



AMENDED AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
September 15, 2010
5:00 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

5:00 P.M. ROLL CALL Lewis, Dobbie, Marsala, McKeithen, Carlson

5:02 P.M. PUBLIC COMMENTS

5:15 P.M. CLOSED SESSION

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

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

Employee Organization: Miscellaneous - Teamsters Local Union 856

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

Employee Organization: Management Employees

Agency Negotiators: Jerry Gruber, City Manager; Assistant City Manager Eileen Wilkerson

Employee Organization: Confidential Employees

B. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Subsection (b) of Government Code Section 54956.9):

1. *Pacific Peninsula Group v. Town of Atherton, and Does 1 through 50*, San Mateo Superior Court, Case No. CIV 497841

2. *Jonathan B. Buckheit v. Tony Dennis, Dean DeVlugt, Anthony Kockler, The Town of Atherton, The County of San Mateo, and Jerry Carlson* U.S. District Court for the Northern District of California, San Francisco Division, Case No. CV 09-5000

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subsection (a) of Government Code Section 54956):

D. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (Subsection (c) of Government Code Section 54956.9)

E. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: (Significant exposure to litigation pursuant to subsection (b) of Government Code Section 54956.9): One potential case:

RECONVENE TO OPEN SESSION

Report of action taken.

6:59 P.M. ADJOURN

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 752-0500. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)



AGENDA
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
September 15, 2010
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
REGULAR MEETING

PLEASE NOTE:

Times listed on the Agenda are an approximation and not a time certain. The Council may take up items out of order. Please arrive well in advance of the time listed for any item in which you are interested.

- 7:00 P.M. 1. **PLEDGE OF ALLEGIANCE**
- 7:02 P.M. 2. **ROLL CALL** Lewis, Dobbie, Marsala, McKeithen, J. Carlson
- 7:03 P.M. 3 **PRESENTATIONS**
- 7:15 P.M. 4. **PUBLIC COMMENTS** *(This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the Agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the Council from acting on items not listed on the Agenda except by special action of the City Council under specified circumstances. Speakers' time is limited to three minutes.)*
- 7:20 P.M. 5. **REPORT OUT OF CLOSED SESSION**

September 15, 2010
- 7:25 P.M. 6. **CITY MANAGER'S REPORT**
- 7:30 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed
by Resolution No. 99-6)
- 7:30 P.M. **CONSENT CALENDAR** (Items 8-24)

(Consent Calendar items are routine in nature and are generally considered in one motion and adopted by a single vote of the City Council. If discussion regarding a Consent Calendar item is desired, the member(s) of the City Council, public, and/or staff wishing to pull the item should so indicate at the time the Mayor calls for consideration of the Consent Calendar.)
8. **APPROVAL OF AUGUST 18, 2010 REGULAR MEETING**
Recommendation: Approve August 18, 2010 regular meeting minutes

- 9. APPROVAL OF BILLS AND CLAIMS FOR AUGUST 2010 IN THE AMOUNT OF \$1,271,543**
Recommendation: Approve Bills and Claims in the amount of \$1,271,543
- 10. FINANCIAL REPORT FOR THE TWO MONTHS ENDED AUGUST 31, 2010**
Recommendation: Receive the General Fund Financial Report for the two months ended August 31, 2010
- 11. TREASURER'S REPORT FOR THE FOURTH QUARTER ENDED JUNE 30, 2010**
Report: Finance Director Louise Ho
Recommendation: Accept the Treasurer's Report for the Fourth Quarter Ended June 30, 2010
- 12. APPROVAL OF A RESOLUTION ADOPTING THE FINAL FISCAL YEAR 2009-2010 BUDGET AMENDMENT FOR POLICE ON THE STREET, STATE GRANTS, GENERAL CAPITAL IMPROVEMENT PROJECTS, AND EVAN CREATIVE DESIGN FUNDS**
Report: Finance Director Louise Ho
Recommendation: Approve Resolution 10-50 of the City Council of the Town of Atherton adopting the final FY2009-2010 budget amendment for Police on the Street, State Grants, Capital Improvement Projects, and Evan Creative Design Funds
- 14. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$ 19,822.32 FOR THE PROJECT NUMBER 09-006**
Report: Public Works Director Duncan Jones
Recommendation: Accept work, authorize recording of a notice of completion and approve contract change orders in the amount of \$19,822.32 for the Holbrook-Palmer Park Master Irrigation and Well Installation Project Number 09-006
- 15. APPROVE A CONTRACT CHANGE ORDER FOR GALLAGHER AND BURK, INC. FOR THE FLETCHER DRIVE/RIDGEVIEW DRIVE PAVEMENT AND DRAINAGE IMPROVEMENT PROJECT NUMBER 08-010 IN THE AMOUNT OF \$140,300**
Report: Public Works Director Duncan Jones
Recommendation: Approve a Contract Change Order for Gallagher and Burk, Inc. for the Fletcher Drive/Ridgeview Drive Pavement and Drainage Improvement Project, project number 08-010 in the amount of \$140,300
- 16. ADOPT A RESOLUTION APPROVING A NO PARKING ANY TIME ZONE ON SURREY LANE AND ON MIDDLEFIELD ROAD FROM 157 FEET NORTH OF SURREY LANE TO 100 FEET SOUTH OF SURREY LANE**
Report: Public Works Director Duncan Jones

Recommendation: Adopt Resolution 10-43 approving a “No Parking Any Time” zone on Surrey Lane and on Middlefield Road from 157 feet north of Surrey Lane to 100 feet south of Surrey Lane

17. AMENDMENT TO CENTERLINE MARKING LIST TO INCLUDE TOYON ROAD

Report: Public Works Director Duncan Jones

Recommendation: Amend the Centerline Marking List to include a double yellow stripe with reflectors on the Toyon Road s-curve in front of 153 Toyon Road

18. RECOMMENDATION FROM THE ENVIRONMENTAL PROGRAMS COMMITTEE TO SUPPORT CALIFORNIA’S CLEAN CARS PROGRAM

Report: Town Arborist Kathy Hughes-Anderson

Recommendation: The Environmental Programs Committee recommends that the City Council support California’s Clean Cars Program and that the Mayor sign a letter of endorsement to the California Air Resources Board

19. RECOMMENDATION FROM THE ENVIRONMENTAL PROGRAMS COMMITTEE TO ADOPT RESOLUTION NO. 10-51 IN OPPOSITION OF PROPOSITION 23

Report: Town Arborist Kathy Hughes Anderson

Recommendation: The Environmental Programs Committee recommends that the City Council adopt Resolution 10-51 in opposition to Proposition 23

20. APPROVE THE SELECTION OF AN ATTORNEY TO REVIEW THE OLIVE PALMER WILL FOR A LIBRARY IN THE PARK

Report: Public Works Director Duncan Jones

Recommendation: Approve the selection of McCracken, Byers & Haesloop to review the Olive Palmer will for a library in the Holbrook-Palmer Recreational Park. In the event staff is unable to negotiate a scope of work and fee with the selected firm, the scope and fee will be negotiated with the firm of Siegle McClure, followed by Hannig Law firm if unable to negotiate with the second firm

21. TOWN RESPONSE TO CIVIL GRAND JURY REPORT ON THE SEX OFFENDER LAW ENFORCEMENT IN SAN MATEO COUNTY

Report: Police Chief Mike Guerra

Recommendation: Accept the attached final proposed draft as the Town’s response to the civil grand jury sex offender law enforcement in San Mateo County

22. APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR CODE ENFORCEMENT SERVICES

Report: City Manager Jerry Gruber

Recommendation: Approve publishing a request for proposal for Code Enforcement services for the Town of Atherton

23. APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR BUILDING OFFICIAL SERVICES

Report: City Manager Jerry Gruber

Recommendation: Approve publishing a request for proposal for Building Official services for the Town of Atherton

24. ADOPTION OF A RESOLUTION APPROVING BUDGET AMENDMENT FOR FY 2010-11 – CIP & ADMIN SERVICE ROAD IMPACT FEE FUND

Report: Finance Director Louise Ho

Recommendation: Adopt Resolution 10-52 approving the budget amendment for FY 2010-11 for the General Fund

7:50 P.M. PUBLIC HEARINGS (25)

25. INTRODUCTION OF AN ORDINANCE REZONING PROPERTIES ON PARKER AVENUE FROM R1-A TO R1-B

Report: Deputy Town Planner Lisa Costa Sanders

Recommendation: To Be Determined – Options:

1. Do not rezone Parker Avenue from R1-A to R1-B.
2. Introduce Ordinance Amending the zoning map to Title 17 of the Atherton Municipal code to rezone twenty-two (22) legal lots on Parker Ave from R1-A Zoning District to R-1B Zoning District. Three votes are required to introduce the Ordinance. A second vote, scheduled at least ten days from the date of this meeting, is required to pass the ordinance.

REGULAR AGENDA (Items 26-30)

8:30 P.M. 26. TOWN CENTER TASK FORCE UPDATE AND REPORT

Report: Town Center Task Force Members

Recommendation: To Be Determined

8:55 P.M. 27. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF REAFFIRMING THE TOWNS COMMITMENT TO THE PUBLIC RECORDS ACT

Report: City Manager Jerry Gruber

Recommendation: Approve Resolution 10-54 reaffirming the Towns commitment to the Public Records Act

9:15 P.M. 28. FIRST PROGRESS REPORT FROM THE FINANCE COMMITTEE ON THE FIVE-YEAR FINANCIAL FORECAST AND APPROVE THE USE OF ACTUARY

Report: Finance Director Louise Ho

Recommendation: Receive the first progress report from the Finance Committee and approve the use of actuary

- 9:30 P.M. 29. **RECLASSIFICATION OF THE “TEMPORARY” ADMINISTRATIVE ASSISTANT TO THE POLICE CHIEF TO “REGULAR” EXECUTIVE ASSISTANT/POLICE DEPARTMENT**
Report: City Manager Jerry Gruber
Recommendation: Reclassify the employment status of the temporary Administrative Assistant to the Police Chief to regular employment status, approve designation to the job classification Executive Assistant, set full time equivalent to 1.0 FTE and Set the Bargaining Unit as Confidential
- 9:45 P.M. 30. **CODE OF CONDUCT TRAINING**
Report: City Manager Jerry Gruber
Recommendation: To Be Determined
- 10:05 P.M. 31. **COUNCIL REPORTS**
- 10:10 P.M. 32. **FUTURE AGENDA ITEMS**
- 10:20 P.M. 33. **PUBLIC COMMENTS**
- 10:30 P.M. 34. **ADJOURN**

PLEASE NOTE THE FOLLOWING INFORMATION:

If you challenge a Town zoning, planning, or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any Town administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period.

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection by 5:00 p.m. the Friday before each regularly scheduled City Council meeting at the Atherton Library, 2 Dinklespiel, Station Lane, and the Town Administrative Offices, 91 Ashfield Road, Atherton, CA 94027. Additionally, agendas and staff reports may be accessed on the town website at: www.ci.atherton.ca.us

In compliance with SB 343, materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the Town Administrative Offices, 91 Ashfield Road, during normal business hours.

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Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF SEPTEMBER 15, 2010

SUBJECT: CITY MANAGER WRITTEN REPORT

CITY ATTORNEY DEPARTMENT:

The City Attorney's Department is slightly under budget for the first two months of the fiscal year 2010-2011. We continue to spend significant time assisting the city staff with responses to public records requests.

FINANCE DEPARTMENT PROJECTS AND UPDATES:

Finance closed the book for FY 2009-10 and is in the process of preparing audit schedules. General Fund ended FY 2009-10 with better than budgeted result. Instead of dipping into General Fund undesignated reserve of \$1.1 million, \$600,000 was used of which \$456,000 was for two legal settlements. Although painful, Finance was able to successfully bring over and reconciled balances from the old financial software to Springbrook with a new improved chart of accounts.

Finance Director worked in conjunction with Public Works Director, analyzed and proposed adjustments to the Road Impact Fee Fund for prior period charges. With the approval of the 40% refund program, Finance is working with Building Department and MuniServices to begin the refunding process. In addition to reconcile the Public Works unclaimed deposits, Finance is near completion of the analysis of unclaimed building deposits. A staff report will be prepared for the October City Council meeting.

Finance Director continued to work with Finance Committee on the five-year financial forecast and the Audit Committee on purchasing policy.

POLICE DEPARTMENT:

Monday, August 23rd – Friday, August 27th: Police Chief reports the following:

This was the first week where all of the schools in Atherton were in session. As a result, PD devoted patrol resources to monitor traffic and juvenile activity near each of the nine schools in Atherton. Last Friday, an adult suspect was caught inside Encinal school vandalizing classrooms by responding patrol officers. This week an unknown male entered a classroom at Laurel School stole a teacher's car keys while the teacher was out of the classroom, and stole her car that was parked in the school's parking lot.

Monday, August 30th – Friday, September 3: Police Chief reports the following:

The most significant activity for the police department this week was the parking problems at several schools in Town. During the first few weeks of the new school year, there is more traffic congestion and unlawful parking. The PD encourages parents, staff, and students to contact their respective schools or visit your school's website to learn what steps each school has implemented to help mitigate traffic and parking problems. Beside the traffic and parking problems at schools, there was an attempted residential burglary of a residence on the unit block of Hawthorne.

PUBLIC WORKS PROJECT UPDATES:

- Encinal Traffic Signal – Construction of paving, drainage, curbs and sidewalk is complete and striping has been placed. Longer lead items, such as mast arms and controllers, will be installed later in September. The existing pedestrian crossing will remain operational until the new signal comes on line.
- Hoover/Valparaiso Crosswalk – the Town's consultants are processing the application with Caltrans to approve funding authorization (E-76) for the project design.
- Park Pedestrian Bridge –the irrigation system for the landscaping is currently being installed.
- Fletcher/Ridgeview Drainage and Reconstruction – The contractor has completed the mainline drainage and has begun excavation for the detention tank. Unsuitable soils (very wet clay) were encountered as well as utility conflicts not evident from the survey and USA. The project continues on schedule to be completed on or before October 31st.
- Street Reconstruction 7 – includes Park Lane and the right turn lane from Alejandra to El Camino Real. The contractor has milled the existing pavement. When testing the soils for off-haul to the Hillview Elementary School site, levels of pesticide above background levels were detected, making it unsuitable for a school site. The material

instead will be off-hauled to a commercial site. The project experienced about two weeks delay to determine appropriate handling of the material, an off-haul site, and a price adjustment. No special handling is required for public safety. The project is now proceeding scheduled to be completed in October.

- Las Lomitas Safe Routes to School – the final phase of the Las Lomitas project is completed.
- Park/Street striping – The revised Park Entrance striping has been completed. Revised Atherton/Fair Oaks/El Camino intersection striping and modification to left turn lane striping on Middlefield Road at Oak Grove Avenue and Marsh Road will be installed in coming weeks.
- Grading and Drainage – a large number of projects continue to come in for grading and drainage review. The regulated project for the Sacred Heart West Fields was approved and discussion continues with the engineers for the St. Joseph’s School project, which has not yet been submitted.
- Pavement Condition Survey – the consultant hired for the Town by the Metropolitan Transportation Commission (MTC) has completed the bi-annual survey of the pavement condition of all of Atherton streets. The survey results will be used to develop the next round of street maintenance, rehabilitation and reconstruction projects for next summer.
- High Speed Rail – staff attended Technical Working Group (TWG) meetings and HST team office visits to discuss the alternatives analysis and ongoing public outreach needs.

PLANNING DEPARTMENT:

The Planning Commission, at its August 25, 2010 meeting, took the following action;

- Accepted the annual Master Plan Update from Menlo School for filing.
- Approved a Heritage Tree Removal request for the removal of eleven eucalyptus trees at 70 Serrano Drive. The Commission also approved the Mitigated Negative Declaration.
- Approved a Special Structure Permit for a basement under an accessory building at 76 Lilac Drive.

The following items are scheduled for the September 22, 2010 Planning Commission meeting:

- Lot Line Redesignation request at 43 Selby Lane
- Conditional Use Permit to replace four existing antennas and add two new antennas at the existing tower at 91 Ashfield.

Staff met with Blake Lyon, Redwood City Planner regarding the Saltworks project. Additional information about the proposed project can be found at

www.RedwoodCity.org/Saltworks.

Staff received a copy of the Sequoia Union High School District Resolution no 1434, implementing Government Code Section 53094 to exempt the temporary football stadium lights project at Menlo-Atherton High School from application of City and County Zoning Ordinance. Staff will transmit a copy of the Resolution to the City Council via separate memo.

CODE ENFORCEMENT:

The administrative citation final draft is in the printer's hands. We expect delivery by October 15th.

The illegal gazebo issue on Elena is continuing. I met with the owner last week and explained that I intended to issue him a citation as soon as the citation book is available. He has not complied as of this date. I have discussed with complaining parties who are eager to see the citation process in place. The case on Alejandra with a half dozen junk cars is progressing. The owner has repaired and licensed two of the six vehicles and intends to sell some of the vehicles. A large abandoned property on Barry Lane has not shown any progress. The owners have not cooperated and will be the subject of an administrative citation when it is available. An unoccupied property on Polhemus which was overgrown with weeds has been abated by the owners. Residents on Brittany Place have asked for our help in reducing the noise from early Allied Waste company collections at Menlo College. The college is cooperating.

Two properties under construction on Atherton Avenue have created noise and encroachment problems with neighboring properties. The construction superintendents are cooperating. Another property on Polhemus has apparently abandoned construction. We are working with the owners to mitigate various blight and permit issues that have created problems for adjoining properties. A property on Irving has been rented to a group of students and created police and code problems. We are working with the owners to correct. A property on Shearer with a perennial weed problem was referred to Menlo Fire. The owner has been advised that he will be cited if he does not comply. A Northgate property was under full construction without any permits. I advised the owner and his construction crew to leave the premises until permits are obtained. He is complying.

FUTURE MEETINGS AND EVENTS:

An ACIL/League of Women Voters sponsored Atherton Town Council Candidates Forum will be held on September 30th from 6pm to 10pm at the Pavilion in the Park.

Special City Council meeting on September 30th at 10AM to review the legal services RFP.



DRAFT MINUTES

**Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
August 18, 2010
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
REGULAR MEETING**

Mayor McKeithen called the meeting to order at 7:01 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL** Lewis, Dobbie, Marsala, McKeithen, J. Carlson

All present.

3 **PRESENTATIONS**

Proclamation presented to Building Official Mike Wasmann –

This item was removed from the Agenda.

Swearing in of Atherton Police officers:

Joe Wade, Lieutenant
Rick Enberg, Sergeant

Deputy City Clerk DellaSanta administered the oath of office to Lieutenant Wade and Sergeant Enberg.

Police Department Staffing Presentation by Chief Guerra –

This item was moved to be presented under Item 27.

4. **PUBLIC COMMENTS**

Jon Buckheit, Atherton resident, said McKeithen is courageous for helping to save the life of an Atherton resident. Buckheit said he has questioned all four candidates on whether they will receive endorsements from unions or real estate developers and Bill Widmer has replied that he will not.

Michael Stogner, read a letter for the record from Mr. John Johns.

Loren Gruner, Atherton resident, said she has a tremendous respect for all five current Council Members, the City Attorney and city staff.

Morris Brown, Menlo Park resident, alerted Council about the Menlo Gateway/Bohannon Project which was conditionally approved by Menlo Park. Morris said it will be in the November ballot. Morris concluded that the project is huge and will have adverse impacts on neighboring jurisdictions.

Bill Widmer, Finance Committee member, said the Town is experiencing financial crisis and suggested the Committee work together with Council, city staff and residents to combine efforts and solve the financial crisis.

Kimberly Sweidy, Atherton resident, said Council Members should realize it is an honor and a privilege to serve the residents of Atherton. Sweidy said she has been inundated with construction problems with her home and the Town needs to hire qualified city staff to avoid this in the future.

5. REPORT OUT OF CLOSED SESSION

PUBLIC COMMENTS - None

CLOSED SESSION

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

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

Employee Organization: Miscellaneous - Teamsters Local Union 856

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

Employee Organization: Management Employees

Agency Negotiators: Jerry Gruber, City Manager; Eileen Wilkerson, Assistant City Manager

Employee Organization: Confidential Employees

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: (Significant exposure to litigation pursuant to subsection (b) of Government Code Section 54956.9): Three potential cases: *-Claim of Pacific Peninsula Group*

City Attorney Furth said there is no reportable action from Item A or B.

6. CITY MANAGER'S REPORT

City Manager Gruber said the Town has welcomed a new interim Building Official from CSG Consultants. Dennis Lockard began with the Town earlier in the week and will be in Town three days per week.

Council Member Carlson said Redwood City gave a state of the city address where the Mayor emphasized the use of community volunteers to fill in empty city staff positions. Carlson urged Gruber to contact Redwood City to find out more and move ahead with the same process.

Council Member Lewis called attention to the increase in permits and revenue in the building department compared to this time last year. Gruber said the Town is experiencing an upward trend.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT - None

CONSENT CALENDAR (Items 8-24)

Council Member Carlson removed Items 15 and 18. Carlson abstained from the August 2 minutes under Item 8.

Vice Mayor Dobbie had a question under Item 9.

Council Member Lewis had corrections and questions for Item 8 and 19.

Mayor McKeithen had a question on Item 10 and 17, changes to Item 18, 19, 20 and 22 and a statement on Item 23.

Jon Buckheit, Atherton resident, requested removal of Item 18, 23 and 24.

8. APPROVAL OF JULY 21, 2010 REGULAR MEETING MINUTES AND AUGUST 2, 2010 SPECIAL MINUTES

Recommendation: Approve July 21, 2010 regular meeting minutes, and August 2, 2010 special meeting minutes

11. ADOPTION OF A RESOLUTION APPROVING THE STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2010-2011

Report: Finance Director Louise Ho

Recommendation: Adopt Resolution 10-48 approving the Statement of Investment Policy for FY 2010-2011

12. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE THE UPPER ATHERTON CHANNEL REPAIR PROJECT PHASE 2 PROJECT NUMBER 56037

Report: Public Works Director Duncan Jones

Recommendation: Approve the plans and specifications and authorize advertisement for bids for the Upper Atherton Channel Repair Project Phase 2, Project No. 56037

13. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE THE HOLBROOK-PALMER PARK SOUTH MEADOW IRRIGATION PLAN UPGRADES AND TURF REHABILITATION PROJECT NUMBER 56019

Report: Public Works Director Duncan Jones

Recommendation: Approve the plans and specifications and authorize advertisement for bids for the Holbrook-Palmer Park South Meadow irrigation upgrade and turf rehabilitation, Project No. 56019

14. APPROVE A CONTRACT CHANGE FOR THE SPRING STREET PATCHING CONTRACT NUMBER 56047

Report: Public Works Director Duncan Jones

Recommendation: Approve a contract change to allow Street Patching Project, project number 56047, to exceed its current square footage of 30,000 square feet by 6,250 square feet to a total of 36,250 square feet. This will increase the project base cost by \$26,809 from \$128,885 to \$155,694

16. APPROVE FIVE ADDITIONAL STOP SIGNS AND AMEND THE CENTERLINE MARKING LIST TO CREATE THREE-WAY STOPS AT THE INTERSECTIONS OF ACORN WAY WITH GREENOAKS DRIVE AND CATALPA DRIVE

Report: Public Works Director Duncan Jones

Recommendation: Approve five additional stop signs and amend the Centerline Marking List to create three-way stops at the intersections of Acorn Way with Oak Grove Drive and Catalpa Drive. Staff recommends adding double yellow stripes in advance of each stop bar

21. APPOINT JOAN SANDERS TO THE ARTS COMMITTEE

Report: City Manager Jerry Gruber

Recommendation: Appoint Joan Sanders to the Arts Committee

MOTION by Dobbie, second by Marsala to approve consent items 8 (excluding the August 2 minutes), 11, 12, 13, 14, 16, and 21. The motion passed.

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

MOTION by Dobbie, second by Lewis to approve the August 2, 2010 minutes under Item 8. The motion passed.

Ayes: 4 Nays: 0 Abstain: 1 (Carlson) Absent: 0

ITEMS REMOVED FROM CONSENT:

10. FINANCIAL REPORT FOR THE ONE MONTH ENDED JULY 31, 2010

Report: Finance Director Louise Ho

Recommendation: Accept Monthly Financial Report

Mayor McKeithen said the Town is already over budget and questioned if this will be the trend for the rest of the year.

Finance Director Ho said certain fees such as the insurance policies are paid up front and a large part of the overage was the Planning Department because of issues like Parker Ave. and the Housing Element.

Mayor McKeithen asked staff to keep an eye on the legal and planning services contract.

MOTION by Lewis, second by Dobbie to accept the monthly financial report. The motion passed.

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

9. APPROVAL OF BILLS AND CLAIMS FOR FEBRUARY 2010 IN THE AMOUNT OF \$1,149,445

Recommendation: Approve Bills and Claims in the amount of \$1,149,445

Dobbie questioned why there was such a large amount spent on Springbrook for this month.

Finance Director Ho said she has kept an accounting on Springbrook costs and this is the first payment ever made to Springbrook since the additional work was approved by Council. Ho said the Town is still well within the approved budget.

MOTION by Lewis, second By Dobbie to approve the bills and claims in the amount of \$1,149,445. The motion passed.

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

15. ADOPT A RESOLUTION APPROVING A NO PARKING ANY TIME ZONE ON SURREY LANE AND ON MIDDLEFIELD ROAD FROM 157 FEET NORTH OF SURREY LANE TO 100 FEET SOUTH OF SURREY LANE

Report: Public Works Director Duncan Jones

Recommendation: Adopt resolution 10-43 approving a “No Parking Any Time” zone on Surrey Lane and on Middlefield Road from 157 feet north of Surrey Lane to 100 feet south of Surrey Lane

Loren Gruner, Atherton resident, said Encinal school is growing and parking is decreasing. Gruner said most of the time parents walk their children to school but there are times they need to drop their kids off or volunteer and the parking situation needs to be resolved.

Julie Quinlan, Atherton resident, echoed Gruner’s statement and said it is not safe the way it is now.

Grace Ferrando, Atherton resident, said there is no bus service in the neighborhood and they need a resolution that will allow them to stop for a few minutes to pick up and drop off their children.

Todd Brohana, Atherton resident, questioned whether the Town can come up with other options. He suggested deferring a decision until after school has started and the new traffic signal is installed.

John Davey, Atherton resident, said parking at Encinal school is a huge problem and hopes for a resolution.

Mayor McKeithen asked Public Works Director Jones what his thoughts are on deferring the issue for one month.

Jones said the school was recently paved and the teacher's parking lot was striped and he anticipates parking to get better, but something still needs to be done to improve parking around the school. Jones said the problem comes mainly from people parking illegally on Surrey Lane and blocking safety routes.

City Manager Gruber suggested a staff meeting with school administrators and the Menlo Park Fire District to discuss alternatives and then come back to Council.

Council agreed to defer the item for one month.

17. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PREPARATION OF A TRAFFIC ANALYSIS FOR MENLO SCHOOL AND APPROVAL OF REIMBURSEMENT AGREEMENT WITH MENLO SCHOOL FOR CONSULTANT AND STAFF SERVICES

Report: Town Planner Neal Martin

Recommendation: Approve the attached Professional Services Agreement with Kimley-Horn and Associates, Inc. for the preparation of a traffic analysis to determine the impact of increased enrollment at Menlo School. Also approve the attached Reimbursement Agreement between the Town of Atherton and Menlo School for consultant and staff services.

Mayor McKeithen suggested changing the termination clause in the reimbursement agreement to reflect that the Town needs five days notice for termination.

MOTION by Dobbie, second by Carlson to approve the attached Professional Services Agreement with Kimley-Horn and Associates, Inc. for the preparation of a traffic analysis to determine the impact of increased enrollment at Menlo School. Also approve the attached Reimbursement Agreement between the Town of Atherton and Menlo School for consultant and staff services with the revision. The motion passed.

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

18. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ATHERTON OPPOSING THE CONSTRUCTION OF THE CALIFORNIA HIGH SPEED RAIL PROJECT

Report: Public Works Director Duncan Jones

Recommendation: Adopt Resolution 10-44 opposing the construction of the California High Speed Rail project

Rosemary Maultbetsch, Atherton resident, said she supports the resolution. Maultbetsch said the focal point right now should be the commuter train and fixing it on the Peninsula. She said high speed rail would require a trench and that would leave a very large and unattractive scar.

Vice Mayor Dobbie said Solano Beach, California has an open trench and it is absolutely enormous and suggested people go and see how unsightly it is.

Mayor McKeithen said she is in support of not allowing the high speed train along the Caltrain corridor but not entirely against being on the Peninsula in areas such as 101 and 280. McKeithen added that the Rail committee supports this as well.

McKeithen made edits to the resolution, particularly changing the word “support” to “favors” in the first whereas. Council supported the changes.

Jon Buckheit, Atherton resident, questioned the rules of interacting with the public during public comments. Buckheit concluded that he believes Carlson should recuse himself from any votes that pertain to high speed rail.

William Grindley, Atherton resident, said a letter needs to go to the Federal Rail Administration from the Town as soon as possible.

Michael Stogner, Belmont resident, said he is 100% opposed to high speed rail based on the numbers.

Colleen Anderson, Atherton resident, said she is in support of finding something that works.

MOTION by Carlson, second by Dobbie to adopt resolution 10-44 opposing the construction of the California High Speed Rail project. The motion passed.

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

19. APPROVE A LETTER TO THE FEDERAL RAILWAY ADMINISTRATION OPPOSED TO THE CALIFORNIA HIGH SPEED RAIL PROJECT APPLICATION FOR AMERICAN INVESTMENT AND RECOVERY ACT FUNDS

Report: Public Works Director Duncan Jones

Recommendation: Approve a letter to the Federal Railway Administration (FRA) opposed to the California High Speed Rail project application for American Recovery and Reinvestment Act (ARRA) funds

Council Member Lewis pointed out an error in the document which she had already brought to the attention of staff.

Mayor McKeithen reviewed her edits to the letter which Council accepted.

MOTION by Carlson, second by Dobbie to approve a letter to the Federal Railway Administration (FRA) opposed to the California High Speed Rail project application for American Recovery and Reinvestment Act (ARRA) funds with the revisions. The motion passed.

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

20. AMEND RESOLUTION 10-13 ADDING LIBRARY STEERING COMMITTEE

Report: City Manager Jerry Gruber

Recommendation: Approve Amendment to Resolution 10-13 adding Atherton Library Steering Committee

Mayor McKeithen reviewed her edits to the resolution which Council accepted.

MOTION by Carlson, second by Dobbie to approve Amendment to Resolution 10-13 adding Atherton Library Steering Committee with the revisions to the resolution. The motion passed.

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

22. TOWN RESPONSE TO CIVIL GRAND JURY REPORT ON THE EFFECTIVENESS OF RED LIGHT TRAFFIC CAMERA ENFORCEMENT

Report: Police Chief Mike Guerra

Recommendation: Accept the attached final proposed draft as the Town's response to the civil grand jury regarding effectiveness of red light traffic camera enforcement

Mayor McKeithen reviewed her edits to the letter which Council accepted.

MOTION by McKeithen, second by Dobbie to accept the attached final proposed draft as the Town's response to the civil grand jury regarding effectiveness of red light traffic camera enforcement with the revisions to the response. The motion passed.

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

23. AMEND COUNCIL RULES OF PROCEDURES TO STAY IN COMPLIANCE TO REFLECT STATE LAW

Report: City Manager Jerry Gruber

Recommendation: Amend Council Rules of Procedures

Jon Buckheit, Atherton resident said he thinks it is great that Council is acting to fully honor freedom of speech rights, but he does not see how freedom of speech is addressed by saying it is the Mayor's sole judgment to remove someone from the meeting. Buckheit concluded that there should be some objective standards that require someone to be removed from a meeting.

Mayor McKeithen said she will abide by the Constitution of the United States before the rules of procedures and lean towards freedom of speech.

City Attorney Furth said it is common to have procedures that do not allow defamatory or derogatory conduct but it is not Council's job to judge the accuracy of freedom of speech. Furth said Council has a right to limit speaking time and on very unusual circumstances to eject someone from a meeting.

Colleen Anderson, said she appreciates Council's efforts on this item because she has been in a hostile situation at a recent Council meeting.

John Rugeiro, Atherton resident, suggested when people speak to identify themselves. Rugeiro said to be careful about ejecting someone from a meeting because it could lead to a lawsuit.

Peter Carpenter, Atherton resident, said the Brown Act permits you to remove someone only if they willfully interrupt the meeting. Carpenter said the Act prohibits Council from requiring public speakers to identify themselves.

MOTION by Dobbie second by Lewis to amend the council rules of procedures. The motion passed.

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

24. ADOPTION OF RESOLUTION REJECTING CLAIM SUBMITTED BY MCNEILL LAW OFFICES ON BEHALF OF PACIFIC PENINSULA GROUP

Report: Assistant City Manager Eileen Wilkerson

Recommendation: Adopt Resolution No. 10-47 rejecting claim of Pacifica Peninsula Group

Council Member Marsala recused himself for personal preference.

Jon Buckheit, Atherton resident, said Council needs to show the taxpaying residents of this Town better fidelity and consistency. He had one incident with the Town and filed a lawsuit and he believes he is made to feel like a pariah by city staff. Buckheit questioned whether Pacific Peninsula Group President Steve Ackley will be treated the same.

MOTION by Dobbie, second by Carlson to adopt Resolution No. 10-47 rejecting claim of Pacifica Peninsula Group. The motion passed.

Ayes: 4 Nays: 0 Abstain: 0 Absent: 1 (Marsala recused himself)

27. INTRODUCTORY REPORT ON ATHERTON POLICE STAFFING

Report: Police Chief Mike Guerra

Recommendation: To Be Determined

Chief Guerra gave a Power Point presentation on Atherton police staffing. [A complete copy of the report is available in the City Clerk's office].

Guerra discussed the following topics:

- values based policing performance dimensions which included documented and undocumented crimes, investigation and solving crimes, and citing and arresting felonies, misdemeanors and infractions
- Fear and protection measures
- Using force and authority fairly and effectively
- Financial resources and customer service
- DOJ crime reporting in Atherton and surrounding jurisdictions
- Five years of police activity
- Atherton Department structure compared to surrounding jurisdictions

Chief Guerra closed by listing potential alternatives and options for Council.

Members of the public engaged in an ongoing conversation with the Chief in regards to his presentation.

Council Member Carlson agreed with the public and reiterated that staff needs to work together with residents and the Finance Committee on a five-year financial plan. Carlson encouraged Chief Guerra to work with the Committee on putting together goals on how to proceed with examining all alternatives for balancing the Towns budget.

City Manager Gruber said he will suggest that Town staff attend the next Finance Committee meeting.

PUBLIC HEARINGS (25)

25. PUBLIC HEARING ON INITIAL STUDY/DRAFT NEGATIVE DECLARATION AND DRAFT 2007-2014 HOUSING ELEMENT UPDATE

Report: Town Planner Neal Martin

Recommendation: Adopt Resolution 10-45 approving:

The 2007-2014 Housing Element Update and Zoning Ordinance Amendments Initial Study and Negative Declaration, and The Town of Atherton Housing Element Update 2007-2014 dated August 1, 2010

Deputy Town Planner Costa Sanders said the Planning Commission recommends adoption of the Negative Declaration to stay consistent with the California Environmental Quality Act. Further, adoption of the Housing Element Update 2007-2014 would be in compliance with California Housing Element law. Costa Sanders concluded that staff supports this recommendation.

MOTION by Carlson, second by Dobbie to adopt Resolution 10-45 approving the 2007-2014 Housing Element Update and Zoning Ordinance Amendments Initial Study and Negative Declaration, and The Town of Atherton Housing Element Update 2007-2014 dated August 1, 2010. The motion passed.

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

REGULAR AGENDA (Items 26-35)

26. CLASSIFICATION STUDY – THOUGHTS AND OPPORTUNITIES

Report: Assistant City Manager Eileen Wilkerson

Recommendation: To Be Determined

Gruber said the foundation report is enclosed and an analysis has been done on each Town department.

Assistant City Manager said the information given to Council is the only documentation allowed to be made public at this time, during Teamsters negotiations.

Mayor McKeithen felt that the actual report was missing and believed the report was very subjective. McKeithen questioned why there is no cost breakdown on staffing, and cost efficiencies. McKeithen said employees should be evaluated on how they perform their job and what they accomplish. McKeithen concluded that she believes someone from outside Town staff should evaluate the employees.

Vice Mayor Dobbie said he made suggestions to the City Manager many months ago on ways to eliminate positions and save money, but he was told a classification study needed to be done first. Dobbie said he wants options where the Town can save a substantial amount of money without degrading services. He said the report does not include this.

Council Member Lewis said the report is based on several snapshots over time and as areas were discovered during the process, where more efficiencies could be made without impacting current positions then those changes were made without waiting for the study to be completed. Lewis said management significantly reduced temporary staff, landscape contracts and have not filling open positions. Lewis concluded that this report is only the first step.

Council Member Marsala said Assistant City Manager Wilkerson has done a superb job in keeping the Town safe from the restrictions put on during negotiations. Marsala said certain items have not only been reduced but it also discusses potential ideas like contracting out the Park Program Manager and it addresses state mandates which require continued education and specialized skills. Marsala concluded that staff has done a good job on giving advice with respect to the fact that negotiations are currently taking place.

Council Member Carlson asked the City Manager if he believes the Town is in a fiscal crisis.

City Manager Gruber felt staff and Council needed to do additional work on a five-year financial plan. Gruber said staff has done a good job at reducing costs and balancing the budget without taking money out of reserves. Gruber added that there has been an exorbitant amount of litigation coupled with two large settlements and refunding of business license taxes which have been addressed. Gruber concluded that the Town needs to continue to tighten their belt and look at additional sources of revenue and he does not believe the Town's financial outlook is dire.

Council Member Carlson said the Town has a cost curve that is steeper than the revenue curve and this needs to be resolved before looking at other revenue sources. Carlson said the Town needs to reinvent itself on how to deliver Town services. Carlson added that he agrees this report is a stepping stone in the right direction but the Town needs to review compensation programs, look at volunteers, and possibly perform service level adjustments before any more revenue enhancements are discussed. Carlson concluded that there needs to be a sense of urgency on alternatives and staff recommendations.

Vice Mayor Dobbie said job descriptions need to be compared to salaries because he believes some of the positions are way over paid relative to the work required for the position.

Council Member Marsala said it is challenging for the Town because we do not have the ability to collect sales tax to increase revenue. Marsala did not feel that reducing employee salaries would make a very big difference in balancing the budget.

Loren Gruner, Atherton resident, said a classification study can be very ambiguous. Gruner suggested finding creative ways to get everything done with fewer employees, allowing employees to grow and learn more.

Kimberly Sweidy, Atherton resident, said the qualifications of the town employees should be researched before hiring. Sweidy said she discovered the now retired Building Official had no formal education and botched all of her inspections.

Jeff Wise, Atherton resident, said the report provides a starting point for next steps on accomplishing tasks to serve the residents more efficiently.

Wilkerson said there is a part of the report which can only be shared in a closed session. City Attorney Furth explained what can be discussed in closed session.

Council agreed that they need to review the rest of the study in closed session and they suggested that the Finance Committee should gather information and move ahead to reflect some changes in the Towns cost structure for next years budget.

28. AUDIT COMMITTEE REPORT ON PURCHASING POLICY

Report: Finance Director Louise Ho

Recommendation: To Be Determined

Finance Director Ho said Council directed that the Audit Committee review the draft purchasing policy. Ho said the Audit Committee has requested to rewrite the entire policy.

Vice Mayor Dobbie said the Audit Committee wants to rewrite certain parts of the policy and Committee member Bill Widmer has volunteered to do so.

Bill Widmer explained that with the current policy someone can place orders without a specification, and someone can inspect their own product and approve it. Widmer said this leads to fraud and need to be cleaned up.

Rose Hau, Audit Committee, said the Committee was presented with a narrow scope and realized there are large procedural problems with the policy. Hau said the Committee supports Bill Widmer drafting a new policy for review.

City Attorney Furth clarified the steps needed to be taken in order to adopt an ordinance for a new, revised purchasing policy.

Mayor McKeithen asked if it will affect the Town if nothing is done with the draft policy this year.

Ho said in the final recommendation letter from the Auditor's they will say the purchasing policy is pending and in progress, but it will not cause any issues with the audit.

MOTION by Lewis, second by Dobbie to approve allowing the Audit Committee to rewrite the purchasing policy for Council review. The motion passed.

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

29. APPROVE CONSULTANT SERVICES AGREEMENT WITH CSG CONSULTANTS, INC. FOR CODE ENFORCEMENT

Report: Public Works Director Duncan Jones

Recommendation: Approve Consultant Services Agreement with CSG Consultants, Inc. to provide Code Enforcement Services to the Town of Atherton in the amount of \$56,925.00 for the fiscal year 2010-11

City Manager Gruber said he is recommending staying with CSG for continuity purposes and the success rate the Town has experienced with the current code enforcement officer. Gruber added that he is ready to implement the administrative citation process and the current code enforcement officer is familiar with what is required during and after implementation.

Council Member Lewis said that the current code enforcement officer works great with Town management, but she would like to see more information from a potential partnership with Redwood City.

Mayor McKeithen said she would like to see a representative from Redwood City come speak to Council and possibly give a presentation on the services they would offer for code enforcement. McKeithen said this is the first opportunity to look at outsourcing and save on costs.

Vice Mayor Dobbie said he has pushed for the police department to handle violations of the zoning code. Dobbie said the current code enforcement officer has done a good job, but the Town needs to see if they can get more for less.

Council Member Marsala disagreed with pushing for the police to handle violations of the municipal code and added that it makes sense to look at what Redwood City has to offer.

Council Member Carlson said he was disappointed there were not more options.

City Manager Gruber said the Town should always look at cheaper ways to provide services to the residents but when it comes to code enforcement it is about quality, and cheaper isn't always sufficient.

Loren Gruner, Atherton resident, questioned whether the Town has determined the goal of code enforcement.

Rose Hau, Atherton resident, said the primary purpose for hiring a code enforcement officer several years back was to enforce rules on construction sites.

Kimberly Sweidy, Atherton resident, said anonymous complaints are not the best way to resolve conflict. Neighbors should go to one another to discuss any issues before complaining.

Jeff Wise, Atherton resident, said he supports the current code enforcement officer and feels the Town should ask for a reduced rate. Wise said he has serious concerns about how Redwood City handles code enforcement.

Council agreed to direct staff to have a representative from Redwood City make a presentation on what they have to offer for code enforcement services.

30. ADOPTION OF A RESOLUTION APPROVING BUDGET AMENDMENT FOR FY 2010-11

Report: Finance Director Louise Ho

Recommendation: Adopt Resolution 10-49 approving the budget amendment for FY 2010-11 for the General Fund

Mayor McKeithen made an edit to the resolution to add that the refunds will come from undesignated reserves.

MOTION by Lewis, second by Marsala to adopt Resolution 10-49 approving the budget amendment for FY 2010-11 for the General Fund undesignated reserve. The motion passed.

Ayes: 4 Nays: 1 (McKeithen) Abstain: 0 Absent: 0

31. ADOPTION OF A RESOLUTION AUTHORIZING REFUNDING OF THE FORTY PERCENT (40%) INCREASE IN ROAD IMPACT FEES IMPLEMENTED IN 2007

Report: Finance Director Louise Ho

Recommendation: Adopt resolution 10-46 authorizing refunding of the forty percent (40%) increase in Road Impact Fees implemented in 2007

Finance Director Ho said adoption of this resolution will approve giving refunds to anyone who made the 40% overage in road impact fees.

Mayor McKeithen corrected typographical errors in the resolution.

Council discussed item 33 and the fact that if approved it will be available for refunds of road impact fees.

MOTION by Carlson, second by Lewis to adopt resolution 10-46 authorizing refunding of the forty percent (40%) increase in Road Impact Fees implemented in 2007. The motion passed.

Ayes: 4 Nays: 1 (Dobbie) Abstain: 0 Absent: 0

32. APPROVAL OF THE CONSULTANT SERVICES AGREEMENT BETWEEN MUNISERVICES, LLC AND THE TOWN OF ATHERTON FOR ROAD IMPACT FEE REFUND PROCESSING

Report: Finance Director Louise Ho

Recommendation: Approve the consultant services agreement with MuniServices LLC; and authorize the City Manager to execute the agreement

City Manager Gruber informed Council that Finance Director Ho was very persistent in getting the amount reduced by \$10,000.

Mayor McKeithen asked if there is a way to include a “sliding scale” in case there are a fair number of people who do not request refund of road impact fees.

Finance Director Ho said \$30,000 is the minimum to perform this function because Muniservices has performed a similar job with the business license refunds which took a considerable amount of time.

Jeff Wise, Atherton resident, said the business license refund process was complex but road impact fee refunds should be very straightforward. Wise said \$30,000 is a lot for what they will be performing.

Bill Widmer, Atherton resident, questioned whether the Town is following its procedures outlined in the current purchasing policy.

Mayor McKeithen asked if there are other jurisdictions that can perform this work.

Ho said there would be a learning curve and Muniservices has the capacity and the skill set to get this done in a timely manner.

MOTION by Lewis, second by Carlson to approve the consultant services agreement with Muniservices LLC; and authorize the City Manager to execute the agreement conditioned upon staff asking Muniservices to include a sliding scale, bonus share or cost incentive. The motion passed.

Ayes: 4 Nays: 1 (Dobbie) Abstain: 0 Absent: 0

33. APPROVE ADJUSTMENTS TO CAPITAL IMPROVEMENT PROJECT (CIP) SUPPORT AND ADMINISTRATIVE CHARGES TO THE ROAD IMPACT FEE FUND AND APPROVE THE USE OF GENERAL FUND UNDESIGNATED RESERVE OF \$469,642 TO REPAY THE ROAD IMPACT FEE FUND

Report: Finance Director Louise Ho

Recommendation: Approve adjustments to CIP support and administrative charges to the Road Impact Fee Fund and approve the use of General Fund undesignated reserve of \$469,642 to repay the Road Impact Fee fund

Council Member Lewis said the analysis and spreadsheet calculations done by staff were superb and very detailed.

MOTION by Dobbie, second by Carlson to approve adjustments to CIP support and administrative charges to the Road Impact Fee Fund and approve the use of General Fund undesignated reserve of \$469,642 to repay the Road Impact Fee fund. The motion passed.

Ayes: 4 Nays: 1 (McKeithen) Abstain: 0 Absent: 0

Mayor McKeithen said she believes the amount should have come from the capital improvement fund and not the general fund undesignated reserves account.

34. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH BURKE, WILLIAMS, & SORENSON, LLP FOR LEGAL SERVICES

Report: City Manager Jerry Gruber

Recommendation: Approve Professional Services Agreement with Burke, Williams & Sorenson, LLP for Legal Services

City Attorney Furth introduced a member of her new law firm Burke, Williams & Sorenson. Furth recused herself and left the meeting.

City Manager Gruber said due to ongoing personnel issues that need legal oversight; staff is recommending retaining the law firm effective August 19, 2010. Gruber said he understands the current financial challenges that the Town is experiencing and he is sensitive to maintaining a legal budget that reflects fiscal stewardship while protecting the Town against future litigation.

Loren Gruner, Atherton resident, said Wynne Furth is incredibly detailed and quick in answering questions. Furth is a huge improvement from where the Town has ever been and she hopes that by putting in the time it will benefit the Town in the future.

Kimberly Sweidy, Atherton resident, said she respects Wynne Furth at Council meetings however, she has had a different experience as a potential litigant.

City Manager Gruber concluded that Burke, Williams & Sorenson specializes in personnel law.

MOTION by Dobbie, second by Lewis to approve a professional services agreement with Burke, Williams & Sorenson, LLP for legal services. The motion passed.

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

35. DISCUSS CITY ATTORNEY REQUEST FOR PROPOSAL PROCESS AND DISCUSS COMPOSITION, TERMS, DUTIES AND APPOINT COUNCIL MEMBERS TO AN AD-HOC COMMITTEE FOR THE CITY ATTORNEY RFP PROCESS

Report: City Manager Jerry Gruber
Recommendation: To Be Determined.

Council agreed that due to the late hour they will select an ad-hoc committee at this point and table the RFP process to a special meeting within the next two week where Council can discuss what they want the process to consist of.

Council agreed to appoint Vice Mayor Dobbie and Council Member Lewis to an ad-hoc committee to oversee the RFP process.

Council Member Lewis said specific criteria should be given for the volunteers who want to participate on the committee. Council agreed.

Mayor McKeithen suggested that the ad-hoc committee begin drafting an RFP for the meeting.

36. COUNCIL REPORTS

Nothing further to add to written reports.

37. FUTURE AGENDA ITEMS

A. CODE OF CONDUCT TRAINING

Council Member Lewis said she believes the code of conduct should be discussed annually. Lewis said it was last reviewed in September 2008.

MOTION by Carlson, second by Marsala to add code of conduct training to the next Council meeting agenda. The motion passed.

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

38. PUBLIC COMMENTS

None.

39. ADJOURN

MOTION by Lewis, second by Dobbie to adjourn the meeting. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 12:15 p.m.

Respectfully submitted,

**Theresa DellaSanta
Deputy City Clerk**

TOWN OF ATHERTON
CLAIMS LIST AUGUST 2010

	<u>Amount</u>
A/P Checks (#10685-10846)	\$ 733,605
Payroll Checks (# 88-97)	5,096
Direct Deposit - Payroll	278,158
Electronic Transfer - A/P & Payroll	254,684
AUGUST 2010 Total	1,271,543

I, Jerome D. Gruber, City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 88-97 (payroll), and 10685-10846 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$1,271,543 are true and correct, and that there are sufficient funds for payment.

Jerome D. Gruber
City Manager

The above claims, check numbers 88-97 (payroll), and 10685-10846 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$1,271,543 are true and correct, and are authorized for payment.

Kathy McKeithen
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$ 815,695
105	Tennis	899
201	Special Parcel Tax	161,783
202	Road Construction Impact	29,105
213	Library	1,466
220	Traffic Congest. Relief	76,186
403	Atherton Channel Drainage	26,718
610	Equipment Replacement	57,073
615	General Liability	102,618
TOTAL		1,271,543

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10685	Check Date: 08/11/2010	Vendor: 00037	AFLAC	
	PR Batch 503 6 2010 AFLAC Accide		06/30/2010	227.46
	PR Batch 503 6 2010 AFLAC Cance		06/30/2010	159.75
	PR Batch 503 6 2010 AFLAC Dental		06/30/2010	90.41
	PR Batch 503 6 2010 AFLAC Hospit		06/30/2010	76.76
	PR Batch 503 6 2010 AFLAC Intensi		06/30/2010	24.39
	PR Batch 503 6 2010 AFLAC Life Pr		06/30/2010	34.14
	PR Batch 503 6 2010 AFLAC PersDi		06/30/2010	22.29
	PR Batch 503 6 2010 AFLAC Specif		06/30/2010	50.24
	PR Batch 503 6 2010 AFLAC-STD		06/30/2010	41.35
	PR Batch 501 7 2010 AFLAC Hospit		07/14/2010	76.76
	PR Batch 501 7 2010 AFLAC Intensi		07/14/2010	24.39
	PR Batch 501 7 2010 AFLAC Life Pr		07/14/2010	34.14
	PR Batch 501 7 2010 AFLAC PersDi		07/14/2010	22.29
	PR Batch 501 7 2010 AFLAC Specif		07/14/2010	50.24
	PR Batch 501 7 2010 AFLAC-STD		07/14/2010	41.35
	PR Batch 501 7 2010 AFLAC Accide		07/14/2010	227.46
	PR Batch 501 7 2010 AFLAC Cance		07/14/2010	159.75
	PR Batch 501 7 2010 AFLAC Dental		07/14/2010	90.41
	PR Batch 501 7 2010 Flex Participati		07/14/2010	25.00
	PR Batch 501 7 2010 Flex Participati		07/14/2010	20.00
			Check Total:	1,498.58
Check No: 10686	Check Date: 08/11/2010	Vendor: 01349	TEAMSTERS LOCAL 856 H & W	
	PR Batch 501 7 2010 Dental Insuran		07/14/2010	6,721.00
			Check Total:	6,721.00
Check No: 10687	Check Date: 08/11/2010	Vendor: 01353	TEAMSTERS UNION LOCAL 856	
	PR Batch 502 7 2010 Teamsters Due		07/28/2010	401.55
			Check Total:	401.55
Check No: 10688	Check Date: 08/11/2010	Vendor: 01449	VISION SERVICE PLAN	
	PR Batch 501 7 2010 Vision Insuran		07/14/2010	807.62
501-06-10ADJ	Correct T. Weber Vision 501-06-201		06/18/2010	-10.46
501-06-10ADJ	Correct J. Yoakum Vision 501-06-20		06/18/2010	-10.46
			Check Total:	786.70
Check No: 10689	Check Date: 08/05/2010	Vendor: 00005	ABAG	
01PREM10.11	PROPERTY PREMIUM FY 10/11		07/01/2010	5,112.00
01PREM10.11	GENERAL LIABILITY COVERAG		07/01/2010	61,787.00
01PREM10.11	EXCESS LIABILITY INSURANCE		07/01/2010	5,516.00
01PREM10.11	PUBLIC OFFICIAL BOND FY 10/1		07/01/2010	805.00
01PREM10.11	ADMINISTRATIVE PREMIUM FY		07/01/2010	34,510.00
			Check Total:	107,730.00
Check No: 10690	Check Date: 08/05/2010	Vendor: 00025	ACCOUNTEMP	
31511813	TEMP, DEAN,HAZEL 07/12-07/16/		07/21/2010	1,700.00
31466563	TEMP, DEAN,HAZEL 07/06-07/09/		07/13/2010	1,360.00
31542328	TEMP DEAN,HAZEL 7/19-7/23/10		07/27/2010	1,700.00
			Check Total:	4,760.00
Check No: 10691	Check Date: 08/05/2010	Vendor: 00045	JOSEPH AIELLO	
JULY 2010	IAMPO TRAINING JULY 15, 2010,		08/03/2010	30.00
JULY 2010	CALBIG TRAINING JULY 14, 2010		08/03/2010	20.00
			Check Total:	50.00
Check No: 10692	Check Date: 08/05/2010	Vendor: 00077	AT&T CALNET 2	
000001505800	251-1053 6/20-7/19/10		07/20/2010	84.15
000001520678	752-8099 6/27-7/26/10		07/27/2010	480.86

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
000001482056	323-7653	6/10-7/9/10	07/10/2010	29.44
000001482057	326-2801	6/10-7/9/10	07/10/2010	155.43
000001482058	328-3220	6/10-7/9/10	07/10/2010	30.22
000001482059	473-9743	6/10-7/9/10	07/10/2010	16.54
000001482060	688-6500	6/10-7/9/10	07/10/2010	1,210.32
000001481412	289-9297	6/10-7/9/10	07/10/2010	15.78
000001484658	462-1470	6/11-7/10/10	07/11/2010	23.02
000001487741	326-1167	6/13-7/12/10	07/13/2010	15.92
000001505801	281-1953	6/20-7/19/10	07/20/2010	97.02
000001505802	252-8343	6/20-7/19/10	07/20/2010	56.59
000001505803	271-5840	6/20-7/19/10	07/20/2010	265.63
000001505804	271-7360	6/20-7/19/10	07/20/2010	359.57
000001505806	451-6690	6/20-7/19/10	07/20/2010	66.29
000001505807	451-6691	6/20-7/19/10	07/20/2010	76.59
000001518560	322-8691	6/25-7/24/10	07/25/2010	15.64
000001505805	451-6689	6/20-7/19/10	07/20/2010	66.29
000001482050	323-1014	6/10-7/9/10	07/10/2010	30.22
000001482051	323-1801	6/10-7/9/10	07/10/2010	14.48
000001482052	323-1802	6/10-7/9/10	07/10/2010	44.24
000001482053	323-3612	6/10-7/9/10	07/10/2010	30.48
000001482055	323-6452	6/10-7/9/10	07/10/2010	15.77
Check Total:				3,200.49
Check No: 10693	Check Date: 08/05/2010	Vendor: 00101	BAY AREA RE-ROOFING INC	
540 FLETCHER REFUND	C&D DEP. 540 FLETCH		07/23/2010	500.00
Check Total:				500.00
Check No: 10694	Check Date: 08/05/2010	Vendor: 00119	BENTLEY SYSTEMS, INCORPORATED	
47329069	SELECT REINSTATEMENT APRI		07/15/2010	2,395.00
47329069	1003/ MICRO STATIONS SELECT		07/15/2010	1,221.66
47329069	1592/ IN ROADS SELECT SUBSC		07/15/2010	1,172.80
47329069	SALES TAX		07/15/2010	221.52
Check Total:				5,010.98
Check No: 10695	Check Date: 08/05/2010	Vendor: 00254	CHESLER CONSTRUCTION	
25 EUCLID	REFUND C&D DEP 25 EUCLID B		07/21/2010	2,296.00
Check Total:				2,296.00
Check No: 10696	Check Date: 08/05/2010	Vendor: 00265	KEVIN CITTADINI	
JULY 2010	REIM BUILDING CODE BOOKS		07/21/2010	169.23
JULY 2010	REIMB CALBIG MEETING 7/14/10		07/21/2010	20.00
JULY 2010	REIMB IAMPO MEETING 7/15/10		07/21/2010	30.00
JULY 2010	REIMB SAFETY SHOES PER MO		07/21/2010	109.23
Check Total:				328.46
Check No: 10697	Check Date: 08/05/2010	Vendor: 00306	JOE COMARTIN	
1010022002025	REFUND C&D DEP 83 ALEJAND		07/21/2010	3,604.50
Check Total:				3,604.50
Check No: 10698	Check Date: 08/05/2010	Vendor: 00389	DAILY JOURNAL CORP	
B1897430	NOTICE OF HEARING 150 VALP		07/20/2010	182.28
Check Total:				182.28
Check No: 10699	Check Date: 08/05/2010	Vendor: 00391	JOHN DAY	
JULY 2010	REFUND DEPOSIT HP PARK 7/4/1		07/22/2010	600.00
Check Total:				600.00
Check No: 10700	Check Date: 08/05/2010	Vendor: 00421	DIEHL EVANS & CO LLP	
SEPT 2010	SEMINAR HEALTH/PENSION L.H		08/04/2010	35.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
			Check Total:	35.00
Check No: 10701	Check Date: 08/05/2010	Vendor: 00428	MICHELLE SHEA DONATELLI	
8 CATALPA	RFND HRTG TREE DEP 8 CATAL		07/27/2010	2,000.00
			Check Total:	2,000.00
Check No: 10702	Check Date: 08/05/2010	Vendor: 00433	DOUGLAS PRINTERS	
TA072110	BUSINESS CARD MASTERS-REP		07/21/2010	360.52
			Check Total:	360.52
Check No: 10703	Check Date: 08/05/2010	Vendor: 00501	FIRST CHOICE SERVICES	
305976	COFFEE, ADMIN 07/26/10		07/26/2010	31.08
305977	COFFEE/TEA, PERMIT CENTER 0		07/26/2010	62.79
			Check Total:	93.87
Check No: 10704	Check Date: 08/05/2010	Vendor: 00511	THERESA FU	
JULY 2010	REFUND DEPOSIT HP PARK 7/10/		07/22/2010	1,000.00
			Check Total:	1,000.00
Check No: 10705	Check Date: 08/05/2010	Vendor: 00553	W W GRAINGER INC	
9297428279	DPW EYEWEAR,CLEAR SAFETY		07/13/2010	20.78
9303526306	DPW EYEWEAR,BLUE MIRROR		07/21/2010	19.60
			Check Total:	40.38
Check No: 10706	Check Date: 08/05/2010	Vendor: 00589	HEART SAN MATEO COUNTY	
FY 2011	ADMINISTRATIVE FEE 7/1/10-6/3		07/14/2010	2,947.00
			Check Total:	2,947.00
Check No: 10707	Check Date: 08/05/2010	Vendor: 00617	HORIZON DISTRIBUTORS, INC.	
IN016425	20 FT 1 1/4" PVC PIPE		07/09/2010	9.18
IN018144	IRRIGATION PARTS, BUSHINGS		07/21/2010	274.55
			Check Total:	283.73
Check No: 10708	Check Date: 08/05/2010	Vendor: 00649	IEDA INC	
JULY 2010	MONTHLY RETAINER 7/1-7/31/10		07/01/2010	1,030.00
			Check Total:	1,030.00
Check No: 10709	Check Date: 08/05/2010	Vendor: 00689	IWORQ SYSTEMS, INC	
3374	INTERNET PVMENT MGMNT SU		07/19/2010	75.00
			Check Total:	75.00
Check No: 10710	Check Date: 08/05/2010	Vendor: 00711	EVA JACOB	
47 IRVING	RFND HRTG TREE DEP 47 IRVIN		07/27/2010	2,000.00
47 IRVING	REFUND NEG DEC DEP 47 IRVIN		07/27/2010	1,000.00
			Check Total:	3,000.00
Check No: 10711	Check Date: 08/05/2010	Vendor: 00753	KREFELD'S AWARDS, INC	
21654	ENGRAVED PLATE, SGT R.ENBE		07/27/2010	38.24
			Check Total:	38.24
Check No: 10712	Check Date: 08/05/2010	Vendor: 00775	STEPHANIE LANE	
150 ALTA VIST	RFND HRTG TREE DEP 150ALTA		07/27/2010	2,000.00
			Check Total:	2,000.00
Check No: 10713	Check Date: 08/05/2010	Vendor: 00929	MUNI SERVICES LLC	
JOSE TALAVERA	BUS. LIC. JOSE H TALAVERA 7/1		07/26/2010	150.00
STATION 1 FIR	BUS. LIC. STN 1 FIRE PRTCTN 7/		07/26/2010	150.00
SENAR CONSTR	UCT LIC. SENAR CONST 7/1/10-6		08/03/2010	250.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
	YOUNGS ROOFING, LIC. YOUNGS ROOFING 7/1		08/03/2010	150.00
	MONARCA ROOFING, LIC. MONARCA ROOFING 7		08/03/2010	150.00
	COSMOS ROOFING, LIC. COSMOS ROOFING 7/1		08/03/2010	150.00
			Check Total:	1,000.00
Check No: 10714	Check Date: 08/05/2010	Vendor: 00977	OFFICE DEPOT	
527766922001	DUSTER/IT CLEANING FOR SER		07/29/2010	15.60
			Check Total:	15.60
Check No: 10715	Check Date: 08/05/2010	Vendor: 01018	KATHY PARTRIDGE	
JULY 2010	REFUND DEPOSIT HP PARK 7/3/2		07/22/2010	1,000.00
			Check Total:	1,000.00
Check No: 10716	Check Date: 08/05/2010	Vendor: 01021	PAW PRINTS, INC	
22846	ALARM SIGNS		07/15/2010	81.94
			Check Total:	81.94
Check No: 10717	Check Date: 08/05/2010	Vendor: 01037	PG & E	
7457969332-7/10	POLICE STATION 6/25/10-7/26/10		07/26/2010	2,683.34
			Check Total:	2,683.34
Check No: 10718	Check Date: 08/05/2010	Vendor: 01072	PROFESSIONAL COMMUNICATION INS	
13483	REPROGRAM CREDIT CARD MA		07/27/2010	175.00
			Check Total:	175.00
Check No: 10719	Check Date: 08/05/2010	Vendor: 01141	REDWOOD PLUMBING CO. INC	
W37092	SERVICE CALL P.D. A/C UNIT LE		07/28/2010	155.00
			Check Total:	155.00
Check No: 10720	Check Date: 08/05/2010	Vendor: 01153	ROCKY POINT LLC	
18744	2-PART WARNING NOTICE		07/28/2010	215.44
18743	3-PART MOVING CITATIONS		07/28/2010	227.73
			Check Total:	443.17
Check No: 10721	Check Date: 08/05/2010	Vendor: 01154	NANCY ROSENTHAL	
JUNE 2010	REFUND DEPOSIT HP PARK 6/27/		07/22/2010	100.00
			Check Total:	100.00
Check No: 10722	Check Date: 08/05/2010	Vendor: 01259	SERRAMONTE FORD INC	
2011 FORD F350	Ford F350 UB pickup truck 1FD8X3G6		07/20/2010	45,209.95
			Check Total:	45,209.95
Check No: 10723	Check Date: 08/05/2010	Vendor: 01289	SHARP ELECTRONICS CORPORATION	
AR289498	ADMIN COPIER MAINT MXM550		07/13/2010	263.57
			Check Total:	263.57
Check No: 10724	Check Date: 08/05/2010	Vendor: 01290	SHELTON ROOFING COMPANY INC	
126 ISABELLA	REFUND C&D DEP. 126 ISABELL		07/23/2010	500.00
			Check Total:	500.00
Check No: 10725	Check Date: 08/05/2010	Vendor: 01308	SPECIALTY ROOFING	
98 BELBROOK	REFUND C&D DEPST 98 BELBRO		07/21/2010	500.00
			Check Total:	500.00
Check No: 10726	Check Date: 08/05/2010	Vendor: 01313	SPRINT	
130538811-032	MOBILE DATA COMMUNICATIO		07/29/2010	440.50
			Check Total:	440.50

