At the December 7, 2000 General Plan Committee meeting, the topic of the use of cargo containers for permanent or temporary storage was discussed. The Committee directed staff to prepare an Ordinance, which would amend the Nuisance Abatement Ordinance by adding a section prohibiting the placement or maintenance of cargo containers on private property. The City Council considered the Ordinance and recommendation at its March 21, 2001 meeting and after discussion referred the matter back to the General Plan Committee for a definition of cargo containers. The General Plan Committee at its April 5, 2001 meeting recommended that the following definition be included in the Ordinance: Cargo Container – a large metal compartment, usually sealed in which freight is packaged for ready movement to or from a railroad flatcar, truck, ship or the like. From: The Scribner Bantam English Dictionary

ANALYSIS:

The attached Ordinance would add a category to the Nuisance Abatement Section which would prohibit the placement or maintenance of cargo containers on private property.

CONCLUSION:

It is Planning staff's professional opinion that the Ordinance prohibiting placement or maintenance of cargo containers would not be contrary to the purpose and intent of the General Plan and the Zoning Ordinance.

ENVIRONMENTAL IMPACT:

The proposed Ordinance Amendment is categorically exempt from the California Environmental Quality Act pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

FORMAL MOTION:

I move that the City Council find that proposed Ordinance Amendment would not be contrary to the purpose and intent of the General Plan and the Zoning Ordinance, waive further reading and introduce the Ordinance entitled, "An Ordinance of the City Council of the Town of Atherton Amending the Atherton Municipal Code Regulating the Placement of Cargo Containers on Private Property Within the Town of Atherton."

/s/Neal J. Martin

Neal J. Martin, City Planner

Attachments:

1. Draft Ordinance
2. Municipal Code Chapter 8.20
3. General Plan Committee Minutes dated December 7, 2000
4. General Plan Committee Draft Minutes Dated April 5, 2001

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON

**AMENDING THE ATHERTON MUNICIPAL CODE REGULATING THE PLACEMENT
OF CARGO CONTAINERS ON PRIVATE PROPERTY WITHIN THE TOWN OF
ATHERTON**

The City Council of the Town of Atherton does ordain as follows:

SECTION 1: Subsection Y is hereby added to Section 8.20.050 of the Atherton Municipal Code as follows:

8.20.50 Unlawful materials, conditions and activities (nuisances per se)

- Y. Cargo containers placed or maintained on private property whether used for storage or other purposes.

SECTION 2: Subsection L. is hereby added to Section 8.20.030 OR the Atherton Municipal Code as follows:

- L. “Cargo Container” means a large metal compartment, usually sealed in which freight is packaged for ready movement to or from a railroad flatcar, truck, ship or the like.

SECTION 3: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions on this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

SECTION 4: This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

* * * * *

I hereby certify that the foregoing ordinance was adopted at a regular meeting of the City Council of the Town of Atherton held on _____, 2001, by the following roll call vote:

*AYES: Councilmembers:
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Dianne M. Fisher, Mayor
Town of Atherton

ATTEST:

Sharon Barker, City Clerk