



AGENDA
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
March 18, 2009
5:30 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

5:30 P.M. ROLL CALL Lewis, Dobbie, Marsala, Carlson, McKeithen

5:32 P.M. PUBLIC COMMENTS

5:35 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: Atherton Police Officers Association (APOA)

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

Three (3) potential cases

RECONVENE TO OPEN SESSION

Report of action taken.

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
MARCH 18, 2009

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, J. Carlson, McKeithen
- 7:03 P.M. 3 **PRESENTATIONS**
- A. Proclamation recognizing American Red Cross Month
B. Certificates of Appreciation for Heroic Act Saving a Life at Menlo School Basketball Game
C. San Mateo County Library JPA – Director Martin Gomez
- 7:30 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.)*
- 7:40 P.M. 5. **REPORT OUT OF CLOSED SESSION**
- 7:45 P.M. 6. **CITY MANAGER'S REPORT**
- 7:50 P.M. 7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** (Directed by Resolution No. 99-6)
Friends of the Library – Joan Sanders

8:00 P.M. CONSENT CALENDAR (Items 8-17)

(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 THE SPECIAL STUDY SESSION/SPECIAL CITY COUNCIL MEETING OF JANUARY 30, 2009; THE SPECIAL CLOSED SESSION MEETING OF FEBRUARY 2, 2009; THE SPECIAL STUDY SESSION/CLOSED SESSION/SPECIAL CITY COUNCIL MEETING OF FEBRUARY 13, 2009; THE SPECIAL CLOSED SESSION MEETING OF FEBRUARY 18, 2009; AND THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 13, 2009**
- 9. APPROVAL OF BILLS AND CLAIMS FOR FEBRUARY IN THE AMOUNT OF \$ 907,292**
- 10. ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR THE EIGHT MONTHS ENDED FEBRUARY 28, 2009**
- 11. APPROVE THE ENCINAL SCHOOL SAFE ROUTES TO SCHOOL REVISED DRAFT PLAN AND APPLICATION FOR SAFE ROUTES TO SCHOOL GRANT**

Recommendation: Staff recommends that the Council approve the Safe Routes to Encinal School Revised Draft Plan, with the “Traffic Signs Doubled” sign removed, approve an application for a Safe Routes to School (SR2S) Grant, and direct staff to conduct a public meeting with notice to all affected residents.

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

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

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

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

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

Recommendation: Accept work, authorize recording of a notice of completion and approve contract change orders in the amount of \$40,333.60 for the Stevick Drive Reconstruction Project Number 08-002.

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

Recommendation: Staff recommends that the City Council authorize the Mayor to sign the Memorandum of Understanding for the Peninsula Cities Consortium ("MOU") and a joint mayoral letter to the High-Speed Rail Authority. Under the provisions of the MOU, the Mayor would appoint one representative and two alternate representatives, one of which may be a staff person.

PUBLIC HEARINGS (Item)

None

REGULAR AGENDA (Items 16-25)

8:10 P.M. 16. REQUEST TO INITIATE REZONING OF PARKER AVENUE FROM R1-A TO R1-B ZONING DISTRICT

Recommendation: Staff recommends that the City Council consider initiating the rezoning request.

9:10 P.M. 17. REQUEST FOR ADDITIONAL FUNDS TO SUPPORT THE WALSH ROAD DISASTER PREPAREDNESS PROJECT

Recommendation: Staff recommends that the Council consider a request from the Atherton Disaster Preparedness Committee to augment the Walsh Road Disaster Preparedness Project budget by \$5,500.

9:25 P.M. 18. ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR BUDGET ADJUSTMENTS FOR FISCAL YEAR 2008-2009 (This item was continued from the City Council meeting of February 18, 2009.)

Recommendation: Adopt the Resolution Approving the Mid-Year Budget Adjustments for FY 2008-09; Consider Options to Balance the General Fund.

9:50 P.M. 19. REQUEST FOR PROPOSAL FOR PROFESSIONAL OPINION RESEARCH SURVEY AND COMMUNICATION STRATEGY CONSULTING SERVICES

Recommendation: The City Council approve a professional services agreement with GODBE Research, Inc. for professional opinion research survey and communication strategy consulting services and that the Council authorize the City Manager to execute an agreement in an amount not to exceed \$19, 550.00

10:10 P.M. 20. APPROVAL OF SPRINGBROOK SOFTWARE LICENSE AGREEMENT, SPRINGBROOK SOFTWARE MAINTENANCE AGREEMENT, AND AUTHORIZE THE CITY MANAGER TO SIGN BOTH CONTRACTS (This item was continued from the City Council meeting of February 18, 2009)

Recommendation: Approve the Springbrook Software License Agreement, Springbrook Software Maintenance Agreement, and Authorize the City Manager to Sign Both Contracts.

10:30 P.M. 21. ADOPT THE STATEMENT OF INVESTMENT POLICY AND RESCIND THE INVESTMENT POLICY ADOPTED ON NOVEMBER 1, 2008

Recommendation: Adopt the Statement of Investment Policy and Rescind the Investment Policy Adopted on November 1, 2008.

10:45 P.M. 22. PROCEDURES FOR COUNCIL MEMBERS TO REQUEST AN ITEM BE PLACED ON A CITY COUNCIL AGENDA

Recommendation: Consider revisions to the Town of Atherton City Council Rules of Procedure paragraphs 5.1 and 5.2 regarding Agenda preparation.

- 11:05 P.M. 23. **APPOINTMENT OF DESIGNATED CITY COUNCIL REPRESENTATIVES FOR NEGOTIATIONS WITH THE CITY MANAGER**
- Recommendation: Appoint two members of the City Council as the Council's representatives to discuss possible modifications to the Town's contract with the City Manager.**
- 11:15 P.M. 24. **DISCUSSION AND POSSIBLE ACTION REGARDING COMMITTEE/COMMISSION PROCESS AND SCHEDULING A SPECIAL MEETING FOR INTERVIEWS**
- Recommendation: Staff recommends scheduling a Special City Council meeting to interview applicants for the Arts, Audit, General Plan, and Rail Committees and the Transportation Subcommittee.**
- 11:35 P.M. 25. **REVISE CITY COUNCIL RESOLUTION 09-09 BY AMENDING THE RESOLUTION TO REQUIRE REGULARLY SCHEDULED MONTHLY FINANCE COMMITTEE MEETINGS**
- Recommendation: Amend Resolution No. 09-09 to require regularly scheduled monthly Finance Committee Meetings**
- 11:45 P.M. 26. **COUNCIL REPORTS**
- 11:55 P.M. 27. **PUBLIC COMMENTS**
- 12:00 A.M. 28. **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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DRAFT MINUTES
Town of Atherton
**CITY COUNCIL STUDY SESSION/
CITY COUNCIL SPECIAL MEETING**
JANUARY 30, 2009
8:00 a.m. Friday
MAIN HOUSE
Holbrook-Palmer Park
150 Watkins Avenue
Atherton, California
Special Meeting

Mayor Carlson called the meeting to order at 8:10 a.m.

PLEDGE OF ALLEGIANCE

1. ROLL CALL

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

STUDY SESSION

2. INVESTIGATE LONG-TERM FINANCING MECHANISMS WELL IN ADVANCE OF THE PARCEL TAX SUNSET DATE OF JUNE 30, 2010

Discuss hiring a consulting firm to conduct an Atherton resident survey regarding the upcoming Parcel Tax and/or Utility User Tax. The consulting firm could coordinate public outreach and educational information regarding the proposed ballot measure.

3. DETERMINE THE FEASIBILITY POLITICALLY, ECONOMICALLY, AND OPERATIONALLY OF A NEW OR REMODELED TOWN CENTER AND CONSIDER IMPLEMENTATION OF THE RECOMMENDATIONS FROM THE FACILITY STUDY

4. PRESENTATION BY JESUS NAVA, FINANCE DIRECTOR FOR THE CITY OF BURLINGAME, REGARDING SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY (SBWMA), THE NORCAL CONTRACT, BOND FINANCING, AND THE SAN CARLOS AGREEMENT

5. DETERMINE THE FEASIBILITY OF ANNEXATION, COMMERCIAL AND RESIDENTIAL, AND IF FEASIBLE, CONSIDER PURSUING ANNEXATION OF DESIGNATED AREAS
6. WORKING LUNCH – PURSUE OPTIONS OF OBTAINING TOWN OF ATHERTON HOUSING ELEMENT STATE CERTIFICATION
7. DISCUSS FUNDING AND BUILDING QUAD GATES AT TRAIN CROSSINGS, IMPLEMENTATION OF QUIET ZONES, AND PERSUADING CALTRAIN (CALIFORNIA HIGH-SPEED RAIL AUTHORITY CHSRA) TO ACCOMMODATE ATHERTON'S CONCERNS REGARDING HIGH-SPEED RAIL
8. DISCUSS IMPLEMENTATION OF PERFORMANCE BASED MEASURES FOR EACH DEPARTMENT FOR THE TOWN OF ATHERTON
9. DISCUSS HOW TO BETTER COMMUNICATE WITH RESIDENTS
10. CONCLUSION OF STUDY SESSION AND CLOSING COMMENTS

Mayor Carlson adjourned the Study Session at 1:50 p.m.

ADJOURNMENT TO A SPECIAL CITY COUNCIL MEETING

Mayor Carlson called the meeting to order at 2:10 p.m.

1. ROLL CALL

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

2. DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY COUNCIL SCREENING COMMITTEE

Mayor Jerry Carlson said the issue was whether the Council wanted to maintain a Screening Committee or have the entire Council interview potential candidates for committees and commissions.

Council Member Marsala noted former Mayor Alan Carlson suggested having the whole Council interview potential candidates three years prior; however, Council decided not to institute it at that time. Council Member Marsala wanted to revisit the issue because some committees/commissions were steppingstones to being elected to Council. Those who were selected to serve on committees/commissions would have an advantage, and he believed the full Council should be involved in the process.

Mayor Carlson said the next item for approval was the Council Committee assignments.

Council Member Marsala thought some of the committees needed a fresh set of eyes and Council Members should rotate committee assignments.

Council Member Lewis said she was not assigned to committees she requested. She would like to be considered as the representative rather than the alternate on several committees, e.g., Finance, Town Center, or General Plan Committee.

Council Member Dobbie thought choosing people who had the experience and knowledge for a particular committee was the most helpful. He believed Mayor Carlson and Vice Mayor McKeithen were very effective on the Finance Committee.

Council Member Marsala said some cities did not have a Finance Committee or the only role was to bring the audit to the residents, which enabled the full breadth of the Council to review financial matters. He thought all members of the Council should be rotated on the Finance Committee in order for all members to become knowledgeable, which would ultimately benefit the Town.

MOTION – to approve Council Committee Assignments as appointed by the Mayor

Council Member Lewis said the Finance Committee had no term limit, no rotation, and no ability for other members to serve on it. She believed there was evidence of the need to have new eyes on the committee. She also suggested expanding it to include a member of the community who would have more expertise either with a financial background or a legal background. Additionally, she suggested the Finance Committee meet on a scheduled basis, not on an as-needed basis, in order for the community to attend.

Council Member Marsala agreed. The Finance Committee should have a set schedule like most of the committees/commission. Additionally, he said some committees had more prestige or power than others, and members should be assigned on a more rotational basis.

Mayor Carlson agreed with setting regularly scheduled meetings for the Finance Committee.

M/S McKeithen/Dobbie Ayes: 3 Noes: 2 (Marsala,Lewis) Absent: 0 Abstain: 0

4. DISCUSSION AND POSSIBLE ACTION REGARDING A PROCEDURE FOR COUNCIL MEMBERS TO REQUEST AN ITEM BE PLACED ON THE CITY COUNCIL AGENDA

City Attorney Marc Hynes presented the staff report. Currently, the City Manager controlled the preparation of the agenda. Should the City Council desire to put into place a procedure whereby one or more Council Members could request items be

placed on an agenda, paragraph 5.2 should be amended accordingly. To avoid an arguable violation of the Brown Act involving three or more Council Members agreeing on an item of business outside a regularly noticed meeting, paragraph 5.2 could be revised to include language authorizing one or two Council Members to request placement of an item on an agenda

Council Member Marsala had researched other cities. He proposed: 1) if one Council Member wanted to add an item to the agenda, the City Manager would put it on the end of the next Council agenda, and if the item received a second, it would be scheduled for the next Council meeting; 2) If two Council Members wanted an item on the agenda, the item would be put on the next agenda for discussion; and 3) if a committee/commission wanted to bring something to the Council for discussion, a motion at the committee level would be sufficient to schedule the item on a Council agenda.

Council Member Lewis said if an individual Council Member wanted an item on the agenda, he/she should compose a one paragraph description to be included in the agenda packet.

A short discussion ensued regarding the public's ability to put items on the agenda.

Council Member Dobbie was concerned if two members were able to put an item on the agenda, two members would be able to take something off the agenda, causing difficulties.

Vice Mayor McKeithen was not in favor of allowing two Council Members to put items on the agenda. The City Manager was hired to do the job for the best interest of the Town. The City Manager, in conjunction with the Mayor, should determine if the item was appropriate for Council discussion. If Council Members were allowed to put items on the agenda, the process would become politicized.

A lengthy discussion centered on the pros and cons of allowing two Council Members to put items on the agenda, how other cities handled the process, and what types of discussions would be appropriate or inappropriate and/or legal or illegal. Additionally, discussion ensued regarding information needed in the description and/or staff report forwarded to the Council.

MOTION – should a Council Member want an item on the agenda, he/she should request the City Manager to place the item on the next agenda to determine Council support to discuss the item on the subsequent month's agenda; Further, the Council Member should include a summary of the item

M/S Marsala/McKeithen

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

A discussion ensued regarding placing items on the agenda coming out of committee and commissions. Some concerns were raised regarding items being presented that might not be appropriate. The pros and cons were discussed. City Attorney Hynes clarified an item could be tabled without holding discussion.

Mayor Carlson believed Council had an obligation to discuss what came out of committees/commissions. He would like committees/commissions to have more responsibility.

MOTION – if a committee/commission passed a motion for Council to consider a proposal, the item will be placed on the Council’s agenda within two meetings

Discussion ensued with the City Manager regarding the logistics of placing items on the agenda, etc.

M/S Marsala/Lewis Ayes: 3 Noes: 2 (McKeithen/Dobbie) Absent: 0 Abstain: 0

Council Member Marsala made a motion to allow two Council Members to place an item on the Council’s agenda for discussion.

Discussion centered on the possible need for more information in order to take action, whether staff time was needed, Council’s ability to table the discussion or direct staff to pursue items further, and possibly elongating and politicizing meetings. After a back and forth dialogue, the following motion was finalized:

MOTION – should two council members want an item on the agenda, the item will be placed on the Council’s agenda for discussion within two meetings, limited to one item per meeting, placed at the end of the agenda, not to consume more than 30 minutes of staff time, for an up or down vote at the meeting

M/S Marsala/Lewis Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Before adjournment, City Attorney Marc Hynes said Council should consider adding an item to the agenda to be discussed in Closed Session regarding Pilar Ortiz-Buckley. The issue arose after the agenda was posted and would take a 4/5 vote of the Council.

MOTION – to add a Closed Session item to the agenda regarding Pilar Ortiz-Buckley

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

5. ADJOURN TO CLOSED SESSION

Mayor Carlson adjourned the Special City Council meeting to a Closed Session at 3:38 p.m.

RECONVENE TO OPEN SESSION

Report of action taken.

City Attorney Marc Hynes reported out of Closed Session that no action was taken.

FINAL ADJOURNMENT

The meeting was adjourned by Mayor Carlson at 4:15 p.m.

Respectfully submitted,

Jerry Carlson
Mayor

Minutes Prepared by:
Kathi Hamilton



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
MONDAY, FEBRUARY 2, 2009

8:45 A.M.

Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California

SPECIAL MEETING

The meeting was called to order by Mayor Jerry Carlson at 9:04 a.m.

ROLL CALL

PRESENT: Elizabeth Lewis
Jerry Carlson
Kathy McKeithen

ABSENT: Jim Dobbie (Excused)
Charles E. Marsala (Excused)

PUBLIC COMMENTS

There were no public comments.

**PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYMENT –
pursuant to Government Code Section 54957(b)(1)**

Title: City Attorney

RECONVENE TO OPEN SESSION

Report of action taken.

Mayor Carlson reported out of Closed Session that no reportable action was taken.

ADJOURN

Mayor Jerry Carlson adjourned the Closed Session at 12:04 p.m.

Respectfully submitted,

Jerry Carlson
Mayor

Minutes Prepared by:
Kathi Hamilton



DRAFT MINUTES
Town of Atherton
CITY COUNCIL STUDY SESSION
FEBRUARY 13, 2009
9:00 a.m. Friday
MAIN HOUSE
Holbrook-Palmer Park
150 Watkins Avenue
Atherton, California
Special Meeting

Mayor Jerry Carlson called the meeting to order at 9:00 a.m.

1. ROLL CALL

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

ABSENT: Jim Dobbie (Excused)

2. PUBLIC COMMENTS:

There were no public comments.

STUDY SESSION

3. AB-1234 MANDATORY COUNCIL MEMBER TRAINING

Council Member Lewis was excused from the training at 9:05 a.m.; she attended a recent training session. Council Member Lewis returned to the session at 11:20 a.m.

4 DISCUSS MID-YEAR BUDGET ADJUSTMENTS

5. DISCUSS REVENUES AND EXPENDITURES FOR FISCAL YEAR 2008/2009 AS IT RELATES TO THE MID-YEAR BUDGET ADJUSTMENT PROCESS

6. DISCUSS AND REVIEW BUDGET REDUCTIONS MEASURES FOR EACH DEPARTMENT AS DIRECTED BY THE CITY MANAGER

7. DISCUSS THE FUND BALANCE AND EXISTING FUND BALANCE POLICY

8. ADJOURN TO CLOSED SESSION

Mayor Jerry Carlson adjourned the Study Session to a Closed Session at 2:08 p.m.

CLOSED SESSION

1. ROLL CALL

**PRESENT: Lewis
Dobbie
Marsala
Carlson
McKeithen**

2. PUBLIC COMMENTS

There were no public comments.

3. 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: Atherton Police Officers Association (APOA)**

RECONVENE TO OPEN SESSION

Report of action taken.

Mayor Jerry Carlson reported out of Closed Session that there was no reportable action taken.

ADJOURN TO A SPECIAL CITY COUNCIL MEETING

Mayor Jerry Carlson adjourned the Closed Session to a Special City Council meeting at 3:02 p.m.

1. ROLL CALL

**PRESENT: Lewis
Dobbie
Marsala
Carlson
McKeithen**

2. PUBLIC COMMENTS

There were no public comments.

REGULAR AGENDA

3. APPROVAL OF CONTRACT WITH WYNNE FURTH, MCDONOUGH, HOLLAND, & ALLEN, FOR CITY ATTORNEY SERVICES

MOTION – to approve the contract with Wynne Furth, McDonough, Holland, & Allen, for City Attorney services

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

4. FINAL ADJOURNMENT

The meeting was adjourned by Mayor Jerry Carlson at 3:06 p.m.

Respectfully submitted,

Jerry Carlson
Mayor

Minutes Prepared by:
Kathi Hamilton



DRAFT MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL
DRAINAGE DISTRICT
February 18, 2009
5:30 P.M.
Meeting Room
Town Administrative Offices
91 Ashfield Road
Atherton, California
Special Meeting

The meeting was called to order by Mayor Carlson at 5:30 p.m.

ROLL CALL:

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

PUBLIC COMMENTS:

There were no public comments.

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: Atherton Police Officers Association (APOA)

- B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9**

John P. Johns vs. the Town of Atherton CIV 479972 Superior Court of California, County of San Mateo

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

Two (2) potential cases

**D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – pursuant to
Government Code Section 54957(b)(1)**

Title: City Manager

RECONVENE TO OPEN SESSION

Report of action taken.

**City Attorney Wynne further reported out of Closed Session that no reportable
action was taken on any of the above-listed items.**

ADJOURN

Mayor Carlson adjourned the Closed Session at 6:55 p.m.

Respectfully submitted,

**Jerry Carlson
Mayor**

**Minutes Prepared by:
Kathi Hamilton**



DRAFT MINUTES
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
FEBRUARY 18, 2009
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

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

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

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

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

3. **PRESENTATIONS**

Mayor Jerry Carlson introduced and welcomed new City Attorney Wynne Furth. He said the decision was probably the biggest the Council would be making during the year. City Attorney Wynne Furth said she was with the law firm McDonough, Holland, and Allen located in Oakland that had approximately 100 lawyers. Her practice group focused entirely on representing public agencies. Additionally, there was a large health care practice that included Sutter, as well as employment law and real estate law and litigation. She had almost always practiced municipal law and liked the work. She had worked in the City of Palo Alto for eight years and felt right at home in Atherton. She was pleased and looked forward to working in Atherton.

4. **PUBLIC COMMENTS**

There were no public comments.

5. **REPORT OUT OF CLOSED SESSION**

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

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

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

Employee Organization: Atherton Police Officers Association (APOA)

There was no reportable action taken.

B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9

John P. Johns vs. the Town of Atherton CIV 479972 Superior Court of California, County of San Mateo

There was no reportable action taken.

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

Two (2) potential cases

There was no reportable action taken.

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – pursuant to Government Code Section 54957(b)(1)

Title: City Manager

There was no reportable action taken.

6. CITY MANAGER’S REPORT

City Manager Jerry Gruber noted Council/staff had a Study Session on January 30, 2009, primarily to speak about the five goals and objectives previously adopted by Council. Another Study Session was held on February 13, 2009, regarding mid-year budget adjustments and fund balances. He attended the League of California Cities City Managers’ Conference in Monterey attending sessions related to the economic downturn as it related to real estate, creative budgeting, and preparing the next generation.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

None

CONSENT CALENDAR (Items 8-22)

City Manager Jerry Gruber noted Item No. 20 was removed from the Consent Calendar to be returned at the City Council meeting of March 18, 2009. Council Member Lewis removed Item No. 21 for discussion.

Council Member Dobbie removed Item No. 15 for discussion

Council Member Marsala noted he would abstain on Item No. 13 since he did not participate in the previous discussion because his residence was in close proximity to the project, and removed Item Nos. 9 and 22 for discussion.

Council Member McKeithen removed the minutes of the Special City Council meeting of January 30, 2009, and Item No. 16 for discussion.

Council Member Marsala noted, regarding Item No. 14, that a comparison study with other cities had been conducted previously and distributed a spreadsheet showing other cities' road impact fees.

Public Works Director Duncan Jones clarified for Council Member McKeithen, regarding the Item No. 14, that all of the fees were supposed to be on a square-foot basis.

Regarding Item No. 8, Council Member Marsala requested the following statement be added to Item No. 22 of the minutes of the Regular City Council meeting of January 21, 2009: "He noted he was on the agenda to give a presentation as Atherton's JPA representative at the next Library JPA meeting." Additionally, he requested the following statement be added to Item No. 3 of the Special City Council meeting of January 30, 2009: "Council Member Marsala noted he had proposed alternates in 2006, but it was not approved by the Council."

MOTION – to approve the Consent Calendar as presented with the exception of Item Nos. 9, 15, 16, 21, 22, and the minutes of the January 30, 2009, Special City Council meeting, which were removed for discussion; Item No. 20 was removed from the agenda; to approve the addition of Council Member Marsala's comments to the minutes of the Regular City Council meeting of January 21, 2009, and the Special City Council Meeting Minutes of January 30, 2009; Further, Council Member Marsala would abstain from Item No. 13

M/S Carlson/McKeithen

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

Item No. 13

M/S Carlson McKeithen

Ayes: 4 Noes: 0 Absent: 0 Abstain: 1 (Marsala)

- 8. APPROVED MINUTES OF THE SPECIAL CLOSED SESSION MEETING OF JANUARY 13, 2009, SPECIAL CLOSED SESSION MEETING AND REGULAR CITY COUNCIL MEETING OF JANUARY 21, 2009, AND THE SPECIAL STUDY SESSION/SPECIAL CITY COUNCIL MEETING OF JANUARY 30, 2009 (Removed and placed on the agenda for discussion.)**
- ~~9. APPROVAL OF BILLS AND CLAIMS FOR JANUARY IN THE AMOUNT OF \$ 1,416,772 (Removed and placed on the agenda for discussion.)~~**
- 10. ACCEPTED MONTHLY FINANCIAL REPORT FOR THE SEVEN MONTHS ENDED JANUARY 31, 2009**
- 11. APPROVAL OF \$1,000 IN EXCESS OF CONTRACTED AMOUNT FOR CHRISTINA MA, TEMPORARY ACCOUNTANT**

Approved the \$1,000 in Excess of Contracted Amount for Christina Ma, Temporary Accountant.

12. APPROVAL OF THE CONTRACT OF DEPOSIT OF LOCAL AGENCY MONEYS WITH COMERICA BANK AND AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT

Approved the Contract of Deposit of Local Agency Moneys with Comerica Bank and authorized the City Manager to Sign the Contract.

13. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADDING SECTION 17.32.040 (G) TO THE ATHERTON MUNICIPAL CODE PROVIDING FOR 10-FOOT SIDE- AND REAR-YARD SETBACKS WHERE SCHOOLS ARE LOCATED ADJACENT TO EACH OTHER

Adopted Ordinance 577, "AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADDING SECTION 17.32.040 (G) TO THE ATHERTON MUNICIPAL CODE PROVIDING FOR 10-FOOT SIDE- AND REAR-YARD SETBACKS WHERE SCHOOLS ARE LOCATED ADJACENT TO EACH OTHER"

14. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR TRAFFIC ENGINEERING SERVICES FOR THE ROAD IMPACT FEE STUDY

Approved and authorized the City Manager to sign a Professional Services Agreement with Kimley-Horn and Associate, Inc. to provide traffic engineering services for the Road Impact Fee Study in an amount not exceed \$13,190, plus a 10% contingency, for a total authorization of \$14,509.

- ~~15. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$29,845.55 FOR THE PROJECT NO. 08-001 (Removed and placed at the end of the Consent Calendar for discussion.)~~

~~Recommendation: Accept work, authorize recording of a Notice of Completion and approve contract change orders in the amount of \$29,845.55 for the Street Reconstruction Phase 4 Project No. 08-001.~~

- ~~16. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE STREET RECONSTRUCTION PHASE 5, PROJECT NO. 08-023 (Removed and placed at the end of the Consent Calendar for discussion.)~~

~~Recommendation: Approve the plans and specifications and authorize advertisement for bids for the Street Reconstruction Phase 5 Project, Project No. 08-023.~~

17. APPROVE HOLBROOK-PALMER PARK WATER TOWER LAWN LANDSCAPE PLAN

Approved the landscape plan for the Holbrook-Palmer Park Water Tower Lawn

18. AWARD OF CONTRACT TO NEXGEN BUILDERS, INC. FOR THE HOLBROOK-PALMER PARK TRAIL AND BRIDGE PROJECT, PROJECT NO. 08-004

Awarded the contract for the Holbrook-Palmer Park Trail and Bridge Project, Project No. 08-004 to Nexgen Builders, Inc., the low bidder on the February 12, 2008 bids, for \$113,296.59, with a 10% construction contingency of \$11,329.66, for a total authorization of \$124,626.25; and to authorize the City Manager to sign the contract on behalf of the Town.

19. APPROVE A COMMENT LETTER ON THE SCOPE OF STUDY FOR THE CALIFORNIA HIGH-SPEED TRAIN PROJECT LEVEL EIR/EIS FROM SAN FRANCISCO TO SAN JOSE

Approved the comment letter on the Scope of Study for the California High Speed Train (HST) Project Level EIR/EIS from San Francisco to San Jose prepared by staff, including comments from the Rail Committee.

~~**20. ADOPTION OF A RESOLUTION APPROVING A MASTER FEE SCHEDULE**~~
(Removed from the agenda to be returned to the City Council meeting of March 18, 2009.)

~~**Recommendation: Adopt a resolution approving a Master Fee Schedule as identified as Exhibit A of the resolution.**~~

~~**21. REVISE CITY COUNCIL RESOLUTION NO. 08-24 BY ADOPTING A NEW RESOLUTION CONTAINING CHANGES RELATED TO SCREENING COMMITTEE AND APPOINTMENT OF COUNCIL MEMBER ALTERNATES**~~
(Removed and placed on the Regular agenda for discussion.)

~~**Recommendation: Adopt new resolution governing Town committees and commissions.**~~

~~**22. PROCEDURES FOR COUNCIL MEMBERS TO REQUEST AN ITEM BE PLACED ON A CITY COUNCIL AGENDA**~~ (Removed and placed on the Regular agenda for discussion.)

~~**Recommendation: Adopt revision to Town of Atherton City Council Rules of Procedure paragraph 5.2 regarding placement of items on meeting agendas.**~~

15. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION AND APPROVAL OF CONTRACT CHANGE ORDERS IN THE AMOUNT OF \$29,845.55 FOR THE PROJECT NO. 08-001 (Removed from the Consent Calendar and placed on the agenda for discussion.)

Council Member Dobbie was concerned about the number of change orders on the contract.

M/S Marsala/Carlson

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

Council Member Marsala clarified according to Council Rules of Procedure, when an item was tabled, it would be placed on the next agenda.

Public Work Director Duncan Jones noted no funds were committed by advertising the project and suggested the project could go out for bid without any commitment of funds. If the bids came in low, the project could be awarded. If the bids were too high or a decision was made not to spend the funds, the project would not be awarded.

MOTION – to approve the plans and specifications and authorize advertisement for bids for the Street Reconstruction Phase 5 Project, Project No. 08-023, with the understanding that acceptance was dependent on the amount of the bids with Council maintaining the right to reject any or all of the bids; direction to staff to prepare a staff report outlining what Capital Improvement projects could be deferred, how much of the Capital Improvement Fund needed to be maintained by law, and how much could be returned to the General Fund

Council Member Dobbie said the Town needed to take a hard look at all of the Capital Improvement projects. Council needed to address the serious budget issues.

M/S McKeithen/Dobbie

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

9. APPROVAL OF BILLS AND CLAIMS FOR JANUARY IN THE AMOUNT OF \$ 1,416,772 (Removed from the Consent Calendar and placed on the agenda for discussion.)

Council Member Marsala said the Source of Funds on the first page of the report did not include The Building Inspection Reserve Fund. He said the fund was listed under General Reserves and might give a false sense of security. The \$1 million in the fund was a set-aside for future building inspections. He suggested including the fund even if there was a “0” in order to track if funds were withdrawn.

Mayor Jerry Carlson clarified the Source of Funds reflected what funds were used (money withdrawn) during the month and not a complete list of funds. The financial statements would be a better place to include a more detailed list of fund balances.

Finance Director Louise Ho said she could expand the Monthly Financial Report to include other funds of value to the Council, e.g., the Parcel Tax, Fund 406, etc.

MOTION – to approve bills and claims for January in the amount of \$ 1,416,772

M/S Marsala/Carlson

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

Mayor Carlson said Item No. 21 would be taken up after Item No. 27, and Item No. 22 would be taken up after Item No. 21.

PUBLIC HEARINGS

There were no public hearings.

REGULAR AGENDA (Items 23-28)

23. ADOPTION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF ATHERTON AND THE ATHERTON POLICE OFFICERS' ASSOCIATION FOR THE PERIOD OF JULY 1, 2008 THROUGH SEPTEMBER 30, 2012

Item No. 23 was continued to the City Council meeting of March 18, 2009.

24. ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR BUDGET ADJUSTMENTS FOR FISCAL YEAR 2008-2009

Mayor Jerry Carlson said the year began with a balanced budget by staying within the General Fund revenues that were expected for the year. The Parcel Tax funds were earmarked for Capital Improvement Projects (CIP). There was a \$2,147,000 deficit, part of which was economic related (Building Department fees were down, interest was down), and part was cleanup of past problems (Business License refunds were \$1.1 million).

City Manager Jerry Gruber said the financial situation facing the Town was serious like many other surrounding jurisdictions. Council and staff spent a day in a Study Session and, for the first time, had a good idea of what the true fund balance was.

Finance Director Louise Ho gave a PowerPoint presentation. The Mid-Year Budget Adjustment looked at how the Town had performed in the first 6 months for Fiscal Year 2008/2009 and forecasted for the remainder of the fiscal year. The General Fund revenues originally adopted in June 2008 were \$10,642,523. Staff was projecting revenues in the remainder of the fiscal year would be \$8,593,519, a very ultra-conservative approach and was based on the best information available. Highlights of the decline in General Fund revenue projections included: 1) a decline in the Transfer Tax and Supplemental Property Tax (minus \$116,194); 2) Sales Tax (minus \$68,000); 3) Business License Tax, by reverting to the formula in the Municipal Code and because of refunds (minus \$680,000); 4) Building Permits (minus \$500,000); 5) Interest Income (minus \$200,000); Encroachment Permits (plus \$60,000). The REACT Task Force and the California State 9-1-1 were not true revenues but were reimbursements coming from the programs. REACT was discontinued in January 2009 resulting in a \$84,180 reduction in reimbursements. The Police Department would absorb the amount thereby reducing its Operating Budget by that amount. The State 9-1-1 phone system was included in the 2008/2009 Budget for \$96,000 with the understanding that the State would reimburse the Town \$54,500. However, the State was going to pay the vendor directly and the reimbursement revenue would be reduced by that amount and the Police Department budget would be reduced by the same amount. The General Fund expenditures were budgeted at \$10,637,887. Current projections were \$10,740,935, an increase of \$103,048. She reviewed each department's current expenditure balance and broke down the projected adjustment of \$103,048 by department. The City Attorney budget was at 94% and there were five months

remaining. Staff estimated a \$100,000 was needed to complete the balance of the fiscal year. Staff was still analyzing the retiree health medical cost budget; however, it was not in the 2008/2009 Adopted Budget and was projected at \$97,200 for the fiscal year. A new item pertained to the audit fee. The auditor was planning to begin the interim audit for Fiscal Year 2008/2009 in June. Maze and Associates estimated that 60% of the audit work would be done prior to July 1, 2009. Under governmental accounting, the services accrued prior to July 1 should be paid in the 2008/2009 Fiscal Year, a total of \$23,745. Additional approved costs for the Zoning Code Update were also included in the mid-year adjustment. The Police Department would receive a grant for \$15,000 for "Click It or Ticket" but would incur \$15,000 in overtime resulting in a "wash." The loss of the 9-1-1 reimbursement would reduce the Police Department budget by \$138,680. All these items made up the \$103,048 that was needed for the mid-year adjustment. The General Fund had a balance of \$9,841,723; however, the audit was not yet concluded and the amount was a preliminary result and might be subject to change. In 2008, Council approved transferring \$1,805,144 from the General Fund into Fund 406, Facility Construction Fund. The San Mateo County Investment loss was \$552,000, \$283,542 was allocated to the General Fund based on the cash balance of all the funds. Based on the preliminary audit, expenditures were over revenues by \$115,851. Staff was still confirming the number. Based on the analysis of the changes in Fiscal Year 2007/2008, the General Fund balance was projected at \$7,638,186 by June 30, 2008. The estimated fund balance for Fiscal Year 2008/2009 would be impacted by Business License refunds of \$680,000, current year Business License decrease of \$425,000, Building Permit decrease of \$500,000, and Interest Income decrease of \$200,000, leaving General Fund expenditures over revenues of \$342,416. Staff was projecting a General Fund balance by June 30, 2009, at \$5,490,770. Staff was recommending a policy for Council consideration to create a Budget Stabilization Reserve Fund to be maintained at %15 of General Fund operating expenditures. The fund would serve two purposes: 1) to weather a downturn in the economy, and 2) to prepare the Town in case the State invoked Proposition 1A which allowed borrowing up to 8% of the Town's property taxes to balance the State budget. Staff also recommended setting up an Emergency Disaster Reserve of 15% of the General Fund expenditures. Staff was in the process of finishing the GASB 45 study, unfunded retiree health cost liability, to be returned to Council in the next four to eight weeks. Staff recommended setting aside \$500,000 of the reserves to meet the GASB 45 liability. The Building Inspection set aside was to weather a downturn in revenues and prevent a loss of staffing during a downturn in the economy. Staff was recommending designating \$817,000 in the 2007/2008 General Fund balance to offset the two-year Business License refund, resulting in an undesignated reserve fund balance on June 30, 2008, of \$1,622,957. Staff recommended doing the same for 2008/2009, with no additional set aside for GASB 45, and with compensated employee absences estimated at \$774,696. Compensated employee absences for 2007/2008 were estimated at \$737,806. Staff was recommending that the \$40,000 approved for the Disaster Preparedness Committee be deducted from the Equipment Operation Fund in order to reduce the impact on the General Fund. The Administrative Services Fund included \$41,000 for a cost allocation plan and fee study; \$15,000 for the Business License refund process, and \$11,000 for the GASB 45 study. The Computer Services Fund included a request for new financial software of \$48,000, a request for two new servers, and a Human Resources software-tracking program. The fee impact study was \$13,190. Staff was requesting an appropriation of \$40,000 for a possible polling and

consulting services for either a Parcel Tax or Utility User Tax election. Staff requested Council to approve the mid-year budget adjustments or direct staff on how to best address the shortfall in the 2008/2009 Fiscal Year.

Council Member Lewis noted the Council was informed about the financial situation at the Study Session held on January 30. The level of financial analysis presented had not been provided for a long time. She appreciated staff's presentation in order to look at the financials in the harsh light of day. She said the Town was experiencing a "double whammy" with the tremendous financial spiral happening Town-wide and worldwide. The Town depended on revenue from the Building Department, yet fees were being refunded because of overcharges. She commended Finance Director Ho for her presentation, and noted Council had some tough decisions ahead.

Vice Mayor McKeithen said the Town needed to make some large cuts. Revenues were not exceeding expenses. Major cuts would be necessary to balance the budget or go into reserves. She suggested putting some of the normal road projects on hold or drainage projects. The Council would ultimately make the determinations. She thought another Study Session was needed to look at what approach to take to cut back the budget and not go into reserves.

Council Member Marsala noted there were surpluses from the Building Department left in the General Fund reserves that were transferred out in December, \$1.8 million; and the future Building Inspection Fees of \$770,000 had also been in the General Fund reserves, totaling a General Fund extraction of \$2.5 million that was actually Building Department revenue. There was also a short-term hit for refunding business license fees. He asked for clarification on where the Building Department actually stood. He was concerned that some of the Code Enforcement Officer's salary was being charged incorrectly and was not all Building Department related. Benefits for retirees, unfunded health care liabilities of \$5 million or more needed to be budgeted in the future. He queried whether there were any other items needing to be addressed, e.g., ERAF funds.

Finance Director Ho said she did not know of any other issues and ERAF money was already included in the adopted budget.

Council Member Dobbie said he would not vote to approve a mid-year budget adjustment that showed that the Town would spend \$2 million more than the Town received. Council had a serious problem. He suggested going back to review how to reduce expenses by a substantial amount. Council and staff needed to work together.

City Manager Jerry Gruber said there was a lot of work to be done. He had already asked each department to provide a 10% reduction plan. At the next staff meeting, he and department managers would develop a plan that addressed immediate cost-reduction measures. A Study Session with staff and Council would be scheduled to formulate a plan for implementation at the March 18 City Council meeting. The Assistant City Manager was conducting a comprehensive Classification Study to look at each department to determine its effectiveness/efficiency, to see whether it was properly staffed, or whether any cost-saving mechanisms could be implemented. Some items already implemented included: 1) review of outside services by contractors to see

whether staff within the organization could perform some of those services; 2) Information Technology services were cut to once a week; 3) ordering of office supplies was reduced to once a month; 4) a purchasing consolidation plan was forthcoming; 5) consolidation of legal fees would occur with one firm representing the Town. He noted the task was not about pencils and pens but rather large-dollar items such as capital improvements and staffing reductions if necessary.