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10727	Check Date: 08/05/2010	Vendor: 01417	UNIFIRST CORPORATION	
380 0378390	UNIFORM SERVICE STREET MAI		07/07/2010	127.16
380 0379362	UNIFORM SERVICE STREET MAI		07/14/2010	56.48
380 0380323	UNIFORM SERVICE STREET MAI		07/21/2010	56.48
380 0378391	UNIFORMS DPW PARKS 7/7/10		07/07/2010	19.10
380 0380323	UNIFORM SERVICE DPW PARKS		07/21/2010	17.31
380 0379363	UNIFORMS DPW PARKS 7/14/10		07/14/2010	17.31
380 0380323	UNIFORM SERVICE DPW PARKS		07/21/2010	17.31
380 0378391	UNIFORMS DPW PARKS 7/7/10		07/07/2010	19.10
380 0379363	UNIFORMS DPW PARKS 7/14/10		07/14/2010	17.31
380 0378391	MOPS DPW PARK 7/7/10		07/07/2010	7.65
380 0378390	MATS DPW PARKS 7/7/10		07/07/2010	46.60
380 0380323	MOPS DPW PARK 7/21/10		07/21/2010	7.64
380 0379363	MOPS & MATS DPW PARKS 7/14/		07/14/2010	63.94
Check Total:				473.39
Check No: 10728	Check Date: 08/05/2010	Vendor: 01453	VOYAGER FLEET SYSTEMS INC.	
869016477007	MOTORCYCLE FUEL 6/30-7/22/10		07/24/2010	92.30
Check Total:				92.30
Check No: 10729	Check Date: 08/06/2010	Vendor: 00041	AGI PUBLISHING	
JULY 2010	Advertising HP Park July 2010		07/01/2010	720.00
Check Total:				720.00
Check No: 10730	Check Date: 08/06/2010	Vendor: 00077	AT&T CALNET 2	
000001520677	752-0600 06/27/10 - 07/26/10		07/27/2010	111.52
Check Total:				111.52
Check No: 10731	Check Date: 08/06/2010	Vendor: 00657	IMPAC. GOVERNMENT SERVICES	
4324/07-22-10	Working Lunch Mike Gprufy C.H.S.		07/22/2010	26.01
4324/07-22-10	2010 Conf San Diego 9/15-9/17/10		07/22/2010	-475.00
5432/07-22-10	EOQ dinner - D. Metzger		07/22/2010	153.94
4832/07-22-10	Dave Metzger EOQ Jan-Mar 09/10 gi		07/22/2010	50.00
4832/07-22-10	David Huynh EOQ May-Jun 09/10 gi		07/22/2010	50.00
4832/07-22-10	D.Huynh lunch EOQ May-Jun 09/10		07/22/2010	150.00
7190/07-22-10	Credit Cancel Beg Gov't Class L.Coll		07/22/2010	-50.00
7190/07-22-10	2010 Public Retirement Seminar L.H		07/22/2010	190.00
7190/07-22-10	2010 Cal PERS Educational Forum L		07/22/2010	300.00
5424/07-22-10	Peninsula, East Bay ICC 2010 Semin		07/22/2010	50.00
5424/07-22-10	Peninsula, East Bay ICC 2010 Semin		07/22/2010	-50.00
5424/07-22-10	Build it Green Membership Rene-M.		07/22/2010	200.00
4324/07-22-10	Constant Contact City Website		07/22/2010	30.00
5432/07-22-10	Entersect Monthly Agreement Jul 20		07/22/2010	88.95
5432/07-22-10	Car Washes - Police Department		07/22/2010	150.00
0596/07-22-2010	Working Lunch - Menlo Park File M.		07/22/2010	34.02
5432/07-22-10	2 cases of water - Biden Security de		07/22/2010	8.38
5432/07-22-10	Pizzas - Mutual Aid Call out		07/22/2010	250.00
0596/07-22-2010	Gatorade - Whitman protest		07/22/2010	40.28
5465/07-22-10	Cal Assoc Membership Renewal S.Pa		07/22/2010	46.80
5465/07-22-10	Construction Alarm Subscription Jul		07/22/2010	19.95
5432/07-22-10	Zip Lock bags - ICS vests		07/22/2010	5.46
5465/07-22-10	Telco Sliced Ban, Whitman Detail		07/22/2010	52.37
5465/07-22-10	2 Coffee Traveler, Whitman Detail		07/22/2010	24.00
7555/07-22-10	Directors chair for SUV		07/22/2010	115.55
7555/07-22-10	Document scanner		07/22/2010	511.57
7555/07-22-10	Network Card for PC		07/22/2010	11.40
7555/07-22-10	New PC - MS Office Software		07/22/2010	9.00
7555/07-22-10	UPS Report Writing Room		07/22/2010	55.99
7555/07-22-10	UPS Report Writing Room		07/22/2010	55.99
7555/07-22-10	Replace Power Supply Nichol's PC		07/22/2010	28.95

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
5408/07-22-10	Sacks of concrete - Bollard repair		07/22/2010	23.51
5408/07-22-10	Dumbarton Bridge Toll		07/22/2010	4.00
5408/07-22-10	Park Internet fees		07/22/2010	105.75
4954/07-22-10	Pod Rental July 2010		07/22/2010	382.38
7555/07-22-10	Fiber Optic patch Cables		07/22/2010	102.03
Check Total:				2,751.28
Check No: 10732	Check Date: 08/06/2010	Vendor: 00794	KASEY LI	
50 FAIRVIEW	Refund 50 Fairview Ave P#LLR10-0		08/03/2010	2,000.00
Check Total:				2,000.00
Check No: 10733	Check Date: 08/06/2010	Vendor: 00992	CAROLYN ORIDA	
50 FAIRVIEW	Refund 50 Fairview Ave P#HTR10-0		08/03/2010	2,000.00
Check Total:				2,000.00
Check No: 10734	Check Date: 08/06/2010	Vendor: 00073	AT&T ADVERTISING SOLUTIONS	
8103362367-0000	San Mateo Cnty Central Directry Jun		06/25/2010	528.00
Check Total:				528.00
Check No: 10735	Check Date: 08/06/2010	Vendor: 00125	BKF ENGINEERS	
10060310	Atherton Channel- Phase II-4/19-5/2		06/23/2010	14,449.24
Check Total:				14,449.24
Check No: 10736	Check Date: 08/06/2010	Vendor: 00373	CRW SYSTEMS INC	
10-232	Custom Programming master fee sch		05/21/2010	8,000.00
Check Total:				8,000.00
Check No: 10737	Check Date: 08/06/2010	Vendor: 00377	CSG CONSULTANTS INC	
018462	80-98 Somerset Lot Line Adj 6/1-6/1		07/13/2010	345.00
Check Total:				345.00
Check No: 10738	Check Date: 08/06/2010	Vendor: 00414	GORDON DERE	
09-14-2007	Replacement for chk#24821- G.Dere		08/05/2010	15.00
09-14-2007	Replacement for chk#24821- G.Dere		08/05/2010	73.13
Check Total:				88.13
Check No: 10739	Check Date: 08/06/2010	Vendor: 00417	DEAN DEVLUGT	
01-17-2008	Replacement for chk#25495 - D.Devl		08/05/2010	11.56
01-17-2008	Replacement for chk#25495 - D.Devl		08/05/2010	10.45
06-01-2007	Replacement for chk#24191 stale voi		08/05/2010	65.55
06-01-2007	Replacement for chk#24191 stale voi		08/05/2010	17.27
Check Total:				104.83
Check No: 10740	Check Date: 08/06/2010	Vendor: 00529	VALERIE GARDNER	
ATHER2020-PROG	Atherton Green Web Registr, Web-Fo		07/27/2010	291.91
ATHER2020-PROG	ogin Design, Web-site design and		07/27/2010	1,200.00
ATHER2020-PROG	hirts and Logo caps		07/27/2010	6,341.96
ATHER2020-PROG	ive Green Labels		07/27/2010	949.23
ATHER2020-PROG	cters, notes posts, Prog brochure r		07/27/2010	1,400.00
ATHER2020-PROG	amps, Postage		07/27/2010	332.00
ATHER2020-PROG	ooks, CSS and Drupal Programmin		07/27/2010	108.67
ATHER2020-PROG	herton 2020 Web Hosting, domain		07/27/2010	178.20
ATHER2020-PROG	ergy Detective Power Meters		07/27/2010	2,011.09
Check Total:				12,813.06
Check No: 10741	Check Date: 08/06/2010	Vendor: 00558	GREER GARDENS LANDSCAPE DESIGN	
198 FAIROAKS	Replace ck#029128 Void		09/09/2009	356.40
198 FAIROAKS	Replace ck#029128 Void		09/09/2009	1,159.20

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
			Check Total:	1,515.60
Check No: 10742 04-17-2008	Check Date: 08/06/2010 Replacement chk#26217- S. Hall	Vendor: 00577	SHERMAN HALL 08/05/2010	11.11
			Check Total:	11.11
Check No: 10743 JUN 2010	Check Date: 08/06/2010 HP park irrigation const.observ Jun	Vendor: 00737	KIKUCHI & ASSOCIATES, INC 07/06/2010	1,406.25
			Check Total:	1,406.25
Check No: 10744 25009	Check Date: 08/06/2010 Review Road Impt Fee Procedures M	Vendor: 00857	MAZE & ASSOCIATES 07/28/2010	1,740.00
			Check Total:	1,740.00
Check No: 10745 224772	Check Date: 08/06/2010 Planning Deposits Sacred Heart Jun	Vendor: 00869	MCDONOUGH HOLLAND & ALLEN PC 07/30/2010	2,435.16
224772	Planning Deposits Menlo School Jun		07/30/2010	302.64
224772	Monthly Retainer June 2010		07/30/2010	11,000.00
224772	Planning June 2010		07/30/2010	1,372.80
224772	Building June 2010		07/30/2010	343.20
224772	DPW June 2010		07/30/2010	57.20
224772	Other Legal June 2010		07/30/2010	18,747.96
			Check Total:	34,258.96
Check No: 10746 15375	Check Date: 08/06/2010 Work at Middlefield Rd 6/15/10-6/18	Vendor: 01073	PROFESSIONAL TREE CARE CO 06/30/2010	3,997.50
15375	Work Holbrook-Palmer 6/21/10-6/25		06/30/2010	3,525.00
			Check Total:	7,522.50
Check No: 10747 8003052	Check Date: 08/10/2010 91 Ashfield - admin 6/25-7/26/10	Vendor: 00017	ABAG POWER PURCHASING POOL 08/01/2010	44.22
8003052	Station Lane/Town Hall 6/25-7/26/10		08/01/2010	9.70
8003052	Station Lane/Town Hall 6/25-7/26/10		08/01/2010	58.23
8003052	91 Ashfield - PD 6/25-7/26/10		08/01/2010	75.30
8003052	Station Lane/Town Hall 6/25-7/26/10		08/01/2010	29.11
8003052	99 Dinkenspiel Corp Off/Sto 6/26-7/		08/01/2010	45.86
8003052	150 Watkins HP Activities 6/26-7/27		08/01/2010	130.31
8003052	150 Watkins 6/26-7/27/10		08/01/2010	54.50
8003052	HP PARK 160 WATKINS (CM) 6/2		08/01/2010	83.32
8003052	Library/Dinkenspiel/Sta Ln 6/25-7/26		08/01/2010	39.45
			Check Total:	570.00
Check No: 10748 000001532351	Check Date: 08/10/2010 327-4866 07/01/2010 - 07/31/2010	Vendor: 00077	AT&T CALNET 2 08/01/2010	15.64
000001532349	327-3232 07/01/2010 - 07/31/2010		08/01/2010	15.63
000001532350	327-4859 07/01/2010 - 07/31/2010		08/01/2010	55.31
000001520676	566-0280 06/27/2010 - 07/26/2010		08/01/2010	211.38
			Check Total:	297.96
Check No: 10749 JULY 2010	Check Date: 08/10/2010 Consulting Services HSR 07/1/10-07	Vendor: 00227	CAPITOL ADVOCATES, INCORPORATE 07/18/2010	4,507.33
			Check Total:	4,507.33
Check No: 10750 TLR7097	Check Date: 08/10/2010 APC Replacement Battery Cartridge	Vendor: 00249	CDW GOVERNMENT INC 08/03/2010	314.64
TMC9407	APC Smartups 2200VA RM 5-20 PI		08/04/2010	1,201.75
			Check Total:	1,516.39

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10751 2Q08	Check Date: 08/10/2010 Replacement for chk#26636- S. Chap	Vendor: 00251	STEPHEN CHAPUT 08/10/2010	540.00
			Check Total:	540.00
Check No: 10752 10038906	Check Date: 08/10/2010 Pest Control Library July 2010	Vendor: 00289	CLARK PEST CONTROL 07/20/2010	95.00
			Check Total:	95.00
Check No: 10753 Ath 11-1	Check Date: 08/10/2010 ERP Services Rendered 7/1/10-6/30/	Vendor: 00325	COMMUNITY OVERCOMING RELATIONS 07/26/2010	2,358.00
			Check Total:	2,358.00
Check No: 10754 4016	Check Date: 08/10/2010 Street Light Association CAL-SLA	Vendor: 00353	COUNTY OF MARIN/CAL-SLA 08/06/2010	600.00
			Check Total:	600.00
Check No: 10755 2754467 2754467	Check Date: 08/10/2010 Armored Car Service August 2010 Maint Fee/Fuel Surcharge August 20	Vendor: 00449	DUNBAR ARMORED INC 08/01/2010 08/01/2010	110.90 11.31
			Check Total:	122.21
Check No: 10756 07/01/2010	Check Date: 08/10/2010 Election 07/01/10-07/31/10	Vendor: 00465	EMBARCADERO PUBLISHING CO 07/31/2010	232.00
			Check Total:	232.00
Check No: 10757 305980	Check Date: 08/10/2010 Coffee DPW Engineering 07/26/10	Vendor: 00501	FIRST CHOICE SERVICES 08/10/2010	22.71
			Check Total:	22.71
Check No: 10758 16168	Check Date: 08/10/2010 Monthly Retainer 8/1/10 - 8/31/10	Vendor: 00649	IEDA INC 08/01/2010	1,030.00
			Check Total:	1,030.00
Check No: 10759 129973 129999	Check Date: 08/10/2010 U-Channel Sign Post,Stop/Slow Sign Loading Sign,Do Not Enter Sign,Par	Vendor: 00681	INTERSTATE TRAFFIC CONTROL PRO 07/26/2010 07/28/2010	245.81 484.52
			Check Total:	730.33
Check No: 10760 00453	Check Date: 08/10/2010 Radar Recorder Complete kit- W/Tra	Vendor: 00710	JAMAR TECHNOLOGIES, INC 07/29/2010	4,845.08
			Check Total:	4,845.08
Check No: 10761 527228089001	Check Date: 08/10/2010 Emergency Order Cartridge - Bldg	Vendor: 00977	OFFICE DEPOT 07/23/2010	60.81
			Check Total:	60.81
Check No: 10762 62126158/7 91512681/7 91512699/7 91512699/7 91512664/7 91512699/7 62051509/7 62051499/7 97947324/7 89783897/7 9291302548-9/7 9531312943-9/7	Check Date: 08/10/2010 94 Ashfield Rd 06/03/10 - 07/02/10 91 Ashfield Rd 06/03/10 - 07/02/10 Station Lane 06/03/10 - 07/02/10 Station Lane 06/03/10 - 07/02/10 83 Ashfield Rd - PD 06/03/10 - 07/0 Station Lane 06/03/10 - 07/02/10 Alameda/Atherton 06/03/10 - 07/02/1 El Camino Real 06/03/10 - 07/02/10 El Camino Real 06/24/10 - 07/26/10 Maple 06/03/10 - 07/02/10 Station Lane 06/25/10 - 07/26/10 93 Dinkelspiel Station Ln 06/25-07/2	Vendor: 01037	PG & E 07/30/2010 07/30/2010 07/30/2010 07/30/2010 07/30/2010 07/30/2010 07/30/2010 07/30/2010 07/30/2010 07/30/2010 07/27/2010 07/27/2010	59.18 44.84 3.05 18.31 95.03 9.15 101.37 140.81 369.58 214.47 137.39 225.01

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
3457969588-2/7	Signal El Camino Atherton	06/25-07/	07/27/2010	48.68
62051537/7	150 Watkins Ave	06/24/10 - 07/26/1	07/30/2010	192.72
62051537/7	150 Watkins Ave(Fire Pro)	7/1/10- 7/	07/30/2010	26.37
97127159/7	2 Station Lane	06/03/10 - 07/02/10	07/30/2010	44.84
9166302556-6/7	Atherton Library	06/25/10 - 07/27/10	07/27/2010	772.10
Check Total:				2,502.90
Check No: 10763	Check Date: 08/10/2010	Vendor: 01072	PROFESSIONAL COMMUNICATION INS	
13468	Fiber Optic band PD to Council Cha		07/20/2010	300.00
Check Total:				300.00
Check No: 10764	Check Date: 08/10/2010	Vendor: 01089	PURCHASE POWER	
38852315	Postage Meter Refill/Trans fee		08/03/2010	518.99
38852315	Meter Rental State & County Tax		08/03/2010	262.20
Check Total:				781.19
Check No: 10765	Check Date: 08/10/2010	Vendor: 01113	RECALL SECURE DESTRUCTION SERV	
2303017462	Shred Documents PD		07/24/2010	89.48
Check Total:				89.48
Check No: 10766	Check Date: 08/10/2010	Vendor: 01133	REDWOOD GENERAL TIRE CO. INC	
469562	Flat Tire Repair		07/14/2010	16.00
Check Total:				16.00
Check No: 10767	Check Date: 08/10/2010	Vendor: 01157	ROTO ROOTER SERVICES CO	
19315638559	Repaired Park Bathroom Grinder Sys		07/23/2010	547.50
Check Total:				547.50
Check No: 10768	Check Date: 08/10/2010	Vendor: 01237	SAN MATEO CNTY SHERIFF'S OFFIC	
3331	FY 10/11 City Share, District Svc Pro		08/02/2010	27,915.00
Check Total:				27,915.00
Check No: 10769	Check Date: 08/10/2010	Vendor: 01361	TELECOMMUNICATIONS ENGINEERING	
40817	Push to Mute Telephone Handset		07/31/2010	108.04
Check Total:				108.04
Check No: 10770	Check Date: 08/13/2010	Vendor: 00125	BKF ENGINEERS	
10070256	Atherton Chann-Phase II		07/26/2010	12,268.59
Check Total:				12,268.59
Check No: 10771	Check Date: 08/13/2010	Vendor: 00277	CITY OF MENLO PARK	
JAN2010-JUN20	Energy and Maintenance		08/12/2010	247.49
JAN2010-JUN20	Malpaiso/ Uni Signal		08/12/2010	1,684.41
Check Total:				1,931.90
Check No: 10772	Check Date: 08/13/2010	Vendor: 00281	CITY OF REDWOOD CITY	
BR24720	Unused IT Hours FY 2010		06/30/2010	-570.86
BR24720	SpringBrook implementation cost		06/30/2010	3,460.86
Check Total:				2,890.00
Check No: 10773	Check Date: 08/13/2010	Vendor: 00697	J.J. NGUYEN INC	
JUNE 2010	HP Park Tower Lawn Final Retentio		06/24/2010	4,929.08
Check Total:				4,929.08
Check No: 10774	Check Date: 08/13/2010	Vendor: 00941	NEAL MARTIN & ASSOCIATES	
1065	Sacred Heart		06/30/2010	5,299.55
1065	Planning Services		06/30/2010	16,317.76
1066	Housing Element		06/30/2010	1,015.88

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
			Check Total:	22,633.19
Check No: 10775	Check Date: 08/13/2010	Vendor: 00092	RAFI BAMDAD	
35 BARRY LANERefund 35 Barry Lane P#HTR10-000			08/10/2010	2,000.00
			Check Total:	2,000.00
Check No: 10776	Check Date: 08/13/2010	Vendor: 00205	CAL WATER SERVICE	
62126258/7-10	94 Ashfield 06/03/10 - 07/02/10		07/30/2010	59.18
91512681/7-10	91 Ashfield 06/03/10 - 07/02/10		07/30/2010	44.84
91512699/7-10	Station Lane Meter 06/03/10 - 07/02/10		07/30/2010	3.05
91512699/7-10	Station Lane Meter 06/03/10 - 07/02/10		07/30/2010	18.31
91512664/7-10	83 Ashfield 06/03/10 - 07/02/10		07/30/2010	95.03
91512699/7-10	Station Lane Meter 06/03/10 - 07/02/10		07/30/2010	9.15
62051509/7-10	Alameda/Atherton 06/03/10 - 07/02/10		07/30/2010	101.37
62015499/7-10	El Camino Real 06/03/10 - 07/02/10		07/30/2010	140.81
97947324/7-10	El Camino Real 06/24/10 - 07/26/10		07/30/2010	369.58
89783897/7-10	Maple 06/03/10 - 07/02/10		07/30/2010	214.47
90069321/8-10	Station Lane 07/03/10 - 08/03/10		08/04/2010	165.65
62040688/8-10	99 Ashfield Road 07/03/10 - 08/03/10		08/04/2010	43.23
62051537/7-10	150 Watkins 06/24/10 - 07/26/10		07/30/2010	192.72
62051537firepro	150 Watkins Fire Pro 07/01/10 - 07/3		07/30/2010	26.37
97127159/7-10	2 Station Lane 06/03/10 - 07/02/10		07/30/2010	44.84
			Check Total:	1,528.60
Check No: 10777	Check Date: 08/13/2010	Vendor: 00232	CARROLL CUSTOM HOMES	
222 PARK LANERefund 222 Park Lane P#APW10-00			08/10/2010	2,500.00
			Check Total:	2,500.00
Check No: 10778	Check Date: 08/13/2010	Vendor: 00427	DMS FACILITY SERVICES, INC	
RC-D062673	Town Hall/Police Department August		08/01/2010	650.24
RC-D062673	Police Modular Office August 2010		08/01/2010	115.70
RC-D062673	DPW Modular Office August 2010		08/01/2010	121.41
RC-D062673	Addition Modular Office August 201		08/01/2010	154.01
RC-D062673	Corp Yard August 2010		08/01/2010	203.70
RC-D062673	Atherton Library August 2010		08/01/2010	470.10
			Check Total:	1,715.16
Check No: 10779	Check Date: 08/13/2010	Vendor: 00605	LOUISE HO	
AUGUST 2010	Bridge Toll - Fast Track Seminar		08/13/2010	5.00
AUGUST 2010	Public Retirement Journal Seminar-		08/13/2010	101.90
AUGUST 2010	Bridge Toll - Bay Bridge Seminar L		08/13/2010	6.00
AUGUST 2010	Public Retirement Seminar Parking		08/13/2010	12.00
			Check Total:	124.90
Check No: 10780	Check Date: 08/13/2010	Vendor: 00829	MARK THOMAS & CO INC	
13827	Topographic Surveying Services July		07/22/2010	1,450.00
			Check Total:	1,450.00
Check No: 10781	Check Date: 08/13/2010	Vendor: 00973	OCCASIONS ETC	
21399	Re-engrave Green Bldg award-Youn		08/02/2010	49.16
			Check Total:	49.16
Check No: 10782	Check Date: 08/13/2010	Vendor: 00993	ORCHARD SUPPLY HARDWARE	
1359/JULY 2010	Utility Knife,Rubber Straps,screw dri		07/25/2010	181.55
1359/JULY 2010	Metal finishing,lite set,duracell,Ra		07/25/2010	38.59
1359/JULY 2010	Undercabi, premium quart - Plants Pa		07/25/2010	67.61
1359/JULY 2010	Annual - Plants Pavilion		07/25/2010	26.22
1359/JULY 2010	Mosquito,fly,gnats, Hornet - Town H		07/25/2010	13.09

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
			Check Total:	327.06
Check No: 10783	Check Date: 08/13/2010	Vendor: 01037	PG & E	
5678831050	Ashfield/Town Hall 06/25/10 - 07/26		08/02/2010	689.37
5678831015/7-10	Signal E/S Middlefield 06/26/10-07/		08/02/2010	53.41
5678831020/7-10	Signal-Marsh/Middlefield 6/26/10-7/		08/02/2010	23.56
5678831002et al	Street Lights 07/14/10 - 08/02/10		08/02/2010	2,707.43
567883105	Signal-Middlefield/Oak 6/26/10-7/27		08/02/2010	42.56
5678831040	Pump 150 Watkins 06/26/10 - 07/27/		08/02/2010	638.29
5678831035	Modular Bldg150 Watkins 6/26/10-7		08/02/2010	624.20
5678831030	Activity Bldg 150 Watkins 6/26/10-7		08/02/2010	512.43
			Check Total:	5,291.25
Check No: 10784	Check Date: 08/13/2010	Vendor: 01160	JIM RUIZ	
10-372	One composite sketch of suspect in 2		08/03/2010	200.00
			Check Total:	200.00
Check No: 10785	Check Date: 08/13/2010	Vendor: 01307	SOMERSET LANE LLC	
80-98 SOMERSET	ot Line adj 80-98 Somerset Case#L		08/11/2010	1,497.50
80-98 SOMERSET	ot Line adj 80-98 Somerset Case#L		08/11/2010	1,197.75
			Check Total:	2,695.25
Check No: 10786	Check Date: 08/13/2010	Vendor: 01348	KEVIN & DEBRA TAWHEEL	
172 ISABELLA	Refund 172 Isabella P#HTR10-0000		07/28/2010	2,000.00
172 ISABELLA	Refund 172 Isabella P#CUP10-0000		07/28/2010	2,000.00
172 ISABELLA	Refund 172 Isabella P#LLR10-00002		07/28/2010	2,000.00
			Check Total:	6,000.00
Check No: 10787	Check Date: 08/13/2010	Vendor: 01353	TEAMSTERS UNION LOCAL 856	
	PR Batch 501 8 2010 Teamsters Due		08/11/2010	401.55
			Check Total:	401.55
Check No: 10788	Check Date: 08/13/2010	Vendor: 01445	VERIZON WIRELESS	
0890528660	Admin Dept 06/22/10 - 07/21/10		07/21/2010	-34.49
0890528660	Building Dept 06/22/10 - 07/21/10		07/21/2010	133.47
0890528660	Police Dept 06/22/10 - 07/21/10		07/21/2010	517.14
0890528660	DPW Engineering 06/22/10 - 07/21/1		07/21/2010	124.71
0890528660	DPW Street Maint 06/22/10 - 07/21/		07/21/2010	203.17
0890528660	DPW Park Maint 06/22/10 - 07/21/1		07/21/2010	36.31
0890528660	DPW Park Program 06/22/10 - 07/21		07/21/2010	72.62
			Check Total:	1,052.93
Check No: 10789	Check Date: 08/13/2010	Vendor: 01488	YOUNG & BORLIK ARCHITECTS	
69 CATALPA DR	Refund 69 Catalpa Dr P#CUP10-000		08/10/2010	2,000.00
69 CATALPA DR	Refund 69 Catalpa Dr P#SUB10-000		08/10/2010	4,500.00
			Check Total:	6,500.00
Check No: 10790	Check Date: 08/13/2010	Vendor: AR-Mist	MEHER MISTRI	
	AR Refund		08/03/2010	800.00
			Check Total:	800.00
Check No: 10791	Check Date: 08/20/2010	Vendor: 00025	ACCOUNTEMPS	
31580914	Temp Dean, Hazel 07/27/10 - 07/30/		08/03/2010	1,360.00
31626017	Temp Dean, Hazel 08/02/10 - 08/06/		08/11/2010	1,700.00
			Check Total:	3,060.00
Check No: 10792	Check Date: 08/20/2010	Vendor: 00035	ADVANTAGE PRINT, MARKETING AND	
43300	Business Cards Rick Enberg		08/02/2010	92.30

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
			Check Total:	92.30
Check No: 10793	Check Date: 08/20/2010	Vendor: 00041	AGI PUBLISHING	
AUGUST 2010 Advertising HP Park August 2010			08/01/2010	507.00
			Check Total:	507.00
Check No: 10794	Check Date: 08/20/2010	Vendor: 00049	ALHAMBRA & SIERRA SPRINGS	
07102799391 498Water Police Dept 07/06/10 - 07/26/1			08/20/2010	214.19
			Check Total:	214.19
Check No: 10795	Check Date: 08/20/2010	Vendor: 00059	KATHY ANDERSON	
ISA INTL CONF Intl Society Arboriculture 7/26-7/28			08/13/2010	1,000.00
			Check Total:	1,000.00
Check No: 10796	Check Date: 08/20/2010	Vendor: 00077	AT&T CALNET 2	
000001548479 688-6500 07/10/10 - 08/09/10			08/10/2010	620.13
			Check Total:	620.13
Check No: 10797	Check Date: 08/20/2010	Vendor: 00227	CAPITOL ADVOCATES, INCORPORATE	
AUGUST 2010 Consulting Services HSR 7/21/10-08			08/18/2010	5,858.96
			Check Total:	5,858.96
Check No: 10799	Check Date: 08/20/2010	Vendor: 00281	CITY OF REDWOOD CITY	
BR24828 IT Support July 2010			07/31/2010	2,307.00
			Check Total:	2,307.00
Check No: 10800	Check Date: 08/20/2010	Vendor: 00289	CLARK PEST CONTROL	
9988592 Weed Control HP Park Maint Svc Jul			07/31/2010	855.00
10038914 Weed Control HP Bldg Maint Svc Ju			07/31/2010	325.00
			Check Total:	1,180.00
Check No: 10801	Check Date: 08/20/2010	Vendor: 00293	CLEAN SOURCE	
1044748-00 Tissue, Towel Roll, Glove Latex, Cle			08/11/2010	842.33
1041072-00 Towel, Tissue Paper, Cleaner Wash, T			08/04/2010	549.37
			Check Total:	1,391.70
Check No: 10802	Check Date: 08/20/2010	Vendor: 00665	COUNTY OF SAN MATEO-INFORMATIO	
1YAT11007 Microwave MessageSwitch July 201			07/31/2010	1,198.50
			Check Total:	1,198.50
Check No: 10803	Check Date: 08/20/2010	Vendor: 00517	GALEDRIGE CONSTRUCTION INC	
PROJECT#56047Spring street patch, Project # 56047			08/01/2010	115,965.00
			Check Total:	115,965.00
Check No: 10804	Check Date: 08/20/2010	Vendor: 00617	HORIZON DISTRIBUTORS, INC.	
IN020231 SCH80 Nipple, Marlex TT Street, Hu			08/06/2010	307.76
			Check Total:	307.76
Check No: 10805	Check Date: 08/20/2010	Vendor: 00741	KIMLEY-HORN & ASSOC INC	
4222798 Fair Oaks Lane Traffic Study July 20			07/31/2010	557.29
			Check Total:	557.29
Check No: 10806	Check Date: 08/20/2010	Vendor: 00849	MATTHEW BENDER & CO INC	
04786076 CA Deer Dektop HB Rules Support			07/21/2010	65.55
			Check Total:	65.55
Check No: 10807	Check Date: 08/20/2010	Vendor: 00850	LAURENT MAYER	
65 WILBURN AVE Refund 65 Wilburn Ave P#09-00069			08/20/2010	1,279.35

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check Total:				1,279.35
Check No: 10808	Check Date: 08/20/2010	Vendor: 00878	MEGA INTERNATIONAL CORPORATION	
1 STERN LANE Refund 1 Stern Lane,P#BP10-00071			08/12/2010	2,880.00
Check Total:				2,880.00
Check No: 10809	Check Date: 08/20/2010	Vendor: 00929	MUNI SERVICES LLC	
CUPERTINO ELBGLic Cupertino Electric 08/13/10			08/13/2010	150.00
BURLINGAME BUSLic Burlingame Plastering 08/18/			08/18/2010	100.00
NAYAR PAINTINGs Lic Nayar Painting 08/18/10			08/18/2010	100.00
REDWOOD TREBus Lic Redwood Tree Service 08/20			08/20/2010	100.00
HANG IT UP TIMBus Lic Hang it up Tim 08/17/10			08/17/2010	100.00
BURCH BROS INCBurch Bros Inc 08/19/10			08/19/2010	150.00
Check Total:				700.00
Check No: 10810	Check Date: 08/20/2010	Vendor: 00977	OFFICE DEPOT	
528651058001 Blue Paper, Tapes, Cups- council mee			08/05/2010	14.39
529022980001 Pack of 6 Ploy Folders- Admin			08/09/2010	25.04
528651058001 Paper case, Desk Organizer, Bankers b			08/05/2010	199.51
528651058001 Assorted Highlighters, Binder Divide			08/05/2010	17.60
528651058001 Paper case, Binder box clips, small, me			08/05/2010	41.55
529022980001 Pack of 2 Ploy Folders- PD			08/09/2010	8.35
528651058001 Battery, Paper, Jacket, File, Notes			08/05/2010	230.72
Check Total:				537.16
Check No: 10811	Check Date: 08/20/2010	Vendor: 01025	PENINSULA UNIFORMS & EQUIPMENT	
55719 Body Armor Level IIIA - B.Mills			07/23/2010	710.07
56076 SGT Stripes, SEW on Patch - R.Enbr			08/04/2010	37.50
56077 SGT Stripes, SEW on Patch - R. Enb			08/04/2010	62.50
Check Total:				810.07
Check No: 10812	Check Date: 08/20/2010	Vendor: 01045	PITNEY BOWES INC	
557966 Rental Sept 16, 2010 - Dec 15, 2010			08/16/2010	330.00
Check Total:				330.00
Check No: 10813	Check Date: 08/20/2010	Vendor: 011423	REEMA & KAMAL SHAH	
349 SELBY LANRefund 349 Selby Lane P#10-00411			08/11/2010	4,026.00
Check Total:				4,026.00
Check No: 10814	Check Date: 08/20/2010	Vendor: 01241	SAN MATEO CNTY FORENSIC LAB	
CL02501 Flat Fee Contribution			07/21/2010	5,955.69
CL02520 Narcotic ID - 2 hrs			07/21/2010	180.00
CL02520 Toxicology Urine Screens - 1 hr			07/21/2010	48.00
CL02520 Fingerprint process evidence - 1 hr			07/21/2010	422.00
Check Total:				6,605.69
Check No: 10815	Check Date: 08/20/2010	Vendor: 01237	SAN MATEO CNTY SHERIFF'S OFFIC	
DRIVER TRNG Vehicle Operations 9/7/10-9/8/10 G-			08/16/2010	450.00
Check Total:				450.00
Check No: 10816	Check Date: 08/20/2010	Vendor: 01289	SHARP ELECTRONICS CORPORATION	
AR297308 Contract Overage 07/16/10 - 08/15/1			08/11/2010	160.89
AR297308 Sales Tax 07/16/10 - 08/15/10			08/11/2010	5.35
AR296786 Contract Overage 08/12/10 - 09/11/1			08/10/2010	184.00
AR296786 Sales Tax 07/16/10 - 08/15/10			08/10/2010	6.74
AR296786 Contract Overage 07/12/10 - 08/11/1			08/10/2010	18.75
Check Total:				375.73

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
Check No: 10817	Check Date: 08/20/2010	Vendor: 01290	SHELTON ROOFING COMPANY INC	
1000 EL CAMINO	Refund 1000 El Camino P#BP10-00		08/13/2010	675.00
			Check Total:	675.00
Check No: 10818	Check Date: 08/20/2010	Vendor: 01401	TURBO DATA SYSTEMS INC	
16870	Citation Processing June and July 20		07/31/2010	30.96
			Check Total:	30.96
Check No: 10819	Check Date: 08/20/2010	Vendor: 01417	UNIFIRST CORPORATION	
380 0381272	Uniform Service DPW Street Maint 7		07/28/2010	56.48
380 0381272	Mats HP Park 07/28/10		07/28/2010	8.10
			Check Total:	64.58
Check No: 10820	Check Date: 08/20/2010	Vendor: 01273	WILLIAMS SCOTSMAN, INC	
95138729	Rent MD Modular 07/29/10 - 08/28/		07/29/2010	724.97
			Check Total:	724.97
Check No: 10821	Check Date: 08/20/2010	Vendor: 01477	WITMER-TYSON IMPORTS INC	
T8101	K-9 Training, Maint Lotty, Rex July		08/03/2010	995.09
			Check Total:	995.09
Check No: 10822	Check Date: 08/27/2010	Vendor: 00461	ELLISON'S TOWING	
21651	Tow of PD Vehicle - Flat Tire		03/10/2009	40.00
21601	Tow of PD Vehicle - Flat Tire		03/10/2009	55.00
			Check Total:	95.00
Check No: 10823	Check Date: 08/27/2010	Vendor: 00569	MICHAEL GUERRA	
05-11-2007	Replacement for chk#24044- M.Guer		08/20/2010	38.28
			Check Total:	38.28
Check No: 10824	Check Date: 08/27/2010	Vendor: AR-Howa	Crystal Howard	
	AR Refund		08/26/2010	900.00
			Check Total:	900.00
Check No: 10825	Check Date: 08/27/2010	Vendor: AR-Mar	Kimberly Mar	
	AR Refund		08/26/2010	1,000.00
			Check Total:	1,000.00
Check No: 10826	Check Date: 08/27/2010	Vendor: 00581	WILSEY HAM, INC	
7053	Atherton-Fletcher Dri/Rid 6/1/10-6/3		07/26/2010	885.81
			Check Total:	885.81
Check No: 10827	Check Date: 08/27/2010	Vendor: 00009	A-A LOCK & ALARM INC	
209633	Locksmith Service to cut keys - PD		08/14/2010	6.01
			Check Total:	6.01
Check No: 10828	Check Date: 08/27/2010	Vendor: 00025	ACCONTEMPS	
31665195	Temp Dean, Hazel 08/09/10 - 08/13/		08/18/2010	1,700.00
			Check Total:	1,700.00
Check No: 10829	Check Date: 08/27/2010	Vendor: 00077	AT&T CALNET 2	
000001572415	251-1053 07/20/10 - 08/19/10		08/20/2010	84.15
000001548857	325-2677 07/10/10 - 08/09/10		08/10/2010	13.35
000001572420	451-6689 07/20/10 - 08/19/10		08/20/2010	66.30
000001572422	451-6691 07/20/10 - 08/19/10		08/20/2010	76.60
000001572421	451-6690 07/20/10 - 08/19/10		08/20/2010	66.30
000001572418	271-5840 07/20/10 - 08/19/10		08/20/2010	226.65
000001572417	252-8343 07/20/10 - 08/19/10		08/20/2010	56.60

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
000001572419	271-7360 07/20/10 - 08/19/10		08/20/2010	359.57
000001572416	281-1953 07/20/10 - 08/19/10		08/20/2010	97.02
000001548471	323-1802 07/10/10 - 08/09/10		08/10/2010	43.60
000001548469	323-1014 07/10/10 - 08/09/10		08/10/2010	29.89
000001548478	473-9743 07/10/10 - 08/09/10		08/10/2010	16.34
000001548474	323-6452 07/10/10 - 08/09/10		08/10/2010	15.61
000001548476	326-2801 07/10/10 - 08/09/10		08/10/2010	155.27
000001548473	323-6131 07/10/10 - 08/09/10		08/10/2010	29.86
000001548472	323-3612 07/10/10 - 08/09/10		08/10/2010	30.15
000001548477	328-3220 07/10/10 - 08/09/10		08/10/2010	29.89
000001547831	289-9297 07/10/10 - 08/09/10		08/10/2010	15.62
000001548475	323-7653 07/10/10 - 08/09/10		08/10/2010	29.12
000001548470	323-1801 07/10/10 - 08/09/10		08/10/2010	14.32
000001554247	326-1167 07/13/10 - 08/12/10		08/13/2010	15.96
000001551096	462-1470 07/11/10 - 08/10/10		08/11/2010	22.76
Check Total:				1,494.93

Check No: 10830	Check Date: 08/27/2010	Vendor: 00127	BLOSSOM VALLEY CONSTRUCTION, I	
11317	HP Park Irrigation 06/26/10 - 07/31/		08/13/2010	38,053.69
Check Total:				38,053.69

Check No: 10831	Check Date: 08/27/2010	Vendor: 00238	CANNON APPLIANCE	
2657	Dishwasher Repair DPW Park Progra		08/13/2010	140.36
Check Total:				140.36

Check No: 10832	Check Date: 08/27/2010	Vendor: 00249	CDW GOVERNMENT INC	
TPK9254	APC Exchange Battery Cartidge		08/16/2010	51.35
Check Total:				51.35

Check No: 10833	Check Date: 08/27/2010	Vendor: 00281	CITY OF REDWOOD CITY	
BR24800	Fuel Charges Bldg 6/16/10-7/15/10		07/31/2010	45.10
BR24800	Fuel Charges Police Dept 6/16/10-7/		07/31/2010	3,384.31
BR24800	Fuel Charges DPW Eng 6/16/10-7/15		07/31/2010	29.23
BR24800	Fuel Charges DPW Maint 6/16/10-7/		07/31/2010	676.73
BR24800	Fuel Charges DPW Park 6/16/10-7/1		07/31/2010	96.41
Check Total:				4,231.78

Check No: 10834	Check Date: 08/27/2010	Vendor: 00341	CONTRACT SWEEPING SERVICES	
INV100000756	Contract Sweeping Service July 2010		07/28/2010	992.70
Check Total:				992.70

Check No: 10835	Check Date: 08/27/2010	Vendor: 00384	CUTWATER INVESTOR SERVICES COR	
13540A	Invest Advisory Service 7/1/10 - 7/3		08/15/2010	1,000.00
Check Total:				1,000.00

Check No: 10836	Check Date: 08/27/2010	Vendor: 00493	FEDERAL EXPRESS CORP	
7-196-78965	Letter to Federal Rail Administrati		08/20/2010	30.37
Check Total:				30.37

Check No: 10837	Check Date: 08/27/2010	Vendor: 00735	KATRINA HARDT-HOLOCH ENVIRONME	
08/01/10	Planning Comm Meeting 06/23/10		08/01/2010	240.00
08/01/10	City Council Meeting 07/21/10		08/01/2010	240.00
08/01/10	Notice of determination		08/01/2010	80.00
08/01/10	Mileage 06/23/10, 07/21/10		08/01/2010	90.00
08/01/10	Toll 06/23/10, 07/21/10		08/01/2010	9.00
Check Total:				659.00

Check No: 10838	Check Date: 08/27/2010	Vendor: 00797	LIEBERT CASSIDY WHITMORE	
WORKSHOP SE	Workshop Sept 15 2010 - E. Wilkerso		08/30/2010	14.00

<u>Invoice No</u>	<u>Description</u>	<u>Reference</u>	<u>Invoice Date</u>	<u>Check Amount</u>
	WORKSHOP SEMI-workshop Sept 15 2010 - T.DellaSan		08/30/2010	14.00
	WORKSHOP SEMI-workshop Sept 15 2010 - L.Ho		08/30/2010	14.00
	WORKSHOP SEMI-workshop Sept 15 2010 - D.Jones		08/30/2010	14.00
	WORKSHOP SEMI-workshop Sept 15 2010 - S.Tyler		08/30/2010	14.00
	WORKSHOP SEMI-workshop Sept 15 2010 - M.Anderso		08/30/2010	14.00
			Check Total:	84.00
Check No: 10839	Check Date: 08/27/2010	Vendor: 00938	NCCCA	
	NCCCA-09-24-10FPPC, Election Meeting T.DellaSant		08/24/2010	40.00
			Check Total:	40.00
Check No: 10840	Check Date: 08/27/2010	Vendor: 01095	RAPID NOTIFY INC	
	RN1451 Complete Telephone calls - Non-Emer		08/18/2010	33.75
			Check Total:	33.75
Check No: 10841	Check Date: 08/27/2010	Vendor: 01119	REDGWICK CONSTRUCTION COMPANY	
	MIDDLEFIELD, ENGINal/Middlefield/Improve Project		08/13/2010	29,104.89
	MIDDLEFIELD, ENGINal/Middlefield/Improve Project		08/13/2010	42,151.92
	MIDDLEFIELD, ENGINal/Middlefield/Improve Project		08/13/2010	29,104.89
			Check Total:	100,361.70
Check No: 10842	Check Date: 08/27/2010	Vendor: 01205	SAN MATEO CNTY CHAPLAINCY	
	JULY 2010 Chaplaincy July 2010		07/31/2010	250.00
			Check Total:	250.00
Check No: 10843	Check Date: 08/27/2010	Vendor: 01257	SAN MATEO REGIONAL NETWORK INC	
	19035 Access fee T-1 Service August 2010		08/10/2010	385.00
			Check Total:	385.00
Check No: 10844	Check Date: 08/27/2010	Vendor: 01361	TELECOMMUNICATIONS ENGINEERING	
	40829 Mgmt/Maint Comm Center PD Augu		08/10/2010	934.00
			Check Total:	934.00
Check No: 10845	Check Date: 08/27/2010	Vendor: 01449	VISION SERVICE PLAN	
	PR Batch 501 8 2010 Vision Insuran		08/11/2010	807.62
	501-08-10 ADJ Adj K.Nichols vision for Sep 10 cove		08/27/2010	4.71
			Check Total:	812.33
Check No: 10846	Check Date: 08/27/2010	Vendor: 00581	WILSEY HAM, INC	
	7095 Atherton-Fletcher Dri/Rid 7/1/10-7/3		08/10/2010	3,465.27
			Check Total:	3,465.27
			Report Total:	733,605.38



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

**SUBJECT: FINANCIAL REPORT FOR THE TWO MONTHS ENDED AUGUST 31,
2010**

RECOMMENDATION

Receive the General Fund Financial Report for the two months ended August 31, 2010.

DISCUSSION

Staff revised the format on how the financial report is to be presented. The new format incorporates a column “**Accrual**” to account for revenues and expenditures that need to be included to more accurately reflect the actual data. For the two months ended August 31, 2010, if revenues and expenditures are assumed to be distributed evenly, 16.7% of the annual FY 2010-11 Budget (2/12) should be earned or incurred.

The accrual amounts only reflect data up to September 8, 2010.

General Fund Revenues

For the two months ended August 31, 2010, the General Fund reported revenues of \$591,877 which is 5.9% of the annual revenue budget for FY 2010-11. Due to property tax revenues are not distributed by San Mateo County monthly, the revenue total prior to December would be lowered than budgeted. Building revenues also showed an increase.

General Fund Expenditures

As to the expenditures for the two months ended August 31, 2010, the General Fund reported \$2,449,472 which is 22.2% of the annual expenditure budget for FY 2010-11. Please see attached variance report for explanation.

FISCAL IMPACT

None

Prepared by:

/s/ Louise Ho

Louise Ho
Finance Director

Approved by:

/s/ Jerome D. Gruber

Jerome D. Gruber
City Manager

Attachment: Financial Report
Variance Explanation

Town of Atherton										
General Fund										
Financial Report for the <u>Two Months Ended August 31, 2010</u>										
(Excl. Encumbrances)										
Dept	Description	Adjusted Budget FY10/11	2/12 of Budget	Actual July 10 to Aug 10	Accrual	Adjusted Actual July 10 to Aug 10	% of 2/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 09 to Aug 09
		(a)	16.7% (b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	Revenues									
	Secured	4,799,250	799,875			-	0.0%	4,799,250	0.0%	0
	Unsecured	250,000	41,667			-	0.0%	250,000	0.0%	0
	SB813 Redemption (Supplemental)	60,000	10,000			-	0.0%	60,000	0.0%	3,855
	Home Owners Exemption	40,616	6,769			-	0.0%	40,616	0.0%	0
	Local Sales & Use Tax	65,000	10,833	(7,200)		(7,200)	-66.5%	72,200	-11.1%	2,356
	Public Safety Sales Tax(Prop 172)	50,000	8,333			-	0.0%	50,000	0.0%	5,360
	In Lieu Sales Tax/Triple Flip	27,000	4,500			-	0.0%	27,000	0.0%	0
	Franchise Taxes-PG&E	220,000	36,667			-	0.0%	220,000	0.0%	0
	Franchise Tax-Cal Water	73,000	12,167			-	0.0%	73,000	0.0%	0
	Franchise Tax-Garbage	160,000	26,667			-	0.0%	160,000	0.0%	0
	Franchise Taxes-Cable	102,000	17,000			-	0.0%	102,000	0.0%	0
	Document TRSF Tax	210,000	35,000	11,355		11,355	32.4%	198,645	5.4%	25,895
	Property Tax In Lieu of VLF	600,000	100,000			-	0.0%	600,000	0.0%	0
	Motor Veh. Lic Fees (MVLf)	23,000	3,833		376	376	9.8%	22,624	1.6%	2,922
	Business Licenses	150,000	25,000	82,180		82,180	328.7%	67,820	54.8%	58,610
	Bus Lic Refund -FY 06/07	-	-			-	0.0%	-	0.0%	(44,214)
	Bus Lic Refund -FY 07/08	-	-			-	0.0%	-	0.0%	(2,971)
	Bus Lic Refund -FY 08/09	-	-			-	0.0%	-	0.0%	(549)
	Home Occupation	500	83	200		200	240.0%	300	40.0%	100
	Building Permit	516,000	86,000	120,325		120,325	139.9%	395,675	23.3%	68,956
	Encroachment Permit	140,000	23,333	22,663		22,663	97.1%	117,337	16.2%	12,650
	Grading & Drain Permit	48,000	8,000	14,763		14,763	184.5%	33,237	30.8%	6,000
	Other Licenses & Permit	500	83	223		223	267.6%	277	44.6%	75
	Landscape Fee	-	-			-	0.0%	-	0.0%	0
	Muni/Vehicle Code Fines (Parking)	4,000	667	2,540		2,540	381.0%	1,460	63.5%	137
	Other Fines & Forfeit (County)	20,000	3,333	2,155		2,155	64.7%	17,845	10.8%	723
	ERAF Subvention	530,000	88,333			-	0.0%	530,000	0.0%	0
	POST Reimbursement	8,500	1,417			-	0.0%	8,500	0.0%	1,876
	CALNENA Reimbursement	-	-			-	0.0%	-	0.0%	0
	CLEARs Reimbursement	-	-			-	0.0%	-	0.0%	0
	DOJ Grant (vest)	-	-			-	0.0%	-	0.0%	0
	DOC Grant	5,000	833			-	0.0%	5,000	0.0%	0
	ABAG Grant	12,300	2,050			-	0.0%	12,300	0.0%	0
	Other Reimbursements	-	-	301		301	0.0%	(301)	0.0%	0
	Highway Maint Reimbursement	35,700	5,950			-	0.0%	35,700	0.0%	
	SB 90 reimbursement	-	-			-	0.0%	-	0.0%	0

Town of Atherton										
General Fund										
Financial Report for the <u>Two Months Ended August 31, 2010</u>										
(Excl. Encumbrances)										
Dept	Description	Adjusted Budget FY10/11	2/12 of Budget	Actual July 10 to Aug 10	Accrual	Adjusted Actual July 10 to Aug 10	% of 2/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 09 to Aug 09
		(a)	16.7% (b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	Grants	-	-			-	0.0%	-	0.0%	0
	React Task Force Reimb	-	-			-	0.0%	-	0.0%	0
	NARCOTICS Task Force	-	-			-	0.0%	-	0.0%	0
	Elections Processing Fee	-	-			-	0.0%	-	0.0%	0
	Document/Research Fee	-	-			-	0.0%	-	0.0%	0
	Photocopy Fee	5,000	833	1,022		1,022	122.6%	3,978	20.4%	988
	Alarm Sign Fees	600	100	60		60	60.0%	540	10.0%	0
	Vehicle Release	1,000	167	166		166	99.6%	834	16.6%	0
	Fingerprinting Fee	-	-			-	0.0%	-	0.0%	15
	Affidavit of Cost	600	100			-	0.0%	600	0.0%	100
	Police Report	2,500	417	267		267	64.1%	2,233	10.7%	345
	Special Service Fee	250	42			-	0.0%	250	0.0%	0
	DUI Enforcement	1,200	200			-	0.0%	1,200	0.0%	0
	Post Office	25,000	4,167	8,627		8,627	207.0%	16,373	34.5%	8,628
	Solicitor's Fee	400	67			-	0.0%	400	0.0%	60
	Application Fee	-	-			-	0.0%	-	0.0%	75
	Zoning & Planning Fees	200,000	33,333	23,766		23,766	71.3%	176,234	11.9%	8,550
	Plan Check Fee Building	284,000	47,333	84,236		84,236	178.0%	199,764	29.7%	41,236
	Social Fees	70,000	11,667	9,575		9,575	82.1%	60,425	13.7%	7,300
	Meeting Fees	70,000	11,667	15,600		15,600	133.7%	54,400	22.3%	5,150
	Class Fees	13,000	2,167	1,088		1,088	50.2%	11,912	8.4%	389
	Weddings	150,000	25,000	29,489		29,489	118.0%	120,511	19.7%	17,500
	Misc. Use Fee	1,500	250	675		675	270.0%	825	45.0%	650
	Interest Income	60,000	10,000			-	0.0%	60,000	0.0%	0
	Cellular Antenna Lease	36,000	6,000	6,377		6,377	106.3%	29,623	17.7%	9,110
	Property Rental-Playschool	77,580	12,930	12,929		12,929	100.0%	64,651	16.7%	19,394
	Sale of Property	-	-			-	0.0%	-	0.0%	0
	Donations/Contributions	-	-			-	0.0%	-	0.0%	15,851
	Miscellaneous Income	10,000	1,667	418		418	25.1%	9,582	4.2%	40
	Trsf in from Special Tax Fund	888,463	148,077	148,077		148,077	100.0%	740,386	16.7%	130,144
	Transfers in from Gas Tax	-	-			-	0.0%	-	0.0%	0
	Transfers in from GFCIP	-	-			-	0.0%	-	0.0%	0
	Transfers in from Facilities Construction Fund	-	-			-	0.0%	-	0.0%	83,333
	Total Revenues	10,047,459	1,674,577	591,877	376	592,253	35.4%	9,455,206	5.9%	490,638
	EXPENDITURES									

Town of Atherton										
General Fund										
Financial Report for the <u>Two Months Ended August 31, 2010</u>										
(Excl. Encumbrances)										
Dept	Description	Adjusted Budget FY10/11	2/12 of Budget	Actual July 10 to Aug 10	Accrual	Adjusted Actual July 10 to Aug 10	% of 2/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 09 to Aug 09
			16.7%							
		(a)	(b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
City Council	Advertising/Noticing	3,000	500	30		30	6.1%	2,970	1.0%	0
	Professional Services	-	-			-	0.0%	-	0.0%	0
	Office Supplies	1,750	292	14		14	4.9%	1,736	0.8%	0
	Membership/Dues	8,400	1,400	4,447		4,447	317.6%	3,953	52.9%	0
	Utilities	625	104	118		118	113.6%	507	18.9%	46
	Conferences	3,000	500			-	0.0%	3,000	0.0%	108
	Mileage Reimbursement	500	83			-	0.0%	500	0.0%	0
	Rent - Mach & Equipment	3,600	600			-	0.0%	3,600	0.0%	0
	Commission & Committee	2,000	333			-	0.0%	2,000	0.0%	0
	Special Events & Awards	-	-			-	0.0%	-	0.0%	0
	Office Equip & Furniture	7,000	1,167			-	0.0%	7,000	0.0%	0
	City Council Totals:	29,875	4,979	4,610	-	4,610	92.6%	25,265	15.4%	154
Administration (CM,CC,HR)	Salaries & Benefits	731,339	121,890	106,303	18,220	124,523	102.2%	606,816	17.0%	106,378
	Professional Services	46,611	7,769	6,891	1,030	7,921	102.0%	38,690	17.0%	4,243
	Supplies & Materials	8,072	1,345	1,366		1,366	101.6%	6,706	16.9%	365
	General Operations	23,435	3,906	1,219		1,219	31.2%	22,216	5.2%	5,177
	Capital Outlay	2,000	333			-	0.0%	2,000	0.0%	1,094
	Administration Totals:	811,457	135,243	115,779	19,250	135,029	99.8%	676,428	16.6%	117,257
City Attorney	Professional Services	300,000	50,000		56,300	56,300	112.6%	243,700	18.8%	72,710
	General Operations	-	-	-		-	0.0%	-	0.0%	0
	Supplies & Materials	-	-	-		-	0.0%	-	0.0%	0
	City Attorney Totals:	300,000	50,000	-	56,300	56,300	112.6%	243,700	18.8%	72,710
Finance	Salaries & Benefits	434,027	72,338	60,548	11,006	71,554	98.9%	362,473	16.5%	64,641
	Professional Services	152,029	25,338	32,982	3,400	36,382	143.6%	115,647	23.9%	6,197
	Supplies & Materials	3,300	550	30		30	5.4%	3,270	0.9%	159
	General Operations	29,500	4,917	1,853	134	1,987	40.4%	27,513	6.7%	2,363
	Capital Outlay	2,000	333	-		-	0.0%	2,000	0.0%	10,080
	Settlement Expense	-	-	-		-	0.0%	-	0.0%	0
	Finance Totals:	620,856	103,476	95,414	14,540	109,954	106.3%	510,902	17.7%	83,440
					-	-				0
Planning	Professional Services	187,050	31,175	-	38,136	38,136	122.3%	148,914	20.4%	36,933
	Supplies & Materials	2,000	333	6		6	1.8%	1,994	0.3%	41

Town of Atherton										
General Fund										
Financial Report for the Two Months Ended August 31, 2010										
(Excl. Encumbrances)										
Dept	Description	Adjusted Budget FY10/11	2/12 of Budget	Actual July 10 to Aug 10	Accrual	Adjusted Actual July 10 to Aug 10	% of 2/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 09 to Aug 09
		(a)	16.7% (b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	General Operations	4,930	822	16	746	762	92.7%		15.4%	18
	Planning Totals:	193,980	32,330	22	38,882	38,903	120.3%	150,908	20.1%	36,992 E
Building	Salaries & Benefits	1,017,652	169,609	153,070	27,296	180,366	106.3%	837,286	17.7%	155,954
	Professional Services	21,070	3,512	9,969		9,969	283.9%	11,101	47.3%	14,760
	Supplies & Materials	15,700	2,617	524		524	20.0%	15,176	3.3%	598
	General Operations	15,950	2,658	1,895		1,895	71.3%	14,055	11.9%	1,840
	Capital Outlay	3,000	500	-		-	0.0%	3,000	0.0%	0
	Transfer to Facilities Construction Fd	153,356	25,559	25,559		25,559	100.0%	127,797	16.7%	
	Building Totals:	1,226,728	204,455	191,017	27,296	218,314	106.8%	1,008,414	17.8%	173,152
Non Dept.	Salaries & Benefits	3,510	585	551		551	94.2%	2,959	15.7%	832
	Professional Services	217,616	36,269	15,492		15,492	42.7%	202,124	7.1%	5,454
	Supplies & Materials	29,903	4,984	2,365		2,365	47.4%	27,538	7.9%	54
	General Operations	269,819	44,970	283,529	621	284,149	631.9%	(14,330)	105.3%	14,221
	Non-Dept. Totals:	520,848	86,808	301,936	621	302,557	348.5%	218,291	58.1%	20,561 F
Police	Salaries & Benefits	4,486,853	747,809	647,259	114,804	762,063	101.9%	3,724,790	17.0%	724,312
	Professional Services	221,765	36,961	72,576		72,576	196.4%	149,189	32.7%	60,398
	Supplies & Materials	129,844	21,641	4,346		4,346	20.1%	125,498	3.3%	6,844
	General Operations	165,662	27,610	19,420	212	19,632	71.1%	146,030	11.9%	18,920
	Capital Outlay	12,100	2,017	5,230		5,230	259.3%	6,870	43.2%	695
	Settlement Expense	-	-	-		-	0.0%	-	0.0%	
	Police Totals:	5,016,224	836,037	748,832	115,016	863,848	103.3%	4,152,376	17.2%	811,169
Public Works & Parks	Salaries & Benefits	1,380,034	230,006	209,299	43,553	252,852	109.9%	1,127,182	18.3%	258,876
	Professional Services	40,833	6,806	438	1,297	1,735	25.5%	39,098	4.2%	38,372
	Supplies & Materials	74,950	12,492	9,176	341	9,518	76.2%	65,432	12.7%	6,674
	General Operations	366,432	61,072	19,411	3,729	23,140	37.9%	343,292	6.3%	25,006
	Capital Outlay	12,700	2,117	-	-	-	0.0%	12,700	0.0%	524
	Transfer to Road Impact Fee Fund	432,713	72,119	432,713	-	432,713	0.0%	-	100.0%	-
	Public Works Totals:	2,307,662	384,610	671,037	48,921	719,958	187.2%	1,587,704	31.2%	329,452 G
	Total Expenditures	11,027,630	1,837,938	2,128,647	320,825	2,449,472	133.3%	8,573,989	22.2%	1,644,886
	Excess (Deficiency) of Revenues over Expenditures	(980,171)	(163,362)	(1,536,770)	(320,449)	(1,857,219)	1136.9%	881,216	189.5%	(1,154,248)
	Beg. Fund Balance - general fund	5,610,319				5,610,319				
	Beg. Fund Balance - Building Dept. OP Reserve	1,030,636				1,030,636				

Town of Atherton										
General Fund										
Financial Report for the Two Months Ended August 31, 2010										
(Excl. Encumbrances)										
Dept	Description	Adjusted Budget FY10/11	2/12 of Budget	Actual July 10 to Aug 10	Accrual	Adjusted Actual July 10 to Aug 10	% of 2/12 Budget	Year-To-Date Variance	% of Annual Budget	Actual July 09 to Aug 09
		(a)	(b)	(c)	(d)	(e)	(e/b)	(a-e)	(e/a)	(f)
	Proj. Ending Fund Balance	5,660,784	16.7%			4,783,736				

Town of Atherton
Financial Report for the Two Months Ended August 31, 2010
Variance Explanation

Revenues

A. **Business License**

Annual business license renewal in July of each year.

B. **Post Office**

Post Office has not implemented the amendment from fixed revenue to a percentage of sales.

Expenditures

C. **City Attorney Department**

The budget will need to be monitored for the rest of the fiscal year to ensure it does not exceed approved budget.

D. **Finance Department**

Due to personnel matter, a full-time temporary help was hired. It is anticipated that the \$35,000 temporary help budget will be exhausted by November 2010. The temp has been processing accounts payable, reconciling unclaimed building and public works deposits, and cal card.

E. **Planning Department**

The higher amount was due to increase workload, housing element, and Parker Avenue rezoning. The department is working to come within budget but will have a better indicator after six months ended.

F. **Non-Department**

The higher amount was due to annual general liability, employment practice liability insurance premiums paid at the beginning of fiscal year.

G. **Public Works**

Excluding the transfer of \$432,713 to Road Impact Fee Fund, the Department of Public Works expended 15.3% of the annual budget.



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

**SUBJECT: TREASURER'S REPORT FOR THE FOURTH QUARTER ENDED JUNE
30, 2010**

RECOMMENDATION

Accept the Treasurer's Report for the Fourth Quarter Ended June 30, 2010.

DISCUSSION

Based on the Town's Statement of Investment Policy, the City Manager or designee is required to submit quarterly and annual Treasurer's Report to the City Council. The Treasurer's Report provides an update on the cash and investment position of the Town of Atherton.

The Town engaged Cutwater (formerly MBIA) in January 2009 to provide non-discretionary investment advisory services. Due to the current economic climate, Cutwater is continuing to take a conservative approach to meet the Town's investment goals in the order of safety, liquidity, and yield.

To facilitate the trading and safekeeping of securities, Wells Fargo Bank serves as the safekeeping agent for the Town.

As part of the Treasurer's Report, a detail cash and investment balance by fund is also attached. It is important to note that even though \$9,683,517 is listed as "non-restricted" fund, this amount is not all available for spending. "Non-restricted" is to mean not legally restricted but the Town does have obligations and unfunded liabilities that must be met with the non-restricted fund.

Staff revised Cutwater investment report (Schedule B) to reflect a \$300,000 withdrawal from San Mateo Investment Pool to Wells Fargo Bank that did not get reported to Cutwater in time for the preparation of the report.

FISCAL IMPACT

None

Prepared by:

Approved by:

Louise Ho, Finance Director

Jerome D. Gruber, City Manager

Attachment: Treasurer's Report for Fourth Quarter Ended June 30, 2010.

Town of Atherton
Quarterly Treasurer's Report
Portfolio Summary
June 30, 2010

	Par Value	Market Value	Book Value	Portfolio % of
Cash In Bank (Schedule A)	1,080,784	1,080,784	1,080,784	5.3%
Investments (Schedule B)	19,206,951	19,250,057	19,223,964	94.7%
Total Cash and Investments	20,287,735	20,330,841	20,304,749	100%

The above investments are consistent with the Town's Statement of Investment Policy and are allowable under current legislation of the State of California. Investments are selected using safety, liquidity, and yield as the criteria. The Town has sufficient cash flow to cover anticipated expenditures through the next six months.


 Louise Ho, Finance Director

Date 9/8/10

Town of Atherton
Quarterly Treasurer's Report
Portfolio Details - Cash In Bank
June 30, 2010

Schedule A

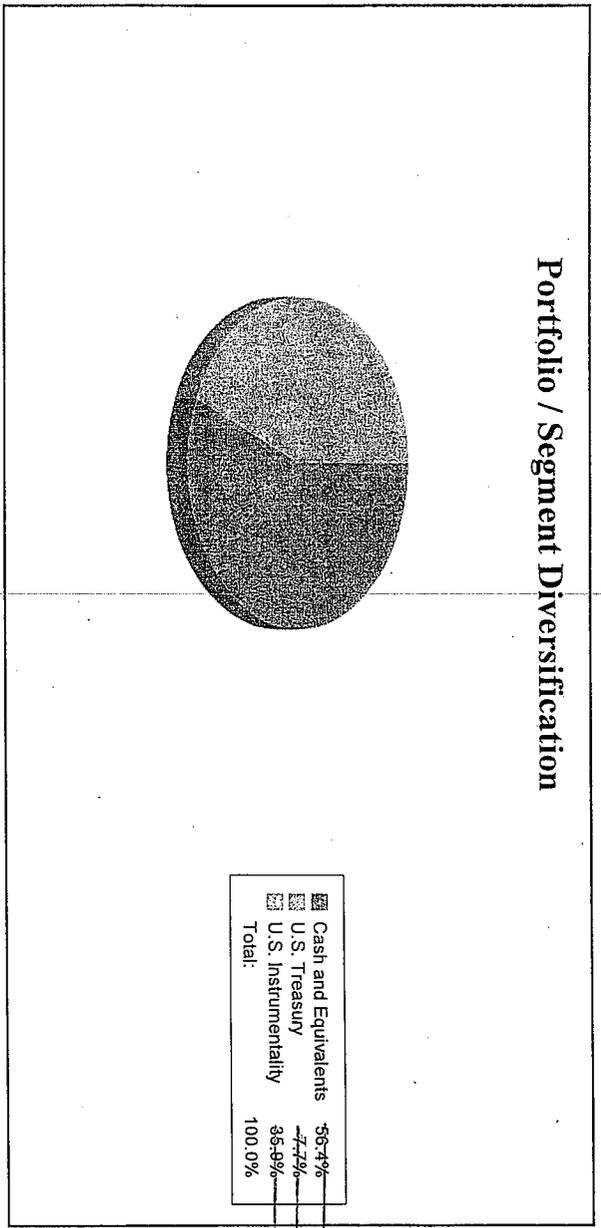
Name of Depository	Investment Type	Reconciled Bank Balance
Comerica Bank	Checking - Operating	273,671
Wells Fargo	General Account	747,313
Wells Fargo	Wells Fargo Adv Treasury Plus MMF	59,800
Total		<u>1,080,784</u>

Town of Atherton
Recap of Securities Held
June 30, 2010

Schedule B

	Historical Cost	Amortized Cost	Fair Value	Unrealized Gain (Loss)	Weighted Average Final Maturity (Days)	Weighted Average Effective Maturity (Days)	% Portfolio/Segment	Weighted Average Yield *	Weighted Average Market Duration (Years)
Cash and Equivalents	10,796,950.65	10,796,950.65	10,796,950.65	0.00	1	1	56.38	5.70	0.00
U.S. Treasury	1,500,781.25	1,500,143.39	1,506,776.50	6,633.11	477	477	7.69	7.81	1.30
U.S. Instrumentality	7,016,232.20	7,011,113.59	7,036,329.50	25,215.91	666	225	35.94	36.50	0.61
TOTAL	19,313,964.10	19,308,207.63	19,340,056.65	31,849.02	277	118	100.00	0.82	0.32

* Weighted Average Yield is calculated on a "yield to worst" basis.



**Town of Atherton
Activity and Performance Summary
for the period June 1, 2010 - June 30, 2010**

<u>Amortized Cost Basis Activity Summary</u>	
Beginning Amortized Cost Value	17,021,493.92
Additions	
Contributions	2,487,576.67
Interest Received	11,468.75
Accrued Interest Sold	0.00
Gain on Sales	0.00
Total Additions	2,499,045.42
Deductions	
Withdrawals	300,000.00
Fees Paid	1,000.00
Accrued Interest Purchased	45.42
Loss on Sales	0.00
Total Deductions	(301,045.42)
Accretion (Amortization) for the Period	(1,286.29)
Ending Amortized Cost Value	19,218,201.63
Ending Fair Value	19,250,050.45
Unrealized Gain (Loss)	31,849.02

<u>Detail of Amortized Cost Basis Return</u>				
	Interest Earned	Accretion (Amortization)	Realized Gain (Loss)	Total Income
Current Holdings				
Cash and Equivalents	4,301.71	0.00	0.00	4,301.71
U.S. Treasury	1,020.69	(65.34)	0.00	955.35
U.S. Instrumentality	7,464.85	(1,233.17)	0.00	6,231.68
Sales and Maturities				
U.S. Treasury	0.00	12.22	0.00	12.22
Total	12,787.25	(1,286.29)	0.00	11,500.96

	<u>Annualized Comparative Rates of Return</u>		
	Twelve Month Trailing	Six Month Trailing	For the Month
Fed Funds	0.15%	0.17%	0.18%
Overnight Repo	0.08%	0.08%	0.11%
3 Month T-Bill	0.12%	0.13%	0.12%
6 Month T-Bill	0.21%	0.20%	0.19%
1 Year T-Note	0.39%	0.37%	0.32%
2 Year T-Note	0.92%	0.90%	0.73%
5 Year T-Note	2.36%	2.34%	2.00%

<u>Summary of Amortized Cost Basis Return for the Period</u>			
	Total Portfolio	Excl. Cash Eq.	
Interest Earned	12,787.25	8,485.54	
Accretion (Amortization)	(1,286.29)	(1,286.29)	
Realized Gain (Loss) on Sales	0.00	0.00	
Total Income on Portfolio	11,500.96	7,199.25	
Average Daily Historical Cost	17,493,758.57	8,236,807.92	
Annualized Return	0.80%	1.06%	
Annualized Return Net of Fees	0.73%	0.92%	
Annualized Return Year to Date Net of Fees	0.85%	0.89%	
Weighted Average Effective Maturity in Days	118	269	

**Town of Atherton
Activity and Performance Summary
for the period June 1, 2010 - June 30, 2010**

<u>Fair Value Basis Activity Summary</u>		
Beginning Fair Value		17,043,060.15
Additions		
Contributions	2,487,576.67	
Interest Received	11,468.75	
Accrued Interest Sold	0.00	
Total Additions		2,499,045.42
Deductions		
Withdrawals	3,001,000.00	
Fees Paid	1,000.00	
Accrued Interest Purchased	45.42	
Total Deductions		(3,011,045.42)
Change in Fair Value for the Period		8,996.50
Ending Fair Value		19,250,056.65 -19,550,056.65

<u>Detail of Fair Value Basis Return</u>			
	Interest Earned	Change in Fair Value	Total Income
Current Holdings			
Cash and Equivalents	4,301.71	0.00	4,301.71
U.S. Treasury	1,020.69	2,559.00	3,579.69
U.S. Instrumentality	7,464.85	6,434.00	13,898.85
Sales and Maturities			
U.S. Treasury	0.00	3.50	3.50
Total	12,787.25	8,996.50	21,783.75

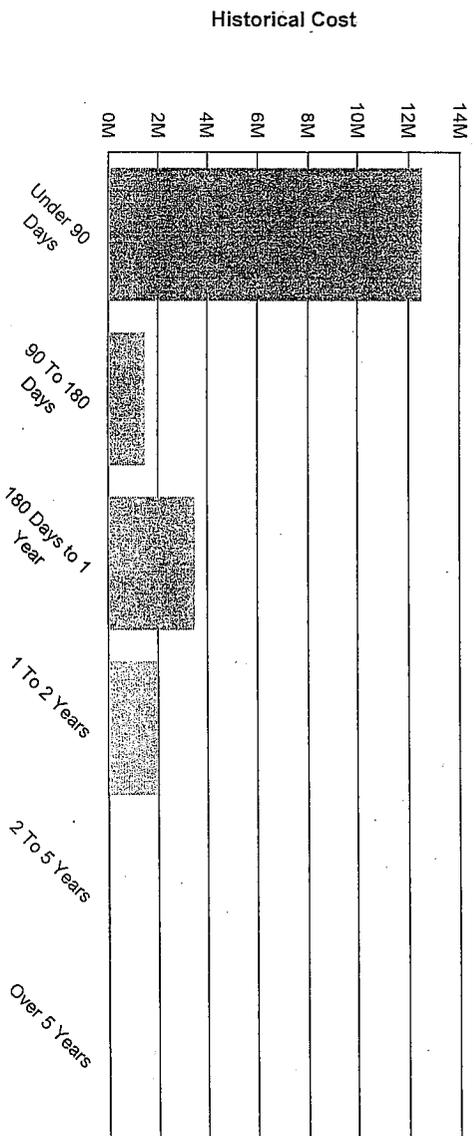
<u>Annualized Comparative Rates of Return</u>			
	Twelve Month Trailing	Six Month Trailing	For the Month
Fed Funds	0.15%	0.17%	0.18%
Overnight Repo	0.08%	0.08%	0.11%
3 Month T-Bill	0.16%	0.10%	0.12%
6 Month T-Bill	0.46%	0.40%	0.49%
1 Year T-Note	0.82%	0.87%	1.09%
2 Year T-Note	2.86%	3.75%	5.11%
5 Year T-Note	7.81%	12.76%	21.66%

<u>Summary of Fair Value Basis Return for the Period</u>			
	Total Portfolio	Excl Cash Eq.	
Interest Earned	12,787.25	8,485.54	
Change in Fair Value	8,996.50	8,996.50	
Total Income on Portfolio	21,783.75	17,482.04	
Average Daily Historical Cost	17,493,758.57	8,236,807.92	
Annualized Return	1.52%	2.58%	
Annualized Return Net of Fees	1.45%	2.43%	
Annualized Return Year to Date Net of Fees	1.17%	1.61%	
Weighted Average Effective Maturity in Days	118	269	

Town of Atherton
Maturity Distribution of Securities Held
June 30, 2010

Maturity	Historical Cost	Percent
Under 90 Days	12,106,105.65	64.06%
90 To 180 Days	1,498,815.00	7.68%
180 Days to 1 Year	3,516,042.51	18.01%
1 To 2 Years	2,002,820.94	10.36%
2 To 5 Years	0.00	0.00%
Over 5 Years	0.00	0.00%
	<u>19,123,964.10</u>	<u>100.00%</u>

Maturity Distribution



*** REVISED ***

**Town of Atherton
Securities Held
June 30, 2010**

CUSIP/ Description	Purchase Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Historical Cost/ Accrued Interest Purchased	Amortized Cost/Accretion (Amortization)	Fair Value/ Change In Fair Value	Unrealized Gain (Loss)	Interest Received	Interest Earned	Total Accrued Interest	% Port Cost	Yield
Cash and Equivalents													
LAIF	06/30/10	0.560V		9,493,099.19	9,493,099.19 0.00	9,493,099.19 0.00	9,493,099.19 0.00	0.00	0.00	0.00	10,438.50	48.62	0.56
San Mateo County Pool	06/30/10	0.560V		1,213,851.46	1,213,851.46 0.00	1,213,851.46 0.00	1,213,851.46 0.00	0.00	0.00	0.00	2,119.26	7.75	0.56
TOTAL				10,706,950.65	10,706,950.65 0.00	10,706,950.65 0.00	10,706,950.65 0.00	0.00	0.00	0.00	12,557.76	56.38	
U.S. Treasury													
912828KL3 T-Note	12/17/09	0.875	04/30/11	500,000.00	502,070.31 0.00	501,257.12 0.00	502,226.50 0.00	969.38	0.00	0.00	737.09	2.57	0.57
912828MM9 T-Note	04/21/10	0.750	11/30/11	500,000.00	499,453.13 0.00	499,519.16 0.00	501,875.00 0.00	2,355.84	0.00	0.00	317.62	2.56	0.82
912828MQ0 T-Note	03/18/10	0.875	02/29/12	500,000.00	499,257.81 213.99	499,367.11 0.00	502,675.00 0.00	3,307.89	0.00	0.00	1,462.30	2.56	0.95
TOTAL				1,500,000.00	1,500,781.25 213.99	1,500,143.39 0.00	1,506,776.50 0.00	6,633.11	0.00	0.00	2,517.01	7.69	
U.S. Instrumentality													
3133XTTF3 FHLB	08/10/09	0.850	12/03/10	500,000.00	499,215.00 0.00	499,746.51 0.00	501,312.50 0.00	1,565.99	0.00	0.00	330.56	2.56	0.97
31398AVQ2 FNMA	10/26/09	1.750	03/23/11	500,000.00	506,830.00 0.00	503,528.17 0.00	504,872.50 0.00	1,344.33	0.00	0.00	2,381.94	2.60	0.77
3133XTV45 FHLB	06/08/09	1.125	06/03/11	500,000.00	496,367.20 0.00	498,311.37 0.00	503,138.50 0.00	4,827.13	0.00	0.00	437.50	2.54	1.50
31331GXR5 FPCB	12/02/09	1.150	06/08/11	500,000.00	504,070.00 0.00	502,517.07 0.00	503,287.00 0.00	769.93	0.00	0.00	367.36	2.58	0.61
31331JDD2 FPCB	02/11/10	0.680	08/03/11 07/03/10	1,000,000.00	999,460.00 151.11	999,600.52 0.00	1,000,056.00 0.00	455.48	0.00	0.00	2,795.56	5.12	0.72
3137EACF4 FHL/MC	10/22/09	1.125	12/15/11	500,000.00	499,110.00 0.00	499,396.07 0.00	503,948.00 0.00	4,551.93	0.00	0.00	250.00	2.56	1.21
31398AS37 FNMA	05/26/10	1.300	05/25/12 05/25/11	500,000.00	501,035.00 18.06	500,932.64 0.00	502,833.00 0.00	1,900.36	0.00	0.00	650.00	2.57	1.09
3133JUSG9 FPCB	06/18/10	1.090	06/15/12 09/15/10	500,000.00	499,875.00 45.42	499,877.23 0.00	500,647.00 0.00	769.77	0.00	0.00	242.22	2.56	1.10
3133XUD91 FHLB	04/15/10	2.050	08/10/12 08/10/11	500,000.00	505,000.00 1,850.69	504,201.24 0.00	507,068.50 0.00	2,867.26	0.00	0.00	4,014.58	2.59	1.28

**Town of Atherton
Securities Held
June 30, 2010**

U.S. Instrumentality	CUSIP/ Description	Purchase Date	Rate/ Coupon	Maturity/ Call Date	Par Value/ Shares	Historical Cost/ Accrued Interest Purchased	Amortized Cost/Accretion (Amortization)	Fair Value/ Change In Fair Value	Unrealized Gain (Loss)	Interest Received	Interest Earned	Total Accrued Interest	% Port Cost	Yield
	31398AD33 FNMA	Call 02/11/10	2.125	01/25/13 01/25/11	1,000,000.00	1,005,670.00 944.44	1,003,388.97 0.00	1,006,991.00 0.00	3,602.03	0.00	0.00	9,208.33	5.15	1.52
	3136FMUI FNMA	Call 06/03/10	1.000V	06/03/13 12/03/10	500,000.00	500,000.00 0.00	500,000.00 0.00	500,544.00 0.00	544.00	0.00	0.00	388.89	2.56	1.00
	3136FMNY6 FNMA	Call 04/29/10	1.550V	04/29/15 10/29/10	500,000.00	499,600.00 0.00	499,613.80 0.00	501,631.50 0.00	2,017.70	0.00	0.00	1,334.72	2.56	3.50
	TOTAL				7,000,000.00	7,016,232.20 3,009.72	7,011,113.59 0.00	7,036,329.50 0.00	25,215.91	0.00	0.00	22,401.66	35.94	
	GRAND TOTAL				19,206,950.65	19,223,964.10 3,223.71	19,218,207.63 0.00	19,250,056.65 0.00	31,849.02	0.00	0.00	37,476.43	100.00	

V = variable rate, current rate shown, average rate for Cash & Equivalents

**Town of Atherton
Quarterly Treasurer's Report
Cash & Investments Balance By Fund
June 30, 2010**

Fund No.	Fund Name	June Balance
101	General Fund	7,873,107
105	Tennis Fund	20,059
610	Equipment Replacement Fund	459,775
614	Worker's Compensation	509,076
615	General Liability	80,747
616	Employee Benefits	740,754
Total Non-Restricted		<u>9,683,517</u>
201	Special Tax Fund	2,923,223
202	County Measure A Fund	82,312
203	Gas Tax Fund	136,492
209	SLES/COPS Grant	(1,452)
210	Road Constructions Impact Fee	517,969
213	Library Fund	4,915,624
215	Evans Creative Design (formerly fund 715)	106,708
220	Traffic Congest. Relief	(10,134)
401	GF Projects	(4,862)
402	Storm Drainage	33,670
403	Atherton Channel Drainage District	128,855
406	Facilities Construction	1,761,124
730	H-P Park Improvement	5,875
740	Tree Committee	25,830
Total Restricted		<u>10,621,232</u>
Total Cash & Investments		<u><u>20,304,749</u></u>



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

**SUBJECT: APPROVAL OF A RESOLUTION ADOPTING THE FINAL FY 2009-2010
BUDGET AMENDMENT FOR POLICE ON THE STREET, STATE
GRANTS, GENERAL CAPITAL IMPROVEMENT PROJECTS, AND
EVAN CREATIVE DESIGN FUNDS**

RECOMMENDATION

Approve Resolution 10-50 of the City Council of the Town of Atherton adopting the final FY2009-2010 budget amendment for Police on the Street, State Grants, Capital Improvement Projects, and Evan Creative Design Funds.

DISCUSSION

Staff did a preliminary close of the Town's FY 2009-2010 book and is seeking City Council approval to:

1. Close out Fund 208 Police on the Street as the fund has no asset left.
2. Close out Fund 211 State Grants to Fund 401 Capital Improvement Projects (CIP) and approve a transfer \$10,847.01 from Fund 401 to cover the negative cash in Fund 211. All future CIP related grants will be recorded directly in Fund 401.
3. Reclass the Evan Creative Design (Fund 715) from an agency fund to Evan Creative Design (Fund 215) as a special revenue fund. The Town has been incorrectly naming the Evan Creative Design as an agency fund in the annual audit report in the past. The reclassification has been discussed and approved by the Town auditor Maze & Associates.

Staff has previously discussed the reclassification with two members of the Art Committee. Instead of the fund being tracked separately in the General Fund, staff reviewed the definition of special revenue fund and determined that Evan Creative Design Fund will qualify as a special revenue fund due to legal restriction placed by the Rita C. Evans Trust.

FISCAL IMPACT

None.

Prepared by:

Approved by:

Louise Ho, Finance Director

Jerome D. Gruber, City Manager

Attachment: Resolution No. 10-50

RESOLUTION NO. 10-50

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ADOPTING THE FINAL FISCAL YEAR 2009-2010 BUDGET AMENDMENT**

WHEREAS, it is in the best interest of the citizens of the Town of Atherton that the Fiscal Year 2009-2010 Operating Budget be amended as set forth in Exhibit A, attached hereto and incorporated herein.

NOW THEREFORE, BE IT RESOLVED, that the Fiscal Year 2009-2010 final budget amendment as contemplated in Exhibit A be adopted for Fiscal Year 2009-2010.

BE IT FURTHER RESOLVED, that the Finance Director is authorized to make the necessary amendments as set forth in Exhibit A to ensure an accurate and complete Fiscal Year 2009-2010 final budget.

* * * * *

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 special meeting thereof held on the 15th day of September, 2010, by the following vote:

*AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:*

Kathy McKeithen, MAYOR
Town of Atherton

ATTEST:

Theresa N. DellaSanta, Deputy City Clerk

APPROVED AS TO FORM

Wynne Furth, City Attorney

EXHIBIT “A”

1. Close out Fund 208 Police on the Street as the fund has no asset left.
2. Close out Fund 211 State Grants to Fund 401 Capital Improvement Projects (CIP) and approve a transfer \$10,847.01 from Fund 401 to cover the negative cash in Fund 211.
3. Reclass the Evan Creative Design (Fund 715) from an agency fund to Evan Creative Design (Fund 215) as a special revenue fund.



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

**SUBJECT: ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE
OF COMPLETION AND APPROVAL OF CONTRACT CHANGE
ORDERS IN THE AMOUNT OF \$ 19,822.32 FOR THE PROJECT
NUMBER 09-006**

RECOMMENDATION

Pass a motion accepting work, authorizing recording of a notice of completion and approving contract change orders in the amount of \$19,822.32 for the Holbrook-Palmer Park Master Irrigation and Well Installation Project Number 09-006.

INTRODUCTION

The Council awarded a contract in October 21, 2009 to Blossom Valley Construction, Inc. for \$200,920.88, with a \$20,092.09 construction contingency, for a total authorized amount of \$221,012.97. Work under the contract has been completed.

ANALYSIS

The original contract price was for \$200,920.88. There were 4 field directive change orders totaling \$43,401.88 and quantity decreases of \$787.80 bringing the total contract to \$243,534.96. The contract changes were as follows:

- | | |
|--|--------------|
| 1. Original Contract | \$200,920.88 |
| 2. Quantity Decreases | \$ -787.80 |
| 3. Change Order No. 1
Tree Protection – 6 foot chain link fence | \$ 4,340.00 |

4. Change Order No. 2	\$ 23,579.56
Electrical Upgrade per CEC (Previously approved at the May 19, 2010 Council Mtg.)	
5. Change Order No. 3	\$ 15,482.32
Location of existing main line and connection to existing valves	
	TOTAL \$243,534.96

OTHER CHANGE ORDER TO BE REIMBURSED BY CONSULTANT

6. Change Order No. 4	\$ 3,220.00
Replacement of incorrect master valves	

FISCAL IMPACT

Funding for this project in the amount of \$200,000 was originally budgeted in the FY 2009-10 budget. This budget was increased to \$244,592.53 based on the contract award and approval of a contract change order for electrical. The final cost of this segment of work is \$243,534.96, less than the budget estimate.

CONCLUSION:

It is appropriate for the Council to accept the work and authorize recording a Notice of Completion at this time.

Prepared By:

Approved:

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

Jerome D. Gruber
City Manager

Attachment: Notice of Completion

RECORD REQUESTED BY:

TOWN OF ATHERTON
AND WHEN RECORDED MAIL TO:

CITY CLERK, TOWN OF ATHERTON

91 ASHFIELD ROAD
(Street Address)
ATHERTON, CALIFORNIA 94027
(City, State and Zip Code)

No fee pursuant to Government Code Section 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TOWN OF ATHERTON
NOTICE OF COMPLETION

HOLBROOK-PALMER PARK MASTER IRRIGATION AND WELL INSTALLATION
PROJECT
PROJECT NO. 09-006
ATHERTON, CALIFORNIA

NOTICE IS HEREBY GIVEN THAT Duncan L. Jones, Engineer of Work for the Town of Atherton, County of San Mateo, California, on the 15th day of September 2010 did file with the City Clerk of said Town a Certificate of Completion for the work described in the construction contract awarded to Blossom Valley Construction, Inc. on the 21st day of October, 2009, said contract being executed on the 11th day of December 2009.

That said work and improvements were accepted as completed on the 10th day of August, 2010 and that acceptance for completion of said work was ordered by Motion of the City Council of said Town, adopted on the 15th day of September, 2010, and that the name of the surety on the Contractor's bond for performance, labor and materials on said project is Liberty Mutual Insurance Company, 71 Stevenson Street, Suite 600, San Francisco, CA 94105.

That said work and improvements consisted of installation of master irrigation line and well as described in the plans and specifications approved by the City Council of the Town of Atherton pursuant to motion, adopted the 19th day of August 2009.

That I, Duncan L. Jones, City Engineer of the Town of Atherton, am authorized by said Motion to execute and file this notice with the County Recorder of the County of San Mateo.

BY: _____
City Engineer

Date

ATTEST: _____
City Clerk

Date

'I declare under penalty of perjury that the foregoing is true and correct.'

(Date and Place)

(Signature)



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

**SUBJECT: APPROVE A CONTRACT CHANGE ORDER FOR GALLAGHER
AND BURK, INC. FOR THE FLETCHER DRIVE/RIDGEVIEW
DRIVE PAVEMENT AND DRAINAGE IMPROVEMENT
PROJECT NUMBER 08-010 IN THE AMOUNT OF \$140,300.**

RECOMMENDATION:

Approve a Contract Change Order for Gallagher and Burk, Inc. for the Fletcher Drive/Ridgeview Drive Pavement and Drainage Improvement Project, project number 08-010 in the amount of \$140,300.

INTRODUCTION:

Fletcher Drive/Ridgeview Drive Pavement and Drainage Improvement Project began on Monday August 2, 2010. While working on Ridgeview Drive, the contractor encountered unanticipated field conditions. During the excavation of the storm drain trench, the native soil was overly saturated, not an optimum condition for backfilling. The contractor attempted to backfill and compact the trench, but was unsuccessful. The soil constantly rolled under the heavy equipment, a sign of subgrade instability. Staff authorized the removal and disposal of existing unsuitable native soil and replacement with recycled baserock. The solution was successful for the portion completed to date. The contractor has completed the storm drain mainline installation along Ridgeview Drive, but laterals to storm drain inlets are still to be installed.

A quote for lime treatment of the subgrade for the roadway was requested due to the removal of unsuitable native soil in the trench. Our assumption is that the roadway would have a similar saturated soil type along Ridgeview Drive, therefore requiring us to utilize aggregate base stabilization over a large area. Lime treatment would be comparable to the aggregate base stabilization line item, but at a lower cost if a larger area needs to be treated. Lime treatment was quoted at \$1.55 per square foot, whereas aggregate base stabilization is priced at \$2.00 per square foot. If lime treatment was used in lieu of AB stabilization, the cost saving would be approximately \$11,700.00. This item has not been started. The need for this treatment, and the extent of treatment, will be determined by the Town's geotechnical engineer once the existing asphalt is removed.

ANALYSIS:

Field Change Orders

- | | | |
|----|---|--------------|
| 1. | Removal of Unsuitable Native Soil and Backfilled with Recycled Baserock (estimated) = | \$100,000.00 |
| 2. | Lime Treatment (12" section) (estimated 26,000sf) = | \$40,300.00 |

TOTAL COST OF FIELD CHANGE ORDERS = \$140,300.00

These costs are based on regular unit prices and industry standard time and materials costs. The costs of repair of these two unforeseen conditions have exceeded the contingency of the contract. Staff recommends that the contract amount and authorization be increased by the amount of the change order, leaving the contingency intact to handle minor items for the remainder of the project.

FISCAL IMPACT:

Current authorization for Fletcher Drive/Ridgeview Drive Pavement and Drainage Improvement Project is \$922,055.00, with a ten percent contingency of \$92,205.50, for a total authorization of \$1,014,260.50. An increase due to change orders in the amount of \$140,300.00 bringing the new total for Fletcher Drive/Ridgeview Drive Pavement and Drainage Improvement Project to \$1,154,560.50, which is within the Street Reconstruction budget for FY 2010-11 of \$1,500,000.00.

Prepared By:

Approved:

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

Jerome D. Gruber
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

SUBJECT: ADOPT A RESOLUTION APPROVING A NO PARKING
ANY TIME ZONE ON SURREY LANE AND ON
MIDDLEFIELD ROAD FROM 157 FEET NORTH OF
SURREY LANE TO 100 FEET SOUTH OF SURREY LANE

RECOMMENDATION:

Adopt a resolution approving a “No Parking Any Time” zone on Surrey Lane and on Middlefield Road from 157 feet north of Surrey Lane to 100 feet south of Surrey Lane.

INTRODUCTION:

Residents of Surrey Lane requested a “No Parking” zone on Surrey Lane because vehicles were parking on the street obstructing access to the street. They also requested restrictions on Middlefield Road because vehicles were parking blocking sight distance to Middlefield Road traffic from vehicles exiting Surrey Lane.

ANALYSIS:

Surrey Lane is a cul-de-sac with an 18 foot paved roadway in a 30 foot right of way. The required clear zone for fire access is 20 feet, leaving 5 feet of right of way remaining on each side, which is not sufficient to allow parking without encroaching in the fire access. Likewise the cul-de-sac bulb is only a 40 foot radius with an approximate 35 foot radius pavement, which is substandard according to current fire regulations which require a 48 foot radius pavement. For these reasons, staff recommends that parking be restricted on the entire cul-de-sac. The exception is wherever parking outside the street pavement of

sufficient width is provided, which would require some of the parking to be on the adjacent property. The property at 3 Surrey Lane has such parking, and would be exempted from the parking restriction.

In order to improve sight distance for vehicles exiting Surrey Lane, the “No Parking Any Time” zone should extend along Middlefield Road 157 feet north and 100 feet south of the intersection. This distance was calculated by staff in accordance with the Caltrans Highway Design Manual Section 405.1 Sight Distance for corner sight distance.

A meeting was held on September 1, 2010 with representatives from the Menlo Park School District, Menlo Fire, City of Menlo Park traffic, Police, Public Works, the City Manger, concerned residents and Encinal School parents. At the meeting is was determined that parking was available elsewhere for those now parking on Surrey Lane, and that making additional parking available would be studied, especially during school events, such as “Back to School Night” where significant additional parking is needed. It was agreed that parking on Surrey Lane was not appropriate or safe and that the parking restrictions should be placed there.

FISCAL IMPACT:

The cost will be six signs with posts and staff time to install them. The signs will cost approximately \$300 each, and 8 additional signs will be needed, for a total cost of \$2400.

Prepared By:

Approved:

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

Jerome D. Gruber
City Manager

Attachments: HDM Section 405.1
Sight Distance Diagram

Topic 405 - Intersection Design Standards

405.1 Sight Distance

- (1) *Stopping Sight Distance.* See Index 201.1 for minimum stopping sight distance requirements.
- (2) *Corner Sight Distance.*
 - (a) General--At unsignalized intersections a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle.

Adequate time must be provided for the waiting vehicle to either cross all lanes of through traffic, cross the near lanes and turn left, or turn right, without requiring through traffic to radically alter their speed.

The values given in Table 405.1A provide 7-1/2 seconds for the driver on the crossroad to complete the necessary maneuver while the approaching vehicle travels at the assumed design speed of the main highway. The 7-1/2 second criterion is normally applied to all lanes of through traffic in order to cover all possible maneuvers by the vehicle at the crossroad. However, by providing the standard corner sight distance to the lane nearest to and farthest from the waiting vehicle, adequate time should be obtained to make the necessary movement. On multilane highways a 7-1/2 second criterion for the outside lane, in both directions of travel, normally will provide increased sight distance to the inside lanes. Consideration should be given to increasing these values on downgrades steeper than 3 percent and longer than 1 mile (see Index 201.3), where there are high truck volumes on the crossroad, or where the skew of the intersection substantially increases the distance traveled by the crossing vehicle.

In determining corner sight distance, a set back distance for the vehicle waiting at the crossroad must be assumed. **Set back for**

the driver on the crossroad shall be a minimum of 10 feet plus the shoulder width of the major road but not less than 15 feet. Corner sight distance is to be measured from a 3.5-foot height at the location of the driver on the minor road to a 4.25-foot object height in the center of the approaching lane of the major road. If the major road has a median barrier, a 2-foot object height should be used to determine the median barrier set back.

In some cases the cost to obtain 7-1/2 seconds of corner sight distances may be excessive. High costs may be attributable to right of way acquisition, building removal, extensive excavation, or inmitigable environmental impacts. In such cases a lesser value of corner sight distance, as described under the following headings, may be used.

- (b) Public Road Intersections (Refer to Topic 205)--At unsignalized public road intersections (see Index 405.7) corner sight distance values given in Table 405.1A should be provided.

At signalized intersections the values for corner sight distances given in Table 405.1A should also be applied whenever possible. Even though traffic flows are designed to move at separate times, unanticipated vehicle conflicts can occur due to violation of signal, right turns on red, malfunction of the signal, or use of flashing red/yellow mode.

Where restrictive conditions exist, similar to those listed in Index 405.1(2)(a), the minimum value for corner sight distance at both signalized and unsignalized intersections shall be equal to the stopping sight distance as given in Table 201.1, measured as previously described.

- (c) Private Road Intersections (Refer to Index 205.2) and Rural Driveways (Refer to Index 205.4)--**The minimum corner sight distance shall be equal to the stopping sight distance as given in**

July 1, 2008

Table 201.1, measured as previously described.

- (d) Urban Driveways (Refer to Index 205.3)-- Corner sight distance requirements as described above are not applied to urban driveways.
- (3) Decision Sight Distance. At intersections where the State route turns or crosses another State route, the decision sight distance values given in Table 201.7 should be used. In computing and measuring decision sight distance, the 3.5-foot eye height and the 0.5-foot object height should be used, the object being located on the side of the intersection nearest the approaching driver.

The application of the various sight distance requirements for the different types of intersections is summarized in Table 405.1B.

- (4) Acceleration Lanes for Turning Moves onto State Highways. At rural intersections, with stop control on the local cross road, acceleration lanes for left and right turns onto the State facility should be considered. At a minimum, the following features should be evaluated for both the major highway and the cross road:

- divided versus undivided
- number of lanes
- design speed
- gradient
- lane, shoulder and median width
- traffic volume and composition
- turning volumes
- horizontal curve radii
- sight distance
- proximity of adjacent intersections
- types of adjacent intersections

For additional information and guidance, refer to AASHTO, A Policy on Geometric Design of Highways and Streets, the Headquarters Traffic Liaison and the Design Coordinator.

**Table 405.1A
Corner Sight Distance
(7-1/2 Second Criteria)**

Design Speed (mph)	Corner Sight Distance (ft)
25	275
30	330
35	385
40	440
45	495
50	550
55	605
60	660
65	715
70	770

**Table 405.1B
Application of Sight Distance
Requirements**

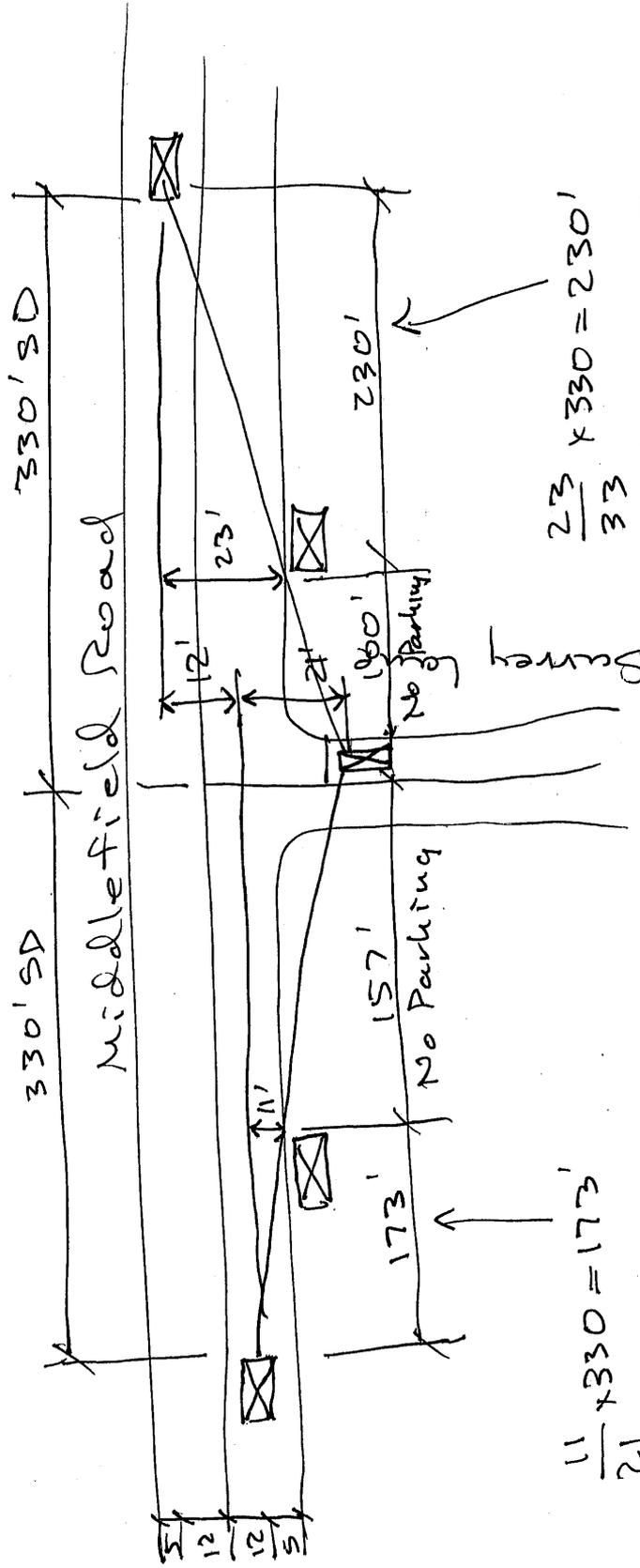
Intersection Types	Sight Distance		
	Stopping	Corner	Decision
Private Roads	X	X ⁽¹⁾	
Public Streets and Roads	X	X	
Signalized Intersections	X	(2)	
State Route Inter- sections & Route Direction Changes, with or without Signals	X	X	X

(1) Using stopping sight distance between an eye height of 3.5 ft and an object height of 4.25 ft. See Index 405.1(2)(a) for setback requirements.

(2) Apply corner sight distance requirements at signalized intersections whenever possible due to unanticipated violations of the signals or malfunctions of the signals. See Index 405.1(2)(b).

Surrey Lane No Parking
 8/5/10 Distances

Corner Sight Distance (30 mph) = 330'



$$\frac{23}{33} \times 330 = 230'$$

No Parking Zone
 330' - 230' = 100'

$$\frac{11}{21} \times 330 = 173'$$

No Parking Zone
 330' - 173' = 157'



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF SEPTMEBER 15, 2010

SUBJECT: AMEND THE CENTERLINE MARKING LIST FOR TOYON ROAD

RECOMMENDATION:

Amend the Centerline Marking List to include a double yellow stripe with reflectors on the Toyon Road s-curve in front of 153 Toyon Road.

INTRODUCTION:

A resident noted that Toyon Road has had double yellow striping in the s-curves for many years, but it is not on the Centerline Marking List.

ANALYSIS:

Toyon Road has relatively sharp s-curves. In order to keep traffic to the right through these curves, double yellow stripes with reflectors are advisable. Because it is difficult to navigate the s-curves with these stripes at higher speeds, the stripes also serve to slow traffic.

FISCAL IMPACT:

There is no fiscal impact of this action because the stripes and reflectors are already in place.

Prepared By:

Approved:

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

Jerome D. Gruber
City Manager

Attachments: Centerline Marking Policy (amended)

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

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

Fair Oaks Lane - 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

Toyon Road - s-curves at 153 Toyon Road

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

Acorn Way - 50 feet east of Catalpa to Catalpa and 50 feet west of Greenoaks to Greenoaks

Catalpa Drive - 50 feet north of Acorn to 50 feet south of Acorn

Emilie Avenue - Park to Valparaiso - (School zone)

Encinal Avenue - All (School Zone)

Greenoaks Drive - 50 feet north of Acorn to 50 feet south of Acorn

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

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

Valparaiso Avenue - all (Shared responsibility with Menlo Park)

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

Watkins Avenue - 100 feet east of El Camino Real to 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 to west side of number 228, except in intersection

DeBell Drive - Middlefield through 11 DeBell Drive

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 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 to 170 Greenoaks

James Avenue - Heather closest to Middlefield to Lilac

Melanie Lane - Stockbridge to end

Oak Grove Avenue - High School Driveway to Greenoaks and 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 Avenue - Alameda de las Pulgas to El Camino Real

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

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

SINGLE WHITE STRIPES FOR RIGHT/LEFT TURN LANES WITH TURN ARROWS

Alejandra Avenue - 50 feet west of El Camino Real to El Camino Real

Atherton Avenue - 50 feet west of El Camino Real to El Camino Real

Fair Oaks Lane - 50 feet east of El Camino Real to El Camino Real

Watkins Avenue - 20 feet west of Middlefield 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
Amended September 15, 2004
Amended December 17, 2008
Amended July 21, 2010
Amended August 18, 2010
Amended September 15, 2010

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KATHY HUGHES ANDERSON, TOWN ARBORIST

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

**SUBJECT: RECOMMENDATION FROM THE ENVIRONMENTAL PROGRAMS
COMMITTEE TO SUPPORT CALIFORNIA'S CLEAN CARS PROGRAM**

RECOMMENDATION:

The Environmental Programs Committee recommends that the City Council support California's Clean Cars Program and that the mayor sign a letter of endorsement to the California Air Resources Board.

INTRODUCTION:

The Sierra Club sent a letter to Mayor McKeithen asking for support in their campaign to set clean car standards. The Sierra Club California has been working on clean car standards for the past decade and worked hard to pass California's Clean Cars law (Assembly Bill 1493, Pavley, 2002). Mayor McKeithen forwarded the request to Valerie Gardner of the Environmental Programs Committee. At the August 11, 2010 meeting of the EPC, the Committee voted to recommend to the City Council to support the request from the Sierra Club and to write a letter of endorsement to the Air Resources Board.

ANALYSIS:

Attached to this report is a California's Clean Car Program Fact Sheet which outlines the standards and the benefits of the Clean Cars Program. The California Air Resources Board will be voting on important updates to the Clean Cars Program in the fall of 2010. By sending the endorsement letter, the Town will help urge the State of California to adopt strong rules for reducing smog and greenhouse gases and to promote the development of zero emission vehicle technology while improving the state's economy, environment and public health.

FISCAL IMPACT:

There is no fiscal impact.

Prepared by:
Kathy Anderson
Town Arborist

Approved by:
Jerry Gruber
City Manager



Town of Atherton

Mary Nichols, Chairman
California Air Resources Board
1001 I Street
Sacramento, CA 95812

Re: Strong Clean Cars Standards

Dear Chairman Nichols,

I, Mayor of Atherton, applaud the California Air Resources Board (CARB) for its leadership in the development of motor vehicle regulations that have reduced air pollution and improved public health in California.

Although our state has made progress in combating air pollution over the past 30 years, the fact remains that millions of California residents still breathe unhealthy air, and passenger vehicles are still a major contributor to poor air quality in California.

Reducing emissions from passenger vehicles is a key component in the fight against air pollution, global warming and a variety of chronic illnesses. Our State's commitment to leading the nation in vehicle emission standards has played a critical role in helping protect the health of our environment and of our citizens. In addition, these regulations incentivize the development of new vehicle fuel efficiency technologies, which in turn help reduce our dependence on petroleum and save Californians money on gasoline. These standards are also critical to helping our state meet its air pollution and greenhouse gas reduction goals, which are both issues of concern in our community.

For these reasons, as the State of California develops rules for the next generation of clean passenger vehicles, I urge CARB to push forward in strengthening its new vehicle standards in 2010 to further reduce criteria pollutants and greenhouse gases and to promote the development and deployment of zero emission vehicle technologies.

Sincerely,

Kathy McKeithen
Mayor of Atherton

California Clean Cars Campaign

California's Clean Cars Program FACT SHEET

California's Clean Cars Program is set to bring the next generation of clean, low-polluting cars and light trucks into the driveways of California's families. **The California Air Resources Board will be voting on important updates to the Clean Cars Program in the fall of 2010.**

Advanced Clean Cars Will Dramatically Cut Our Oil Dependence and Leave Us Less Vulnerable to Volatile Oil Prices.

- 97% of California's transportation relies on oil.ⁱ
- Just before the recent financial collapse, oil spiked to \$147 a barrel.ⁱⁱ
 - Huge spikes in oil prices preceded four of the last five global recessions.ⁱⁱⁱ
 - Oil prices continue to rise.^{iv}
- The price of gasoline has increased 60% over the last year.
- Every day, Californians spend \$82 million on gasoline and diesel.^v
- In 2016, through reduced gasoline use, new national fuel economy standards will save California consumers \$2.8 million at the pump.^{vi}

Advanced Clean Cars Will Reduce Dangerous Air Pollutants, Improving California's Air Quality.

- Largely due to traffic pollution, California is home to some of the worst air pollution in the nation.^{vii}
- Every year, 19,000 premature deaths can be attributed to California's air pollution.^{viii}
- Children^{ix} and low-income families^x are especially vulnerable to health problems caused by poor air quality.
- Hospital care costs related to bad air quality cost California nearly \$200 million from 2005 to 2007.^{xi}

Four Different Standards Make Up The Clean Cars Program

1. Vehicle Global Warming Standards (LEV III-GHG): This program will make sure new cars and light trucks produce fewer emissions that contribute to global warming. (The updated rules will apply to vehicles starting in 2017.)
2. Low Emission Vehicle Program (LEV III-Criteria Pollutant): This program will make sure new cars and light trucks produce fewer harmful emissions that contribute to smog and hurt public health. (The updated rules will apply to vehicles starting in 2014.)
3. Zero Emission Vehicle Program (ZEV): This program will make sure that the newest, gasoline-free, ultra-clean vehicle technologies – such as electric and hydrogen fuel cell cars – are brought to California. (The updated rules will apply to vehicles starting in 2015.)
4. Clean Fuels Outlet: This program will make sure we have the infrastructure – including hydrogen for fuel cells and public charging for electric vehicles – in place to support clean, alternative fuel cars.

Strong Advanced Clean Car Standards Will Stimulate the Economy and Bring New Jobs to California.

- New data shows that employment in California's green economy grew 36% from 1995 to 2008 while total jobs in California expanded only 13%.^{xii}
 - As the economy slowed between 2007 and 2008, total employment fell 1%, but green jobs continued to grow 5%.^{xiii}
- Many clean, green car companies, such as Tesla, are based in California.
 - Their suppliers of high-tech components, such as Quantum Technologies and Coulomb Technologies, are also based here.

Advanced Clean Cars Will Reduce CO2 Pollution and Help Mitigate the Worst Effects of Climate Change.

- Passenger cars and light trucks represent 40% of California's greenhouse gas pollution.^{xiv}
- Climate change is happening now as evident by sea level rise, reduced Sierra snowpack, increasing wildfires and worsening air quality.^{xv}

California is a Pioneer in Bringing Advanced Clean Car Standards to the Nation.

- Thirteen other states adopted California's previous Clean Cars Program.
- Our standards formed the basis for the national vehicle program that President Obama announced in May 2009 and that became law in April 2010.
- New advanced clean car standards will establish another rung in the ladder for states and the federal government to reach.

California Must Remain Competitive in the Global Economy and Lead the Nation in the Advanced Clean Car Technology Industry.

- China is spending \$12 billion an hour on clean technology investment.^{xvi}
- California has attracted more clean technology venture capital than any other state.^{xvii}

ⁱ The California Energy Commission: <http://energyalmanac.ca.gov/petroleum/index.html>.

ⁱⁱ *New York Times*: <http://www.nytimes.com/info/oil/>.

ⁱⁱⁱ CIMB World Market: http://research.cibcwm.com/economic_public/download/soc08.pdf

^{iv} Bloomberg: http://www.bloomberg.com/apps/news?pid=20601087&sid=aERkSvnAUU_U.

^v California Energy Commission: <http://www.energy.ca.gov/reports/100-03-019F.PDF>.

^{vi} Sierra Club

^{vii} *Los Angeles Times*: <http://articles.latimes.com/2010/apr/28/local/la-me-air-pollution-20100428>

^{viii} California Air Resources Board: <http://www.arb.ca.gov/research/health/qhe/qhe.htm>.

^{ix} *The New England Journal of Medicine*: <http://content.nejm.org/cgi/content/short/351/11/1057>.

^x American Lung Association in California. State of the Air 2010: www.stateoftheair.org.

^{xi} Rand Corporation: http://www.rand.org/pubs/technical_reports/TR777/.

^{xii} Next 10: http://www.next10.org/next10/publications/green_jobs.html.

^{xiii} *ibid*

^{xiv} Climate Change FAQ: <http://climatechange.ca.gov/publications/faqs.html>.

^{xv} *ibid*

^{xvi} American Progress: http://www.americanprogress.org/issues/2009/06/pdf/podesta_germany1.pdf.

^{xvii} Cleantech Group LLC: <http://cleantech.com/news/5755/cleantech-thriving-AB32-data>.

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: KATHY HUGHES ANDERSON, TOWN ARBORIST
DATE: FOR THE MEETING OF SEPTEMBER 15, 2010
**SUBJECT: RECOMMENDATION FROM THE ENVIRONMENTAL PROGRAMS
COMMITTEE TO ADOPT RESOLUTION No. 10-51 IN OPPOSITION OF
PROPOSITION 23**

RECOMMENDATION:

The Environmental Programs Committee recommends that the City Council adopt Resolution 10-51 in opposition to Proposition 23.

INTRODUCTION:

The Environmental Programs Committee, at their August 11, 2010 meeting, asked staff to prepare a resolution in opposition of Proposition 23 for the City Council's consideration at their September meeting.

ANALYSIS:

EPC committee member Valerie Gardener has prepared a memo which provides background information and a summary of why the EPC opposes Proposition 23. (Attached)

FISCAL IMPACT:

There is no fiscal impact.

Prepared by:
Kathy Anderson
Town Arborist

Approved by:
Jerry Gruber
City Manager

Attachments:

Memo from the Environmental Programs Committee
Press Release – Sacramento City Council Opposes Proposition 23
An Open Letter on Clean Energy and Global Warming From Economists

RESOLUTION NO. 10-51

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON IN OPPOSITION TO PROPOSITION 23**

WHEREAS, out of state oil companies are spending millions to push a deceptive ballot proposition that will kill California clean energy and air pollution control standards.

WHEREAS, the oil companies claim their proposition will only “suspend” AB32’s air pollution and health regulations until California’s economy gets better, but the truth is their proposition will kill California’s clean air standards by prohibiting them from being enforced unless the state’s unemployment rate drops to a fixed level that has rarely ever been achieved.

WHEREAS, air pollution is a major threat to public health in California, with skyrocketing rates of asthma and lung disease, especially among children and this imitative will let polluters off the hook, increasing air pollution and public health risks.

WHEREAS, this proposition would also destroy California’s newly emerging clean energy businesses that have flourished because of California’s clean energy and clean air laws.

WHEREAS, since 2005, California green jobs have grown ten times faster than the statewide average. California’s clean technology sector received \$2.1 billion in investment capital in 2009, more than five times the investment in our nearest competitor, and is generating tens of thousands of jobs.

WHEREAS, this proposition would halt the dynamic growth we’ve seen in clean energy businesses, resulting in the loss of tens of thousands of jobs and billions of dollars in economic growth.

WHEREAS, by killing competition from clean energy producers, this proposition would keep us addicted to dirty oil which will result in rising prices for consumers and a continued drag on our economy.

NOW, THEREFORE, BE IT RESOLVED, that the Atherton City Council formally opposes Proposition 23 (Attorney General Initiative #09-0104)

PASSED AND ADOPTED at a meeting of the City Council of the Town of Atherton held on the 18th day of August, 2010 by the following vote:

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 18th day of August 2010 by the following vote:

<i>AYES:</i>	<i>COUNCILMEMBERS:</i>
<i>NOES:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSENT:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSTAIN:</i>	<i>COUNCILMEMBERS:</i>

ATTEST:

Kathy McKeithen, MAYOR
TOWN OF ATHERTON

Theresa N. DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

Wynne S. Furth, City Attorney

MEMO

To: Mayor McKeithen and the Atherton City Council
From: The Atherton Environmental Programs Committee
Re: Town of Atherton Resolution in Opposition to Prop 23
Date: August 27, 2010

Summary: Proposition 23 is an initiative funded by out-of-state oil and gas companies who wish to derail California's Landmark Global Warming legislation, AB-32, primarily because it threatens their profits. AB-32 as it stands, would continue California's historical leadership in fighting to protect the health and safety of Californians as well as the climate, by making huge strides in the urgent and difficult business of reducing the emissions from, and our dependency on, dirty fossil fuels—the combustion of which has dumped billions of tons of carbon dioxide emissions along with other toxins into the atmosphere, all at an ever increasing rate. AB-32 also provides California's businesses with a mandate, a time frame and incentives to develop alternatives and solutions to the use of dirty fossil fuels, giving them the clear lead and competitive edge in the leap towards the development of clean energy businesses, jobs and industries. AB-32 has already begun to stimulate the most growth of any business sector within California—clean tech—stimulating its nimble and entrepreneurial business communities to create green jobs and whole new clean-energy technologies and products. Yet out of state oil and gas interests have a lot to fear from California businesses taking this lead! Their own (mostly Texas-based) industries are at risk of losing their excess profits and even of being obsoleted by the changes being driven by AB-32! That is why they have such a huge interest in thwarting AB-32 and stand ready to invest as much as \$100 million to promote Prop 23. Furthermore, can we sit idly while out of state companies attempt to interfere with California's determination to do the right thing by our children and grandchildren, environmentally as much as economically? We need to be very clear that we oppose Prop 23 and support AB-32. The EPC unanimously recommends that the council pass a resolution in strong opposition to Prop 23.

Background: For decades, California has led the nation in efforts to preserve and protect our environment and these efforts have paved the way for stronger environmental standards across the country and the world. Perhaps because of its focus on leading edge technologies, its strong scientific and engineering orientation and workforce, its stunningly beautiful geography and legions of devoted outdoorsmen and women, California has almost always been the first state to address environmental threats, combating air pollution, ground and water pollution, protecting loss of open space and natural habitats, reducing consumer product toxicity, increasing energy efficiency and, most recently, addressing climate change. It has routinely applied for waivers from the EPA (to apply a tougher standard than the federal standard) and has always received approvals. Under the Bush Administration, reknown for being supported by oil and gas interests, California's attempt to reduce pollution from car emissions was denied by the EPA. California and nine other states waited five years but only one week into the new administration, before the EPA reversed its denial.

Clean Tech and Green Tech are the Next Boom: According to California’s Employment Development Department, more than 500,000 Californians already work in clean-tech jobs. The rate of growth in this sector is 10 times faster than the statewide average. According the 118 economists who signed a letter supporting AB-32, the clean energy policies required under the act “stimulate innovation and efficiency,” “help the state become a technological leader in the global marketplace,” “improve our energy security, create new business opportunities and more jobs,” and “provide immediate benefits to the health and welfare of residents by reducing local pollutants.” [See attached .pdf *Open Letter on Clean Energy and Global Warming from Economists.*]

Funders of Prop 23: Texas-based Valero and Tesoro were named the #12 and #32 worse polluters in the nation, respectively, in the “Toxic 100 Air Polluters” report issued by the University of Massachusetts Amherst. They were named the #6 and #8 worst polluters in California, according the California Air Resources Board. Yet, in their bankrolling and handling of Prop 23, they are hiding this fact from voters and masking their intent to kill California’s job-creating clean air and clean energy standards. They are also masking the fact that together, Valero and Tesoro exported \$9 billion out of California and into Texas from their sales of fossil fuels in California.

Opposition to Prop 23: According to a press release issued by the Sierra Club, a coalition of more than 300 organizations, including California’s leading business, public health, senior and environmental groups, are fighting Prop 23 to prevent it from killing the state’s growing clean tech economy, increasing air pollution, driving up health care and energy costs and extending our nation’s dependency on oil, widely seen as a national security risk. Here are a few of those quoted in this press release:

Former U.S. Secretary of State, George Schultz, co-chairman of Californians for Clean Energy and Jobs, the main group opposing the proposition: “This misguided proposition will seriously harm our efforts to encourage the growing entrepreneurial ventures that hold the promise of important changes toward cleaner energy As a former Secretary of State, I see our dependence on foreign oil as one of the greatest threats to national security, and the proposition would undermine efforts to break that dependence. I oppose the proposition designed to derail Ab-32.”

Jane Warner, President and CEO of the American Lung Association in California: “We call on Californians to reject the Texas oil companies' attempt to undo California's clean air and clean energy laws. Thousands of people are being rushed to emergency rooms and thousands of people are dying early as a result of air pollution. Air pollution is a major public health crisis and the oil companies’ efforts to repeal AB 32 will make matters much worse.”

Jeannine English, President of AARP California: “Every year, thousands of California seniors are hospitalized and tens of thousands more suffer from respiratory illnesses like asthma and bronchitis because of air pollution in our state. That’s why AARP is strongly opposed to the ballot initiative that would roll back California’s most important clean air and clean energy law.”

Jim Wunderman, President and CEO of the Bay Area Council, “The notion of repealing AB 32 presents a false choice to the people of California. We don’t have to choose between a strong economy and combating climate change.”

Google’s CEO Eric Schmidt: “AB 32 is an incubator of innovation. In Silicon Valley, it was the limitations of one technology or system that served as the drivers of change and led to the success of our industries here. AB 32 provides a similar opportunity for new job creation in many sectors as business responds to the need for energy-efficient buildings, transportation and a growing portfolio of renewable energy resources.”

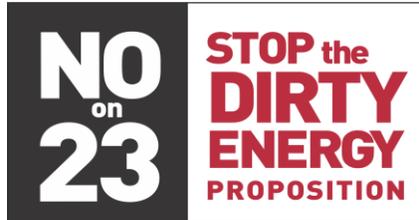
Warner Chabot, CEO, California League of Conservation Voters: “The out-of-state oil companies want to keep us addicted to their dirty oil, and they’re apparently willing to spend millions to kill competition from clean energy providers so they can maintain their multi-billion dollar monopoly. But the environmental community is joined with clean energy businesses, community groups, organized labor and others to do whatever it takes to defeat this deceptive measure. (See: Sierra Club Press Release: <http://www.sierraclubcalifornia.org/Anti-AB32Initiative/OPPONENTS%20OF%20TEXAS%20OIL%20COMPANY.htm>)

California Cities: Sacramento City Council joined the City and County of San Francisco and some 30 or so California cities, including many ICLEI Local Governments for Sustainability, in opposing Prop 23.