Mayor Carlson said the consensus seemed to be not to adopt the Mid-Year Budget Adjustment. The City Manager outlined a plan to tackle the problem by meeting with Department Heads and scheduling a Study Session with staff/Council to grapple with both revenues and expenses. He suggested not taking any action that evening and following the City Manager's recommendations on the next steps.

Council Member Marsala clarified that although there was a revenue loss of \$2.2 million, \$1.1 million was actually Business License refunds from 2007 and 2008. The actual loss was approximately \$900,000 of which \$500,000 was from the Building Department. The loss to the Town was actually about \$400,000.

Council Member Lewis concurred with Council Member Marsala.

Council Member Dobbie said there might be issues next year that were not yet known.

Mayor Carlson said a big chunk was cleanup; however, property tax increases would not be as great as previous years.

25 APPROVAL OF SPRINGBROOK FINANCIAL SOFTWARE LICENSE AGREEMENT; APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT FOR TURNKEY SERVICES; AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENTS

Item No. 25 was continued to the City Council meeting of March 18, 2009.

26. A. ADOPT A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDING FOR THE ATHERTON AVENUE RECONSTRUCTION PROJECT AND STATING THE ASSURANCE TO COMPLETE THE PROJECT

Public Works Director Duncan Jones presented the staff report. There were four elements to the item. Adoption of a resolution for filing the application for the funds was the first step. The Federal Economic Stimulus Plan would come to cities through Caltrans, C/CAG, MTC, and to the Town. The estimate was approximately \$300,000 that might actually be received. A second resolution authorized Public Works Director Jones to sign the certificate that said the Town did not require buying any right-of-ways to construct the project. The third item indicated no requirements would be waived, either environmental or other rules of federal funding, i.e., 50% federally funded. No project would be processed that was less than \$500,000. Some smaller cities would work together to put projects together that had enough federal funds to meet the rules. He

and the public works director from the Town of Woodside discussed working together. The Town would pay Woodside for its federal funds using Parcel Tax funds. The final step was preparing to advertise the project.

Mayor Jerry Carlson asked, if something unforeseen were to happen, how far the Town could go and still decide not to do the project.

Public Works Director Jones said before a contract was signed. If the Town decided not to go forward at any point, the Town would not be eligible to receive any of the funds.

Council Member Lewis said she attended a C/CAG meeting where the funds were discussed and it was either a use-it or lose-it situation. There was a 75-day window from when the bill was signed and to secure a bid. Everyone in the county was scrambling.

Vice Mayor McKeithen asked whether there was a way to fund the project without the use of Parcel Tax funds if the Council decided to put the Parcel Tax funds back into the General Fund or reserves and utilize other funds that were limited to roads.

Public Works Director Jones said the project would be looked at in conjunction with the other project Council approved that evening. A report would show all the funding that was available in the non-Parcel Tax funding, which projects would use it, and what the priorities were. He intended that the Atherton Avenue project would take priority over the Street Reconstruction V project. There were enough non-Parcel Tax funds committed to roadway projects to fund the Town's share of the project.

Vice Mayor McKeithen was concerned with the wording in the letter of intent that said, "Once the actual amount of transportation economic stimulus funds have been determined, the Town of Atherton 'will' enter into letters of agreement." If something unforeseen were to happen, she thought the indication was the Town would be bound to enter into the agreement.

City Attorney Wynne Furth said it was a letter of intent not an actual contract.

Public Works Director Jones said the city attorney from Woodside also had similar concerns with the wording. He thought some wording should be included in the letter that allowed either party to withdraw.

Denise Kupperman, Atherton, queried why the Town was considering reconstructing Atherton Avenue, as she found it to be in good repair. Additionally, would the Town be considering the project if there were no stimulus funds. Perhaps there were other cities with more need.

Public Works Director Jones said Atherton Avenue was a collector street. There were base failures with many patches. There were very few streets left that would be eligible and residential streets were not eligible.

Paul Quinlan, Atherton, said Woodside would not be restricted by the regulations of the stimulus funds since it would receive the funds from Atherton. He suggested reversing the process so the Town received the funds from Woodside and had the flexibility to use it how the Town saw fit.

Public Works Director Jones said Woodside did not have a project that qualified and was not experienced with federal projects. He thought road impact funds could be used, rather than Parcel Tax funds, since the funds were being used for roads.

MOTION – to adopt a resolution, “A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AUTHORIZING THE FILING OF AN APPLICATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDING FOR THE ATHERTON AVENUE RECONSTRUCTION PROJECT AND STATING THE ASSURANCE TO COMPLETE THE PROJECT”

Vice Mayor McKeithen offered the following amendment:

AMENDMENT – to include that no parcel tax funds are to be used

A/S McKeithen/Marsala Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Main Motion/S Lewis/Dobbie Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

- B. ADOPT A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO EXECUTE RIGHT OF WAY CERTIFICATIONS FOR STATE AND FEDERAL-AID TRANSPORTATION PROJECTS**

MOTION – to adopt A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS/CITY ENGINEER TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS FOR STATE AND FEDERAL-AID TRANSPORTATION PROJECTS

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

- C. APPROVE A LETTER OF INTENT WITH THE TOWN OF WOODSIDE TO EXCHANGE ATHERTON PARCEL TAX FUNDS FOR WOODSIDE FEDERAL FUNDS FOR THE ATHERTON AVENUE ECONOMIC STIMULUS PROJECT**

MOTION – to approve a Letter of Intent with the Town of Woodside to exchange Atherton Parcel Tax funds for Woodside Federal Economic Stimulus funds and authorize the City Manager to sign the letter of intent with the caveat that *intent* did not mean either party could not back out

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

D. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE THE ATHERTON AVENUE RECONSTRUCTION PROJECT NUMBER 08-025

MOTION – to approve the plans and specifications and authorize advertisement for bids for the Atherton Avenue Reconstruction Project, Project No. 08-025

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

27. ADOPTION OF A RESOLUTION OPPOSING THE ISSUANCE OF \$65.45 MILLION IN REVENUE OBLIGATIONS BY THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY TO FINANCE THE CONSTRUCTION OF THE SHOREWAY ENVIRONMENTAL CENTER OR OTHER SOLID WASTE FACILITIES

City Manager Jerry Gruber presented the staff report. He was a member of the SBWMA Board of Directors consisting of appointed representatives from 12 jurisdictions. No elected officials sat on the Board. Over the last year, a great deal of work was done by SBWMA, as well a great deal of media attention, on the bond issue for the proposed facilities. In 2007, the preliminary estimate was \$25.5 million. The estimate was revised to \$59.1 million in 2009. Although the Shoreway facility would allow for single-stream recycling capability and would ultimately meet future recycling volume needs for jurisdictions, there were many uncertainties Council should consider. Commodity prices had hit an all-time low on the world market so that recycling materials that were sold on the open market had changed considerably. The bond market had also changed considerably. Current bonds that would be used for the project had dissolved. There was a great deal of speculation regarding the approval of the Shoreway facility and the impact it would have on the Norcal contract. The SBWMA Board determined an alternative must be formulated if the Shoreway facility were not a viable option.

Council Member Dobbie was opposed to a commitment by the Town to approve the issuance of bonds.

Council Member Marsala asked what would happen if the other jurisdictions approved the bonds.

City Manager Gruber said 8 out of 12 agencies were needed to approve. The City of Burlingame did not adopt a resolution in support.

Gino Gasperini, Norcal Waste Systems, said five jurisdictions had approved the item and eight were needed. Approval cities were City of Redwood City, City of San Mateo, City of Foster City, City of San Carlos, and City of East Palo Alto. The City of Burlingame was currently the only city voting “no.”

Council Member Marsala was concerned regarding the additional legal and financial analysis that the costs could be more than actual savings. He suggested postponing a

vote until the Grand Jury report was issued. He queried whether voting “no” would preclude revisiting the vote when more information was available.

City Manager Gruber said no. Each jurisdiction could change its decisions based on additional information.

Council Member Lewis thought the consensus from the Study Session was Council would be setting an example by taking a stance against the issue for other cities that had not yet voted.

Mayor Carlson had been following the issue for some time. There were a lot of loose ends and he was strongly in favor of passing a resolution in opposition.

MOTION – to adopt Resolution No. 09-08 “A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON OPPOSING THE ISSUANCE OF \$65.45 MILLION IN REVENUE OBLIGATIONS BY THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY TO FINANCE THE CONSTRUCTION OF THE SHOREWAY ENVIRONMENTAL CENTER OR OTHER SOLID WASTE FACILITIES”

M/S Dobbie/McKeithen

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

21. **REVISE CITY COUNCIL RESOLUTION NO. 08-24 BY ADOPTING A NEW RESOLUTION CONTAINING CHANGES RELATED TO SCREENING COMMITTEE AND APPOINTMENT OF COUNCIL MEMBER ALTERNATES (Removed and placed on the Regular agenda for discussion.)**

Vice Mayor McKeithen believed there were a number of technical problems regarding what the resolution set out with terms of various committees; when they began, whether they were staggered, and how to determine which members were assigned to which terms. Additionally, there was confusion with the Transportation Committee as to whether the members had been appointed to a four-year term when the resolution was adopted and whether recruitment for new members should have occurred. Because Council had not made appointments in a timely fashion, she thought Council needed to clean up the process.

Mayor Jerry Carlson noted the process had been going on for two years, and a lot of the language in the resolution assumed something would occur in 2008. Most of the appointments appeared to end on April 30 of any given year. He suggested keeping people in place until April 30, 2009, in order to review the process. He also suggested adding a fixed meeting date for the Finance Committee.

Vice Mayor McKeithen was not sure that was necessary since the meeting times were dependent on the Finance Director’s schedule and needs. Set meetings might prove difficult.

Mayor Carlson differed and wanted to see a regular meeting date set for the Finance Committee.

City Manager Jerry Gruber said part of the challenge was establishing that terms would expire within a certain time. In anticipation of those terms expiring, the Acting City Clerk solicited for volunteers to apply. Interviews had been extended, terms had been extended.

City Attorney Wynne Furth said generally, terms should exist independently of the particular holder so the clerk knew when a term began and ended. Common language was often used that a person served until the expiration of his/her term or the appointment of his/her successor, whichever occurred first. She asked whether terms were defined.

Acting City Clerk Kathi Hamilton believed the terms were defined in Resolution 08-24. A few years prior, Council determined some committees would be on a one-year cycle concurrent with the Council Members' terms who also served on the committee. The process was cumbersome, requiring two recruitment processes at different times of the year. With Resolution No. 08-24, terms were to be four years, with some shorter terms initially in order to set up staggered terms. The Transportation Committee was one of those committees transitioning from a one-year term expiring in January to a four-year term expiring in April. The three incumbent members' terms were extended over time because interviews were not held. She recalled Council directing at the time that incumbents were to be interviewed along with any new applicants.

Mayor Jerry Carlson suggested postponing the interviews scheduled for Saturday, February 21, 2009.

Council Member Dobbie said the members of the Transportation Committee believe they were appointed to a four-year term last year.

Mayor Carlson took issue with that. He believed there was a tacit understanding that members would continue to serve until the process was finalized.

Vice Mayor McKeithen did not think the terms of the Arts Committee members had been extended, as well.

City Attorney Furth said the important information was what the record showed, e.g., an appointing letter or action; and rather than any tacit understanding would be the first point of departure.

Council Member Lewis noted the item on the agenda was for an action to eliminate the Screening Committee.

MOTION – to amend Resolution No. 08-24 to adopt Resolution No. 09-09 “A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON GOVERNING TOWN COMMITTEES AND COMMISSIONS,” to eliminate the Screening Committee and to allow for the appointment of alternates to Council Committees

M/S Lewis/Carlson

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

By consensus, Council postponed interviews scheduled for February 21, 2009. Details would be worked out, interviews rescheduled, and appointments made by May 1, 2009.

22. **PROCEDURES FOR COUNCIL MEMBERS TO REQUEST AN ITEM BE PLACED ON A CITY COUNCIL AGENDA (Removed from the Consent Calendar and placed on the Regular agenda for discussion.)**

Council Member McKeithen was concerned that the three motions made at the Special City Council meeting of January 30, 2009, were very unclear. For example, the second motion, *if a committee/commission passed a motion for Council to consider a proposal, the item will be placed on the Council's agenda within two meetings*, did not state the motion had to be within the committee's jurisdiction. Regarding motion one, *should a Council Member want an item on the agenda, he/she should request the City Manager to place the item on the next agenda to determine Council support to discuss the item on the subsequent month's agenda; Further, the Council Member should include a summary of the item*, she believed the item was not to include a lengthy summary, or even a summary per se, but a summary for the City Manager to understand what the issue was. There was no indication as to where the item should be placed on the agenda. The last motion, *should two council members want an item on the agenda, the item will be placed on the Council's agenda for discussion within two meetings, limited to one item per meeting, placed at the end of the agenda, not to consume more than 30 minutes of staff time, for an up or down vote at the meeting*, did not indicate what type of materials were to be delivered nor did it indicate whether the one request per meeting was limited to the two Council Members making the request or to each Council Member. She thought Council had acted hastily and did not think of the ramifications. In discussion with the City Attorney, Council Member McKeithen thought the actions should be tabled until the Rules of Procedures were reviewed within the next month or two.

Council Member Lewis believed the motion regarding the ability of a committee/commission to place an item on the agenda already existed in the Rules of Procedure, Section 9.3, "The City Council Members on Town committees may bring any decision of the committee to the full City Council for final determination. Pending such action by the full City Council, any such decision shall be suspended." The Council was really the deciding body for decisions made on the Town's behalf. Section 9.5 said, "The City Council review of City Council committee decisions." She believed the intent was that any Council Member on the committee could bring an item to the City Manager on behalf of the committee to be placed on an agenda for discussion. A procedure and policy should be put into place in order for full transparency.

Council Member Dobbie thought motion two was the most significant. He thought the summary of the item should not be an advocacy for a particular item but rather an explanation of what was to be discussed. He was not sure whether motion one meant the summary should be given to the City Manager or put in the agenda packet.

Council Member Marsala gave a brief explanation for the reasons to develop a procedure. Other cities had policies to enable Council Members to place items on the agenda. If residents were asking for items to be discussed or Council Members sensed there was an issue to be brought to the full Council, it should be allowed. If there were

opposing views, the pros and cons could be debated in the open. All staff reports have a recommendation. If there are opposing viewpoints, they could be debated. The full Council could do an up or down vote after discussion.

City Attorney Wynne Furth said she was familiar with the City of Claremont and City of Palo Alto's procedures and both had policies. In Palo Alto, any two members of the Council could prepare a short colleagues memo stating what item they would like addressed by the Council, the Council votes whether to place it on an agenda or not, making it a two-step process. Because of the Brown Act, if two members wanted to suggest an item be on the agenda and was not something the City Manager was going to bring forward, the colleagues memo was a way to bring it to their colleagues' attention. The memo itself was a short, one-page-or-less summary. Matters should be presented in a non-inflammatory manner.

Vice Mayor McKeithen reiterated her intent was to make things clearer and not to prevent Council Members putting items on the agenda. The process was very confusing. Additionally, she clarified that Section 9.3 was intended to bring items to the Council when the committee might have a tie vote or a conflict. The item was brought to the Council for determination.

Council Member Dobbie wanted to follow the Palo Alto procedure and thought it reasonable.

Council Member Marsala described the Menlo Park procedure. If two members wanted an item on the agenda, it would be discussed at the time it was brought forward because there was already a second, i.e., a one-step process. He thought whenever a committee wanted to bring something to the Council, it should be agendized since few items every came forward.

Jeff Wise, Atherton, was puzzled with the concept (with the effort toward transparency and involving the community) whereby if a resident brought an issue to one or two Council members that he/she wanted the Council to address, the Council could reject a discussion altogether. He urged Council to have a process where items could be agendized with simplicity.

MOTION – to request that the City Attorney review the issue of Council Members and committees requesting items be placed on the agenda with the intent that items can be placed on an agenda for consideration by the Council, but with the understanding to clear up the language to make it consistent and understandable to the Council and the public

Council Member Lewis offered the following amendment:

AMENDMENT – to direct the City Attorney to take the three motions voted on and passed at the January 30, 2009, Special City Council meeting and wordsmith such that they are clearer but the intent is left in tact

A/S Lewis/Marsala

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

28. REQUEST FROM THE BLUE RIBBON TASK FORCE TO TRANSFER EXCESS FUNDS COLLECTED FROM BUILDING DEPARTMENT PERMITS DURING THE FISCAL YEARS 2001-2006 FROM THE GENERAL RESERVES TO THE BUILDING DEPARTMENT'S PORTION OF A NEW TOWN CENTER.

Council Member Marsala said the Blue Ribbon Task Force (BRTF) met in January. A new Town Center would cost approximately \$15 million to build. The Building Department was expected to occupy 20%, which translated to \$3 million. Building Department fees increased 135% in May of 2000 and funds were set aside for its share of a new building. Since 2001, the surpluses were left in the General Fund, and those were taken out in December and placed in the proper fund. Additionally, a Building Inspection fund was created for future inspections and was to grow to \$600,000 and capped. In actuality, the fund had grown to \$767,000. The request was for the City Council to review Resolution No. 00-13 which should have been done in 2005. The BRTF was charged by the Council to determine the economic feasibility of a new Town Center. Current financials showed excess funds from the Building Department revenues in the General Fund reserves. Rather than increasing fees to raise the \$3 million, the BRTF was recommending that the City Council transfer the remaining surpluses from prior year inspections. With the use of overheads, he described the process he used to determine the number of \$1.1 million left in reserves.

Vice Mayor McKeithen noted there was a PERS liability of \$2.7 million of which a percentage would be attributable to the Building Department, as well as an unfunded health liability which is estimated to be as high as \$3 million. She believed it wiped out the \$1.1 million and actually became a deficit. The Finance Committee had believed the former Interim Finance Director's numbers were incomplete.

Council Member Marsala said the BRTF's goal was to report to Council in May 2009. One of the variables going forward was a recommendation to increase fees to reach the next million dollars that was needed. Council needed to address the issue.

Mayor Carlson confirmed that NBS was performing a study and asked Finance Director Louis Ho whether NBS would be looking at the costs noted by Vice Mayor McKeithen.

Finance Director Louise Ho said the NBS study would shed light on what the true costs were.

Council Member Marsala said the BRTF wanted a timeline in order to come back to Council with recommendations on funding.

Council Member Lewis said her understanding was that the Building Department should not be making a profit, as well as funds from the Building Department needed to be used for Building Department-related expenses. If the numbers on the chart were incorrect, Council needed to know.

Council Member Dobbie concurred. He was unsure of the Building Department's actual revenues, expenses, etc. The answers were needed soon in order to move forward.

No action taken.

PROPOSED AGENDA ITEMS BY COUNCIL MEMBERS (Items 29-30)

29. DISCUSSION AND POSSIBLE AUTHORIZATION FOR THE CITY MANAGER TO CHOOSE A CONSULTANT TO REVIEW THE PHASE I, PHASE II, AND PHASE III AUDITS PERFORMED IN 2006

Mayor Jerry Carlson clarified the request was to authorize the City Manager to hire a consultant to: 1) determine whether the Building Department was overstaffed and, if so, was it the result of the Phase I, II, and III audits; and 2) should construction projects be valued at proven cost vs. the \$350 per square foot flat rate.

Council Member Marsala said he and Council Member Lewis were requesting to look at the Phase I, II, and III audits which resulted in several policy changes in the Building Department. He explained how the change in valuation to \$350 per square foot increased property taxes.

Mayor Carlson asked whether whatever assessment was made became the basis for the tax assessor's valuation of property. He was not sure that was the case.

A discussion ensued as to whether reviewing the Phase I, II, and III audits had relevance. Council Member Marsala thought an independent evaluation would clarify the definition of "bait and switch." If the apparent violations did not happen, some of the recommendations, such as adding a permit technician and more overhead, were unnecessary.

Vice Mayor McKeithen said fees were being looked at to ensure they were fair, whether the valuation should be \$350 a square foot or less or more, as well as a total cost allocation study and did not want to spend \$2,500 to look into "bait and switch."

Building Official Mike Wasmann said the fee study would determine whether the \$350 was too low or too high. The permit technician was the only increase in staff and was definitely a worthwhile position.

Finance Director Ho said more energy should be focused going forward rather than looking at the past.

Council Member Lewis said as a new Council Member, she had not been involved with the audits. She was requesting a review because she thought the audits seemed arbitrary, unfounded, and some assumptions were overturned. She wanted to understand and protect residents from excessive fees and a fair approach to valuations.

Carol Flaherty, Atherton, said \$350 a square foot was not the right amount for new construction. The fee was intended to represent the actual cost of construction not the

cost of the Building Department. She reviewed the actual costs of a recent project and projected costs for a new project both resulting in a lower square foot cost. On the new project, she concluded there was \$1 million of construction costs that did not exist. She said the square foot costs did not matter if there were an alternative, i.e., if there was a provision that allowed the actual costs to be presented to the Building Department for determination of an adjustment for validity.

Jim Woody, Atherton, purchased a home on Emilie approximately three years ago. An estimate for a renovation and additional 900 square feet was \$636,000, or \$630 a square foot. The permit cost was \$14,200. He noted the estimate \$636,000 would cost an extra \$4,000 a year in taxes. He intended to seek an adjustment. He suggested that Council use the real cost of renovations in today's market which were down to \$250 a square foot. With the current financial situation, accuracy was essential.

Jeff Wise, Atherton, said in some cases, \$350 a square foot was a bargain; for others it was too high. However, the permits formed the basis for the valuation on the property. He urged Council to look at the number because, in fact, costs were coming down. As the amount of construction had decreased, suppliers and subcontractors were becoming more flexible in their pricing.

Denise Kupperman, Atherton, said property tax valuations were not assessed on permit fees. She did not have a problem with the \$350 fee. The permit fee and the Building Department were associated, i.e., the permit fee was to basically cover the cost of the Building Department. There was a difference between a resident building a house and someone in the business of building houses. Those in the business of building houses were less interested in having a reasonable permit fee. An assessment of what the actual costs were to have a Building Department was a reasonable approach.

Council Member Marsala made the following motion:

MOTION – to consider putting the Phase I Audit, “bait and switch,” on the next agenda for discussion

Motion failed for lack of a second.

Council Member Dobbie said the one issue to be addressed was what the Town charged for building permits. He was not in favor of approving the cost for a consultant to review the audits.

Mayor Carlson asked whether the NBS study would focus on the square foot fee.

Finance Director Ho said yes. The project would “kick off” in the next week.

No action taken.

30. SAN MATEO COUNTY LIBRARY JPA COMMITTEE REPORT ON DONOR CITY FUND USAGE

Mayor Jerry Carlson there was a suggestion to schedule the Executive Director of the San Mateo County Joint Powers Board (JPA) for a presentation at the March City Council meeting.

City Manager Jerry Gruber indicated he would be meeting with Martin Gomez, the executive director, and would invite him to the March meeting.

Vice Mayor McKeithen said she was the appointed member to the JPA Board and had spoken to Martin Gomez and his assistant, the chair of the JPA Board, the Friends of the Library, as well as the director of the Library. She sensed there was a need to do a lot more work on the donor funds issue. The Friends of the Library were not satisfied with what has occurred and were not adequately consulted. The JPA Board thought the Council had voted, which was not the case. The chair also thought Council had voted on it. A task force had been formed with Council Member Marsala as a member. Since he is no longer a member of the governing board, he could not be a member of the task force. She asked Martin Gomez to speak to Council regarding the issue of donor funds at the March meeting. She was looking for transparency and would consult with all parties. As the representative, she wanted no further discussion on the matter until the presentation.

Council Member Marsala said he was the representative on the Library JPA Board for 6 years. He disagreed with some of the comments and believed there had been miscommunications over the past month. He handed out a 31-page document recapping what had occurred over the past three years regarding the status of donor city funds. At the last JPA meeting, he did not say that Council had voted. He made it clear he was on the Blue Ribbon Task Force and was trying to clarify the JPA agreement. The motion made at that meeting was that donor city funds could be used at the discretion of the donor city for expansion.

Mayor Carlson did not want to go into a big discussion that evening. He thought having the executive director give a presentation at the next Council meeting was a good idea. He appreciated Council Member Marsala's efforts in trying to work through a difficult matter.

Council Member Marsala said what he had been advocating at the Library JPA was that the agreement, as it stood, needed to be clarified. He believed it should allow donor cities to have discretion on how to use the funds. Both motions passed 11-0.

Joan Sanders, Friends of the Library, the use donor city funds for anything was premature. The Library had no current intent to expand or build. A seismic evaluation was needed for both the Council Chambers and the Library. The Library also did not have any interest in acquiring the Chambers. The funds could only be used for Library purposes, and the Library was not allowed to buy a building owned by the Town.

Mayor Carlson wanted a clearer definition of the donor city funds.

Vice Mayor McKeithen noted there was a seismic study underway for the Library, as well as for the Council Chambers.

31. COUNCIL REPORTS

- Council Member Dobbie did not attend the Park and Recreation Commission meeting. At the Blue Ribbon Task Force meeting, William Grindley displayed a Town Center model that showed different configurations for the new Town Center. The real problem was trying to garner any real interest on part of the residents. There was a volunteer who would develop a website that had movable, 3-D activities to show what it might look like. The BRTF was doing a lot of work but were not any closer to getting a Town Center built. There was a lack of money and a lack of interest.
- Council Member Lewis attended the San Francisco Airport Roundtable meeting and discussed noise mitigation. At the C/CAG meeting, the Economic Stimulus money was discussed. She attended the Holbrook-Palmer Park Foundation as an alternate. She attended the Council/Staff Study Session.
- Council Member Marsala attended the League of Cities meeting in Sacramento where he moderated a financing session. At the BRTF meeting, there was a presentation to CARA. The Environmental Programs Committee meeting focused on Earth Day activities. He attended the Library JPA meeting as an alternate and tried to clarify the agreement. The JPA Board supported donor city funds being used at cities discretion pending a legal opinion. The legal opinion did not authorize nor did it prohibit funds be used in that manner. At the last meeting, he made a motion for staff to get a legal opinion on the JPA agreement to include provisions for donor cities to be able to transfer donor city reserves for assets in a validated manner. A subcommittee was formed; however, there was confusion as to his participation because of being the alternate.
- Vice Mayor McKeithen attended meetings with the staff of the Library JPA Board. She said there was a concern regarding the motion regarding transferring of funds. She attended the Finance Committee meeting. At the Peninsula Traffic Congestion Relief Alliance, it was noted that more people were using mass transit.
- Mayor Carlson attended several meetings regarding High-Speed Rail. A Coalition of Cities meeting was occurring each Friday where cities from Mountain View to South San Francisco were participating to try to find common ground to send a letter to the HSR Commission to: 1) extend comment period to April 6 (which was granted); and 2) recognize that cities should be part of the planning process. He thanked Public Works Director Jones for his hard work on the letter and attendance at meetings. He recognized Jim Janz, Malcom Dudley, Jack Ringham, Greg Conlon, and Rosemary Maulbetsch for all their hard work. He contacted various organizations and homeowners to write letters. He asked that a meeting be set up with the attorney regarding the lawsuit.

32. PUBLIC COMMENTS

Council Member Marsala clarified that the Library JPA Board felt differently from the Operations Committee. Both motions passed 11-0 and asked for clarification that cities could use their funds in a validated manner.

33. ADJOURN

Mayor Carlson adjourned the meeting at 11:36 p.m.

Respectfully submitted,

**Kathi Hamilton
Acting City Clerk**

TOWN OF ATHERTON
CLAIMS LIST FEBRUARY 2009

	2/13/09	2/27/09	
Payroll Checks #	12809-12817	12878-12885	\$ 8,651
Direct Deposit	12819-12876	12887-12945	311,321
Electronic Transfer			112,026
 A/P Checks #	 27835-28000		 475,294
		TOTAL	\$ 907,292

I, Jerome Gruber, City Manager of the Town of Atherton, do hereby certify under penalty of perjury that the demands listed above, check numbers 12809-12945 (payroll) and 27835-28000 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$907,292 are true and correct, and that there are sufficient funds for payment.

Jerome Gruber
City Manager

The above claims, check numbers 12809-12945 (payroll) and 27835-28000 (accounts payable), and electronic transfers for employees direct deposits, federal payroll taxes and fees, inclusive, amount to \$907,292 are true and correct, and are authorized for payment.

Jerry Carlson
Mayor, Town of Atherton

SOURCE OF FUNDS

101	General Fund	\$829,755
105	Tennis	2,544
201	Special Parcel Tax	1,156
202	Transportation	-
203	Gas Tax	-
210	Road Construction Impact Fees	20,774
211	Park Grants	29,567
213	Library	1,849
401	General Capital Projects	-
402	Storm Drainage	-
403	Atherton Channel District	-
406	Facilities Construction	222
610	Vehicle Replacement	-
611	Computer Maint. & Replacement	8,445
612	Administrative Services	9,334
715	Evans Estate	1,163
716	Flex Spending	1,996
740	Tree Committee	487
	TOTAL	\$907,292

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027835	02/13/09	C.F. ARCHIBALD PAVING INC.	01/22/09	822565	NON-DEPARTMENTAL	Other Contract	20,425.70	STREET RECONSTRUCTION PHASE 4
						Check Totals	20,425.70	
027836	02/13/09	CLARK PEST CONTROL	01/05/09	7933032	Public Works Park	Grounds Mainten	780.00	PEST CONTROL JAN 09 HP PARK
						Check Totals	780.00	
027837	02/13/09	ROBERT ESPINO	02/13/09	02.13.08	NON-DEPARTMENTAL	Other Contract	675.00	GARDEN ROOM DEMOLITION
						Check Totals	675.00	
027838	02/13/09	OMAR MARTINEZ	02/13/09	02.13.08	NON-DEPARTMENTAL	Other Contract	405.00	GARDEN ROOM DEMOLITION
						Check Totals	405.00	
027839	02/13/09	PROFESSIONAL TREE CARE COMP	12/31/08	13223	Public Works Admin	Tree Maintenance	6,022.50	PRUNING, ROOT PRUNING & GRINDING 12/3-12
						Check Totals	6,022.50	
027840	02/13/09	BETTY ULLMAN	02/13/09	02.13.08	NON-DEPARTMENTAL	Construction Ma	83.50	SUPPLIES FOR CONSTRUCTION IN GARDEN ROOM
						Check Totals	83.50	
027842	02/13/09	A-A LOCK & ALARM INC	02/11/09	194303	Public Works Admin	Other Contract	165.83	RE-KEY FILE CABINET, FINANCE
			02/11/09	212330	Public Works Admin	Facility Repair	4.87	KEYS FOR FINANCE CABINET
						Check Totals	170.70	
027843	02/13/09	ABAG POWER PURCHASING POOL	01/01/09	8001783	Public Works Admin	Utilities	205.93	LEVELIZED GAS HP PARK 10/24-12/24/08
					Public Works Admin	Utilities	77.23	LEVELIZED GAS CITY MGRS HOUSE 10/24-12/2
					Police	Utilities	115.84	LEVELIZED GAS POLICE DEPT 10/24-12/24/08
					NON-DEPARTMENTAL	Utilities	102.97	LEVELIZED GAS TOWN HALL 10/24-12/24/08
					NON-DEPARTMENTAL	Utilities	51.48	LEVELIZED GAS LIBRARY 10/24-12/24/08
					Public Works Admin	Utilities	90.10	LEVELIZED GAS CORP YARD 10/24-12/24/08
					Public Works Admin	Utilities	205.93	LEVELIZED GAS HP PARK 12/24/08-1/26/09
					Public Works Admin	Utilities	77.23	LEVELIZED GAS CITY MGR HOUSE 12/24/08-1/
					Police	Utilities	115.84	LEVELIZED GAS POLICE 12/24/08-1/26/09
					NON-DEPARTMENTAL	Utilities	102.97	LEVELIZED GAS TOWN HALL 12/24/08-1/26/09

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027844	02/13/09	JOSEPH AIELLO	02/11/09	02.11.09	Building	Training & Safe	20.00	REIMB CALBIG MEETING EXP
						Check Totals	20.00	
027845	02/13/09	ALHAMBRA & SIERRA SPRINGS	01/31/09	6491584/01-0	Building	Office Supplies	46.55	WATER, JAN 09, PERMIT CENTER
			01/31/09	4981709/01-0	Police	Other Supplies	266.06	WATER, JAN 09, POLICE DEPT
			01/31/09	4981889/01-0	City Manager	Office Supplies	109.89	WATER, JAN 09, ADMIN
027845	02/13/09	ALHAMBRA & SIERRA SPRINGS	01/31/09	6491592/0109	Public Works Admin	Building Suppli	16.00	WATER PUBLIC WORKS JAN 09
			01/31/09	4981881/0109	Public Works Admin	Building Suppli	30.75	WATER PUBLIC WORKS JAN 09
			01/01/09	4981881/1208	Public Works Park	Building Suppli	27.47	WATER PARKS DEPT JAN 09
					Public Works Park	Building Suppli	21.22	WATER PARKS DEPT DEC 08
					Public Works Park	Building Suppli	15.00	WATER HP PARK DEC 08
						Check Totals	532.94	
027846	02/13/09	ARGUELLO CATERING	01/30/09	8628	City Council	Travel & Meetin	266.57	LUNCH STUDY SESSION 1/30/09
			01/30/09	8618	City Council	Travel & Meetin	88.13	BREAKFAST STUDY SESSION 1/30/09
						Check Totals	354.70	
027847	02/13/09	AT&T PAYMENT CENTER	01/19/09	650-325-2677	Public Works Park	Communication	27.24	ELEVATOR PHONE HP PARK 01/19-02/18/09
						Check Totals	27.24	
027848	02/13/09	AT&T CALNET 2	01/07/09	00000404871	Public Works Park	Communication	157.19	251-1053 11/10-12/07/08
			01/16/09	00000417945	Public Works Park	Communication	68.14	324-5396 11/20-12/16/08
			01/16/09	00000417947	Public Works Park	Communication	67.84	327-4859 11/20-12/16/08
027848	02/13/09	AT&T CALNET 2	01/26/09	00000430216	Police	Communication	22.87	462-1470 12/26/08-1/25/09
			01/25/09	00000429936	Police	Communication	56.46	323-1802 12/25/08-1/24/09
			01/25/09	00000429943	Police	Communication	15.99	473-9743 12/25/08-1/24/09
			01/25/09	00000429941	Police	Communication	155.20	326-2801 12/25/08-1/24/09
			01/25/09	00000429938	Police	Communication	319.99	323-6131 12/25/08-1/24/09
			01/25/09	00000429935	Police	Communication	14.26	323-1801 12/25/08-1/24/09
			01/25/09	00000429939	Police	Communication	15.55	323-6452 12/25/08-1/24/09

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027848	02/13/09	AT&T CALNET 2	01/25/09	00000429937	Police	Communication	30.06	323-3612 12/25/08-01/24/09
			01/25/09	00000429942	Police	Communication	29.84	328-3220 12/25/08-1/24/09
			01/25/09	00000429934	Police	Communication	29.76	323-1014 12/25/08-1/24/09
			02/07/09	00000446987	Police	Communication	97.08	281-1953 1/7/09-2/6/09
			02/07/09	00000446993	Police	Communication	76.65	451-6691 1/7/09-2/6/09
			02/07/09	00000446692	Police	Communication	66.34	451-6690 1/7/09-2/6/09
			02/01/09	00000438610	Police	Communication	15.73	326-1167 1/1/09-1/31/09
			02/07/09	00000446990	Police	Communication	359.81	271-7360 1/7/09-2/6/09
			02/07/09	00000446988	Police	Communication	66.34	252-8343 1/7/09-2/6/09
			02/07/09	00000446991	Police	Communication	66.34	451-6689 1/7/09-2/6/09
			02/07/09	00000446989	Police	Communication	265.86	271-5840 1/7/09-2/6/09
			01/25/09	00000429940	Police	Communication	29.07	323-7653 12/25/08-1/24/09
			01/25/09	00000429944	Building	Communication	21.92	688-6500 12/25/08-1/24/09 PERMIT CENTER
027848	02/13/09	AT&T CALNET 2	02/07/09	00000446986	Public Works Park	Communication	84.20	251-1053 01/07-02/06/09
						Check Totals	2,841.21	
027850	02/13/09	AT&T/MCI	01/07/09	T8963367	Public Works Park	Communication	42.68	327-4859 12/1/08-1/15/09
						Check Totals	42.68	
027851	02/13/09	ATKINSON-FARASYN	02/03/09	02.03.09	City Attorney	City Attorney R	17,091.25	LEGAL FEES JANUARY 2009
					City Attorney	Litigation Serv	13,052.75	LITIGATION CHARGES JANUARY 09
027851	02/13/09	ATKINSON-FARASYN	01/07/09	DEC 08	City Attorney	City Attorney R	10,756.87	GENERAL CHARGES DEC 08
					City Attorney	Litigation Serv	8,519.74	LITIGATION CHARGES DEC 08
						Check Totals	49,420.61	
027852	02/13/09	BOETHING TREELAND FARMS	01/26/09	TV180839	NON-DEPARTMENTAL	Other Contract	487.14	TREES-(3) ACER RUBRUM, (1) QUERCUS SHUMA
						Check Totals	487.14	
027853	02/13/09	BPS REPROGRAPHIC SERVICE	01/07/09	697738	Public Works Admin	Advertising/Pub	44.87	PARK SEWER TOPO MAPS
			01/22/09	701397	NON-DEPARTMENTAL	Advertising/Pub	390.30	BID PACKETS FOR HP PARKS BRIDGE
			01/27/09	702219	NON-DEPARTMENTAL	Advertising/Pub	390.30	BID PACKETS FOR HP PARKS BRIDGE

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027853	02/13/09	BPS REPROGRAPHIC SERVICE	01/20/09	699770	NON-DEPARTMENTAL	Contract Engine	260.18	MICROFICHE FOR SEISMIC EVAL FOR LIBRARY
			02/01/09	704015	NON-DEPARTMENTAL	Advertising/Pub	390.30	SPECS - BID FOR HP PARK BRIDGE
			02/05/09	705766	NON-DEPARTMENTAL	Advertising/Pub	250.00	SPECS - BID HP PARK BRIDGE
						Check Totals	1,725.95	
027854	02/13/09	C.E.D.	12/22/08	6201-432676	Public Works Admin	Construction Ma	24.42	(16) PLATED CLAMPS
						Check Totals	24.42	
027855	02/13/09	CA STATE DISBURSEMENT UNIT	02/13/09	92772/021309	NON-DEPARTMENTAL	Payroll Deducti	100.62	CHILD SUPPORT W/H 1/25-2/7/09
						Check Totals	100.62	
027856	02/13/09	CALIFORNIA WATER SERVICE	01/06/09	9293092658/1	Public Works Admin	Utilities	38.62	WATER 99 ASHFIELD 12/05/08-1/05/09
			02/04/09	9293092658/1	Public Works Admin	Utilities	35.59	WATER 99 ASHFIELD 01/06/08-2/03/09
			02/02/09	4726166666/1	Public Works Park	Utilities	97.54	WATER 150 WATKINS 12/27/08-1/27/09
					Public Works Admin	Utilities	26.39	WATER FIRE PROTECTION 1/1/09-1/31/09
					Building	Utilities	19.29	WATER 2 STATION LANE 12/05/08-1/5/09
					Public Works Admin	Utilities	8.26	WATER 2 STATION LANE 12/05/08-1/5/09
					Police	Utilities	27.55	WATER 83 ASHFIELD 12/5/08-1/5/09
					NON-DEPARTMENTAL	Utilities	15.43	WATER 91 ASHFIELD 12/5/08-1/5/09
					NON-DEPARTMENTAL	Utilities	30.57	WATER 94 ASHFIELD 12/5/09-1/5/09
					Public Works Admin	Utilities	66.02	WATER ALAMEDA & ATHERTON AVE 12/5/08-1/5/09
					Public Works Admin	Utilities	90.26	WATER EL CAMINO REAL 12/5/08-1/5/09
					Public Works Admin	Utilities	53.90	WATER EL CAMINO REAL 12/27/08-1/27/09
					Public Works Admin	Utilities	24.10	WATER MAPLE 12/5/08-1/5/09
					Public Works Admin	Utilities	27.55	WATER STATION LANE 12/5/08-1/5/09
						Check Totals	561.07	
027857	02/13/09	CAPORICCI & LARSON, CPAS	02/06/09	3649	Finance	Audit & Financi	10,350.00	AUDIT SERVICES FISCAL YEAR 2007-2008
						Check Totals	10,350.00	
027858	02/13/09	CD DATA	01/14/09	35011	Public Works Admin	Computer Softwa	694.99	SAN MATEO CO DATA AND PARCEL MAP-MAR 09-
						Check Totals	694.99	