For Immediate Release: September 1, 2010

Source: No on 23, Californians to Stop the Dirty Energy Proposition (<http://www.stopdirtyenergyprop.com/>)

Contact: Steve Maviglio, 916-607-8340, Steven_maviglio@yahoo.com



Sacramento City Council Unanimously Opposes Proposition 23

SACRAMENTO –The Sacramento City Council has voted to join more than 30 other California cities in opposing Proposition 23, the ballot measure being bankrolled by Texas oil companies to kill the state’s clean energy and clean air standards.

On the recommendation of the city’s Special Projects Manager, Michelle Heppner, the City Council officially opposed this proposition to remain consistent with “City Council policy direction in support of green, clean energy and sustainability. Failure of this measure is beneficial to the 500,000 ‘green jobs’ and 12,000 clean energy businesses currently operating locally and across California. According to the December 2009, Next10 Report, the Sacramento Region has had the greatest green job growth in the state, 87% over the past 13 years.”

The resolution further declared, “Proposition 23 will put California at a significant disadvantage in becoming the nation’s clean energy and clean technology leader. Clean energy and clean technology represent one of the few job growth areas in our recovering economy. According to the Next10 Report, since 2005, California green jobs have grown 10 times faster than the statewide average. Since 2005, the region’s clean energy technology businesses grew from 30 to nearly 100 in 2010.”

Other cities and local government entities that have officially opposed Proposition 23 include City of Chula Vista, City of Petaluma, City of Del Mar, City and County of San Francisco, and ICLEI Local Governments for Sustainability.

For the latest campaign news and developments, please visit www.StopDirtyEnergyProp.com and friend us on Facebook (www.facebook.com/StopDirtyEnergyProp), Twitter (www.twitter.com/StopProp_23) and YouTube (www.youtube.com/StopDirtyEnergyProp). To access press materials, visit <http://www.stopdirtyenergyprop.com/press-releases.php>.

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JULY 2010

The Most Expensive Thing California Can Do Is Nothing

An Open Letter on Clean Energy and Global Warming from Economists



Clean energy policies make good economic sense. While clean energy policies save California consumers money by making homes and vehicles more fuel-efficient, the policies protect consumers and the California economy from rising natural gas and oil prices.

CLAIR BROWN, PH.D.

Professor of Economics, Director of the Center for Work, Technology, and Society
Institute for Research on Labor and Employment, University of California, Berkeley

California can profit from virtue by becoming the nation's leader in green technology.

RICHARD ARNOTT, PH.D.

Distinguished Professor of Economics, University of California, Riverside

Air pollution plagues California with the most health-threatening air in the nation, costing the state tens of billions of dollars each year in missed work and school days, health care expenses, and shortened lives. Cleaning up California's energy supply to reduce climate change pollutants will also reduce these costs, and improve health and productivity.

JANE V. HALL, PH.D.

Professor of Economics, Co-Director, Institute of Economic and Environmental Studies
California State University, Fullerton

AB 32 helps the process of weaning the economy off of fossil fuels, including oil. This will drive down prices of renewable energy as we gain economies of scale and scope and learning by doing, increase incentives for technological change, and reduce the amount of money that flows into the Middle East while reducing the importance to our national security of oil from that region.

DARWIN C. HALL, PH.D.

Professor of Economics, California State University, Long Beach

The risk of significant negative consequences of our current emissions path should be sufficient for us to take meaningful action to cost-effectively moderate our appetite for emitting carbon and to spur innovation into carbon-lean technologies. Starting with automobile pollution control in the 1960s, California has been a leader in managing environmental problems. We are better off for it.

CHARLES D. KOLSTAD, PH.D.

Professor of Economics, Department of Economics & Bren School of Environmental Science and Management
University of California, Santa Barbara

California's clean energy policies are a bright spot in our state economy, stimulating innovation and investment and creating new jobs. For example, by reducing oil consumption, cleaner and more fuel-efficient vehicles save drivers money at the gas pump, reduce our dependence on oil, and create new jobs in the auto industry.

MICHAEL D. INTRILIGATOR, PH.D.

Professor of Economics, Political Science, and Policy Studies
University of California, Los Angeles

We believe that the state of California should proceed to control global warming gases and not delay as some are advocating.

In a 2006 letter, many of us stated that “Global warming gases will be best managed through a combination of policy approaches. Emissions caps combined with a range of regulatory and market-based implementation mechanisms offer a particularly potent strategy because they provide clear incentives for changes in business practices and the development of new technologies.” We continue to believe this.

While global climate change poses significant risks to the California economy, we believe that well-designed and judiciously phased-in strategies to limit global warming pollution can reduce emissions substantially in the long run at modest cost to the state. In fact, being an early mover to reduce emissions could yield economic (as well as climate) benefits for California. Well-designed strategies can stimulate innovation and efficiency, which could help the state become a technological leader in the global marketplace.

We continue to support the efforts of the California Air Resources Board to implement the 2006 state law, the Global Warming Solutions Act.

The current recession and the very high unemployment rate in California present daunting challenges. Some have argued that these economic conditions warrant suspending the implementation of emission reduction policies. We disagree. Delaying action now and waiting for the future before initiating accelerated action to reduce global warming gases will be more costly than initiating action now. Acting now is more likely to limit further environmental degradation, lower the cost of mitigation, and spur innovation in renewable energy and conservation technologies. Furthermore, policies that reduce global warming pollution are likely to provide immediate benefits to the health and welfare of residents by reducing local pollutants.

For these reasons we urge continued support for policies that reduce greenhouse gas emissions. These policies can improve our energy security, create new business opportunities and more jobs, and provide incentives for innovation.

Sincerely,

Economists from California and across the United States

(The signers of this letter are Ph.D. economists who live or work in California or who have expertise related to California issues or climate and energy issues.)

An Open Letter on Clean Energy and Global Warming from Economists

Frank Ackerman, Ph.D.

Senior Economist
Stockholm Environment Institute–US
Tufts University
Somerville, MA

Renatte Adler, Ph.D.

Professor
Department of Economics
San Diego State University
San Diego, CA

Dennis J. Aigner, Ph.D.

Emeritus Professor of Economics
Merage School of Business
University of California, Irvine
Laguna Beach, CA

Michael Anderson, Ph.D.

Assistant Professor
Department of Agricultural and Resource
Economics
University of California, Berkeley
San Francisco, CA

Jasmin Ansar, Ph.D.*

Western States Climate Economist
Union of Concerned Scientists
Berkeley, CA

Camille Antinori, Ph.D.

Berkeley, CA

Richard Arnott, Ph.D.

Distinguished Professor of Economics
Department of Economics
University of California, Riverside
Riverside, CA

Kenneth Arrow, Ph.D.*

Stanford University
Stanford, CA
Nobel Laureate, Economics

William Ascher, Ph.D.

Professor of Government and Economics
Claremont McKenna College
Claremont, CA

Bevin Ashenmiller, Ph.D.

Professor
Department of Economics
Occidental College
Los Angeles, CA

Maximilian Auffhammer, Ph.D.*

Professor
Department of Agricultural
and Resource Economics
University of California, Berkeley
Berkeley, CA

Paul Baer, Ph.D.

Assistant Professor
School of Public Policy
Georgia Institute of Technology
Atlanta, GA

Edmund Balsdon, Ph.D.

Associate Professor
Department of Economics
San Diego State University
San Diego, CA

Edward Barbier, Ph.D.

Laramie, WY

James Barsimantov, Ph.D.

Eco Shift
University of California, Santa Cruz
Santa Cruz, CA

Peter Berck, Ph.D.

S. J. Hall Professor
Department of Agricultural and Resource
Economics
University of California, Berkeley
Berkeley, CA

Richard Bilsborrow, Ph.D.

Chapel Hill, NC

Severin Borenstein, Ph.D.

Professor of Business Economics
Haas School of Business
University of California, Berkeley
Orinda, CA

James Boyce, Ph.D.

Amherst, MA

Victor Brajer, Ph.D.

Professor
Department of Economics
California State University, Fullerton
Fullerton, CA

Clair Brown, Ph.D.

Professor of Economics
Director, Center for Work, Technology,
and Society
Institute for Research on Labor and
Employment
University of California, Berkeley
Richmond, CA

Gardner Brown, Ph.D.

Professor Emeritus
Department of Economics
University of Washington
Seattle, WA

David Burress, Ph.D.

President
Ad Astra Institute of Kansas
Lawrence, KS

Dallas Burtraw, Ph.D.

Senior Fellow
Resources for the Future
Washington, DC

Chris Busch, Ph.D.

Policy Director
Center for Resource Solutions
San Francisco, CA

John Byrne, Ph.D.

Professor and Director
Center for Energy and Environmental
Policy
University of Delaware
Newark, DE

Trudy Ann Cameron, Ph.D.

Mikesell Professor of Environmental and
Resource Economics
Department of Economics
University of Oregon
Eugene, OR

Richard Carson, Ph.D.

Professor
Department of Economics
University of California, San Diego
La Jolla, CA

James Casey, Ph.D.

Professor of Economics
Washington and Lee University
Lexington, VA

Karen Chapple, Ph.D.

Professor
Department of City and Regional
Planning
University of California, Berkeley
Berkeley, CA

Kristine Chase, Ph.D.

Professor
The Graduate Business Programs
Director Center for the Regional
Economy
Saint Mary's College of California
Moraga, CA

An Open Letter on Clean Energy and Global Warming from Economists

Sudip Chattopadhyay, Ph.D.
Professor and Chair
Department of Economics
San Francisco State University
San Francisco, CA

Rachel Cleetus, Ph.D.
Climate Economist
Climate and Energy Program
Union of Concerned Scientists
Cambridge, MA

Fred Curtis, Ph.D.
Professor
Department of Economics
Drew University
Madison, NJ

Bowman Cutter, Ph.D.
Claremont, CA

Larry Dale, Ph.D.
Visiting Professor
Goldman School Of Public Policy
University of California, Berkeley
Berkeley, CA

Robert Deacon, Ph.D.
Professor
Department of Economics
University of California, Santa Barbara
Santa Barbara, CA

Eirik Evenhouse, Ph.D.
Associate Professor
Department of Economics
Mills College
Piedmont, CA

Y. Hossein Farzin, Ph.D.
Professor
Department of Agricultural and Resource
Economics
University of California, Davis
Davis, CA

Maya Federman, Ph.D.
Professor
Department of Economics
Pitzer College
Claremont, CA

Marvin Feldman, Ph.D.
San Francisco, CA

James Fine, Ph.D.
Economist
Climate and Air Program
Environmental Defense Fund
Sacramento, CA

Anthony Fisher, Ph.D.*
Professor
Department of Agricultural and Resource
Economics
University of California, Berkeley
Berkeley, CA

Lee Friedman, Ph.D.
Professor
Goldman School of Public Policy
University of California, Berkeley
Berkeley, CA

David Gallo, Ph.D.
Professor Emeritus
Department of Economics
California State University, Chico
Chico, CA

E.B. Gendel, Ph.D.
Professor
Department of Economics
Woodbury University
Burbank, CA

J. Keith Gilless, Ph.D.
Dean and Professor
College of Natural Resources
University of California, Berkeley
Berkeley, CA

John Gowdy, Ph.D.
Professor
Department of Economics
Rensselaer Polytechnic Institute
Poestenkill, NY

Joshua Graff Zivin, Ph.D.
Professor of Economics
School of International Relations and
Pacific Studies
University of California, San Diego
La Jolla, CA

Abbas Grammy, Ph.D.
Professor
Department of Economics
California State University, Bakersfield
Bakersfield, CA

Theodore Groves, Ph.D.
Professor
Department of Economics
University of California, San Diego
La Jolla, CA

Steven Hackett, Ph.D.
Professor
Department of Economics
Humboldt State University
Arcata, CA

Bronwyn Hall, Ph.D.
Professor
Department of Economics
University of California, Berkeley
Berkeley, CA

Darwin Hall, Ph.D.
Professor
Department of Economics
Department of Environmental Science
and Policy
California State University, Long Beach
Long Beach, CA

Jane Hall, Ph.D.
Professor of Economics
Co-Director, Institute of Economic and
Environmental Studies
California State University, Fullerton
Laguna Beach, CA

W. Michael Hanemann, Ph.D.*
Chancellor's Professor
Department of Agricultural and Resource
Economics
University of California, Berkeley
Berkeley, CA

Geoffrey Heal, Ph.D.
Professor
Columbia Business School
New York, NY

Eric Houk, Ph.D.
Associate Professor
College of Agriculture
California State University, Chico
Chico, CA

Charles Howe, Ph.D.
Professor Emeritus of Economics
University of Colorado
Boulder, CO

Nathan Hultman, Ph.D.
Assistant Professor
School of Public Policy
University of Maryland
College Park, MD

Daniel Ihara, Ph.D.
Department of Economics
Humboldt State University (retired)
Arcata, CA

Michael Intriligator, Ph.D.
Professor of Economics, Political Science,
and Policy Studies
University of California, Los Angeles
Los Angeles, CA

An Open Letter on Clean Energy and Global Warming from Economists

Jon Isham, Ph.D.

Associate Professor
Department of Economics and Environmental Studies
Middlebury College
Middlebury, VT

Katrina Jessoe, Ph.D.

Assistant Professor
Department of Agricultural and Resource Economics
University of California, Davis
Davis, CA

Adrienne Kandell, Ph.D.

Davis, CA

Larry Karp, Ph.D.

Professor and Chair
Department of Agricultural and Resource Economics
University of California, Berkeley
Berkeley, CA

Kristin Kiesel, Ph.D.

Assistant Professor
Department of Economics
California State University, Sacramento
Sacramento, CA

Charles Kolstad, Ph.D.*

Professor of Economics
Department of Economics
Bren School of Environmental Science and Management
University of California, Santa Barbara
Santa Barbara, CA

Lea Kosnik, Ph.D.

Associate Professor
Department of Economics
University of Missouri–St. Louis
St. Louis, MO

Douglas Larson, Ph.D.

Professor
Department of Agricultural and Resource Economics
University of California, Davis
Davis, CA

Neil Leary, Ph.D.

Director
Center for Sustainability Education
Dickinson College
Carlisle, PA

Ethan Ligon, Ph.D.

Professor
Department of Agricultural and Resource Economics
University of California, Berkeley
Berkeley, CA

Edna Loehman, Ph.D.

America's Professor
Purdue University
Department of Agricultural Economics
West Lafayette, IN

Wade Martin, Ph.D.

Professor and Chair
Department of Economics
California State University, Long Beach
Editor, Contemporary Economic Policy
Long Beach, CA

Craig McIntosh, Ph.D.

Associate Professor of Economics
School of International Relations and Pacific Studies
University of California, San Diego
La Jolla, CA

Pierre Mérel, Ph.D.

Assistant Professor
Department of Agricultural and Resource Economics
University of California, Davis
Davis, CA

Peter Meyer, Ph.D.

Professor and Director Emeritus
Center for Environmental Policy and Management
University of Louisville
Covington, KY

David Miller, Ph.D.

Assistant Professor
Department of Economics
University of California, San Diego
San Diego, CA

Glenn Mitchell, Ph.D.

Vice President
Compass Lexecon
Los Angeles, CA

Bruce Mizrach, Ph.D.

Associate Professor
Department of Economics
Rutgers University
Westfield, NJ

Andrew Narwold, Ph.D.

Professor of Economics
University of San Diego
San Diego, CA

Hal Nelson, Ph.D.

Research Professor
School of Politics and Economics
Claremont Graduate University
Claremont, CA

Julie Nelson, Ph.D.

Associate Professor
Department of Economics
University of Massachusetts, Boston
West Newton, MA

Nermin Nergis, Ph.D.

San Diego, CA

David Newburn, Ph.D.

Assistant Professor
Department of Agricultural Economics
Texas A&M University
College Station, TX

Richard Norgaard, Ph.D.

Professor
Energy and Resources Group
University of California, Berkeley
Berkeley, CA

Jeff Nugent, Ph.D.

Professor of Economics
University of Southern California
Los Angeles, CA

Paulina Oliva, Ph.D.

Assistant Professor
Department of Economics
University of California, Santa Barbara
Santa Barbara, CA

Michael Perelman, Ph.D.

Professor
Department of Economics
California State University, Chico
Chico, CA

Jeffrey Perloff, Ph.D.

Professor
Department of Agricultural and Resource Economics
University of California, Berkeley
Berkeley, CA

An Open Letter on Clean Energy and Global Warming from Economists

Michael Potepan, Ph.D.

Associate Professor
Department of Economics
San Francisco State University
San Francisco, CA

Morteza Rahmatian, Ph.D.

Professor and Chair
Department of Economics
California State University, Fullerton
Laguna Beach, CA

Antonio Rangel, Ph.D.

Associate Professor
California Institute of Technology
Pasadena, CA

Ray Rasker, Ph.D.

Executive Director
Headwaters Economics
Bozeman, MT

Gordon Rausser, Ph.D.

Robert Gordon Sproul Distinguished
Professor
University of California, Berkeley
Berkeley, CA

Michael Reich, Ph.D.

Professor
Department of Economics
University of California, Berkeley
Berkeley, CA

Siobhan Reilly, Ph.D.

Piedmont, CA

Lorien Rice, Ph.D.

Assistant Professor
Department of Economics
Mills College
Oakland, CA

Robert Richardson, Ph.D.

Assistant Professor
Michigan State University
East Lansing, MI

David Roland-Holst, Ph.D.

Professor
Department of Agricultural and Resource
Economics
University of California, Berkeley
Department of Economics
Mills College
Berkeley, CA

Kurt Schwabe, Ph.D.

Riverside, CA

Jason Scorse, Ph.D.

Associate Professor
International Environmental Policy
Monterey Institute of International
Studies
Monterey, CA

Kristen Sheeran, Ph.D.

Executive Director
E3 Network
Portland, OR

Jason Shogren, Ph.D.

Laramie, WY

Kenneth Small, Ph.D.

Professor Emeritus
Department of Economics
University of California, Irvine
Irvine, CA

John Sorrentino, Ph.D.

Associate Professor
Department of Economics
Temple University
Glenside, PA

Roger Sparks, Ph.D.

Professor
Department of Economics
Mills College
Oakland, CA

Steven Stoft, Ph.D.

Director
Global Energy Policy Center
Berkeley, CA

William Sundstrom, Ph.D.

Professor
Department of Economics
Santa Clara University
Palo Alto, CA

Scott Templeton, Ph.D.

Associate Professor
Department of Applied
Economics and Statistics
Clemson University
Clemson, SC

David Terkla, Ph.D.

Professor
Department of Economics
University of Massachusetts, Boston
Boston, MA

Thomas Tietenberg, Ph.D.

Mitchell Family Professor of Economics,
Emeritus
Department of Economics
Colby College
Waterville, ME

Christian Traeger, Ph.D.

Assistant Professor
Department of Agricultural and Resource
Economics
University of California, Berkeley
Berkeley, CA

Jeffrey Vincent, Ph.D.

Professor of Natural Resource Economics
Nicholas School of the Environment
Duke University
Durham, NC

Anthony Westerling, Ph.D.

Sierra Nevada Research Institute
University of California, Merced
Merced, CA

Catherine Wolfram, Ph.D.

Associate Professor
Co-Director, Energy Institute at Haas
Haas School of Business
University of California, Berkeley
Berkeley, CA

Gavin Wright, Ph.D.

William Robertson Coe Professor
Department of Economics
Stanford University
Palo Alto, CA

Lyuba Zarsky, Ph.D.

Associate Professor
Graduate School of International Policy
Monterey Institute of International
Studies
Berkeley, CA



California's position as a world leader in environmental achievement can be further solidified by action on clean energy and climate change. Developing a cap-and-trade system that will provide market based incentives to industry will not only create certainty in decision making for the private sector but will generate added benefits from a cleaner environment to all Californians.

WADE E. MARTIN, PH.D.

Professor and Chair, Department of Economics, California State University, Long Beach
Editor, Contemporary Economic Policy

Repealing AB 32 or delaying its implementation is bad public policy. Contrary to what fossil-fuel-industry-sponsored research shows, most robust economic analyses show that the law will boost employment and reduce Californians' energy bills. AB 32 makes California more competitive in the global economy by driving technological innovation and saving us money.

HAL T. NELSON, PH.D.

Research Assistant Professor of Political Economy, School of Politics and Economics
Claremont Graduate University

Compiled by the Union of Concerned Scientists on behalf of the signers of this letter.

To view and download, visit www.ucsusa.org/ca-economist-letter.

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Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

NATIONAL HEADQUARTERS

Two Brattle Square
Cambridge, MA 02238-9105
Phone: 617-547-5552
Toll-Free: 800-666-8276
Fax: 617-864-9405

WASHINGTON, DC, OFFICE

1825 K St. NW, Ste. 800
Washington, DC 20006-1232
Phone: 202-223-6133
Fax: 202-223-6162

WEST COAST OFFICE

2397 Shattuck Ave., Ste. 203
Berkeley, CA 94704-1567
Phone: 510-843-1872
Fax: 510-843-3785

MIDWEST OFFICE

One N. LaSalle St., Ste. 1904
Chicago, CA 60602-4064
Phone: 312-578-1750
Fax: 312-578-1751



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JERRY GRUBER, CITY MANAGER**

FROM: DUNCAN L. JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

**SUBJECT: APPROVE THE SELECTION OF AN ATTORNEY TO
REVIEW THE OLIVE PALMER WILL FOR A LIBRARY
IN THE PARK**

RECOMMENDATION:

Approve the selection of McCracken, Byers & Haesloop to review the Olive Palmer will for a library in the Holbrook-Palmer Recreational Park. In the event staff is unable to negotiate a scope of work and fee with the selected firm, the scope and fee will be negotiated with the firm of Siegle McClure, followed by Hannig Law firm if unable to negotiate with the second firm.

INTRODUCTION:

A law firm outside of the Town of Atherton and the Library JPA is being sought to provide legal advice regarding the bequest in the will of Olive Palmer of Holbrook-Palmer Recreational Park, specifically whether the construction of a library in the park would constitute a violation of the provisions of the will. The firm will conduct legal research and prepare an opinion. The firm will also advise on the most effective means to assure that no claim of violation results after the library is constructed.

ANALYSIS:

Four firms were considered by the Library Steering Committee at their September 8, 2010 Special Meeting. The top three firms were ranked by the Committee for recommendation to the City Council. When approved by the Council, a scope of work,

contract form and fee will be negotiated with the top firm. Once approved by Council, the Library JPA will approve the expenditure of funds from the donor account. The project will then be within the City Manager's authorization limits to execute the agreement.

FISCAL IMPACT:

This task is anticipated to cost no more than \$10,000 from Library donor funds.

Prepared By:

Approved:

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

Jerome D. Gruber
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MIKE GUERRA, POLICE CHIEF

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

SUBJECT: TOWN RESPONSE TO CIVIL GRAND JURY REPORT ON THE SEX OFFENDER LAW ENFORCEMENT IN SAN MATEO COUNTY

RECOMMENDATION

Staff recommends that the City Council accept the attached final proposed draft as the Town's response to the civil grand jury sex offender law enforcement in San Mateo County.

DISCUSSION

The San Mateo County Civil Grand Jury issued a report entitled *Sex Offender Law Enforcement in San Mateo County* on July 14, 2010. In that report, the Grand Jury makes eighteen findings. It also makes six recommendations. By October 12th the Atherton City Council must approve a response at a public meeting as follows:

1. For each finding, the Town must either
 - a. agree with the finding
 - b. disagree in whole or in part, explaining which part is disputed and why.

2. For each recommendation either
 - a. state that the recommendation has been implemented, with a summary regarding the implemented action
 - b. state that the recommendation will be implemented within a specified time frame
 - c. state the recommendation requires further analysis, with an explanation of the scope and parameters of the analysis or study and a time frame of not more than six months from July 12th.
 - d. state that the recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

A draft response to the Grand Jury for the Council's consideration is attached.

FISCAL IMPACT

None.

Mike Guerra, Police Chief

Jerome D. Gruber, City Manager

Attachments:

Report of the Civil Grand Jury
Draft Response of Town of Atherton



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MIKE GUERRA, POLICE CHIEF

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

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FISCAL IMPACT

None.

Mike Guerra, Police Chief

Jerome D. Gruber, City Manager

Attachments:

Report of the Civil Grand Jury
Draft Response of Town of Atherton

September 16, 2010

Honorable Clifford Cretan
Judge of the Superior Court
Hall of Justice
400 County Center, 2nd floor
Redwood City, CA 94063

Re: Response to Sex Offender Law Enforcement in San Mateo County Grand Jury Report

Dear Judge Cretan,

The Town of Atherton has received the Grand Jury's final report entitled, "*Sex Offender Law Enforcement in San Mateo County*," Pursuant to your July 14, 2010, request for response, the Atherton Town Council held a public meeting on September 16, 2010 and approved this response. The Town of Atherton responds to the Grand Jury's findings, conclusions and recommendations as follows:

Findings

Sexual Abuse and Assault Against Children

1. *Of sex offenses in San Mateo County 76% are committed against children.*

Response: Respondent agrees with the finding. These statistics and conclusions were provided by the San Mateo County Probation Department.

2. *When convicted sex offenders are not under consistent and intensive supervision (e.g., face-to-face contact with law enforcement, at both scheduled and random times.), they re-offend at the same (or higher) severity levels and frequency as compared with sex offenders not under such supervision.*

Response: The Town of Atherton agrees with the finding. These statistics and conclusions were provided by the San Mateo County Probation Department. The Atherton Police Department continues to conduct face to face registrations with sex offenders and conducts unannounced compliance checks at offender's residences. It is most unfortunate that state law now allows sex offenders to register as transient with no responsibility to give any address. The law enforcement community in San Mateo County has seen a rise in the amount of sex offenders registering as transients which is allowed under the law. Even though this allows local law enforcement to have monthly contact with the sex offender, the fact they register as transient makes the follow-up or ability to conduct unannounced visits of their "residence" very difficult.

- 3. The percentage of children taken for examination of possible sexual abuse and assault to the San Mateo Medical Center's Keller Center by Sheriff's deputies declined in 2008-2009 by about 1/2 from 2004-2007 levels.*

Response: This finding was directed towards the San Mateo County Sheriff's Office.

Use of the Internet by Sexual Predators

- 1. Sexual predators are increasingly using the internet to attract young children. In 2006, 250 minors per month received an online sexual solicitation in San Mateo County according to a Sheriff's Office estimate. With the explosion of social networking and internet-based communications during the last 3 years, current estimated could be several times higher.*

Response: The Town of Atherton agrees with the finding.

- 2. The Sheriff's Office maintains a sergeant and detective that oversee on-line sexual predators a few hours each week. Local police departments have neither the specialized resources nor the personnel to pursue on-line predators.*

Response: The Town of Atherton agrees with this finding. While, local police departments aggressively use investigative resources when complaints are received from their community regarding on-line sexual predators, most departments lack the resources or personnel to proactively pursue on-line predators.

However, since these predators can live anywhere in the world, local departments must rely on Federal Agencies and/or local Task Forces to conduct proactive enforcement on-line. For example, the Federal Bureau of Investigations (FBI), US Immigrations Custom Enforcement (ICE), US Postal Inspectors and the San Jose Police Department have specific task forces dedicated to proactively seeking out online predators. On a local level, many departments participate in the Silicon Valley Internet Crimes Against Children (ICAC) task force which has responsibility for proactively investigating on-line predators in the nine bay area counties. Most recently in July, ICAC made 11 arrests staffed by several Detectives from

San Mateo County agencies. Other arrests have taken place throughout San Mateo County all year long. These task forces conduct their own proactive investigations as well as provide assistance to a law enforcement agency upon request.

- 3. While sophisticated tools are available to identify violators of child pornography laws, Sheriff's Office personnel stated that County resources are insufficient to pursue investigation of these criminals in a timely manner.*

Response: Respondent agrees with this finding. While, local police departments aggressively use investigative resources when complaints are received from their community regarding on-line sexual predators, most departments lack the resources or personnel to proactively pursue on-line predators.

Sexual Offender Registration

- 1. County funding available to monitor sexual offenders is declining.*

Response: Respondent agrees with the finding.

- 2. While the number of Megan's Law registrants who have been convicted of sexual abuse and assault against children grew from 2004-2009, the number of Megan's Law registration violations prosecuted by the DA stayed about constant during this period.*

Response: Respondent is unable to respond to this finding. First, it is unclear whether the grand jury is stating that individuals have reoffended after becoming Megan's Law registrants, or whether the claim is simply that the number of registrants has accumulated over the years. Regardless of the grand jury's contention, there do not appear to be statistics in the report which support either of these claims.

If the grand jury is presuming that the number of sex registrants is increasing because the number of convicted sex offenders is increasing cumulatively, this presumption doesn't necessarily follow. In 2006, the law changed in California regarding the necessity for certain types of sex offenders to register per 290 Penal Code. In the case of People v. Hofscheier (2006) 37 Cal.4th 1185, the California Supreme Court ruled that persons convicted of certain "statutory" sex offenses cannot be mandated to register as sex offenders. Therefore, even if the number of persons convicted of sex offenses against children has remained steady over the past several years, the number of registered sex offenders would not have paralleled that trend.

- 3. Sex offender registrants pursuant to Section 290 of the California Penal Code are required to register at the San Mateo County Sheriff's Office. The Sheriff's Office is only open for sex offender registration on Tuesdays and Thursdays between the hours of 8:00 AM and 12:00 PM. By contrast, the Santa Clara County Sheriff's Office is open 24 hours per day, 7 days per week, and 52 weeks a year for sex offenders to register.*

Response: This finding was directed towards the San Mateo County Sheriff's Office.

Law Enforcement

1. *The most effective preventative measure against sexual offenders is making regularly scheduled and random contact, plus ongoing observation.*

Response: The Town of Atherton agrees with the finding. However, we also agree the GPS monitoring of all sex offenders is increasingly becoming the most effective monitoring strategy. The legality of GPS monitoring of sexual offenders not on Parole or Probation, is yet to be settled in the Courts.

2. *Due to the economy as well as State budget reductions, the San Mateo County Board of Supervisors has had to reduce all department budgets, including law enforcement.*

Response: Respondent agrees with the finding.

3. *Sex offenders re-offend at a rate of 50% or more. In the past, the Sheriff's Office and all local law enforcement agencies actively monitored San Mateo County's offenders. Due to budget cuts, this activity has diminished and dedicated sex unit personnel have been rolled into general investigations.*

Response: Respondent agrees with the finding.

4. *Consistent and intensive monitoring of convicted sex offenders when released by parole/probation is performed inconsistently throughout San Mateo County. Some city police departments have extensive procedures in place to monitor sex offenders while others perform the minimum required by law.*

Response: Respondent disagrees partially with the findings. While the number and length of policies may vary by department, the procedures for registering sex offenders are established within the guidelines of the California Penal Code and by the State Department of Justice (DOJ). The *Sex Offender Registration Field Guide* authored by the DOJ clearly states, "The registration of sex offenders is a collaborative effort involving numerous jurisdictions within the state, including the California Departments of Justice, Corrections and Rehabilitation and Mental Health, as well as local law enforcement agencies." The standards set forth for registration procedures set by the DOJ are completely followed by every department within San Mateo County regardless of the fact this is an unfunded state mandate.

For each local law enforcement agency to have a separate policy regarding registration of sex offenders above the DOJ requirements is duplicative and could possibly be in conflict with

state law. We agree with the Grand Jury that procedures should be consistent among departments and believe the best way to accomplish that goal it to use the DOJ guidelines which are already in place.

5. *There is insufficient sharing and coordination of information about sexual offenders among law enforcement agencies within the County.*

The Town of Atherton disagrees wholly with the findings. We believe coordination, cooperation and sharing among the Sheriff's Office, Probation, District Attorney's Office and local law enforcement agencies within San Mateo County may be the best anywhere in the State of California. These agencies have been working together and sharing information for decades. In San Mateo County, we pride ourselves in our ability to coordinate information quickly and effectively both in person and through the use of our technology. Our communication success starts with the San Mateo County Police Chief's and Sheriff Association, which drives the regional cooperation through many County-wide protocols such as Child Abduction and Children's Sexual Abuse policies.

In technology, San Mateo County has one of the first law enforcement intranet computer networks in the State, built in 2001 with the specific intent of sharing electronic criminal data to include information on Sex Offenders. Just this year alone, the Sheriff's Office was the lead agency for the Coplink records sharing project that not only shares this data within San Mateo County but will soon connect the Bay Area to the other portions of California. San Mateo County law enforcement is out in front with other statewide sharing projects such as the new Department of Justice California Sex and Arson Registry (CSAR) which went live in August 2010.

Our Police Chiefs, Commanders, Detectives, Gang Officers and Child Abuse investigators all meet among themselves every month to share information. On a daily basis, Detectives provide electronic sharing of any sex offender violations via the Critical Reach System, Violent Crime Information Network (VCIN) and Megan's Law Registry.

Additionally, San Mateo law enforcement agencies now have real-time access to GPS information for Paroled Sex Offenders, one of the first Counties in the State to receive that training. Once again, San Mateo County leads most law enforcements agencies in using these types of technologies to monitor and coordinate enforcement efforts of high risk offenders.

6. *The Sheriff requested a lieutenant's position from the BOS to oversee the new jail construction. The request was turned down. In order to fund the position, in April 2007 the Sheriff eliminated the sergeant's position for Sexual Habitual Offender Program (SHOP) and sexual offender/predator coordination. As a result, the San Mateo County sex crime unit currently functions with one FTE composed of fractional commitments of four investigators.*

Response: This finding was directed towards the San Mateo County Sheriff's Office.

- 7. The Sheriff's Office successfully oversees and coordinates many taskforces in cooperation with San Mateo County cities' police forces: Gang, Drug, Vehicle Theft and White Collar Crime, among them. These taskforces remained in place because they received funding from either the local, state or federal governments.*

Response: The Town of Atherton agrees with this finding.

- 8. According to the Sheriff's Office, a joint task force for county-wide, coordinated investigation and enforcement of sexual offenses (similar to SAFE) could be implemented for \$1.55 million with a 50/50 resource-sharing between the Sheriff's Office and cities similar to the funding model used for other joint task forces (e.g., white-collar crime, drugs, gangs).*

Response: This finding was directed towards the San Mateo County Sheriff's Office.

CONCLUSIONS:

- 1. The citizens of San Mateo County, especially children, are at a greater risk of being the victims of sexual offenses because some law enforcement agencies (a) no longer vigorously monitor sexual offenders nor investigate sexual predators to the same degree and (b) no longer coordinate such activities on a county-wide bases.*

Response: The law enforcement agencies of San Mateo County disagree with the conclusion that the children of San Mateo County are at greater risk of becoming victims due to insufficient predator monitoring and lack of coordination of countywide activities. Even though the SHOP program is no longer in existence, law enforcement agencies in San Mateo County are working together, nonetheless, to combat predatory activity. Both the San Mateo County Probation Department and the Parole division of the California Department of Corrections and Rehabilitation work with local law enforcements to find and track registered sex offenders. These supervisory agencies conduct "sweeps" in target cities, appearing unannounced at the homes of sex registrants, and targeting individuals who are not in compliance with their registration obligations. In the month of August 2010, there were two such "sweeps" in the City of East Palo Alto, alone.

Additionally, law enforcement officers who investigate child abuse offenses meet on a monthly basis to get training and share information through the San Mateo County Multi-Disciplinary Committee. As part of the San Mateo County Child Sexual Abuse Protocol, and in compliance with the National Children's Alliance, this County has a multi-disciplinary approach to the investigation of child abuse cases. This means that multiple agencies gather at the Keller Center to make sure that a complete investigation is conducted, which will meet the needs of all participating agencies (law enforcement, Youth and Family Services, District

Attorney, medical), so that the perpetrator can be brought to justice while minimizing trauma to the child victim. Part of the same multi-disciplinary process involves monthly meetings where representatives from each of these disciplines gather, in addition to representatives from Rape Trauma Services and the Victim's Center, to share information, ideas and investigative techniques. These meetings include trainings from experts in specific fields. As a result, not only are individual officers trained in new techniques and law, but the training promotes uniformity in child abuse investigations throughout the county.

All law enforcement agencies contribute financially to employ a child forensic interviewer who is trained to elicit the most complete disclosure from a child victim. Again, this ensures that children from each jurisdiction in the county will be interviewed by a highly trained and professional interviewer.

Twice a year, San Mateo County puts on a 2-day Sexual Assault Training aimed specifically at training law enforcement officers and child welfare workers, but which is open to any professional in the county who works within the multi-disciplinary process. The result of this ongoing training is that new officers and child welfare workers are trained on San Mateo County Protocol guidelines and best practices, and victims throughout this County are provided with the same professional service.

- 2. Enforcement in San Mateo County has drastically declined during the past 3 ½ years with (a) the January 2007 elimination of county-wide law enforcement coordination through SAFE, (b) the April 2007 elimination of the dedicated four person sexual offender investigations unit in the Sheriff's Office, and (c) the forthcoming elimination of the dedicated sexual offender unit in the County Probation Department.*

Response: Respondent is unable to respond to this conclusion as it is directed towards the San Mateo County Sheriff's and Probation Departments.

- 3. The registered sexual offender population and the total sexual abuse crime rate against children in San Mateo County did not decline from 2004-2009. The Grand Jury believes the most likely explanation for the decline in Keller Center examinations in light of the static arrest rate is due to a lack of assigned personnel within the Sheriff's Office.*

Response: This conclusion is directed towards the San Mateo County Sheriff's Office. It should be noted that the number of children brought to the Keller Center countywide reached a peak in 2005. Since that time, there has been a steady decrease countywide, not just in the Sheriff's Office. The number of exams countywide began to increase again in 2008, although the Sheriff's Office remained steady.

Medical examinations at the Keller Center are not the only method of investigating child sexual abuse case. Many, and in fact most cases of child abuse are reported months or even years after the abuse has occurred. Unless the abuse is substantial and or extremely recent, often medical exams are not appropriate, since the likelihood of forensic findings is

nonexistent. A true measure of the responsiveness of law enforcement agencies to complaints of sexual abuse is the number of children interviewed, rather than the number of exams performed.

4. *While sophisticated tools are available to identify violators of child pornography laws and to catch internet sexual predators, San Mateo County law enforcement resources are insufficient to use these tools to pursue investigation of these criminals in a timely manner. Local police departments do not have the specialized resources or the personnel to pursue the predators who are increasingly using the internet.*

Previously answered in finding number 3 under “Use of Internet by Sexual Predators.”

5. *The relatively low sexual offender recidivism rate achieved by the County Probation Department is at risk due to reprioritized funding that will eliminate its permanent, dedicated sexual offender unit.*

Response: The conclusion is directed towards the San Mateo County Probation Department.

6. *City Police Department practices vary dramatically across the County. Sharing and coordination of information regarding sexual offenders among the law enforcement agencies in the County is insufficient to effectively control sexual offender activity.*

Response: Previously answered in finding number 5 under “Law Enforcement.”

7. *In 2009-2010, if either (a) 1% of the County’s \$80 million contribution to the Sheriff’s Office \$160 million budget or (b) 2% of the State’s Proposition 172 funding for enhanced law enforcement would have been reprioritized, the Sheriff’s Office could have operated a full-time 3-person team dedicated to sexual offender enforcement.*

Response: This conclusion was directed towards the San Mateo County Sheriff’s Office.

RECOMMENDATIONS:

1. *Coordinate City Police Department sex offender policies and practices to reach increased, uniform levels of enforcement throughout the County.*

Response: The Town of Atherton believes this recommendation is currently in place. As previously stated, while the number and length of policies may vary by department, the procedures for registering sex offenders are established within the guidelines of the California Penal Code by the California Department of Justice (DOJ). The standards set forth

for registration procedures set by the DOJ are completely followed by every department within San Mateo County. We agree with the Grand Jury that the procedures should be consistent and believe the best way to accomplish that goal is to use the DOJ guidelines. The consistency and coordination of this policy will be monitored by the County Police Chief's and Sheriff Association.

- 2. Reinstate the SAFE Task Force in partnership with the San Mateo County Sheriff's Office by contributing appropriate resources.*

This recommendation will not be implemented as it is beyond our control. The San Mateo County Police Chief's and Sheriffs Association found great value in the SAFE Task Force, however that task force was funded and operated by the Department of Justice. DOJ does not intend to reinstate SAFE. Unfortunately all of our local budgets are experiencing severe fiscal constraints and individual agencies would not be able to contribute resources without an identified source of additional funding. The registration and monitoring of sex offenders who are not on probation or parole falls upon local law enforcement as an unfunded State mandate.

- 3. Develop a county-wide plan to improve the sharing of information regarding the sexual offender law enforcement.*

This recommendation has been implemented. There are several initiatives which will contribute to data sharing between agencies that are currently on-line such as Critical Reach, VCIN and Coplink which provide data across our law enforcement intranet. All law enforcement agencies will continue to actively participate with the Department of Corrections and Rehabilitation in GPS monitoring of active paroled sex offenders, and support the Probation Department's efforts to monitor offenders on probation. Additionally, we will actively participate in the new DOJ Sex Offender and Arson Registry as it comes online this year.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF SEPTEMBER 15, 2010

SUBJECT: APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR CODE ENFORCEMENT SERVICES

RECOMMENDATION:

Approve publishing a request for proposal for Code Enforcement services for the Town of Atherton.

BACKGROUND:

At the June 16, 2010 City Council Meeting the contract for CSG Consulting was on the agenda for consideration to renew. Council discussed the current proposed cost of the contract of \$ 58,000 and directed the City Manager to solicit input from other neighboring jurisdictions to see if they were interested in providing the Town with a Code Enforcement Official.

Council directed staff to request Redwood City to make a presentation at the Council meeting, however after further dialogue with staff and further review of the Town's current purchasing policy it was discovered that the Town must send out a Request for Proposal (RFP) for code enforcement services.

Attachments: Town's current Purchasing Policy – Chapter 3.16
Request for Proposal

3.16.010 Adoption.

A purchasing system is adopted in order to establish efficient procedures for the purchase of supplies, services and equipment; to secure for the town supplies, services and equipment at the lowest possible cost commensurate with quality needed; to exercise positive financial control over purchases; to define clearly the authority for the purchasing function and to assure the quality of purchases. (Ord. 483 § 2 (part), 1994)

3.16.020 Centralized purchasing division.

There is created a centralized purchasing division within the finance department which is vested with the authority to purchase supplies, services and equipment. (Ord. 483 § 2 (part), 1994)

3.16.030 Purchasing officer position established.

There is created the position of purchasing officer, who shall be the town's principal public purchasing official. The duties of the purchasing officer may be combined with those of any other office or position within the town. (Ord. 483 § 2 (part), 1994)

3.16.040 Authority and duties.

A. Duties. In accordance with this chapter, and subject to the approval of the city manager or his/her designee, the purchasing officer shall:

1. Procure or supervise the procurement of all supplies, services and equipment needed by the town;
2. Exercise general supervision and control over all inventories of supplies belonging to the town;
3. Recommend the transfer of surplus or unused supplies and equipment between departments or divisions as needed and the sale of all supplies and equipment which cannot be used by any department or division or which have become unsuitable for town use;
4. Negotiate and recommend execution of contracts for the purchase of supplies, services or equipment;
5. Discourage uniform bidding and endeavor to obtain full and open competition on all purchases;
6. Prescribe and maintain such forms as are reasonably necessary for the operation of this chapter and other rules and regulations;
7. Supervise the inspection of all supplies, services and equipment purchased to insure conformance with specifications;
8. Prepare and recommend to the city manager rules governing the procurement of supplies, services and equipment, and keep informed of current developments in the field of purchasing prices, market conditions and new products;
9. Recommend the adoption of formal and informal purchase dollar limits which establish the methods of source selection and contract award;
10. Maintain a bidder's list, vendors catalog file and records needed for the efficient operation of the purchasing department; and

11. Such other future duties as in the city manager's discretion, are incidental and necessary to the conduct of the department.

B. Operational Procedures. Consistent with this chapter, and with the approval of the city manager or his/her designee, the purchasing officer may adopt operational procedures relating to the execution of his/her duties. (Ord. 483 § 2 (part), 1994)

3.16.050 Estimates of requirements for using departments.

All departments shall furnish such reports as the purchasing officer may require concerning usage, needs and stocks on hand, and the purchasing officer shall have authority to prescribe forms to be used by the departments in requisitioning, ordering and reporting of supplies, services and equipment. (Ord. 483 § 2 (part), 1994)

3.16.055 Leases.

All lease purchases and leases of personal property shall be subject to the requirements of this chapter. The requirements applicable to each lease shall be determined in accordance with the aggregate amount of contracted or projected lease payments, which shall be deemed equivalent to a purchase price. (Ord. 505 § 1, 1999)

3.16.060 Award of contracts—Supplies and services.

The city council shall establish the estimated value of service and supply contracts for which formal bidding is required. Any such contracts requiring a formal bid shall be awarded by the city council. The city manager is authorized to award contracts for services and supplies for which formal bidding is not required pursuant to Section [3.16.100](#). (Ord. 483 § 2 (part), 1994)

3.16.070 Requisitions.

Requests for supplies, services and equipment items over two hundred fifty dollars shall be submitted to the finance department by standard forms which may later be adapted to computerization. (Ord. 483 § 2 (part), 1994)

3.16.080 Purchase orders.

Procurement of supplies, services and equipment over seven hundred fifty dollars shall be made only by purchase order, or by written contract approved by the city manager.

Contract purchase orders shall be issued for supplies, services or equipment when the vendor has submitted a price quotation to hold pricing for a specified length of time; or a contract has been approved by the city council through formal bid procedures. Requisitions will not be required for payments if a contract exists. (Ord. 543 § 1, 2003; Ord. 538 § 1, 2002; Ord. 483 § 2 (part), 1994)

3.16.090 Encumbrance of funds.

The purchasing officer shall not issue any purchase order for supplies, services and equipment items unless there exists an unencumbered

appropriation in the department where the purchase is charged. (Ord. 483 § 2 (part), 1994)

3.16.100 Informal competitive bid and small purchases.

Any purchase not exceeding the amount established for formal bid procedures in Section [3.16.150](#) shall be made in accordance with the informal bid and small purchase procedures authorized in this section. Purchase requirements shall not be artificially divided so as to avoid compliance with any provision of this section.

A. Small Purchases (up to \$750). Purchase of supplies, service or equipment in this category can be obtained by soliciting a single vendor of choice. No requisitions or purchase orders are required.

B. Informal Verbal Purchases (\$750—\$5,000). The purchase of supplies, services or equipment in this category shall be obtained by soliciting no less than three verbal bids and written on a requisition unless otherwise provided for in Section [3.16.140](#). Such operation procedures shall provide for obtaining adequate and reasonable competition for the supplies, services or equipment being purchased.

C. Informal Written Purchases (\$5,000—\$15,000). No less than three vendors shall be solicited to submit written quotations for the purchase of supplies, services and/or equipment in this category. At times deemed necessary, verbal quotations will be accepted only when followed with written quotations. Award shall be made to the vendor offering the lowest acceptable quotation. The written quotation shall be recorded, attached to the requisition and maintained as a public record for no less than two years after the submission of the quotation.

D. Professional/Consultant Services (\$5,000—\$15,000). Services provided by independent contractors such as attorneys, architects, engineers and consultants on designs, studies of governmental operations, etc., or with specialized abilities will be obtained by requesting quotations (RFQ) from no less than three written bids. Award will be made for professional services based on demonstrated competence, professional qualifications, etc., rather than competitive bid. The written quotation shall be recorded, attached to the requisition/contract/agreement and maintained as a public record for no less than two years after the submission of the quotation.

E. Professional/Consultant Services (over \$15,000). Departments contracting for professional services over fifteen thousand dollars shall write their specifications in a Request for Proposal (RFP). Selected professionals shall be interviewed to consider the experience and capability of each firm and/or individual. The contracting department shall request city council authorization to negotiate and return for council approval of the completed contract. All written bids will be retained in the town's files for a period of one year after placing of order. (Ord. 543 § 1, 2003; Ord. 538 § 2, 2002; Ord. 483 § 2 (part), 1994)

3.16.110 Bids required—Exception.

A. Bidding may be dispensed with only when:

1. An emergency requires that an order be placed with the nearest source of supply;

2. When the amount of the purchase involved is less than seven hundred fifty dollars;
3. When the commodity or service can be obtained from only one vendor;
4. When used equipment can be acquired which meets the town's needs at less cost than new equipment;
5. When participating in state and county cooperative contracts or utilizing other municipal government's competitive bids;
6. When the services of attorneys, engineers, accountants or other specialized professionals are sought as approved by the city manager;
7. When the public interest may otherwise require that bidding be dispensed with; provided, that the city council shall approve of the purchase by majority vote and indicate the reasons bidding was dispensed with;
8. When the city manager makes similar findings for contracts with a value of less than fifteen thousand dollars.

B. In no event shall bidding be dispensed with when required by federal or state law. (Ord. 483 § 2 (part), 1994)

3.16.120 Public projects—Exemption and informal bidding procedure.

This chapter does not apply to “public projects” as the same are defined in the Public Contract Code, except where the town elects to undertake a project under the Uniform Public Construction Cost Accounting Act (Section 22000 et seq. of the Public Contract Code) and in accordance with the limits listed in Section 22030 of the Public Contract Code, it may be let to contract by informal procedures as set forth in Section 22032 et seq. of the Public Contract Code when implemented in accordance with the following informal bidding procedures:

A. Contractors List. A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

B. Notice Inviting Informal Bids. Where a public project is to be performed which is subject to the provisions of this section, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with subsection A of this section, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the department soliciting bids; provided, however:

1. If there is no list of qualified contractors maintained by the town for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

C. Award of Contracts. The city manager is authorized to award contracts resulting from informal bids that are under the limit requiring formal bidding for supplies and services set by the city council pursuant to Section [3.16.060](#).

Contracts which exceed this limit shall be awarded by the city council. (Ord. 530 § 1, 2002; Ord. 483 § 2 (part), 1994)

3.16.130 Specifications.

All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage competition in satisfying the town's needs, and shall not be unduly restrictive. The policy enunciated in this section applies to all specifications including but not limited to those prepared for the town by architects, engineers, designers and draftsmen. (Ord. 483 § 2 (part), 1994)

3.16.140 Exemptions from centralized purchasing.

With the approval of the city manager, the purchasing officer may delegate authority to procure services to department heads, but it shall be required that such purchases or contracts be made in conformity with the procedures established by this chapter. (Ord. 483 § 2 (part), 1994)

3.16.150 Competitive sealed bids.

A. Conditions for Use. All contracts for town supplies, services and equipment over fifteen thousand dollars unless as otherwise provided in Section [3.16.110](#), and public works projects over five thousand dollars as defined in the Public Contract Code, shall be awarded by competitive sealed bidding.

B. Invitations for Bids. An invitation for bids shall be issued and shall include specifications, and all contractual items and conditions applicable to the procurement.

C. Public Notice. Adequate public notice of the invitation for bids shall be given a reasonable time, not less than ten working days prior to the date set forth therein for the opening of bids. Such notice may include publication in a local newspaper of general circulation, or posted in three designated places for posting public notices, a reasonable time prior to bid opening. The public notice shall state the place, date and time of bid opening.

D. Bidder's List. The purchasing officer shall issue invitations for bids to all responsible prospective bidders whose names are on the bidders' list or who have requested their names be added thereto.

E. Bid Opening. Sealed bids shall be opened publicly by the finance director or designee in the presence of one or more witnesses at the time and place specified in the invitation for bids. The amount of each bid, and such other relevant information as the purchasing officer deems appropriate, together with the name of each bidder shall be recorded; the record and each bid shall be open to public inspection, during regular business hours, for a period of not less than thirty calendar days after the bid opening, but shall not be otherwise retained so as to constitute a public record.

F. Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction. Bids shall be evaluated based on the requirements set forth in the invitation for bids. The town retains its right to waive minor irregularities in the bid. No criteria may be used in bid evaluation that are not set forth in the invitation for bids.

G. Tie Bids. If two or more bids are for the same total amount or unit price, quality and service being equal, if the public interest will not be served by readvertising for bids, the city council may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders at the time of the bid opening.

H. Rejection of Bids. In its sole discretion the city council may reject any and all bids presented and readvertise for bids.

I. Award of Bid. The contract shall be awarded with reasonable promptness by forwarding a purchase order to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

J. Storage of Sealed Bids. All opened bid materials, after award, are to remain in the possession of the city clerk for the time prescribed by law. (Ord. 483 § 2 (part), 1994)

3.16.160 Bidder's security.

When deemed necessary by the city manager or his/her designated representative, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided, that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten days after the notice of award of contract has been mailed, unless the town is responsible for the delay. The city council may, on refusal or failure to execute the contract, award it to the next lowest responsible, responsive bidder. If the city council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the town to the difference between the lowest bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. (Ord. 483 § 2 (part), 1994)

3.16.170 Performance bonds.

The town shall have authority to require a performance bond of the successful bidder before entering into a contract pursuant to an award in such an amount as it shall find reasonably necessary to protect the best interests of the town. The amount and form, whenever possible, shall be set forth in the notice inviting bids. (Ord. 483 § 2 (part), 1994)

3.16.180 Contract execution.

The mayor or city manager is authorized to sign and enter into contracts on behalf of the town. The city manager alone is authorized to sign contracts and agreements when the total value of the contract is less than fifteen thousand dollars. No other employee is authorized to sign a contract binding the town and any contract so signed is void. (Ord. 483 § 2 (part), 1994)

3.16.190 Inspection and testing.

The supplies and equipment delivered, and contractual services performed, shall be inspected to determine their conformance with the specifications set forth in the order or contract. The city manager, or his/her designated representative, shall have the authority to request professional service, or to require chemical and physical tests of samples submitted with bids and samples

of deliveries which are necessary to determine their quality and conformance with specifications. (Ord. 483 § 2 (part), 1994)

Date of Release:
September __, 2010

TOWN OF ATHERTON
REQUEST FOR PROPOSAL (RFP)
CODE ENFORCEMENT OFFICER

The Town of Atherton invites qualified consultants to submit proposals for professional Code Enforcement services for the Town of Atherton.

INTRODUCTION

The Town of Atherton primarily consists of single-family residential land use with several private and public schools and a country club. The median lot size in the Town is one acre in area and the Town has numerous ongoing construction projects.

The Code Enforcement function operates under the direction of the Town's Building Official. The Town has retained consultant services for this function over the last several years and is interested in seeking competitive proposals for this ongoing service. The Code Enforcement officer is responsible for responding and resolving complaints from interested persons relating to municipal code violations (zoning code, building code, noise ordinance, etc.). The Town's Municipal Code is available for review at www.ci.atherton.ca.us.

The majority of the code enforcement issues are related to single family home construction activity, noise code violations, work without a permit and damage to heritage trees.

SCOPE OF SERVICES

Consultants responding to this RFP are to review the Town of Atherton's Municipal Code (available at www.ci.atherton.ca.us) for an understanding of the services required by this RFP.

Consultant Responsibilities: This service will be provided under the general guideline of the Building Official. The Code Enforcement Officer will be required to timely respond to complaints from interested persons, investigate the municipal code, conduct field investigation, prepare correspondence, log and track complaints, conduct subsequent inspections and follow-up until violations are in compliance with the Town's requirements and work with the City Attorney as needed to ensure resolution.

The individual assigned to this task shall have excellent communication skills, both verbal and written, understanding of municipal processing procedures, be able to review and

interpret the municipal code, be able to work with other departments and outside agencies, and have basic construction knowledge.

The consultant should dedicate eight hours per week to this effort and may need additional hours as requested by the City Manager.

RFP FORMAT AND CONTENT

The proposal shall be brief, precise, and shall not include unnecessary promotional material. The proposal shall include the following items organized as follows:

1. Transmittal Letter.
Describe your firm's interest and commitment in providing services to the Town. The letter shall be signed by an individual of the firm who is authorized to contractually bind the firm, and to negotiate a contract with the Town.
2. Work Plan Approach and Schedule
Discuss your firm's understanding of the Scope of Work to be performed. Describe the method for resolving code violations.
3. Experience
Briefly describe the qualifications, certifications and experience of the personnel to be assigned to the project. The description shall include previous experience showing knowledge of the code enforcement procedures.
4. References
Provide at least three references (name, company, title, address and telephone number) for recent similar or related work.
5. Cost
In a separate envelope, provide a complete summary of the estimated number of hours, schedule of hourly rates, and the total cost for the Scope of Services.

SELECTION CRITERIA

Proposals will be considered only in their entirety. The Town reserves the right to reject any or all proposals without qualifications, and to negotiate specific requirements and costs using the selected proposal as a basis. The criteria listed below will be used to evaluate proposals for the purpose of ranking them in relative position based on how fully each proposal meets the requirements of this RFP:

Evaluation Criteria

- Proposed Work Plan and Approach.
- Familiarity with policies and procedures related to the work effort.
- Qualifications of assigned staff member.
- Previous experience with similar projects and satisfaction of previous clients.

INSURANCE REQUIREMENTS

The selected Consultant must have a General Liability Insurance insuring it and its firm to an amount not less than \$2,000,000 (Two Million Dollars) combined single limit per occurrence and in the aggregate for bodily injury, personal injury, and property damage. , An Automobile Liability Insurance policy insuring it and its staff to an amount not less than \$1,000,000 (One Million Dollars) combined single limit per accident for bodily injury and property damage. \$1,000,000 (One Million Dollars) Worker's Compensation Insurance and \$1,000,000 (One Million Dollars) Professional Liability/Errors and Omissions Insurance. The selected Consultant will be required to provide original Certificates of Insurance and Endorsements to the City evidencing the insurance coverage and endorsing the City as additional party insured.

COMPENSATION

The Consultant will be required to sign the attached City's Standard Agreement for Consultant Services. Compensation for the services shall be on a time and expense not-to-exceed basis in accordance with the approved schedule of billing rates.

PROPOSAL SUBMISSION DEADLINE

One (1) original and three (3) copies, for a total of four (4) proposals, must be submitted by 4:00 PM, _____, 2010 to:

Town of Atherton
Jerry Gruber, City Manager
91 Ashfield Road
Atherton, CA 94027.

For questions regarding this Request For Proposal, please contact Jerry Gruber, City Manager at (650) 752-0504 or by e-mail at jgruber@ci.atherton.ca.us

Interpretations or clarifications considered necessary by the Town in response to questions may be issued by addenda mailed, faxed or delivered to all parties recorded by the City as having received this RFP.

----- End of RFP -----



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF SEPTEMBER 15, 2010

SUBJECT: APPROVAL TO PUBLISH REQUEST FOR PROPOSAL FOR BUILDING OFFICIAL SERVICES

RECOMMENDATION:

Approve publishing a request for proposal for Building Official services for the Town of Atherton.

BACKGROUND:

The Town's Building Official retired last month after fourteen and one half years. As noted last month in the City Manager's written report to Council on August 18th, the Town has contracted with CSG consultants three days per week during the transition period.

Based on the Town's current purchasing policy the Town must send out a Request for Proposal (RFP) for Building Official services which ultimately is in the best interest if the Town and its residents.

Attachments: Request for Proposal

Date of Release:
September __, 2010

TOWN OF ATHERTON
REQUEST FOR PROPOSAL (RFP)
BUILDING OFFICIAL

The Town of Atherton invites qualified consultants to submit proposals for professional Building Official services for the Town of Atherton.

INTRODUCTION

The Town of Atherton primarily consists of single-family residential land uses with several private and public schools and a country club. The median lot size in the Town is one acre in area and the Town has numerous ongoing private construction projects.

The Town's Building Official recently retired and the Town is seeking a professional to serve in this capacity on a part-time consulting basis.

The Building Official reports directly to the City Manager and will be responsible for managing five staff members. The Building Official will be responsible to oversee, direct and participate in all activities of the Building Department including; plan checking, building inspection and permit tracking. The Building Official will be responsible to interpret the Building Code, Municipal Code and other local, State or Federal regulations.

SCOPE OF SERVICES

Consultant Responsibilities: This service will be provided under the general guideline of the City Manager. The Building Official will be responsible for the following duties;

- Develop and direct the implementation of goals, objectives, policies, procedures and work standards for the department, prepares and administers the department's budget.
- Contributes to the overall quality of the department's service by developing, reviewing and implementing policies and procedures to meet legal requirements and Town needs.
- Oversees all Town plan checking activities; performs complex structural and non-structural plan checks; coordinates contract plan checking activities.
- Oversees all Town building inspection activities; personally inspects sites with complex construction practices or materials or where questions have been raised; coordinates staff and contract building inspection activities.
- Works in concert with the contract Town Planner on planning issues.

- Confers with and represents the department and the Town in meetings with members of the Council, members of boards and commissions, various governmental agencies, developers, contractors, business groups and the public.
- Prioritizes and allocates available resources; reviews and evaluates program and service delivery, makes recommendations for improvement and ensures maximum effective service provision.
- Prepares and directs the preparation of a variety of written correspondence, reports, procedures, ordinance and other written materials.
- Maintains and directs the maintenance of working and official departmental files.
- Monitors changes in law, regulations and technology that may affect department operations; implements policy and procedural changes as required.

The individual assigned to this task shall have excellent communication skills, both verbal and written, understanding of municipal processing procedures, be able to review and interpret the building code and municipal code, be able to work with other departments and outside agencies, and have knowledge of construction techniques.

The consultant should dedicate three days per week to this effort and may need additional hours as requested by the City Manager.

RFP FORMAT AND CONTENT

The proposal shall be brief, precise, and shall not include unnecessary promotional material. The proposal shall include the following items organized as follows:

1. Transmittal Letter.
Describe your firm's interest and commitment in providing services to the Town. The letter shall be signed by an individual of the firm who is authorized to contractually bind the firm, and to negotiate a contract with the Town.
2. Work Plan Approach and Schedule
Discuss your firm's understanding of the Scope of Work to be performed. Describe the method for serving the Building Official function.
3. Experience
Briefly describe the qualifications, certifications and experience of the personnel to be assigned to the project. The description shall include previous experience showing knowledge of the building code and construction techniques.
4. References
Provide at least three references (name, company, title, address and telephone number) for recent similar or related work.
5. Cost
In a separate envelope, provide a complete summary of the estimated number of hours, schedule of hourly rates, and the total cost for the Scope of Services.

SELECTION CRITERIA

Proposals will be considered only in their entirety. The Town reserves the right to reject any or all proposals without qualifications, and to negotiate specific requirements and costs using the selected proposal as a basis. The criteria listed below will be used to evaluate proposals for the purpose of ranking them in relative position based on how fully each proposal meets the requirements of this RFP:

Evaluation Criteria

- Proposed Work Plan and Approach.
- Familiarity with policies and procedures related to the work effort.
- Qualifications of assigned staff member.
- Previous experience with similar projects and satisfaction of previous clients.

INSURANCE REQUIREMENTS

The selected Consultant must have a General Liability Insurance insuring it and its firm to an amount not less than \$2,000,000 (Two Million Dollars) combined single limit per occurrence and in the aggregate for bodily injury, personal injury, and property damage. , An Automobile Liability Insurance policy insuring it and its staff to an amount not less than \$1,000,000 (One Million Dollars) combined single limit per accident for bodily injury and property damage. \$1,000,000 (One Million Dollars) Worker's Compensation Insurance and \$1,000,000 (One Million Dollars) Professional Liability/Errors and Omissions Insurance. The selected Consultant will be required to provide original Certificates of Insurance and Endorsements to the City evidencing the insurance coverage and endorsing the City as additional party insured.

COMPENSATION

The Consultant will be required to sign the attached City's Standard Agreement for Consultant Services. Compensation for the services shall be on a time and expense not-to-exceed basis in accordance with the approved schedule of billing rates.

PROPOSAL SUBMISSION DEADLINE

One (1) original and three (3) copies, for a total of four (4) proposals, must be submitted by 4:00 PM, _____, 2010 to:

Town of Atherton
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Interpretations or clarifications considered necessary by the Town in response to questions may be issued by addenda mailed, faxed or delivered to all parties recorded by the City as having received this RFP.

----- End of RFP -----



Town of Atherton

Item No. 24

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

**SUBJECT: ADOPTION OF A RESOLUTION APPROVING BUDGET
AMENDMENT FOR FY 2010-11 – CIP & ADMIN SERVICE ROAD
IMPACT FEE FUND**

RECOMMENDATION

Adopt the resolution approving the budget amendment for FY 2010-11 for the General Fund.

DISCUSSION

At the August 18, 2010 meeting, the City Council passed a motion 4-1 to approve the use of General Fund undesignated reserve of \$469,642 to repay the Road Impact Fee Fund for adjustments to capital improvement project (CIP) support and administrative charges for prior years. Staff was directed to bring back a budget amendment in their September meeting for approval.

FISCAL IMPACT

To fund the \$469,642 reimbursement expense, the City Manager is recommending the use of General Fund undesignated reserve since there will be no excess revenue in FY 2010-11 to cover. A majority vote of the City Council will be required to use reserve based on the Fund Balance Policy for the General Fund adopted on May 19, 2010.

Prepared by:

/s/ Louise Ho

Louise Ho
Finance Director

Approved by:

/s/ Jerome D. Gruber

Jerome D. Gruber
City Manager

Attachment: Budget Amendment Resolution

Exhibit A

RESOLUTION NO. 10-52

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON APPROVING BUDGET AMENDMENT – CIP & ADMIN SERVICE ROAD
IMPACT FEE FUND -
FOR FY 2010-11**

WHEREAS, it is in the best interest of the citizens of the Town of Atherton that the Fiscal Year 2010-2011 Operating Budget be amended as set forth in Exhibit A, attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby approve an amendment to the FY 2010-11 Town Budget to enact the changes identified on Exhibit A attached hereto.

PASSED AND ADOPTED at a meeting of the City Council of the Town of Atherton held on the 15th day of September, 2010 by the following vote:

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 15th day of September, 2010 by the following vote:

<i>AYES:</i>	<i>COUNCILMEMBERS:</i>
<i>NOES:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSENT:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSTAIN:</i>	<i>COUNCILMEMBERS:</i>

ATTEST:

Kathy McKeithen, MAYOR
TOWN OF ATHERTON

Theresa N. DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

Wynne S. Furth, City Attorney



Town of Atherton

DATE: CITY COUNCIL MEETING OF SEPTEMBER 15, 2010

TO: CITY COUNCIL

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

SUBJECT: INTRODUCTION OF AN ORDINANCE REZONING PROPERTIES ON PARKER AVENUE FROM R1-A TO R1-B

RECOMMENDATION

The Planning Commission does not recommend the City Council rezone Parker Avenue from R1-A to R1-B.

If the Council chooses to proceed with the rezoning, the Council should introduce the attached Ordinance based on the following finding:

1. The proposed zoning amendment is consistent with the General Plan goals, policies and implementation programs.

Basis for finding: The General Plan designation for all residential land in Atherton is "single family, low density". Rezoning the properties along Parker Avenue from the R1-A zoning district to the R1-B zoning district is consistent with the general plan land use designation.

INTRODUCTION

The City Council, at its March 17, 2010 meeting, discussed the differences between the R1-A and R1-B zoning districts and requested the Planning Commission review the provisions contained in the R1-B zoning district to determine if these provisions should also be included in the R1-A zoning district for properties with less than 10,000 square feet in area.

The Planning Commission, at its April 28, 2010 meeting discussed this item as requested by the City Council. At such meeting the Planning Commission held a hearing in which it received considerable public comment, both from proponents of leaving the zoning ordinance as is and from proponents who supported making most or all of the R1-B provisions applicable to R1-A lots of less than 10,000 square feet. After further discussion amongst the Commissioners, the Planning Commission voted 3-0 to not recommend any changes to the R1-A zoning regulations for lots that are less than 10,000 square feet in area.

The City Council, at its May 19, 2010 meeting, discussed the Planning Commission recommendation and voted to direct staff prepare a resolution for consideration by the City Council at its next meeting to initiate changes to the R1-A zoning district to incorporate the provisions of the

R1-B zoning district to apply to lots with an area less than 10,000 square feet.

The City Council, at its June 16, 2010 meeting, adopted a Resolution initiating rezoning of the properties located on Parker Avenue from the R1-A zoning district to the R1-B zoning district.

The Planning Commission, at its August 12, 2010 meeting conducted a public hearing on the rezoning request. The Commission voted 3-0-1 to recommend the City Council not rezone Parker Avenue from R1-A to R1-B. Commissioners expressed concern that there is not support among a majority of the Parker Avenue property owners for the rezoning. Commissioners also indicated that the rezoning would not provide a significant increase in floor area and would not allow for the construction of new garages.

ANALYSIS

The Town of Atherton is divided into several zoning districts. The majority of the Town is zoned R1-A, which is characterized as the larger lots in Town (typically an acre in area). A portion of Town (mostly surrounding the Town Hall) is zoned R1-B. These properties are typically less than an acre in area. The school sites and Town offices are zoned PFS (Public Facilities and Schools). Holbrook Palmer Park, the Menlo Circus Club and Bear Gulch Reservoir are all zoned POS (Public Open Space).

The properties located along Parker Avenue are all zoned R1-A, as are all the properties within the Town limits surrounding Parker Avenue. The Redwood City limits are located directly to the north of Parker Avenue. Parker Avenue is located south of Stockbridge and is a cul-de-sac consisting of twenty-one single-family residences. One property owner owns two legal lots (49 Parker Avenue). The public right-of-way is 70' wide and each lot is 60' wide by 130' deep containing 7,800 square feet in area. There is a mix of single story and two story homes. There are no vacant lots on this street. Based on information from the County assessor's office, the homes range in size from 1,160 square feet in area to 2,628 square feet in area with the average home size of 1,756 square feet. Fifteen of the twenty-one homes currently contain less square footage than the maximum 2,250 square feet allowed under the R1-A zoning district.

The table below compares the R1-A regulations to the R1-B regulations for a typical lot on Parker Avenue.

	R1-A	R1-B
Front/Rear Setbacks	39'-0"	23'-3"
Side Setbacks	same	same
Total Floor Area (including second floor, garage & accessory structures)	2,250 square feet	2,797 square feet
Second floor area	585 square feet	No limitation
Main building height limit	30'-0"	28'-0"
Main building sidewall height limit	22'-0"	18'-0"

If the City Council were to approve the zone change to R1-B, property owners would have the opportunity to increase home sizes up to 2,797 square feet, there would be no limit on the second floor area and the front and rear setbacks would be reduced. The zone change would allow larger

overall home size by 547 square feet. The reduced front and rear yard setbacks would also increase the amount of the lot area that can be covered by a main residence. Currently, when the R1-A setbacks are applied to a Parker Avenue lot, the maximum first floor area coverage is 1,664 square feet. By applying the R1-B setbacks to a Parker Avenue lot, the allowed first floor area coverage increases to 2,664 square feet.

Any addition constructed under the R1-B zoning regulations would also need to comply with the reduced height limit of 28' overall height and 18' sidewall height for the main building.

As indicated above, fifteen of the existing residences along Parker Avenue are less than 2,250 square feet in area (maximum allowed floor area for the lot). Staff was unable to determine if there are any accessory structures on these properties that should be included in the floor area calculations. Based on this information, under the current R1-A floor area ratio, properties on Parker Avenue could expand the area of existing residences for a cumulative total of 10,962 square feet for the street. Under the proposed R1-B zoning district, all twenty-one of the Parker Avenue properties would contain less square footage than the maximum allowed of 2,797 square feet. If all the properties were to add on, up to the maximum allowed floor area, the cumulative added area would be 21,851 square feet for the street.

Although a higher floor area would be allowed under the R1-B zoning district, there would be no change to the density of the street. The current density is 5.5 housing units per acre.

The General Plan designation of "single family, low density" is the land use designation applied to all residential land in Atherton. This land use density is intended to minimize environmental damage to sensitive, scenic and open space areas. The conventional single family detached home is the standard structural type for these areas. No amendment to the General Plan is necessary, as the R1-A and R1-B zoning districts are both included under the general plan designation of "single family, low density". The change in zoning designation for Parker Avenue can therefore be found to be consistent with the general plan.

CONCLUSION:

Chapter 17.18 of the Atherton Municipal Code establishes the process for amendments to the zoning code. The City Council may by Resolution of intention direct the Planning Commission to consider a proposed amendment to the zoning code. The designated approval authority for amendments to the zoning code is the City Council with recommendations from the town planner and planning commission. Zoning amendments shall be granted only when the approval authority (City Council) makes the finding that the proposed zoning amendment (text or plan) is consistent with the general plan goals, policies and implementation programs. The zone change requires adoption of an Ordinance, with three-fifths affirmative vote by the City Council.

As noted above, the rezoning from R1-A to R1-B will not change the density of development along the street, but will allow larger overall home sizes by 547 square feet, up to a maximum floor area of 2,797 square feet. The City Council could make the finding that the rezoning is consistent with the General Plan as the General Plan designates all residential properties as "single family, low density".

As indicated above, the Planning Commission does not support the change in zoning districts for Parker Avenue. Commissioners expressed concern that a majority of the property owners on Parker

Avenue do not support the change in zoning designation.

ALTERNATIVES:

The City Council has several options with which to proceed, including the following;

- The City Council could vote to not rezone Parker Avenue as recommended by the Planning Commission.
- The City Council could adopt the attached Resolution and rezone Parker Avenue from the R1-A zoning district to the R1-B zoning district.
- The City Council could direct staff to work on options that would provide a larger floor area for smaller properties while maintaining the current zoning and current setbacks. An example is to allow a floor area exception and second floor area exception with the issuance of a Special Structure Permit from the Planning Commission. The floor area exception could be capped at a number similar to the maximum floor area under R1-B zoning. This option would require review by the Planning Commission prior to action by the City Council.
- The City Council could request staff work on a new zoning district that would be similar to the R1-B zoning district regulations with larger rear yard setbacks. This option would require review by the Planning Commission prior to action by the City Council.

FISCAL IMPACT:

As the City Council initiated the rezoning process, the cost of processing the request will be paid for out of the Town's general fund.

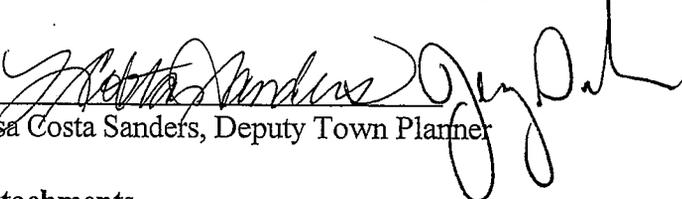
ENVIRONMENTAL IMPACT

Staff reviewed the initial study checklist under CEQA to evaluate the rezoning of Parker Avenue from the R1-A zoning designation to the R1-B zoning designation. As noted above, the rezoning would allow a larger home to be built on each property, but does not change the land use (single family, low density) and does not change the density of housing development. Staff found the rezoning of Parker Avenue would not have a significant impact on the environment.

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Sections 15061(B)(3); the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. When it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

FORMAL MOTION:

I move that the City Council deny the request to rezone Parker Avenue from R1-A to R1-B.



Lisa Costa Sanders, Deputy Town Planner

Attachments

1. Ordinance
2. Memo from City Attorney
3. Planning Commission minutes from the August 12, 2010 meeting

4. Planning Commission staff report with the following attachments:

- Planning Commission Resolution (not adopted)
- Comparison of R1-A and R1-B zoning regulations
- Assessor Parcel Map
- House size for Parker Avenue
- House size for Parker Avenue with calculations of possible additional floor area
- City Council Resolution directing the Planning Commission to consider an Amendment to title 17 of the Atherton Municipal Code to rezone twenty-two (22) lots on Parker Avenue from R1-A to R1-B
- Zoning history relating to floor area and height
- Public comment letters

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING THE ZONING MAP TO TITLE 17 OF THE ATHEROTN MUNICIPAL
CODE TO REZONE TWENTY-TWO (22) LEGAL LOTS ON PARKER AVENUE
FROM R1-A ZONING DISTRICT TO R1-B ZONING DISTRICT**

WHEREAS, property owners along Parker Avenue requested the City Council initiate rezoning of Parker Avenue from the R1-A Residential District to the R1-B Residential District, and

WHEREAS, pursuant to Atherton Municipal Code Section 17.18.020(C), the City Council at its June 16, 2010 regular meeting, adopted Resolution 10-36, directing the Planning Commission to consider a proposed amendment to Title 17 of the Atherton Municipal Code to rezone twenty-two legal lots on Parker Avenue from R1-A to R1-B, and

WHEREAS, rezoning the properties along Parker Avenue will result in an increased floor area and reduced front and rear setback requirements which will allow property owners to improve their properties, and

WHEREAS, the General Plan land use designation for all residential properties in Atherton is "single family residential, low density", and the change in zoning district designation for Parker Avenue from R1-A to R1-B is consistent with the General Plan, and

WHEREAS, on August 12, 2010, the Planning Commission conducted a duly noticed public hearing and on said date the public hearing was opened, held and closed. At such meeting, the Planning Commission voted to recommend the City Council not rezone Parker Avenue to R1-B, and

WHEREAS, on September 15, 2010, the City Council conducted a duly noticed public hearing and on said date the public hearing was opened, held and closed.

NOW THEREFORE;

SECTION 1: that the City Council of the Town of Atherton hereby finds and determines that pursuant to the provisions of Chapter 17.18 of the Atherton Municipal code and particularly Section 17.18.040, the City Council of the Town of Atherton hereby finds that the rezoning of the twenty-two (22) legal lots on and along Parker Avenue in the Town of Atherton from the R1-A Residential District to the R1-B Residential District is consistent with the General Plan land use designation of single family low density.

SECTION 2: that the City Council of the Town of Atherton hereby ordains that the zoning district designation for Parker Avenue properties shown on Exhibit A, attached to this ordinance and part of it, shall be changed to the R1-B Residential District.

SECTION 3: CEQA Exemption. This ordinance is determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15061(b)(3), as the proposed zoning code update will not have any adverse impact on the environment.

SECTION 4: Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 5: Effective Date. This Ordinance shall be in full force and effective 30 days after its adoption, and shall be published and posted as required by law.

Introduced this 15th day of September, 2010

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the ___ day of _____, 2010, by the following vote

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kathy McKeithen
MAYOR, Town of Atherton

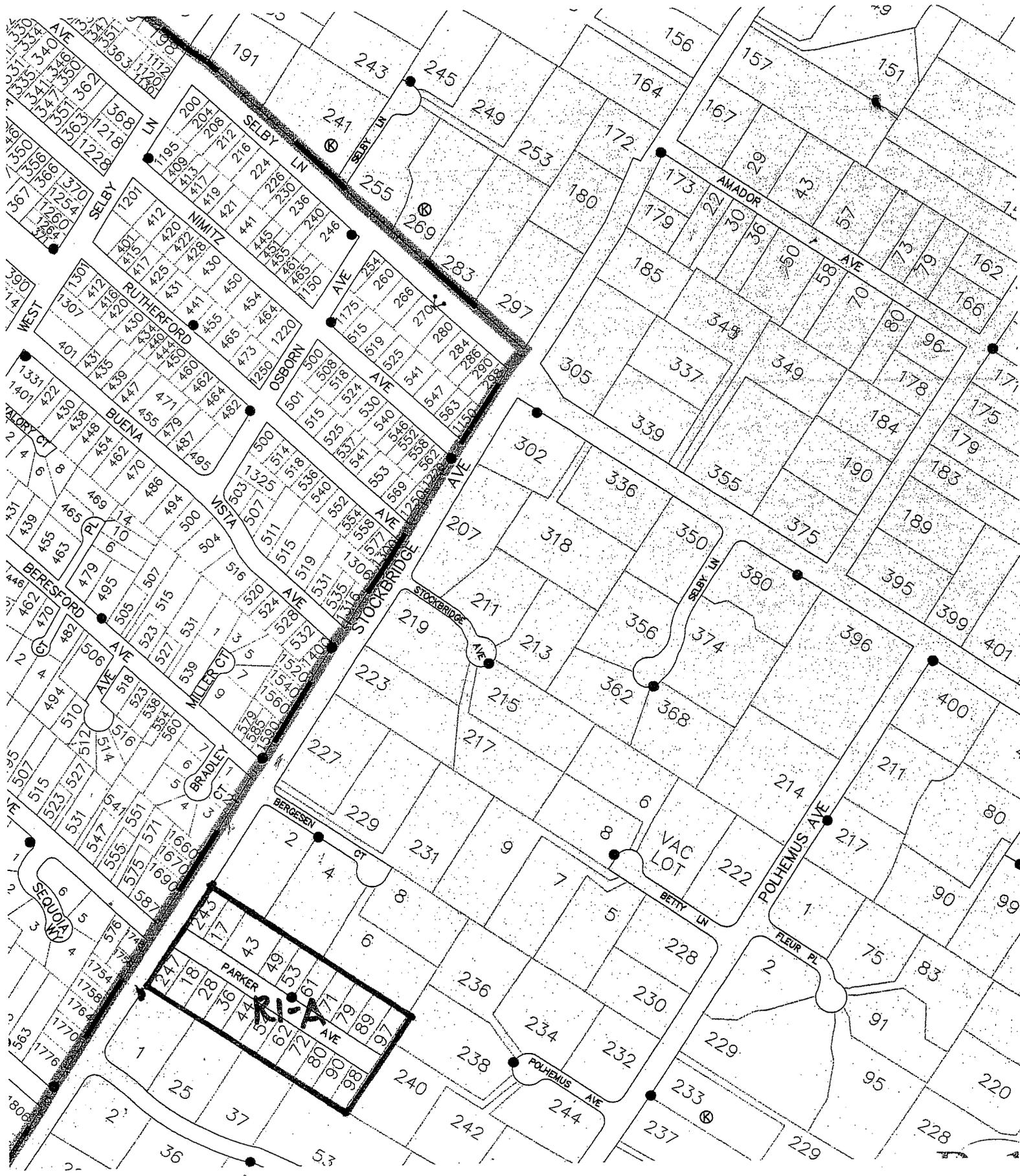
ATTEST

Theresa DellaSanta
Deputy City Clerk

APPROVED AS TO FORM:

Wynne Furth
City Attorney

EXHIBIT A



TOWN OF ATHERTON ZONING MAP



TO: City Council
FROM: Wynne S. Furth, City Attorney **FILE NO.:** 05606-0010
DATE: September 16, 2010
RE: Alternative Methods of Modifying Land Use Regulations for Parker Avenue

The Council is considering a proposal to re-zone the properties on Parker Avenue from R-1A to R-1B. Mayor McKeithen has asked that we prepare a brief memorandum on any legal advantages or disadvantages of to modifying R-1A zoning regulations or using some sort of case-by-case administrative approach instead, should the Council decide that some change is desirable.

1. Rezoning to R-1B; modifying the R-1A zone for small lots; creating standards specific to Parker Avenue.

The City Council has the legal authority to either rezone Parker Avenue to R1-B or modify the R1-A standards to increase the development permitted on smaller lots in the R1-A district, wherever they are located. The Council also has the legal authority to create either a new residential district specifically for the Parker lots, or create an "overlay" district for Parker which modifies the R-1A standards for that neighborhood. In my experience, this last approach is the simplest to draft and apply and is commonly used for situations such as this, where site-specific standards can provide the good results for both the directly affected homeowners and their neighbors.

2. Would a non-legislative, case-by-case approach, such as a variance, a conditional use permit, or a special structures permit, be useful?

Neither variances nor conditional use permits are appropriate means for increasing permitted floor area on the second floor or modifying setbacks on Parker Avenue. However, a special structures permit could be used, in combination with changes in zoning standards, to minimize the adverse effects of additional development on neighboring properties. For example, the zoning code could be modified to permit increased second story floor area on lots of a certain size, with a special structures permit. A special structure permit is a discretionary review by the Planning Commission to "assure special buildings and structures are compatible with surrounding areas and uses." (Atherton Municipal Code Section 17.15.010)

**SPECIAL MEETING
PLANNING COMMISSION
APPROVED MINUTES**

**TOWN OF ATHERTON
August 12, 2010
6:00 P.M.
TOWN COUNCIL CHAMBERS
94 ASHFIELD ROAD**

1. ROLL CALL:

PRESENT: Philip Lively
Paul Quinlan
Herman Christensen Jr.
William Grindley

Excused: Kristi Waldron

Assistant City Attorney Ben Winig and Deputy Town Planner Lisa Costa Sanders were also present.

2. PUBLIC COMMENTS- none

3. COMMISSIONER'S REPORTS

Commissioner Grindley reported on High Speed Rail.

4. GENERAL PLAN COMMITTEE REPORTS

Commissioner Christensen reported on recent action by the General Plan Committee.

PUBLIC HEARINGS

**5. Heritage Tree Removal Permit and Mitigated Negative Declaration- 70 Serrano-
Heritage Tree Removal request to allow the removal of eleven heritage trees. Atherton
Municipal Code Section 8.10.**

Deputy Town Planner, Lisa Costa Sanders indicated that the property owner is not able to attend this evening and requests the item be continued to the August 25, 2010 Planning Commission meeting.

**MOTION to continue this item to the next scheduled Planning Commission meeting
on August 25, 2010.**

M/S Quinlan/ Grindley

Ayes: 4

Noes: 0

**6. Rezone Properties of Parker Avenue from R1-A to R1-B - Consider the request of the
City Council to rezone Parker Avenue from the R1-A zoning district to the R1-B zoning
district. Atherton Municipal Code Sections 17.18, 17.32, and 17.33.**

Deputy Town Planner, Lisa Costa Sanders presented the request by City Council and reviewed the history of the proposed rezoning.

Commissioner Lively confirmed that the Planning Commission is being asked to consider recommending to the City Council that the area be rezoned. Ms. Costa Sanders confirmed that the Planning Commission is the recommending body and the City Council is the decision making body.

Commissioner Grindley questioned what potential impact would rezoning of Parker have on other similar lots. Ms. Costa Sanders indicated that any future rezoning requests would be considered on a case-by-case basis.

Commissioner Quinlan asked if there were additional R1-B lots located in the Town other than around Town Center, Llyoden, Park and Southgate. Ms. Costa-Sanders noted that there are additional R1-B properties along El Camino Real, Maple and Winchester. Commissioner Quinlan questioned if any of these R1-B lots were ever R1-A. Ms. Costa Sanders was unsure of the history of these zoning districts. Commissioner Quinlan questioned if other properties had been rezoned by the Town. Ms. Costa Sanders stated that the Town was initially one district and is uncertain as to when the R1-B was created.

OPEN PUBLIC HEARING

Cathy Tang, Parker Avenue, indicated her support for rezoning from R1-A to R1-B to make Parker safer. She noted that families have had to choose between adequate living space for their families or a garage. Ms. Tang indicated that there have been car thefts happening, which she feels will eventually lead to additional crime.

Linda Grossman, Parker Avenue, indicated she is speaking on behalf of Debra Moritz, Parker Avenue as she was not able to attend the meeting. Mrs. Grossman read a prepared statement to the Planning Commission.

Andrew Carlson, Parker Avenue, indicated he is against the proposed resolution to rezone Parker Avenue to R1-B. He reviewed his four points with the Commissioners.

Judith Watkins, Parker Avenue, stated that she has been a property owner since 1978 although she has been living in Washington D.C for the last ten years; she is in the process of returning to Parker Ave. Ms. Watkins indicated that she believes it is time for a change, and that the street has changed. She noted that the change would not create chaos but regulate what is already happening.

Bill Widmer, Glenwood, indicated that he does not have any financial interest in the Parker Avenue rezoning. However he expressed his concern with the potential rezoning.

Commissioner Quinlan asked for clarification as to whether Mr. Widmer was for or against the resolution. Mr. Windmere indicated that at this time he would oppose the rezoning as it would change the character of Parker Avenue.

Mrs. Carson, Bergerson Court, read a statement she prepared in opposition to the rezoning from R1-A to R1-B to the Commission.

Audrey Polster, Parker, indicated that she has lived on Parker Avenue for 47 years and the Town should follow their mission statement. She noted that the mission has driven decisions for many decades and therefore opposes the proposed resolution to rezone Parker Avenue to R1-B.

Linda Grossman, Parker Avenue, read a prepared statement to the Commission. She indicated that it is about fairness and opposes the proposed rezoning.

Richard Pike, Parker Avenue, indicated that he has lived on Parker Avenue for 20 years and believes this is spot zoning. He noted that in 1991-1992 the issue was laid to rest and a second generation realtor is pushing for the rezoning. He further noted that he opposes rezoning to Parker Avenue.

Alice Huntington, indicated she is representing Grant Anderson, owner of a Parker Avenue property, who could not attend the meeting due to illness. She noted that those opposed to the rezoning are against the process of change. Ms. Huntington passed out a packet of pictures to the Commission showing the inconsistency with the street. She concluded that it is crucial that the Commission support the change.

Commissioner Grindley questioned Ms. Huntington's relationship to the owner. Ms. Huntington indicated the owner is her realtor.

Colleen Anderson, Parker Avenue, reviewed the changes that would take place if rezoned to R1-B from R1-A with the Commission. She indicated that R1-A lots have adapted to change over time, why hasn't R1-B. Ms. Anderson concluded that she is supportive of the proposed rezoning.

Marilee, Parker Avenue stated that her issue is that with the smaller lots bordering these larger R1-A lots, and the smaller lots need better protection from the development on the larger lots. Commissioner Christensen questioned if behind her property is R1-A. She indicated yes, and there are two accessory structures that are within 10 feet of her property. Commissioner Grindley stated that it would be important for her to vocalize her concerns at the City Council meeting.

Michael Bennett, Parker Avenue, indicated he has lived on Parker for 24 years. He noted that he has a personal interest in building a garage and that the Parker lots should be zoned as other smaller lots in Town.

Margaret Johnson, Parker Avenue, read a prepared statement to the Commission opposing the proposed rezoning.

Margaret Harrison, Parker Avenue, indicated that she is currently renting her home but is moving back and feels it should be fair. She stated that those who are opposing the rezoning already have their bigger houses.

CLOSE PUBLIC HEARING

Commissioner Grindley stated that all the comments today were very well prepared, were less passionate and more articulate. He indicated he isn't sure where he stands on the rezoning at the moment.

Commissioner Lively indicated he visited the properties on Parker Avenue and noted that half the properties on Parker Avenue have garages. He stated the problem he has is why change now and therefore believes the recommendation to rezone should be rejected. He further indicated that he doesn't believe there was a valid sample of resident comments.

Commissioner Quinlan also noted that statements heard at the meeting were very well articulated. He indicated that he has only been on the Commission for one year and has heard about the Parker Avenue rezoning twice. He noted that there is always room for change; however he is having trouble recommending rezoning of Parker Avenue without an overwhelming majority of property owner's who support the rezoning of their neighborhood.

Commissioner Grindley asked Staff if the floor area regulations have changed over the years. Ms. Costa Sanders indicated yes, the maximum allowed floor area ratio has been reduced over time.

Commissioner Christensen noted that he doesn't feel that the rezoning will give Parker Avenue residents a significant amount of additional space; in fact he noted the change to the front yard setback would not allow enough room to construct a new garage. However it is a change that a significant number of residents oppose.

Assistant City Attorney, Ben Winig clarified for the Commission as to how they can proceed.

MOTION that the Planning Commission recommend that the City Council not rezone Parker Avenue from R1-A to R1-B.

M/S Lively/ Quinlan Ayes:3 Noes: 0 Abstain: 1 (Grindley)

7. **ADOURN**

M/S Quinlan/ Lively to adjourn meeting at 7:25pm. Motion passed.

Respectfully submitted,



Lisa Costa Sanders, Deputy Town Planner



Town of Atherton

DATE: PLANNING COMMISSION MEETING OF AUGUST 12, 2010

TO: PLANNING COMMISSION

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

SUBJECT: RESOLUTION RECOMMENDING THE CITY COUNCIL REZONE
PROPERTIES ON PARKER AVENUE FROM R1-A TO R1-B

RECOMMENDATION

Adopt the Resolution recommending the City Council rezone properties on Parker Avenue from R1-A to R1-B based on the following finding:

1. The proposed zoning amendment is consistent with the General Plan goals, policies and implementation programs.

Basis for finding: The General Plan designation for all residential land in Atherton is "single family, low density". Rezoning the properties along Parker Avenue from the R1-A zoning district to the R1-B zoning district is consistent with the general plan land use designation.

INTRODUCTION

The City Council, at its March 17, 2010 meeting, discussed the differences between the R1-A and R1-B zoning districts and requested the Planning Commission review the provisions contained in the R1-B zoning district to determine if these provisions should also be included in the R1-A zoning district for properties with less than 10,000 square feet in area.

The Planning Commission, at its April 28, 2010 meeting discussed this item as requested by the City Council. At such meeting the Planning Commission held a hearing in which it received considerable public comment, both from proponents of leaving the zoning ordinance as is and from proponents who supported making most or all of the R1-B provisions applicable to R1-A lots of less than 10,000 square feet. After further discussion amongst the Commissioners, the Planning Commission voted 3-0 to not recommend any changes to the R1-A zoning regulations for lots that are less than 10,000 square feet in area.

The City Council, at its May 19, 2010 meeting, discussed the Planning Commission recommendation and voted to direct staff prepare a resolution for consideration by the City Council at its next meeting to initiate changes to the R1-A zoning district to incorporate the provisions of the R1-B zoning district to apply to lots with an area less than 10,000 square feet.

The City Council, at its June 16, 2010 meeting, adopted a Resolution initiating rezoning of the

properties located on Parker Avenue from the R1-A zoning district to the R1-B zoning district.

ANALYSIS

The Town of Atherton is divided into several zoning districts. The majority of the Town is zoned R1-A, which is characterized as the larger lots in Town (typically an acre in area). A portion of Town (mostly surrounding the Town Hall) is zoned R1-B. These properties are typically less than an acre in area. The school sites and Town offices are zoned PFS (Public Facilities and Schools). Holbrook Palmer Park, the Menlo Circus Club and Bear Gulch Reservoir are all zoned POS (Public Open Space).

The properties located along Parker Avenue are all zoned R1-A, as are all the properties within the Town limits surrounding Parker Avenue. The Redwood City limits are located directly to the north of Parker Avenue. Parker Avenue is located south of Stockbridge and is a cul-de-sac consisting of twenty-one single-family residences. One property owner owns two legal lots (49 Parker Avenue). The public right-of-way is 70' wide and each lot is 60' wide by 130' deep containing 7,800 square feet in area. There is a mix of single story and two story homes. There are no vacant lots on this street. Based on information from the County assessor's office, the homes range in size from 1,160 square feet in area to 2,628 square feet in area with the average home size of 1,756 square feet. fifteen of the twenty-one homes currently contain less square footage than the maximum 2,250 square feet allowed under the R1-A zoning district.

The table below compares the R1-A regulations to the R1-B regulations for a typical lot on Parker Avenue.

	R1-A	R1-B
Front/Rear Setbacks	39'-0"	23'-3"
Side Setbacks	same	same
Total Floor Area (including second floor, garage & accessory structures)	2,250 square feet	2,797 square feet
Second floor area	585 square feet	No limitation
Main building height limit	30'-0"	28'-0"
Main building sidewall height limit	22'-0"	18'-0"

If the City Council were to approve the zone change to R1-B, property owners would have the opportunity to increase home sizes up to 2,797 square feet, there would be no limit on the second floor area and the front and rear setbacks would be reduced. The zone change would allow larger overall home size by 547 square feet. The reduced front and rear yard setbacks would also increase the amount of the lot area that can be covered by a main residence. Currently, when the R1-A setbacks are applied to a Parker Avenue lot, the maximum first floor area coverage is 1,664 square feet. By applying the R1-B setbacks to a Parker Avenue lot, the allowed first floor area coverage increases to 2,664 square feet.

Any addition constructed under the R1-B zoning regulations would also need to comply with the reduced height limit of 28' overall height and 18' sidewall height for the main building. As the Commission is aware, the total floor area for the property includes the main residence as well as any accessory structures.

As indicated above, fifteen of the existing residences along Parker Avenue are less than 2,250 square feet in area (maximum allowed floor area for the lot). Staff was unable to determine if there are any accessory structures on these properties that should be included in the floor area calculations. Based on this information, under the current R1-A floor area ratio, properties on Parker Avenue could expand area of the area of existing residences for a cumulative total of 10,962 square feet for the street. Under the proposed R1-B zoning district, all twenty-one of the Parker Avenue properties would contain less square footage than the maximum allowed of 2,797 square feet. If all the properties were to add on to the maximum allowed floor area, the cumulative added area would be 21,851 square feet for the block.

Although a higher floor area would be allowed under the R1-B zoning district, there would be no change to the density of the street. The current density is 5.5 housing units per acre.

The General Plan designation of "single family, low density" is the land use designation applied to all residential land in Atherton. This land use density is intended to minimize environmental damage to sensitive, scenic and open space areas. The conventional single family detached home is the standard structural type for these areas. No amendment to the General Plan is necessary, as the R1-A and R1-B zoning districts are both included under the general plan designation of "single family, low density". The change in zoning designation for Parker Avenue can therefore be found to be consistent with the general plan.

CONCLUSION:

Chapter 17.18 of the Atherton Municipal Code establishes the process for amendments to the zoning code. The City Council may by Resolution of intention direct the Planning Commission to consider a proposed amendment to the zoning code. The designated approval authority for amendments to the zoning code is the City Council with recommendations from the town planner and planning commission. Zoning amendments shall be granted only when the approval authority (City Council) makes the finding that the proposed zoning amendment (text or plan) is consistent with the general plan goals, policies and implementation programs.

As noted above, the rezoning from R1-A to R1-B will not change the density of development along the street, but will allow larger overall home sizes by 547 square feet, up to a maximum floor area of 2,797 square feet.

City Council Resolution 10-36 directed the Planning Commission consider a proposed amendment to rezone the lots on Parker Avenue from the R1-A zoning designation to the R1-B zoning designation.

ALTERNATIVES:

The Planning Commission has the option to adopt the attached Resolution recommending the City Council rezone the properties located on Parker Avenue from R1-A to R1-B or the Planning Commission could recommend the City Council not rezone Parker Avenue properties.

FISCAL IMPACT:

As the City Council initiated the rezoning process, the cost of processing the request will be paid for out of the Town's general fund.

ENVIRONMENTAL IMPACT

Staff prepared reviewed the initial study checklist under CEQA to evaluate the rezoning of Parker Avenue from the R1-A zoning designation to the R1-B zoning designation. As noted above, the rezoning would allow a larger home to be built on each property, but does not change the land use (single family, low density) and does not change the density of housing development. Staff found the rezoning of Parker Avenue would not have a less than significant impact on the environment.

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Sections 15061(B)(3); the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. When it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

FORMAL MOTION:

I move adoption of the Resolution recommending the City Council rezone the properties on Parker Avenue from the R1-A zoning district to the R1-B zoning district.

Lisa Costa Sanders, Deputy Town Planner

Attachments

1. Planning Commission Resolution
2. Comparison of R1-A and R1-B zoning regulations
3. Assessor Parcel Map
4. House size for Parker Avenue
5. House size for Parker Avenue with calculations of possible additional floor area
6. City Council Resolution initiating rezoning
7. Excerpt of City Council meeting minutes from the June 16, 2010 meeting
8. Public comment letters

RESOLUTION NO. 10- __

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
ATHERTON RECOMMENDING THE CITY COUNCIL AMEND THE ZONING MAP
TO TITLE 17 OF THE ATHERTON MUNICIPAL CODE
TO REZONE TWENTY-TWO (22) LEGAL LOTS ON PARKER AVENUE
FROM R1-A TO R1-B**

WHEREAS, property owners along Parker Avenue requested the City Council initiate rezoning of Parker Avenue from the R1-A Residential District to the R1-B Residential District, and

WHEREAS, pursuant to Atherton Municipal Code Section 17.18.020 (C), the City Council, at its June 16, 2010 regular meeting, adopted Resolution 10-36, directing the Planning Commission to consider a proposed amendment to Title 17 of the Atherton Municipal Code to Rezone twenty-two legal lots on Parker Avenue from R1-A to R1-B, and

WHEREAS, rezoning the properties along Parker Avenue will result in an increased allowed floor area and reduced front and rear setback requirements which will allow property owners to improve their properties, and

WHEREAS, the General Plan land use designation for all residential properties in Atherton is "single family residential, low density", and the change in zoning district designation for Parker Avenue from R1-A to R1-B is consistent with the General Plan, and

WHEREAS, on August 12, 2010, the Planning Commission conducted a duly noticed public hearing and on said date the public hearing was opened, held and closed.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Atherton hereby resolves as follows:

1. Pursuant to the provisions of Chapter 17.18 the Atherton Municipal Code and particularly Section 17.18.040, the Planning Commission of the Town of Atherton hereby finds that rezoning of the twenty-two (22) legal lots on and along Parker Avenue in the Town from the R1-A Residential District to the R1-B Residential District is consistent with the general plan land use designation of single family low density.
2. The Planning Commission further recommends that the City Council adopt the change in zoning district designation for Parker Avenue properties to R1-B Residential District.
3. The Planning Commission authorizes staff to make a report of the findings and recommendations herein to the City Council.

This Resolution shall be effective immediately upon adoption.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the Town of Atherton at a regular meeting thereof held on the _____th day of _____, 2010, by the following vote.

AYES: Planning Commissioner: _____

NOES: Planning Commissioner: _____

ABSENT: Planning Commissioner: _____

ABSTAIN: Planning Commissioner: _____

Kristi Waldron, Chair

ATTEST:

Lisa Costa Sanders, Deputy Town Planner

APPROVED AS TO FORM:

Wynne Furth, City Attorney

Comparison of R1-A and R1-B Zoning district regulations

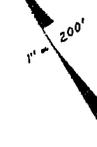
	R1-A	R1-B
Front/Rear Setbacks	60'-0" for lots less than 200' deep: 30% of lot depth (with a minimum of 30')	30'-0" for lots less than 160' deep: 18% of lot depth (with a minimum of 20')
Side Setbacks	Same	Same
Total Floor Area (including second floor, garage & accessory structures)	One acre or greater: 18% of lot size Less than one acre: 16.3% of lot size plus 726 square feet (allowing for at least 2,250 square feet of floor area)	One acre or greater: 18% of lot size Less than one acre: 16.5% of lot size plus 1,500 square feet
Second floor area	7.5% of the lot size	No limitation
Main building height limit	30'-0"	28'-0"
Main building sidewall height limit	22'-0"	18'-0"
Accessory structures	Same	Same
Orientation of Building	No restriction	End walls must be perpendicular to the lot depth

Comparison of allowed floor area for Parker Avenue

	R1-A	R1-B
7,800 square foot lot	2,250 square feet	2,787 square feet

TAX CODE AREA

70-2

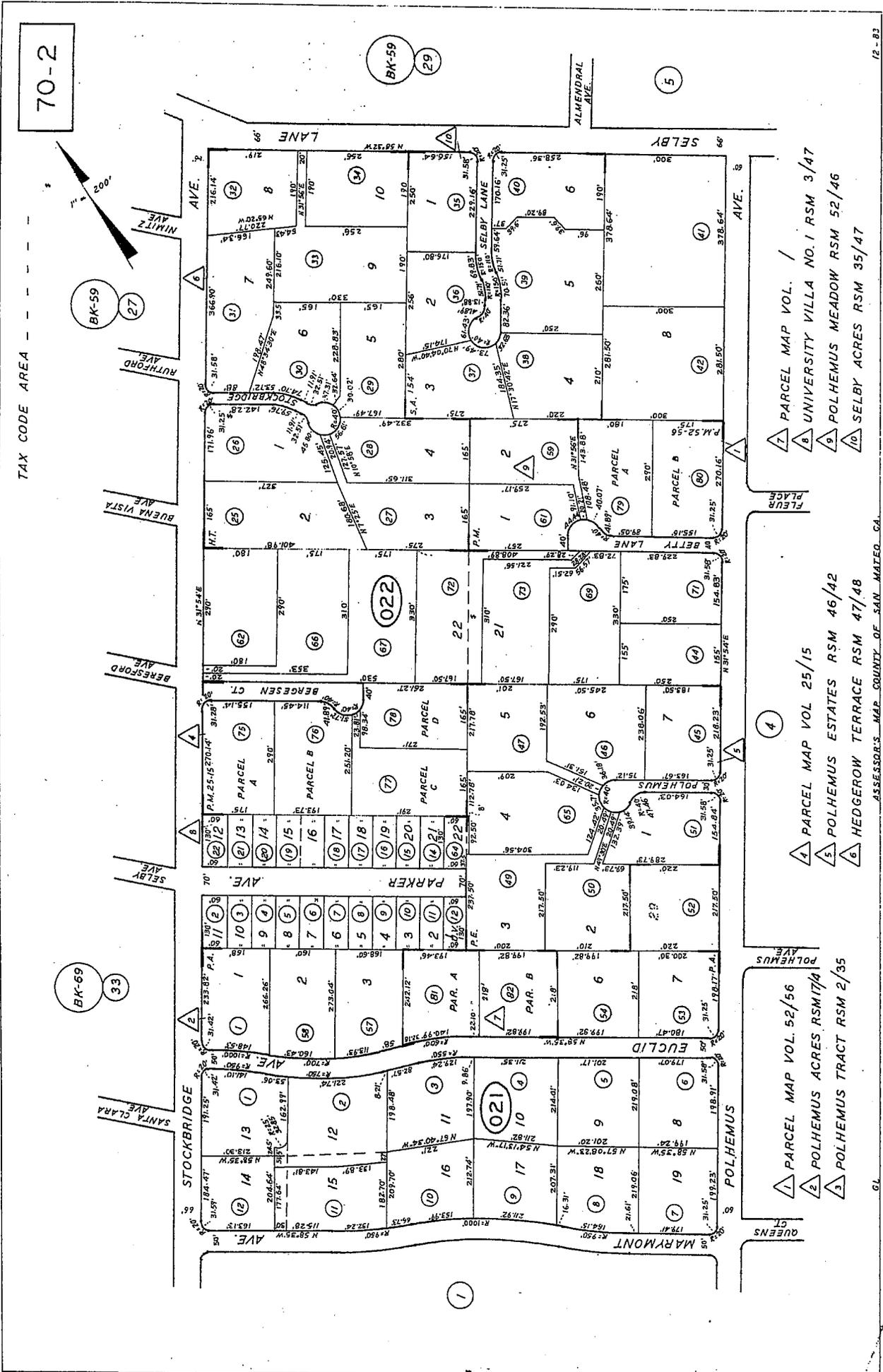


BK-59 27

BK-69 33

BK-59 29

5



- 1 PARCEL MAP VOL. 1
- 2 UNIVERSITY VILLA NO. 1 RSM 3/47
- 3 POLHEMUS MEADOW RSM 52/46
- 4 SELBY ACRES RSM 35/47

- 5 PARCEL MAP VOL 25/15
- 6 POLHEMUS ESTATES RSM 46/42
- 7 HEDGEROW TERRACE RSM 47/48

- 8 PARCEL MAP VOL 52/56
- 9 POLHEMUS ACRES RSM 17/4
- 10 POLHEMUS TRACT RSM 2/35

ASSESSOR'S MAP COUNTY OF SAN MATEO, CA.

12 - 83

Inventory of Parker Avenue home size based on Town of Atherton microfilm records and County of San Mateo Assessor records

The current R1-A zoning district allows a minimum home size of 2,250 square feet (or 28.8% floor area)

Address	S.F.	% of lot size	Source
11 Parker Avenue	1,160	14.8%	County
17 Parker Avenue	2,242	28.7%	Microfilm
18 Parker Avenue	1,440	18.4%	County
28 Parker Avenue	1,270	16.2%	County
36 Parker Avenue	2,250	28.8%	Microfilm
43 Parker Avenue	2,340 (per variance)	30%	Microfilm (Variance)
44 Parker Avenue	2,380	30.5%	County
49 Parker Avenue*	2,628	16.8%	Microfilm
53 Parker Avenue	1,594	20.4%	Microfilm
54 Parker Avenue	1,500	19.2%	County
61 Parker Avenue	1,865	23.9%	Microfilm
62 Parker Avenue	1,640	21%	County
71 Parker Avenue	1,660	21.2%	County
72 Parker Avenue	1,670	21.4%	County
79 Parker Avenue	1,240	15.8%	County
80 Parker Avenue	2,250	28.8%	County
89 Parker Avenue	1,360	17.6%	County
90 Parker Avenue	1,620	20.7%	Microfilm
97 Parker Avenue	1,897	24.3%	Microfilm
98 Parker	1,580	20.2%	County
247 Stockbridge	1,300	16.6%	County

*49 Parker consists of two legal lots and is 15,600 square feet in area

		added area w/ R1-A	added area w/ R1-B
11 Parker Avenue	1,160	1,090	1,637
17 Parker Avenue	2,242	8	555
18 Parker Avenue	1,440	810	1,357
28 Parker Avenue	1,270	980	1,527
36 Parker Avenue	2,250	0	547
43 Parker Avenue	2,340	0	457
44 Parker Avenue	2,380	0	417
49 Parker Avenue*	2,628	0	169
53 Parker Avenue	1,594	656	1,203
54 Parker Avenue	1,500	750	1,297
61 Parker Avenue	1,865	385	932
62 Parker Avenue	1,640	610	1,157
71 Parker Avenue	1,660	590	1,137
72 Parker Avenue	1,670	580	1,127
79 Parker Avenue	1,240	1,010	1,557
80 Parker Avenue	2,250	0	547
89 Parker Avenue	1,360	890	1,437
90 Parker Avenue	1,620	630	1,177
97 Parker Avenue	1,897	353	900
98 Parker Avenue	1,580	670	1,217
247 Stockbridge	1,300	950	1,497

average home size 1,756

<i>total potential added area</i>	10,962	21,851
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RESOLUTION NO. 10-36

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
DIRECTING THE PLANNING COMMISSION TO CONSIDER A PROPOSED
AMENDMENT TO TITLE 17 OF THE ATHERTON MUNICIPAL CODE
TO REZONE TWENTY-TWO (22) LEGAL LOTS ON PARKER AVENUE
FROM R1-A TO R1-B**

The City Council of the Town of Atherton hereby resolves as follows:

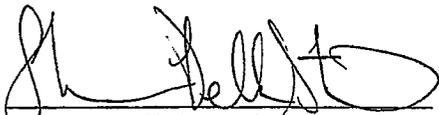
Pursuant to the provisions of Chapter 17.18 the Atherton Municipal Code and particularly Section 17.18.020(C) the City Council of the Town of Atherton hereby directs the Planning Commission to consider an amendment to Title 17, Zoning, to rezone twenty-two (22) legal lots on and along Parker Avenue in the Town from the R1-A Residential District to the R1-B Residential District. The Planning Commission shall proceed pursuant to the terms of Chapter 17.18 of the Atherton Municipal Code.

This Resolution shall be effective immediately upon adoption.

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 16th day of June, 2010, by the following vote.

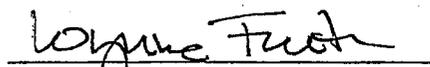
AYES: 4 Council Members: McKeithen, Marsala, Lewis, Carlson
NOES: 1 Council Members: Dobbie
ABSENT: Council Members:
ABSTAIN: Council Members:

ATTEST:


Theresa DellaSanta, Deputy Clerk


Kathy McKeithen, Mayor
Town of Atherton

APPROVED AS TO FORM:


Wynne Furth, City Attorney

Zoning History relating to Floor Area and Height

Year	R1-A	R1-B
1985	Floor area: 50% of lot area Height: 34' main building and 28' sidewalls	Floor area: <i>(not mentioned)</i> Height: 34' main building and 28' sidewalls
1988	Floor area reduced to 20% of lot area Height reduced to 30' main building and 22' sidewalls with ability to obtain a height exception with increased setbacks	
1989		Floor area: 40% of lot area Height reduced to 30' main building and 22' sidewalls
1990		Floor area: 0.165 times lot area plus 1,500 square feet Height reduced to 28' main building and 18' sidewalls
1991	Floor area reduced to 18% of lot area Added provision for lots less than one acre; "floor area equal to 0.163 times lot size plus 726 square feet"	
1992	Added for lots less than one acre: "a minimum allowed floor area of 2,250 square feet". Also added: "Floor area above the first floor of the main building for all lots shall not exceed 7.5% of the lot size"	
1993	Floor area: added exemption from floor area for "the first 500 square feet of roofed area completely open on two or more sides" and "structures open on all sides with substantially open roofs".	Floor area: added exemption from floor area for "the first 500 square feet of roofed area completely open on two or more sides" and "structures open on all sides with substantially open roofs".

As you know, the request from some Parker Avenue residents for larger houses keeps coming up.

A little history: There are three houses on the block that are not in compliance with the current FAR for Parker:

80, our house, was built as it is in 1951.

44 was built in 1929 and is also grandfathered.

43 was built in 1987 by Vera Hollefer, the longest-term resident of the street, whose house at then #49 burned to the ground a year earlier. At the time, Vera received a variance, and the house is an extra 50 square feet or so beyond the current FAR.

Except for the 1929 house, all Parker houses are built to the original R1-A footprint. And, while there have been many changes to the zoning regulations since the R1-A and R1-B zones were created in 1928, the footprint on Parker has not changed.

The most vocal person petitioning the Town yet again to rezone Parker to R1-B continues to say, "We just want what Dick and Linda have."

But R1-B is NOT what Dick and Linda have.

If Parker were to be re-zoned R1-B, our front and rear setbacks would be diminished – which would dramatically alter the street's character—the charm which attracted all of us to Parker in the first place! Over time—not a very long time—a number of large trees would likely be removed to make room for bulkier houses that would encroach into front yards under the R-1B rules, degrading the park-like appearance of our attractive frontage. Parker Avenue would then look more like Menlo Park than Atherton.

Moreover, if the Town lowers itself to dabbling in spot zoning and changes the Parker lots to R1-B, the camel's nose is in the tent. There are many other small lots in Atherton that would then want to be zoned R1-B, creating chaos within the zoning scheme.

Clearly, R1-B is NOT the way to address this issue!

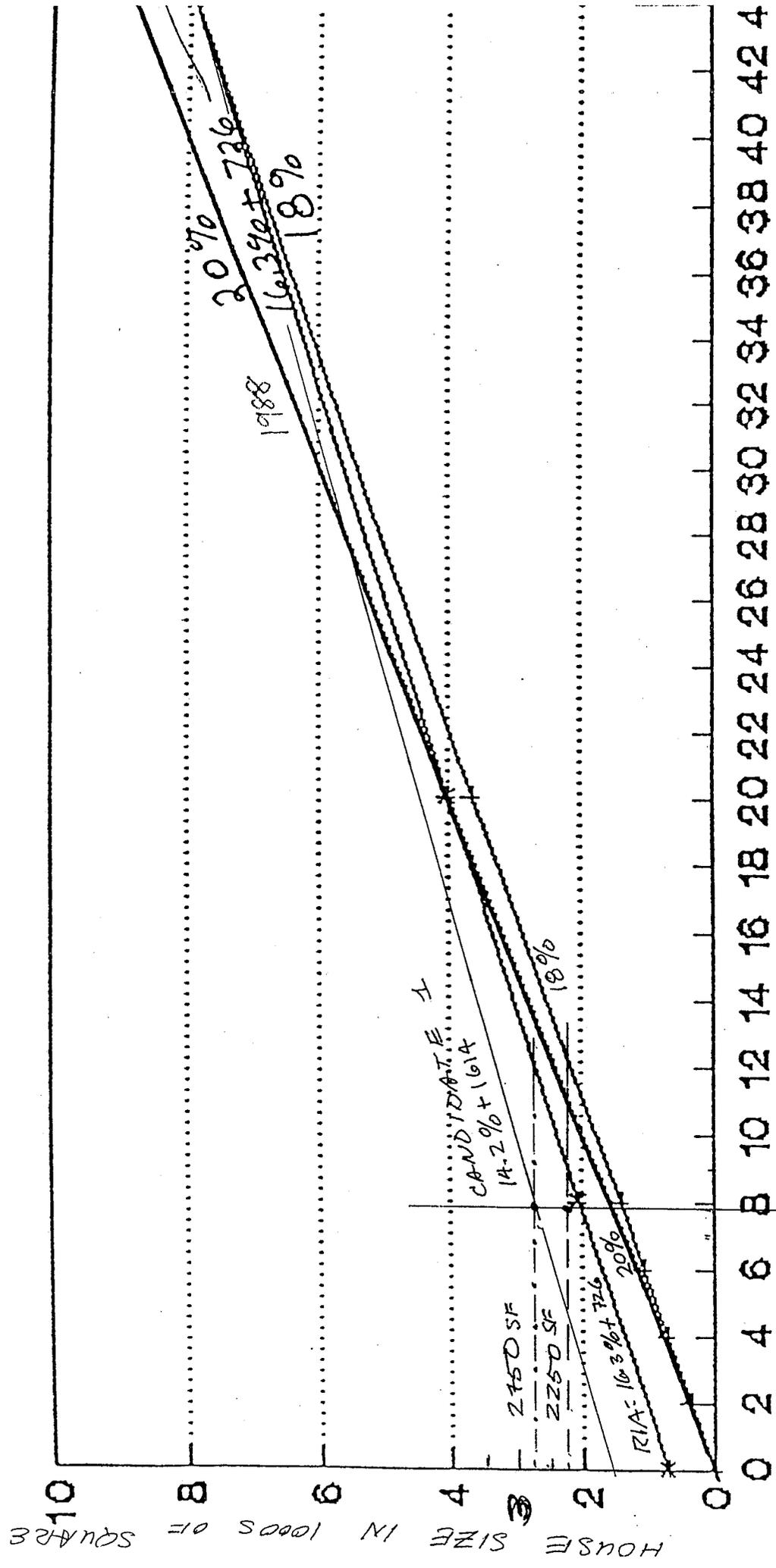
In 1992, a wise Planning Commission and Town Council changed the FAR for all R1-A lots less than one acre. We recommend that the FAR in R1-A be revisited to add another, say ~600, square feet to the 2250 that is currently the maximum buildable for the 7800 sq ft Parker lots. Then others on the street could have "what Dick and Linda have" (*and that includes our garage*) WITHOUT ANY CHANGE TO THE SETBACKS, and we could at long last be done with this exhausting and painful bi-annual pilgrimage to the Town government.

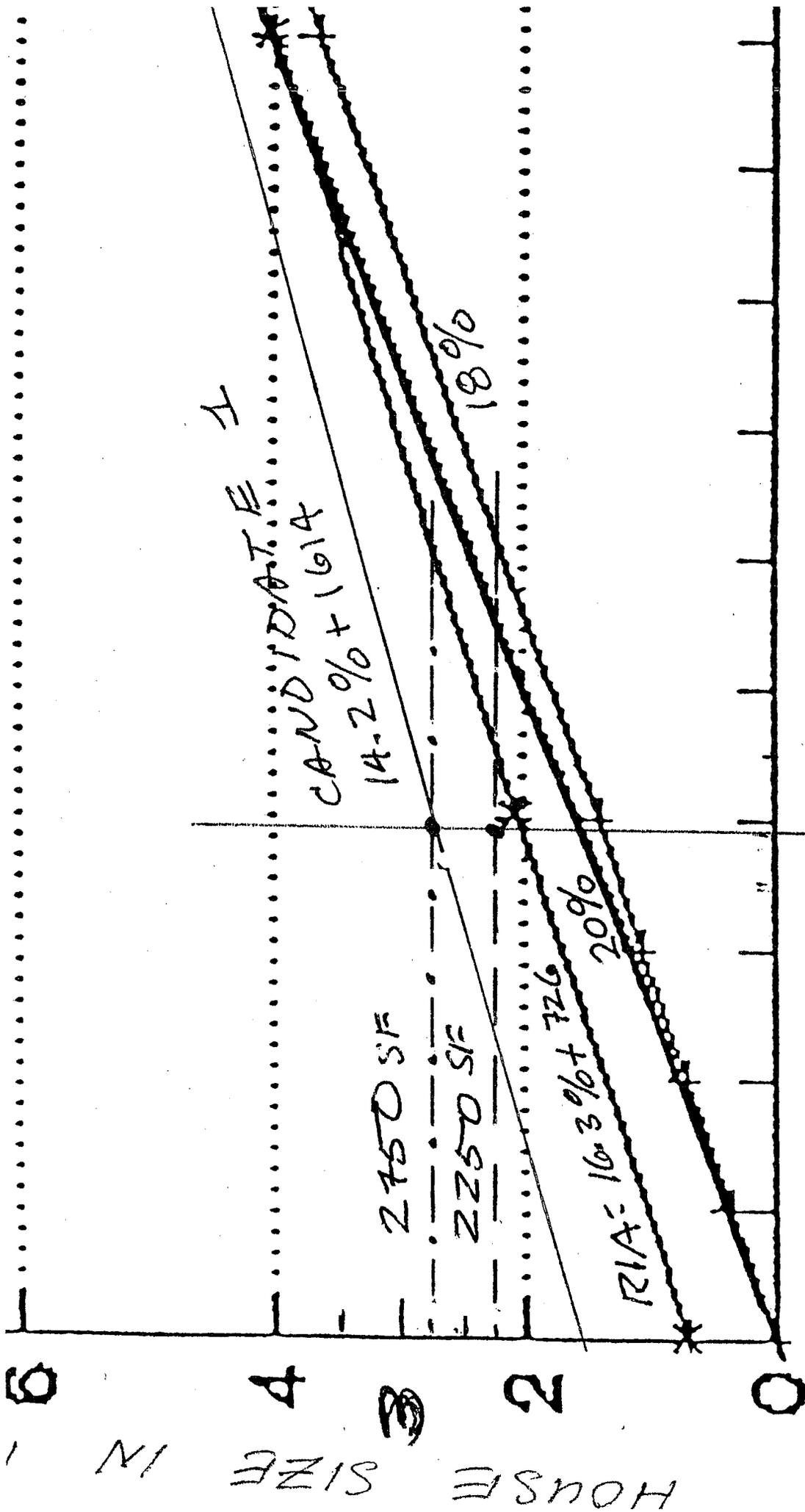
ATHERTON ZONING HISTORY

Ordinance Date of Adoption	Side Setback	Front & Rear Setback	Floor Area Maximum	Height Maximum
<u>Ordinance 87</u> December 3, 1928 This is the first ordinance regulating structures				
R1-A	40' 25'	50' 30'	None	None
R1-B	20'	30'	None	None
<u>Ordinance 95</u> January 21, 1930 This is the first ordinance regulating structures				
R1-A	50'	60'	None	None
R1-B	(Unchanged)		None	None
<u>Ordinance 146</u> April 16, 1946 <u>First height limits</u>				
R1-A	50' If less than 200' wide then see current table (14')	60' 30% if less than 200' deep prior to 4-16-46	None 35' (3329 sq. ft.)	38'
R1-B	"	30' 20% if less than than 160' prior to 4-16-46	None	38'
<u>Ordinance 407</u> April 23, 1985 <u>First Floor Area maximum regulations</u>				
R1-A	No Change	No Change	25% (1750 sq. ft.)	34'
R1-B	No Change	No Change	50%	34'
<u>Ordinance 434</u> April 27, 1988				
R1-A	No Change	No Change	20% (1500 sq. ft.)	30' (Special conditions 34' max.)
<u>Ordinance 443</u> March 15, 1989				
R1-B	No Change	No Change	40%	28'
<u>Ordinance 456</u> July 18, 1990				
R1-B	No Change	No Change	16.5% + 1500 sq ft (2751 sq. ft.)	28'
<u>Ordinance 466</u> November 20, 1991				
R1-A	No Change	No Change	16.3% + 726 sq ft 7.5% max above first floor (2000 sq. ft.) (1774 sq. ft.)	No Change

$$\frac{2250 - 1664}{586} = \text{and floor on Parcel One (lot: 7500) (2.5\%)}$$
 Minimum allowable = 2250 sq ft

Floor Area Alternatives





0 2 4 6 8 10 12 14 16 18 20

PARTICULAR

Lot Size in 1,000

August 12, 2010

Barb Carson
4 Bergesen Court
Atherton, CA 94027

Town of Atherton
Planning Commission
94 Ashfield Road
Atherton, CA 94027

Dear Members of the Planning Commission:

The proposed rezoning change from R1-A to R1-B for properties on Parker Avenue, creates distrust between the residents of Atherton and the Planning Commission and Town Council. When one purchases a home, one believes that the physical circumstances that attracted him/her to that particular property will remain the same. Atherton prides itself in its rural atmosphere and that is what appeals to the majority of the people buying homes here. With this zoning change that will allow an increase in the size of the homes and a reduction in the setbacks, this rural nature will be destroyed for the people living on Parker and the surrounding properties. It will also be a wake up call for the other Atherton residents. They will wonder what the next step will be by the Planning Commission and the Council to change the lovely environment of our town. If one is unsure of what potential changes could occur, one is less apt to make such a big purchase as a home in Atherton. Right now the economy is suffering because of a similar reason. No one knows for sure what the next move will be by the President and legislature in regard to changes in tax policy. No one wants to commit to spending money until they know what the future holds for business and individuals.

Thank you for thinking about how this rezoning will effect the people of Atherton.