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027859	02/13/09	KEVIN CITTADINI	02/11/09	02.11.09	Building	Training & Safe	20.00	REIMB CALBIG MEETING EXP
						Check Totals	20.00	
027860	02/13/09	CLEAN SOURCE	01/16/09	1828408-01	Building	Office Supplies	25.98	COFFEE FILTERS
					Building	Office Supplies	168.20	PAPER CUPS
027860	02/13/09	CLEAN SOURCE	01/15/09	1816496-01	Public Works Admin	Building Suppli	156.43	(2) 90V HALOGEN FLOODS
			02/09/09	1837726-00	Public Works Admin	Building Suppli	353.82	TISSUE, TOWELS, LINERS, WIPER
			01/14/09	1828408-00	Public Works Admin	Building Suppli	12.58	COFFEE FILTERS
						Check Totals	717.01	
027861	02/13/09	CALIFORNIA MUNICIPAL TREASU	01/27/09	86211	Finance	Membership/Dues	155.00	MEMBERSHIP DUSE, L.HO 04/01/09-03/31/10
						Check Totals	155.00	
027862	02/13/09	COMMERCIAL ENVIRONMENT LAND	01/02/09	2213-0109	Public Works Admin	Contract Lndscp	2,557.19	MONTHLY LANDSCAPE SERVICE JAN 09
			02/02/09	2213-0209	Public Works Admin	Contract Lndscp	2,557.19	MONTHLY LANDSCAPE SRVCE FEB 09
						Check Totals	5,114.38	
027863	02/13/09	COMMUNICATIONS MGRS. ASSOC.	02/06/09	2009/2010	Police	Membership/Dues	50.00	ANNUAL DUES 2009/2010
					Police	Membership/Dues	50.00	(1) DISPATCH RECOGNITION AWARD
						Check Totals	100.00	
027864	02/13/09	CONTRACT SWEEPING SERVICES	12/28/08	INV00004869	Public Works Admin	Other Contract	992.70	SWEEPING SERVICES DEC 08
			01/28/09	INV00004893	Public Works Admin	Other Contract	992.70	SWEEPING SERVICE JAN 09
						Check Totals	1,985.40	
027865	02/13/09	CRM SYSTEMS, INC.	06/25/08	08-1190	Building	Training & Safe	750.00	SYSTEM ADMINISTRATOR COURSE, D. MARTINEZ
			09/25/08	08-1302	NON-DEPARTMENTAL	Other Contract	1,900.00	SOFTWARE ENHANCEMENT CUSTOM REPORT BY CO
						Check Totals	2,650.00	
027866	02/13/09	CUSTOM IRON & CASTING WORKS	02/04/09	02.04.09	Public Works Admin	Other Contract	4,000.00	REPAIR TO DAMAGED ANTIQUE LAMP POST

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027867	02/13/09	D'SAN CORPORATION	01/13/09	002220628	City Council	Office Supplies	1,043.00	TIMERS FOR COUNCIL CHAMBERS
Check Totals							4,000.00	
Check Totals							1,043.00	
027868	02/13/09	DELL MARKETING L.P. C/O DEL	02/04/09	XD4528CK7	Building	Office Machines	53.71	RBC35 REPLACEMENT BATTERY, K.ANDERSON
			02/03/09	XD44KK4J9	Building	Office Machines	109.60	APC BACK-UPS CS 500, J. AIELLO
			02/03/09	XD44KJK13	Building	Office Machines	109.60	APC BACK-UPS CS 500, D.MARTINEZ
			02/03/09	XD44K6148	Building	Office Machines	109.60	APC BACK-UPS CS 500, L.COSTA-SANDERS
			01/29/09	XD41D7859	Building	Office Machines	53.71	RBC35 REPLACEMENT BATTERY, BLDG
027868	02/13/09	DELL MARKETING L.P. C/O DEL	02/06/09	XD46J4295	NON-DEPARTMENTAL	Computer Equipm	121.77	VERIZON BUILT IN MOBILE BROADBAND J.GRUB
					NON-DEPARTMENTAL	Computer Equipm	109.60	APC BACK UP J.GRUBER
027868	02/13/09	DELL MARKETING L.P. C/O DEL	01/22/09	XD3N91876	NON-DEPARTMENTAL	Computer Equipm	89.28	COMPUTER CASE & PROJECTOR CASE J. GRUBER
027868	02/13/09	DELL MARKETING L.P. C/O DEL	01/28/09	XD3X5PF67	NON-DEPARTMENTAL	Computer Equipm	154.25	MAIL SERVER FOR ALL DEPTS
Check Totals							911.12	
027869	02/13/09	DEPARTMENT OF JUSTICE ACCO	02/04/09	721016	Finance	Administrative	32.00	FINGERPRINT APPS JAN 09
Check Totals							32.00	
027870	02/13/09	DEAN DEVLUGT	02/02/09	02.02.08	Police	Machinery & Equ	63.97	REIMB SPRING CLAMPS RANGE EQUIPMENT
Check Totals							63.97	
027871	02/13/09	DIVERSIFIED MAINTENANCE SER	01/01/09	D60035	NON-DEPARTMENTAL	Custodial Servi	433.64	TOWN HALL JAN 09
					Police	Custodial Servi	587.96	POLICE DEPT JAN 09
					NON-DEPARTMENTAL	Custodial Servi	445.59	LIBRARY JAN 09
					Public Works Admin	Custodial Servi	161.93	PUBLIC WORKS MODULAR JAN 09
					Building	Custodial Servi	205.41	PERMIT CENTER MODULAR JAN 09
					Public Works Admin	Custodial Servi	271.70	99 STATION LANE JAN 09
Check Totals							2,106.23	
027872	02/13/09	DANIEL DOBSON	02/06/09	54 SNOWDEN	Public Works Admin	Other Deposits/	2,500.00	REFUND ROAD BOND 54 SNOWDEN AVE

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027873	02/13/09	EDEN CONSULTING GROUP	02/12/09	05.30-06.05.	Police	Check Totals	2,500.00	
						Training - POST	350.00	K-9 CONFERENCE, N.HILLARD, 5/30-6/5/09
						Check Totals	350.00	
027874	02/13/09	EMBARCADERO PUBLISHING CO	01/31/09	XHS01/1-09	NON-DEPARTMENTAL City Manager	Advertising/Pub Advertising/Pub	1,044.00 232.00	AD REQUEST FOR BID HP PARK BRIDGE AD FOR COMMITTEE RECRUITMENT
						Check Totals	1,276.00	
027875	02/13/09	EMPLOYMENT DEVELOPMENT DEPT	01/23/09	944-0625-3	Police Finance City Manager	Unemployment In Unemployment In Unemployment In	534.00 2,250.00 1,350.00	UNEMPLOYMENT INSURANCE, O'SHEA, SILAGI UNEMPLOYMENT INSURANCE, PIERCE UNEMPLOYMENT INSURANCE, ENGLISH
						Check Totals	4,134.00	
027876	02/13/09	EPICUREAN GROUP	12/20/08	SJ000164	Police	Special Events	945.29	1 EA DINNER BUFFET AT ST JOSEPH FOR ATHE
						Check Totals	945.29	
027877	02/13/09	FEDERAL EXPRESS CORP	01/16/09	9-054-7481	NON-DEPARTMENTAL	Advertising/Pub	23.63	SHIPPING CHARGES, HP FOUNTAIN BID PACKET
						Check Totals	23.63	
027878	02/13/09	FEDEX KINKOS CUSTOMER ADMIN	12/29/08	510500003880	NON-DEPARTMENTAL	Advertising/Pub	1,132.30	COPIES OF BID PACKETS, HP PARK FOUNTAIN
						Check Totals	1,132.30	
027879	02/13/09	FIRST CHOICE	01/28/09	179765	Public Works Admin	Building Suppli	25.00	COFFEE MACHINE RENTAL P.W. JAN 09
027879	02/13/09	FIRST CHOICE	01/28/09	179722	Building	Office Supplies	25.00	COFFEE MACHINE RENTAL PERMIT CENTER JAN
027879	02/13/09	FIRST CHOICE	01/27/09	177922	Police	Other Supplies	95.05	COFFEE, P.D.
027879	02/13/09	FIRST CHOICE	01/28/09	179721	NON-DEPARTMENTAL	Office Supplies	25.00	COFFEE MAKER RENTAL ADMIN JAN 09
						Check Totals	170.05	
027880	02/13/09	FOLGER GRAPHICS	01/28/09	58875	City Manager	Advertising/Pub	1,861.90	WINTER ATHERTONIAN PRINTING SERVICE

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027881	02/13/09	MARGARITA GALLARDO	11/13/08	09.05.09	NON-DEPARTMENTAL	Park Deposits	500.00	REFUND PARK DEPOSIT 9/5/09
						Check Totals	1,861.90	
027882	02/13/09	GOLDFARB & LIPMAN ATTORNEYS	01/20/09	92350	Building	HOUSING ELEMENT	4,496.00	HOUSING ELEMENT ASSISTANCE DEC 08
						Check Totals	4,496.00	
027883	02/13/09	GRAINGER	01/21/09	9822075405	Public Works Admin	Construction Ma	53.66	WHITE MARKING PAINT
027883	02/13/09	GRAINGER	01/08/09	9813631927	Public Works Admin	Construction Ma	164.03	SIGNS & NUMBER CARD
						Check Totals	217.69	
027884	02/13/09	HARRIS COMPUTER SYSTEMS	01/31/09	MN002143	NON-DEPARTMENTAL	Equipment Maint	1,634.65	MONTHLY TECH SUPPORT FEB 09
						Check Totals	1,634.65	
027885	02/13/09	HOME DEPOT CREDIT SERVICES	02/04/09	603532253236	Public Works Park	Construction Ma	75.84	PAINT SUPPLIES FOR MAIN HOUSE
						Check Totals	75.84	
027886	02/13/09	HORIZON	01/26/09	12368552-00	Public Works Park	Construction Ma	234.75	PARKS DEPT, ADAPTERS, SCREWS, GLUE
			01/27/09	12368664-00	Public Works Park	Landscape Suppl	293.05	2' X 4" BEND-A-BOPARD, 12" PLSTIC STAKES
027886	02/13/09	HORIZON	01/30/09	12368974-00	Public Works Park	Construction Ma	136.00	RAINBIRD VALVE AND COUPLING
			01/28/09	12368818-00	Public Works Admin	Landscape Suppl	99.94	(18) POLES AND (25) CINCH TIES FOR PLANT
			01/30/09	12368959-00	Public Works Admin	Landscape Suppl	50.53	TURFGRO GROPAK FOR NEW TREES
						Check Totals	814.27	
027887	02/13/09	I.M.P.A.C. GOVERNMENT SERVI	01/22/09	5408/01-09	Public Works Admin	Building Improv	170.11	SMOG CERTIFICATE FOR DODGE DAKOTA & SMALL
						Building Improv	75.00	SMOG CERTIFICATE FOR PARK PICKUP
						Public Works Admin	97.70	SMOG CERTIFICATE & TIRE REPAIR
						Public Works Admin	63.33	REPLACE MISSING EXIT SIGNS FOR FIRE SAFE
027887	02/13/09	I.M.P.A.C. GOVERNMENT SERVI	01/22/09	5424/01-09	Building	Office Supplies	15.90	CALENDAR REFILL, D. MARTINEZ
027887	02/13/09	I.M.P.A.C. GOVERNMENT SERVI	01/22/09	5432/01-09	Police	Training - POST	112.97	LODGING N.HILLARD K-9 COURSE 2/3-2/4/09
						Police	77.80	INK CARTRIDGES P.D.

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027887	02/13/09	I.M.P.A.C. GOVERNMENT SERVI	01/22/09	5440/01-09	Police	Membership/Dues	40.00	INTERNATIONAL HIGH TECH CRIME INVESTIGAT
					Police	Training - POST	425.00	CALIF POLICE CHIEFS ASSOC. MARCH 1-6, 20
					Police	Machinery & Equ	339.29	INTOXILYZERS
					Police	Training - POST	198.20	FLIGHT, CHIEFS CONF 3/1-3/6/09
					Police	Office Supplies	75.02	ZIP ENVELOPES FOR BACKGROUNDS
					Police	Training - POST	-94.30	CHEAP TICKETS REFUND
					Police	Office Supplies	14.58	ZIP ENVELOPES FOR BACKGROUNDS
					Police	Other Contract	88.95	ENTERSECT POLICE ONLINE DEC 08
					Police	Training - POST	36.96	POA BREAKFAST MEETING 01/15/09
					Police	Office Supplies	65.83	RIBBON FOR PRINTER IN DISPATCH
					Police	Machinery & Equ	54.11	ROUTER FOR DETECTIVES DSL LINE IN TRAILLE
					Police	Other Supplies	295.69	CHINET PLATES, LABELWRITER, LEXMARX TONE
					Police	Other Supplies	176.67	CHINET PLATE, LABELWRITER
					Public Works Admin	Landscape Suppl	79.47	PEA PEBBLES, RED MULCH, SPRAY PAINT CITY
					City Manager	Computer Suppli	15.00	CONSTANT CONTACT SOFTWARE
					City Attorney	Administrative	112.50	CITY ATTORNEY INTERVIEW LUNCH 1/13/09
					City Manager	Special Events	159.33	EMPLOYEE OF THE QUARTER LUNCH 1/14/09
					City Council	Travel & Meetin	106.65	CITY COUNCIL DINNER 1/21/09
					Police	Equipment Maint	12.99	MOTORCYCLE RADAR REPLACEMENT FACEPLATES
					Police	Training - POST	23.21	MEAL DANA POINT TRAINING01/11-01/16/09
					Police	Training - POST	20.72	MEAL DANA POINT TRAINING 1/11-1/16/09
					Police	Training - POST	15.00	CHECKED LUGGAGE FEE
					Police	Training - POST	47.84	MEAL DANA POINT TRAINING 1/11-1/16/09
					Police	Training - POST	21.93	MEAL DANA POINT TRAINING 1/11-1/16/09
					Police	Training - POST	13.76	MEAL DANA POINT TRAINING 1/11-1/16/09
					Police	Training - POST	14.57	MEAL DANA POINT TRAINING 1/11-1/16/09
					Police	Training - POST	366.65	RENTAL CAR 1/11-1/16/09
					Police	Gas & Oil	17.60	GAS FOR RENTAL CAR
					Police	Training - POST	25.03	MEAL DANA POINT TRAINING 1/11-1/16/09
					Police	Training - POST	15.00	CHECKED LUGGAGE CHARGE
					Police	Training - POST	467.50	LODGING DANA POINT TRAINING 1/11-1/16/09
					Police	Training - POST	39.00	FIREDAEMON TO KEEP SERVER SERVICES RUNNI
					Finance	Computer Equipm	38.73	ACCTG FOR CAPITAL ASSET
					Finance	Subscriptions	350.00	CSMRG CONFERENCE 2/18-2/20/09 L.HO
					Finance	Training & Safe	34.78	(100) DEPOSIT BAGS FOR DUMBAR
					Finance	Office Supplies	100.00	REGIONAL ECONOMIC OUTLOOK CONFERENCE 1/2
					Finance	Training & Safe	76.44	NEW HANDLE FOR RANGE IN MAIN HOUSE
					Public Works Park	Equipment Maint		

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027888	02/13/09	IEDA, INC.	02/01/09	02.01.08	City Manager	Check Totals	4,502.51	
						Other Contract	1,000.00	LABOR RELATIONS CONSULTING 02/01-02/28/0
						Check Totals	1,000.00	
027889	02/13/09	INDEPENDENT BUSINESS GROUP	01/23/09	93323	Public Works Admin	Contract Engine	413.23	EROSION INSPECTION CHECKLIST CARDS - P.W
						Check Totals	413.23	
027890	02/13/09	INFORMATION SERVICES ATTN:	02/11/09	1YAT10901	Police	Other Contract	1,318.33	MICROWAVE MAINT JAN 09
						Check Totals	1,318.33	
027891	02/13/09	INTERSTATE TRAFFIC CONTROL	02/02/09	119860	Public Works Admin	Construction Ma	106.09	SIGNS 24 X 30
027891	02/13/09	INTERSTATE TRAFFIC CONTROL	02/13/09	120009	Public Works Admin	Construction Ma	204.59	SIGN REPLACEMENT PARTS
						Check Totals	310.68	
027892	02/13/09	IMORQ SYSTEMS	01/15/09	2735	Public Works Admin	Computer Softwa	75.00	INTERNET PAVEMENT, MGMT, SUPPORT FEB 09
						Check Totals	75.00	
027893	02/13/09	EDWARD A. JASHIN	01/27/09	AT012709-1	City Manager	Advertising/Pub	1,487.50	GRAPHIC DESIGN WINTER ATHERTONIAN
						Check Totals	1,487.50	
027894	02/13/09	JENSEN LANDSCAPE SERVICE, I	01/25/09	070714	Public Works Park	Contract Lndscp	2,225.00	MONTHLY LANDSCAPE HP PARK FEB 09
						Check Totals	2,225.00	
027895	02/13/09	KREFELD'S AWARD CTR.	01/30/09	19574	Police	Other Supplies	35.99	PLATE AND ENGRAVING FOR THANK YOU
						Check Totals	35.99	
027896	02/13/09	L.C. ACTION POLICE SUPPLY	01/26/09	223580	Police	Machinery & Equ	328.42	SLINGS FOR NEW RIFLES

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027897	02/13/09	LIEBERT CASSIDY WHITMORE IN	12/31/08	97414	City Attorney	Attorney - Othe	162.00	LEGAL FEES DEC 08
						Check Totals	162.00	
027898	02/13/09	LYNGSO GARDEN MATERIAL	01/13/09	768177	Public Works Admin	Construction Ma	73.61	MOCHA CHIPS SELBY/CEBALO PROJECT
			01/13/09	768186	Public Works Admin	Construction Ma	36.81	MOCHA CHIPS SELBY/CEBALO PROJECT
			01/27/09	768878	Public Works Park	Landscape Suppl	156.92	1/4" QUARTZ PEBBLES FOR WALKWAY AT CITY
			01/29/09	769006	Public Works Park	Landscape Suppl	128.86	1/4" QUARTZ PEBBLES USED FOR WALKWAY AT
						Check Totals	396.20	
027899	02/13/09	MAIL COURIER SERVICE	02/05/09	02.05.09	Police	Administrative	30.00	DELIVERY TO P. ORTIZ
						Check Totals	30.00	
027900	02/13/09	MANAGEMENT PARTNERS INC	01/27/09	3448	City Attorney	Other Contract	6,049.00	CITY ATTORNEY SELECTION PROCESS JAN 09
						Check Totals	6,049.00	
027901	02/13/09	MID-PENINSULA ANIMAL HOSPIT	01/14/09	396176	Police	Training - POST	314.90	OFFICE VISIT & SHOTS, ZAR
			01/15/09	396273	Police	Training - POST	258.80	MEDICATION, ZAR
						Check Totals	573.70	
027902	02/13/09	NEC UNIFIED SOLUTIONS, INC	01/05/09	TM000002129	Police	Communication	415.50	REHOOK RECORDING DEVICES IN PD TRAILER
027902	02/13/09	NEC UNIFIED SOLUTIONS, INC	01/14/09	TM000002412	Police	Communication	297.00	ADD VOICEMAIL FOR OFFICER S. MARSHALL
						Check Totals	712.50	
027903	02/13/09	OFFICE DEPOT	12/18/08	457254939-00	Public Works Admin	Office Supplies	10.71	WALL CALENDAR-PUBLIC WORKS
			01/15/09	460307393-00	Building	Office Supplies	161.78	DESK PAD, PAPER CLIPS, FILE, APT BOOK
			02/05/09	462797203-00	Public Works Admin	Office Supplies	26.28	CALENDARS
					NON-DEPARTMENTAL	Office Supplies	330.44	COPY PAPER, BINDERS, STAPLER
					City Manager	Office Supplies	14.40	ENVELOPES
			02/05/09	462349521-00	Public Works Admin	Office Supplies	77.61	(2) BOXES PAPER PUBLIC WORKS
					NON-DEPARTMENTAL	Office Supplies	343.99	(7) BOXES PAPER, 3 HOLE PUNCH, CALENDAR,

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027904	02/13/09	GARY M. OLSON, PHD.	02/01/09	02.01.09	Police	Other Contract	300.00	PHYSIOLOGICAL EVAL FOR P.D. APPLICANT
						Check Totals	300.00	
027905	02/13/09	ORCHARD SUPPLY HARDWARE	02/05/09	587097001036	Public Works Park	Minor Tools & E	97.05	PRUNING SAW, LOPPER, SHOVELS FOR HP PARK
						Construction Ma	97.37	OUTLETS, WASHERS, GRABBERS FOR BLDG REPA
						Construction Ma	14.32	17" TOOL AND VELCRO TAPE
						Training & Safe	47.97	DAYTIME SAFETY VESTS
						Construction Ma	6.50	DISTILLED WATER FOR GENERATOR BATTERY
						Construction Ma	29.00	LATE FEE
						Check Totals	292.21	
027906	02/13/09	PENINSULA UNIFORMS & EQUIPM	01/27/09	38550	Police	Uniforms	54.13	MID RIDE HOLSTER, METZGER
			01/28/09	38590	Police	Uniforms	151.50	SAFARILAND LEVEL III HOLSTER, KOCKLER
						Check Totals	205.63	
027907	02/13/09	PUBLIC EMPLOYEES RETIREMENT	02/13/09	02.13.09	NON-DEPARTMENTAL	Payroll Deducti	3,173.79	PERS W/H 1/25-2/7/09
					NON-DEPARTMENTAL	Payroll Benefit	57,329.79	PERS 1/25-2/7/09
						Check Totals	60,503.58	
027908	02/13/09	Pg & E	01/23/09	7457969332-1	Police	Utilities	1,636.74	POLICE ELECTRIC 12/24/08-01/23/09
			01/23/09	9166302556-6	NON-DEPARTMENTAL	Utilities	486.20	LIBRARY ELECTRIC 12/24/08-01/23/09
			01/23/09	9291302548-9	Public Works Admin	Utilities	68.38	CORP YARD ELECTRIC 12/24/08-01/23/09
			01/23/09	3457969588-2	Public Works Admin	Utilities	40.29	SIGNAL EL CAMINO/ATHERTON AVE 12/23/08-0
			01/23/09	9531312943-9	Public Works Admin	Utilities	152.29	93 DINKELSPIEL ELECTRIC 12/24/08-01/23/0
			01/30/09	5678831191-0	NON-DEPARTMENTAL	Utilities	436.92	TOWN HALL ELECTRIC 12/24/08-1/30/09
					Building	Utilities	43.61	PERMIT CENTER ELECTRIC 12/24/08-01/30/09
					Public Works Admin	Utilities	130.83	PUBLIC WORKS ELECTRIC 12/24/08-1/30/09
					Public Works Park	Utilities	331.74	ACTIVITY BLDG 150 WATKINS 12/24/08-1/30/09
					Public Works Park	Utilities	455.17	MODULAR BLDG HP PARK 12/24/08-1/30/09
					Public Works Park	Utilities	80.88	PUMP HP PARK 12/24/08-1/30/09
					Public Works Admin	Utilities	127.46	TRAFFIC SIGNALS MIDDLEFIELD 12/24/08-1/3
					Public Works Admin	Utilities	3,841.75	STREET LIGHTS 12/24/08-1/30/09

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027909	02/13/09	PLATINUM ROOFING	01/30/09	S9621	Public Works Admin	Facility Repair	209.00	REPAIR RECURRING LEAK AT PLAYSCHOOL 1/22
			02/03/09	S9673	Public Works Admin	Facility Repair	329.00	REPAIR RECURRING LEAK 150 WATKINS 1/23/0
						Check Totals	538.00	
027910	02/13/09	PODS PORTABLE ON DEMAND STO	01/23/09	050-129520	Public Works Park	Rent - Faciliti	189.44	PAVILLION STORAGE UNIT
			01/23/09	050-129521	Public Works Park	Rent - Faciliti	189.44	PAVILLION STORAGE UNIT
						Check Totals	378.88	
027911	02/13/09	PURCHASE POWER	02/10/09	15433368881/	NON-DEPARTMENTAL	Postage	518.99	POSTAGE METER REFILL 01/20/09
					NON-DEPARTMENTAL	Rent - Tools &	259.80	METER RENTAL MODEL # 1A00 2/16-5/15/09
						Check Totals	778.79	
027912	02/13/09	RECALL SECURE DESTRUCTION S	01/23/09	2303043338	Police	Other Supplies	85.29	SHRED DOCUMENTS 12/19/08-01/22/09
						Check Totals	85.29	
027913	02/13/09	CITY OF REDWOOD CITY FINANC	12/31/08	BR22477	Police	Gas & Oil	1,906.90	FUEL P.D. 11/16-12/15/08
					Public Works Admin	Gas & Oil	55.11	FUEL P.W. 11/16-12/15/08
					Public Works Park	Gas & Oil	60.40	FUEL PARKS DEPT 11/16-12/15/08
					Public Works Admin	Gas & Oil	468.93	FUEL P.W. STREETS DEPT 11/16-12/15/08
						Check Totals	2,491.34	
027914	02/13/09	CITY OF REDWOOD CITY INFORM	01/31/09	BR22687	NON-DEPARTMENTAL	Other Contract	2,800.63	I.T. SERVICES JAN 09
						Check Totals	2,800.63	
027915	02/13/09	CITY OF REDWOOD CITY FINANC	12/31/08	BR22441	Police	Equipment Maint	3,615.51	VEHICLE REPAIR P.D. 11/16-12/15/08
					Public Works Admin	Equipment Maint	274.16	VEHICLE REPAIR P.W. 11/16-12/15/08
						Check Totals	3,889.67	
027916	02/13/09	REDWOOD PLUMBING	01/08/09	W31264	Public Works Admin	Facility Repair	147.50	REPAIR HEATER, ADMIN BLDG

CCS-AP Accounts Payable Release 8.2.1 R*APFINVC*OUNCIL.U

By LYNN COLLIAU (LCOLLIAU)

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027917	02/13/09	REPUBLIC ITS	01/10/09	0812534	Public Works Admin	Traffic Mainten	418.68	TRAFFIC SIGNAL MAINTENANCE - DEC 08
			01/10/09	0812533	Public Works Admin	Traffic Mainten	622.29	TRAFFIC SIGNAL REPAIRS - DEC 08
						Check Totals	1,040.97	
027918	02/13/09	SAN CARLOS POLICE DEPARTMEN	01/29/09	IP-01412000-	Police	Training - POST	700.00	INNER PERSPECTIVES LEADERSHIP TRAINING,
						Check Totals	700.00	
027919	02/13/09	S.M. CO ASSESSOR	02/09/09	0809016	City Manager	Election Expens	10,404.15	ELECTION SERVICES NOV. 4, 2008
						Check Totals	10,404.15	
027920	02/13/09	SAN MATEO CO. CITY MANAGERS	12/31/08	2009	City Manager	Membership/Dues	250.00	ANNUAL DUES FOR 2009 J.GRUBER
						Check Totals	250.00	
027921	02/13/09	SAN MATEO CO SHERIFF'S OFFI	01/31/09	CL01949	Police	Other Contract	168.00	FORENSIC SERVICES JAN 09
						Check Totals	168.00	
027922	02/13/09	S M CO SHERIFF'S OFFICE COU	02/04/09	8009	Finance	Administrative	18.00	LIVE SCAN SERVICE JAN 09
						Check Totals	18.00	
027923	02/13/09	SAN MATEO REGIONAL NETWORK,	02/10/09	17899	Police	Other Contract	385.00	MONTHLY ACCESS FEE T-1 SERVICE FEB 09
						Check Totals	385.00	
027924	02/13/09	SHARP ELECTRONICS CORPORATI	01/20/09	AR160089	Public Works Admin	Office Machines	156.52	COPIER CONTRACT SHARP S450N P.W. 1/12-2/
						Check Totals	156.52	
027925	02/13/09	SILICON CONSTELLATIONS	01/22/09	6038H60	NON-DEPARTMENTAL	Other Contract	22,102.40	1 EA WIRELESS LIGHTED CROSSWALK AT SACRE

Check#	Check Dt	Vendor Name	Inv Date	Inv#	Department	GL Account	Amounts	Detail Description
027926	02/13/09	SPRINT	01/29/09	130538811-01	Police	Communication	400.51	MOBILE DATA COMPUTERS 12/26/08-1/25/09
						Check Totals	400.51	
027927	02/13/09	STUBBS & LEONE	01/31/09	23088	City Attorney	Attorney - Othe	284.32	LEGAL FEES JANUARY 2009
						Check Totals	284.32	
027928	02/13/09	LEE BUFFINGTON, TAX COLLECT	02/01/09	060-321-010	NON-DEPARTMENTAL	Utilities	211.05	SANITARY SEWER FEES, PARCEL# 060-321-010
			02/01/09	060-321-130	Public Works Admin	Utilities	0.93	SANITARY SEWER FEES, PARCEL#060-321-130 P
			02/01/09	060.321.160	Public Works Admin	Utilities	347.12	SANITARY SEWER FEES, PARCEL# 060-321-160
			02/01/09	060.323.180	NON-DEPARTMENTAL	Utilities	609.13	SANITARY SEWER FEES, PARCEL# 060-323-180
			02/01/09	061.310.100	Public Works Park	Utilities	1,088.62	SANITARY SEWER FEES, PARCEL# 061-310-100
			02/01/09	074.140.030	Public Works Admin	Utilities	20.70	SANITARY SEWER FEES, 074-140-030 NO ACCE
			02/01/09	074.160.120	Public Works Admin	Utilities	20.70	SANITARY SEWER FEES, PARCEL # 074-160-12
			02/01/09	074.160.140	Public Works Admin	Utilities	20.70	SANITARY SEWER FEES, PARCEL# 074-160-140
			02/01/09	074.160.100	Public Works Admin	Utilities	20.70	SANITARY SEWER FEES, PARCEL 074-160-100
						Check Totals	2,339.65	
027929	02/13/09	TEAMSTERS LOCAL 856 H & W	02/01/09	02.09	NON-DEPARTMENTAL	Payroll Benefit	4,613.80	DENTAL PREMIUMS FEB 09
						Check Totals	4,613.80	
027930	02/13/09	TEAMSTERS UNION LOCAL 856	02/13/09	02.13.09	NON-DEPARTMENTAL	Payroll Deducti	267.70	DUES W/H 1/25-2/7/09
						Check Totals	267.70	
027931	02/13/09	DARYL D. JONES, INC. DBA TE	02/10/09	39907	Police	Other Contract	934.00	MANAGEMENT & MAINTENANCE OF COMMUNICATIO
						Check Totals	934.00	
027932	02/13/09	TERMINIX PROCESSING CENTER	01/27/09	0001731738	NON-DEPARTMENTAL	Other Contract	108.00	PEST CONTROL - LIBRARY ATTIC
						Check Totals	108.00	

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027933	02/13/09	TRAINING FOR SAFETY, INC	02/13/09	3/24-3/26/09	Police	Training - POST	285.00	ADV. DISP COURSE, N.AMORE 3/24-3/26/09
						Check Totals	285.00	
027934	02/13/09	TURBO DATA SYSTEMS INC.	01/31/09	15134	Police	CITATION PROCES	23.70	CITATION PROCESSING - JAN 09
						Check Totals	23.70	
027935	02/13/09	TURF & INDUSTRIAL EQUIPMENT	01/26/09	1V76654	Public Works Park	Equipment Maint	77.24	REPAIR WORK ON THE DAIHATSU AT HP PARK
						Check Totals	77.24	
027936	02/13/09	U.S. HEALTHWORKS MEDICAL GR	12/05/08	09-00045	Public Works Admin	Inspection & Te	75.00	PE-DMW EXAM, J. ANDRADE
						Check Totals	75.00	
027937	02/13/09	UNIFIRST CORP.	01/21/09	304246	Public Works Admin	Uniforms	349.20	LAUNDRY SERVICE 01/21-02/04/09
			01/28/09	305183	Public Works Park	Uniforms	164.88	LAUNDRY SERVICE 01/21-02/04/09
			02/04/09	306135	Public Works Park	Uniforms	82.14	LAUNDRY SERVICE 01/21-02/04/09
			01/21/09	304247	Public Works Park	Custodial Servi	295.15	CLEAN MATS AT HP PARK 01/21-02/04/08
			01/28/09	305184				
			02/04/09	306136				
			01/07/09	302387				
			01/14/09	303308				
						Check Totals	891.37	
027938	02/13/09	USPS BUSINESS MAIL ENTRY UN	02/13/09	BR-13800	NON-DEPARTMENTAL	Postage	180.00	BULK RATE MAIL PERMIT # 138000 3/10/09-
						Check Totals	180.00	
027939	02/13/09	AGI PUBLISHING DBA: VALLEY	02/01/09	998221/02-09	Public Works Park	Advertising/Pub	939.00	ADVERTISING HP PARK FEB 09
						Check Totals	939.00	
027940	02/13/09	VERIZON WIRELESS	01/21/09	0728926336	Building	Communication	136.66	CELL PHONE BLDG 12/22/08-01/21/09
					Police	Communication	572.04	CELL PHONE P.D. 12/22/09-1/21/09
					Public Works Admin	Communication	171.84	CELL PHONE P.W. 12/22/08-1/21/09
					Public Works Admin	Communication	177.83	CELL PHONE P.W. STREETS 12/22/08-1/21/09

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027941	02/13/09	VOYAGER	01/24/09	869016477901	Police	Gas & Oil	16.67	MOTORCYCLE FUEL 12/29/08-01/12/09
						Check Totals	1,193.21	
027942	02/13/09	THE WATER WORKS	02/08/09	02.08.08	Public Works Admin	Facility Repair	325.00	REPAIRED PLAYSCHOOL HOT WATER HEATER 2/8
						Check Totals	325.00	
027943	02/13/09	WILLIAMS SCOTSMAN	12/29/08	87418071	Public Works Admin	Rent - Faciliti	690.16	MONTHLY LEASE PAYMENT 12/29/08-01/28/09
			01/29/09	88145304	Public Works Admin	Rent - Faciliti	690.16	MONTHLY LEASE PAYMENTS 01/29/09-02/28/09
						Check Totals	1,380.32	
027944	02/13/09	WITMER-TYSON IMPORTS, INC.	02/02/09	T7047	Police	K-9 Expenses	400.00	MONTHLY CANINE TRAINING JAN 09
					Police	K-9 Expenses	448.16	DOG FOOD, TRAINING AID, MUZZLE
						Check Totals	848.16	
027945	02/13/09	WORKFLOW	01/22/09	49518	NON-DEPARTMENTAL	Office Supplies	216.91	W-2 AND 1099 FORMS FOR 2008
						Check Totals	216.91	
027947	02/27/09	A-A LOCK & ALARM INC	02/27/09	192189	NON-DEPARTMENTAL	Other Contract	464.16	TENNIS ACCOUNTY YEARLY KEYS - 2009
						Check Totals	464.16	
027948	02/27/09	CA STATE DISBURSEMENT UNIT	02/27/09	02.27.09	NON-DEPARTMENTAL	Payroll Deducti	100.62	C/S WH 02/08/09-02/21/09
						Check Totals	100.62	
027949	02/27/09	CALPERS HEALTH BENEFITS DIV	02/10/09	359	NON-DEPARTMENTAL	Payroll Deducti	2,558.19	EMPLOYEE CONTRIBUTION MARCH 2009
					NON-DEPARTMENTAL	Payroll Benefit	48,195.89	ACTIVE MARCH 09
					NON-DEPARTMENTAL	Payroll Benefit	8,974.01	RETIRED MARCH 09
					NON-DEPARTMENTAL	Payroll Benefit	283.83	ADMINISTRATIVE FEE MARCH 09

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027950	02/27/09	WILLIAM GRINDLEY	02/17/09	02.18.09	Building	Check Totals	60,011.92	
						Other Contract	123.25	REIMB MATLS TOO CONST MODELS FOR ADD SPA
						Check Totals	123.25	
027951	02/27/09	MANDY GULLICK	02/27/09	34 LLOYDEN	Building	Plan Check Fee	178.36	REIMB PLAN CHECK OVERAGE 34 LLOYDEN
						Building Permit	274.40	REIMB PERMIT OVERAGE 34 LLOYDEN
						NON-DEPARTMENTAL Business Licens	813.60	REIMB BUSINESS LICENSE OVERAGE 34 LLOYDE
						NON-DEPARTMENTAL Road Impact Fee	347.90	REIMB ROAD IMPACT FEE OVERAGE 34 LLOYDEN
						Check Totals	1,614.26	
027952	02/27/09	JEFFREY H. HILLER	02/27/09	4 BRITTANY M	NON-DEPARTMENTAL	PLANNING DEPOSIT	2,000.00	REFUND PLANNING DEPOSIT 4 BRITTANY MEADO
						Check Totals	2,000.00	
027953	02/27/09	IVY & PEARLS FOUNDATION	12/20/08	10.11.08	NON-DEPARTMENTAL	Park Deposits	200.00	REFUND PARK DEPOSIT 10/11/08
						Check Totals	200.00	
027954	02/27/09	KREFIELDS AWARDS	02/18/09	196539	City Attorney	Administrative	21.65	NAME PLATE CITY ATTORNEY WYNNE FURTH
						Check Totals	21.65	
027955	02/27/09	LIEBERT CASSIDY WHITMORE IN	02/10/09	03.04.09	City Manager	Training & Safe	14.00	MANAGING THE MARGINAL EMPLOYEE 03/04/09
						Building Training & Safe	14.00	MANAGING THE MARGINAL EMPLOYEE 3/4/09 WA
						Police Training & Safe	28.00	MANAGING THE MARGINAL EMPLOYEE 3/4/09 WA
						Check Totals	56.00	
027956	02/27/09	CHARLES MARSALA	02/27/09	01/22-01/23/	City Council	Travel & Meetin	203.63	LEAGUE OF CITIES MEETING, SACRAMENTO, 01
027956	02/27/09	CHARLES MARSALA	02/20/09	02.20.09	NON-DEPARTMENTAL	Office Supplies	98.43	TOWN CENTER POSTERS FOR DISPLAY CABINET
						Check Totals	302.06	
027957	02/27/09	KATHLEEN MCKEITHEN	02/17/09	02.16.09	City Council	Travel & Meetin	24.20	REIMB MILLEAGE EXP