Very truly yours,

Barb Carson

From: Gustavo Eydelseyn <gustavo@asigo.com>

To: jgruber@ci.atherton.ca.us, lisa@nealmartinassoc.com

Cc: lovemypaws@yahoo.com

Date: Wednesday, August 11, 2010 11:39 am

Subject: Support for Parker Ave to R1B

Jerry,

Could you forward this to the city council and planning commission?

Thanks,

Planning Commission & City Council
The City of Atherton
91 Ashfield Road
Atherton, CA94027

Dear Atherton, Planning Commission, & City Council

Parker Ave being in R1A has been changed a number of times over the years. It seems to be a conformance issue. I own a home in both R1A & R1B in Atherton. For the smaller lots on Parker Ave I am in full support of R1B.

Sincerely yours,

Gustavo Eydelseyn
163 Fair Oaks Drive, Atherton CA
98 Walnut Ave, Atherton, CA

Gustavo

Attachments:

From: Colleen Anderson <lovemypaws@yahoo.com>

To: Jerry Gruber <jgruber@ci.atherton.ca.us>, Atherton Planning Lisa Costa Sanders <lisa@nealmartinassoc.com>
Cc:

Date: Wednesday, August 11, 2010 01:49 pm

Subject: Fwd: Please send another email

Begin forwarded message:

From: Betsy Kehoe <betsykehoe@me.com>
Date: August 11, 2010 1:46:55 PM PDT
To: Colleen Anderson <lovemypaws@yahoo.com>
Subject: Re: Please send another email

Colleen,

I am in favor of re-zoning Parker Ave to an R1B.

Betsy Kehoe
2 Walnut ave.
Atherton

Sent from my iPad
Betsy Kehoe

On Aug 11, 2010, at 11:38 AM, Colleen Anderson
<lovemypaws@yahoo.com> wrote:

The city of Atherton wants current letters on looking at rezoning Parker Ave R1B. I know you have written a letter in the past. Could you just email me back stating you are still in support of rezoning Parker Ave to R1B, and include your street. Thanks

Colleen

Attachments:

From: Colleen Anderson <lovemypaws@yahoo.com>

To: Atherton Planning Lisa Costa Sanders <lisa@nealmartinassoc.com>, Jerry Gruber <jgruber@ci.atherton.ca.us>

Cc:

Date: Wednesday, August 11, 2010 01:54 pm

Subject: Fwd: Letter of support

Begin forwarded message:

From: Debbie Thibault <dsthibault@att.net>
Date: August 11, 2010 1:49:16 PM PDT
To: Anderson Coleen <lovemypaws@yahoo.com>
Subject: Letter of support

Dear Town of Atherton,

We are in full support of rezoning Parker Ave to R1B. Given the group of smaller size lots it seems to be the fair thing to do. Please rezone Parker Ave to R1B like the majority of other smaller lots in Atherton.

Regards,
Debbie Thibault

18 Cowell Lane
Atherton, CA

Attachments:

From: Colleen Anderson <lovemypaws@yahoo.com>

To: Atherton Planning Lisa Costa Sanders <lisa@nealmartinassoc.com>, Jerry Gruber <jgruber@ci.atherton.ca.us>

Cc:

Date: Wednesday, August 11, 2010 02:52 pm

Subject: Fwd: Letter to please forward

Begin forwarded message:

From: Nicole Patton <nicolepatton@mac.com>
Date: August 8, 2010 9:26:04 AM PDT
To: Colleen Anderson <lovemypaws@yahoo.com>
Subject: Letter to please forward

To whom it may concern,

It has come to my attention that a rezoning request for Parker Ave is coming before the Planning Commission & City Counsel again. I am personally writing to fully support the rezoning of Parker Ave to R1B it seems to make the most sense to have Parker Ave rezoned R1B. The R1B zoning code for similar smaller sized lots in Atherton has been proven to look and work out great. For this group of homes with smaller lots R1B would be a practical solution.

Nicole Patton

1 Fenwood Drive, Atherton

Attachments:

From: Colleen Anderson <lovemypaws@yahoo.com>

To: Atherton Planning Lisa Costa Sanders <lisa@nealmartinassoc.com>, Jerry Gruber <jgruber@ci.atherton.ca.us>

Cc:

Date: Wednesday, August 11, 2010 02:27 pm

Subject: Fwd: Please send another email

Begin forwarded message:

From: ljgriff1@comcast.net
Date: August 11, 2010 2:13:52 PM PDT
To: Colleen Anderson <lovemypaws@yahoo.com>
Subject: Re: Please send another email

Dear Colleen and the city of Atherton,

I have written a letter in the past in support of rezoning Parker Avenue R1B. I am still in favor of rezoning.

Thank you,

Linda Griffin

----- Original Message -----

From: "Colleen Anderson" <lovemypaws@yahoo.com>
To: "Linda & John Griffin" <ljgriff1@comcast.net>
Sent: Wednesday, August 11, 2010 11:29:30 AM
Subject: Please send another email

The city of Atherton wants current letters on looking at rezoning Parker Ave R1B. I know you have written a letter in the past. Could you just email me back stating you are still in support of rezoning Parker Ave to R1B, and include your street. Thanks
Colleen

Attachments:

April 26, 2010

Town of Atherton Planning Commission
Atherton, CA 94027

Dear Town of Atherton Planning Commission:

We are property owners in the Parker Avenue neighborhood. Our small cul-de-sac is currently zoned R1A, which is primarily geared toward lots sized one acre or larger. Our neighborhood, which represents a small minority in the Town of Atherton, with the exception of one lot, consists of approximately twenty 7,800 square foot parcels.

The current zoning places severe restrictions on the finished living space. Based in the lot to build ratio and the front and side setback, a lot with our size can build a house that is 2,185 square feet in total (1,600 square foot ground floor + 585 square foot 2nd floor). While these ratios are reasonable for the lots one acre or larger, they are somewhat arbitrary and, in our opinion, overly-restrictive for a lot that is one fifth the size of a "normal" sized lot.

Given the current restrictions, property owners in the neighborhood are faced with the mutually exclusive decision of having a garage versus extra living space often opting for the latter and parking their multiple vehicles on the street. While Parker Avenue is an otherwise ideal setting for young families (being situated on a cul-de-sac, and in the Las Lomas School District, etc.), the bias towards parking on the street in order to maximize living space has transformed the street into a parking lot fraught with peril for young children.

The street has also become a magnet for larceny. Over the years, we have learned of numerous crimes of convenience such as break-ins into cars. Additionally, with all the parked cars on the street creating a natural camouflage allowing an intruder's vehicle to slip into the neighborhood and go unnoticed, Parker Avenue could also be an open invitation for other more serious property crimes such as breaking and entering and burglary.

As a result of the space constraints and safety issues stemming from the zoning restrictions, Parker Avenue has become a fairly transient neighborhood with relatively high turnover among homeowners in the demographic group with young children making it difficult to build a lasting sense of community.

To address space constraints, we understand that over the years the homeowners on Parker Avenue have requested and been granted variances of differing degrees depending on the lenience of the officials in office at the time. Consequently, the street is a cumulative hodgepodge of variances without any clear and consistent application of the zoning ordinance for lots of a similar size.

We support the rezoning initiative of the Town of Atherton for all lots less than 10,000 square feet from R1A to R1B based on the following reasons:

1. Equitable treatment and uniform application of the building code;
2. Creating a safer street for young children;
3. Making the environment less inviting to crimes of convenience or opportunity; and
4. Making conditions more conducive to building a lasting community by allowing residents to expand their homes to meet their living needs as measured by today's standards.

In addition to addressing the issues outlined above, we believe that bringing greater transparency and consistency in applying the zoning rules to smaller lots will go a long way to beautifying the Town of Atherton by getting vehicles off the street at Parker Avenue hopefully lower the turnover rate of families outgrowing their homes; ultimately, creating a more lasting sense of community like past generations have enjoyed.

We respectfully request that you consider the issues we have raised as you deliberate the proposal to re-zone all sub-10,000 square foot lots to R1B. If you have any questions or concerns, please contact Jonathan Tang at (408) 704-4077 or (650) 743-7868. We would welcome the opportunity to discuss the Town's concerns and the competing issues and elaborate on our interests in greater detail.

Sincerely,



S. Jonathan Tang & Cathy W. Yu
Joint Owners of 28 Parker Avenue, Atherton, CA

HARLEY MICHAEL BENNETT, M.Div., Ph.D.

Transpersonal Psychotherapy

97 Parker Avenue

Atherton, CA 94027

650-368-2518

<hmbennett@sbcglobal.net>

Planning Commission
Town of Atherton
Atherton, CA 94027

April 28, 2010

RE: Rezoning Parker Avenue from R1A to R1B

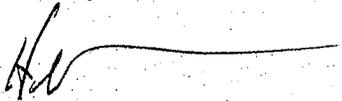
Dear Planning Commissioners,

I purchased the property at 97 Parker Avenue in August 1986 and was joined in the house by my wife Gabriele in 2000. One of our house's previous owners converted its garage into a bedroom, and because our one-fifth acre lot is subject to the same R1A zoning standards as the one-acre-plus lots that surround Parker Avenue building a new garage is infeasible. That is, the R1A setbacks are so large that a garage will not fit within the setbacks of our lot unless we remove a portion of our 1,700 square foot house to accommodate it.

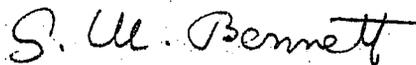
We think it is unfair that other streets in Atherton which are characterized by small, Parker-size lots are afforded R1B zoning while Parker lots are burdened with R1A zoning. We refer to the smaller lots in the North Gate/Middle Gate/South Gate area as well as those along Maple, Walnut, Watkins, and Spruce Streets east of El Camino, and along El Camino itself. Unlike property owners on Parker Avenue, owners of these other smaller properties are afforded setbacks proportional to the size of their lots. If Parker Avenue was rezoned to R1B we would also have setbacks proportional to the size of our lots, and we could build a garage without downsizing the footprint of our home.

Thank-you for considering our request to rezone Parker Avenue from R1A to R1B zoning, and we hope you will contact us if you have questions.

Sincerely,



H. Michael Bennett



Gabriele Mayer Bennett

Mai T Pham
62 Parker Avenue
Atherton, CA 94207

June 2nd, 2008

Town of Atherton Zoning Commission
Atherton, CA 94027

Dear Town of Atherton zoning commission:

I am a resident of the Parker Avenue neighborhood. Through several discussions with neighbors as well as the assistant planner of Atherton, I understand that our small street is currently zoned R1A. Our street consists of approximately 20 lots (including 247 Stockbridge which is located at the corner of Stockbridge and Parker.) With the exception of 1 lot, all of the lots on our street are approximately 7800 sq ft in size which is less than 1/5 of an acre. Yet, the Town of Atherton has zoned our street as a R1A which lumps us in with all the lots that are 1 acres or more.

As I have stated above, most of our lots are less than 1/5 of an acre. Subjecting us to the same building codes and zoning regulations as those lots in Atherton that are 1 acre or more will put us at a huge disadvantage. When you consider building regulations and put a limit on distance of structures from the lot border, for example, often times, we are unable to comply with such regulations. Or in order for us to comply, our dwelling will need to be so limited that we end up having to find creative architecture work arounds just to meet these minimum requirements. As a result, the town will need to continue to make exceptions or deal with these "creative architectural design" as they arise. The simplest way to prevent or discourage such behaviors is to consider re-zoning our street/neighborhood to a more appropriate zoning code.

I am joining with some of my neighbors to request that you consider re-zoning our street to a R1B zone. I understand that the R1B zoning code was set up to group the parcels of land in Atherton that are significantly less than 1 acre in size. This group of parcels can have exceptions to some of the building codes that are more appropriate to the lot size. In addition, it means potentially to deal with less exception requests. But the biggest factor in granting our request would mean: The town representatives understand and are working with its residents to ensure that town's regulations are appropriate and can accommodate the majority and minority alike. Although I am relatively new Atherton and to the Parker avenue neighborhood, I am a committed resident and believe that Atherton is a wonderful town to raise a family. As my family grows, so will my needs for adequate housing. With the current zoning of R1A, we are very limited in size and we will need to sacrifice needs (a garage for example) just to comply with regulations that does not make sense due to our lot size.

I look forward to working with you to ensure that our neighborhood and town continues to be the place of choice for families and individuals.

Sincerely,

Mai T Pham
Owner of 62 Parker Avenue, Atherton, CA.

HMB

April 28, 2010

Dear Members of the Atherton Planning Commission:

As residents of 43 Parker Avenue we respectfully request that you consider re-zoning all lots less than 10,000 square feet to R1B status, which would effectively change the zoning on our street from R1A to R1B.

As you know, Atherton's R1A zoning is based on one acre or larger lots, the typical size of a lot in our town. However our lot size is considerably smaller, approximately 7,800 square feet. Quite simply put, it is not fair for our lot—or others like it—to be governed by a zoning code that is geared towards proportionally much larger lots.

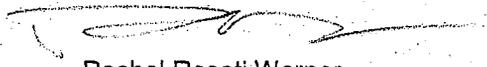
Additional flexibility is required for smaller lots, a concern that has already been addressed through R1B zoning which currently exists in other areas in Atherton with smaller lots. It seems only fair that all small lots in Atherton be governed under the same R1B zoning code.

Furthermore, the increase in floor area ratio of square footage from R1A to R1B is modest at best and would certainly preserve the integrity of our town's landscape. In fact, some residents on Parker Avenue have secured variances or have already been grandfathered in with larger homes creating an inequitable patchwork of zoning exceptions that currently has a negative effect on the aesthetic appeal of our street.

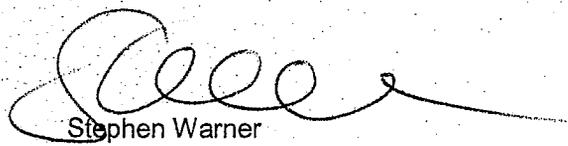
In addition, many residents have given up garage space in order to increase living space which has resulted in numerous cars parked on our street. This creates an environment inconsistent with the ideals of Atherton relating to, most importantly, the safety of the children who play on our cul-de-sac and an increase in crime as exposed cars have been targeted by thieves at an alarming rate.

In summary, it seems that the consistent treatment of all small lots in Atherton is the right course of action for a comprehensive and equitable town plan. Thank you for your time, attention, and consideration of this matter.

Sincerely,



Rachel Rosati Warner



Stephen Warner

43 Parker Avenue
Atherton, CA 94027

Planning Commission
Town of Atherton
Atherton, CA 94027

April 27, 2010

Dear Planning Commission,

I am a resident of Parker Avenue, and I would like to urge you to rezone our street from R1A to R1B. It seems apparent that R1A zoning is appropriate for the Town's larger, acre-plus lots but not for its smaller, under 10,000 square foot lots. Parker Avenue lots are all considerably smaller than 10,000 square feet and should be zoned R1B along with the Town's other smaller lots.

Thank-you for your consideration,



Merilee Gardner
90 Parker Avenue

Kevin and Lorrain Kramer
98 Parker Ave.
Atherton, CA 94027
April 28, 2010

Planning Commission
Town of Atherton

Dear Planning Commission:

I would like to request a change in zoning for lots under 10,000 square feet which are currently zoned R1A. R1B zoning is currently used for many small lots in Atherton and it would only seem fair to change similar small lots to R1B. Please help us to change this inequitable zoning situation.

Sincerely,



Kevin Kramer

From: Todd Beardsley <todd@menloathertonrealty.com>

To: lisa@nealmartinassoc.com

Cc:

Date: Friday, August 06, 2010 03:24 pm

Subject: Parker Ave rezoning

I would like to throw my support behind the rezoning of Parker Ave to R1B. It seems logical to have Parker Ave rezoned R1B. The R1B zoning code for similar smaller sized lots in Atherton has been proven to look and work out great. For this group of homes with smaller lots R1B would be a practical solution.

Kindest Regards,

Todd Beardsley



Todd Beardsley
Menlo Atherton Realty
www.MenloAthertonRealty.com
650.630.3313
650.473.0800 fax

Attachments:  image001.png (70KB)

From: Howard Crittenden <hcrittenden@sbcglobal.net>

To: lisa@nealmartinassoc.com

CC: terraceassociates@comcast.n

Date: Friday, August 06, 2010 03:14 pm

Subject: R1B Zoning for Parker Ave.

Dear Neal Martin & Associates, Atherton Planning Commission,

I lived in Atherton on Watkins Ave. for 24 years from 1975 thru 1999 before moving to Heather Dr. My house on Watkins Ave. was zoned R1B. It is my opinion that Parker Ave should be zoned to R1B. This zoning is appropriate for smaller lots.

Sincerely yours,

Howard Crittenden

117 Heather Dr.

Atherton, CA 94027-2119

650-321-7343

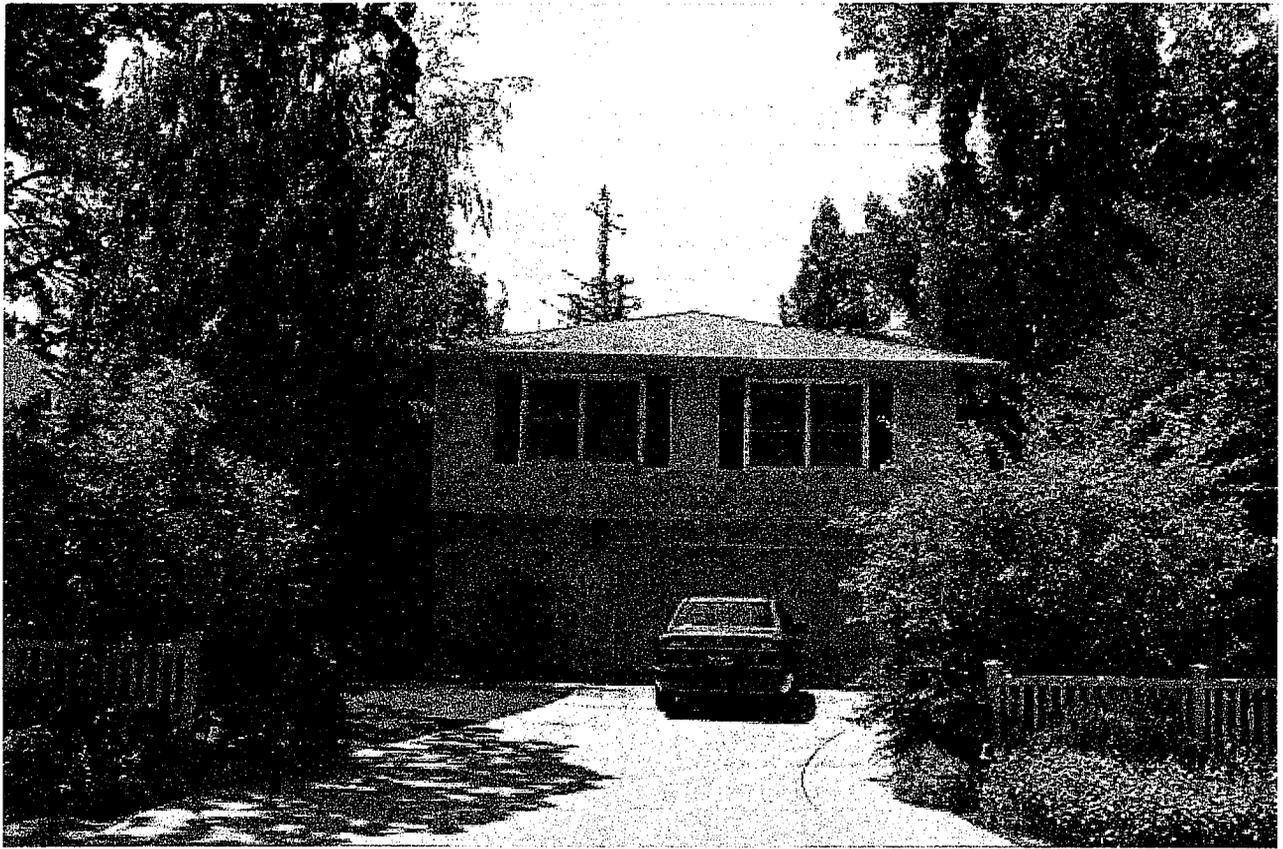
Attachments:



Here is the house with the FULL second story when you enter my front gate.



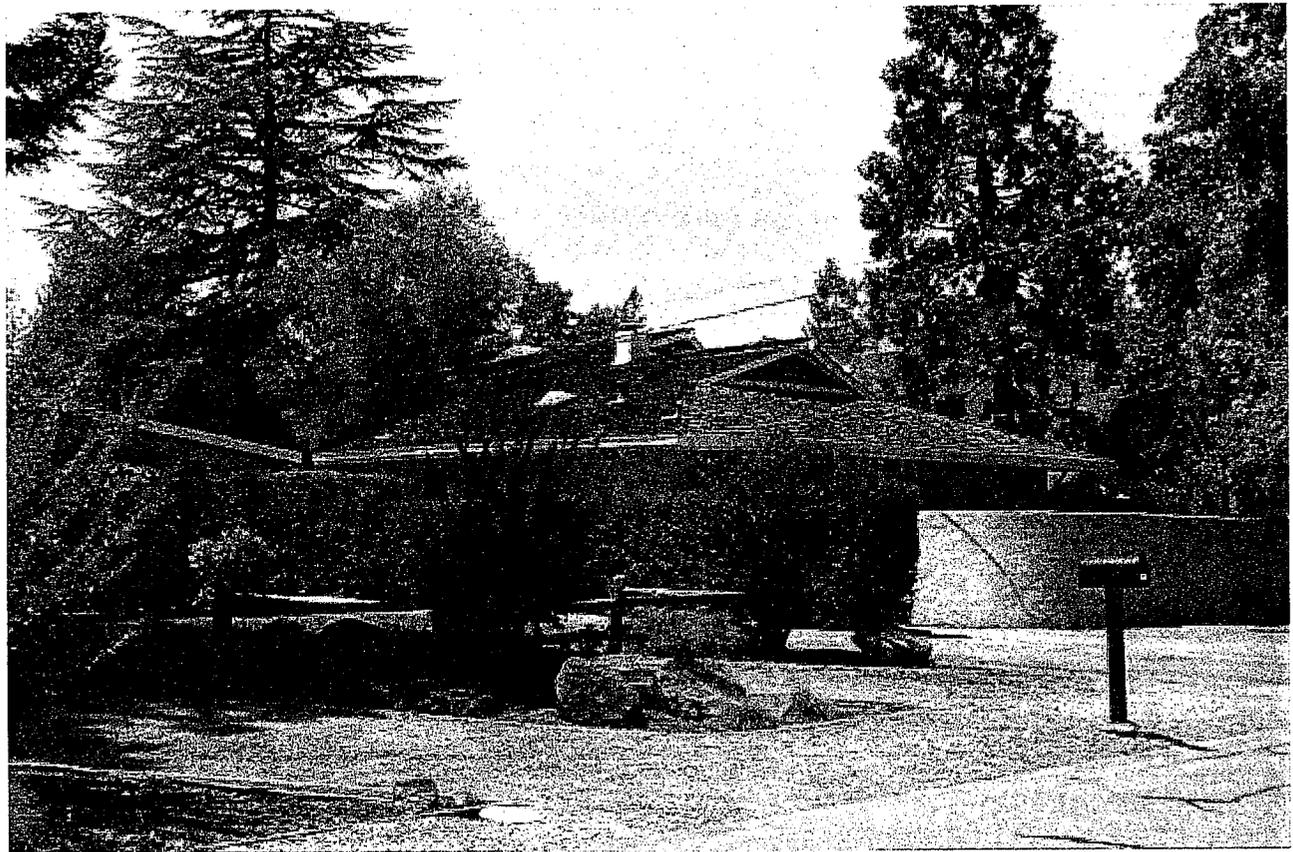
Here is a picture of a full second story on Parker that under current R1A cannot be built.



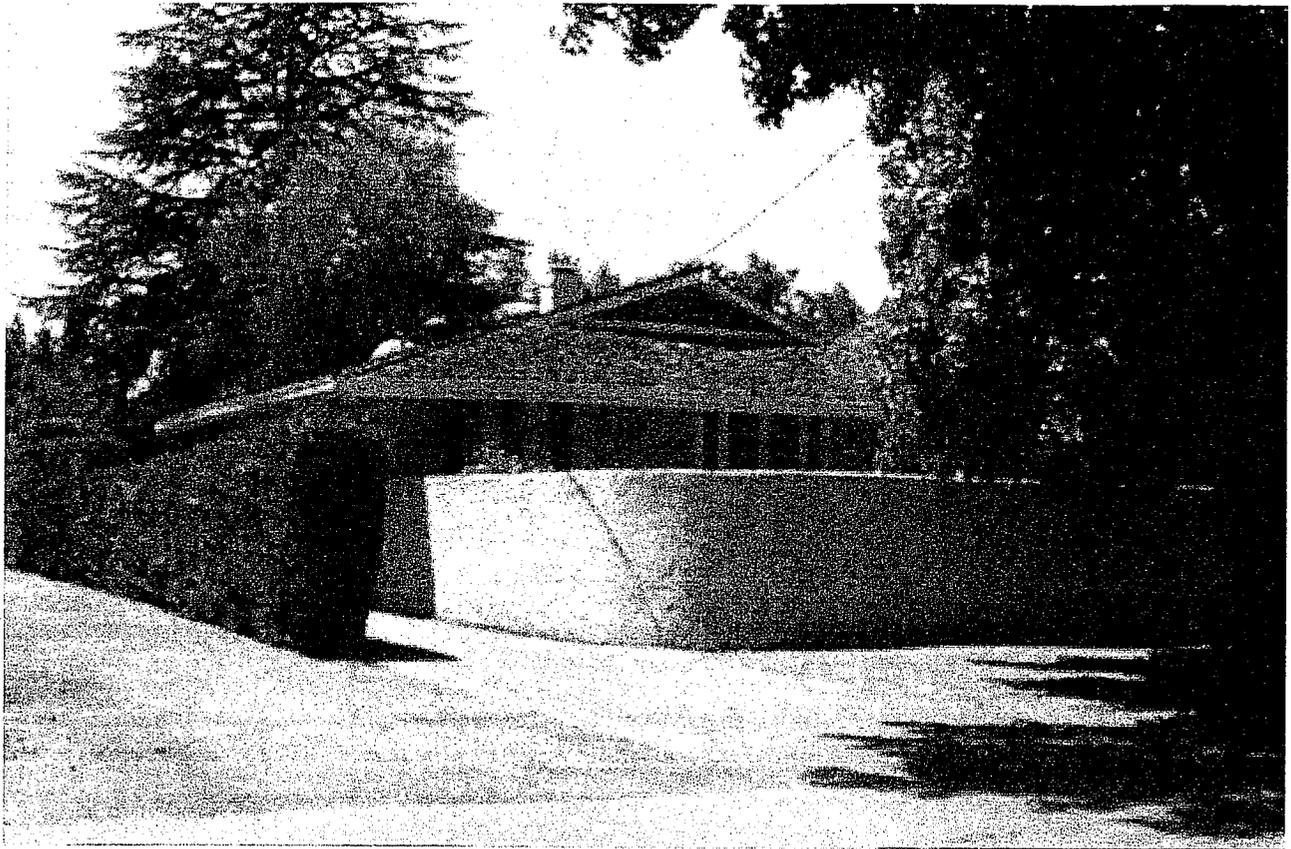
Full second story home on Parker Ave



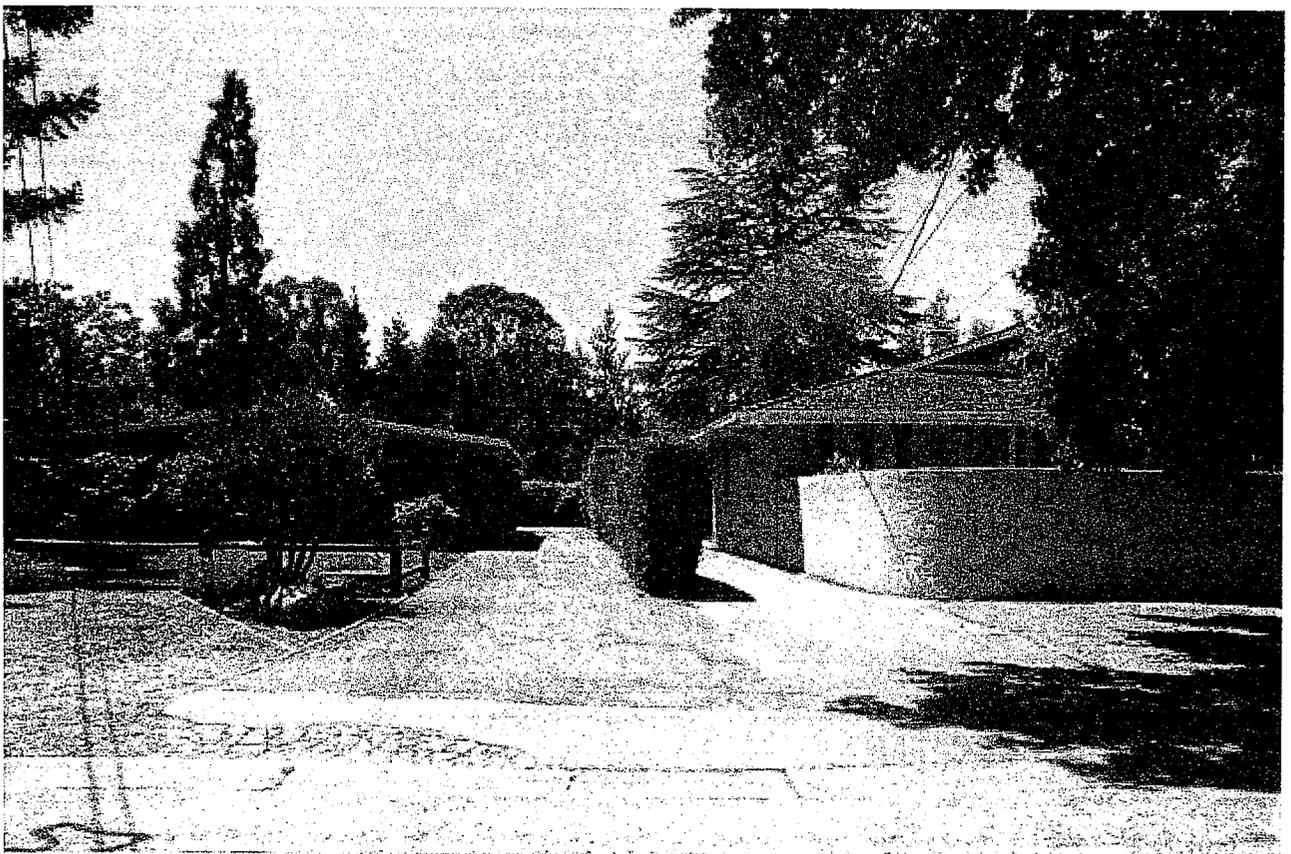
Full second story home on Parker Ave



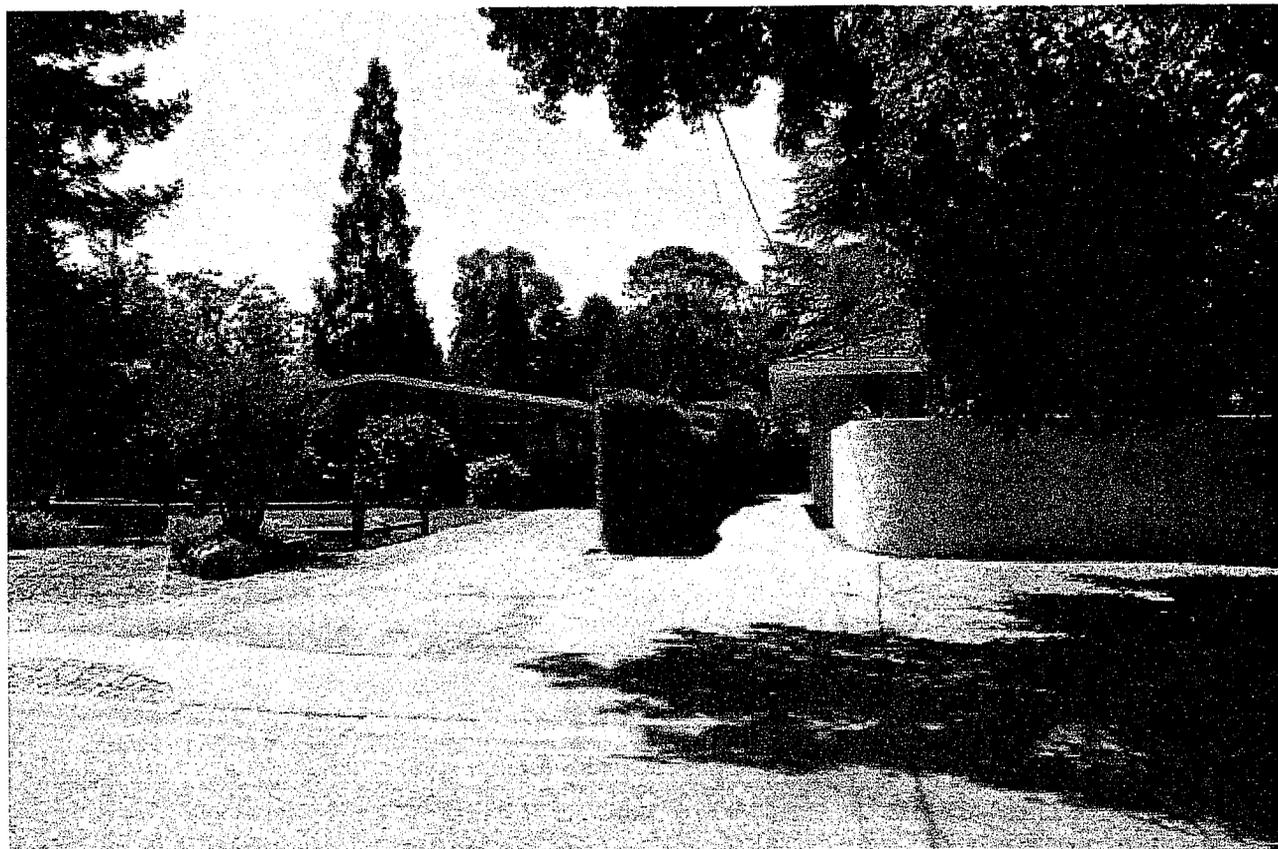
This is a home on Parker Ave that is more like a R1B then R1A



DSC06349.JPG

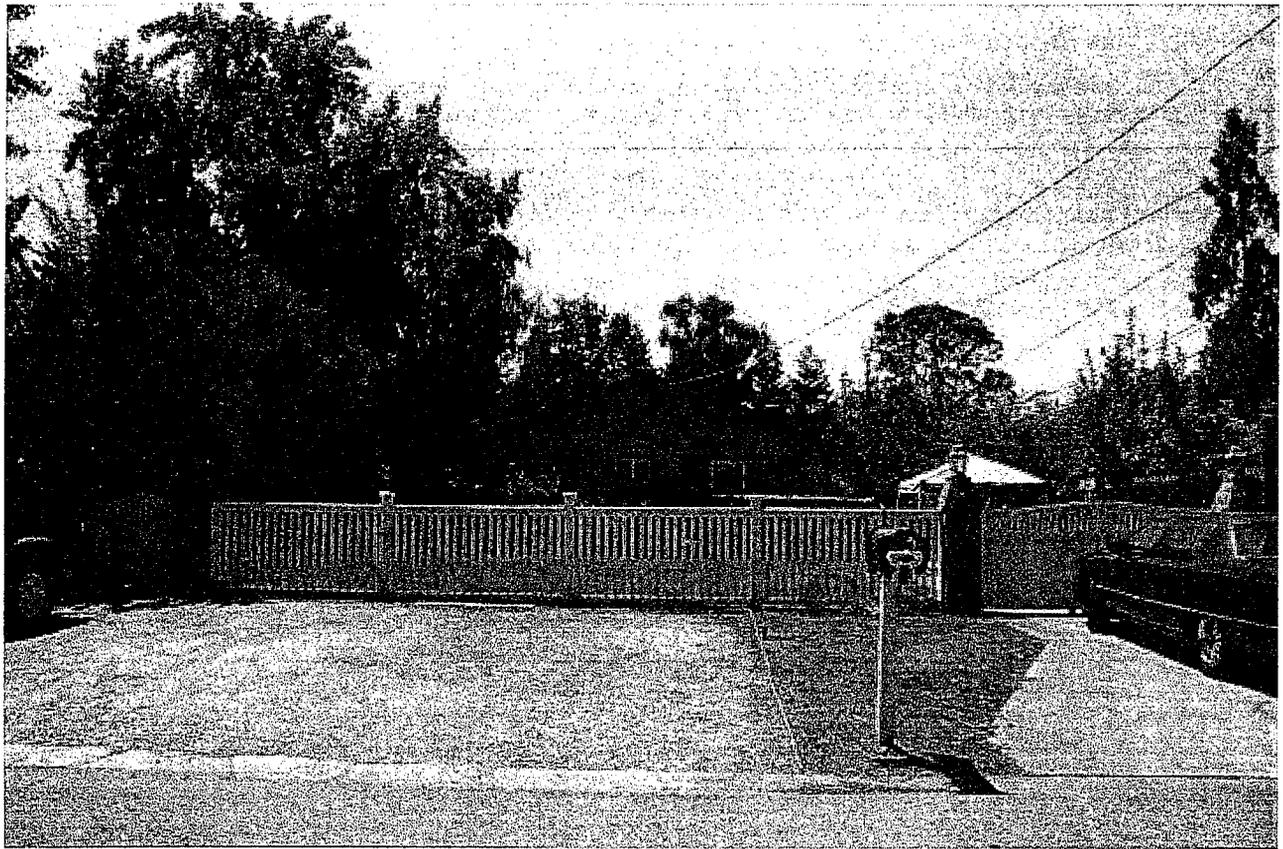


Atherton has already allowed other homes on our street to have different set backs. If you put the garage in front you could plant this driveway with lots of plants & trees. Both of these homes have garages in the back leaving very little room for a back yard.





Please look at how large our front yards are. Having children play in the front yards out of sight isn't as safe in these times.



Look at how large the front yards are. All our cars are on the street.

Here is a photo of the second story home from our back yard. We just fixed seeing the home with a few trees.



Shot from our backyard again

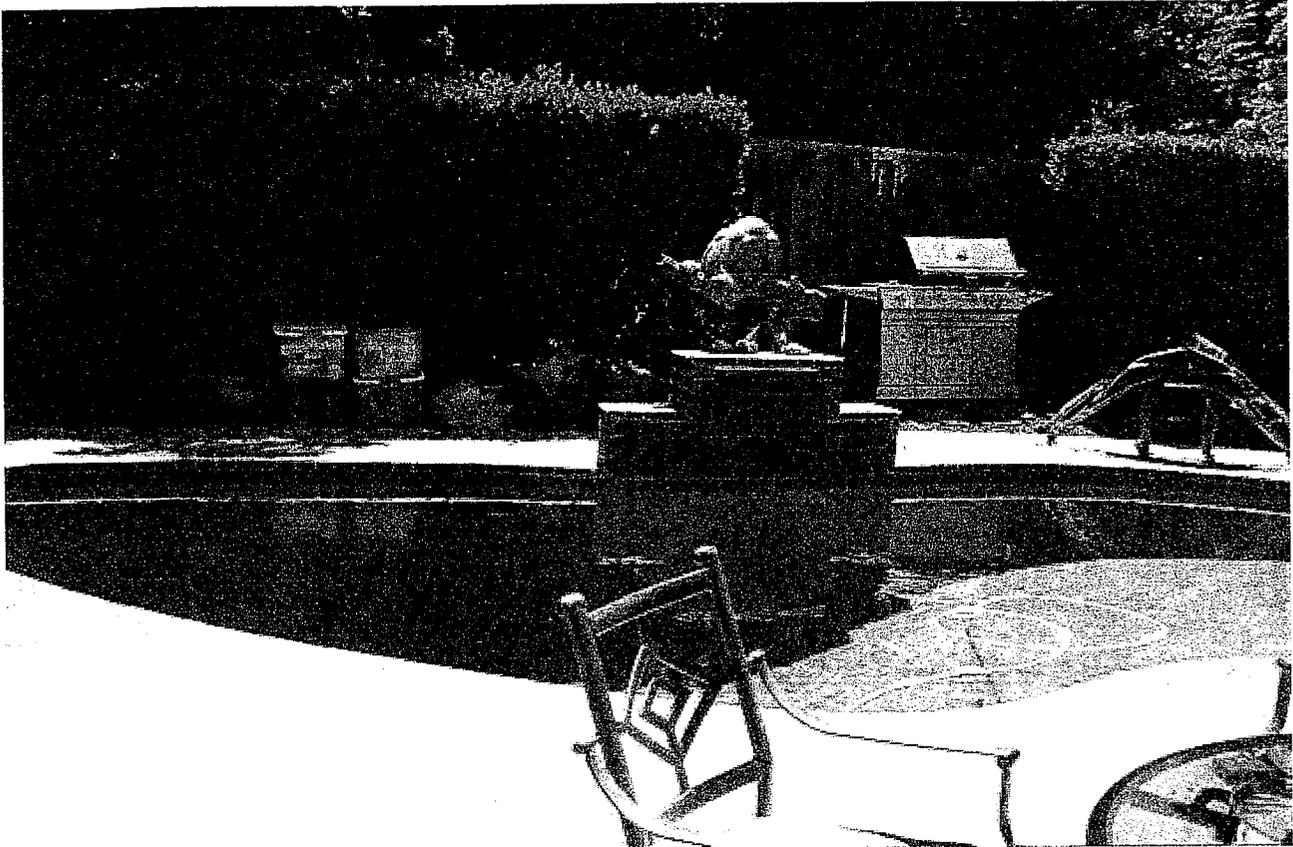
From: Colleen Anderson <lovemypaws@yahoo.com>

To: Jerry Gruber <jgruber@ci.atherton.ca.us>, Kathy McKeithen <kmckeithen@ci.atherton.ca.us>, Jim & Pat Dobbie <jdobbie@ci.atherton.ca.us>, Shirley & Jerry Carlson <jcarlson@ci.atherton.ca.us>, Charles Marsala <cemarsala@yahoo.com>, Elizabeth & Joe Lewis <lizlew08@gmail.com>, Atherton Planning Lisa Costa Sanders <lisa@nealmartinassoc.com>

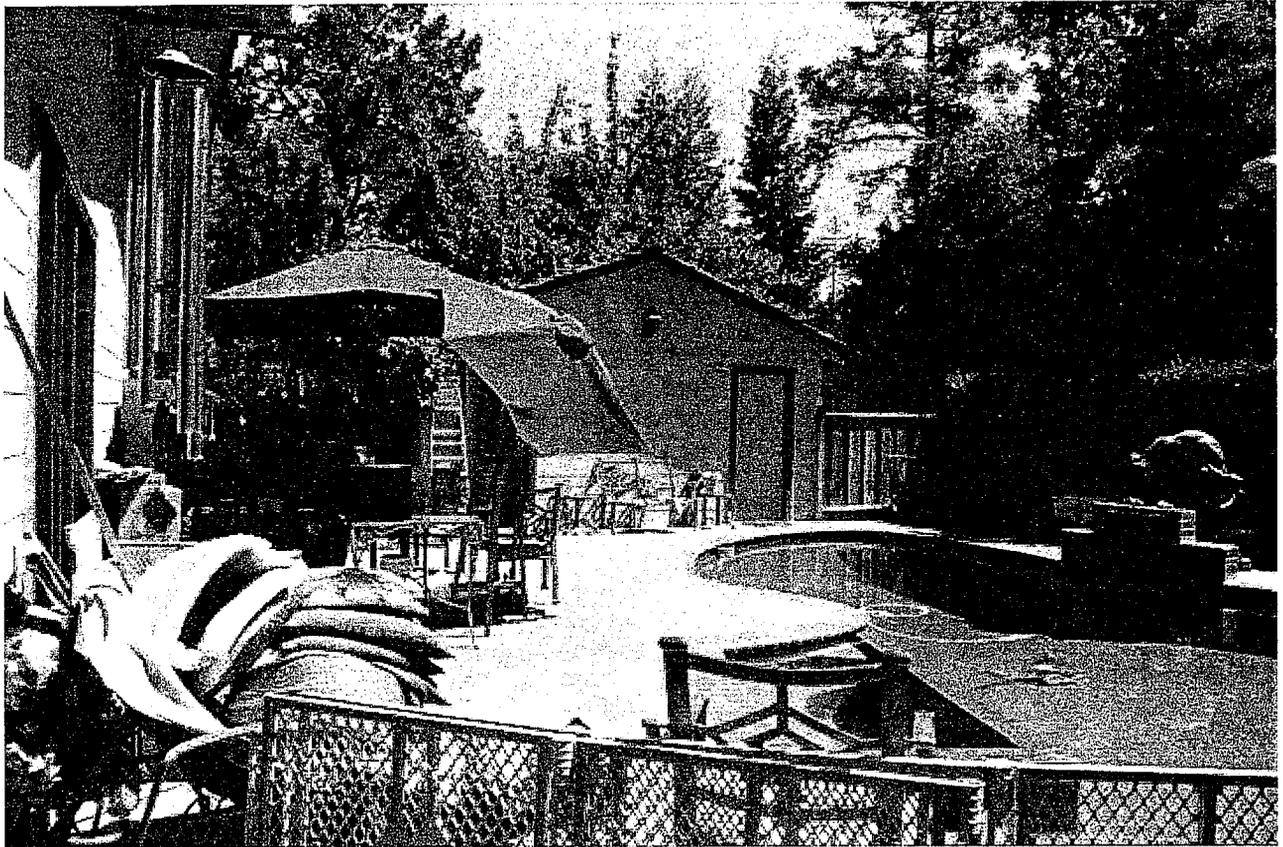
Cc:

Date: Thursday, August 05, 2010 03:08 pm

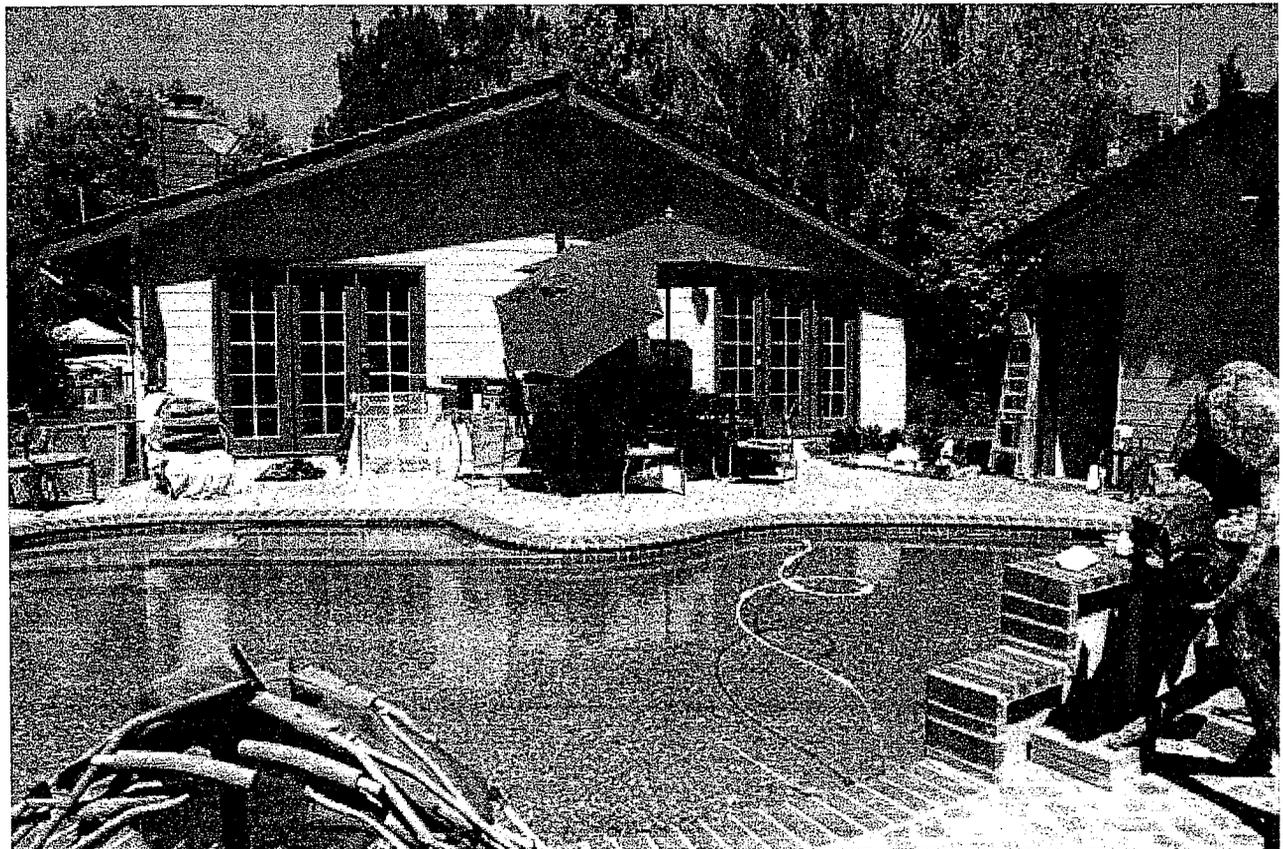
Subject: Parker ave



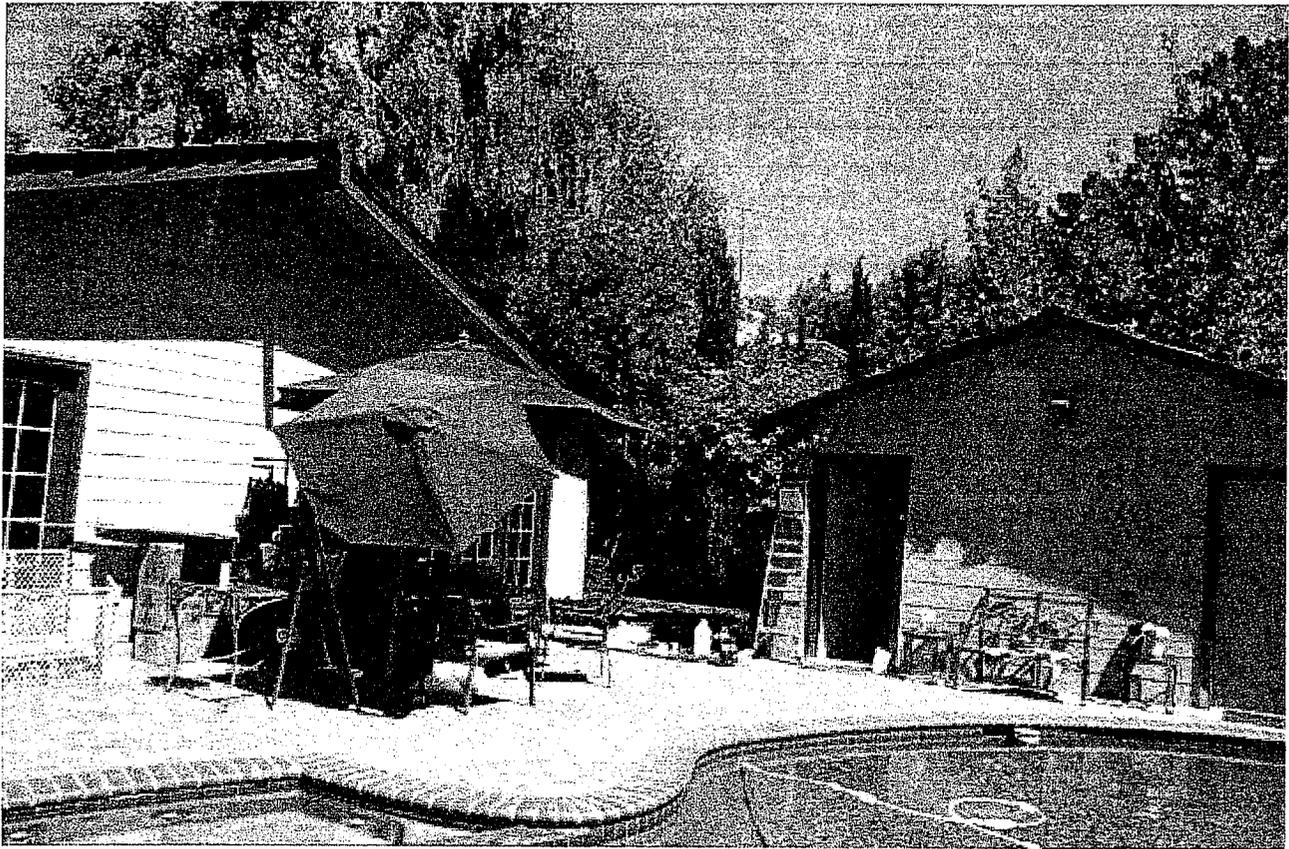
Size of my backyard. Smaller than my front yard.



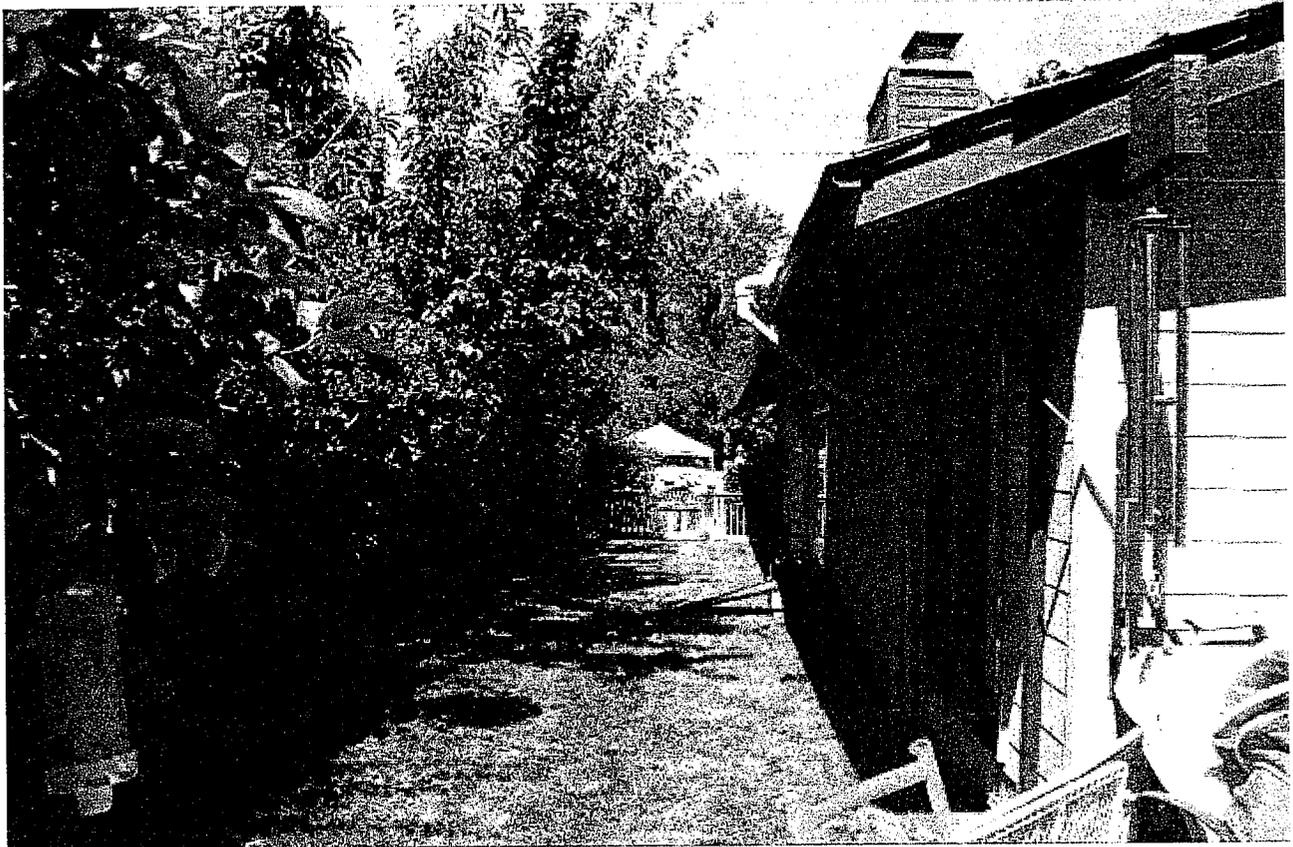
This is a picture of my backyard.



Backyard



Backyard much smaller than front yard because of creek/drainage canal.



The first fence is how long my home is. Very small narrow lots.



My front walkway. You walk by a BFI recycle trash can because we do not have a garage out front we can put it in. It is to heavy for us to move from the back of our lot. We are firm believers in recycle so it's at this point in time it is worth walking by every day. I would love a garage out front to put it in.



Front walkway out to our cars on the street



Here is how we store our bikes. We have 40 more tupperware boxes coming to our home in the future. We are looking at putting them on the rest of the pad stacking them on crates, and putting a tarp over them. Again a garage out front would solve this problem and many others.



Front walkway. We do not leave out BFI on the street like many other neighbors on Parker Ave. However then we end up walking by it EVERYDAY. I love our home, and am very proud of our community & home. I just want what is fair, and what others have on our street. In 1988 we could build R1B, and then some. Please help us. When we purchased in 1988 we were never informed of the changes. Both my husband and I were raised here. We always planned on building our dream home. Over the years we never realized or were told about the changes to R1A lots. Please help us. Do the right thing.

- Attachments:**
-  DSC06364_2.jpg (115KB)
 -  DSC06365.jpg (149KB)
 -  DSC06366.jpg (145KB)
 -  DSC06367.jpg (137KB)
 -  DSC06368.jpg (141KB)
 -  DSC06369.jpg (134KB)
 -  DSC06370.jpg (129KB)
 -  DSC06371.jpg (123KB)
 -  DSC06372.jpg (136KB)

From: Colleen Anderson <lovemypaws@yahoo.com>

To: Theresa & Kevin DellaSanta <tdellasanta@ci.atherton.ca.us>, Atherton Planning Lisa Costa Sanders <lisa@nealmartinassoc.com>, Jerry Gruber <jgruber@ci.atherton.ca.us>, Kathy McKeithen <kmckeithen@ci.atherton.ca.us>, Charles Marsala <cemarsala@yahoo.com>, Elizabeth & Joe Lewis <lizlew08@gmail.com>, Shirley & Jerry Carlson <jcarlson@ci.atherton.ca.us>

Cc:

Date: Thursday, August 05, 2010 02:30 pm

Subject: Parker Ave inside part of home

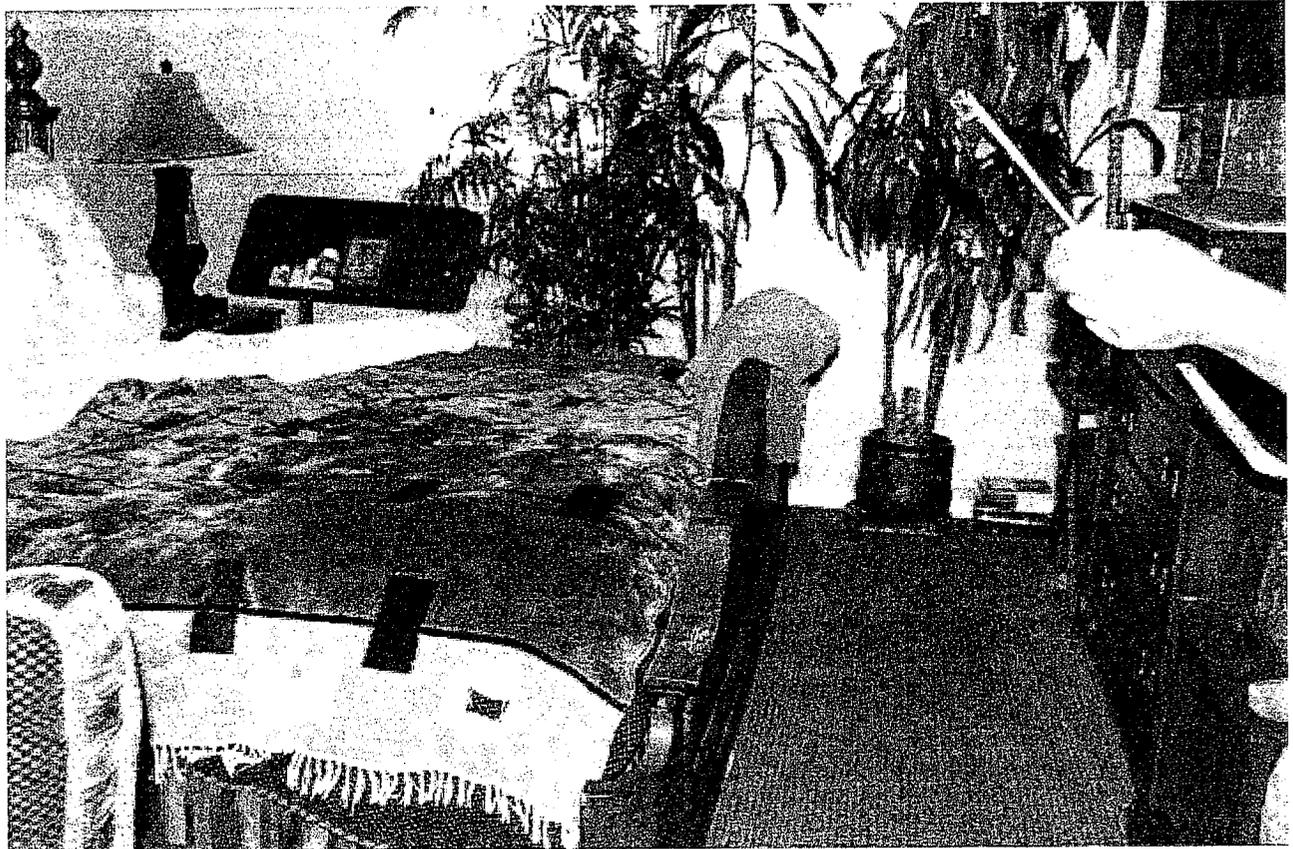
Please keep in mind during the photos we are having our hardwood floors redone, and stuff is ever where. The rooms are small and in most of them have walking room only. Not wheelchair room for when we get older. Hall ways take up a percentage of square footage. Again please excuse the mess. Having hardwood redone is a mess.