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027958	02/27/09	MIDPENINSULA COMMUNITY MEDI	02/17/09	03.27.09	Building	ENVIRONMENTAL P	1,000.00	DONATION-GREENLIGHT MEDIA SPONSER FROM E
						Check Totals	1,000.00	
027959	02/27/09	PUBLIC EMPLOYEES RETIREMENT	02/27/09	02.27.09	NON-DEPARTMENTAL	Payroll Deduciti	3,442.99	02/08/09-02/21/09
					NON-DEPARTMENTAL	Payroll Benefit	50,632.06	02/08/09-022109
						Check Totals	54,075.05	
027960	02/27/09	PETTY CASH	02/16/09	02.27.09	City Manager	Travel & Meetin	40.20	MILEAGE REMIB 1/30/09-2/17/09, M. BRABEN
			02/16/09	01.22.09	NON-DEPARTMENTAL	Postage	70.00	BULK RATE MAIL POSTAGE FOR WINTER ATHERT
			02/16/09	12.02.08	NON-DEPARTMENTAL	Postage	1.00	(10) 10 CENT STAMPS
						Check Totals	111.20	
027962	02/27/09	ACCOUNTTEMPS FILE 73484	02/09/09	23268212	Finance	Temporary Help	439.12	ACCOUNTANT J.PAN 2/2-2/6/09
			02/16/09	23306005	Finance	Temporary Help	2,195.60	ACCOUNTANT J.PAN 2/9-2/13/09
			02/23/09	23344652	Finance	Temporary Help	1,756.48	ACCOUNTANT J.PAN 2/16-2/20/09
						Check Totals	4,391.20	
027963	02/27/09	JOSEPH AIELLO	02/18/09	02.18.09	Building	Training & Safe	30.00	CCCIAPMO MAITING & TRAINING SESSION 02/1
						Check Totals	30.00	
027964	02/27/09	ALLEGRA PRINT & IMAGING DEA.	02/16/09	40770	Police	Other Supplies	121.35	LETTERHEAD POLICE DEPT
						Check Totals	121.35	
027965	02/27/09	AT&T CALNET 2	02/10/09	448947	Police	Communication	15.37	289-9297 01/10/-02/09/09
						Check Totals	15.37	
027966	02/27/09	RAFI BANDAD	02/27/09	219-CAMINO A	NON-DEPARTMENTAL	Building Deposi	5,000.00	REFUND EXCAVATION DEPOSIT 219 CAMINO AL

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027967	02/27/09	CASTRO ROOFING	02/27/09	393 STEVICK	NON-DEPARTMENTAL	Building Deposi	500.00	REFUND RECYCLING DEPOSIT 393 STEVICK
						Check Totals	500.00	
027968	02/27/09	KEVIN CITTADINI	02/18/09	02.18.09	Building	Training & Safe	30.00	CCCIAPMO MEETING & TRAINING 02/18/09
						Check Totals	30.00	
027969	02/27/09	COLANTUONO & LEVIN, PC	02/03/09	18037	City Attorney	Attorney - Othe	893.00	SPECIAL COUNSEL SERVICE RE: TAXES & FEES
						Check Totals	893.00	
027970	02/27/09	COSMOS ROOFING	02/27/09	47 RALSTON	NON-DEPARTMENTAL	Building Deposi	225.00	PARTIAL REFUND RECYCLING DEPOSIT 47 RALS
						Check Totals	225.00	
027971	02/27/09	CSG CONSULTANTS, INC.	02/25/09	015396	Building	Code enforcemen	3,392.06	CODE ENFORCEMENT SERVICES 12/27/08-1/30/
						Check Totals	3,392.06	
027972	02/27/09	DIVERSIFIED MAINTENANCE SER	02/02/09	D60232	NON-DEPARTMENTAL	Custodial Servi	433.64	JANITORIAL SERVICE ADMIN FEB 09
					Police	Custodial Servi	587.97	JANITORIAL SERVICE POLICE FEB 09
					Building	Custodial Servi	205.41	JANITORIAL SERVICE PERMIT CENTER FEB 09
					Public Works Admin	Custodial Servi	271.70	JANITORIAL SERVICE PUBLIC WORKS FEB 09
					Public Works Admin	Custodial Servi	161.93	JANITORIAL SERVICE CORP YARD FEB 09
					NON-DEPARTMENTAL	Custodial Servi	445.58	JANITORIAL SERVICE LIBRARY FEB 09
						Check Totals	2,106.23	
027973	02/27/09	DOUGLAS PRINTERS	02/24/09	8009	Building	Office Supplies	308.51	(1000) INSPECTION CARDS
						Check Totals	308.51	
027974	02/27/09	DUNBAR ARMORED INC.	01/01/09	2508095	NON-DEPARTMENTAL	Other Contract	121.57	ARMORED CAR SERVICE JAN 09
			02/01/09	2513429	NON-DEPARTMENTAL	Other Contract	181.90	ARMORED CAR SERVICE FEB 08

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027975	02/27/09	FIRST CHOICE	02/27/09	185893	Building	Check Totals	303.47	
			02/27/09	185894	NON-DEPARTMENTAL	Office Supplies	25.00	COFFEE MAKER RENTAL PERMIT CENTER FEB 09
			02/27/09	187539	NON-DEPARTMENTAL	Office Supplies	31.00	COFFEE MAKER RENTAL ADMIN FEB 09
			02/27/09	185934	Public Works Admin	Building Suppl	25.00	KONA COFFEE ADMIN
						Check Totals	106.00	COFFEE MAKER RENTAL FEB
027976	02/27/09	JOHN FLAHERTY	02/27/09	10 CAMINO PO	NON-DEPARTMENTAL	Building Deposi	4,300.00	REFUND DEMO RECYCLING DEPOSIT 10 CAMINO
						Check Totals	4,300.00	
027977	02/27/09	SHERMAN HALL	02/24/09	02.09-02.13.	Police	Training - POST	51.69	REIMB MEALS-SEXUAL ASSAULT INVEST. 02/09
						Check Totals	51.69	
027978	02/27/09	HARRIS COMPUTER SYSTEMS	02/27/09	MN002167	NON-DEPARTMENTAL	Equipment Maint	1,634.65	MONTHLY TECHNICAL SOFTWARE ASSISTANCE -
						Check Totals	1,634.65	
027979	02/27/09	NICK HILLARD	02/24/09	02.04.08	Police	Training - Post	12.00	REIMB MEAL SUSPECT CONTAINMENT 02/04/08
						Gas & Oil	125.40	REIMB MILEAGE SUSPECT CONTAINMENT 02/04/
						Check Totals	137.40	
027980	02/27/09	DAVID HUYNH	02/20/09	02.03-02.05.	Public Works Admin	Travel & Meetin	425.00	REIMB REGISTRATION ASPHALT TRAINING 2/3-
					Public Works Admin	Travel & Meetin	266.20	REIMB MILEAGE ASPHALT TRAINING 2/3-2/5/0
					Public Works Admin	Travel & Meetin	371.22	REIMB LODGING ASPHALT TRAINING 2/3-2/5/0
						Check Totals	1,062.42	
027981	02/27/09	ANTHONY KOCKLER	02/24/09	02.18.09	Police	Gas & Oil	34.65	REIMB MILEAGE SUPERVISORY SKILLS
						Check Totals	34.65	
027982	02/27/09	ROBERT LEE	02/27/09	168 BURNS	NON-DEPARTMENTAL	Building Deposi	1,000.00	REFUND RECYCLING DEPOSIT 168 BURNS AVE

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027983	02/27/09	ELIZABETH LEWIS	02/27/09	01.20.08-01.	City Council	Travel & Meetin	921.71	NEW MAYORS & COUNCIL MEMBERS BOOT CAMP E
						Check Totals	921.71	
027984	02/27/09	CHARLES MARSALA	02/27/09	02.27.09	Building	Other Supplies	129.58	FLYERS AND BANNERS FOR GREENER HOME TOUR
						Check Totals	129.58	
027985	02/27/09	STEVE MARSHALL	02/24/09	02.11-02.12.	Police	Training - POST	11.56	REIMB MEALS ICS 400 COURSE 2/11-2/12/09
						Gas & Oil	55.00	REIMB MILEAGE ICS 400 COURSE 2/11-2/12/0
						Check Totals	66.56	
027986	02/27/09	JOSEPH MERCER	02/27/09	JULY-DEC 08	Public Works Admin	Health Insuranc	1,347.66	REIMB RETIREE HEALTH PLAN COST JULY-DEC
						Check Totals	1,347.66	
027987	02/27/09	OFFICE DEPOT	02/19/09	464174844-00	Building	Office Supplies	43.15	CARTONS, FOLDERS, TAPE
			02/19/09	464304556-00	Building	Office Supplies	37.21	COPY PAPER
						Check Totals	80.36	
027988	02/27/09	P.F. PETTIBONE & CO. POLICE	01/26/09	17031	City Manager	Office Supplies	176.94	MINUTE BOOK PAPER FOR CITY CLERK
						Check Totals	176.94	
027989	02/27/09	PLATINUM ROOFING	12/23/08	S9492	Public Works Admin	Facility Repair	1,198.00	EMERGENCY ROOF REPAIR FOR MAIN HOUSE & P
						Check Totals	1,198.00	
027990	02/27/09	CITY OF REDWOOD CITY FINANC	01/31/09	BR22647	Police	Gas & Oil	2,543.47	POLICE DEPT 12/16/08-1/15/09
						Gas & Oil	35.70	PUBLIC WORKS 12/16/08-1/15/09
						Gas & Oil	668.30	P.W. MAINTENANCE 12/16/08-1/15/09
						Gas & Oil	55.90	P.W. PARKS 12/16/08-1/15/09

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027991	02/27/09	CITY OF REDWOOD CITY FINANC	01/31/09	BR22602	Public Works Admin	Equipment Maint	932.21	VEHICLE REPAIR PUBLIC WORKS 12/16/08-01/
					Police	Equipment Maint	2,170.94	VEHICLE REPAIR POLICE 12/16/08-1/15/09
						Check Totals	3,103.15	
027992	02/27/09	REPUBLIC ITS	12/11/08	10446	NON-DEPARTMENTAL	Other Contract	2,500.00	VIDEO DETECTION SYSTEM AT MIDDLEFIELD AN
					NON-DEPARTMENTAL	Other Contract	2,500.00	VIDEO DETECTION SYSTEM AT MIDDLEFIELD RD
						Check Totals	5,000.00	
027993	02/27/09	SABRO COMMUNICATIONS INC	10/08/08	1418-APD	Police	Other Contract	580.00	INSTALL CAT-5E-PVC CABLE FROM TRAILER TO
			10/08/08	1420-APD	Police	Other Contract	728.25	INSTALL CAT-5E-PVC FROM TRAILER TO CHIEF
						Check Totals	1,308.25	
027994	02/27/09	SACRED HEART SCHOOLS	02/27/09	150 VALPARIS	NON-DEPARTMENTAL	Building Deposi	1,165.20	REFUND RECYCLING DEPOSIT 150 VALPARISO
						Check Totals	1,165.20	
027995	02/27/09	SAN MATEO COUNTY CHAPLAINCY	01/31/09	JAN 09	Police	Other Contract	500.00	ON-CALL CHAPLAINCY SERVICE JAN-2009
			02/28/09	FEB 09	Police	Other Contract	500.00	ON-CALL CHAPLAINCY SERVICE FEB-2009
						Check Totals	1,000.00	
027996	02/27/09	SHELTON ROOFING	02/27/09	340 STEVICK	NON-DEPARTMENTAL	Building Deposi	500.00	REFUND RECYCLING DEPOSIT 340 STEVICK
						Check Totals	500.00	
027997	02/27/09	STUBBS & LEONE	02/05/09	FEB-09	City Attorney	Attorney - Othe	3,566.22	JANUARY 2009
			02/05/09	02-05-09	City Attorney	Attorney - Othe	4,090.12	JANUARY 2009
			02/05/09	FEB 09	City Attorney	Attorney - Othe	6,795.14	JANUARY 2009
						Check Totals	14,451.48	
027998	02/27/09	SUSTAINABLE SAN MATEO COUNT	05/08/08	2009	Building	Membership/Dues	3,000.00	CONTRIBUTION FOR PUBLICATION OF INDICATOR

Check#	Check Dt	Vendor Name	Inv Date	Inv #	Department	GL Account	Amounts	Detail Description
027999	02/27/09	TEAMSTERS UNION LOCAL 856	02/27/09	02.27.09	NON-DEPARTMENTAL	Payroll Deducti	267.70	DUES W/H 02/08/09-02/21/09
Check Totals							3,000.00	
028000	02/27/09	BEN WANG	02/27/09	2	NORMANDY	Building Deposi	5,000.00	REFUND LANDSCAPE SCREENING DEPOSIT 2 NORM
Check Totals							5,000.00	
Grand Totals							475,293.78	

ITEM 10

**ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR
THE EIGHT MONTHS ENDED FEBRUARY 28, 2009**

*The staff report for this item will be delivered to the Council
under separate cover on Tuesday, March 17, 2009.*



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 MARCH 18, 2009

**SUBJECT: APPROVE THE ENCINAL SCHOOL SAFE ROUTES TO SCHOOL
REVISED DRAFT PLAN AND APPLICATION FOR SAFE
ROUTES TO SCHOOL GRANT**

RECOMMENDATION:

Staff recommends that the Council approve the Safe Routes to Encinal School Revised Draft Plan, with the "Traffic Signs Doubled" sign removed, approve an application for a Safe Routes to School (SR2S) Grant, and direct staff to conduct a public meeting with notice to all affected residents.

INTRODUCTION:

The City of Menlo Park and its consultant, DKS Associates, have conducted a study of the ways to improve the safe routes to Encinal school for students and parents to walk and bike to school. Staff participated in the steering committee meetings and public meetings for the project. The Steering Committee included Menlo Park, San Mateo County, the Menlo Park Fire Protection District, the Menlo Park and Atherton Police Departments, and the Menlo Park School District.

The Transportation Committee considered this item at its March 10, 2009, meeting and recommends that the Council approve the revised draft plan and grant application, with direction that a public meeting be held with notice to all affected residents.

ANALYSIS:

The proposed plan includes improvements along Encinal Avenue and striping improvements on Encinal Avenue, Middlefield Road and Laurel Street. The improvements are designed to remove obstacles to safe walking and biking to school. The plan includes the following improvements within Atherton:

1. Construct curbs on the returns of intersections
2. Repair and resurface bike lanes

3. Create standard width bike lanes on Middlefield Road
4. Improve bike lane width at Middlefield/Oak Grove intersection
5. Improve bike lane striping and marking
6. Trim vegetation adjacent to bike lane to provide walking area for pedestrians
7. Install countdown heads on pedestrian signal across Middlefield Road
8. Improve crosswalks and install high visibility crosswalks at key crossings
9. Replace faded/missing "No Parking" signs
10. Add "Watch for Children" signs
11. Establish a 25 mph school zone on Middlefield Road from Ringwood Avenue to James Avenue
12. Establish a "No Stopping" zone on Encinal Avenue from Laurel Street to Middlefield Road during school drop-off and pick-up times
13. Construct two speed tables on Encinal Avenue opposite Felton Gables

The last item, speed tables on Encinal Avenue, is the subject of a resident survey currently being conducted by Menlo Park staff. Atherton residents on Encinal Avenue will be included. This topic will also be addressed at a public meeting, along with all of the other proposed improvements. The results of the survey and the public meeting will be available before construction approval is sought for the project.

The proposed plan also includes some improvements within Atherton that require further study and are not currently included in the grant application, but are included in the plan for further study:

1. Install bike lane markings (share the road arrows, or "sharrow") and signs in Lindenwood
2. Widen pavement on Oak Grove Avenue from Middlefield Road to Edge Road to provide a bicycle lane

These improvements were proposed at recent public meetings held during the study phase. There has not been sufficient time to study these issues. They will be the subject of a future amendment to the study, and possibly of a future Safe Routes to School grant application.

The plan proposed to install "Traffic Fines Doubled" signs along Encinal Avenue. This was an error on the part of the consultant and needs to be removed. There was a recent amendment to the vehicle code, but these fines are only applicable in Alameda, Santa Barbara and Ventura counties, per the California Vehicle Code Section 42011.

The draft plan improvements were presented to the school community in November 2008. The Transportation Committee reviewed the draft plan in November 2008. The plan was modified based on input received. Staff agrees with the improvements that were added, but those improvements have not been fully detailed or presented to the public or residents of affected streets.

Because the Safe Routes to School Grant application is due April 15, 2009, staff recommends approval of the plan with the understanding that a public meeting will be held with notice to residents of all affected streets prior to installation of any improvements. If improvements need to be modified or removed, the grant funding will still be able to construct the essence of the project. The Transportation Committee concurred with staff's recommendation.

ALTERNATIVES:

Defer approval of the plan until public meetings can be held where affected residents are notified and improvements on their streets presented to them with an opportunity to seek revision or removal of the

improvement. This will result in missing the application deadline for this round of SR2S grants. Future grant opportunities are not certain.

Staff does not recommend this alternative because the grant deadline will be missed, and because the public meetings can still be held and the plan revised before any improvements are constructed.

FISCAL IMPACT:

The project will apply for a Safe Routes to School grant for funding. For this round of Safe Routes to School (SR2S), the state program, the cities and the school district need to share in a 10% match. The estimated cost is \$460,350. The local match is \$46,035. Shared three ways, Atherton's portion would be approximately \$15,345. This allows significant leveraging of Town funds for street safety improvements. If the grant is approved, the funding will come from the Measure A fund (Fund 202) and will be programmed into the Capital Improvement Program budget at that time.

Prepared By:

Approved:

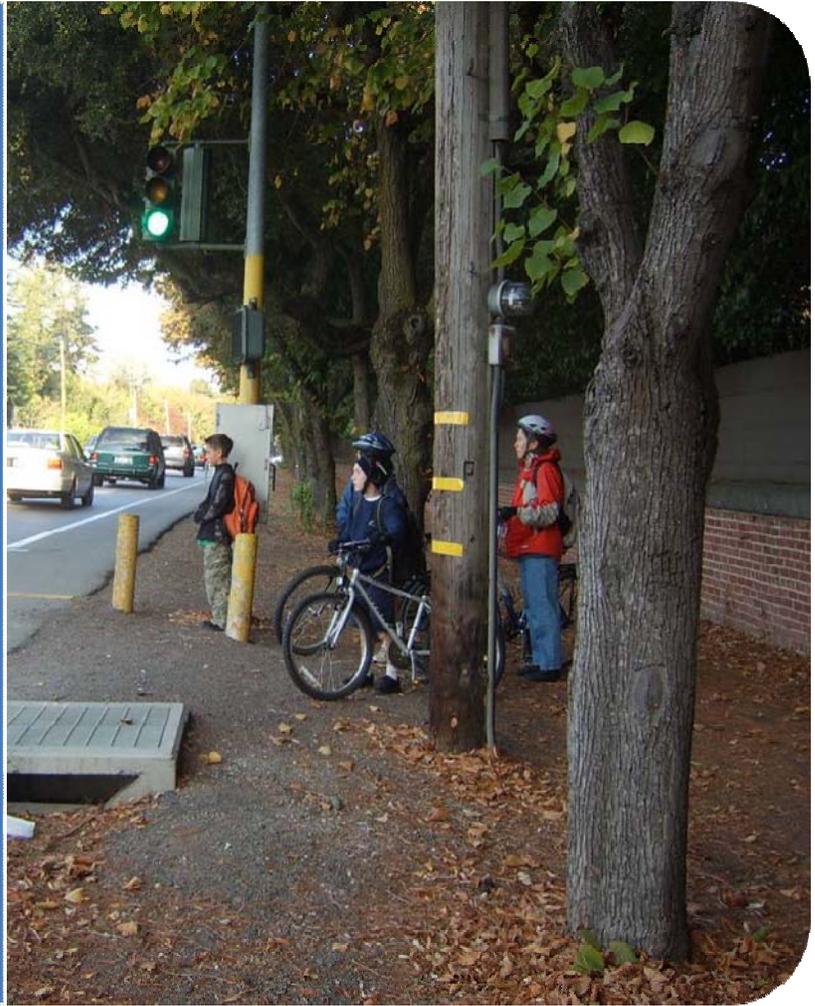
Duncan L. Jones, P.E.
Public Works Director

Jerome D. Gruber
City Manager

Attachment: Safe Routes to Encinal School Revised Draft Plan with Estimate

Discussion Paper No. 3

SAFE ROUTES TO ENCINAL SCHOOL
REVISED DRAFT PLAN



Prepared For:



City of Menlo Park

Prepared By:

DKS Associates
TRANSPORTATION SOLUTIONS

1000 Broadway
Suite 450
Oakland, CA 94607-4039

February 4, 2009

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Appendix C	City of Menlo Park Bicycle Network

SAFE ROUTES TO ENCINAL SCHOOL PLAN

1.0 Introduction

Encinal School is part of the Menlo Park City School District (School District). It is a grade K, 3-5 elementary school located in the Town of Atherton, near the intersection of Middlefield Road and Encinal Avenue. It serves students from the Town of Atherton, San Mateo County, and the City of Menlo Park.

Encinal School is in the planning stages to reconfigure the campus from a K, 3-5 grade school to a K-5 grade school and increase enrollment capacity to approximately 700 students by the year 2010. The Encinal School area has been identified as needing improvements to facilitate safe pedestrian and bicycle movements as well as to encourage walking and bicycling for the Encinal School students.

The goal of the proposed Safe Routes to Encinal School (SR2ES) Plan is to facilitate safe pedestrian and bicycle movements as well as to encourage walking and bicycling for the Encinal School students. Two discussion papers have been previously prepared as part of this plan. The first discussion paper evaluated the existing conditions, quantified the opinions from the community towards walking and biking and compiled other information about existing conditions. The second discussion paper identified the corridors with safety and traffic issues and provided an evaluation of potential improvement measures for the Safe Routes to Encinal School Plan (SR2ES).

The proposed Safe Routes to Encinal School Plan was developed with the support of the Steering Committee comprised of representatives from the City of Menlo Park, Transportation and Bicycle Commissions, San Mateo County, Town of Atherton, Menlo Park Fire Protection District, Menlo Park and Town of Atherton Police Departments and the Menlo Park City School District and in collaboration with a series of neighborhood meetings where community members, parents and students participated. The Safe Routes to Encinal School Plan combines five components (often referred to as the “5 E’s”: 1) Education 2) Encouragement 3) Enforcement 4) Evaluation and 5) Engineering. The Plan recommends a walking and bicycle route to school based on considerations of traffic patterns, survey results, existing traffic controls such as crosswalks, traffic signals and the unique conditions of Encinal School and the community. The plan is also designed to complement other planned transportation improvements at Encinal School, in the City of Menlo Park, at Menlo-Atherton High School, at the Caltrain railroad crossings, and along El Camino Real. The primary contact for the Safe Routes to Encinal School is:

Rene C. Baile

Transportation Engineer

City of Menlo Park - Transportation Division

701 Laurel Street

Menlo Park, CA 94025

RCBaile@menlopark.org

(650) 330-6770

2.0 Safe Routes to Encinal School Goals & Objectives

Specific goals for the Encinal School Safe Routes to School Plan include:

1. Improve the safety for pedestrians and bicyclists
2. Create compatible improvements with the surrounding area
3. Decrease speed of vehicles along routes to school
4. Increase the number of children walking and bicycling to school
5. Develop a plan for Safe Routes to School grant funding.

3.0 Public Outreach Process

The Safe Routes to Encinal School team worked to include the entire community in developing the Safe Routes to Encinal School Plan. To accomplish this, the team administered a kick-off meeting, parent surveys, hosted neighborhood meetings, conducted an on-campus tour, coordinated meeting with members of the steering committee and field surveys.

Kick-Off Meeting - A kick-off meeting was held on March 7, 2008. The purpose of the meeting was to form a Steering Committee group, comprised of representatives from the City of Menlo Park, Transportation and Bicycle Commissions, San Mateo County, Town of Atherton, Menlo Park Fire Protection District, Menlo Park and Town of Atherton Police Departments and the Menlo Park City School District. The Steering Committee helped outline the goals and objectives and provided guidance to ensure that the goals and objectives of the stakeholders for this project were met. Members of the Steering Committee also reviewed the plan's progress before recommendations were made to the Bicycle and Transportation Commission.

On-Campus Tour - The on-campus tour was held on March 13, 2008. Members of the Steering Committee and the Encinal School Principal joined the on-campus tour. The purpose of the tour was to identify locations used by students with potential safety problems and evaluate walking and bicycling conditions on and adjacent to the school property.

Parent Surveys - The parent survey was made available on hard-copy and electronic format via SurveyMonkey – an online survey tool. There were 80 surveys completed between April and June 30, 2008.

Neighborhood Meetings - Three sets of neighborhood meetings were held at Encinal School, with meetings scheduled in both the morning and evening on each of the three dates.

3.0 Travel Characteristics for Encinal School

Review and documentation of the current conditions for students traveling to and from school was performed as the first step in initiating a comprehensive Safe Routes to Encinal School (SR2ES) Plan. The analysis included an evaluation of the drop/off and pick-up locations, locations with a crossing guard present, review of collision data and roadway volumes, review of current infrastructure and campus improvements, bicycle and pedestrian facilities, parking locations and intersection analysis. The results of this evaluation were provided in the first discussion paper prepared for the City of Menlo Park, July 2008.

In addition, results from an origin-destination survey and parent survey were considered in the development of the plan.

Origin-Destination Survey

DKS conducted an origin-destination survey in May 2008 at Encinal School. The purpose of the survey was to establish traffic patterns in the immediate site vicinity and determine the primary “origins” and “destinations” of the vehicles coming or leaving the school. The survey determined the number of vehicles traveling from Middlefield Road to Encinal Avenue and into the school entrance (Encinal School driveway). Based on the survey results, approximately 70 percent of vehicles arrive from Middlefield Road while 30 percent come eastbound from Encinal Avenue during the A.M. peak hour. In the P.M. peak hour approximately 60 percent of the vehicles arrive from Middlefield Road while 40 percent come eastbound from Encinal Avenue.

Parent Survey

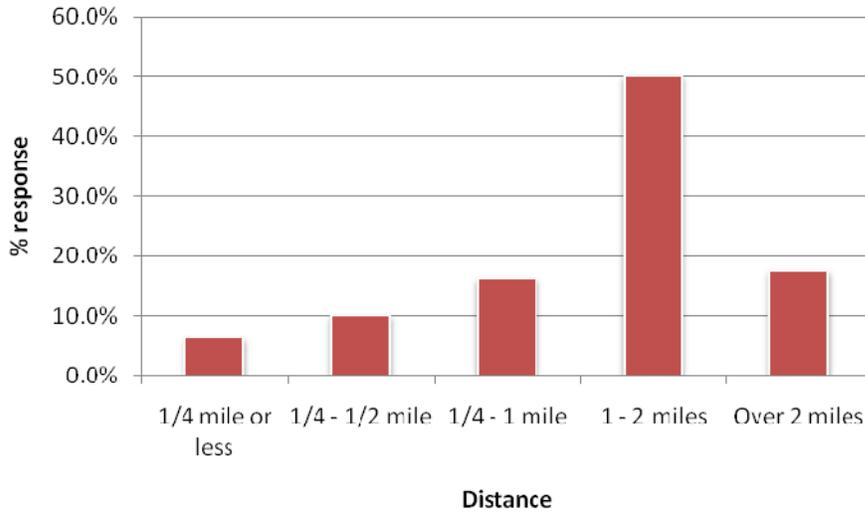
The parent survey was developed to help quantify the way children typically travel to and from school and identify factors that affect a parent’s decision to allow their children to walk or bike to school. The surveys were administered to parents during the months of April to June 2008 and was made available in hard-copy and electronic format via SurveyMonkey – an online survey tool. There were 80 surveys completed between April and June 30, 2008.

The parent survey revealed that the primary reasons why parents drive their child to/from school is due to safety (60.9%), dangerous crossings (49.3%) and bad weather (42.0 %).

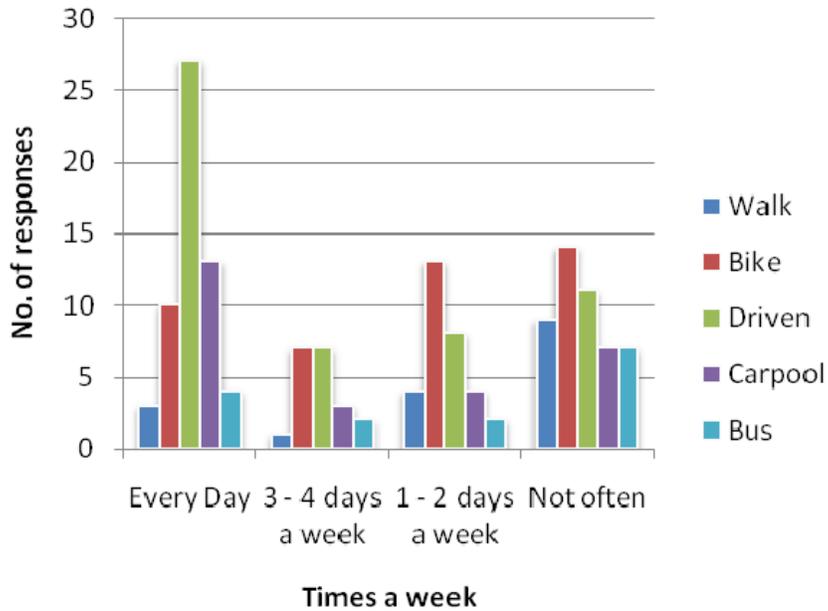
Paths separated from traffic (77.1%) prevailed as the number one reason a parent would allow their child to walk or bike, followed by improved sidewalks and bike paths (72.9%), if accompanied by other parents (52.9%) and the presence of crossing guards (51.4%).

Additional results are provided below:

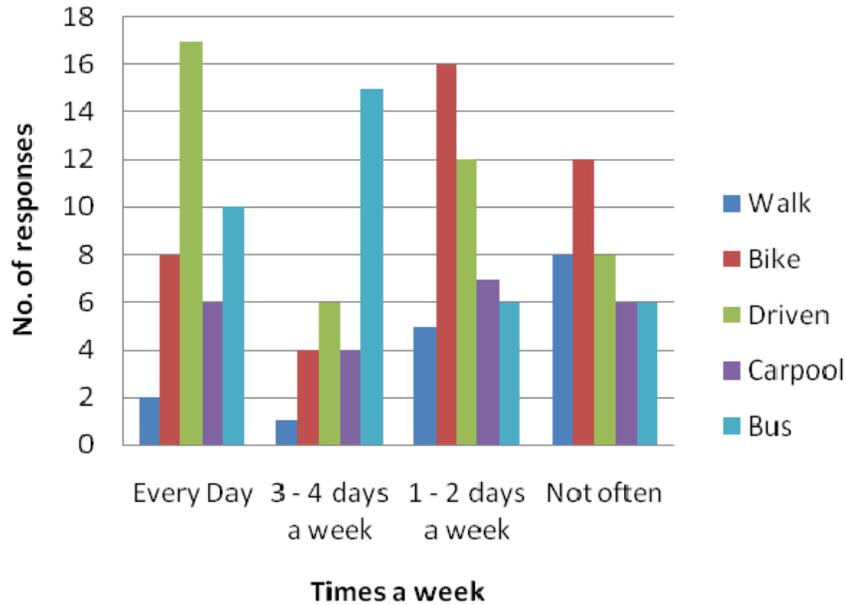
1. What is the approximate distance from your home to the school? (80 responses)



2. How does your child usually travel from home to school? (78 responses)



3. How does your child usually travel from school to home? (78 responses)



4. The major reasons affecting a parent’s decision to drive their child, or to walk or bike to/from school are (69 responses):

- Safety - 61%
- Dangerous Crossings - 49.3 %
- Bad Weather - 42.0 %
- Speed of Automobile Traffic – 39.1 %
- Path are incomplete or not wide enough – 39.1%

5. The major issues affecting a parent’s decision to allow their child to walk or bike to/from school are if (70 responses):

- Paths were separated from traffic – 77.1%
- Sidewalks and bike paths are improved - 72.9%
- Accompanied by other parents – 52.9%
- Crossing guards were present – 51.4%

Busing

Encinal Elementary School is served by two SamTrans buses during the morning drop-off period and afternoon pick-up period. In the Fall of 2008, the Menlo Park City School District¹ reported a revised afternoon route for Encinal School (Thursday only) and an increase in the number of students busing to school. It is estimated that 40-60 students currently ride the SamTrans bus to/from Encinal School.

The Menlo Park City School District school bus also provides a new morning route for Encinal School students. Approximately 50-60 students use the new district bus, it is estimated that 12-15 kindergarten students ride the bus to Encinal. The District also provides afternoon busing from the Newton childcare program (~ 30 students) at Encinal School.

In addition, the City Shuttle/Tinsley Bus/District Bus continues to provide after-school transportation between Laurel and Encinal Schools for family pick-up. Approximately 85-90 students are transported from Encinal School to Laurel School for pick-up.

5.0 Proposed Safe Routes to Encinal School Plan

The proposed Safe Routes to Encinal School Plan was developed with the support of the Steering Committee comprised of representatives from the City of Menlo Park, Transportation and Bicycle Commission, San Mateo County, Town of Atherton, Menlo Park Fire Protection District, Menlo Park and Town of Atherton Police Departments and the Menlo Park City School District and in collaboration with a series of neighborhood meetings where community members, parents and students participated.

The recommendations in this paper have been developed around the five E's for Safe Routes to School Plans: 1). Evaluation 2).Education 3).Encouragement 4).Engineering and 5). Enforcement. The evaluation is presented in Sections 2 and 3 of this paper.

5.1 Education and Encouragement

The education and encouragement recommendations have been divided into two sections: 1). Site and Neighborhood Recommendations 2). School Community Recommendations.

The site and neighborhood recommendations are school-specific concepts designed to improve the conditions for walking and bicycling near the school site and the immediate vicinity. The school community recommendations are more generalized activities and actions that should take place throughout the community and school attendance area. They also reflect the community preferred ideas demonstrated by attendees of the third and fourth Safe Routes to Encinal School Neighborhood Meetings, held in June 2008.

¹ Menlo Park City School District. Transportation Update to Atherton Traffic Commission. September 11, 2008.

5.1.1 Site and Neighborhood Recommendations

Many parents don't consider walking or biking to be a viable mode of travel due to safety concerns. Parents and residents have expressed concern regarding the lack of safe connections to the school from other neighborhoods (i.e. Lindenwood, Felton Gables), and the lack of sidewalks in many places, including sections of Laurel Street and Middlefield Road. Also, information regarding alternative travel options is not available, including designated "school routes". Consistent uses of pavement markings and street signage as well as traffic enforcement have also been identified as issues during the development of this plan.

The following site and neighborhood recommendations are school-specific concepts to improve the conditions for walking and bicycling near the school site and the immediate vicinity.

TABLE 1 SITE AND NEIGHBORHOOD ISSUES AND RECOMMENDATIONS

Key Issues	Recommendations
<ul style="list-style-type: none"> ▪ Lack of sidewalks within the immediate neighborhoods ▪ Lack of connections to the school from other neighborhoods 	<p>Increase the pedestrian network. This includes facilitating pedestrian connections where none exist. In the Encinal School area, it involves regular maintenance of overgrown landscaping and regular maintenance of roadway shoulders. For example along Encinal Avenue and Laurel Street.</p>
<ul style="list-style-type: none"> ▪ Crossing the street at Laurel Street/Encinal Avenue is not safe 	<p>Work with the school district to make sure crossing guards are present during school arrival and dismissal periods.</p>
<ul style="list-style-type: none"> ▪ High vehicle speeds on Encinal Avenue ▪ Lack of enforcement ▪ Vehicles park on bike lane or block pedestrian paths 	<p>Work cooperatively with City of Menlo Park and Town of Atherton Police Department to monitor, enforce and report incidents of speeding, parking violations and other safety concerns within the school zone</p>

In an effort to increase awareness and safety related to biking and walking, the following measures are recommended:

- Classroom Activities
- Bike/Walk to School Day
- Walking School Bus and/or The Walk & Bike Across America Program
- Bike Rodeos
- Police Officer School Visit and Police Enforcement
- School Safety Zones
- Maintenance

5.1.2 School Community Recommendations

A major concern is the lack of information available regarding alternate modes of travel. Many residents and parents don't see walking or biking as practical transportation choices, and therefore students may not think to ask about walking or biking to school. Part of the issue is educating parents, residents and students about available options. Some of the recommendations include the development of school-based programs such as:

1. Classroom Activities – From mapping routes to school to writing letters to local transportation and elected officials about safety concerns in the school neighborhood.
2. Bike/Walk to School Day – Helps increase awareness of pedestrian conditions in the area. Prizes can be given for the longest distance walked/biked, the most kids walking/biking from a neighborhood etc. (The Encinal Elementary School Facilities Master Plan includes bicycle parking for approximately 225 bicycles).
3. Walking School Bus – Groups of children walk to school together accompanied by a designated parent. It allows children to walk/bike in groups, which increases their visibility and safety.
4. The Walk & Bike Across America Program is a web-based program (game) that promotes physical activity. It involves keeping track of the miles students/teachers accumulate by walking and biking to school. The participating classes would then add-up individual student totals walked or biked per day and week. The organizer of the program would then enter the information online and it is then plotted on a map (online). The students use the miles to then travel around the world and learn about their destination.
5. Police Officer School Visit – a visit from a local police department to outline bicycle rules of the road and the importance of a properly sized bike and helmet.

5.2 Engineering

Engineering elements include physical and operational changes at project study locations and are intended to improve access and safety for pedestrians and bicyclists and to minimize conflicts with vehicle traffic.

Although some of the problems related to school routes can be reduced or alleviated through education or enforcement measures alone, engineering improvements are necessary for enhancing safety, and to help increase the number of children that can safely walk and bike to school.

The engineering² recommendations include conceptual scenarios for the project study locations³, as well as recommendations for locations in the attendance area and include:

- Construction of Curbs
- Installation of Speed Humps/Tables
- Modify Curb Inlets
- Bicycle Lane Markings
- High Visibility Crosswalks/Countdown Signals
- School Zone Signage
- Landscaping
- Parking Restrictions

For the purpose of this study, the project study area focuses on deficiencies adjacent to Encinal School, on routes that affect all students whether they live closer or farther away from the school. Conceptual plans have been prepared solely for these locations (see **Appendix A**).

The focus on improvements closer to the school corresponds to directing any Safe Routes to School grant funding to the majority of students. There are also recommended improvements that the local or governing agency should consider implementing that extend throughout the attendance area, which are identified and discussed in Section 4.0 of this plan. These improvements are important in that Encinal School has a large attendance area, and there are identified deficiencies in the connectivity between the areas farther away from the school and the immediate school environs.

² A glossary is provided at the end to ensure common understanding.

³ The project study area, which extends beyond Encinal School itself, is bounded by Middlefield Road to the east, Laurel Street to the west, Linden Avenue to the south and Watkins Avenue to the north. Project study locations include the intersections of: Middlefield Road and Encinal Avenue, Encinal Avenue and school entrance, and Laurel Street and Encinal Avenue.

5.2.1 Intersection Improvements

Intersection improvements are proposed to enhance pedestrian safety and accessibility at six intersections. These recommendations to these intersections are designed to better integrate motorists and pedestrian activity and to reduce the speed of traffic at intersection where pedestrian cross. Installation of PCC Curbs, curb inlet modifications, pedestrian signals, and crosswalk enhancements are among the recommended upgrades. **Appendix B** includes a map that illustrates the location of the intersection improvements.

Intersection Improvements at Middlefield Road and Ravenswood Avenue

There is a bicycle safety issue with the bicycle facility for the southbound direction on Middlefield Road. On the south side of the intersection, perhaps because of the pork-chop island for the free right turn from Ravenswood Avenue onto Middlefield Road, bicyclists have to weave from the bike lane, via the vehicular curb lane, to the bike lane on the east side of Middlefield Road. As part of planned improvements at this intersection associated with the entrance to Menlo Atherton High School, the local or governing agency should consider: reconfiguring the intersection to eliminate the pork-chopped island. The affect on vehicular traffic would have to be weighed alongside the affect on bicyclists and pedestrians.

Table 2 lists the intersection improvement locations.

TABLE 2 INTERSECTION IMPROVEMENTS

Intersection	Recommended Improvements
Laurel Street & Encinal Avenue	<ul style="list-style-type: none"> Installation of PCC Curbs Curb Inlet Modifications <p><u>Note: Conceptual plans for each of these improvements are provided under a separate cover (attached).</u></p>
Middlefield Road & Encinal Avenue	<ul style="list-style-type: none"> Installation of PCC Curbs <p><u>Note: A conceptual plan for this improvement is provided under a separate cover (attached).</u></p> <ul style="list-style-type: none"> Installation of Traffic Signal (crosswalk enhancements, pedestrian countdown signal). This improvement is currently under discussion between City of Menlo Park, Town of Atherton and Menlo Park City School District.
Midblock Crossing along Middlefield Road between Encinal Avenue and Prior Lane	<ul style="list-style-type: none"> Installation of pedestrian countdown signal <p><u>Note: A conceptual plan for this improvement is provided under a separate cover (attached).</u></p>
Middlefield Road & Oak Grove Avenue	<ul style="list-style-type: none"> Installation of PCC Curbs on the southeast and northeast corner Reconfiguration of northeast and southeast corner to facilitate bicyclist to make the right turn from Oak Grove to Middlefield, such as removal of bollard, moving the existing poles and signal pull boxes, inclusion of a pathway behind the bollard, and installing a new curb and gutter. On the southeast corner of the intersection, the bike lane’s width appears to be narrower than the minimum required width for a bike lane. The local or governing agency should consider reconfiguring the curb/turning radius at the southeast corner of the intersection to widen the bike lane.
Middlefield Road & Ravenswood Avenue	<ul style="list-style-type: none"> Removal of the southwest pork-chop island and modification to the eastbound free right-turn. <p><u>Note: This improvement could potentially be implemented in conjunction with a new school entrance currently being studied as part of the Menlo-Atherton High School Project. Further analysis is required.</u></p>
Middlefield Road & Santa Monica Avenue	<ul style="list-style-type: none"> Installation of a concrete curb with openings (for drainage) or bollards at the northeast corner to preclude right turn vehicles from cutting corners and traveling in the bike lane
Middlefield Road & Willow Road	<ul style="list-style-type: none"> Reconfiguration of the southeast corner and northeast corner intersection pork-chop islands and modification to the free right-turns to facilitate bicycle/pedestrian movements. <p><u>Note: The City of Menlo Park plans to propose this intersection reconfiguration as a project priority to City Council for the next fiscal year. Further analysis is required.</u></p>

5.2.2 Bicycle Facility Improvements

Menlo Park’s existing bicycle network is included in **Appendix C**. The bicycle network consists of primarily on-street bike lanes (Class II) facilities. Note that bicycles are permitted on all roads in Menlo Park. The roadway designation as Class II or Class III bicycle facilities are not intended to imply that these are the only roadways intended for bicycle use, but to make the bicyclist aware that certain roadways are more favorable bicycle routes. **Appendix C** shows the recommended bicycle facilities in the City of Menlo Park Comprehensive Bicycle Master Plan.

The recommended improvements for the Safe Routes to Encinal School consist of bicycle lane markings, widening of bicycle lanes. Bicycle lane markings are intended to alert motorists of the separate travel path for bicycles and to slow and yield to bicyclist. Marked bicycle lanes also benefit pedestrians. **Table 3** lists the bicycle facility improvement locations. **Appendix B** includes a map that illustrates the location of the bicycle improvements.

TABLE 3 BICYCLE IMPROVEMENTS

Street Segment	Recommended Improvements
Encinal Avenue between Laurel Street and Middlefield Road	<ul style="list-style-type: none"> Enhance bicycle lane markings and striping. Note: Conceptual plans are provided under a separate cover (attached) that illustrate the locations for this improvement.
Laurel Street between Glenwood Avenue and Encinal Avenue	<ul style="list-style-type: none"> Enhance bicycle lane markings and striping. Note: Conceptual plans are provided under a separate cover (attached) that illustrate the locations for this improvement.
Middlefield Road between Willow Road and James Avenue	<ul style="list-style-type: none"> Enhance bicycle lane markings Narrow travel lanes and widen bike lanes, where it is necessary to meet or exceed the Caltrans minimum width requirement for bike lanes. This could entail slurry sealing and/or grinding the existing bike lane stripe and painting new bike lane stripes.
Linden Avenue between Middlefield Road and Catalpa Drive	<ul style="list-style-type: none"> Install “Sharrow” pavement markings Include “bike route” signage (per Manual of Traffic Signs D11-1)
Catalpa Drive between Linden Avenue and Greenoaks Drive and from Greenoaks Drive to James Avenue	<ul style="list-style-type: none"> Install “Sharrow” pavement markings Include “bike route” signage (per Manual of Traffic Signs D11-1)
Greenoaks Drive between Catalpa Drive and James Avenue	<ul style="list-style-type: none"> Install “Sharrow” pavement markings Include “bike route” signage (per Manual of Traffic Signs D11-1)
James Avenue between Greenoaks Drive and Middlefield Road	<ul style="list-style-type: none"> Install “Sharrow” pavement markings Include “bike route” signage (per Manual of Traffic Signs D11-1)

5.2.3 Pedestrian Facility Improvements

Pedestrian facility improvements are proposed to improve safety and emphasize the recommended path for crossing at intersections. Installation of high visibility crosswalks are among the recommended upgrades.

High visibility crosswalks improve safety and emphasize the recommended path for crossing an intersection. Other options include in-road illuminated crosswalks, and overhead illuminated crosswalks.

The crosswalks along Encinal Avenue and Middlefield Road should stand out and convey to both motorists and pedestrians that the potential exist for students to be crossing at this location. Differentiating the school crosswalks from other crosswalks in the area is one way to call attention to the school route. Thus, each of the crossings along the school route should be striped with a high visibility ladder style crosswalk. **Appendix B** includes a map that illustrates the location of the pedestrian improvements.

Table 4 lists the pedestrian improvement locations.

TABLE 4 PEDESTRIAN IMPROVEMENTS

Intersection	Recommended Improvements
Middlefield Road & James Avenue	<ul style="list-style-type: none"> High Visibility Crosswalk
Middlefield Road Prior Lane	<ul style="list-style-type: none"> High Visibility Crosswalk <p><u>Note: Conceptual plans are provided under a separate cover (attached) that illustrate the locations for this improvement.</u></p>
Middlefield Road & Encinal Avenue	<ul style="list-style-type: none"> High Visibility Crosswalk
Felton Drive & Encinal Avenue	<ul style="list-style-type: none"> High Visibility Crosswalk Installation of Curb ramps <p><u>Note: Conceptual plans are provided under a separate cover (attached) that illustrate the locations for this improvement.</u></p>
Laurel Street & Encinal Avenue	<ul style="list-style-type: none"> High Visibility Crosswalk <p><u>Note: Conceptual plans are provided under a separate cover (attached) that illustrate the locations for this improvement.</u></p>
Laurel Street & Glenwood Avenue	<ul style="list-style-type: none"> High Visibility Crosswalk <p><u>Note: Conceptual plans are provided under a separate cover (attached) that illustrate the locations for this improvement.</u></p>
Middlefield Road & Glenwood Avenue	<ul style="list-style-type: none"> High Visibility Crosswalk <p><u>Note: Conceptual plans are provided under a separate cover (attached) that illustrate the locations for this improvement.</u></p>
Laurel Street & Oak Grove Avenue	<ul style="list-style-type: none"> High Visibility Crosswalk
Middlefield Road & Oak Grove Avenue	<ul style="list-style-type: none"> High Visibility Crosswalk

5.2.4 Roadway Facility Improvements

Roadway improvements are recommended improvements that the local or governing agency should consider implementing that extend throughout the attendance area. Landscaping, speed tables, signage and curb inlet modifications are among the recommended upgrades.

Landscaping shall be trimmed to improve visibility of existing signs and provide a separate path of travel for pedestrians. Vegetation that grows to the edge of the bike lane should be trimmed to be at least four feet clear of the bike lane.

One of the key areas that need landscaping maintenance includes the gates to the Lindenwood neighborhood on Middlefield Road. Because the gates are set back from the street, vehicle often have to edge out into the bicycle and pedestrian pathways to see oncoming vehicular traffic. Maintenance of landscaping would help maintain the maximum sight distance at these locations. Also, on the north side of Encinal Avenue it is recommended that the pedestrian pathway/parking strip, which is a mix of dirt and asphalt with overgrown landscaping, be maintained. Some of these areas could be paved or cleared of overgrown landscaping to provide a walking path for the school children.

School Zone Signage– Each of the approaches to the school zone should be signed with standard advance warning signs, as outlined in the Manual of Uniform Traffic Devices (MUTCD). These advance warning signs help to warn motorists that they are approaching/entering a school zone and will encounter school crosswalks where students may be crossing.

Speed Humps/Tables– The purpose of a speed hump is to reduce vehicle speeds. Speed humps should not be confused with the speed “bump” that is often found in parking lots. A ‘speed table’ is a term used to describe a very long and broad speed hump, typically 12-21 feet. Sometimes a pedestrian crossing is provided on the flat portion of the speed table.

Curb Inlet Modifications - The existing curb inlet design presents a tripping hazard for pedestrians and bicyclists. The purpose of the curb inlet modification is to facilitate safe use of the bike lane for both bicyclists and pedestrians by smoothing out the pavement.

Appendix B includes a map that illustrates the location of the roadway segment improvements.

Table 5 lists roadway improvement locations.

TABLE 5 ROADWAY FACILITY IMPROVEMENTS

Roadway	Recommended Improvements
Encinal Avenue between El Camino Real and Middlefield Road	<ul style="list-style-type: none"> ▪ Trim vegetation/landscaping ▪ Install a speed table between Laurel Street and Tudor Drive and one between Tudor Drive and Felton Drive. ▪ Repair and Resurface bike lane ▪ Install vehicle speed feedback signs ▪ Install “No Parking Signs” <p><u>Note: Conceptual plans for each of these improvements are provided under a separate cover (attached).</u></p>
Laurel Street between Glenwood Avenue and Encinal Avenue	<ul style="list-style-type: none"> ▪ Trim vegetation/landscaping <p><u>Note: Conceptual plans for each of these improvements are provided under a separate cover (attached).</u></p>
Middlefield Road between Willow Road and Glenwood Avenue	<ul style="list-style-type: none"> ▪ Replace “No Parking Signs” ▪ Curb Inlet Modifications ▪ Bike lane striping ▪ Trim vegetation/landscaping ▪ Install signage to alert drivers of children crossing along Middlefield Road north of Linden Avenue and Seminary Drive i.e. “Watch for Children Crossing:
Middlefield Road between James Avenue and Ravenswood Avenue	<ul style="list-style-type: none"> ▪ Designate this segment as a “School Zone” ▪ Install 25 MPH School Zone Ahead Sign ▪ Install traffic fines doubled sign ▪ Install vehicle speed feedback signs <p>Conceptual plans are provided under a separate cover (attached) that illustrate the locations for this improvement.</p>
Oak Grove Avenue between Middlefield Road and Edge Road	<ul style="list-style-type: none"> ▪ Widen the asphalt pavement and provide edge line striping (where possible) to provide more area for bicyclist/pedestrians

5.2.8 Other Improvements –

Other recommended improvements within the project area include the following:

1. Parking restrictions in the Felton Gables Neighborhood. It is recommended that parking restriction (e.g., “No Stopping”) signs be installed along Felton Drive, as follows:

- No Stopping during school drop-off and pick-up times, on Felton Drive (both sides) between Encinal Avenue and Lennox Avenue.
- No Stopping during school drop-off and pick-up times, on Felton Drive (east side only) between Lennox Avenue and Arden Road.

2. Parking restrictions on Encinal Avenue. The parking restrictions should correspond to the arrival and dismissal time periods of Encinal School students. It is recommended that the City of Menlo Park evaluate the parking conditions within the residential neighborhood prior to designating the “No Stopping” area. .

It is recommended that parking restriction (e.g., “No Stopping”) signs be installed along Encinal Avenue, as follows:

- No Stopping during school drop-off and pick-up times, on Encinal Avenue (both sides) between Laurel Street and Encinal School Property

5.3 Enforcement

The perception of safety for walking and biking to school is low. This is in part due to Encinal School being located between two major thoroughfares (Middlefield Road and El Camino Real). With these two major roadways comes a surge of traffic dispersed into or drawn from the surrounding streets. This flow of traffic increases the likelihood of a variety of traffic-related incidents (speeding, crashes, failure to yield to the right of way etc). Many of these conditions are compounded during pick-up and drop-off times at or near Encinal School where parents are looking for the easiest and fastest way to the school area. In an effort to increase safety, the following enforcement measures are recommended:

1. School Safety Zones – Proper signage to highlight the presence of a school and school children should be installed
2. Police Enforcement – Police officers should monitor the school area on a regular basis
3. Maintenance – Overgrown landscaping that obscures the visibility of pedestrians to the motorists, or blocks pedestrian and bicyclist pathways, should be trimmed on a regular basis.

6.0 Summary

The recommendations included in this plan were presented to the school community in November 2008. Feedback from the community has been incorporated into the recommendations.

The project team proposes the following prioritization for implementation:

Priority #1 includes implementing education programs, enforcement activity and encouragement strategies immediately. The estimated cost for implementing these measures is not defined at this time.

Priority #1 also includes the improvement of pavement markings at crosswalks and bike lanes; installing speed tables and speed feedback signals, construction of concrete curbs; trimming landscaping, and upgrading the school zone signs. In addition, parking restrictions should be implemented in the Felton Gables neighborhood.

Note that geometric improvements are already planned for the intersection of Middlefield Road and Encinal Avenue. The geometric changes to this intersection are required to enhance and facilitate safe pedestrian movements.

Priority # 2 includes designating the school routes within the attendance area.

Priority #3 includes City of Menlo Park consideration and implementation of other improvements that are outside of the Safe Routes to Encinal School study area but important for connectivity within the Encinal School attendance area. These include:

- Intersection improvements at Middlefield Road/Oak Grove Avenue, Middlefield Road/Ravenswood Avenue, Middlefield Road/Willow Road, Middlefield Road/Santa Monica Avenue
- Improvements along Middlefield Road between James Avenue and Willow Road (parking, curb inlet modifications etc)

It is recommended that further evaluation of these locations be conducted by the City to improve continuity for all users along the routes that provide access to Encinal School.

Glossary

PCC: Portland Cement Concrete (PCC) Curb

Speed Table: extra-wide speed bumps that more effectively reduce vehicle speeds; typically for travel speeds of 25 to 35 mph, as opposed to speed bumps designed for 5 to 10 mph; they can also have a crosswalk striped across the middle.

“No Stopping Anytime” zone: Vehicles are not allowed to stop for any reason. This includes loading or unloading. A “No Stopping” zone without times on the signs indicates an area in effect 24-hours a day.

Class I Bikeway: Typically called a “bike path,” a Class I bikeway provides bicycle travel on a paved right-of-way completely separated from any street or highway.

Class II Bikeway”: Often referred as a “bike lane,” a Class II bikeway provides a striped and stenciled lane for one-way travel on a street or highway.

Class III Bikeway: Generally referred to as a “bike route,” a Class III bikeway provides for shared use with pedestrian or motor vehicle traffic and is identified only by signing.

Appendix A

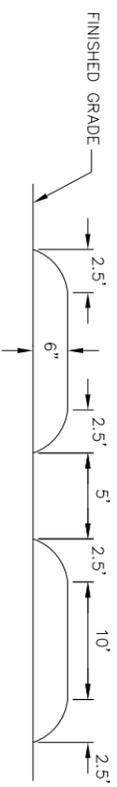
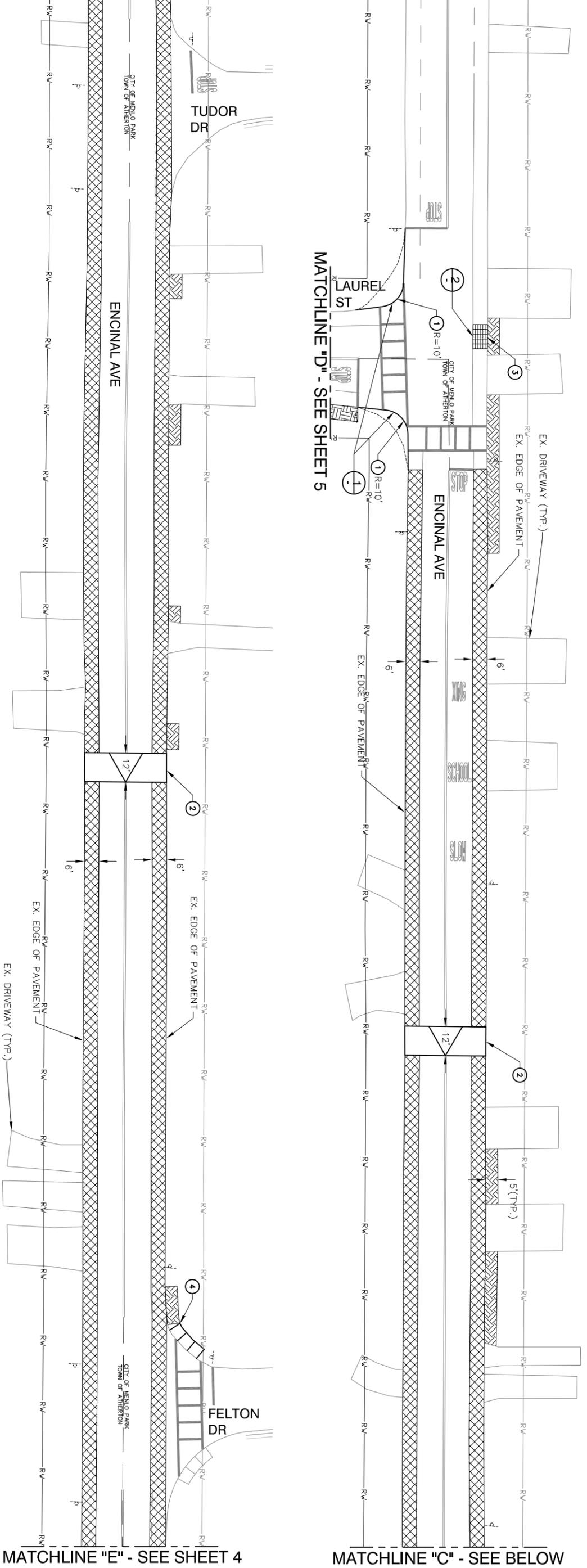
Conceptual Plans

MATCHLINE "B" - SEE SHEET 2

MATCHLINE "D" - SEE SHEET 5

MATCHLINE "C" - SEE ABOVE

MATCHLINE "E" - SEE SHEET 4



① PCC CURB
 N.T.S.

- CONSTRUCTION NOTES:**
- ① CONSTRUCT PCC CURB.
 - ② CONSTRUCT SPEED TABLE.
 - ③ MODIFY CURB INLET TO DROP INLET WITH BICYCLE PROOF GRATE.
 - ④ CONSTRUCT CURB RAMP.

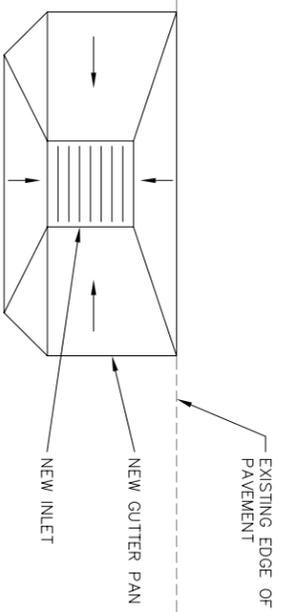
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- REPAIR AND RESURFACE.
- REMOVE VEGETATION.

APPROVED:

DATE: _____
 SCALE: _____
 DRAWN BY: MNL
 DESIGNED BY: WLM
 CHECKED BY: TJK
 APPROVED: _____
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 CITY OF MENLO PARK
 40998 R.C.E. # 3/31/07 EXPIRES

NO.	BY	DATE	REVISIONS



② INLET DETAIL
 N.T.S.



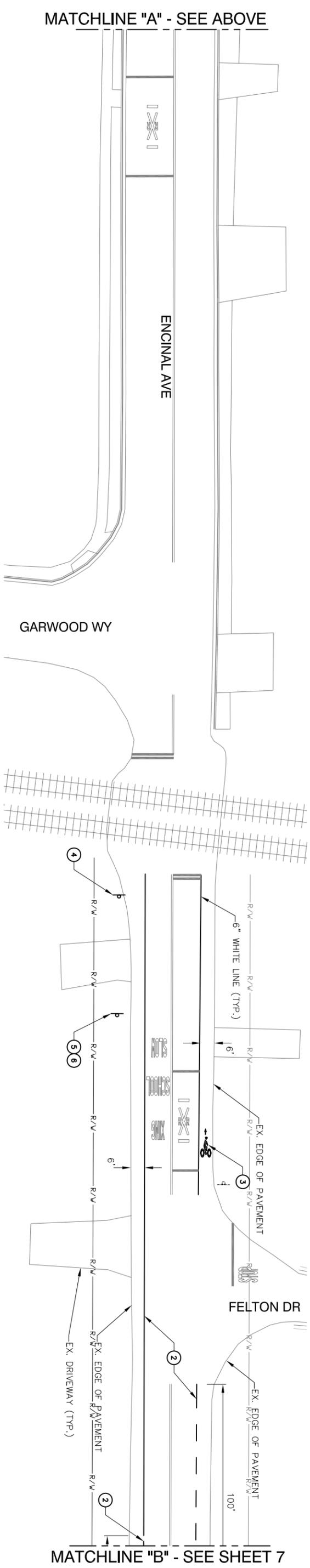
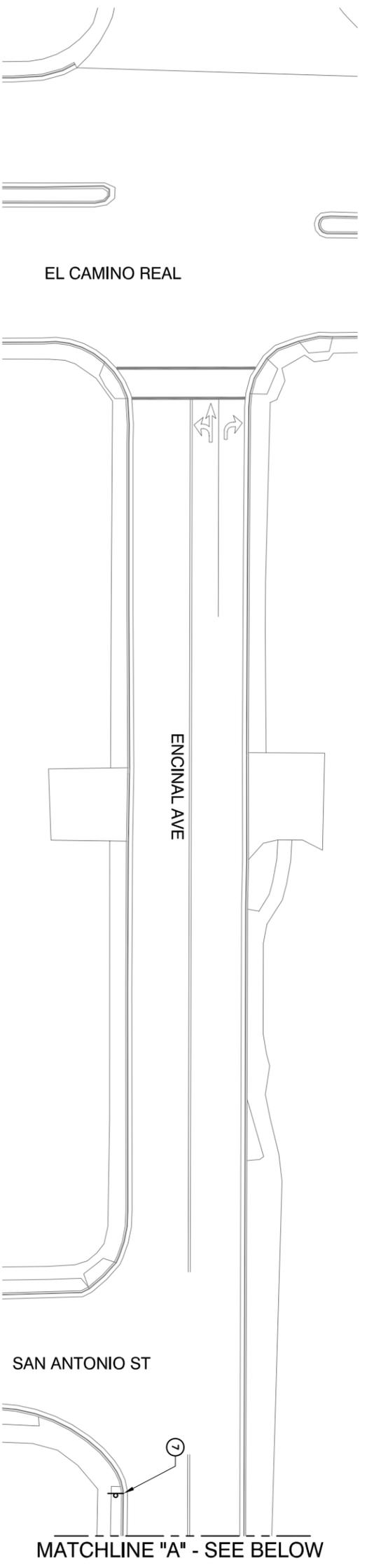
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LAYOUT PLAN 02 AT
 ENCINAL AVENUE

SHEET 3
 OF 13 SHEETS
 PROJ. NAME



CONSTRUCTION NOTES:

- ① INSTALL HIGH VISIBILITY CROSSWALKS.
- ② INSTALL NEW BIKE LANE STRIPING.
- ③ INSTALL NEW BIKE LANE MARKERS.
- ④ INSTALL NO PARKING SIGN.
- ⑤ INSTALL SPEED LIMIT SIGN.
- ⑥ INSTALL TRAFFIC FINES DOUBLED SIGN.
- ⑦ INSTALL 25 MPH SCHOOL ZONE AHEAD SIGN.
- ⑧ INSTALL SPEED TABLE AHEAD SIGN.
- ⑨ INSTALL SPEED TABLE SIGN.
- ⑩ INSTALL VEHICLE SPEED FEEDBACK SIGN.
- ⑪ INSTALL STOP PAVEMENT MARKING.
- ⑫ INSTALL 4" DOUBLE YELLOW LINE
- ⑬ INSTALL NO STOPPING SIGN

GENERAL NOTES:

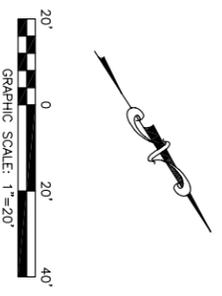
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2. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH 2006 CALIFORNIA MUTCD.
3. CONTRACTOR SHALL TRIM VEGETATION WHERE REQUIRED.

LEGEND:

	SEE NOTE ④		SEE NOTE ⑧
	SEE NOTE ③		SEE NOTE ⑨
	SEE NOTE ⑥		SEE NOTE ⑩
	SEE NOTE ⑬		REMOVE EXISTING STRIPING
	SEE NOTE ⑬		REMOVE EXISTING PAVEMENT MARKING

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DATE: _____
 SCALE: _____
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 DESIGNED BY: WLM
 CHECKED BY: TJK

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 CITY OF MENLO PARK
 DATE: 4/09/08 R.C.E. # 40998 EXPIRES: 3/31/07



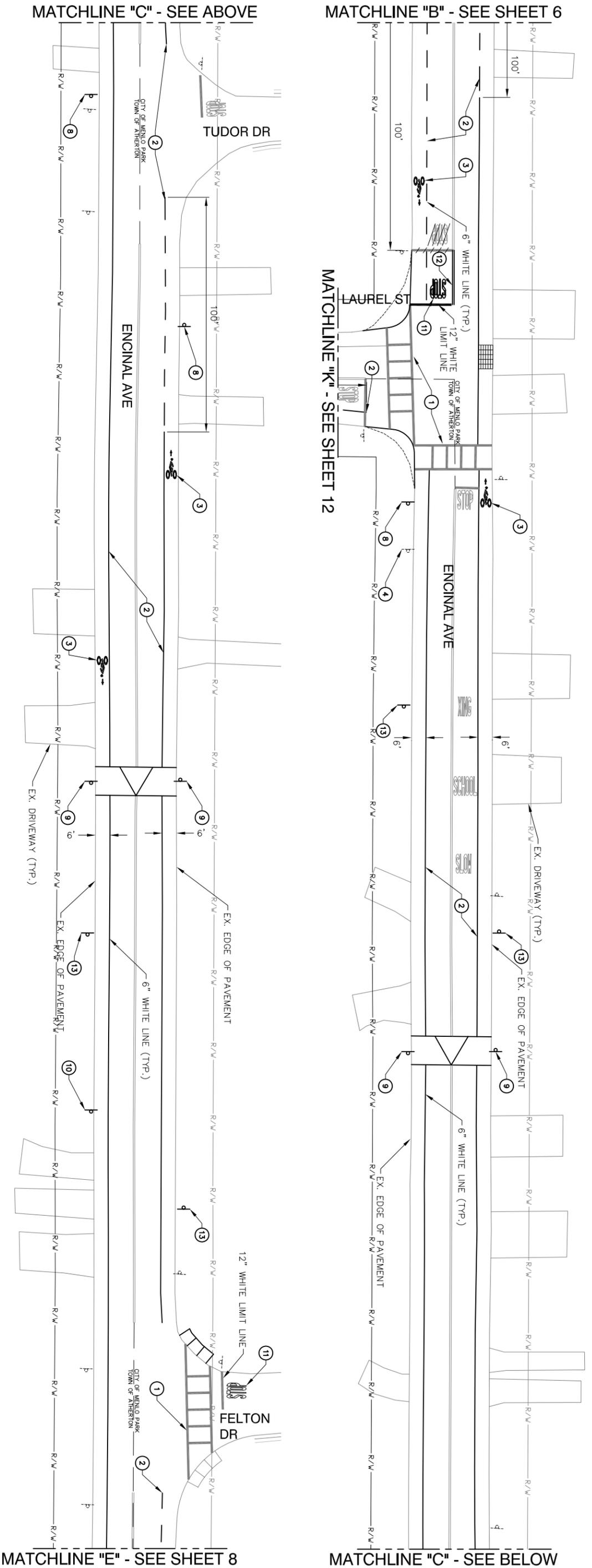
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SIGNING AND STRIPING PLAN 01
 AT ENCINAL AVENUE

SHEET 6 OF 13 SHEETS
 PROD. NAME

MATCHLINE "B" - SEE SHEET 6

MATCHLINE "R" - SEE SHEET 12



MATCHLINE "C" - SEE ABOVE

MATCHLINE "E" - SEE SHEET 8

CONSTRUCTION NOTES:

1. INSTALL HIGH VISIBILITY CROSSWALKS.
2. INSTALL NEW BIKE LANE STRIPING.
3. INSTALL NEW BIKE LANE MARKERS.
4. INSTALL NO PARKING SIGN.
5. INSTALL SPEED LIMIT SIGN.
6. INSTALL TRAFFIC FINES DOUBLED SIGN.
7. INSTALL 25 MPH SCHOOL ZONE AHEAD SIGN.
8. INSTALL SPEED TABLE AHEAD SIGN.
9. INSTALL SPEED TABLE SIGN.
10. INSTALL VEHICLE SPEED FEEDBACK SIGN.
11. INSTALL STOP PAYMENT MARKING.
12. INSTALL 4" DOUBLE YELLOW LINE
13. INSTALL NO STOPPING SIGN

GENERAL NOTES:

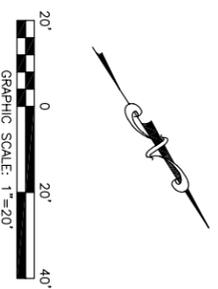
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2. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH 2006 CALIFORNIA MUTCD.
3. CONTRACTOR SHALL TRIM VEGETATION WHERE REQUIRED.

LEGEND:

	SEE NOTE 4		SEE NOTE 8		REMOVE EXISTING STRIPING
	SEE NOTE 3		SEE NOTE 9		REMOVE EXISTING PAVEMENT MARKING
	SEE NOTE 6		SEE NOTE 7		SEE NOTE 13
	SEE NOTE 3				

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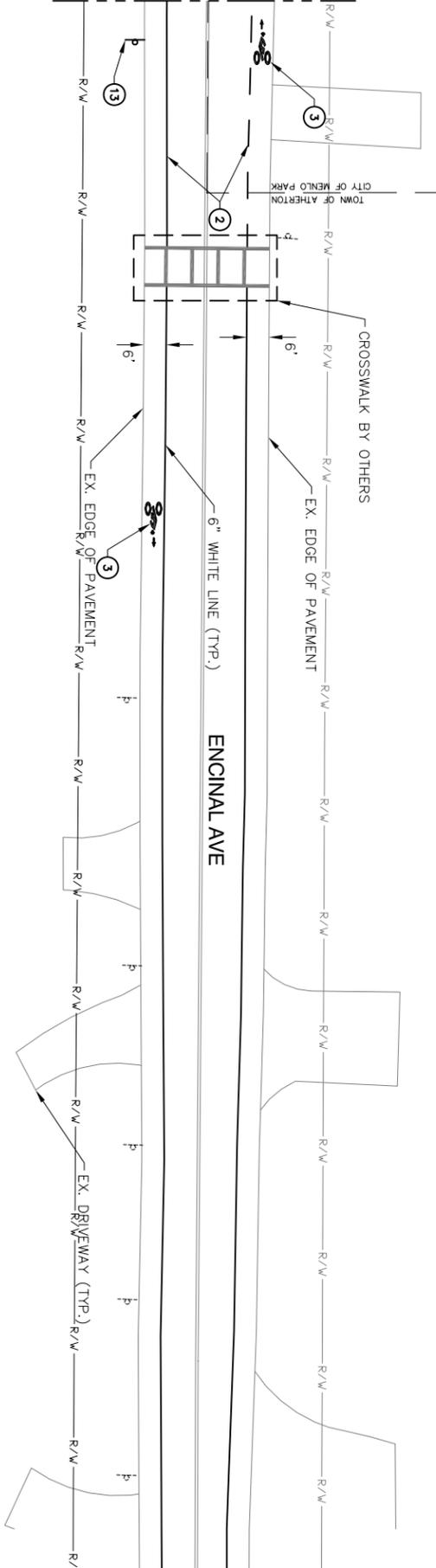
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SIGNING AND STRIPING PLAN 02
AT ENCINAL AVENUE

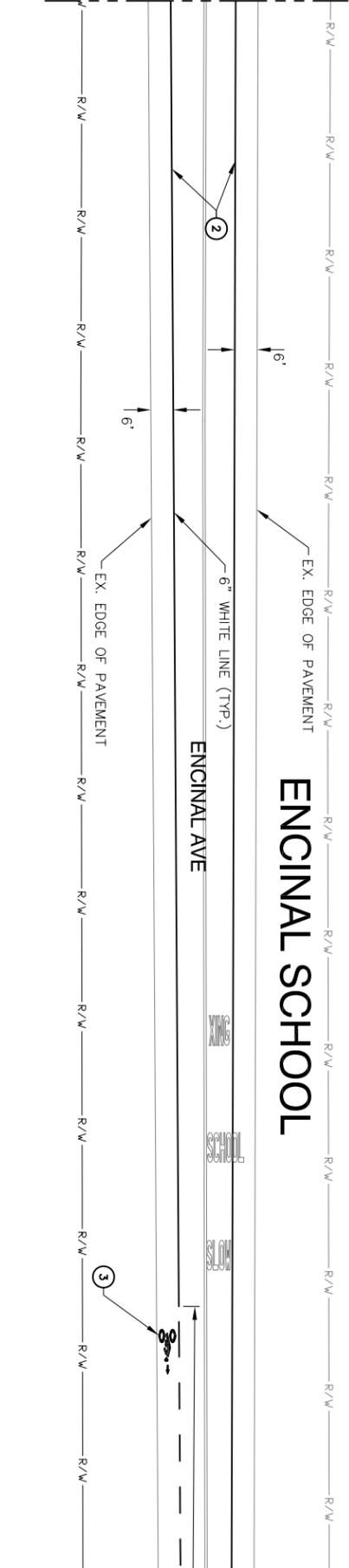
SHEET 7
 OF 13 SHEETS
 PROJ. NAME

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MATCHLINE "F" - SEE BELOW

MATCHLINE "F" - SEE ABOVE



MATCHLINE "J" - SEE SHEET 10

CONSTRUCTION NOTES:

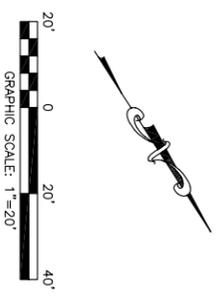
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- ③ INSTALL NEW BIKE LANE MARKERS.
- ④ INSTALL NO PARKING SIGN.
- ⑤ INSTALL SPEED LIMIT SIGN.
- ⑥ INSTALL TRAFFIC FINES DOUBLED SIGN.
- ⑦ INSTALL 25 MPH SCHOOL ZONE AHEAD SIGN.
- ⑧ INSTALL SPEED TABLE AHEAD SIGN.
- ⑨ INSTALL SPEED TABLE SIGN.
- ⑩ INSTALL VEHICLE SPEED FEEDBACK SIGN.
- ⑪ INSTALL STOP PAVEMENT MARKING.
- ⑫ INSTALL 4" DOUBLE YELLOW LINE
- ⑬ INSTALL NO STOPPING SIGN

GENERAL NOTES:

1. ALL STRIPING SHALL BE IN ACCORDANCE WITH CALTRANS MAY 2006 STANDARD PLANS.
2. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH 2006 CALIFORNIA MUTCD.
3. CONTRACTOR SHALL TRIM VEGETATION WHERE REQUIRED.

LEGEND:

	SEE NOTE ④		SEE NOTE ⑧		REMOVE EXISTING STRIPING
	SEE NOTE ③		SEE NOTE ⑨		REMOVE EXISTING PAVEMENT MARKING
	SEE NOTE ⑥		SEE NOTE ⑬		
	SEE NOTE ⑦				
	SEE NOTE ③				



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SIGNING AND STRIPING PLAN 03
 AT ENCINAL AVENUE

SHEET 8
 OF 13 SHEETS
 PROJ. NAME

DATE: _____
 SCALE: _____
 DRAWN BY: MNL
 DRAWINGS NAME: WLM
 DESIGNED BY: TJK
 CHECKED BY: _____

APPROVED: _____
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 CITY OF MENLO PARK
 DATE: 4/09/08 R.C.E. # _____
 EXPIRES: 3/31/07

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SIGNING AND STRIPING PLAN 04
 AT MIDDLEFIELD ROAD

SHEET **9**
 OF 13 SHEETS
 PROJ. NAME

- CONSTRUCTION NOTES:**
- ① INSTALL HIGH VISIBILITY CROSSWALKS.
 - ② INSTALL NEW BIKE LANE STRIPING.
 - ③ INSTALL NEW BIKE LANE MARKERS.
 - ④ INSTALL NO PARKING SIGN.
 - ⑤ INSTALL SPEED LIMIT SIGN.
 - ⑥ INSTALL TRAFFIC FINES DOUBLED SIGN.
 - ⑦ INSTALL 25 MPH SCHOOL ZONE AHEAD SIGN.
 - ⑧ INSTALL SPEED TABLE AHEAD SIGN.
 - ⑨ INSTALL SPEED TABLE SIGN.
 - ⑩ INSTALL VEHICLE SPEED FEEDBACK SIGN.
 - ⑪ INSTALL STOP PAVEMENT MARKING.
 - ⑫ INSTALL 4" DOUBLE YELLOW LINE
 - ⑬ INSTALL NO STOPPING SIGN

- GENERAL NOTES:**
1. ALL STRIPING SHALL BE IN ACCORDANCE WITH CALTRANS MAY 2006 STANDARD PLANS.
 2. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH 2006 CALIFORNIA MUTCD.
 3. CONTRACTOR SHALL TRIM VEGETATION WHERE REQUIRED.