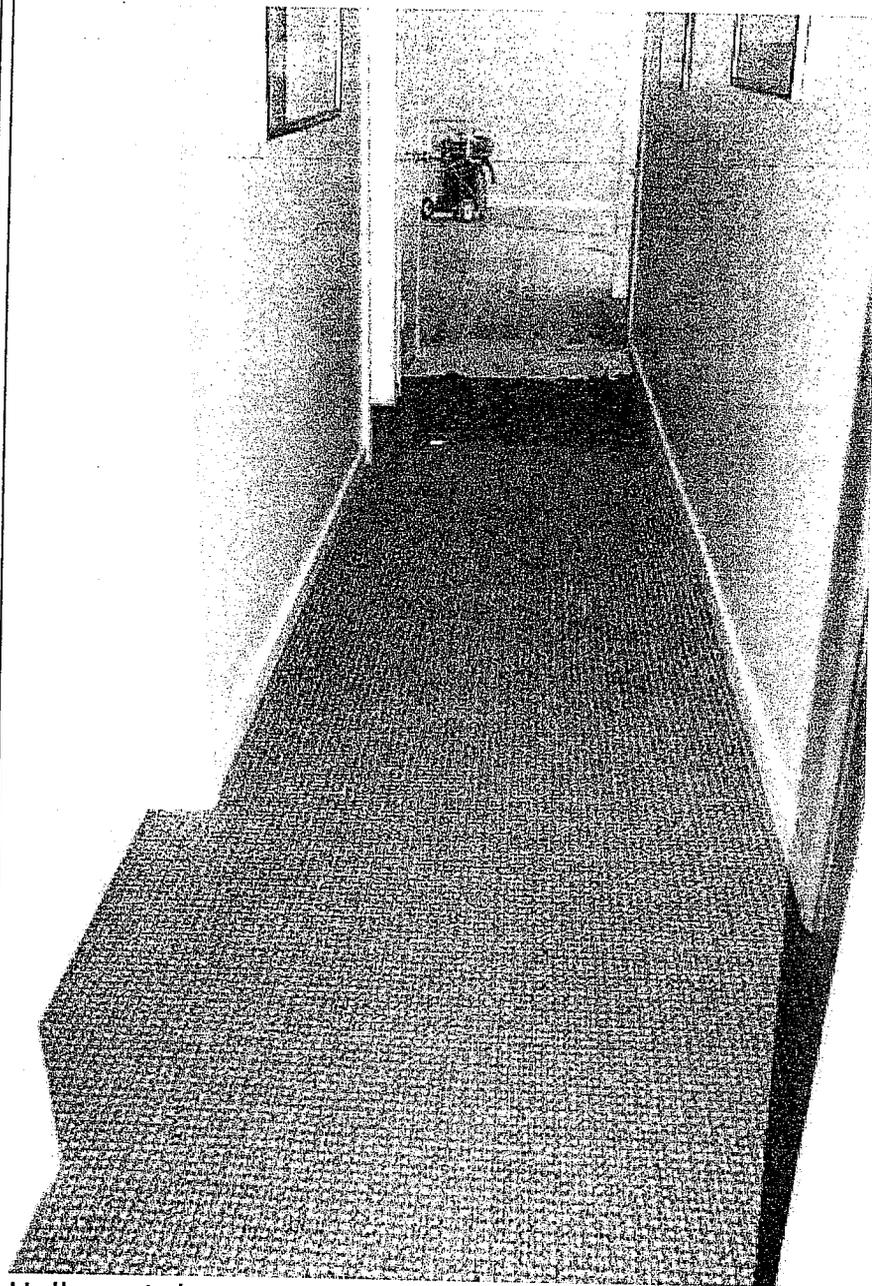
Master bath



Master bath



Master bedroom



Hallway takes up a lot of square footage given how narrow the lot is



Bedroom used as office, small room

- Attachments:
-  DSC06359.jpg (74KB)
 -  DSC06360.jpg (53KB)
 -  DSC06361.jpg (129KB)
 -  DSC06362.jpg (72KB)
 -  DSC06363.jpg (114KB)



44 Parker Ave, Alhambra, CA 91802

Traffic

More...

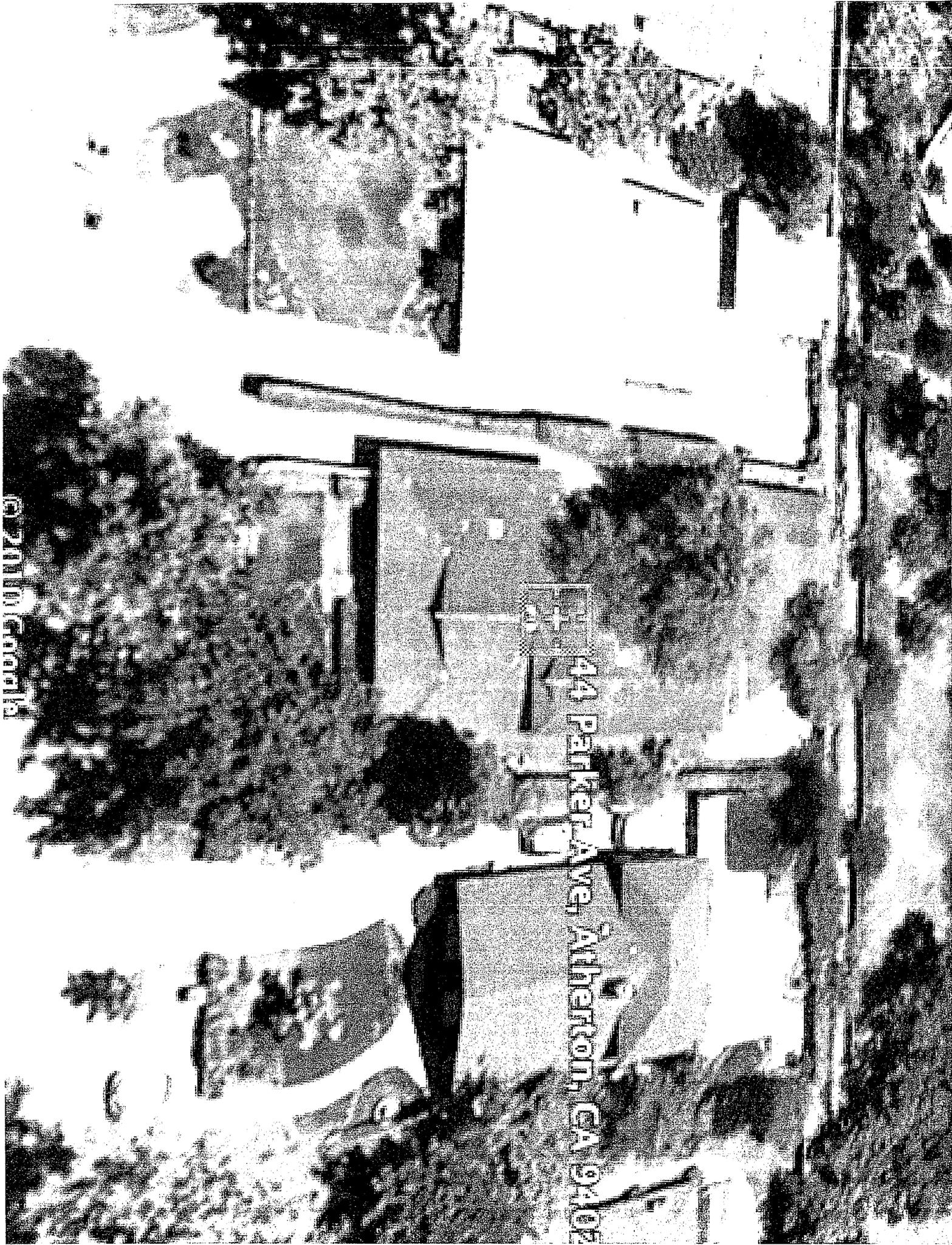
Map

Satellit



© 2011/11/11/11/11/11

44 PARKER AVE, BARTON, CA 94102

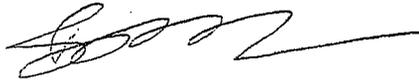


August 6, 2010

To whom it may concern,

It has come to my attention that a rezoning request for Parker Ave is coming before the Planning Commission & City Counsel again.

I am personally writing to fully support the rezoning of Parker Ave to R1B it seems to make the most sense to have Parker Ave rezoned R1B. The R1B zoning code for similar smaller sized lots in Atherton has been proven to look and work out great. For this group of homes with smaller lots R1B would be a practical solution.



Indra Mohan
64 Selby Lane
Atherton, CA 94027

From: Sudha Shah <sudhashah@sbcglobal.net>

To: lisa@nealmartinassoc.com

Cc: terraceassociates@comcast.net

Date: Friday, August 06, 2010 12:20 pm

Subject: Rezoning of Parker Ave

To whom it may concern,

The rezoning request to change Parker Ave from R1A to R1B is coming before the Planning Commission & City Council soon. I am writing to state my support of the rezoning effort. Individual families in our communities should have the right to expand their homes as their needs dictate. This rezoning would give them this flexibility. Homes on smaller lots in our community have been expanded in the past and this has proven successful. We should do what is right for our neighbors and allow them this rezoning.

Sudha Shah

81 Walnut Ave
Atherton CA 94027

Attachments:

Jonathan Venverloh

67 Marymont Avenue ■ Atherton, CA 94027 ■ 650-366-1663 ■ venverloh@gmail.com

Via email to: lisa@nealmartinassoc.com

Planning Commission
Town of Atherton
91 Ashfield Road
Atherton CA 94027

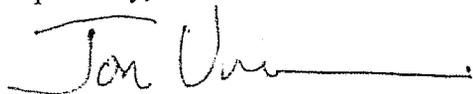
Members of the Planning Commission:

I undersand a rezoning request for Parker Avenue is coming before the Planning Commission & City Council soon.

I am writing to express support for the rezoning of Parker Ave to R1B. Though I don't know all the history of Parker Avenue, I live only two blocks away. R1B zoning seems appropriate for the size of lots on Parker Avenue, which I believe are very similar in size to lots zoned as R1B elsewhere in Atherton.

If the Planning Commission ultimately determines not to rezone Parker Avenue as R1B, please let the citizens know your reasoning. Thank you.

Respectfully,



Jon Venverloh

From: Julie Bell <jlampertbell@gmail.com>

To: lisa@nealmartinassoc.com

Cc:

Date: Thursday, August 05, 2010 04:02 pm

Subject: Parker Street Rezoning

To whom it may concern,

It has come to my attention that a rezoning request for Parker Ave is coming before the Planning Commission & City Counsel again. I am personally writing to fully support the rezoning of Parker Ave to R1B it seems to make the most sense to have Parker Ave rezoned R1B. The R1B zoning code for similar smaller sized lots in Atherton has been proven to look and work out great. For this group of homes with smaller lots R1B would be a practical solution.

Julie Bell

393 Stevick Drive

Atherton, Ca 94027

Attachments:

August 5, 2010-08-05

To whom it may concern,

It has come to my attention that a rezoning request for Parker Ave is coming before the Planning Commission & City Counsel again. I am personally writing to fully support the rezoning of Parker Ave to R1B it seems to make the most sense to have Parker Ave rezoned R1B. The R1B zoning code for similar smaller sized lots in Atherton has been proven to look and work out great. For this group of homes with smaller lots R1B would be a practical solution.

Name

Julie Anne Mickelson

Address

97 Virginia Lane
Atherton, CA 94027

FROM THE DESK OF
DR. HASSEN DIAB

**Planning Commission & City Council
The City of Atherton
91 Ashfield Road
Atherton, CA 94027**

Dear Atherton, Planning Commission, & City Council

Parker Ave seems to be a mix match street with homes of different second floors, square footage, and different setbacks. It only seems fair that RIB would best suit these smaller lots, and be fair for all. Why can one house have a full second story, and the house next door only be allowed 500 square feet on the second floor. Why Does one house have different setbacks, and the one next door at present time can't. Why is there a mix match of square footage size. Please vote in favor of changing Parker Ave to RIB. My wife , and me feel this would be the best solution to make it fair for all.

Sincerely yours,

on his behalf

N. A. SHARKIAH

Dr. Hassen Diab

149 Tuscaloosa Ave

Atherton CA 94027

**Planning Commission & City Council
The City of Atherton
91 Ashfield Road
Atheron, CA 94027**

Dear Atherton, Planning Commission, & City Council,

I have been in the some of the homes on Parker Ave, and looked into the rezoning of Parker Ave. Some of the homes on Parker Ave already have full second stories, and different setbacks than the other homes. It seems to me making Parker Ave all R1B will resolve this problem, and make it fair for everyone.

Sincerely yours,



David M. Lampert

364 Fletcher Drive

Atherton CA

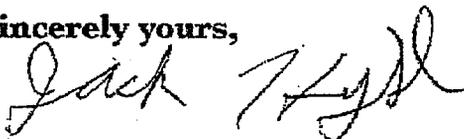
FROM THE DESK OF
JACK HYBL

**Planning Commission & City Council
The City of Atherton
91 Ashfield Road
Atherton, CA94027**

Dear Atherton, Planning Commission, & City Council

I am in full support to rezoning Parker Ave. The lot size doesn't fit in with R1A. R1B has worked very nicely with the large majority of smaller lots in Atherton.

Sincerely yours,



Jack Hybl

1 Collado Way

Atherton CA

(650) 388-0023

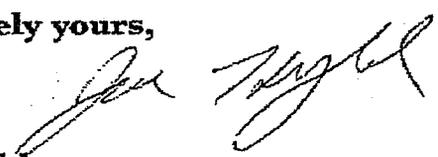
FROM THE DESK OF
JOE HYBL

**Planning Commission & City Council
The City of Atherton
91 Ashfield Road
Atherton, CA94027**

Dear Atherton, Planning Commission, & City Council

**The R1b neighborhoods in town are very charming
and I feel fit with the smaller lot sizes in Atherton. I
am in full support of rezoning Parker Ave to R1B.
Please rezone Parker Ave to R1B.**

Sincerely yours,


Joe Hybl

1 Collado Way

Atherton CA

**Planning Commission & City Council
The City of Atherton
91 Ashfield Road
Atheron, CA 94027**

Dear Atherton, Planning Commission, & City Council,

Smaller lots like mine it only seems right to zone them R1B. I would like to see Parker Ave rezoned. Given the smaller size lots in this area I think it is only fitting. My vote is for rezoning Parker Ave. The majority of smaller lots are R1B, and I love the way R1B looks, and feels.

Sincerely yours,


Dennis Rich

323 Lloyd Park Lane

Atherton

To whom it may concern,

It has come to my attention that a zoning request for Parker Street is coming before the Planning Commission on August 12 2010. I am personally writing to support the rezoning to R1B and doing what is right and fair in allowing the homes on Parker to have proportionate setbacks relative to the size of the lot. R1B makes the most sense. Only 28 homes in Atherton have a second story restrictions, and some of these homes already have full second stories before all the changes to smaller lots in R1A.

Bonnie Riley
RCR RLJ MD

36 Parker ave.

Julie A. Mickelson | 97 Virginia Lane | Atherton | CA | 94027

April 28, 2010

Atherton Planning Committee
Town of Atherton
Atherton, CA 94027

Dear Committee Members,

I understand you will be meeting this evening to discuss zoning for lots that are 10,000 square feet or smaller. Therefore, I wanted to let you know that I support a change to zone these lots as R1B.

Sincerely,

Julie A. Mickelson

Julie A. Mickelson

From: "Sami Nawas" <sami@nawas.com>

Date: August 3, 2010 4:36:30 PM PDT

To: "Colleen Anderson" <lovemypaws@yahoo.com>

Subject: RE: [awristachatz] Fwd: : Parker Street Rezoning letter

Dear Colleen,

Here is my letter in support of rezoning Parker. Sami

To whom it may concern,

It has come to my attention that a zoning request for Parker Street is coming before the Planning Commission on August 12, 2010. I am personally writing to support the rezoning to R1B and doing what is right and fair in allowing the homes on Parker to have proportionate setbacks relative to the size of the lot.

R1B makes the most sense. Only 28 homes in Atherton have a second story restrictions, and some of these homes already have full second stories before all the changes to smaller lots in R1A.

Sincerely,

Sami Nawas (electronic signature)

Sami Nawas

Atherton, CA

FROM THE DESK OF
HANS PLESMAN

Planning Commission & City Council
The City of Atherton
91 Ashfield Road
Atherton, CA94027

Dear Atherton, Planning Commission, & City Council

Please make your recommendation to rezone Parker Ave. It seems to be the fair idea for smaller lots. R1B neighborhoods in our town are really charming. I vote for rezoning Parker Ave.

Sincerely yours,



Hans Plesman

46 Green Oaks Drive

Atherton CA

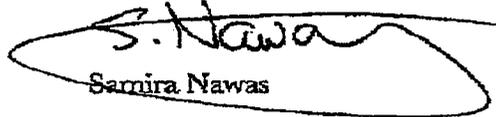
FROM THE DESK OF
SAMIRA NAWAS

Planning Commission & City Council
The City of Atherton
91 Ashfield Road
Atherton, CA 94027

Dear Atherton, Planning Commission, & City Council

I am in strong support of rezoning Parker Ave. Please make your recommendation to rezone Parker Ave. It seems to be the fair idea for smaller lots.

Sincerely yours,

A handwritten signature in black ink, appearing to read "S. Nawas", is written over a printed name. The signature is enclosed within a hand-drawn oval.

Samira Nawas

46 Green Oaks Drive

Atherton CA

**Planning Commission & City Council
The City of Atherton
91 Ashfield Road
Atherton, CA 94027**

Dear Atherton, Planning Commission, & City Council

I am in full support of rezoning Parker Ave to R1B. I think it was an oversight over the years to have these small lots in R1A. Please rezone Parker Ave.

Sincerely yours,


Salwa Nawas

46 Green Oaks Drive

Atherton CA 94027

**Planning Commission & City Council
The City of Atherton
91 Ashfield Road
Atherton, CA 94027**

Dear Atherton, Planning Commission, & City Council

**I am in full support of rezoning Parker Ave to R1B.
Smaller lots of this size shouldn't be in the R1A.**

Sincerely yours,

Y NAWAS
Yousef Nawas

**46 Green Oaks Drive
Atherton CA 94027**

From: Inna Beardsley <inna@menloathertonrealty.com>

To: lisa@nealmartinassoc.com

Cc: Colleen Anderson <lovemypaws@yahoo.com>

Date: Wednesday, August 04, 2010 11:03 pm

Subject: rezoning Parker Ave

To whom it may concern,

It has come to my attention that a rezoning request for Parker Ave is coming before the Planning Commission & City Counsel again. I am personally writing to fully support the rezoning of Parker Ave to R1B it seems to make the most sense to have Parker Ave rezoned R1B. The R1B zoning code for similar smaller sized lots in Atherton has been proven to look and work out great. For this group of homes with smaller lots R1B would be a practical solution.

Inna & Todd Beardsley
338 Greenoaks Dr
Atherton CA 94027

Kindest Regards
Inna Beardsley
Menlo Atherton Realty
inna@MenloAthertonRealty.com
www.MenloAthertonRealty.com
650.630.3323 Mobile
650.473.0800 Fax

Kindest Regards,
Inna Beardsley

MENLOATHERTONREALTY.COM
v. 650 630 3323 f. 650 473 0800
inna@menloathertonrealty.com

MENLOATHERTON
REALTY

Attachments:  image001.jpg (15KB)

August 4, 2010

To whom it may concern:

It has come to my attention that a rezoning request for Parker Ave is coming before the Planning Commission & City Counsel again. I am personally writing to fully support the rezoning of Parker Ave to R1B it seems to make the most sense to have Parker Ave rezoned R1B. The R1B zoning code for similar smaller sized lots in Atherton has been proven to look and work out great. For this group of homes with smaller lots R1B would be a practical solution.

James N. Alexander

213 Park Lane

Atherton, CA 94027

Please postpone Parker item

Anne Anderson [annehand@comcast.net]

Sent: Wednesday, August 04, 2010 9:28 PM

To: Lisa Costa Sanders

Cc: Jerry Gruber; swaldron@yahoo.com

Dear Lisa,

I would like to respectfully request that you postpone the Parker Avenue rezoning item on the Planning Commission's special August 12 meeting agenda. I, for one, will not be able to attend the meeting because I am currently out of town and won't be returning until Aug. 20. As you are aware, the Parker rezoning issue is very important to a number of Atherton residents in addition to myself. Given that fact, it does not seem appropriate that the Planning Commission would take up this matter at the height of the summer season when so many affected residents are on vacation. This matter should be tabled until September, when schools are back in session and more people are in town. Also, giving less than two weeks notice to affected property owners about this meeting is absolutely not enough time. Even if the notice is within allowable limits, it feels unfair to me. I received it the day before leaving on vacation. Had it arrived one day later, I would have had no idea that the meeting was going to be held and no chance to even send in written comments. The Planning Commission, the City Council and the town staff should, as a matter of practice, bend over backwards to allow the public to be involved in town matters. While the Planning Commission's decisions are not binding, I believe its role as a thoughtful, recommending body is extremely important to the functioning of town government. Please allow the Planning Commission to come to the most informed decision possible on this matter by postponing this item until September. This will allow the Commission to hear from interested residents on both sides of the issue and will allow for meaningful, in-person participation by residents who care deeply about this matter.

Thank you very much for your consideration.

Sincerely,

Anne Heller Anderson
6 Bergesen Court

From: Colleen Anderson <lovemypaws@yahoo.com>

To: Atherton Planning Lisa Costa Sanders <lisa@nealmartinassoc.com>, Elizabeth & Joe Lewis <lizlew08@gmail.com>, Jim & Pat Dobbie <jdobbie@ci.atherton.ca.us>, Shirley & Jerry Carlson <jcarlson@ci.atherton.ca.us>, Charles Marsala <cemarsala@yahoo.com>, Kathy McKeithen <kmckeithen@ci.atherton.ca.us>, Jerry Gruber <jgruber@ci.atherton.ca.us>

Cc:

Date: Wednesday, August 04, 2010 12:48 pm

Subject: Letter

Begin forwarded message:

From: Cat Mikkelsen <catmikk@gmail.com>
Date: August 4, 2010 11:46:42 AM PDT
To: Colleen Anderson <lovemypaws@yahoo.com>, lisa@nealmartinassoc.com
Cc: Shelly Love <terraceassociates@comcast.net>
Subject: Re: Sample letter of what I need for the City. Thanks

Not sure who I should send this to:
To whom it may concern,

It has come to my attention that a rezoning request for Parker Ave is coming before the Planning Commission & City Counsel again. I am personally writing to fully support the rezoning of Parker Ave to R1B. Especially in this time of declining and vascillating property values in our town, I would think that rezoning Parker Avenue (and others) would facilitate building, and would bring new energy and new building to our town. The R1A zoning is totally out of date. I would think that it would be time that we extend basic levels of support and entitlement to those Athertonians who do NOT live in mansions and on one acre-plus homes. It will only increase town values in the long run.

Thank you,

Catherine Mikkelsen

ACIL Board Member

292 Oak Grove Avenue,

Atherton, CA 94027

Attachments:



OFFICE OF THE PRESIDENT

RECTOR MOTOR CAR COMPANY

1010 CADILLAC WAY

BURLINGAME, CALIFORNIA 94010

TELEPHONE (650) 348-0111

August 4, 2010

Planning Commission
Town of Atherton
Atherton, California

SUBJECT: REZONING OF PARKER AVENUE TO R1B

Dear Members of the Planning Commission:

It has come to my attention that a rezoning request for Parker Avenue is coming before the Planning Commission and the City Council. I am personally writing to fully support the rezoning of Parker Avenue to R1B. The R1B zoning code for similar smaller sized lots in Atherton have enhanced the beauty of these areas and added positively to our town.

As a 30 year resident of our community, I strongly support the rezoning of Parker Avenue to R1B.

Most sincerely,

E. James Hannay
97 Tuscaloosa Avenue
Atherton, California 94027

EJH: gs

August 3, 2010

Re: R1-A to R1-B – Common Homeowner Goals

Dear Members of the Atherton Planning Commission:

As a resident of 43 Parker Avenue I am supportive of the initiative to re-zone the lots on our street from R1A to R1B status.

As you well know, Atherton's R1A zoning is based on one acre or larger lots, the typical size of a lot in our town. However our lot size is considerably smaller, approximately 7,800 square feet. Quite simply put, it is not fair for our lot—or others like it—to be governed by a zoning code that is geared towards proportionally much larger lots.

Additional flexibility is required for smaller lots, a concern that has already been addressed through R1B zoning. The Atherton neighborhoods zoned as R1B are not only friendlier to families with multiple children, but they are also well planned and aesthetically appealing. It seems only fair that the similar sized lots on Parker Avenue be governed under the existing R1B zoning code, which has already proved to be a practical solution.

Furthermore, the increase in floor area ratio of square footage from R1A to R1B is modest at best and would certainly preserve the integrity of our town's landscape. In fact, I believe that a consistent application of the R1B zoning code on Parker Avenue would considerably improve the aesthetics of our street.

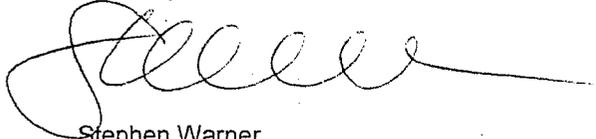
In addition, many Parker Avenue residents have given up garage space in order to increase living space which has resulted in numerous cars being parked on our street. This creates an environment inconsistent with the ideals of Atherton relating to, most importantly, the safety of the children who play on our cul-de-sac, as well as an increase in crime as exposed cars have been targeted by thieves at an alarming rate.

I would ask my fellow neighbors with large lots adjoining Parker Avenue to please consider the fact that we can already build second stories under the current R1A zoning. I believe that increasing the ratio of square footage on the second story under R1B would have a minimal affect on them, but it would mean the difference of an extra room for us, one which our family would appreciate tremendously.

To me the crux of this issue is one of fairness, and it seems clear that the consistent treatment of all small lots in Atherton, including those on Parker Avenue, is the right course of action for a comprehensive and equitable town plan.

Thank you for your time, attention, and consideration of this matter.

Sincerely,



Stephen Warner
43 Parker Avenue
Atherton, CA 94027

From: Colleen Anderson <lovemypaws@yahoo.com>

To: Atherton Planning Lisa Costa Sanders <lisa@nealmartinassoc.com>

Cc:

Date: Tuesday, August 03, 2010 05:33 pm

Subject: R1B zoning for Parker

Begin forwarded message:

From: "Kevin Brown" <kbpersonal@sbcglobal.net>
Date: August 3, 2010 5:15:41 PM PDT
To: "Colleen Anderson" <lovemypaws@yahoo.com>
Cc: "Jenny Redo" <jredo@jennykevin.com>
Subject: R1B zoning for Parker
Reply-To: kbpersonal@sbcglobal.net

To whom it may concern, It has come to my attention that a zoning request for Parker Street is coming before the Planning Commission on August 12, 2010.

I am personally writing to support the rezoning to R1B which is a fair compromise allowing the homes on Parker to have proportionate setbacks relative to the size of the lot. R1B makes the most sense.
Regards,
Kevin Brown

Sent via BlackBerry by AT&T

Attachments:

August 3, 2010

To whom it may concern,

It has come to my attention that a zoning request for Parker Street is coming before the Planning Commission on August 12, 2010. I am personally writing to support the rezoning to R1B and doing what is right and fair in allowing the homes on Parker to have proportionate setbacks relative to the size of their lots. R1B makes the most sense. Only 28 homes in Atherton have a second story restrictions, and some of these homes already have full second stories before all the changes to smaller lots in R1A.

A handwritten signature in black ink, appearing to read "Joe Moran", with a long horizontal flourish extending to the right.

Joe Moran

198 Selby Lane

Atherton, CA

August 3, 2010

To whom it may concern,

It has come to my attention that a zoning request for Parker Street is coming before the Planning Commission on August 12 2010. I am personally writing to support the rezoning to R1B and doing what is right and fair in allowing the homes on Parker to have proportionate setbacks relative to the size of the lot. R1B makes the most sense. Only 28 homes in Atherton have a second story restrictions, and some of these homes already have full second stories before all the changes to smaller lots in R1A.

Sincerely,

John Adams
Jelby Lane
Atherton, CA 94027

May 5, 2010

Dear Atherton City Council,

I am a resident on Walnut Avenue in Atherton. Having lived in a R1B zoned area of Atherton, I have always found it strange that Parker Street does not have a similar zoning as the Central Area of Atherton between El Camino and the railroad tracks.

It has come to my attention that a request to review the zoning of Parker Street is coming before the Atherton City Council.

I believe that it is important to review the current zoning for Parker Street. After visiting properties on this street, I believe that it would greatly benefit the residents of that area to have more flexibility in how they are able to upgrade their homes. With such narrow lots it does not make sense to have the same setbacks as acre lots.

I am writing to support the rezoning Parker Street to R1B.

Sincerely,

Loren Gruner
98 Walnut Avenue
Atherton, CA 94027

From: Colleen Anderson <lovemypaws@yahoo.com>
To: Atherton Planning Lisa Costa Sanders <lisa@nealmartinassoc.com>
Cc:
Date: Wednesday, August 04, 2010 05:36 am
Subject: Fwd: [awristachatz] Fwd: Letter

Begin forwarded message:

From: Jenny Redo <jredo@yahoo.com>
Date: April 28, 2010 5:25:42 PM PDT
To: Colleen Anderson <lovemypaws@yahoo.com>
Subject: Re: [awristachatz] Fwd: Letter

Dear Atherton City Council and General Plan Committee Members,

I am in support of changing all Atherton lots under 0.4 acres to R1B zoning status thus allowing them to build a 2nd story etc.

Sincerely,

Jenny Redo

185 Selby Lane

Atherton

From: Colleen Anderson <lovemypaws@yahoo.com>
To: Rajeeve & Sangeeta Lahri <sangeeta_lahri@hotmail.com>; Atherton lunch group <awristachatz@yahogroups.com>
Sent: Wed, April 28, 2010 12:39:24 PM
Subject: [awristachatz] Fwd: Letter

To whomever it may concern,

It has come to my attention that a zoning request for 10,000 square feet is coming before the Atherton Planning Commission. I have personally visited properties on this street and strongly feel that it is unfair to require these narrow lots to have similar setbacks as the acre lots. I am personally writing to support the rezoning to R1B and doing what is right and fair in allowing the homes on Parker to have proportionate setbacks relative to the size of the lot.

**Sincerely,
Sangeeta Lahri
293 Oak Grove Avenue
Atherton, CA 94027**

From: Colleen Anderson <lovemypaws@yahoo.com>

To: Atherton Planning Lisa Costa Sanders <lisa@nealmartinassoc.com>

Cc:

Date: Wednesday, August 04, 2010 05:40 am

Subject: Fwd: [awristachatz] Fwd: Letter

Nerissa lives on Stockbridge & Selby if you would like the address I will get it for you.

Colleen

Begin forwarded message:

From: Nerissa Canonizado <nerissa_canonizado@yahoo.com>

Date: April 28, 2010 1:59:16 PM PDT

To: Colleen Anderson <lovemypaws@yahoo.com>

Subject: Re: [awristachatz] Fwd: Letter

Hi Colleen,

I agree.

Nerissa Canonizado

--- On Wed, 4/28/10, Colleen Anderson <lovemypaws@yahoo.com> wrote:

|

e

Attachments:

Reuben & Vivienne Donig

70 MacBain Avenue

Atherton, CA 94027

phone: (650) 321-7664

email: RVDonig@aol.com

fax: (650) 321-7551

April 26, 2010

Town of Atherton Planning Commission
94 Ashfield Road
Atherton, CA 94027

Re: Agenda for April 28, 2010 pertaining to R1A-R1B lots zoning restrictions:

Dear Commission members:

It has come to my attention that there are a number of smaller lots in Atherton, of 10,000 or so square feet, and that these lots are nevertheless subject to severe restrictions regarding the number of square feet that can be added to a second floor, and front setbacks to accommodate garages. I understand that the planning commission will be discussing this issue at the upcoming meeting on April 28. Specifically, I have been informed that the issues involves changing a zoning restriction from R1A to R1B as concerns these smaller lots.

In my opinion, this severe restriction unfairly penalizes the homeowners of these smaller lots, and in at least one case that I am aware of, is entirely preventing a family from any reasonable opportunity to build on, or reasonably use their property in an appropriate manner. These people are now required to park their cars in front, on the street, rather than in a garage.

All would be better off if this were not the case, and I support the proposed change in zoning for these smaller lots.

Thank you very much for your consideration.

Sincerely,

Reuben and Vivienne Donig

RJD:r

August 5th, 2010

Dear Planning Commission,

It is our understanding that 28 of the smaller 10,000 square foot lots are zoned in with the bigger lots in R1A, and have a 2nd story restriction of 500 square feet. All the smaller lots should be rezoned R1B. It is our understanding that these smaller lots want different setbacks in the front to build garages, and they want to build a 2nd story like all the other R1A lots. This is illogical. We are in support of changing the rezoning of these 28 lots to R1B.

Sincerely

Rob and Cat Westover

From: Colleen Anderson <lovemypaws@yahoo.com>
To: Atherton Planning Lisa Costa Sanders <lisa@nealmartinassoc.com>
Cc:
Date: Tuesday, August 03, 2010 03:38 pm
Subject: Fwd: R1B Zoning Letter

Begin forwarded message:

From: Adam Barycza <adam@chestnutmortgage.com>
Date: March 17, 2009 8:47:45 PM PDT
To: colleen anderson <lovemypaws@yahoo.com>
Subject: R1B Zoning Letter
Reply-To: adam@chestnutmortgage.com

To whom it may concern,

It has come to my attention that a zoning request for Parker Street is coming before the Atherton City Council on Wednesday March 18, 2009. I have personally visited properties on this street and strongly feel that the homes on Parker Street should have proportionate setbacks relative to the size of their lot and therefore zoned R1B. I am personally writing to support the rezoning to R1B.

Adam and Monika Barycza
34 Alameda
Atherton, CA 94027

Adam Barycza
Chestnut Mortgage, Inc.
555 College Avenue | Palo Alto, CA 94306-1433
t: (650) 400-1097 | f: (650) 454-8079

"Guiding you on your way home"

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

Attachments:

PHILIP D. LIVELY
24 HAWTHORN DRIVE
ATHERTON, CA. 94027

September 8, 2010

MAYOR KATHY McKEITHEN
MEMBERS OF THE CITY COUNCIL
91 ASHFIELD ROAD,
ATHERTON, CA , 94027

RE: PARKER AVE RE-ZONING

I, as one of the three Planning Commissioners who have twice voted to **not Re-zone parker avenue from R1-A to R-1B**, ask you to support your Planning Commission and the planning staff in denying the proposal to re-zone the Parker Avenue area. Here are the reasons to deny R1-B and retain existing R1-A zoning.

- Home owners purchased properties with full knowledge of the long standing zoning category and associated conditions.
- Atherton has in the past three years , through many hearings before General Plan, Planning Commission, and Council, completely revised Title 17, the Zoning Code. At no time during all these hearings did any Parker residents ask for a study of the Zoning for small parcels located in R1-A.
- Abutting neighbors have spoken against re-zoning.
- Parker residents are split near 50/50 on rezoning. No area re-zoning should be considered unless a super majority, near 90%, of residents are in favor.
- The Planning Commission received 37 written statements from Atherton residents, from addresses far from Parker Avenue, in support of the proposed re-zoning. These letters comprise only about 1.3% of our residential properties, and therefore are an invalid and skewed sample.
- Atherton has several other groups of like-sized properties, smaller sites in R1-A, which could follow with future requests for similar rezoning, resulting in pocket re-zoning.
- Atherton has had a long standing solid history of unchanged zoning, in which all our residents, new and old understand and hold dear. **Re-zoning Parker Avenue is *Spot Zoning*, and should be rejected.**

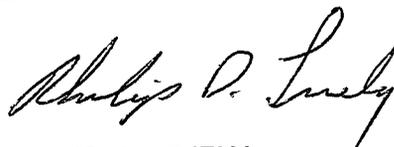
However, during the Planning Commission Special Meeting of August 12, Parker residents made some comments regarding the changes in life style, need for more living space, and some additional second storey footage. The Planning Commission did not have the charge to study any possible solutions to the problems of homes on smaller lots within R1-A, only to recommend/ deny rezoning: Planning Commission voted 3 Deny, 1 abstain, 1 excused.

In recent days, several proposals have been developed which may have some merit and relief for smaller R1-A properties while retaining the zoning. Some of these proposals/ ideas have merit, some may not work at all. The point is : There must be a way to solve the problems of changing lifestyle requirements without a changing area zoning regulations (R1-A). A few of these proposals are:

- Use of the Conditional Use Permit 17.12
- Use of the Variance 17.16
- Add wording to Special Structures Permit, 17.15
- Develop some wording, definitions, within R1-A definition, description
- Review/ reconsider Right-of-Way issues
- Some combination of all of above.
- More new ideas

There have been some meetings with Parker residents on both sides of this zoning issue. All agree there must be some way to give some relief while retaining existing zoning.

I therefore request the Council table the Parker re-zoning, and return the matter of homes on smaller lots within R1-A to the Planning Commission, with the charge to do a full study of the problems and develop solutions for owners, neighbors, and our Town, which will allow for changing life-styles and retain Atherton Town zoning intact.



PHILIP D. LIVELY

MEMO TO: Town of Atherton City Council
MEMO FROM: Town Center Task Force
DATE: September 15, 2010
SUBJECT: Town Center Task Force

The Town Center Task Force (TCTF) was formed March 2010, with the guidelines to 1) refine the scope of the project outlined in the Blue Ribbon Task Force report; 2) research financing alternatives; 3) choose an architect through an RFQ process to create a conceptual design; 4) create public outreach and engage community in process. The TCTF was established as a short-term, project-oriented committee with direction to report back to Council by September 2010. The committee is made up of two council members and six volunteer community members.

They are:

Council Member Lewis, Chair
Council Member Carlson, Vice-Chair
Steve Dostart
Didi Fisher
Pat Haines
Rose Hau
Philip Lively
John Shenk

To assist the TCTF in evaluating the costs of renovation or build new, a pro-bono consultant was engaged. Phil Warnes of SigmaTech has provided valuable information necessary for the TCTF to make its recommendations to the Council.

The members of the committee worked very well together, bringing their experience, expertise and talents to thoughtfully consider all aspects of the Blue Ribbon Task Force's report and evaluating financing alternatives.

The TCTF re-interviewed all of the department heads and reviewed their space need numbers to establish a current and accurate picture in light of the new economic climate,

Materials that have been developed by the TCTF are hereby presented to the City Council for review. They are:

1. Request for Statement of Qualifications: This document has been reviewed by the Town's Public Works Director and the Town's City Attorney. It is intended to be sent to professional architects and engineers for their submittal of qualifications. Three will be selected to submit a Conceptual Design per the Town's Project Description and Program. Attached to this document are:

Exhibit A: Map of Town Center property

Exhibit B: TCTF Programming Document: Defines the general concepts and outlines the various space needs and philosophy of the facilities gathered by interviewing department heads and staff.

Exhibit C: Summary of Spaces (1 page)

Exhibit D: Task Force Program by Area – Appendices A – I

Exhibit E: Matrix for TCTF Scoring ("Matrix")

Exhibit F: Anticipated Process Flow

2. SigmaTech Memo: Phil Warnes has provided pro-bono advice on the Town's existing buildings, existing site conditions, review of the Blue Ribbon Task Force report, and provided an extensive evaluation of the cost benefits / differences of building a new Police Department facility and renovating the existing Town Administration Building or simply building a new facility for all town departments.

It is his opinion that the small potential cost savings of remodeling/renovating the current Administration and Police Department building at 83/91 Ashfield Road versus building a new building for all town services, might not be worth the risks of hidden costs likely to surface in a renovation scenario.

Building a new facility will have a significant reduction of construction time versus phasing construction time of remodeling/renovation of existing structure; i.e., approximately 18 months for new construction versus 3 – 4 years for renovation.

There will also be less risk of price change fluctuation in construction costs over time, and the additional costs of relocating staff during the renovation and logistical difficulties of a phased renovation make the choice for a new building for all town services with only one move less costly overall.

3. Financing Alternatives Report: This report is presented to outline various financing alternatives. If we were successful in raising enough private funds for the police department building, the estimated parcel tax cost, on an average .92 acre parcel, would be approximately \$54.57 per parcel amortized over 30 years. (This assumption is based on a cost of \$4,100,000 for the Administration Building, not including the Police Department Building).

4. Council Chambers: This report does not include the Council Chambers as it is being considered as a separate project. The BRTF and the TCTF committees all agree that the Council Chambers should be kept as part of Atherton's history.

5. Library: The TCTF has had regular input from the Library Task Force liaison and are taking into consideration the possible opportunity of that building becoming available to the Town. Were it to become available, the TCTF realizes that there are costly seismic upgrades required for use as working space that are not included in this report. A possible use that has been considered would be to use the space for record storage for the Town, thus freeing up space in the proposed new facilities. The cost would be minimal for that use.

SUMMARY

The committee's allotted time is about to expire on September 30, 2010. It is up to the Council to decide what actions, if any, to take as the next step. Some possible choices are:

1. The Council may authorize the TCTF to proceed to the next phase by issuing a Request for Statement of Qualifications to firms for the purpose of selecting which ones to ask to submit their design options to the Council. The purpose in doing this would be to have something more concrete to present to the community for its review and feedback. The Council would still have the option to decide whether to go forward further with the project after this phase is completed.
2. The Council may table further consideration of the project indefinitely.
3. The Council may decide to table the matter until the first quarter of 2011 and authorize the committee to continue to collect further information such as available grants and potential donors while issues such as the location of the library, outsourcing of Town functions resulting in staff reductions that may affect the size of the facilities, are being worked through. In addition, a new Council will have been seated and the Council will be considering its priorities.

The committee thanks the Council for the opportunity for further defining and laying the ground work for a future town center make over.

Respectfully submitted,

Town Center Task Force

DRAFT September 7, 2010

**REQUEST FOR STATEMENT OF QUALIFICATIONS
Professional Architectural / Engineering Consultant Services**

The Town of Atherton seeks Statement of Qualifications (SOQs) from licensed firms for the Design of the Atherton Town Center Revitalization Project.

I. OVERVIEW

The Town of Atherton is soliciting licensed design firms to submit SOQ's for a Town Center Revitalization Project. It is anticipated that after the SOQ submissions are received, three firms will be selected to continue with the Conceptual Design Phase, from which one firm will be selected to continue with the Project. The Project Description and Program are described below.

The existing Atherton Town Center serves a population of 7,400. The Town Center Buildings are dispersed on properties bounded by Fair Oaks Ave, the railroad tracks, Maple Avenue, Dinkelspiel Station Lane, Ashfield Road, and residential buildings.

(see Exhibit A – Map of Town Center property)

The Atherton City Council has appointed a Town Center Task Force (TCTF), an ad hoc committee whose purpose is to facilitate this project and make recommendations to the Atherton City Council regarding the Town Center project. The TCTF is comprised of two City Council Members and five to six voluntary citizens-at-large.

II. PROJECT DESCRIPTION

The Town of Atherton wishes to revitalize its Town Center. The existing Town Center services are housed in three major buildings, several temporary modular buildings, and various smaller buildings located within the Town Center property boundaries.

Atherton is seeking the services of an Architectural firm to provide a fiscally conservative design to update and expand its present Town Center buildings in order to meet changing [Insert Project Description when approved by Council]. Realization of the TCTF Programs, the firm's proposed Conceptual Project Design, Budgetary considerations, and the Project Design Firm's stability and proven track record will be major factors in the selection and evaluation of a final Project Design firm.

The major Town Center functional program areas are:

1. City Management and Finance – Administrative spaces.
2. Police Department – Administrative and Operational spaces.
3. Planning, Building and Public Works – Administrative spaces.

(see Exhibit B – Town Center Task Force Programming Document – Design Philosophy and Description of Proposed Town Center by Department)

(see Exhibit C – Summary of Spaces –
Existing Department Headcount and Square Footage)

(see Exhibit D – Task Force Program by Area –
Departmental Headcount and Type of Space for Proposed Town Center,
Appendix A thru I)

III. STATEMENT OF QUALIFICATIONS - GENERAL

1. **Questions:** Questions shall be in writing and sent via email no later than [insert date and time] to Jerry Gruber, City Manager, jgruber@ci.atherton.ca.us with a copy to Theresa Della Santa, Deputy City Clerk, tdellasanta@ci.atherton.ca.us. The questions and answers will be made available publicly.
2. **Property Tour:**
 - a. Exterior: The site and exteriors of the applicable buildings may be toured at anytime during normal business hours.
 - b. Interior: There will be two accompanied tours of the interior of the applicable buildings, the first will be on w date at x time, and the second will be at y date at z time.
3. **Submittal Deadline:** [insert date and time]
4. **Format and Delivery:** Submit fifteen (15) printed letter-sized copies with one (1) unbound copy and two (2) soft copy CDs of your SOQ to:

Mr. Jerome D. Gruber
Atherton City Manager
Town Of Atherton
91 Ashfield Road
Atherton, CA 94027

Submittals will not be returned.

SOQs submitted after the deadline will not be accepted for consideration except as otherwise noted below.

The Town reserves the right to accept or reject any or all statements of qualifications, or to alter the selection process in any way, to postpone the selection process for its own convenience at any time, and to waive any defects in the statements of qualifications. The Town also reserves the right to accept or reject any individual sub-consultant that a candidate proposes to use.

The Town is seeking to engage the most qualified consultant, based on the evaluation criteria described. The Town reserves the right to negotiate with other qualified firms or solicit additional statements of qualifications at any point in the project should it later fail to negotiate a reasonable fee with the selected consultant.

5. SOQ Content:

The SOQ should include the following:

- A. FIRM INTRODUCTION: Include information such as length of time in business, office location(s) within 50 miles of the project location, number of staff and a general summary of qualifications documenting the strengths of the firm, areas of expertise and licensing. List services provided by prime firm and sub-consultants anticipated.
- B. APPROACH: Describe the firm's design principles and uniqueness of approach, including meeting 'Green' or LEED building standards for essential service facilities.
- C. PRELIMINARY SITE AND BUILDING EVALUATION: Include preliminary comments on the site and applicable buildings.
- D. PROJECT EXPERIENCE: List specific project experience that is related to the type of services required by the Town Center Project. The project experience should reference similar public sector essential service buildings and complexes and list the client contact information for each project. The experience should include:
 - 1) A reference list including the names of public agencies where the consultant has provided services and contact information.
 - 2) A reference list of building projects similar to the proposed town center, including the construction contract initial and final value, the project size/scope, and the year of the project.
 - 3) A reference list of projects including essential service facilities and sustainable design / green elements designed or accomplished
 - 4) A demonstration of specific in-depth knowledge of and experience with:
 - a) Design implementation of projects that include occupied buildings
 - b) Public projects including city halls, police stations, council chambers, areas of public assembly, and other municipal administrative facilities.
 - c) Public outreach processes.
 - 5) Site planning
- E. KEY STAFF: Include identification of the Principal-in-Charge, Project Manager and key staff. Key Staff/Project Principals shall be licensed professionals in the State of California (Professional Engineer or Registered Architect). Also, please

state the level of availability and involvement that each of these persons will have.

- F. **RESUMES:** Demonstrate experience in architectural/engineering seismic retrofit services including those tasks described above, including registrations.
- G. **LITIGATION:** Submit a list of any current litigation to which the firm and/or key sub consultant(s) are parties to by virtue of their professional service, in addition to a list of any such litigation from the past ten years
- H. **DISCLOSURE:** Disclose any past, ongoing, or potential conflicts of interest that the firm or key sub-consultant(s) may have as a result of performing the anticipated work.
- I. **COMMENTS:** Please include any other information or material that might help us to evaluate your firm's ability to execute this project, including any vision or other ideas on the direction of this project.

IV. SELECTION PROCESS

1. Short-List Selection Process:

- a. **Phase I:** The TCTF will review all SOQ submissions and score via the Matrix for TCTF Scoring ("Matrix") shown in Exhibit E:
- b. **Phase II:** The TCTF will call references for the top seven of the firms and rescore them via the Matrix:
- c. **Phase III:** The TCTF will interview the top five firms and rescore them via the Matrix.
- d. **Report:** The TCTF will present the top five firms to City Council and recommend the top three for the Conceptual Design Phase ("SOQ Finalists"). It is anticipated that the Atherton City Council will review the TCTF's recommendations and will select three (3) of the SOQ Finalists to proceed with the next phase of the process ("Conceptual Design Phase"), rank order the remaining two as alternates and determine the amount of an Honorarium. The three selected firms ("Finalist Firms") will then be presented with a short form contract for the Conceptual Design Phase, which shall include as exhibits the Town's form of contract as well as the guidelines for the Conceptual Design Phase (the "Guidelines"). If they are prepared to accept this form of contract and the Guidelines, then they may proceed to the Conceptual Design Phase. To the extent that any Finalist Firm is not prepared to accept the Town's form of contract and the Guidelines, then the alternates will be given an opportunity to become a Finalist Firm based on their rank order.

2. Conceptual Design Phase: The Finalist Firms shall prepare their submittals based on the Guidelines, submit them no later than a date to be determined by the TCTF. The Guidelines are expected to include, conceptual drawings of site plans, basic floor plans, elevations, a drawing or drawings showing their concept in three

dimensions, fee proposals, and statement on vision, process and public outreach. Models of the conceptual design, while not required, would help Atherton residents better select which they see as meeting their needs.

The TCTF will evaluate the submittals via the Phase IV Matrix (to be developed) and then recommend to the City Council a design firm based on that evaluation. The City Council will hear the recommendations of the TCTF and may choose a firm with which it wishes to negotiate for a contract to design Atherton's new Town Center. One Architectural Firm will be asked to present and defend their concept at two town-wide meetings. Exact dates of these meetings are to be determined,

V. SCHEDULE

It is anticipated that the overall process for the project may follow a more detailed path as noted on the attached Exhibit F, Anticipated Process Flow.

VI. CONTRACT TERMS AND CONDITIONS

The selected consultant(s) will work under a Consultant Services Agreement, which includes fair and reasonable prices, a sample of which will be made available as noted above in Short-List Selection Process. The Town reserves the right to have a general contractor prepare construction drawings if the Town decides to pursue a design-build process. Once an Agreement is negotiated, the following documents will be required by the selected consultant(s) prior to the commencement of any work:

- Signed contract by both the Town and the consultant(s)
- Proof of insurance in the following amounts:

Workers' Compensation Coverage as required by the State of California
Commercial General Liability in an amount not less than \$2,000,000
Automobile Liability in an amount not less than \$1,000,000
Professional Liability in an amount not less than \$2,000,000

A separate Additional Insured Endorsement naming the Town as additional insured is required. Please call if you have any questions related to the insurance required by the Town.

- Proof of payment of the Atherton Business License Fee. An Atherton Business License is required of any person who transacts or carries on any business, trade, profession, calling, or occupation in the Town of Atherton.

**Town Center Task Force
Programming Document
(Approved Draft 2010-05-26)**

General Concepts

Context: This programming document does not assume any particular solution for this project. It is intended to provide information which will be helpful in achieving a successful solution whether the end result is rehabilitating existing facilities, building new facilities, or a combination of the two. The concepts below will need to be adjusted appropriately to reflect whatever direction the town decides to take in this regard. Additionally, this document is not meant to be an exhaustive document including all the details which will be necessary to work through this project. It is intended to be a starting place covering issues that will help more quickly gain the insight needed to successfully complete the planning process.

Flexibility vs. Privacy: It will be important to work through the issues of creating enough privacy for sensitive offices while also creating as much flexibility and efficiency in the space through the use of open spaces with cubicles. Ideally, we envision that sensitive positions would be in private offices, adjacent to conference rooms, and that cubicles would flow between these, with "soft" demarcations between departments so that cubicles could be easily re-allocated amongst departments as is appropriate in the future to meet changing needs. Another area where flexibility vs. privacy comes up across departments is with regard to counter space. By their definition, these are public spaces but it would be helpful for them to be designed in a way (e.g. serpentine) that they provide some privacy as individuals conduct their business over them. It would be very helpful to have conference rooms located nearby the counters.

Shared Spaces: Lobbies, counters, restrooms, conference rooms, kitchen facilities, electrical/phone/data rooms, storage, file rooms, work rooms, etc. should be structured to easily share across departments if possible. Separate from efficiency concerns, there is general agreement that a shared lunch room/kitchen, which is large enough for all town staff, would be a positive addition to the town both as a way to encourage cross department communications and also as a way to improve the quality of life for those working in our town center and make working for the town a more attractive proposition.

Interdependencies: Planning, Building and Public Works naturally go together. Ideally, they could share an extended counter space that provides for multiple people working on it at the same time while giving each resident a bit of privacy. They could also benefit from shared lobby seating, conference room(s), restrooms, plan file storage (flat files and rolled, as appropriate), etc. It would be ideal to have these three departments as near as possible to City Management and Finance, but it is not required. If these three uses could be adjacent to City Management and Finance, then further sharing of lobbies, counters, restrooms, conference rooms, file rooms, etc. might be achieved.

Parking: At grade parking is adequate.

Phasing: The overall cost for this project will need to consider relocation costs. It is our goal that thoughtful advance planning could materially reduce these from what they could otherwise become. If we were to build an entirely new facility, then there would likely just be one move when the facility is complete, which is relatively simple compared to a scenario which includes renovation. Any space which is to be renovated will first need to be vacated. If not carefully planned, this could require a double move into temporary space and then back into the renovated space which could be very expensive. The least disruptive and inexpensive way to handle a relocation of a group is to limit it to one move into a space that is ready for the new group. To facilitate that, we might consider phasing in the renovation of the buildings. For example, if we determined that we were going to renovate the main building and only build enough new space as is necessary to get rid of the mobile unit currently housing Planning, Building and Public Works, then one possible phasing plan might be the following:

Phase 1: Build an appropriately sized new building in the parking lot behind the existing City Manager's office.

Phase 2: Move the applicable group (e.g. Police) into the new building upon its completion.

Phase 3: Renovate the vacated space in the existing building (e.g. Police).

Phase 4: Upon completion of this renovation, move in the applicable group (e.g. City Management and Finance).

Phase 5: Renovate the remaining space in the existing building.

Phase 6: Move in the final group (e.g. Planning, Building and Public Works).

Site Issues: Special consideration will need to be addressed to issues impacting the site and neighborhood. These will include (i) being mindful to avoid any increase in impacts to our neighborhood (traffic, setbacks, noise, etc.), (ii) considering how the spaces relate to one another in a cohesive way, and (iii) also ensuring that landscaping is thought through to support the goals of the town in the environment it wishes to create.

Storage: We should build into the plans an adequate amount of centrally located, shared storage space with very minimal improvements to it. This space is the least expensive we will build.

Feedback Unique Departments

Please also refer to the attached PDF entitled

"TCTF Needs by Department 2010 05 18"

Council Chambers: The overwhelming response is to retain the existing council chambers and only modify as needed.

City Management and Finance: Finance has 3 positions. City Manager has 4 positions. The four positions who most need private offices are the City Manager, Assistant City Manager/HR, City Clerk and Finance Director. The City Manager needs immediate access to a conference room. This could be a conference room shared with other groups and easily accessible from the lobby, particularly if the City Manager has room in his/her office for a small meeting table. Three other positions, Accountant, Finance Assistant and Office Assistant, can be in cubicles. Additionally, an empty cubical for visitors, auditors, etc. would be helpful. City Management and Finance has a unique need for some file storage space that is fire rated. Currently, they use an existing room safe for this requirement. It needs to be determined if a fireproof file cabinet system is adequate or if continuing with this room or another fireproof room is required.

Postal Function: This will be an item to show as an alternative, with and without. The Town Council will determine whether or not to include it going forward. If included, it will likely continue to be housed within the City Management and Finance Department and be included within their head count.

Police Department:

24 full time employees – with two unfunded additional positions. The Police department has many unique needs that are governed by the Department of Justice and other regulatory agencies. By and large, this department is by nature more of a stand-alone operation, though it would be nice to have it in close proximity to the other facilities. Regarding spaces shared throughout the department, it is possible that the Emergency Operations Center could also function as a break room. Telecom and radio equipment storage has to be EOC compliant. There is a series of DOJ compliant spaces for Computer Equipment, Mechanical Equipment and electrical/telephone equipment that need to be provided and lockable. But maybe

could be combined. Ideally, the break room, lounge space, kitchens, equipment areas and storage could be coordinated or combined in ways to multi-task and efficiently use the space. Male and female rest rooms and showers and locker space need to be provided. It is possible that supporters of the Police Department would fund additional space to have a fitness room connected to these locker rooms. The parking for 15 autos and 5 motorcycles needs to be secured (e.g. gated).

Police Administration and Investigation: This is 20 of the current 24 employees, with 1 additional unfunded position. Seven private offices have been requested for the Chief, Administrative Assistant, Lieutenant, Administrative Sergeant, Investigation and two offices to be shared by four Sergeants (each with two complete, lockable desks). It should also be verified whether any of Administrative Assistant, Lieutenant, and Administrative Sergeant can be in cubicles. The functions that do not need private offices are Community Services Officer, Traffic Officer and Report Writing. Other hard wall requests are (i) Investigation, (ii) AV Room for Interviews, (iii) Inside "Soft" Interview, (iv) Armory + Gun Cleaning, (v) General Evidence, Packaging + Property, (vi) Evidence Processing, (vii) Narcotics, Weapons, Evidence Storage, (viii) General Supplies Storage, (ix) Holding and Booking Room, (x) Holding Restroom, (xi) Officers Resting room, and (xii) Evidence Vehicle. Ideally, the Briefing and training room could be multi-purpose and serve as a conference room. Inside hard interview room is a specialized, single-purpose space. Armory and gun cleaning area could be lockable cabinets and counters. General evidence, packaged and property could be part of gun cleaning area, requiring some lockable storage closets or shelves, etc. Rest room needed in holding room. General supplies and storage should be combined creatively in halls and other accessible space. It also may have an athletic facility, provided that it can independently raise funds for that need.

Police Dispatch: This is 4 of the current 24 employees, with 1 additional unfunded position. The Dispatch station, records and supervisor would function best in a shared space. It might have a private office for the supervisor that could be closed off from the dispatch room with a sliding glass door, for example. The dispatch center needs direct access to a bathroom through a door to dispatch center. This bathroom could be shared with other police. There is a need either for access to a kitchen that would be used easily with dispatchers and shared with PD or other staff. If that is not possible, then a small kitchenette might work.

Planning, Building and Public Works: Planning, Building and Public Works has a unique need for personal work surfaces that are ample enough to allow plans to be fully

unrolled and reviewed on a daily basis and also additional typical working space. This is necessary to relieve the overly high use of shared work spaces. These three groups should be located in close proximity to one another and share lobby, counter, conference, kitchen, restrooms, storage, plotter, copying, etc. It would also make sense for them to share a small number of extra cubes to accommodate possible future needs, both temporary and permanent.

Building Department: 7 employees. The Director needs a private office. The plan reviewers need a quiet environment with the least amount of interference and distraction possible. The inspector, town arborist, Office Specialist and Permits Technician could be in an open office environment with no problem, but the town arborist will need a significant amount of storage space (TBD). There is a possibility of a Green Building Tech in the future.

Planning Department: 2 part-time employees. There are two part time positions in Planning, Deputy Planning Director and Planning Assistant, which are both part time and share a desk. Neither of them is requesting a private office, they are fine with sharing a cubicle provided that it has lockable drawers and files. They will need good access to a conference room. The Planning Commission and General Plan commission records do need permanent storage. Currently have a space for reviewing microfiche of plans. This will eventually become a space to review digitized versions of plans via a computer terminal (or two).

Public Works Department: 3 employees. The Director most needs a private office. Administrative Assistance and engineer can work in a cubicle. Contract plan checkers do not require space as they work remotely. Possible future positions (Drainage Engineer, High Speed Rail Coordinator) would likely be part time and could likely be accommodated in single shared cubicle. Separate from the staff level employees in Public Works, there are a number of field employees who work out of the Crew Building, also known as the Emergency Operations Center, and adjacent garage building and are not included in this headcount. While these employees need not be considered in this needs assessment at this time, a part of this project will be to assess EOC compliance with applicable regulations.