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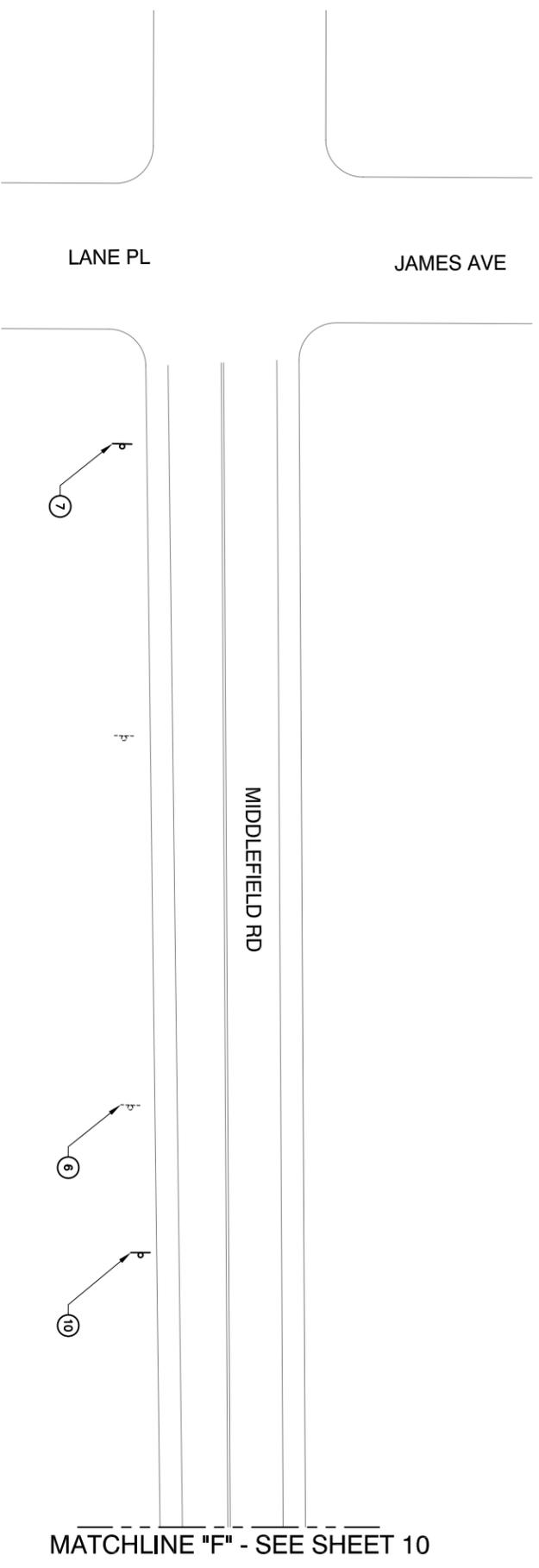
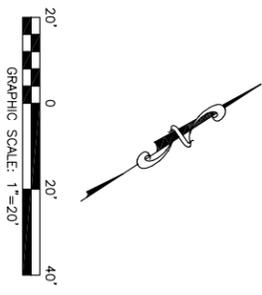
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	SEE NOTE ③		

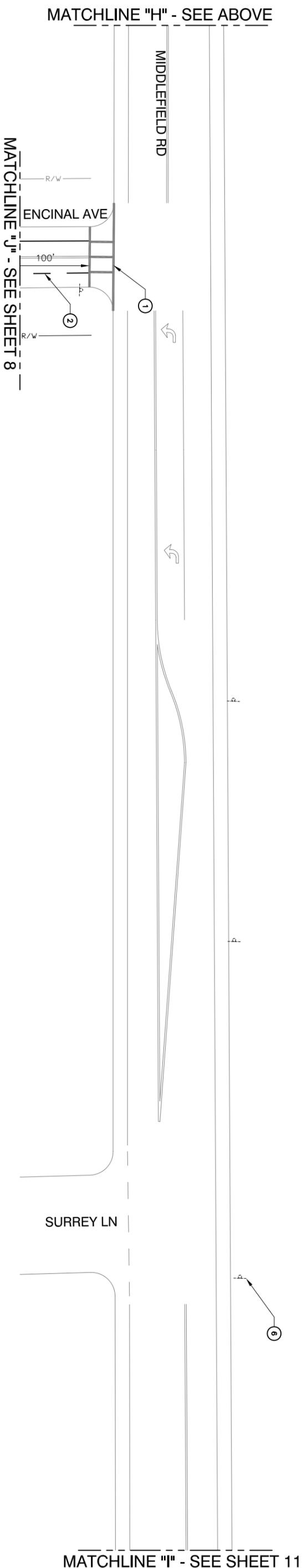
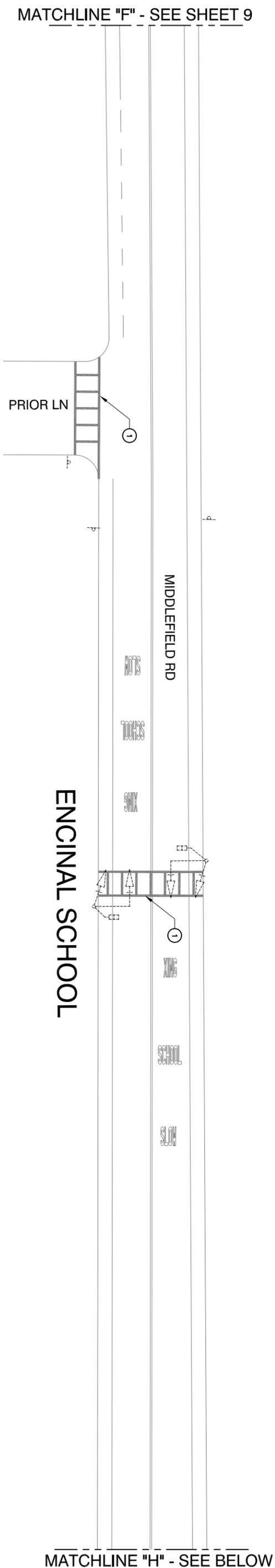
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CONSTRUCTION NOTES:

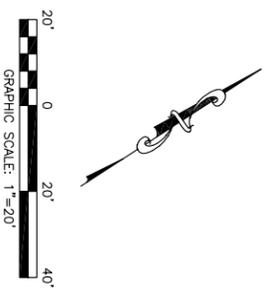
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- ② INSTALL NEW BIKE LANE STRIPING.
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- ④ INSTALL NO PARKING SIGN.
- ⑤ INSTALL SPEED LIMIT SIGN.
- ⑥ INSTALL TRAFFIC FINES DOUBLED SIGN.
- ⑦ INSTALL 25 MPH SCHOOL ZONE AHEAD SIGN.
- ⑧ INSTALL SPEED TABLE AHEAD SIGN.
- ⑨ INSTALL SPEED TABLE SIGN.
- ⑩ INSTALL VEHICLE SPEED FEEDBACK SIGN.
- ⑪ INSTALL STOP PAVEMENT MARKING.
- ⑫ INSTALL 4" DOUBLE YELLOW LINE
- ⑬ INSTALL NO STOPPING SIGN

GENERAL NOTES:

1. ALL STRIPING SHALL BE IN ACCORDANCE WITH CALTRANS MAY 2006 STANDARD PLANS.
2. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH 2006 CALIFORNIA MUTCD.
3. CONTRACTOR SHALL TRIM VEGETATION WHERE REQUIRED.

LEGEND:

	SEE NOTE ④		SEE NOTE ⑧		REMOVE EXISTING STRIPING
	SEE NOTE ③		SEE NOTE ⑨		REMOVE EXISTING PAVEMENT MARKING
	SEE NOTE ⑥		SEE NOTE ⑬		
	SEE NOTE ⑦				



REDUCED COPY
 USE SCALE BAR FOR SCALING

CONCEPTUAL PLANS
 NOT FOR CONSTRUCTION

DATE:	APPROVED:
SCALE:	
DRAWN BY: MNL	
DESIGNED BY: WLM	
CHECKED BY: TJK	
	RUBEN R. NIÑO, DIRECTOR OF ENGINEERING SERVICES
	CITY OF MENLO PARK
	40998
	3/31/07
	EXPIRES

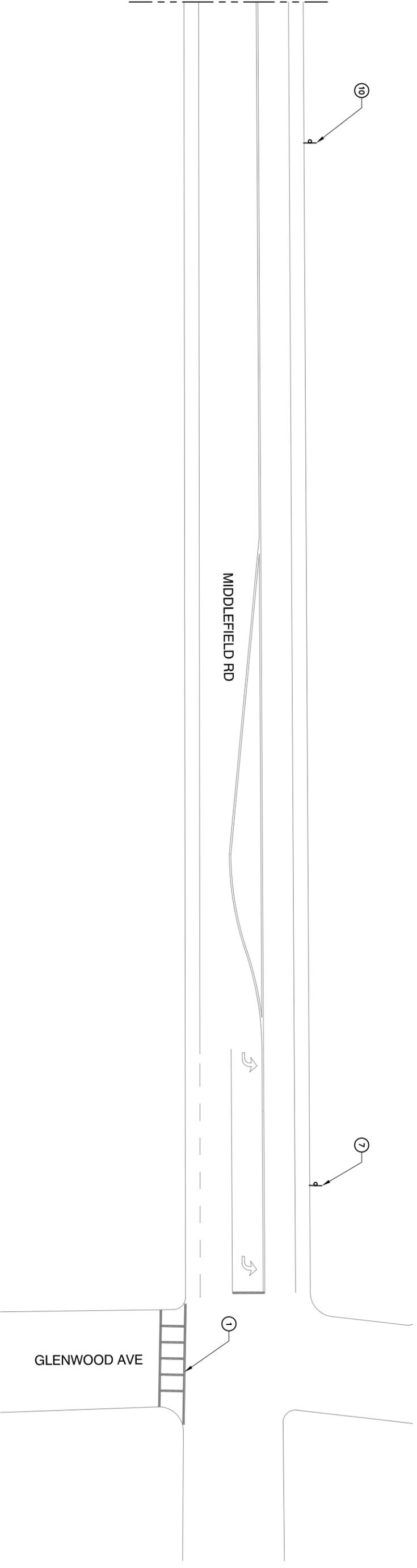
NO.	BY	DATE	REVISIONS

CITY OF MENLO PARK
 ENGINEERING DIVISION
 701 LAUREL STREET, MENLO PARK, CA 94025-3483
 PHONE (650) 330-6770 FAX (650) 327-5497

SIGNING AND STRIPING PLAN 05
 AT MIDDLEFIELD ROAD

SHEET 10
 OF 13 SHEETS
 PROD. NAME

MATCHLINE "I" - SEE SHEET 10



CONSTRUCTION NOTES:

- ① INSTALL HIGH VISIBILITY CROSSWALKS.
- ② INSTALL NEW BIKE LANE STRIPING.
- ③ INSTALL NEW BIKE LANE MARKERS.
- ④ INSTALL NO PARKING SIGN.
- ⑤ INSTALL SPEED LIMIT SIGN.
- ⑥ INSTALL TRAFFIC FINES DOUBLED SIGN.
- ⑦ INSTALL 25 MPH SCHOOL ZONE AHEAD SIGN.
- ⑧ INSTALL SPEED TABLE AHEAD SIGN.
- ⑨ INSTALL SPEED TABLE SIGN.
- ⑩ INSTALL VEHICLE SPEED FEEDBACK SIGN.
- ⑪ INSTALL STOP PAVEMENT MARKING.
- ⑫ INSTALL 4" DOUBLE YELLOW LINE
- ⑬ INSTALL NO STOPPING SIGN

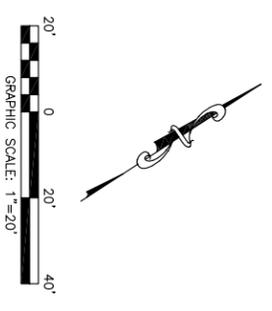
GENERAL NOTES:

1. ALL STRIPING SHALL BE IN ACCORDANCE WITH CALTRANS MAY 2006 STANDARD PLANS.
2. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH 2006 CALIFORNIA MUTCD.
3. CONTRACTOR SHALL TRIM VEGETATION WHERE REQUIRED.

LEGEND:

	SEE NOTE ④		SEE NOTE ⑧		REMOVE EXISTING STRIPING
	SEE NOTE ③		SEE NOTE ⑥		REMOVE EXISTING PAVEMENT MARKING
	SEE NOTE ⑦		SEE NOTE ⑬		

SEE NOTE ③



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 USE SCALE BAR FOR SCALING

CONCEPTUAL PLANS
 NOT FOR CONSTRUCTION

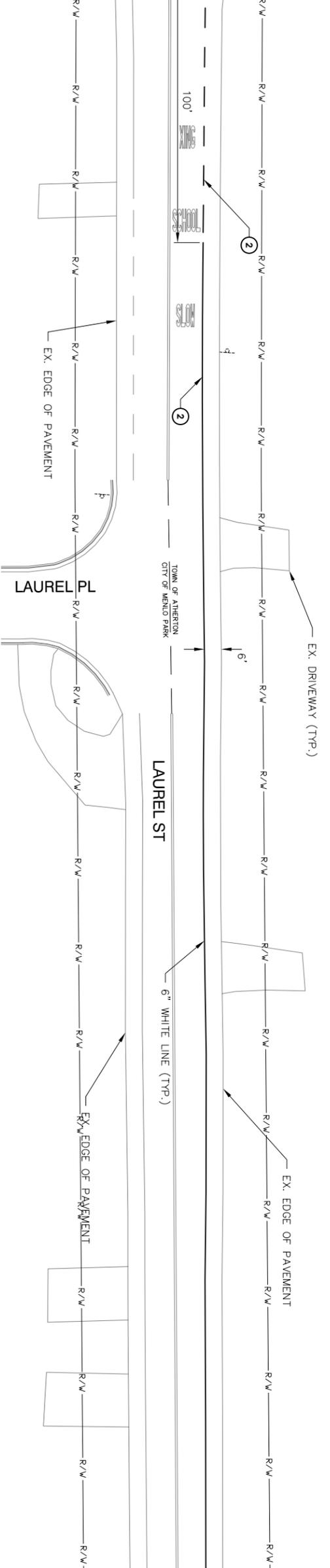
DATE: _____	APPROVED: _____
SCALE: _____	
DRAWN BY: MNL	
DESIGNED BY: WLM	
CHECKED BY: TJK	
	RUBEN R. NIÑO DIRECTOR OF ENGINEERING SERVICES
	CITY OF MENLO PARK
DATE: _____	40998
	R.C.E. #
	3/31/07
	EXPIRES

NO.	BY	DATE	REVISIONS

CITY OF MENLO PARK
 ENGINEERING DIVISION
 701 LAUREL STREET, MENLO PARK, CA 94025-3483
 PHONE (650) 330-6770 FAX (650) 327-5497

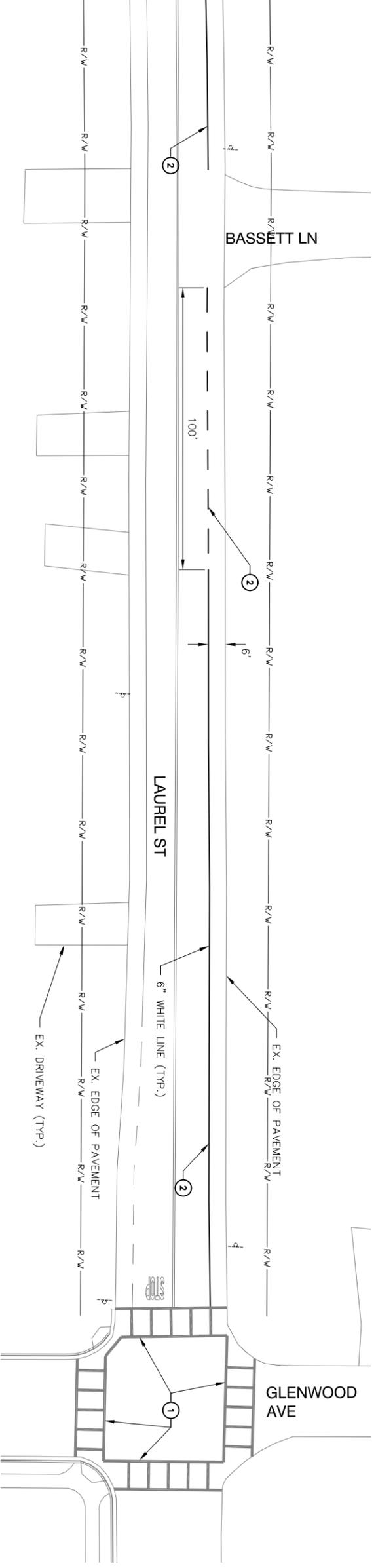
SIGNING AND STRIPING PLAN 06 AT MIDDLEFIELD ROAD	SHEET 11
	13 SHEETS
	PROJ. NAME

MATCHLINE "K" - SEE SHEET 7



MATCHLINE "L" - SEE BELOW

MATCHLINE "L" - SEE ABOVE



CONSTRUCTION NOTES:

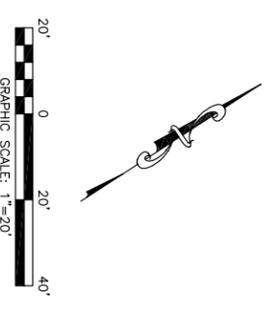
- ① INSTALL HIGH VISIBILITY CROSSWALKS.
- ② INSTALL NEW BIKE LANE STRIPING.
- ③ INSTALL NEW BIKE LANE MARKERS.
- ④ INSTALL NO PARKING SIGN.
- ⑤ INSTALL SPEED LIMIT SIGN.
- ⑥ INSTALL TRAFFIC FINES DOUBLED SIGN.
- ⑦ INSTALL 25 MPH SCHOOL ZONE AHEAD SIGN.
- ⑧ INSTALL SPEED TABLE AHEAD SIGN.
- ⑨ INSTALL SPEED TABLE SIGN.
- ⑩ INSTALL VEHICLE SPEED FEEDBACK SIGN.
- ⑪ INSTALL STOP PAVEMENT MARKING.
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3. CONTRACTOR SHALL TRIM VEGETATION WHERE REQUIRED.

LEGEND:

	SEE NOTE ④		SEE NOTE ⑧		REMOVE EXISTING STRIPING
	SEE NOTE ③		SEE NOTE ⑨		REMOVE EXISTING PAVEMENT MARKING
	SEE NOTE ⑥		SEE NOTE ⑬		
	SEE NOTE ⑦				
	SEE NOTE ③				



REDUCED COPY
 USE SCALE BAR FOR SCALING

CONCEPTUAL PLANS
 NOT FOR CONSTRUCTION

DATE: _____
 SCALE: _____
 DRAWN BY: MNL
 DESIGNED BY: WLM
 CHECKED BY: TJK
 APPROVED: _____
 RUBEN R. NIÑO, DIRECTOR OF ENGINEERING SERVICES
 CITY OF MENLO PARK
 DATE: 4/09/08 R.C.E. # 3/31/07 EXPIRES

NO.	BY	DATE	REVISIONS

CITY OF MENLO PARK
 ENGINEERING DIVISION
 701 LAUREL STREET, MENLO PARK, CA 94025-3483
 PHONE (650) 330-6770 FAX (650) 327-5497

SIGNING AND STRIPING PLAN 07
 AT LAUREL STREET

SHEET 12
 OF 13 SHEETS
 PROJ. NAME

DATE: _____
 SCALE: _____
 DRAWN BY: _____ MNL
 DRAWING NAME: _____
 DESIGNED BY: _____ WLM
 CHECKED BY: _____ TJK

APPROVED: _____
 RUBEN R. NIÑO DIRECTOR OF ENGINEERING SERVICES
 CITY OF MENLO PARK
 DATE: _____ R.C.E. # 40998 EXPIRES 3/31/07

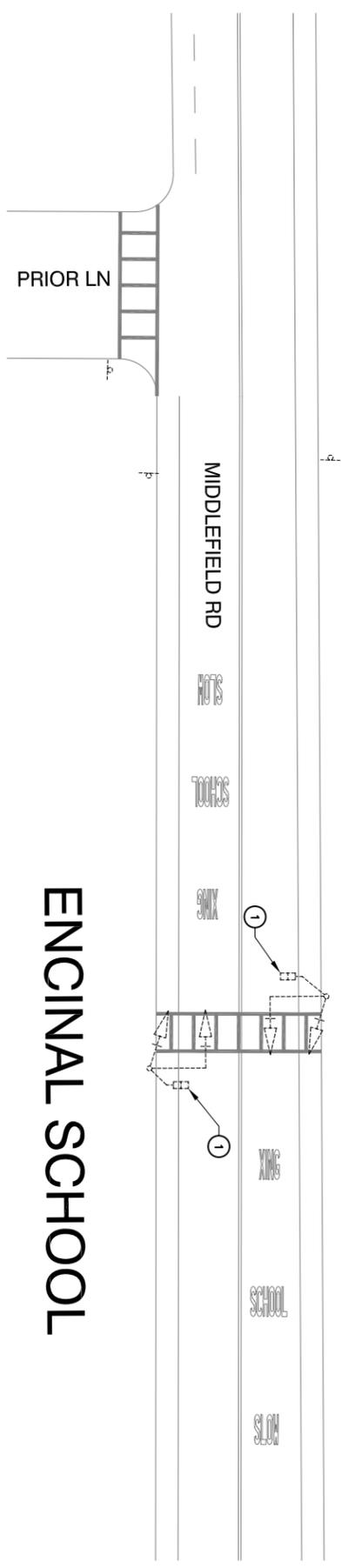


CITY OF MENLO PARK
ENGINEERING DIVISION
 701 LAUREL STREET, MENLO PARK, CA 94025-3483
 PHONE (650) 330-6770 FAX (650) 327-5497

ELECTRICAL PLAN AT
 MIDDLEFIELD ROAD

REDUCED COPY
 USE SCALE BAR FOR SCALING

CONCEPTUAL PLANS
 NOT FOR CONSTRUCTION



ENCINAL SCHOOL

CONSTRUCTION NOTES:

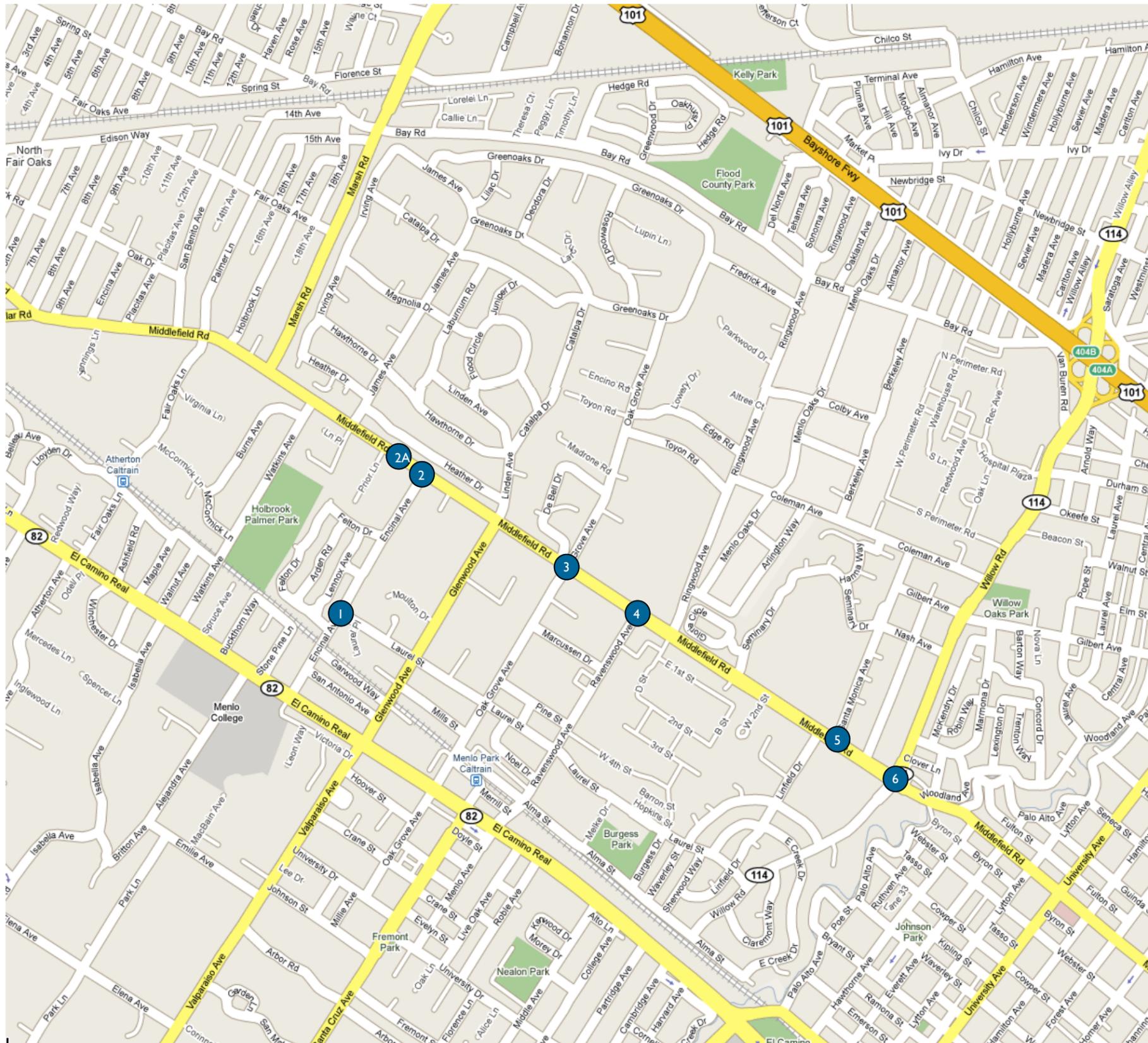
- ① INSTALL COUNTDOWN PEDESTRIAN HEADS.

SHEET
13
 OF 13 SHEETS
 PROJ. NAME

Appendix B

Engineering Improvements

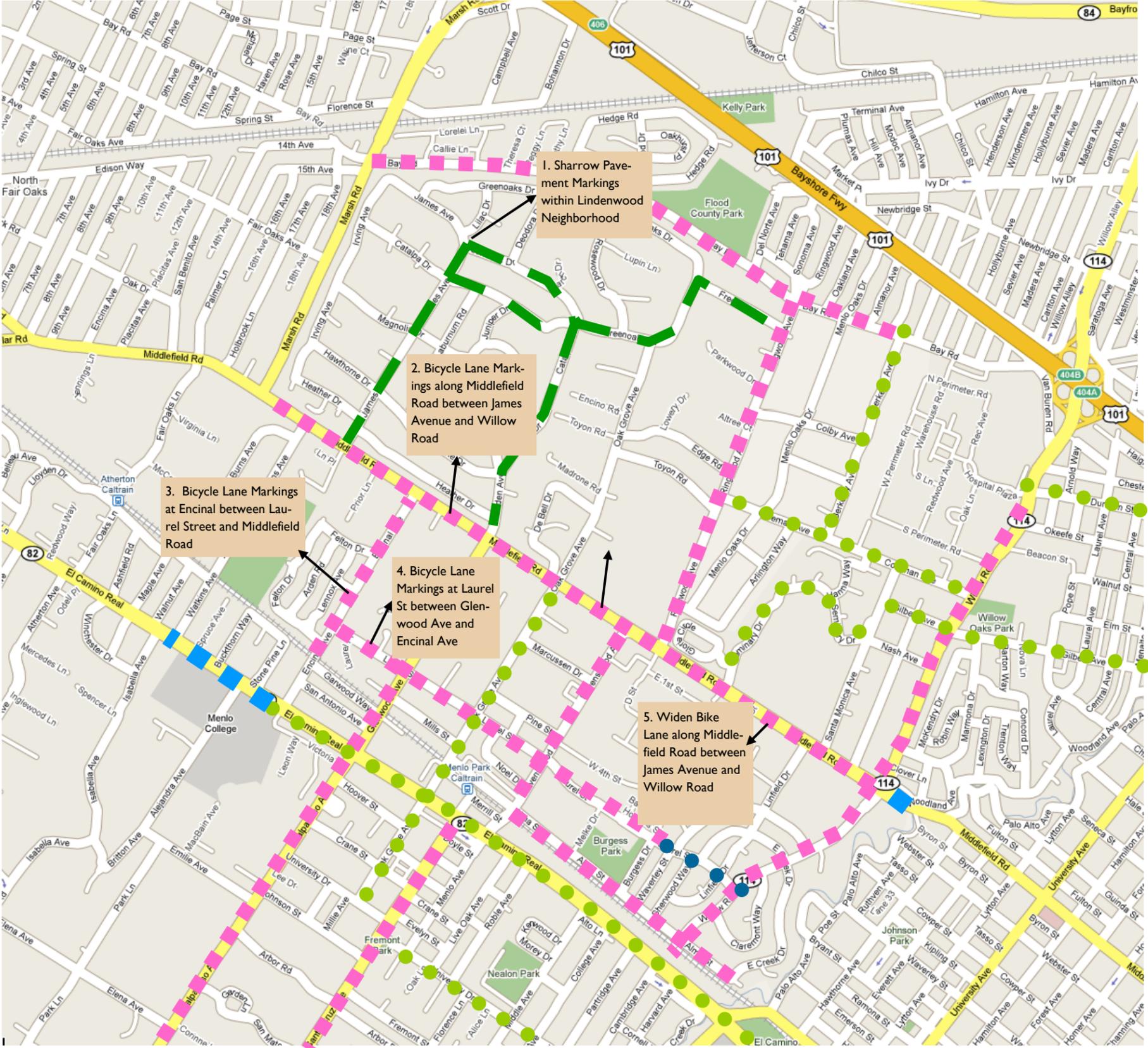
Intersection Improvements



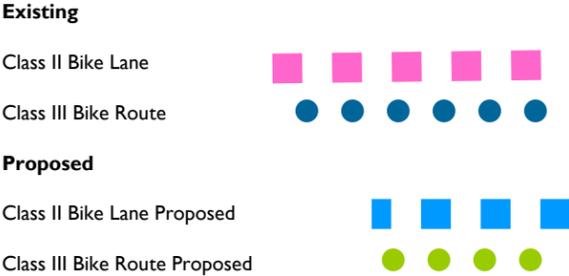
SR2ES Proposed

- 1 Installation of PCC Curbs
Curb Inlet Modifications
- 2 Installation of PCC Curbs
Installation of Traffic Signal (crosswalk enhancements, pedestrian countdown signal) Note: This improvement is currently under discussion among City of Menlo Park, Town of Atherton and The Menlo Park City School District regarding funding options and implementation schedule.
- 2A Installation of pedestrian countdown signal
- 3 Installation of PCC Curbs on the NE and SE corner
Reconfiguration of NE and SE corner to facilitate bicycle/pedestrian movements.
- 4 Removal of WB Pork-Chop island and the free right-turn.
- 5 Installation of PCC Curbs or bollards at NE corner.
- 6 Reconfiguration of the SE and NE corner pork-chop islands and free right-turns to facilitate bicycle/pedestrian movements.

Bicycle Facility Improvements



City of Menlo Park (as outline in the City's Bicycle Master Plan)



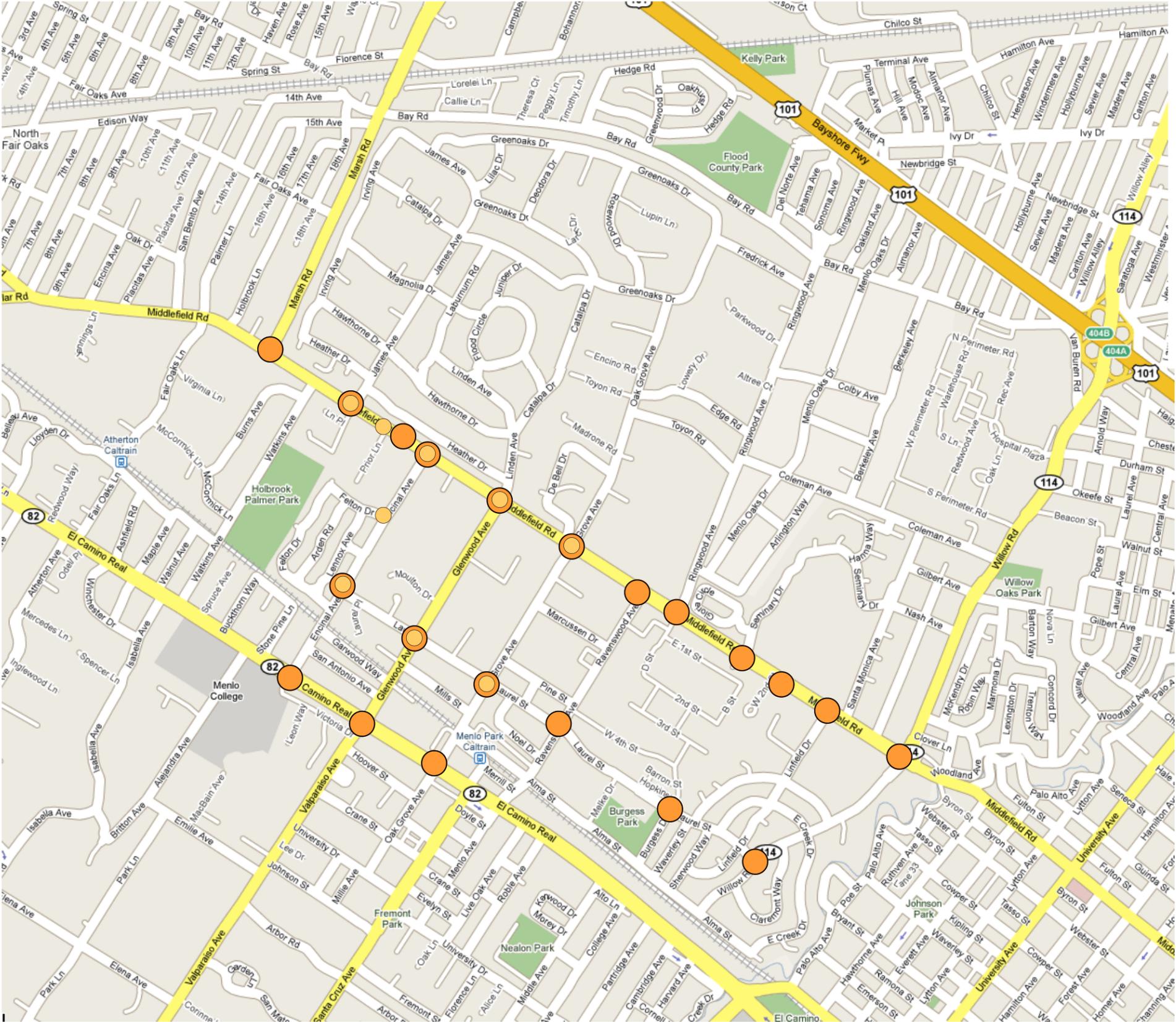
(Note that bicycle facility improvements along El Camino Real are part of the City of Menlo Park's Bicycle Master Plan)

Safe Routes to Encinal School Proposed Improvements

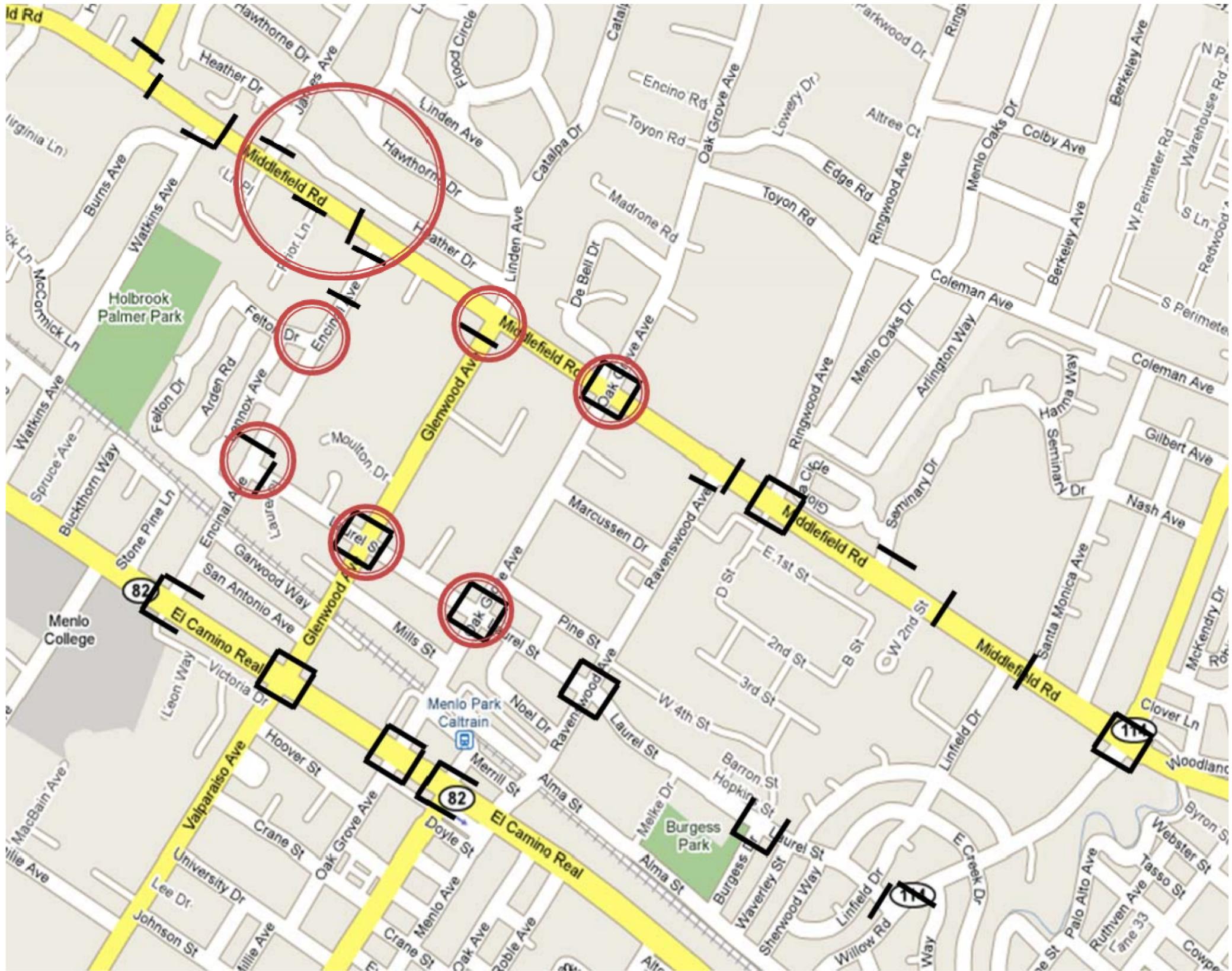
1. Sharrows Pavement Markings (including Bike Route Signage)
2. Bicycle lane marking along Middlefield Road between James Avenue and Willow Road.
3. Bicycle lane marking at Encinal Avenue between Laurel Street and Middlefield Road.
4. Bicycle lane marking at Laurel Street between Glenwood Avenue and Encinal Avenue
5. Widen bike lane along Middlefield Road between James Avenue and Willow Road.