Atherton - TCTF Summary of Spaces

5/18/2010

Department	Existing		
	Filled Positions	Unfilled Positions	Total Sq. Ft.
Town Council	NA	NA	966
Common Space and Postal	0	0	1,700
Mgmt & Finance	7	0	1,250
Police Department	24	2	6,900
Building Department	7	0	1,200
Planning Department	2	0	650
Public Works Department	3	1	1,100
Active Records Storage	0	0	650
Total	43	3	14,416

Appendix A

Council Chambers And Members Offices

<u>Function/Position</u>	<u>Headcount</u>
Council Chambers	NA
Restrooms	0
Total	<u>0</u>

Council Chambers, including public official dias, is presently 966 sq. ft. including bathrooms. This seats 15 public officials and ±40 residents via a vis code

Appendix B

COMMON SPACE & POSTAL FUNCTIONS

Function/Position	Headcount
Administration – Common Spaces	
Lobby	0 share w/Work Area + PO
Front Counter Work Area	0
Staff Lounge & Kitchen	0
Central Supply	0
Central Reproduction	0
Public Men's Restroom	0
Public Womens' Restroom	0
Computer Equipment	0
Mechanical Equipment	0
Electrical/Telephone Equipment	0
Janitorial	0
Contract Postal Station	0 included with City Manager and Finance
TOTAL – ADMIN COMMON FUNCTIONS	0

 Possible double counted or shared function

**Appendix C
CITY MANAGEMENT & FINANCE FUNCTIONS**

<u>Function/Position</u>	<u>Head count</u>	<u>Office Type</u>	<u>Comments</u>
City Management			
City Manager	1	private	
Asst. Manager & HR	1	private	
City Clerk	1	private	
Finance Director	1	private	
Asst. Finance Director/Accountant	1	cubicle	
Data Entry (Finance)	0		
Asst. Finance	1	cubicle	
Office Assistant	1	cubicle	
Conference Room	0		
Female Employee Restroom	0		
Male Employee Restroom	0		
Vault - Secure Storage	0		
TOTAL -- CITY MANAGEMENT	7		

 Possible shared function

Appendix D
POLICE ADMINISTRATION, PATROL & INVESTIGATION

<u>Function/Position</u>	<u>Headcount</u>	<u>Office Type</u>	<u>Comments</u>
<u>Police Administration</u>			
Chief of Police	1	private	
Admin Assistant	1	private	
Lieutenant	0	private	currently open position
Administrative Sergeant	1	private	
Conference Room	0		
Community Services Officer	1	cubicle	
Subtotal - Police Administration	4		
<u>Patrol & Investigation</u>			
Report Writing	0	cubicle	
Briefing & Training Room (Officers)	10		
Sergeants (4) Offices	4	private (2)	1 additional unfunded position authorized
Traffic Officer	1	cubicle	2 per office, each have a lockable desk
Investigation	1	private	
Inside 'Hard' Interview	0		
Audio Equip Room for Interviews	0		
Inside 'Soft' Interview	0		
Armory + Gun Cleaning	0		
General Evidence, Packaging + Property	0		
Evidence Processing	0		
Evidence Vehicle	0		
Narcotics, Weapons, Evidence Storage	0		
General Supplies Storage	0		
Holding & Booking Rm	0		
Rest Room (1) in Holding Rm	0		
Officers' Resting Room	0		
Subtotal - Patrol & Investigation	16		
ADMINISTRATION & PATROL	20		

15 autos, 5 motorcycles

**Appendix E
POLICE DISPATCH & COMMON AREAS**

<u>Function/Position</u>	<u>Headcount</u>	<u>Office Type</u>	<u>Comments</u>
Dispatch			
Dispatch Station & Records	3	open	1 works at a time, 1 unfunded position
Supervisor	1	private	sliding glass door
Emergency Ops Ctr-Break Room (EOC compliant)	0		
Telecom+Radio Equipment Storage(EOC compliant)	0		
Kitchen (EOC compliant)	0		
Restrooms (EOC compliant)	0		
Subtotal - Dispatch	4		
Support & Common			
Lobby	0		
Staff Lounge (used by all police functions)	0		
Fitness Room	0		
Male Rest/Locker/Shower	0		
Female Rest/Locker/Shower	0		
Central Reproduction	0		
Central Storage	0		DoJ requires separate I/Telecom location
Computer Equipment	0		DoJ requires separate I/Telecom location
Mechanical Equipment	0		DoJ requires separate I/Telecom location
Electrical/Telephone Equipment	0		
Janitorial	0		
Fingerprint/Interview	0		Non secure - possibly Live Scan
Subtotal - Support & Common	0		

DMIN+INVESTIGATE+DISPATCH+ SUPPORT 24

Appendix F
BUILDING DEPARTMENT FUNCTIONS *

<u>Function/Position</u>	<u>Head Count</u>	<u>Office Type</u>	<u>Comments</u>
Building Department			
Director	1	private	
Plan Reviewer/ Building Inspector	1	cubicle (very quiet)	
Plan Reviewer/ Building Inspector	1	cubicle (very quiet)	
Inspector	1	cubicle	
Town Aborist	1	cubicle	needs significant storage
Office Specialist	1	cubicle	
Permit Technician	1	cubicle	
Green' Bldg Technician	0	cubicle	possible future position
Conference	0	shared with Ping	
Waiting & Public Counter	0	shared with Ping	
Flat & Rolled Files & Display	0	rolls must be >36" wide	
TOTAL - BUILDING DEPARTMENT	7		

 Possible double counted or shared function

The Building Department processes 800-1,000 permits each year (1 set for small jobs, 4 sets for complete houses)
* Atherton Town Council disagreed with the Bldg Dept. making zoning decisions; therefore the need for a separate Planning Department

Linear Feet Of Public Counter 0 15

**Appendix G
PLANNING DEPARTMENT FUNCTIONS**

Function/Position	Head Count	Office Type	Comments
Planning Department Planner	2		
Conference (shared w/ Bldg Dept)	0		2 part time workers share the same cubicle
Planning Dept. Storage	0		
Consultants' shared space	0		
Counter	0		
TOTAL - PLANNING DEPARTMENT	2		

 Possible double counted or shared function

* Following recommendations of a Grand Jury, in 2005 the Atherton Town Council separated the Building and Planning functions

Appendix H
PUBLIC WORKS DEPARTMENT FUNCTIONS

<u>Function/Position</u>	<u>Head Count</u>	<u>Office Type</u>	<u>Comments</u>
Public Works Department Director	1	private	
Administrative Assistant	1	cubicle	
Engineer	1	cubicle	
Contract Plan Checker	0	works elsewhere	
Drainage Engineer/NPDES Coordinator	0	cubicle	possible future part-time need
High Speed Rail Coordinator	0	cubicle	possible future part-time need
Storage	0		
Small Conference	0		
Plans Production (w/plotter, trimmer)	0		

TOTAL - PUBLIC WORKS DEPT 3

 Possible double counted or shared function

Counter Space (includes Waiting) 10 10 linear feet

* Waiting space needs room for Engineering handout racks, CRW terminals recycling boxes, Engineering preparation space including layout tables, plotter, scanner and trimmer, flat files, lateral (street) files, permit files, and contract files

NPDES = National Pollution Discharge Elimination System

Appendix I
Active Records Storage

Function / Position	Appx. Sq. Ft Needed
Admin Bldg Attic's Records	240
Carriage House Records	410
	650

Both of the following were measured on 10 November with Steve
Attic storage in the Administration Center is roughly 8' x 30' or 240 sq.ft.
Carriage House Storage in two closets is 2(13' x 16') or 416 square feet.

MATRIX FOR TCTF SCORING , ARCHITECTS/ENGINEERING SOQ, REF, INTV. REVD

	<u>NONRESPONSE</u>	<u>MIN.</u>	<u>GOOD</u>	<u>MEETSREQ.</u>	<u>EXCELL.</u>	<u>SUPERB</u>			
<u>QUALITY WT.</u>	.00	.25	.50	.75	.90	1.00			
	<u>VALUE ASSIGNED</u>						<u>SOQ</u>	<u>REF</u>	<u>INTV</u>
A . FIRM INTRODUCTION									REQUIRED
B. APPROACH									5
C. SITE & BLDG. EVALUATION									15
D. PROJECT EXPERIENCE									40 TOTAL
1) REFERENCE LIST/AGENCIES									(5)
2) REFERENCE LIST/ PROJECTS									(5)
3) REFERENCE LIST/GREEN									(5)
4) KNOWLEDGE & EXPER.									(15)
5) SITE PLANNING									(10)
E. KEY STAFF									10
F. RESUMES									5
G. LITIGATION									5
H. DISCLOSURE									5
I. COMMENTS									15

TOTAL POINTS=100 SCORER EVALUATES EACH PROPOSAL CATEGORY: VALUE X

QUALITY WEIGHT =CATEGORY SCORE, TOTAL CATERGOIES= SUBMITTAL SCORE

MATRIX FOR CONCEPTUAL DESIGN PHASE

REV 1

QUALITY WEIGHT .000 .25 .50 .75 .80 1.00

DESIGN PHASE GUIDELINES:

VALUE ASSIGNED

- | | |
|--------------------------------|----------|
| 1) SITE PLANS | 15 |
| 2) BASIC FLOOR PLANS | 30 |
| 3) ELEVATIONS | 15 |
| 4) CONCEPT IN THREE DIMENSIONS | 5 |
| 5) COMMENTARY | 30 TOTAL |
| 1) VISION (5) | |
| 2) PROCESS (10) | |
| 3) PUBLIC OUTREACH (15) | |
| 6) MODEL | 5 |

TOTAL POINTS 100

DRAFT September 7, 2010

**Town Center Task Force
Anticipated Process Flow**

- 1) Developing SOQ:
 - a. Tour Facilities
 - b. Review Blue Ribbon Task Force (BRTF) recommendations.
 - c. Interview all Department Heads about Needs
 - d. Create Programming Documents
 - i. Text on overall concepts
 - ii. department by department specific needs
 - e. Receive Staff comments on Programming Documents
 - f. Determine other attachments for SOQ
 - g. Prepare evaluation matrixes
 - i. SOQ submittals
 - ii. Conceptual Design Phase submittals
 - h. Pursue Pro-bono cost analysis of rehabilitation of 83 and 91 Ashfield verses building replacement buildings to determine the preferred path regarding this amount of the space.
 - i. Work with Library Liaison to determine if library building will be vacated and available to Town for rehabilitation. If so, pursue rehab verses replacement cost analysis on this building as well.
 - j. Edit SOQ to reflect above items
 - k. Staff to review SOQ
 - l. Incorporate Staff comments into SOQ.
 - m. Prepare memo regarding financing alternatives

- 2) Prepare & Submit package for Town Council
 - a. Memo outlining present status and requesting future direction
 - b. Attachments:
 - i. SOQ and Exhibits (see below)
 1. Exhibit A: Map of Town Center property
 2. Exhibit B: TCTF Programming Document
 3. Exhibit C: Summary of Spaces
 4. Exhibit D: Task Force Program by Area
 5. Exhibit E: Matrix for TCTF Scoring ("Matrix")
 6. Exhibit F: Anticipated Process Flow
 - ii. Memo on Cost Estimate including back-up data
 - iii. Memo on Preliminary Financing Concepts

- 3) Check in with Council with request for direction:
 - a. Proceed with SOQ
 - b. Pause until specified date, then proceed with SOQ
 - c. Cease entirely.
 - d. Other.

- 4) SOQ Process
 - a. Define Project Description in the SOQ based on City Council feedback.
 - b. Issue via AIA distribution network for all Bay Area Counties as well as through the database already developed by Town Staff.
 - c. Town Staff to provide tour(s) and respond to questions via mechanisms stated in SOQ.
 - d. Interested firms to submit SOQ's.
 - e. Phase I: TCTF to review SOQ's and score via the Matrix.
 - f. Phase II: TCTF to call references of top seven firms and update scoring in the Matrix . Some of the questions to be considered:
 - i. Was the firm good at working with the public and responsive to the comments provided in a reasonable way?
 - ii. Did the firm do a good job managing the process flow and keeping the project on track?
 - iii. Did the firm meet their representation on the specific principals to be involved and the amount of involvement from each of them?
 - iv. Was the firm timely and appropriate in their responses to your needs?
 - v. Did the firm do their part to keep the costs in line with budget?
 - vi. Was the quality of the architecture what you expected?
 - vii. Were there any big surprises?
 - viii. Did your overall final results meet expectations?
 - ix. Would you hire this firm again for a similar job?
 - g. TCTF to update matrix based on references.
 - h. Phase III: TCTF to interview top five firms and update scoring in the Matrix..
 - i. TCTF to prepare report to Council:
 - i. reviewing the process to date;
 - ii. presenting top five firms (SOQ Finalists) and recommending the top three amongst them;
 - iii. recommending an honorarium to be offered to the top three firms for the Conceptual Drawing phase; and
 - iv. including the following exhibits plus any others that the TCTF deems appropriate:
 1. Phase I: Complete Listing of firms who submitted SOQ's and their scores per the Matrix (Phase I).
 2. Phase II: Listing of the top seven firms and their scores per the Matrix (Phase II)

3. Phase III: Listing of top five firms and their scores per the Matrix (Phase III)
 4. The full presentation package from each of the top five firms.
 5. Make available for onsite review at the City Clerk's office and in the Council Chambers during the appropriate hearing(s), a single copy of all SOQ's submitted.
- j. TCTF present report to Council.
 - k. Council to decide if it wishes to pursue further, if so, selects three as Finalist Firms and rank orders the remaining two as alternates, and confirm or alter the recommended Honorarium.
- 5) Conceptual Design Phase
- a. TCTF to work with Staff to prepare an appropriate form short-form of contract
 - b. TCTF to clarify amount of Honorarium, form of Town's contract and Guidelines for the Conceptual Design Phase to Finalist Firms as a condition for them to continue. If any refuse, then replace with alternates in order.
 - c. Finalists present submittals per the Guidelines to TCTF (at a meeting broadly advertised to encourage public attendance and comments)
 - d. TCTF to review submittals and consider public comments received.
 - e. TCTF to obtain preliminary analysis of ballpark cost of each submittal, including relocation costs (temp space, moving, etc.)
 - f. TCTF to outline possible financing vehicles, including but not limited to, gifts, bonds, grants, etc.
 - g. TCTF to create a Phase IV matrix to evaluate the Conceptual Design Phase and incorporate into that evaluation the results of Phase III Matrix ("Phase IV Matrix").
 - h. TCTF to evaluate submittals, including estimated cost, via Phase IV Matrix.
 - i. TCTF to present all three submittals to Town Council along with a recommendation and also an outline of possible financing vehicles.
 - j. Town Council to make a decision if it desires to continue to proceed, and if so, with which architect.
- 6) Development of Conceptual Designs and Costs.
- a. TCTF to work with Town Staff to enter into contract with selected architect.
 - b. TCTF to schedule a public outreach sessions to receive feedback from public on the conceptual plans from the selected architect.
 - c. TCTF to work with architect to incorporate appropriate comments into plans and reissue to the TCTF.
 - d. TCTF to hold a second public outreach session to receive feedback from the public on the revised conceptual plans.
 - e. TCTF to work with architect to incorporate appropriate comments.
 - f. TCTF to obtain approximate costing on plans.
 - g. TCTF to bring plans back to Town Council with recommendation on next steps.

- 7) Additional steps that will need to be addressed if the project continues to move forward:
 - a. Develop drawings to an appropriate level to get a better sense of pricing
 - b. Pursue applicable environmental reviews.
 - c. Determine town project management team.
 - d. Determine if general contractor will prepare construction drawings (design-build) or if the architect will perform that function.
 - e. Construction Drawings
 - f. Consider/Evaluate contractors for bid
 - g. Bid contractors
 - h. Evaluate bids
 - i. Return to council for direction.

- 8) If project continues, make recommendations to council for completion of project.



MEMORANDUM

TO: Atherton Town Center Task Force,
C/O Eileen Wilkerson – Assistant City Manager ewilkerson@ci.atherton.ca.us

FROM: Phil Warnes

DATE: July 30, 2010, **Revised August 30, 2010**

SUBJECT: **ATHERTON TOWN CENTER, RENOVATION / EXPANSION COST ESTIMATE,
OPTIONS A, B & C, AND A1, B1, UTILIZE EXISTING LIBRARY AS RECORD STORAGE
WITHOUT UPGRADE, REDUCE SCOPE OF TOWN CENTER BUILDING PROJECT**

Eileen,

Attached is my **Revised** report of cost estimates for the various Town Center Renovation / Expansion Options currently under consideration. **Options A1 and B1 anticipate using the existing one-story element of the Library, without upgrade, for record storage in lieu of additional space being added to the new or renovated Town Center Building.**

Given that there is no detailed program for facility requirements and incomplete documentation regarding existing conditions of the present buildings, this estimate is based on my field observations and knowledge of the construction industry.

Assumptions of space requirements have been taken either from the BLUE RIBBON TASK FORCE projections, less a 10% reduction anticipated as an economy of scale or from the measured dimensions of existing walls in the case of renovated facilities. The Atherton Town Center Task Force is evaluating the space requirements and will refine the program prior to detailed design.

The three options under consideration are:

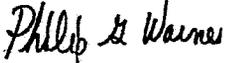
- Option A: Construct a new Police Building. Renovate and expand the existing Town Center Administrative buildings. Library and Council Chamber to remain as is, with no specific assignment for the Library Use.
- Option A1: **As above, with record storage in existing Library.**
- Option B: Construct a new Police Building. Construct a new Town Center Building to accommodate City Manager, Building, Planning and Public Works. Library and Council Chamber remain as is, with no designated use for Library.
- Option B1: **As above, with record storage in existing Library.**

Option C: Construct a new Police Building. Renovate existing Administration Building to accommodate City Manager, Finance / Administration, and an expanded entry common area. Renovate / expand the Library to accommodate Planning, Building, and Public Works. Council Chamber remains as is.

Supporting documentation used in developing Options A, B & C is included as back up for this report.

I am available to discuss this work with you and the Town Center Task Force.

Respectfully,



Philip G. Warnes
Principal

Attachment 1: Atherton Town Center and Police Expand Options A, B & C Rev 8/30/10

Attachment 2: Atherton Town Center Library Renovations / Expansion Cost Estimate Rev 7/19/10R

Attachment 3: Atherton Town Center Administration Building Renovation Cost Estimate 7/19/10



**ATHERTON TOWN CENTER AND
POLICE EXPANSION OPTIONS A, B, C**

OPTION A:

Construct a new Police building. Renovate and expand the existing Town Center Administration building (83/91 Ashfield) to accommodate City Manager, Finance, and Building / Planning / Public Works. Library and Council Chamber remain as is, no designated use for Library.

	<u>Size</u>	<u>Cost/sq.ft.</u>	<u>Total</u>
1. Police Building	10,651	\$586	\$6,241,486
2. Expand Town Center, Lobby & Common Area	2,398	\$366	\$877,668
3. Renovate West Wing (City Manager and Admin)	3,339	\$337	\$1,125,243
4. Renovate East Wing (Building, Planning and Public Works)	2,650	\$337	\$893,050
5. New Expansion, East Wing, 2,000 sq.ft.	2,000	\$366	\$732,000
6. Incremental Record Storage Addition to West Wing Expansion	714	\$366	\$261,324
7. Demolition and Removal of Police Out Buildings			\$24,000
8. Relocation and Outfitting			\$147,000
			<hr/> \$10,301,771 <hr/>

OPTION A1:

Same as Option A except move record storage to existing Library, and reduce scope of Town Center Expansion.

	<u>Size</u>	<u>Cost/sq.ft.</u>	<u>Total</u>
1. Police Building	10,651	\$586	\$6,241,486
2. Expand Town Center, Lobby & Common Area	2,398	\$366	\$877,668
3. Renovate West Wing (City Manager and Admin)	3,339	\$337	\$1,125,243
4. Renovate East Wing (Building, Planning and Public Works)	2,650	\$337	\$893,050
5. New Expansion, East Wing, 2,000 sq.ft.	2,000	\$366	\$732,000
6. Demolition and Removal of Police Out Buildings			\$24,000
7. Relocation and Outfitting			\$147,000
			<hr/> \$10,040,447 <hr/>

OPTION B:

Construct new Police building. Construct a new Town Center building to accommodate the City Manager, Finance and Building / Planning / Public Works. Demolish the existing Town Center building (83/91 Ashfield) and convert area to parking and park. Library and Council Chamber remain as is, no designated use for Library.

	<u>Size</u>	<u>Cost/sq.ft.</u>	<u>Total</u>
1. Police Building	10,651	\$586	\$6,241,486
2. New Lobby and Common Area	2,398	\$366	\$877,668



**ATHERTON TOWN CENTER AND
POLICE EXPANSION OPTIONS A, B, C**

3. New City Manager and Finance	3,339	\$366	\$1,222,074
4. New Building Planning and Public Works	4,650	\$366	\$1,701,900
5. New Record Storage	714	\$366	\$261,324
6. New Parking and Landscaping (old Town Center building)			\$120,000
7. Demolition of Police Out Buildings			\$24,000
8. Relocation and Outfitting			\$147,000
			<u><u>\$10,595,452</u></u>

OPTION B1:

	<u>Size</u>	<u>Cost/sq.ft.</u>	<u>Total</u>
1. Police Building	10,651	\$586	\$6,241,486
2. New Lobby and Common Area	2,398	\$366	\$877,668
3. City Manager and Finance	3,339	\$366	\$1,222,074
4. New Building Planning and Public Works	4,650	\$366	\$1,701,900
5. New Parking and Landscaping (Old Town Center Building)			\$120,000
6. Demolition of Police Out Buildings			\$24,000
7. Relocation and Outfitting			\$147,000
			<u><u>\$10,334,128</u></u>

OPTION C:

Construct new Police building. Renovate the existing Town Center (83/91 Ashfield) to accommodate the City Manager, Finance and other expanded Lobby, Storage and Public areas. Renovate and expand the Library to accommodate Planning / Building / Public Works. Council Chamber remains as is.

	<u>Size</u>	<u>Cost/sq.ft.</u>	<u>Total</u>
1. Police Building	10,651	\$586	\$6,241,486
2. Renovate West Wing for City Manger and Finance	3,339	\$337	\$1,125,243
3. Renovate East Wing to become new Lobby, Common Area and Storage	2,650	\$337	\$893,050
4. Demolition and remove Police Out Buildings			\$25,000
5. Renovation of 1981 section of Library, expand 2,000 sq.ft.	5,100	\$415	\$2,116,500
6. Relocation and Outfitting for the Town Center Building			\$174,000
7. Relocation and Outfitting for expanded Library			\$84,000
			<u><u>\$10,659,279</u></u>

Phil Warnes
7/23/10
Rev 8/30/10



**ATHERTON TOWN CENTER AND
POLICE EXPANSION OPTIONS A, B, C**

ADDITIONAL COSTS

Anticipated additional outfitting costs associated with a new Town Center Administrative Building. The Police Building will have its own set of outfitting not included in this analysis.

a. Lobby and Common Area Furniture	\$120,000
b. Security System	\$75,000
c. Voice and Network Communications	\$150,000
d. Office Furniture	\$100,000
e. Signage	\$30,000
f. Public Amenities	\$25,000
	<hr/> \$500,000 <hr/>



ATHERTON TOWN CENTER
RENOVATION COST ESTIMATES
REVISED 7/19/10

Summary of Findings

- A. The total cost of renovation of West and East Wings (6,749 sq.ft.), with an improved entry link/toilet core (budget line items A, B, C, D, E): \$2,277,992 or \$337/sq.ft.
- B. Cost to construct new 6,749 sq.ft. shell and interior: \$2,457,190 or \$366/sq.ft.
- Demolition: \$67,490
 - Shell/Site: \$978,605
 - Interior: \$1,046,095
 - Soft Costs: \$165,000
 - Contingency: 200,000
- C. Conclusion: It costs \$180K more to construct a new building than to renovate and upgrade the existing shell. An incremental cost of 8%.

Note: The interior construction cost has been estimated at approximately 60% of what it would be for a mid-level Lawyers office.



**ATHERTON TOWN CENTER
RENOVATION COST ESTIMATES
REVISED 7/19/10**

COST ESTIMATE CATEGORY		SIGMA TECH ROM EST 7/12/10 REV 7/19/10
A. West Wing, 83 Ashfield, retrofit construction to accommodate City Manager and Finance(3,339 sq.ft.)		
1.	Demolition	\$40,068
2.	Structural / Roof / Envelope, Repair	\$80,475
3.	Energy Compliance T-24	\$50,085
4.	Seismic Code Upgrade Allowance	\$66,600
5.	Architectural	\$217,035
6.	Fire Sprinkler	\$26,712
7.	Plumbing	\$26,712
8.	HVAC - VRF System	\$133,560
9.	Electrical	\$83,475
10.	General Contractor Cost	\$168,700
Subtotal A		\$893,422
B. East Wing, 91 Ashfield, retrofit construction to accommodate Planning and Building Departments (2,650 sq.ft.)		
1.	Demolition	\$31,800
2.	Structural / Roof / Envelope, Repair	\$66,250
3.	Seismic Code Upgrade Allowance	\$53,000
4.	Energy Compliance T-24	\$26,500
5.	Architectural	\$172,250
6.	Fire Sprinkler	\$21,200
7.	Plumbing	\$21,200
8.	HVAC - VRF System	\$106,000
9.	Electrical	\$66,250
10.	General Contractor Cost	\$84,700
Subtotal B		\$649,150
C. Entry and Toilet Core Link (760 sq.ft.)		
1.	Demolition	\$3,840
2.	Shell / Façade / Roof	\$91,200
3.	Architectural Interior	\$26,600
4.	Fire Sprinkler	\$6,080
5.	Plumbing	\$39,000
6.	HVAC	\$16,000
7.	Electrical	\$18,000
8.	General Contractor Cost	\$30,000
Subtotal C		\$230,720
D. Soft Costs		
1.	Architectural and Engineering	\$182,700
2.	Project Management	\$50,000
3.	Third Party Inspection	\$15,000
Subtotal D		\$247,700
E. Contingency		
1.	Construction	\$233,000
2.	Soft Costs	\$24,000
3.		
Subtotal E		\$257,000
Renovation ROM Estimate A-E		\$2,277,992



**ATHERTON TOWN CENTER
RENOVATION COST ESTIMATES
REVISED 7/19/10**

COST ESTIMATE CATEGORY		SIGMATECH ROM EST 7/12/10 REV 7/19/10
F. Expand East Wing (2,000 sq.ft.)		
1.	Demolition	\$25,000
2.	Shell Construction	\$230,000
3.	Interior Construction	\$200,000
4.	Site Work and Parking	\$50,000
5.	Engineering and Architecture	\$72,000
6.	Inspections	\$15,000
7.	Project Management	\$20,000
8.		
9.		
ROM Estimate F		\$612,000
G. Expand East Wing (4,000 sq.ft.)		
1.	Demolition	\$35,000
2.	Shell Construction	\$440,000
3.	Interior Construction	\$400,000
4.	Site Work and Parking	\$65,000
5.	Engineering and Architecture	\$129,000
6.	Inspections	\$20,000
7.	Project Management	\$30,000
8.		
9.		
10.		
ROM Estimate G		\$1,119,000
H. Demolition and Removal Costs		
1.	Police Department Trailer behind 83 Ashfield	\$3,500
2.	Police Department Modular Unit behind 83 Ashfield	\$8,500
3.	Police Department Garage behind 83 Ashfield	\$9,000
4.	Police Department Trailer behind 83 Ashfield	\$3,000
5.		
6.		
ROM Estimate H		\$24,000
I. Relocation / Outfitting Costs		
1.	City Manager and Finance	
	a. Networking and IT Wiring	\$16,000
	b. Physical Security	\$8,000
	c. Furniture / AV - Incremental	\$40,000
	d. Move and Relocation	\$18,000
Subtotal I1		\$82,000
2.	Planning and Building Department	
	a. Networking and IT Wiring	\$14,000
	b. Physical Security	\$6,000
	c. Furniture / AV - Incremental	\$30,000
	d. Move and Relocation	\$15,000
Subtotal I2		\$65,000
ROM Estimate I		\$147,000



ATHERTON TOWN CENTER
LIBRARY RENOVATION / EXPANSION COST ESTIMATES

Summary of Findings

- A. The total cost of renovation the 3,100 sq.ft. 1981 structure, demolition of the 1929 two-story building and construction of a new 2,000 sq.ft. single-story expansion with associated site work (budget line items A, B, C, D, E): \$2,119,000 or \$415/sq/ft
- B. Cost to construct new 5,100 sq.ft. shell and interior, with associated site work: \$2,067,000 or \$405/sq.ft
- Demolition: \$60,000
 - Shell/Site: \$842,000
 - Interior: \$810,000
 - Soft Costs: \$155,000
 - Contingency: 200,000
- C. Conclusion: It costs \$50K more to renovate the existing single-story structure and to add a new 2,000 sq.ft. wing

Note: The interior construction cost has been estimated at approximately 60% of what it would be for a mid-level Lawyers office.



**ATHERTON TOWN CENTER
LIBRARY RENOVATION / EXPANSION COST ESTIMATES**

COST ESTIMATE CATEGORY		SIGMATECH ROM 7/19/10
A. Site Work and Demolition		
1.	Demolition of existing 1,600 sq.ft. 1929 two-story structure	\$28,000
2.	Tree protection	\$5,000
3.	Site work landscape	\$55,000
4.	Site work landscape and irrigation	\$20,000
5.	Utility Infrastructure	\$35,000
6.		
Subtotal A		\$143,000
B. 1981 Single-Story Structure Renovation		
1.	Demolition	\$11,000
2.	Structural / Roof / Envelope, Repair	\$81,000
3.	Seismic Code Upgrade Allowance (80% of Crosby Group estimate)	\$276,000
4.	Energy Compliance T-24	\$47,000
5.	Architectural	\$150,000
6.	Fire Sprinkler	\$18,000
7.	Plumbing	\$20,000
8.	HVAC - VRF System	\$124,000
9.	Electrical	\$78,000
Subtotal B		\$805,000
C. 2,000 sq.ft. Single-Story Expansion		
1.	Demolition of site work to accommodate new construction	\$20,000
2.	Shell construction	\$260,000
3.	Architectural Interior	\$120,000
4.	Fire Sprinkler	\$16,000
5.	Plumbing	\$36,000
6.	HVAC	\$70,000
7.	Electrical	\$45,000
8.	General Contractor cost (renovation and new construction)	\$170,000
Subtotal C		\$737,000
D. Soft Costs		
1.	Architectural and Engineering	\$110,000
2.	Project Management	\$50,000
3.	Third Party Inspection	\$20,000
Subtotal D		\$180,000
E. Contingency		
1.	Construction	\$236,000
2.	Soft Costs	\$18,000
3.		
Subtotal E		\$254,000
Renovation ROM Estimate A-E		\$2,119,000
F. Relocation / Outfitting Costs		
Building / Planning Departments		
a.	Networking and IT Wiring	\$18,000
b.	Physical Security	\$10,000
c.	Furniture / AV - Incremental	\$40,000
d.	Move and Relocation	\$16,000
ROM Estimate F		\$84,000



**ATHERTON TOWN CENTER
LIBRARY RENOVATION ASSUMPTIONS
2 DINKELSPIEL STATION LANE**

In preparing the Library Renovation Budget I used the following assumptions:

1. As-Built configuration drawings will be required since no up to date existing building plans are available.
2. The Crosby Group seismic report of 2/11/09 outlines existing upgrades required to meet new codes.
3. It is proposed that the existing 1928 two-story structure be demolished and be replaced with a new 2,000 sq.ft. single-story addition, to the existing 1981 single-story structure.
4. The 2,000 sq.ft. addition can be located on either side of the 1981 structure. For the purposes of this cost estimate it is presumed to be on the south side. To construct on the south side will require redesign of the existing park. To construct on the north side, between the existing Library structure and the council chamber, will require a "pie shaped" addition to utilize additional space.
5. Interior improvements would be constructed to a high-end office standard, but less than that found in an Attorney's office.
6. Exterior glazing in the 1981 structure would be replaced with double pain.
7. Insulation would be required to meet Title 24 requirements.
8. A completely new HVAC system would be employed, utilizing Variable Refrigerant Flow to provide for multiple zones of heat and cool.
9. A furniture allowance has been regarded, refinement required.
10. Site work modifications will be required to accommodate the building expansion.
11. The contingency is mildly optimistic in that the due diligence phase of investigation to create the as-built documents may reveal conditions which I have not considered in this estimate.
12. Construction costs are based on my experience in the marketplace and input from Devcon Construction.

Phil Warnes
7/19/10
Rev 7/20/10



ATHERTON TOWN CENTER BUILDING RENOVATION ASSUMPTIONS

In preparing the Town Center Building Renovation Budget I used the following assumptions:

1. As-Built configuration drawings would be required since no up to date existing building plans are available.
2. The seismic upgrade to the building structure is unknown, an allowance for seismic upgrade was provided. This allowance may be inadequate.
3. The interconnecting link between the building would be expanded to incorporate a portico front entry similar to the Council Chambers and expanded toilet cores behind.
4. Interior improvements would be constructed to a high-end office standard, but less than that found in an Attorney's office.
5. Exterior glazing would be replaced with double pain.
6. Insulation would be required to meet Title 24 requirements.
7. A completely new HVAC system would be employed, utilizing Variable Refrigerant Flow to provide for multiple zones of heat and cool.
8. It is assumed that the existing closed office furniture would be reused and that modular office furniture would be new.
9. It is assumed that the existing West Wing is sufficiently sized to accommodate the relocation of the City Manager and Finance. However, to accommodate a relocated Building and Planning Department an expansion of the East Wing would be required.
10. The contingency is mildly optimistic in that the due diligence phase of investigation to create the as-built documents may reveal conditions which I have not considered in this estimate.
11. Construction costs are based on my experience in the marketplace and input from Devcon Construction.

Phil Warnes
7/12/10

TOWN CENTER TASK FORCE FINANCING ALTERNATIVES

THE TOWN CENTER TASK FORCE SUBMITS THIS REPORT TO THE TOWN OF ATHERTON CITY COUNCIL FOR HELP IN CONSIDERING HOW THE TOWN MIGHT FINANCE CONSTRUCTION OF A PROPOSED NEW BUILDING FOR THE POLICE DEPARTMENT AND THE REMODEL/EXPANSION OF THE EXISTING ADMINISTRATION BUILDING AND OTHER DEPARTMENTS, EXCLUDING PUBLIC WORKS. FOR PURPOSES OF THIS REPORT, AN ASSUMPTION OF \$12 MILLION DOLLARS IS USED AS AN EXAMPLE ONLY. THE EXACT COST OF THE PROJECT IS STILL TO BE DETERMINED.

FINANCING OPTIONS CONSIDERED:

1. Build America Bonds (BABs) and Municipal Tax-Exempt Bonds

The American Recovery and Reinvestment Act of 2009 created a new type of municipal security designed to assist municipalities in raising funds for local tax-exempt infrastructure and capital projects. This program has been extended to March 2013. There is no volume limit or allocation required.

BABs allow municipalities to issue taxable bonds and receive a subsidy from the government to defer the interest cost of the bonds. For instance: BABs issued in 2011 could receive a +/-35% subsidy; BABs issued in 2012 could receive +/-30% subsidy.

The issuer may choose between two types of subsidy: 1) Direct payment of cash over life of bonds; or 2) Investor receives tax credit over life of bonds.

Attached to this report is a hypothetical financing schedule comparing BABs to Tax-Exempt bonds using the assumption of \$12 million and \$6 million in proceeds. The BABs carry an interest rate of 3.51% (if issued in 2011) versus a 3.75% interest rate for the Tax-Exempt Bonds. This calculation was made as of August, 2010 and rates could have changed since then. These rates also assume that the Town of Atherton has a AAA credit rating. The difference between "Par Amount" and "Project Fund" amount is the actual amount of bonds issued to cover costs and any premium or discount the structure generates.

It has come to the attention of the TCTF that the Town of Atherton does not currently have a rating and has never been rated in the past. To apply for the Build America Bonds or Tax-Exempt Bonds, the Town would have to be rated. The estimated time for the rating process is +/- 3 weeks. The estimated fee for underwriting the sale of the BABs or Muni Bonds is approximately \$100,000 to \$150,000 for the example of the \$12 million amount.

5. Atherton Building Department Funds

The Atherton Building Department has approximately \$1,800,000 set aside in a special reserve account designated to the construction of a new Building Department facility.

It is the TCTF's request and recommendation to the City Council that they are allowed to continue to pursue the financing alternatives described above while further defining the cost of the project to be financed.

The best outcome would be private money to fund the entire project. The next best would be private money to fund the Police Department facility with the remainder being financed through either the Build America Bond program or traditional Tax-Exempt Bonds.

Respectfully submitted,

Town Center Task Force Committee

Town of Atherton: Hypothetical Financing Scenarios

General Obligation bonds rated 'AA+' or 'AAA' as of 8/26/2010

\$12 Million in Net Proceeds*

	Tax-Exempt Bonds	Build America Bonds (35% Subsidy)	Build America Bonds (30% Subsidy)
Par Amount (\$)	\$11,860,000	\$12,295,000	\$12,295,000
Project Fund (\$)	\$12,000,000	\$12,000,000	\$12,000,000
Avg. Annual Debt Service ¹	\$670,759	\$651,014	\$672,400
Total Debt Service ¹	\$20,122,769	\$19,530,433	\$20,172,000
All-In TIC (%) ¹	3.75%	3.51%	3.77%

\$6 Million in Net Proceeds*

	Tax-Exempt Bonds	Build America Bonds (35% Subsidy)	Build America Bonds (30% Subsidy)
Par Amount (\$)	\$6,050,000	\$6,270,000	\$6,270,000
Project Fund (\$)	\$6,000,000	\$6,000,000	\$6,000,000
Avg. Annual Debt Service ¹	\$342,182	\$331,870	\$342,938
Total Debt Service ¹	\$10,265,456	\$9,956,096	\$10,288,130
All-In TIC (%) ¹	3.91%	3.66%	3.93%

* Analysis assumes no bond-funded reserve account and a 30-year term structured with level debt service. Premium coupon structure for tax-exempts.
¹ For Build America Bonds, figures are net of federal subsidy. Financing costs would be approximately the same for both BABs and tax-exempt bonds.
 Note: Analysis above assume a 10-year par call for tax-exempt bonds and a make-whole call for taxable Build America Bonds.





Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF SEPTEMBER 15, 2010

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REAFFIRMING THE TOWN'S COMMITMENT TO THE PUBLIC RECORDS ACT

RECOMMENDATION:

Adopt Resolution No. 10-54 reaffirming the Town's commitment to the Public Records Act.

BACKGROUND:

The Town has received dozens of public records requests over the past six months.

Below is an accounting of the hours spent by the Deputy City Clerk and the amount of money paid for legal review on one single person who has requested approximately 50 of those public records requests since the end of March. This *does not* include an accounting of the hours spent by Department and IT in searching, collecting, reviewing, extracting, and redacting information.

Deputy City Clerk Hours spent = Approximately 130 hours (since March 2010)

City Attorney Funds Spent = Approximately \$19, 844.00 (since March 2010)

RESOLUTION NO. 10-54

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
REAFFIRMING THE TOWNS COMMITMENT TO THE PUBLIC RECORDS ACT**

WHEREAS, the Town is subject to the Public Records Act which acknowledges that *Access to information concerning the conduct of the public's business is a FUNDAMENTAL and NECESSARY RIGHT of every person in the state;* and

WHEREAS, the Town has received over seventy-five (75) requests for public records over the past six (6) months, which does not include almost weekly correspondence to engage in additional review. The records range in response anywhere from one to three pages to 30,000 pages for a single request; and

WHEREAS, several requests have required an unprecedented amount of staff and attorney hours in addition to non-reimbursable costs in legal review, searching, collecting and extracting, redacting and compiling records to determine whether the records would be disclosable under the Public Records Act; and

WHEREAS, the Town acknowledges that due to the volume of documents needed to review, together with the Town's limited staffing resources and the need simultaneously to address the routine business of the Town, staff is working as diligently as possible to respond in a timely manner to all public records requests regardless of the volume of several of the requests; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby reaffirm its commitment to providing to the best of its ability public access to records as required under the Public Records Act t in order to meet statutory deadlines.

PASSED AND ADOPTED at a meeting of the City Council of the Town of Atherton held on the 15th day of September, 2010 by the following vote:

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 15th day of September 2010 by the following vote:

<i>AYES:</i>	<i>COUNCILMEMBERS:</i>
<i>NOES:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSENT:</i>	<i>COUNCILMEMBERS:</i>
<i>ABSTAIN:</i>	<i>COUNCILMEMBERS:</i>

Kathy McKeithen, MAYOR
TOWN OF ATHERTON

ATTEST:

Theresa N. DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

Wynne S. Furth, City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL
JEROME GRUBER, CITY MANAGER**

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF SEPTEMBER 15, 2010

**SUBJECT: FIRST PROGRESS REPORT FROM THE FINANCE COMMITTEE ON
THE FIVE-YEAR FINANCIAL FORECAST AND APPROVE THE USE
OF ACTUARY**

RECOMMENDATION

Receive the first progress report from the Finance Committee and approve the use of actuary.

DISCUSSION

The Finance Committee met on September 7, 2010, to discuss the materials distributed by Committee Member Alain Enthoven on pension, post retirement health care and alternative sources of police services for the Town. The Committee as a whole considered pension and retiree healthcare costs as having the most significant financial impact to the Town and would like to proceed with data gathering, explore alternatives, and utilize an actuary to project unfunded actuarial pension liability over a 12 to 15 years horizon.

To address each question or point raised in the materials, the Committee directed staff to contact CalPERS to see if that agency can provide projections and information currently not available in-house. If CalPERS is unable, the Finance Committee would like to solicit the help of outside actuary and is seeking City Council approve.

In addition, the Committee is recommending that the Town acquire MuniCast, a financial forecasting model as a tool.

FISCAL IMPACT

The cost of MuniCast is \$1,995 and is not budgeted. A mid-year budget adjustment will be necessary. Staff is working on the actuarial cost.

Prepared by:

Approved by:

Louise Ho, Finance Director

Jerome D. Gruber, City Manager

Attachment: Materials from Alain Einthoven

**DRAFT PRELIMINARY OUTLINE OF INFORMATION NEEDED BY THE
ATHERTON TOWN COUNCIL TO UNDERSTAND THE FINANCIAL
IMPLICATIONS OF PRESENT PENSION POLICIES, AND THE
IMPLICATIONS OF ALTERNATIVES THAT MIGHT BE CONSIDERED IN
THE FUTURE.**

This analysis is not directed at any specific collective bargaining situation. But decisions eventually made by the Town Council, aided by this information, may affect the Council's posture in future negotiations.

1. We need a 12 or 15 year projection of Atherton's pension liabilities, realistically considering the CalPERS investment losses and unfunded liability and what that will mean for Atherton. Long term projections are needed, even though difficult to make in such an uncertain situation because it takes a long time for the effects of proposed changes to show up in significantly changed outlays. If the results depend on key assumptions, the projections should be made based on alternative assumptions with the assumptions explained.
2. We need to see current pay levels for all employees, and projected pensions for all employees and for existing retirees. (Recall the intense public attention being focused on high pay levels for some, and high pensions for others.) I read that the names of pensioners in PERS with e.g. pensions over \$100,000 are publicly available. (Did the members of the Town Council and its finance committee know what the pay levels were in the infamous case of the town of Bell?)
3. We need a concise description of the current pension policies for all groups (e.g. 3% of final year's pay for each year worked at 55).
4. What is the "normal cost" to fully fund our pension obligations expressed as a % of employee pay?
5. Project the net cost to Atherton's annual budget if, from July 2011 forward, employees all contributed 10% of their pay to future pensions. This could potentially affect all existing employees as well as new ones.
6. Project the financial impact of a 2-tier system for all new hires:

- End “spiking” by basing pensions on average *base pay* for the last 3 years.
 - New hires retire at 65 (normal in the private sector) or 60 in the case of police and fire.
 - Employees contribute 10% of pay to their pensions.
 - Model 2%, 2.5%, and 3% of final pay at retirement per year worked.
7. Model a new defined contributions system for all new hires. Assuming funds are invested in broadly diversified index funds with a life cycle model (i.e. high percent of equities in younger years, shifting to higher percent of fixed income in later years), what contributions, as a percent of pay, should be made to produce pensions yielding 90% of final pay at ages 65/60.
 8. Calculate the cost in pension contributions to pay a pension of e.g. \$1000 for life assuming retirement at age 50, 55, 60, 65. The purpose of this calculation is to show that early retirements are very costly because of longer life expectancy at retirement, reduced annual contributions, and forgone earnings accumulation in the final years.
 9. Can we obtain data on post-retirement earnings of public sector retirees in general (aka “double dipping”).
 10. Can we obtain relevant comparative data on pensions and retirement ages in the private and public sectors?
 11. Can we display data on changes in life expectancy at age 65 over the past 40 years. The point of this is that 65 used to mean near death. In 1980, U.S. life expectancy at age 65 was 14.1 years. By 2003, it was 16.8 years.
 12. Does Atherton incur a pension obligation for hiring people who worked elsewhere in the public sector? How does this work? Can we choose not to hire such people for this reason? Or can we avoid assuming any unfunded liability?

**DRAFT PRELIMINARY OUTLINE OF INFORMATION NEEDED BY THE
ATHERTON TOWN COUNCIL TO UNDERSTAND THE FINANCIAL
IMPLICATIONS OF PRESENT POST RETIREMENT HEALTH CARE POLICIES
AND THE IMPLICATIONS OF ALTERNATIVES THAT MIGHT BE
CONSIDERED IN THE FUTURE**

1. We need a description of our existing policies for post retirement health care including the present value of our liability under reasonable alternative assumptions.
2. We can then compare the implications of current policies with alternatives such as:
 - Atherton to make fixed dollar contributions at the price of the low priced plan in CalPERS with providers serving the Peninsula.
 - Atherton to make defined contributions based on a fixed dollar amount, multiplied by years of service, and increased annually by the percentage increase in per employee total compensation.
3. How much could we save now if all employer contributions were limited to an amount not to exceed the low priced plan in PERS with providers serving the Peninsula? (The point of this last qualification is that PERS offers some "select value" plans that do not include providers on the Peninsula. But Kaiser Permanente obviously does.

4. Estimate the extent to which the excise tax on high cost health plans will be imposed on Atherton retiree and active health plans. Apparently the tax will be imposed on the "coverage provider", presumably Kaiser, Blue Shield or CalPERS for the self insured plans. Presumably this will be passed on to either the employer or the employee. We need to clarify our policy on this in order to report our obligation for post retirement health care.

DRAFT PRELIMINARY OUTLINE OF INFORMATION NEEDED BY THE ATHERTON TOWN TO UNDERSTAND THE FINANCIAL IMPLICATIONS OF ALTERNATIVE SOURCES OF POLICE SERVICES FOR THE TOWN.

In order to have a clear basis for estimating savings from alternative policies for procuring police services for Atherton, we need to"

1. Develop written specifications for the police services Atherton requires in sufficient detail that we can obtain comparative cost estimates for different sources. How many officers on duty at any time? How is the requirement calculated?
2. The towns of Portola Valley, Woodside and San Carlos are outsourcing their police services to the San Mateo County Sheriff. Apparently this can be done with officers specifically assigned to Atherton driving Atherton marked cars. The potential savings come from economies of scale as a larger base from which to draw makes it less costly to cover emergency requirements. By one report, San Carlos will save an estimated \$2.1 million per year.
3. Develop an RFP to supply these services and invite bids from The Sheriff of San Mateo County, and the police forces of Menlo Park and Palo Alto to supply all required services. (In the case of Menlo Park, this would resemble the fire district.)
4. Develop alternative specifications to share or outsource selected services such as dispatch.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

**FROM: JEROME D. GRUBER, CITY MANAGER
MIKE GUERRA, POLICE CHIEF
EILEEN WILKERSON, ASSISTANT CITY MANAGER**

**DATE: FOR THE MEETING OF JULY 21, 2010
UPDATED SEPTEMBER 15, 2010**

**SUBJECT: RECLASSIFICATION OF THE “TEMPORARY” ADMINISTRATIVE
ASSISTANT TO THE POLICE CHIEF TO “REGULAR” EXECUTIVE
ASSISTANT/POLICE DEPARTMENT**

RECOMMENDATION:

That the City Council approves the following:

- 1) Reclassify the employment status of the temporary Administrative Assistant to the Police Chief to regular employment status
- 2) Approve designation to the job classification Executive Assistant
- 3) Set full time equivalent to 1.0 FTE
- 4) Set the Bargaining Unit as Confidential

INTRODUCTION:

City Council directed staff to bring this item back after Council discussed the Classification Study. Council discussed the classification study at the August Council meeting.

Approving the reclassification of the “temporary” Administrative Assistant to the Police Chief to “regular” Executive Assistant will result in establishing a new position in the Police Department replacing a temporary position and increasing the full-time equivalent staffing (FTE) from 0.75FTE to 1.0FTE.

The funding for the position was approved by the Council on June 16, 2010 in the FY2010-11 Budget.

A closed/promotional recruitment will be held for current employees including those in temporary classifications.

BACKGROUND:

Police 1.2 Types of Employment and Eligibility for Benefits

B. Regular Full-Time Employee: An employee who has successfully completed both the initial probationary period and any probationary period set by promotion or transfer, is assigned to a position which is expected to continue for an indefinite duration, and works a schedule which will total no less than 2080 hours per year.

C. Regular Part-Time Employee: An employee who has successfully completed both the initial probationary period and any probationary period set by promotion or transfer, is assigned to a position which is expected to continue for an indefinite duration, and works a schedule of 20 hours or more, but less than 40 hours per week.

E. Temporary Full-Time Employee: An employee whose work assignment is limited in duration to six months or less, and works a schedule which on an annual basis would total no less than 2,080 hours.

F. Temporary Part-Time Employee: an employee whose work assignment is limited in duration to six months or less, and works a schedule of 20 hours or more, but less than 40 hours, per week.

Since July 2000 the position of Administrative Assistant to the Police Chief has been a temporary position. Throughout the Town's history of having a similar position, the position has been part-time and full-time. The position has also been a regular position and a temporary position with a variety of titles but essentially the same duties.

The incumbent has served in the current temporary part-time position since September 11, 2000.

As part of the FY2010-11 budget the Police Communications Center is being reorganized. To provide minimal impact on the community and zero loss of service to the Department, it is anticipated the current Community Services Officer/Dispatcher and Executive Assistant positions will fill in where sworn safety personnel are not necessary such as:

- Driving cars to the repair yard
- Filing criminal cases in court
- Processing warrants and citations
- Booking evidence
- Transporting evidence to the crime lab

In addition, the position of Executive Assistant will maintain personnel records for the Police Department, coordinate the Police training program, and provide secretarial support to the Police Chief.

Safety personnel records retention is held to an extremely high standard outlined in the State of California Government Code Sections 3300 et al. The Town has a responsibility to insure that employee personnel records are held under the highest security possible.

Examples of Safety personnel records include:

- Background investigations
- Internal affairs investigations
- Training records
- Physiological results and other medical files
- Workers' Compensation

- Personnel File

The Town has a responsibility insure that privacy issues are complied within the areas of filing criminal cases in court, processing warrants and citations, booking evidence, and transporting evidence to the crime lab.

Providing a temporary employee with complete access to safety personnel records and information that is subject to privacy issues is not best practices.

In addition to the duties described above, the Executive Assistant position will fill the following specific duties:

- Participates in Department management meetings and decision-making; has access to confidential information and conversations regarding negotiation strategies
- Prepares draft Council staff reports and annual Department reports including research
- Manages all documentation for Department travel including tracking and any processing to finance
- Support the unique mandated training requirements of police officers and dispatchers. Schedules and tracks training for California Peace Officer Standards and Training (P.O.S.T.) and specialized training
- Coordinates and hosts Advanced Officer and Continuing Professional Training for the Police Department including Emergency Manager Training for compliance with the National Incident Management System (NIMS) and personnel compliance training (sexual harassment, code of conduct, officer safety, ethics, drivers training, laws of arrest)
- Identifies grant opportunities, and when applicable, prepares and submits grant applications. Ensures grant compliance
- Provides administrative assistant support in the areas of clerical needs such as scheduling, department memorandums and written documents from oral and written direction, phones, finance
- Frequently the first contact for citizen calls to the Police Chief, collects information for investigation later used by the formal investigator
- Tracking and data collection for Police Athletic League (PAL)
- Assists with recruitment including scheduling testing and background investigations, and payroll processing of all sworn and non-sworn position in the Police Department
- Coordinates performance evaluations for all Police staff
- Coordinates fleet management and facilities management
- Supports and coordinates the DARE program
- Duties listed on the current Executive Assistant job description

ANALYSIS:

Based on current Town Policy 1.2 Types of Employment and eligibility for Benefits, this position does not fall under "Temporary" status since it is designed to be in place for more than six months. In fact, the position has been budgeted each year since FY1999-2000 at 0.75FTE.

The incumbent has been in the position since September 11, 2000. The incumbent has received annual evaluations as if a regular employee. The incumbent has not received health or leave benefits but does receive retirement benefits. In every way except health and leave benefits the incumbent has been historically treated as a regular employee.

An argument could be made that due to the position being included on the Staffing List in each Town Budget since FY1999-2000, the intention was to designate the position as regular part-time position since only regular positions are listed.

It is true that under the best practices in place today the position is clearly designed as “temporary” in the budget although the amount originally budgeted reflected the cost of the position being designated as “regular”.

In addition, in order for the position to be designated as “regular” status best practices requires that the Council must act to make that determination.

Impact if Position Remains Temporary

From a risk management perspective, if the position remains temporary and all duties discussed above remain assigned to the position, the Town opens itself for potential legal issues from both employees and the public due to privacy law violations. Changing the position status from “temporary” to “regular” eliminates the perception that the personnel related files are not handled by “real” employees.

From an Assistant City Manager (ACM) and human resource perspective, if the position remains “temporary” status the personnel files and all related files should be moved to the ACM’s office and maintained by the ACM. The “temporary” position should not be used in any capacity that is privy to personal information of employees or the public.

Moving the duties to the ACM significantly impacts the ACM position in the amount of time involved with filing, researching specific information available in the files, and creating, tracking, and updating personnel action forms. The increase in workload will take priority over other ACM responsibilities due to the compliance issues related to personnel file maintenance for Safety members.

- The “temporary” position will not have sufficient volume of work remaining to justify the current or recommended hours
- The Chief of Police will continue to need secretarial assistance
- The Assistant City Manager will need secretarial assistance

Other Issues of Importance

- Proportionately the Police Department has less “regular” clerical support than the other Town Departments

Employees per Department including “temporary” Administrative Assistant to the Police Chief	Number of Department Employees	Number of Executive Assistant and Office Specialist Positions
Administration	4	1.5 – Office Specialist & Executive Assistant
Building	7	1.0 – Office Specialist
Finance	3	0 – Uses Administration Office Specialist as needed
Police	24 + .75temp	0.75 Temporary Administrative Assistant
Public Works	11	1.0 Office Specialist

The new Executive Assistant position will take on a greater role in risk management and claim filing and follow-up. The position will also take on a greater role in managing training for all Town employees.

Outside Agencies

Agency	Position Title	Top Step Hourly Rate FY09-10
City of Belmont	Administrative Assistant	\$30.07
City of Brisbane	Executive Administrative Assistant	\$32.91
City of Burlingame	Administrative Secretary	\$33.55
Town of Colma	Administrative Technician III	\$38.23
City of Daly City	Secretary III	\$36.68
City of East Palo Alto	Executive Assistant	\$33.43
City of Foster City	Management Assistant	\$33.64
City of Hillsborough	Executive Assistant	\$46.34
City of Menlo Park	Administrative Assistant	\$34.43
City of Millbrae	Administrative Assistant	\$31.86
City of Pacifica	Administrative Assistant	\$46.96
City of Redwood City	Administrative Assistant	\$35.64
City of San Bruno	Police Clerk II	\$29.22
City of San Carlos	Administrative Assistant	\$33.20
City of San Mateo	Executive Secretary	\$31.88
City of South San Francisco	Senior Administrative Assistant	\$32.13
Atherton	Temporary Administrative Assistant to the Police Chief	\$29.22 No benefits
Atherton	Recommended Executive Assistant	\$38.83 + benefits @ \$12.75 per hour

Portola Valley and Woodside contract with the San Mateo County Sheriff’s Department for their Police Services including this position. Half Moon Bay provides clerical assistance as needed by Police Clerks (a specific position the Town does not have).

FISCAL IMPACT:

The Council approved the FY2010-11 Budget on June 16, 2010. During the presentation, Finance Director Louise Ho pointed out to the Council that the Police Department budget included funding for a full-time Executive Assistant.

The total compensation for this position is estimated to be \$94,876 for FY2010-11. \$69,762 is attributed to wages, \$10,032 is attributed to health benefits, and \$15,081 is retirement and payroll costs. FY2009-10 the cost for the 0.75FTE temporary position was estimated to be \$55,483.

Prepared By:

Approved:

/s/ Eileen Wilkerson

/s/ Jerome D. Gruber

Eileen M. Wilkerson, ACM

Jerome D. Gruber, City Manager

ATTACHMENT A

TO: Honorable Mayor and City Council

FROM: Mike Guerra, Police Chief

SUBJECT: Additional Information – Re-Classification of Police Employee

DATE: September 9, 2010

As I know you have all read the recent Staff Report respectfully requesting the re-classification of the Temporary Administrative Assistant in the Police Department to a regular, full-time position, I'd like to add additional items that were not mentioned in this report.

BACKGROUND

Historically, this position was resurrected ten years ago when Interim Chief Brown Taylor eliminated the Administrative Assistant to the Chief as part of the reorganization in the Police Department. When former Chief Brennan re-instated this position with then City Manager Ralph Freedman, the status was a part-time position that was needed for a new Chief coming from a different organization.

As the decade has gone past, this position has evolved into completing tasks and duties that were once taken on by a Police Sergeant. This position is not a secretarial position in that I and the Lt. typically write our own reports, make scheduling decisions on our calendars and complete our day to day tasks. This Administrative staff member has, on their own, taken on duties and roles that if this position were not here, would typically not get done as others would not know how they are to be completed.

One of the main goals this position provides is to coordinate, manage, track and plan all police department training for both sworn and non-sworn personnel. The Peace Officer Standards and Training Commission (P.O.S.T.) has established guidelines for mandated, essential and desirable training for police employees. There are legislative requirements, perishable skills and specialized training requirements that all personnel must complete in order to be in compliance with P.O.S.T.

Prior to the incumbent completing these tasks, it was up to the Training Manager (a POST definition of the individual who has specialized training who is responsible for managing training within the law enforcement organization), who was a Sergeant, to make sure the Atherton Police Department remained in compliance. Since the Sergeant was also involved in day to day patrol operations and other duties assigned, the police department was not in compliance and thus all training duties were given to the Administrative Assistant. As a result of that change, we have achieved 100% compliance with P.O.S.T. and have maintained this status since with annual audits. These audits also include: background investigations, medical and psychological reports, and the maintenance of police officer personnel files.

Other duties in this role that were not mentioned in the original staff report include:

- Grant writing ;
- Career development for police personnel;
- Risk Management and liability;
- Budget – monitoring, purchasing and tracking;
- Business management of the Police Activities League;
- Creation and maintenance of the Master Training Plan and Succession Planning Matrix (which has been used in other San Mateo County agencies);
- Developing and certifying law enforcement training with P.O.S.T.;
- Coordinator of Emergency Management training to be in compliance with NIMS/SEMS;
- Work with MPFD in the maintenance of the EOP and disaster preparedness;
- Maintain a positive working relationship with the San Mateo County Training Managers Association group that helps satisfy county-wide law enforcement training needs;
- Assist employees in the completion of Workers' Compensation reports of injury;

CONCLUSION

Within San Mateo County, other agencies that have an Administrative Assistant in the police department typically provide duties that are limited to clerical, secretarial and calendar maintenance for the Chief. The Atherton incumbent handles the job duties of a Training Manager and those of an Administrative Assistant at an excellent level, and has been recognized for her work in annual evaluations that read "exceeds standards," and she won the Employee of the Quarter award on two separate occasions. The incumbent has a Masters degree in Public Administration and has over 20 years of experience in the law enforcement community. In addition, other California police and sheriff's departments have used the Atherton PD Master Training Plan that she developed as a model for their agencies. She is an integral part of this organization and deserves the compensation that was due a decade ago.

This position cannot be temporary-part-time for a period longer than 6 months. The incumbent has been in this position for 10 years, receives only 1/3 of the retirement benefits and has never accumulated comp time, health benefits, vacation or sick leave usage.

The Executive Assistant in the police department has been approved for the FY 10-11 budget and I respectfully request that this position become regular/full-time to not only meet the legal mandate but continue to provide the community with highly trained, skilled law enforcement personnel which the residents of the Atherton deserve. This can only be accomplished by keeping the incumbent in this position and changing the status to regular, full-time.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER

DATE: FOR THE REGULAR MEETING OF SEPTEMBER 15, 2010

SUBJECT: CODE OF CONDUCT TRAINING

RECOMMENDATION:

To Be Determined.

BACKGROUND:

At the August 2010 regular City Council meeting Council Members Lewis and Carlson wrote a staff report requesting to add code of conduct training to the next Council Agenda for discussion and vote.

There is an approved budget of \$2,000.00 under City Council Department Commissions and Committees that may be used for a workshop/facilitator.

If approved Town staff will work to schedule a day with the full Council to review, discuss and refresh on the Code of Conduct.

Council Report- Jim Dobbie
September 15, 2010

Friday, August 27 Council of Cities Dinner

The speaker for the evening, Joan Cassman of the Hanson and Bridgett law firm, who is the City Attorney for San Jose discussed the pros and cons of the propositions on the November ballot. It was a very worthwhile evening because many of the propositions are extremely complicated and need to be studied

Tuesday September 7 Finance Committee

Much of the discussion centered around the report prepared by Alain Enthoven covering the parameters that must be addressed in order to prepare a sound 5 year forecast.

The committee also recommended the purchase of a financial forecasting model and recommended that the use of interns be investigated to help with the large amount of work in the Finance department.

Jim Dobbie

Council Comments – Jerry Carlson

Rail Corridor Related Meetings

HSR Policy Working group had only eight agencies show up at the last meeting. All the agencies voiced their disappointment with the results of the Alternatives Analysis. There is confusion between the AA and the letter sent to the Federal Railway Administration request additional funds.

There was quite a lot of discussion about the Joint Powers Board overseeing Caltrain not being responsive to the cities it is suppose to represent. Several ideas were discussed including the possibility of forming an advisory board of city members to interact more directly with the board. To date, the JPB has looked at HSR project as a way to electrify the line and to have grade crossings installed. It is not clear that either will occur in the next several years. Meantime Caltrain needs a permanent means of funding to keep it from going bankrupt. City support for such funding seems essential so a closer working relationship may serve mutual interests.

I spent 1 ½ days in **Sacramento** to attend **CHSRA** committee meetings and the monthly board meeting. The board certified the new Program EIR despite many comments from Peninsula people (including me) about the apparent deficiencies in the document. They are choosing to ignore the ridership issue despite the Senate Transportation Committee, State Auditor, Legislative Analyst Office and the State Treasurer all making comments about the business case that hinges on meeting ridership forecasts that have been questioned by experts. I presented Atherton's resolution not to use the Caltrain corridor for HSR and our lack of confidence in the business plan. The Union Pacific issue has not yet been resolved with HSR.

At the board meeting a state Hispanic leader warned about environmental justice issues along the proposed state route. I brought up the same issue pertaining to the North Fair Oaks area.

Our lobbyist Ravi Mentha was active during the meetings including making comments about the board acting as a “rubber stamp” for the recommendations from the consultants. For example, the consultant prepared responses to the public comments made the day before were not available until the board meeting commenced. It was obvious that the board members had not had time to read the document, nor did the public either before the board took up the certification of the certification of the Final Program EIR. As a side note, the head project consultant was replaced a couple of days after the meeting.

It is noteworthy that we beginning to see more pro HSR activity by lobbyists in Sacramento. One of Ravi's acquaintances represents 19 different Central Valley agencies. We need to try harder to convince other Peninsula cities that the real fight re HSR is going to occur in Sacramento and they need representation meeting the legislators, going to hearings and testifying on their behalf.

Other rail information – October 5th, 7:00pm, CC-HSR is holding a public workshop on Eminent Domain issues in the Palo Alto Council Chambers relating to the Caltrain rail corridor.

Burlingame and others are considering putting up ‘story poles’ along the track to give the public a visual idea of the height of aerial structure if that alternative is selected. Another idea is to poll communities to see how many of the voters currently support the plans for HSR and how many of them voted for Prop. 1A.

Palo Alto has taken a ‘no confidence’ stance against the authority board as it is presently constituted and the HSR Business Plan.

Medical Marijuana

Thanks to Danelle Rosati a community meeting was held to discuss recent and future attempts to place marijuana outlets in the North Fair Oaks area. We learned that a notification process had not been considered in the original ordinance which caused everyone to be surprised by the recent proposal on El Camino. My feeling is that Atherton residents should be notified early by our P.D. to become engaged in the process if they so choose. Some of us have been trying to build bridges with NFO since we are neighbors but they have to rely on the Board of Supervisors for any community action. I have attended several NFO Advisory Board meeting comprised of residents and recently took part in their community festival to show support. Their residents have the same concerns as our when it comes to the marijuana dispensary location issue.