Pedestrian Facility Improvements

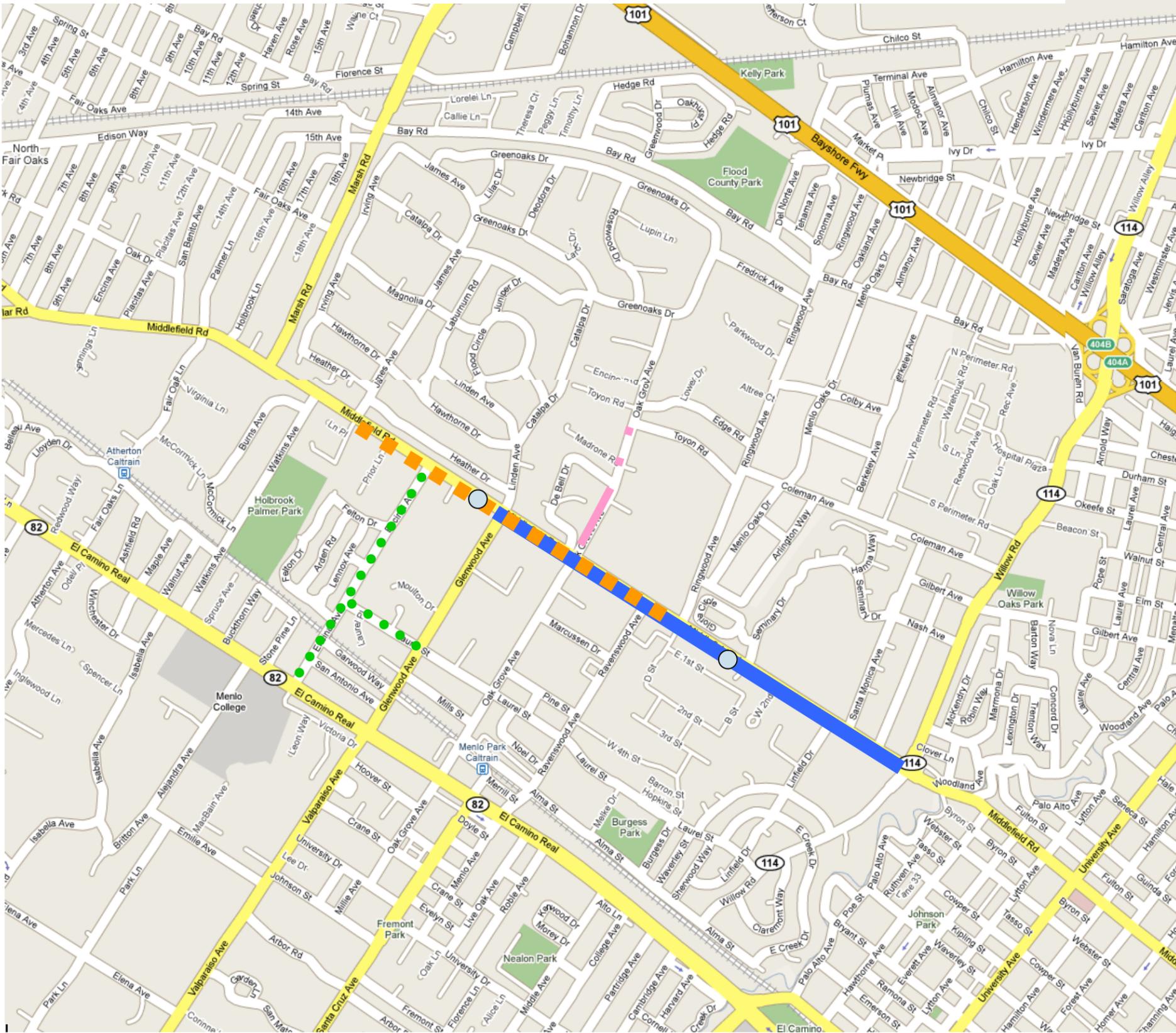


- Existing**
- Crosswalks 
- SR2ES Proposed**
- High Visibility Crosswalks 
- Note: See next page for more details.



Pedestrian
Facility
Improvements
cont'd

Roadway Improvements



SR2ES Proposed

Segment 1: Middlefield Road between Willow Road and Glenwood Avenue

- Replacement of existing “No Parking” Signs
- Curb Inlet Modifications
- Bike Lane striping
- Landscaping
- Additional Signage to alert drivers i.e. “Watch for Children Crossing”

Segment 2: Middlefield Road between Ringwood Avenue and James Avenue

- Establish School Zone and designate a 25 MPH speed limit along Middlefield Road between Menlo-Atherton High School and Encinal Elementary School ((James Avenue)

Segment 3:

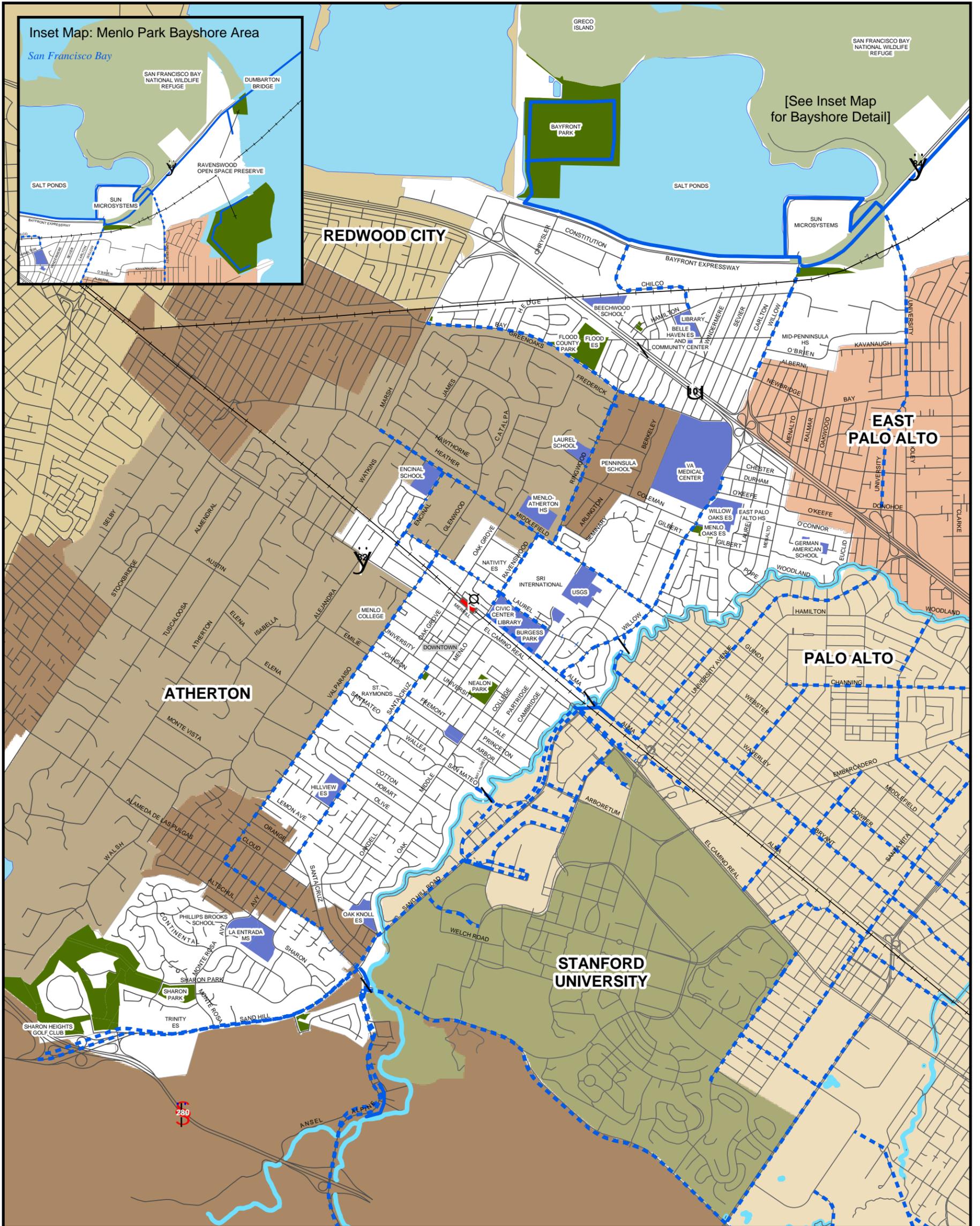
- Trimmed Vegetation/Landscaping along Encinal Avenue and Laurel Street
- Installation of Speed Tables along Encinal Avenue
- Installation of “No Stopping “ Signs along both sides of Encinal Avenue between Laurel Street and Encinal School Property
- Repair and Resurface Bike Lane
- Install “Traffic Fines Doubled” signs along Encinal Avenue

Segment 4:

- Widen asphalt pavement along Oak Grove Avenue between Middlefield Road and Edge Road

Appendix C

City of Menlo Park Bicycle Network



- EXISTING BIKEWAYS**
- CLASS I BIKE PATH
 - - CLASS II BIKE LANE
 - | | CLASS III BIKE ROUTE

- PROPOSED BIKEWAYS**
- CLASS I BIKE PATH
 - - CLASS II BIKE LANE
 - | | CLASS III BIKE ROUTE

- LAND USE**
- OPEN SPACE AND PARKS
 - SCHOOLS AND PUBLIC FACILITIES

- CITIES**
- MENLO PARK
 - ATHERTON
 - COUNTY
 - EAST PALO ALTO
 - PALO ALTO
 - REDWOOD CITY
 - STANFORD

- EXISTING BIKE/PED BRIDGE OR UNDERCROSSING
- SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE
- CALTRAIN STATION



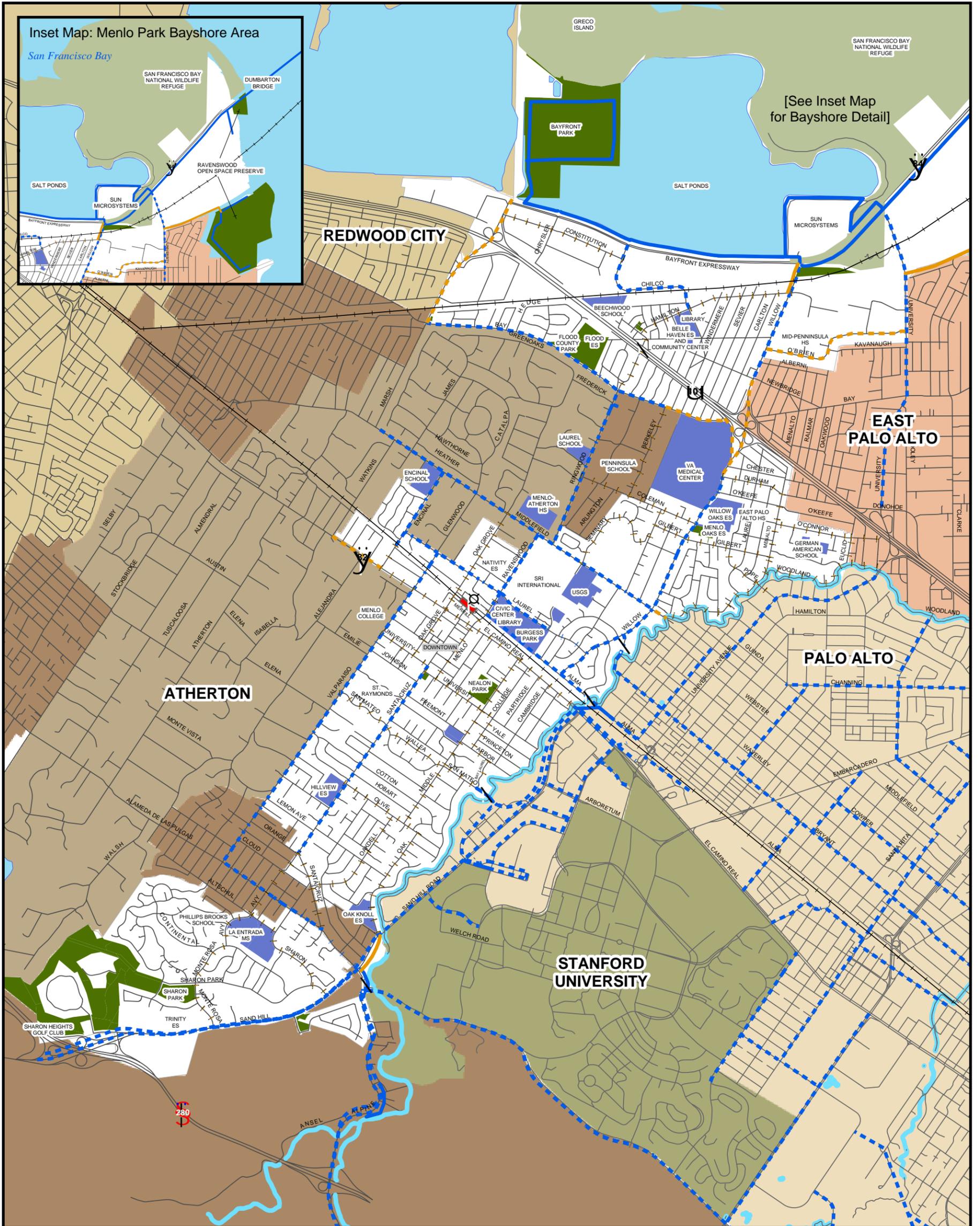
MAP FOR REFERENCE PURPOSES ONLY.
 The information on this map is derived from a variety of reputable digital databases. However, there may be map errors or omissions. Please contact Menlo Park directly to verify map information. Notification of any errors would be appreciated.



SOURCES
 City of Menlo Park
 San Mateo County
 U.S. Fish and Wildlife Service

Figure 2-1

Existing Bicycle Facilities



- EXISTING BIKEWAYS**
- CLASS I BIKE PATH
 - - - CLASS II BIKE LANE
 - | | CLASS III BIKE ROUTE

- PROPOSED BIKEWAYS**
- CLASS I BIKE PATH
 - - - CLASS II BIKE LANE
 - | | CLASS III BIKE ROUTE

- LAND USE**
- OPEN SPACE AND PARKS
 - SCHOOLS AND PUBLIC FACILITIES

- CITIES**
- MENLO PARK
 - EAST PALO ALTO
 - PALO ALTO
 - REDWOOD CITY
 - COUNTY
 - STANFORD

- EXISTING BIKE/PED BRIDGE OR UNDERCROSSING
- SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE
- CALTRAIN STATION



MAP FOR REFERENCE PURPOSES ONLY.
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SOURCES
 City of Menlo Park
 San Mateo County
 U.S. Fish and Wildlife Service

Figure 5-1

Existing and Recommended Bicycle Facilities



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 MARCH 18, 2009

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

RECOMMENDATION:

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

INTRODUCTION:

Grind and replace approximately 28,584 square feet of asphalt to a six-inch depth to remediate local pavement failures. This work to include all necessary traffic control and will involve grinding, sweeping, tack coating, replacing asphalt to appropriate depth in an appropriate number of lifts and finish rolling per Town of Atherton Standard specifications and special provisions.

This work is in various locations on Atherton Avenue, Stockbridge Avenue, Polhemus Avenue, Camino al Lago Lane, Park Lane, Maple Leaf Way, Emilie Avenue, Encinal Avenue and Glenwood Avenue.

ANALYSIS:

Eleven bids were received for the Street Patching Project, as follows:

<u>Company</u>	<u>Location</u>	<u>Bid Amount</u>
G. Bortolotto & Co.	San Carlos, CA	\$124,054.56
Galedrige Construction	Alviso, CA	\$124,912.08

CF Archibald	Redwood City, CA	\$127,198.80
MCK Services	Concord, CA	\$131,486.40
O' Grady Paving	Mountain View, CA	\$135,774.00
Silicon Valley Paving	San Jose, CA	\$139,775.76
Union City Construction	Union City, CA	\$141,490.80
Duran & Venables	Milpitas, CA	\$167,788.10
OC Jones	Berkeley, CA	\$182,937.60
Half Moon Bay Paving	HMB, CA	\$184,366.80
Alaniz Construction	Fremont, CA	\$193,799.58

FISCAL IMPACT:

Restricted funds in the amount of \$250,000, with \$175,000 from Road Impact funds and \$75,000 from Gas Tax funds, have been budgeted for street patching and sealing in FY 2008-09. Bids were received for the project on March 12, 2009. G. Bortolotto & Co. was the low bidder at \$124,054.56. This bid was 27.66% below the engineer's estimate prepared by staff, the designer of the project, of \$171,504.00. A 10% construction contingency of \$12,405.46 would bring the total authorization to \$136,460.02 which is within the FY 2008-09 Budget.

Prepared By:

Approved:

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

Jerry Gruber
City Manager



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 MARCH 18, 2009

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

RECOMMENDATION:

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

INTRODUCTION:

The FY 2008-09 adopted Capital Improvement Program includes funds for constructing the Street Reconstruction Phase 5 Project. The need for this project resulted from the pavement condition surveys conducted in the summer of 2008. The project includes the following streets:

Fennwood Drive (PCI 19) Lupin Lane (PCI 23) Marianna Lane (PCI 38)

There is also an add alternate to add Oak Grove Avenue from Rebecca Lane to Middlefield Road. Oak Grove Avenue has a PCI of 45, and is the lowest rated collector street in Atherton. Collector streets carry more traffic than residential streets, and therefore deteriorate more rapidly. A collector with a PCI of 45 will be a failed section by the time the next PCI survey is completed. The street is in need of reconstruction before this happens.

It was intended that the additional street would be included if the bids were low enough such that the add alternate could be included within the budget. The total authorization, bid plus contingency, including the add alternate is less than the budget; therefore, staff recommends that the add alternate be included in the award.

Two other streets, Inglewood Lane (PCI 36) and Maple Leaf Way (PCI 36), were originally intended for reconstruction. However, staff determined that those two streets could be adequately rehabilitated by a cape seal and last for many years. This is partly because of the very low traffic volumes on those streets. Those projects were moved to the cape seal project that will be constructed this summer.

ANALYSIS:

10 bids were received for the Street Reconstruction Phase 5 Project as follows:

<u>CONTRACTOR</u>	<u>LOCATION</u>	<u>BASE BID</u>	<u>ADD ALT.</u>	<u>TOTAL</u>
Independent Constr. Co.	Concord, CA	\$274,942.15	\$153,389.50	\$428,331.65
Jos. J Albanese	Santa Clara, CA	\$276,967.00	\$212,155.00	\$489,122.00
G. Bortolotto	San Carlos, CA	\$297,823.73	\$168,131.94	\$465,955.67
C.F. Archibald	Redwood City, CA	\$313,737.00	\$183,047.00	\$496,784.00
O' Grady Paving	Mountain View, CA	\$319,405.30	\$240,333.00	\$559,738.30
Half Moon Bay Paving	Half Moon Bay, CA	\$344,200.40	\$186,708.59	\$530,908.99
Interstate Grading & Paving	S. San Francisco, CA	\$345,599.50	\$177,572.00	\$523,171.50
Silicon Valley Paving	San Jose, CA	\$372,739.28	\$182,771.00	\$555,510.28
Top Grade Construction	Foster City, CA	\$394,235.25	\$193,251.50	\$587,486.75
Granite Construction	Santa Clara, CA	\$432,957.00	\$208,364.00	\$641,321.00

ALTERNATIVE:

Award the contract for the base bid only (without the add alternate) for \$274,942.15, plus a contingency of \$27,494.21, for a total authorization of \$302,436.36. This would mean that Oak Grove Avenue would be deferred until next year.

FISCAL IMPACT:

Restricted funds in the amount of \$500,000, with \$250,000 from Road Impact and \$250,000 from Measure A, are budgeted for this project in FY 2008-09. Bids were received for the project on March 12, 2009. Independent Construction Co. was the low bidder at \$274,942.15 for the base bid and \$153,389.50 for the bid alternate. The base bid is 39.80% below the engineer's estimate prepared by staff, the designer of the project, of \$456,643.65. The total bid including the add alternate was \$428,331.65. A 10% construction contingency of \$42,833.17 would bring the total authorization to \$471,164.82, which is \$28,835.18 (5.8%) below the FY 2008-09 budget.

BUDGET STATUS OF RESTRICTED FUNDS:

	<u>Budgeted</u>	<u>Expended</u>	<u>Savings</u>
Street Reconstruction 4 (final cost \$376,507.45)			
Measure A	\$160,000	\$160,000	\$0
Road Impact	\$340,000	\$216,507	\$123,493
Stevick Drive (final cost \$336,076.51)			
Prop 1B	\$400,000	\$336,076	\$63,923

Road Impact	\$100,000	\$0	\$100,000
Street Patching (bid price + contingency = \$136,460.02)			
Gas Tax	\$175,000	\$136,460	\$38,540
Road Impact	\$75,000	\$0	\$75,000
Street Reconstruction 5 (bid price + contingency = \$471,164)			
Measure A	\$250,000	\$250,000	\$0
Road Impact	\$250,000	\$221,164	\$28,836
Ridgeview Drive (budgeted at \$500,000)			
Road Impact	\$500,000	\$500,000	\$0

Savings Summary:			
Prop 1B			\$63,923
Gas Tax			\$38,540
Road Impact			<u>\$327,329</u>
		Subtotal Savings	\$429,792
Atherton Avenue (estimated \$641,000)			
Prop 1B	\$0	\$63,923	-\$63,923
Gas Tax	\$0	\$38,540	-\$38,540
ES Grant Funds	\$207,000	\$207,000	\$0
Road Impact	\$0	<u>\$331,537</u>	<u>-\$331,537</u>
	Subtotal Atherton Avenue	\$641,000	-\$434,000

Subtotal from Road Impact Fund			-\$4,208
Balance in Road Impact Fund			<u>\$45,736</u>
Remaining Balance			\$41,528

This budget status report shows that there are sufficient restricted funds to award this project with sufficient remaining funds from project savings to fund the Economic Stimulus project on Atherton Avenue.

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 JONES, PUBLIC WORKS DIRECTOR

DATE: FOR THE MEETING OF MARCH 18, 2009

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

RECOMMENDATION

Pass a motion accepting work, authorizing recording of a notice of completion and approving contract change orders in the amount of \$40,333.60 for the Stevick Drive Reconstruction Project Number 08-002.

INTRODUCTION

The Council awarded a contract in July 2008 to Galedrige Construction, Inc. for \$287,223.51, with a \$28,722.35 construction contingency, for a total authorized amount of \$315,945.86. Work under the contract has been completed.

ANALYSIS

The original contract price was for \$ 287,223.51. There were field directive change orders totaling \$ 40,333.60, more quantity increases of \$ 8,519.40 bringing the total contract to \$336,076.51. The contract changes were as follows:

- | | |
|---------------------------------------------------------------------------------------------------------------------------|---------------|
| 1. Original Contract amount more quantity increases | \$ 295,742.91 |
| 2. Change Order 001& 002 – Removal of asphalt, install aggregate base, scarify subgrade to provide a consistent subgrade. | \$ 37,891.30 |
| 3. Change Order 003 – Installation of yard drain and lateral connection. As a requested by resident, a yard drain was | \$ 2,442.30 |

installed. Extension of lateral connection was required to connect to existing bubbler.

TOTAL \$ 336,076.51

FISCAL IMPACT

Funding for this project in the amount of \$500,000 is included in the FY 08/09 budget. The final cost of this segment of work is \$336,076.51, 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
Certificate 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

STEVICK DRIVE RECONSTRUCTION
PROJECT NO. 08-002
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 18th day of March, 2009 did file with the City Clerk of said Town a Certificate of Completion for the work described in the construction contract awarded to GALEDRIGE CONSTRUCTION, INC. on the 16th day of July, 2008, said contract being executed on the 13th day of October 2008.

That said work and improvements were accepted as completed on the 11th day of February, 2009 and that acceptance for completion of said work was ordered by Motion of the City Council of said Town, adopted on the 18th day of March, 2009, and that the name of the surety on the Contractor's bond for performance, labor and materials on said project is International Fidelity Insurance Company, 1575 Treat Boulevard, Suite 208, Walnut Creek, CA 94598.

That said work and improvements consisted of Street Reconstruction as described in the plans an specification approved by the City Council of the Town of Atherton pursuant to motion, adopted the 16th day of July, 2008.

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
CERTIFICATE OF COMPLETION**

PROJECT NAME: STEVICK DRIVE RECONSTRUCTION
PROJECT NUMBER: 08-002
LOCATION: Stevick Drive

NOTICE IS HEREBY GIVEN:

1. That on February 11, 2009, the Public Works project known as STEVICK DRIVE RECONSTRUCTION Project Number 08-002 was completed in accordance with the plans and specifications as required by the Town of Atherton.
2. That the name and address of the party filling this notice is:
Town of Atherton
91 Ashfield Road
Atherton, California 94027.
3. That the name and address of the Contractor responsible for the construction of the project is:
Galedrige Construction, Inc.
PO Box 427
Alviso, CA 95002
4. That the name and address of the Contractor's surety is:
International Fidelity Insurance Company
1575 Treat Boulevard
Suite 208
Walnut Creek, CA 94598
5. That the project is described as:
Street Reconstruction, as more particularly described in the plans and specification approved by the City Council of the Town of Atherton pursuant to Motion, adopted the 16th day of July, 2008.

BY:

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

Date

ATTEST:

Kathi Hamilton
Acting City Clerk

Date



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME GRUBER, CITY MANAGER

DATE: FOR THE MEETING OF MARCH 18, 2009

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

RECOMMENDATION:

Staff recommends that the City Council authorize the Mayor to sign the Memorandum of Understanding for the Peninsula Cities Consortium ("MOU") and a joint mayoral letter to the High-Speed Rail Authority. Under the provisions of the MOU, the Mayor would appoint one representative and two alternate representatives, one of which may be a staff person.

INTRODUCTION:

The Town of Atherton is a plaintiff in a lawsuit challenging the adequacy of the Program Environmental Impact Report ("EIR") prepared by the High-Speed Rail Authority ("Authority") prior to the selection of a route and alignment for the high-speed train connecting Los Angeles and San Francisco. The Authority selected the Caltrain corridor alignment. The Authority is now preparing a "project level" EIR for the San Jose to San Francisco section.

ANALYSIS:

1. *Town of Atherton v. California High Speed Rail Authority.*

Attached to this Staff Report is a litigation status report from Stuart Flashman, the Town's Special Counsel in *Town of Atherton et al v. High Speed Rail Authority*. The Town of Atherton and the City of Menlo Park are both parties to this litigation challenging the adequacy of the Program Environmental Impact Report prepared for the high-speed rail project before route and alignment selection. The case was filed in August of 2008. The Town's opening brief was filed in February and the Attorney General's response is due in early April. The case is set for hearing on May 29. Neither the Town of Atherton nor the City of Menlo Park is paying the legal fees or costs associated with this litigation; legal costs are being paid by other plaintiffs.

2. Peninsula Cities Consortium.

Elected officials of Peninsula Cities have been meeting to organize a coalition of agencies to be known as the "Peninsula Cities Consortium" to work as a unified voice to the Authority on matters of mutual concern. Atherton has been represented by its Mayor. The Palo Alto City Attorney has worked with a committee of elected officials to prepare a draft Memorandum of Understanding ("MOU") establishing the consortium. Key provisions of the MOU are that:

The purpose of the Consortium is to work toward collective policy and procedural positions to represent the united interests shared by all Peninsula Cities, while also supporting each city in achieving goals and solutions appropriate to its individualized location and needs.

The Consortium's intent is to be the principal representative of the Peninsula Cities on all common interests concerning High-Speed Rail as it continues up the Peninsula.

The MOU proposes that the Mayor of each participating city would appoint one member and two alternates as representatives. One of the alternates may be a staff member. It is contemplated that alternates may attend with the principal representative, but each city would have only one vote. The MOU would become effective upon approval by five Peninsula cities. If the final draft of the MOU is available before the Council's meeting on March 18, copies will be provided to the Council and the public.

3. Joint Response to Scoping Session on Project Level EIR.

The *ad hoc* working group from the Caltrain corridor cities has also worked to draft a joint letter to the Authority providing comments on shared concerns to supplement the individual response letters that each city has written. A copy is attached to this report. It is proposed that each City's mayor sign and send a copy of the letter to the Authority.

FISCAL IMPACT:

None at this time. The MOU does not contain any provisions contemplating or requiring financial participation

Prepared By:

Approved by:

/s/Wynne Furth

Wynne Furth
City Attorney

Jerry Gruber
City Manager

Attachments: Memo from Stuart Flashman
Mayoral letter
MOU

INTEROFFICE MEMORANDUM

TO: ATHERTON CITY COUNCIL
FROM: STUART FLASHMAN
SUBJECT: STATUS OF LITIGATION:
TOWN OF ATHERTON ET AL. V. CALIFORNIA HIGH SPEED RAIL AUTHORITY
DATE: 3/9/2009
CC: WYNNE FURTH, CITY ATTORNEY

The Council has asked for a status update on the above-referenced litigation. That update follows. I am also transmitting, in electronic form, copies of the major pleadings and filings in the case, including the Petition and Complaint, the High Speed Rail Authority's Answer, and my opening brief for the hearing on the merits.

Case number: 34-2008-8000022 (Sacramento County Superior Court)

Case filed on August 8, 2008, assigned for all purposes to Dept. 31, Hon. Michael Kenny

Motion for judgment on the writ:

Opening Brief filed on February 19, 2009

Respondent's Opposition Brief due on April 6, 2009

Petitioners' Reply Brief due on April 27, 2009

Court hearing on May 29, 2009, 9:00 AM in Department 31

The Court's ruling is due within 90 days of the date the case is submitted.

Ancillary motions:

Motion to Supplement Administrative Record¹

Motion (with supporting papers) filed March 2, 2009

Opposition Brief due March 16, 2009

Reply Brief due March 20, 2009

¹ The motion asks that the Court place in the record a comment letter on the Draft EIR/EIS submitted by the City of Menlo Park. Menlo Park asserts it successfully mailed and faxed the letter to the Authority. The authority says it doesn't have any record of having received it. If the motion is granted, The Authority would be required to reconsider its decision in light of Menlo Park's comments.

Hearing March 27, 2009, 9:00 AM in Dept. 31

As with the motion for judgment, the ruling is required within 90 days of the hearing on the motion.

Note – The City of Palo Alto has indicated that it may submit an application to the Court for leave to file a brief as amicus curiae in support of the Petitioners. To my knowledge, there is not yet final authorization for this action.



Town of Atherton Office of the Mayor

91 Ashfield Road
Atherton, California 94027
650-752-0500
Fax 650-688-6528

March 18, 2009

Carrie Pourvahidi, Acting Executive Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

RE: High-Speed Rail San Francisco/San Jose HST Project

Dear Ms. Pourvahidi:

San Francisco Bay Area Peninsula residents ushered in a new vision for transportation statewide with the approval of Proposition 1A High-Speed Rail Bond (HSR) last November. As Mayors of these cities, it is our duty to raise specific concerns and suggest approaches that will help move us ahead as partners toward a successful HSR design and construction.

In response to your request for input, our individual cities are preparing comments describing specific and localized concerns about the possible impacts of the HSR on our communities. We are also preparing suggestions for mitigations.

During this process, we have discovered that our cities share many similar concerns. The purpose of this joint letter is to share these concerns with you to express our strong belief that particular care must be taken to integrate the HSR into the living fabric of the Peninsula, where the proposed HSR would pass through a densely built and urbanized environment that is substantively different from most of the HSR's impact area.

As you know, many of our cities are built along the Caltrain right-of-way. These cities have grown and developed thriving downtowns and increasingly dense residential neighborhoods to be aligned with the SB 375 mandate to create an integrated land use/transportation strategy. We are united in requesting that urban design be as high a priority in the planning of the HSR as engineering considerations.

Ms. Pourvahidi
March 18, 2009
Page 2 of 2

Other noticeable concerns that our cities share include:

- protection of the walkable, bikeable nature of our communities
- ensuring that the parts of our cities on opposite sides of the HSR tracks are not disconnected from each other, physically or visually
- keeping local road crossings open
- maintaining and improving Caltrain's Baby Bullet (express) and local service

We request that the HSR Authority (HSRA), its design team from HNTB, and Caltrain work with us collaboratively to develop optimal urban design alternatives that will be included in the scope of the EIR/EIS.

We also request that the EIR/EIS include:

- evaluation of at-grade, above-grade, and below-grade trench and tunnel options
- a number of ways to integrate the HSR and Caltrain services (hybrid option)

We would like the HSRA, Caltrain, and HNTB to substantively engage with our group of cities throughout the scoping period, and particularly before the scoping report is finalized, to ensure that our concerns are understood and the alternatives to be analyzed address these concerns. We look forward to working together as partners for the duration of the process from design to construction.

The HSR will be a legacy project that will last for generations and will help fulfill California's sustainability goals. Let's do it right the first time.

Sincerely,

Jerry Carlson
MAYOR

cc: City Council
Jerry Gruber, City Manager
Dominic Spaethling, CAHSRA
Dan Leavitt, CAHSRA

**MEMORANDUM OF UNDERSTANDING
AMONG THE CITIES OF _____, AND _____
FOR THE PENINSULA CITIES CONSORTIUM**

This Memorandum of Understanding (this “Agreement,”) dated _____, 2009, is among the Cities of _____

(collectively referred to as “Peninsula Cities”).

RECITALS

THIS AGREEMENT is made with reference to the following:

- A. The Peninsula Cities of _____ collectively have agreed to come together as a group to form the Peninsula Cities Consortium (“Consortium”) for the purpose of providing information and input for the purpose of working collaboratively with the California High-Speed Rail Authority, Caltrain, and any other entity involved, as of the date of this agreement or in the future, in approving and constructing the high-speed train project on the Peninsula (collectively “Rail Authority”).
- B. The individual Peninsula Cities have come together to form the Consortium because they recognize that, although each individual city faces unique and location-specific challenges with respect to the high-speed train project, all of the Peninsula Cities also share many similar concerns and the strong underlying belief that particular care must be taken to integrate high-speed rail into the living fabric of the Peninsula.
- C. The purpose of the Consortium is to work toward collective policy and procedural positions to represent the united interests shared by all Peninsula Cities, while also supporting each city in achieving goals and solutions appropriate to their individualized location and needs.
- D. The Consortium desires to inform the Rail Authority of its concerns about environmental issues including, but not limited to, comments about the Environmental Impact Report/Environmental Impact Statement to be prepared pursuant to the California Environmental Quality Act and the National Environmental Policy Act.
- E. While all of the Peninsula Cities may have different points of view on some issues, this Agreement outlines a set of objectives that are common to all Peninsula Cities. The Consortium intends to speak as one voice on these and other issues of mutual agreement concerning the future of the High-Speed Rail.
- F. The Consortium’s intent is to be the principal representative of the Peninsula Cities on all common interests concerning High-Speed Rail as it continues up the Peninsula.
- G. The Peninsula Cities continue to support Caltrain and its efforts to upgrade its rail service on the Peninsula and intends to supplement Caltrain’s role regarding high-speed train

service by providing more direct interaction with the cities potentially affected by High-Speed Rail.

NOW, THEREFORE, the Peninsula Cities Consortium hereby agrees as follows:

1. This Agreement shall create the Peninsula Cities Consortium whose purpose shall be furthering the Peninsula Cities' mutual interests by conveying their opinions, input and information to the Rail Authority, while also supporting each city in achieving goals and solutions appropriate to their individualized location and needs.

2. The members of the Peninsula Cities Consortium agree to the following objectives:

a. The Rail Authority should consult with and obtain input from the Peninsula Cities Consortium prior to and throughout designing, analyzing and determining the final alignment of the High-Speed Rail through the Peninsula Cities.

b. The Rail Authority should consult with the Peninsula Cities Consortium in order to determine the range of project alternatives and mitigation measures to be evaluated in the Environmental Impact Report.

c. The Rail Authority should consult with the Peninsula Cities Consortium in order to determine the ultimate design of the train tracks, equipment, and technology.

d. The Rail Authority should consult with the Peninsula Cities Consortium in order to determine where the High-Speed Rail shall be located; be it underground, in a trench or any other design. The Rail Authority should evaluate the full range of grade options. The final design should minimize the impacts upon local communities and incorporate best practices of urban design ideas from rail communities around the world.

3. The Mayor of each participating City shall appoint one member and two alternates. The alternates may attend the meeting with the voting member, but each City will have one vote. One of the alternates may be a staff member of the City. The member and at least one alternate shall be an elected member of the governing body of the City.

4. Voting shall be by a majority vote of all Consortium Cities eligible to vote. A majority vote by all Cities eligible to vote is required to set the policy for the Consortium. The Chair shall determine all tie votes. However, each individual City may choose to take a policy position which is independent of the Consortium, and positions taken by the Consortium shall not be binding on any City.

5. The Consortium shall be established after five cities have formally agreed to join the Consortium. Once established, the Consortium shall select a Chair and a Vice Chair. The Chair shall call and chair each meeting and is appointed to speak on behalf of the Consortium consistent with the principles listed above. The Vice Chair shall serve in the event that the Chair is unavailable. The term of the Chair and Vice Chair shall be one year from the original date of election. The Chair and Vice Chair shall be from different cities and must be elected officials.

6. The Chair may appoint subcommittees which shall study issues and report back to the Consortium to further additional policy positions.

7. Any City may join the Consortium at any time upon approval of this Agreement by its City Council, and any City may withdraw from membership at any time by providing notice to the Chair.

8. A quorum shall consist of 50% of the member cities plus one.

9. This Memorandum of Understanding (“M.O.U.”) does not create a new or separate legal entity, joint venture or Joint Powers Authority. The M.O.U. is an agreement amongst cities to work together utilizing their own resources.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first set forth above.

CITY OF PALO ALTO

By: _____
Mayor

By: _____
City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF

By: _____
Mayor

By: _____
City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF

By: _____
Mayor

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City Manager

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CITY OF

By: _____
Mayor

By: _____
City Manager

APPROVED AS TO FORM:

City Attorney

City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: LISA COSTA SANDERS, DEPUTY TOWN PLANNER

DATE: FOR THE MEETING OF MARCH 18, 2009

**SUBJECT: REQUEST TO INITIATE REZONING OF PARKER AVENUE FROM R1-A
TO R1-B ZONING DISTRICT**

RECOMMENDATION:

Staff recommends that the City Council consider initiating the rezoning request.

INTRODUCTION:

Parker Avenue consists of twenty-two (22) legal lots (currently owned by twenty (20) property owners). Parker Avenue is accessed off Stockbridge Avenue and is currently zoned R1-A.

Staff received applications to rezone Parker Avenue from ten (10) out of the twenty (20) property owners. Atherton Municipal Code Section 17.60 allows amendment to the zoning code by a petition to the City Council by an owner or owners of real property in the Town, resolution of intention by the Planning Commission or resolution of intention by the City Council directing the Planning Commission to consider a proposed amendment. An individual property owner cannot request rezoning of another property without the consent of that property owner. Atherton Municipal Code also provides for the City Council to initiate rezoning. If the City Council were to initiate rezoning, the item would be reviewed by the Planning Commission with its recommendation to the City Council for consideration.

ANALYSIS:

As indicated above, Parker Avenue is currently zoned R1-A. Individual lots are 60' wide by 130' deep (7,800 square feet in area).

The requesting property owners feel the R1-B zoning district is more appropriate for this street as the lots are approximately 1/5 acre in area. The R1-B zoning district allows for a larger floor area and reduced front and rear yard setbacks. The R1-B zoning district does not have a limitation on the amount of floor area that can be constructed on the second floor, where in the R1-A district, the floor area of the second floor is limited to 7.5% of the lot area. The table on the following page compares the provisions of the R1-A and R1-B zoning provisions for a Parker Avenue lot.

Zoning requirements as applied to a 7,800 square foot lot on Parker Avenue:

	R1-A	R1-B
Front/Rear Setbacks	39'-0"	23'-3"
Side Setbacks	14'-0"	14'-0"
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"

As noted above, changing to the R1-B zoning district would allow the construction of a larger home (or additional accessory structures) by 547 square feet, allow the construction of a larger second floor and have a reduced front-yard setback. The R1-A zoning district has a higher height limit (by 2' for the main building and by 4' for the main building sidewalls). The accessory structure setbacks and the main building setbacks apply Town-wide, so those requirements would not change with a zoning district change.

If the Council initiates rezoning of Parker Avenue, Staff will prepare a more complete analysis of the two different zoning districts and how it applies to the properties along Parker Avenue, as well as conduct the appropriate environmental review documentation. The reduction in height with the rezoning may create nonconforming situations along Parker Avenue.

Staff sent a letter in August 2008 with the public notice to all property owners along Parker Avenue requesting their input on the rezoning request. Ten property owners are supportive of the rezoning, eight property owners expressed opposition to the rezoning, one property owner indicated a neutral opinion on the matter and two property owners did not respond. In addition to the affected property owners along Parker Avenue, staff also heard from four neighboring property owners expressing their opposition to the rezoning request.

The R1-B zoning district generally encompasses the smaller lots in Town. There are other scattered smaller lots in Town that are currently zoned R1-A, as well as another similar neighborhood of smaller lots zoned R1-A at the corners of Alameda, Walsh Road and Camino al Lago. The provisions of the R1-B zoning district recognizes the smaller lot size and allows for a higher floor area and reduced front- and rear-yard setbacks. Staff is concerned with proceeding with this request for a zone change as the lots are fully developed and the zoning district change may create building height nonconforming situations. If the Council proceeds by initiating the rezoning request, staff would further analyze the issue of nonconforming structures in a report to the Planning Commission and City Council as well as analyze the existing and potential floor areas of the lots.

CONCLUSION:

If the Council chooses to initiate the rezoning request, it should adopt the attached resolution and forward consideration to the Planning Commission.

ALTERNATIVES:

If the Council does not initiate the rezoning request, Parker Avenue will remain zoned R1-A.

FISCAL IMPACT:

If the Council were to initiate the rezoning, the cost of processing the rezoning request would be borne by the Town. Staff estimates cost between \$7,500 and \$10,000 (including planning staff and City Attorney time).

Prepared by:

Approved by:

Lisa Costa Sanders
Deputy Town Planner

Jerry Gruber
City Manager

Attachments

1. Resolution
2. Map of Parker Avenue
3. Table of property owner's position
4. Applications and letters of request
5. Letters from residents
6. Atherton Municipal code sections 17.60, 17.20 and 17.24

RESOLUTION NO. 09-

**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 17.60 the Atherton Municipal Code and particularly Section 17.60.010(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 17.60 and, particularly Section 17.60.020 and 17.60.030 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 _____th day of _____, 2009, by the following vote.

<i>AYES:</i>	<i>Council Members:</i>
<i>NOES:</i>	<i>Council Members:</i>
<i>ABSENT:</i>	<i>Council Members:</i>
<i>ABSTAIN:</i>	<i>Council Members:</i>

ATTEST:

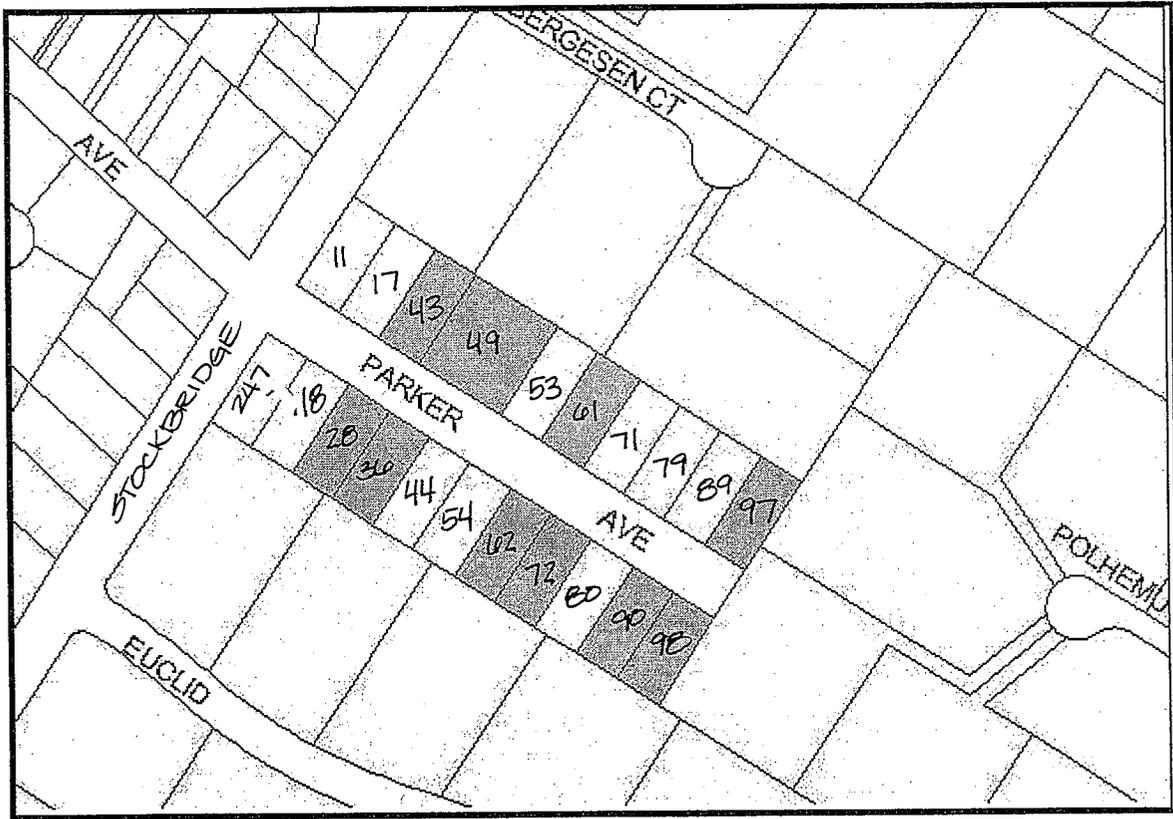
Jerry Carlson, MAYOR
Town of Atherton

Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney

MAP OF PARKER AVENUE



PARKER AVENUE REZONING REQUEST

■ SHADED PROPERTIES INDICATE SUPPORT FOR REQUEST

ATTACHMENT 2

Parker Avenue rezoning request

Property Owner's position

Address	Property Owner	Position
247 Stockbridge	Frenster	Opposed
11 Parker	Leznik	
17 Parker	Rabson/Oritz	Opposed
18 Parker	Frenster	Opposed
28 Parker	Tang/Yu	Support
36 Parker	Riley	Support
43 Parker	Warner	Support
44 Parker	Johnston	Opposed
49 Parker	Bagshaw	Support
53 Parker	Carlson	Opposed
54 Parker	Watkins	Neutral
61 Parker	Kassayan/Goshayeshgar	Support
62 Parker	Nguyen/Pham	Support
71 Parker	Wadsworth	Opposed
72 Parker	Anderson	Support
79 Parker	Polster	Opposed
80 Parker	Pike/Grossman	Opposed
89 Parker	Harrington	
90 Parker	Gardner	Support
97 Parker	Bennett	Support
98 Parker	Kramer	Support

Properties: 21

Support: 10

Opposed: 8

Neighboring Property Owners - position

Address	Property Owner	Position
4 Bergesen	Carson	Opposed
6 Bergesen	Anderson	Opposed
37 Euclid	Basso	Opposed
240 Polhemus	Isenberg	Opposed

ATTACHMENT 3

Town of Atherton
Planning Commission
Atherton, CA 94027

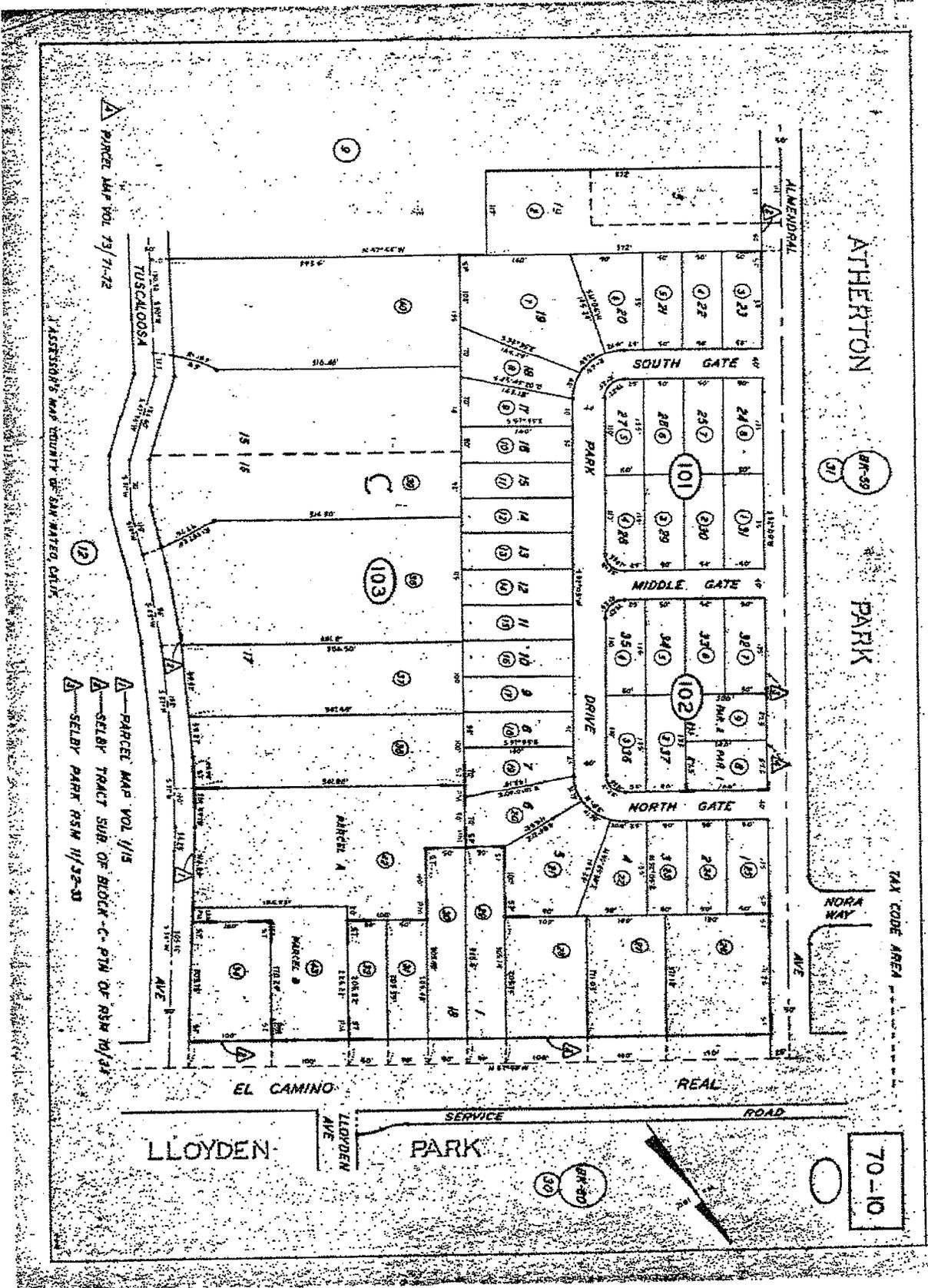
Dear Town of Atherton:

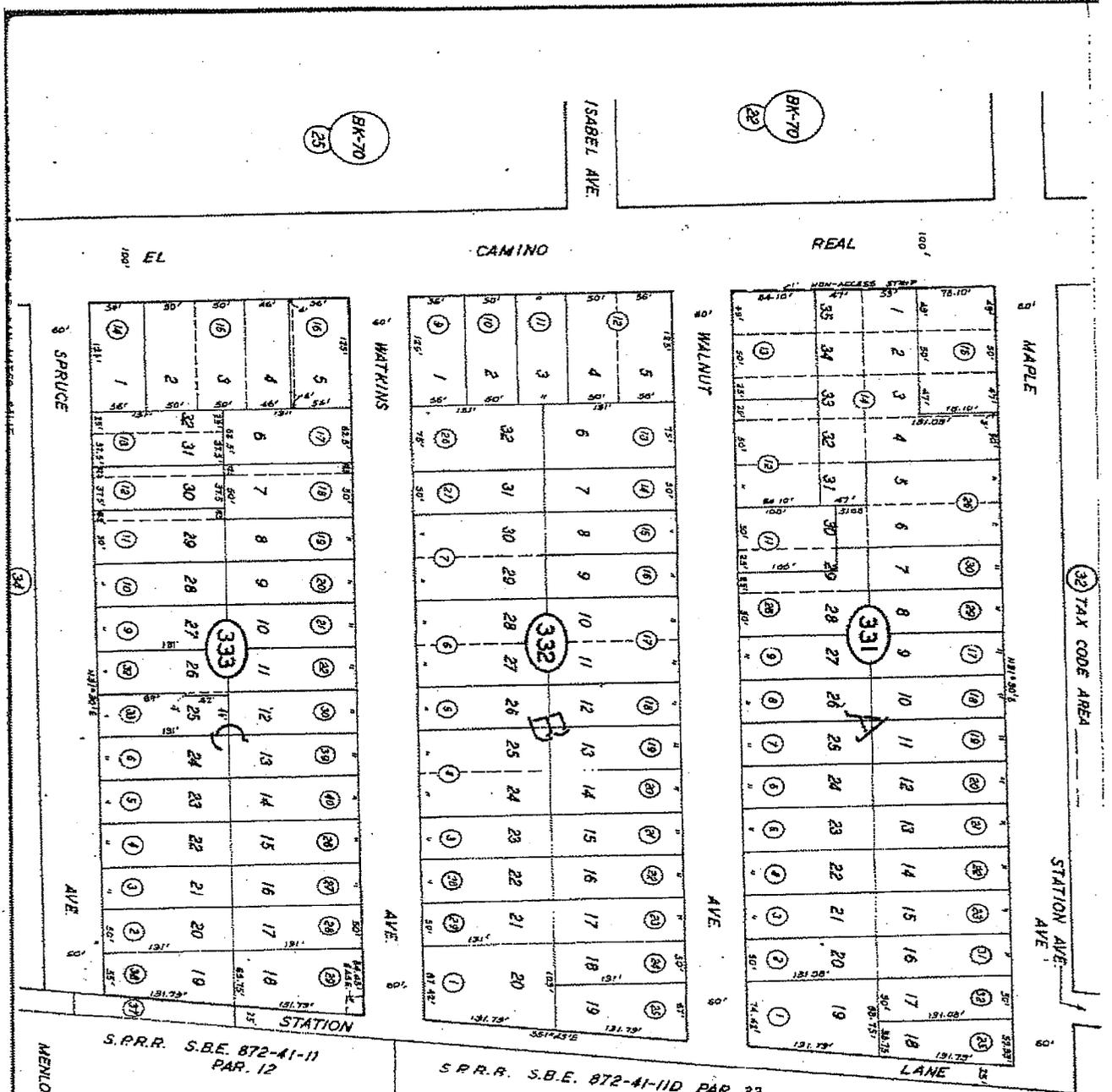
We are submitting a group application for a Parker Avenue zone change. The main contact person regarding this matter will be the Kramer family (Kevin Kramer) (650) 520-3711, at 98 Parker Avenue. The back up person will be Jonathan Tang (650) 743-7868, at 28 Parker Avenue. Your assistance in helping us fix this long term issue is greatly appreciated.

Please note 44 Parker Avenue already has 2,400 sq. ft. living space not including the garage. They have been given different set backs in the front, and in some parts already have the 10ft. set backs on the sides.

ATTACHMENT 4

ALMENDRAL, SOUTH + NORTH GATE + AND MIDDLE GATE
ATHERTON SMALL LOTS 7, 500 FT² ZONED R-1B





60-33

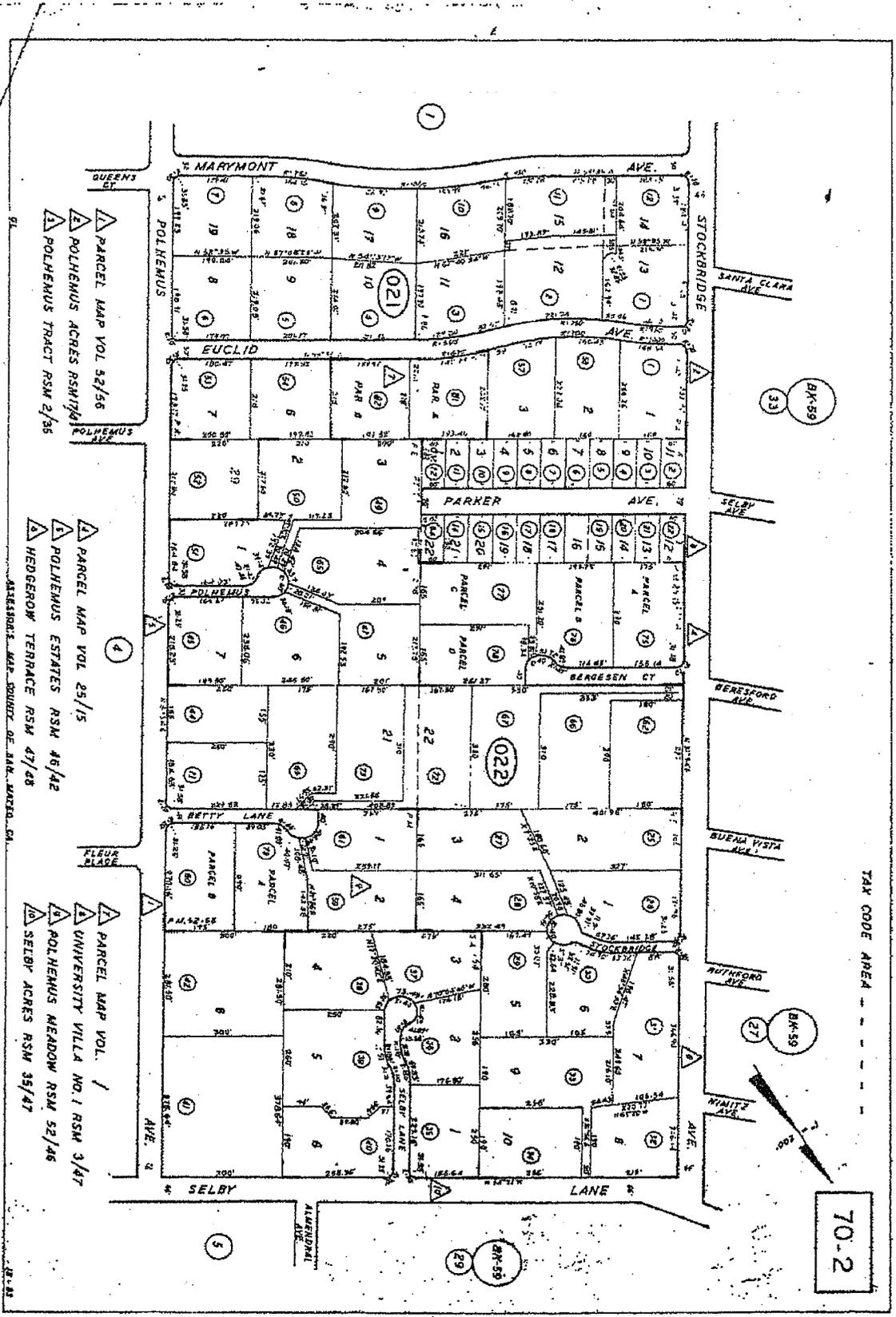
ALL SMALLER
 APPROX 100' LOTS
 EAST OF EL
 CAMINO ARE
 COVERED RIB
 WALNUT, MAPLE
 STREETS ETC.

S.P.R.R. S.B.E. 872-41-11 PAR. 12

S.P.R.R. S.B.E. 872-41-11D PAR. 32

MENLO PARK VILLA LOTS RSM 1/93

2-3-80



**TOWN OF ATHERTON
APPLICATION FOR TOWN ACTION**



Complete the following:

Type of application Reclassify property R-1A to R-1B Date 5-30-08

Application to: Planning Commission City Council Other

Under provisions or in violation of Atherton Code section 17.60

Property Owner Kevin and Lorrain Kramer Phone Number 650-520-3711

Property Address 98 Parker Ave APN# 070-022-120-3

Applicant Same Applicant's Phone Same

Owner's Signature [Signature] Applicant's Signature [Signature]

** Attach a complete description of request as required by the Atherton Municipal Code, Title 17 and the appropriate procedural handout.*

	<i>Received By:</i>	<i>Date:</i>
Description of Request	_____	_____
Application	_____	_____
Fee \$ _____ # _____	_____	_____
Plans & Reduced Plans	_____	_____

Notices Sent: Yes _____ No _____ Date _____

Planning Commission/City Council Hearing Date _____

Staff Recommendation _____ Date _____

Appeal Deadline: _____

Action Approved _____ Action Denied: _____ Signature _____

Process Completed: Date _____ Signature _____

Kevin & Lorraine Kramer
98 Parker Ave
Atherton, Ca 94027
May 30, 2008

Town Of Atherton
Planning Commission
91 Ashfield Road
Atherton, Ca 94027

Dear Atherton Planning Commission:

I am requesting a change in zoning for my property, APN# 070-022-120-3. Currently it is zoned R-1A and would like to have it changed to R-1B.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Kramer', written over a horizontal line.

Kevin Kramer
Owner

**TOWN OF ATHERTON
APPLICATION FOR TOWN ACTION**



Complete the following:

Type of application Reclassify property R1A to R1B Date 6/3/08

Application to: Planning Commission City Council Other

Under provisions or in violation of Atherton Code section 17.60

Property Owner Grant & Colleen Anderson Phone Number 369-4949

Property Address 72 Parker Ave APN# 070 022 090

Applicant Grant & Colleen Anderson Applicant's Phone 369-4949

Owner's Signature Colleen Applicant's Signature _____

** Attach a complete description of request as required by the Atherton Municipal Code, Title 17 and the appropriate procedural handout.*

Received By: _____ Date: _____

Description of Request _____

Application _____

Fee \$ _____ # _____

Plans & Reduced Plans _____

Notices Sent: Yes _____ No _____ Date _____

Planning Commission/City Council Hearing Date _____

Staff Recommendation _____ Date _____

Appeal Deadline: _____

Action Approved _____ Action Denied: _____ Signature _____

Process Completed: Date _____ Signature _____

Town of Atherton
Planning Commission
Atherton, CA 94027

Dear Town of Atherton,

We are residents of Parker Avenue. Since we purchased our home twenty years ago, the turnover rate on our street has been 75%. This is due to the fact that Parker Avenue is currently zoned as R1A, which mainly address conditions concerning larger lots (of 1 acre or more) in Atherton. Our lot at 72 Parker Avenue, along with 19 of the lots on our street, is less than 1/5 acre. Having the same setbacks and square footage being decided by mostly one acre lots is not fair to our less than 1/5 acre parcels.

Parker Avenue should be zoned R1B. R1B would allow residents living on smaller lots more flexibility in improving their homes. Changing our street to R1B would disaffect us from the regulations of the larger lots and make our street less transient. In addition, the town will have to deal with fewer exception requests from our street due to building codes that are more appropriate for our lots sizes.

We would like to be treated similar to other small lots of Atherton (Southgate Ave., Northgate Ave., Lloyd Park, Almendral, Maple just to name a few) that are similarly zoned R1B.

Sincerely,



The Andersons
72 Parker Avenue

TOWN OF ATHERTON APPLICATION FOR TOWN ACTION



Complete the following:

Type of application RECLASSIFY PROPERTY FROM R1A TO R1B ZONE Date 06/09/2008

Application to: Planning Commission City Council Other

Under provisions or in violation of Atherton Code section 17.60

Property Owner S. JONATHAN TANG & CATHY W. YU Phone Number (650) 743-7868

Property Address 28 PARKER AVE. ATHERTON, CA APN# 07-0022040

Applicant S. JONATHAN TANG & CATHY W. YU Applicant's Phone (650) 743-7868

Owner's Signature [Signature] Applicant's Signature [Signature]

*Attach a complete description of request as required by the Atherton Municipal Code, Title 17 and the appropriate procedural handout.

Received By:

Date:

Description of Request _____

Application _____

Fee \$ _____ # _____

Plans & Reduced Plans _____

Notices Sent: Yes No Date _____

Planning Commission/City Council Hearing Date _____

Staff Recommendation _____ Date _____

Appeal Deadline: _____

Action Approved _____ Action Denied _____ Signature _____

Process Completed: Date _____ Signature _____

June 10, 2008

Town of Atherton Planning Commission
Atherton, CA 94027

Dear Town of Atherton Planning Commission:

We are property owners in the Parker Avenue neighborhood. We acquired our property in 2002 with the intention of rebuilding a new home and residing in the neighborhood. We are currently in the initial stages of designing our new home. Over the course of the last six years, through several discussions with neighbors as well as the assistant planner of Atherton, we understand that 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 that can be put on the second 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. In the spirit of recognizing the different lot sizes, it appears that the Town of Atherton has tried to address this issue by having an alternate zoning of R1B along the El Camino corridor and in the North Gate area, which significantly relaxes the floor to lot ratios and the set back restrictions. This alternate zoning unfortunately has not been extended to other small lots not situated in the aforementioned parts of Atherton, significantly disadvantaging the property owners in utilizing their property to the fullest potential. As such, Parker Avenue is a hodgepodge of building code exceptions, which have been granted based on the whims of the officials that have administered the building code over the past six decades since the sub-division came into existence.

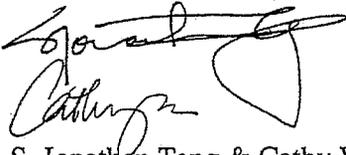
Given the current restrictions, property owners in the neighborhood are faced with the mutually exclusive decision of having a garage versus extra living space often opting for the latter and parking their multiple vehicles on the street. While Parker Avenue is an otherwise ideal setting for young families (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 also made the neighborhood a more dangerous one for children and ultimately a highly transient one with high turnover among homeowners in the demographic group with young children. We believe that relaxing the restrictions on our community's smaller lot size will go a long way to addressing this issue as well as beautifying the neighborhood by getting vehicles off the street.

Given the past history of exceptions granted on Parker Avenue and the recent spotlight on building code enforcement irregularities, which came to light in the past 18 months, as property owners planning to design a new home, it is not without trepidation that we embark on the design, approval, and construction process wondering which building officials we will encounter. In the spirit of equitable treatment, uniform application of the building code, and to ultimately remove some of the uncertainty that has crept into the

approval process over the years, we are petitioning the Planning Commission to consider a zoning change to R1B and put Parker Avenue (and, for that matter, any other similar sized lots outside of the El Camino corridor and the North Gate area) on equal footing and subject to the same standard as other similar sized lots found within the Town limits.

We respectfully request that you consider our petition along with those submitted by some of our neighbors and fellow property owners to re-zone Parker Avenue 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 in greater detail.

Sincerely,

Handwritten signatures of Jonathan Tang and Cathy W. Yu. Jonathan Tang's signature is written in black ink and is highly stylized, with a large loop at the end. Cathy W. Yu's signature is written in black ink and is also stylized, with a large loop at the end.

S. Jonathan Tang & Cathy W. Yu
Joint Owners of 28 Parker Avenue, Atherton, CA

**TOWN OF ATHERTON
APPLICATION FOR TOWN ACTION**



Complete the following:

Type of application Re-zoning Date 6/3/08

Application to: Planning Commission City Council _____ Other _____

Under provisions or in violation of Atherton Code section 17.60

Property Owner Bonnie + Bob Riley Phone Number 650 365 1706

Property Address 36 APN# 070 022 050

Applicant Property owners Applicant's Phone see above

Owner's Signature Bonnie Riley Applicant's Signature _____

**Attach a complete description of request as required by the Atherton Municipal Code, Title 17 and the appropriate procedural handout.*

Received By:

Date:

Description of Request _____

Application _____

Fee \$ _____ # _____

Plans & Reduced Plans _____

Notices Sent: Yes _____ No _____ Date _____

Planning Commission/City Council Hearing Date _____

Staff Recommendation _____ Date _____

Appeal Deadline: _____

Action Approved _____ Action Denied _____ Signature _____

Process Completed: Date _____ Signature _____

FACIAL RECONSTRUCTIVE SURGICAL AND MEDICAL CENTER

750 Welch Road, Suite 317
Palo Alto, California 94304.

Robert W. Riley, D.D.S., M.D.
Nelson B. Powell, M.D.
Jerome E. Hester, M.D.
Donald M. Sesso, D.O.

(650) 328-0511
Fax: (650) 328-3419

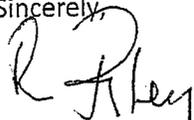
Lisa Costa-Sanders
Planning Commission
Town of Atherton

Re: Change of zoning status of Parker Ave

Dear Ms. Costa-Sanders,

I would like to request a change of our zoning status from R1A to R1B. R1A would seem to apply to the large lots (>1 acre) of Atherton and as a result treats the small lots of Parker Ave unfairly. It is almost impossible to design a remodel which would include a garage with the current R1A zone. This has a significant adverse economic impact. We should be treated similar to the other small lots of Atherton (Southgate Av) which is zoned R1B.

Sincerely,



Robert W. Riley M.D., D.D.S.
Clinical Professor
Dept. Head and Neck Surgery
Stanford University

south

TOWN OF ATHERTON APPLICATION FOR TOWN ACTION



Complete the following:

Type of application Reclassify property R1A to R1B Date 6-2-08

Application to: Planning Commission City Council Other

Under provisions or in violation of Atherton Code section 17.60

Property Owner Warner Family Trust Phone Number 650-366-1514

Property Address 43 Parker Ave APN# _____

Applicant Rachel Warner Applicant's Phone 650-366-1514

Owner's Signature [Signature] Applicant's Signature [Signature]

** Attach a complete description of request as required by the Atherton Municipal Code, Title 17 and the appropriate procedural handout.*

Received By:

Date:

Description of Request _____

Application _____

Fee \$ _____ # _____

Plans & Reduced Plans _____

Notices Sent: Yes No Date _____

Planning Commission/City Council Hearing Date _____

Staff Recommendation _____ Date _____

Appeal Deadline: _____

Action Approved _____ Action Denied _____ Signature _____

Process Completed: Date _____ Signature _____

Rachel Rosati Warner
43 Parker Avenue
Atherton, CA 94207

June 5, 2008

Town of Atherton Planning Commission
Atherton, CA 94027

Dear Atherton Planning Commission:

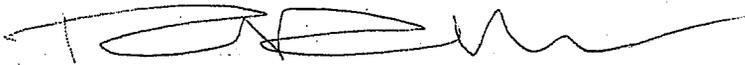
I am a resident of the Parker Avenue neighborhood. I have become aware through discussions with my neighbors that our street is currently zoned as R1A. It is my understanding that the majority of lots in the R1A zone are over one acre in size, and that the regulations of this code specifically address conditions concerning such larger lots. Our lot size is significantly less than one acre, as is the case with all but one other lot located on our street. As such, our relatively small neighborhood is subject to a zoning code that does not take into account our unique situation, thereby putting us at a significant disadvantage to the majority of our fellow Athertonians.

It has also come to my attention that R1B zoning exists as a potential solution to the inequality resulting from this very situation. It is my understanding that R1B zoning allows residents living on smaller lots more flexibility when it comes to improving their homes while also preserving the integrity of our town's landscape. I am joining several of my neighbors to respectfully request that Parker Avenue be considered for rezoning to R1B—just as other areas of Atherton similar to ours have been accommodated.

Although I have only recently become a resident of the Parker Avenue neighborhood, I have been a resident of Atherton for more than 12 years. I moved to Atherton with my family in 1983 when I was 8 years old. My father continues to be an Atherton resident living close by in the house that I grew up in on Selby Lane. I have fond memories coming of age in this wonderful community, and look forward to creating many future memories in Atherton with my husband and two young children. Unfortunately, under the existing zoning code, we may one day be forced to either reconsider further expanding our family or move to another home that is large enough to satisfy our growing needs.

I look forward to working with you to find an egalitarian solution to this unique situation that the families living on our street face.

Sincerely,



Rachel Rosati Warner
Owner and resident of 43 Parker Avenue, Atherton, CA

**TOWN OF ATHERTON
APPLICATION FOR TOWN ACTION**



Complete the following:

Type of application Reclassify property RIA to RIB Date 6/4/2008

Application to: Planning Commission City Council Other

Under provisions or in violation of Atherton Code section 17.60

Property Owner MAI PHAM Phone Number 650-369-1935

Property Address 62 Parker Ave APN# 070 022 080

Applicant MAI PHAM Applicant's Phone 650-369-1935

Owner's Signature Maipham Applicant's Signature maipham

**Attach a complete description of request as required by the Atherton Municipal Code, Title 17 and the appropriate procedural handout.*

Received By:

Date:

Description of Request _____

Application _____

Fee \$ _____ # _____

Plans & Reduced Plans _____

Notices Sent: Yes _____ No _____ Date _____

Planning Commission/City Council Hearing Date _____

Staff Recommendation _____ Date _____

Appeal Deadline: _____

Action Approved _____ Action Denied: _____ Signature _____

Process Completed: Date _____ Signature _____

Mai T Pham
62 Parker Avenue
Atherton, CA 94207

June 2nd, 2008

Town of Atherton Zoning Commission
Atherton, CA 94207

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.

**TOWN OF ATHERTON
APPLICATION FOR TOWN ACTION**



Complete the following:

Type of application Reclassify property R1A to R1B Date 6/5/2008

Application to: Planning Commission City Council Other

Under provisions or in violation of Atherton Code section _____

Property Owner Reza & Mojgan Kassayan Phone Number 650-631-9424

Property Address 61 Parker Ave APN# 070 022 170

Applicant Reza Kassayan Applicant's Phone 650-631-9424

Owner's Signature [Signature] Applicant's Signature [Signature]

** Attach a complete description of request as required by the Atherton Municipal Code, Title 17 and the appropriate procedural handout.*

Received By:

Date:

Description of Request _____

Application _____

Fee \$ _____ # _____

Plans & Reduced Plans _____

Notices Sent: Yes No Date _____

Planning Commission/City Council Hearing Date _____

Staff Recommendation _____ Date _____

Appeal Deadline: _____

Action Approved _____ Action Denied _____ Signature _____

Process Completed: Date _____ Signature _____

October 18, 2006

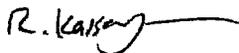
Dear Atherton City Council and City Manager,

We, residents of 61 Parker Ave, are writing for the concerns on construction square footage limitation in our street. We are expecting a new baby next month and planning to rebuild our home in a few years. Actually current limitation on permissible home square footage based on lot size for Parker Ave, is disproportional to norms in any other city in Silicon Valley, and does not fulfill reasonable space required for living of a family these days. It practically makes new construction not wise from economical point of view and can be a barrier for renewing or rebuilding homes.

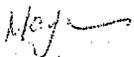
We really appreciate relaxation of this limitation to around 3000 square footage construction for 7800 square foot lots. This, maybe insignificant change, could have a big impact on the quality and standards of life for us. Certainly this in long run renews our street, and in return empowers City of Atherton more with attraction and eminence.

Please let us know if there is any question. We look forward to hearing from you on this issue.

Best regards,



Reza Kassayan, MD, BSEE



Mojan Kassayan, PhD

61 Parker Ave

Atherton, CA 94027

H: 650-631-9424

**TOWN OF ATHERTON
APPLICATION FOR TOWN ACTION**



Complete the following:

Type of application Reclassify property ^{FROM} RIA to RIB Date 6/4/08

Application to: Planning Commission City Council Other

Under provisions or in violation of Atherton Code section 17.60

Property Owner H-MICHAEL BENNETT Phone Number 650-368-2518

Property Address 97 Parker Ave APN# 070 022 640

Applicant H-MICHAEL BENNETT Applicant's Phone 650-368-2518

Owner's Signature [Signature] Applicant's Signature [Signature]

** Attach a complete description of request as required by the Atherton Municipal Code, Title 17 and the appropriate procedural handout.*

Received By:

Date:

Description of Request _____

Application _____

Fee \$ _____ # _____

Plans & Reduced Plans _____

Notices Sent: Yes _____ No _____ Date _____

Planning Commission/City Council Hearing Date _____

Staff Recommendation _____ Date _____

Appeal Deadline: _____

Action Approved _____ Action Denied: _____ Signature _____

Process Completed: Date _____ Signature _____

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

June 19, 2008

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.

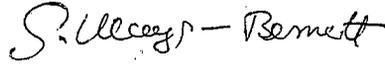
In addition to our personal difficulties with Parker Avenue's R1A zoning and the unfairness it represents in Atherton's overall zoning structure, we believe that important community values would be served by converting Parker Avenue from R1A to R1B zoning. For instance, we are only one of the many residences on Parker Avenue that are prevented from building a garage by the restrictions of R1A zoning. This results in a great number of automobiles being parked on the street, which in turn creates not only an aesthetic eye sore but also a danger to children who play around the cars. Also, Parker's R1A zoning has resulted in a great deal of owner transience as owners must move to properties away from Parker Avenue in order to serve the space needs of their growing families. We have had several Parker residents say to us before they moved away that they really did not want to leave Parker Avenue, but the R1A zoning restrictions prevented them from making necessary changes in their homes—changes that would be allowed under R1B zoning.

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,

Handwritten signature of H. Michael Bennett in cursive script.

H. Michael Bennett

Handwritten signature of Gabriele Mayer Bennett in cursive script.

Gabriele Mayer Bennett

TOWN OF ATHERTON APPLICATION FOR TOWN ACTION



Complete the following:

Type of application Reclassify property R1A to R1B Date 6/27/08

Application to: Planning Commission City Council Other

Under provisions or in violation of Atherton Code section 17.60

Property Owner David Bagshaw Phone Number 650 369 2333

Property Address 49 Parker Ave APN# 070 022 190

Applicant David Bagshaw Applicant's Phone 650 867 3693

Owner's Signature [Signature] Applicant's Signature [Signature]

**Attach a complete description of request as required by the Atherton Municipal Code, Title 17 and the appropriate procedural handout.*

Received By: _____

Date: _____

Description of Request _____

Application _____

Fee \$ _____ # _____

Plans & Reduced Plans _____

Notices Sent: Yes _____ No _____ Date _____

Planning Commission/City Council Hearing Date _____

Staff Recommendation _____ Date _____

Appeal Deadline: _____

Action Approved _____ Action Denied _____ Signature _____

Process Completed: Date _____ Signature _____

TOWN OF ATHERTON APPLICATION FOR TOWN ACTION



Complete the following:

Type of application Reclassify property R1A to R1B Date 6/19/08

Application to: Planning Commission City Council Other

Under provisions or in violation of Atherton Code section 17.60

Property Owner MARILEE K. GARDNER Phone Number 650.365.2950

Property Address 90 Parker Ave APN# 070-022-110

Applicant [Signature] Applicant's Phone _____

Owner's Signature [Signature] Applicant's Signature _____

** Attach a complete description of request as required by the Atherton Municipal Code, Title 17 and the appropriate procedural handout.*

	Received By:	Date:
Description of Request	_____	_____
Application	_____	_____
Fee \$ _____ # _____	_____	_____
Plans & Reduced Plans	_____	_____

Notices Sent: Yes _____ No _____ Date _____

Planning Commission/City Council Hearing Date _____

Staff Recommendation _____ Date _____

Appeal Deadline: _____

Action Approved _____ Action Denied: _____ Signature _____

Process Completed: Date _____ Signature _____



Parker Avenue

Saturday, June 14, 2008 5:10 AM

From: "Judith Watkins" <jwatkinsindc@verizon.net>
To: "Colleen Anderson" <lovenypaws@yahoo.com>

Colleen

Thanks for the information about Parker Avenue. With regard to a possible zoning change, at this point I am neither for it or against it. I'm just not there to be appropriately involved in neighborhood discussions.

Take care.

Judith

Judith Watkins
4301 Massachusetts Ave. NW
#5005
Washington DC 20016
202-237-5887
202-905-1123 (cell)
jwatkinsindc@verizon.net

Lorna and Bruce Basso

31 & 53 Euclid Ave.

Atherton, Ca. 94027

(650) 659-0520

March 11, 2009

Dear Lisa Costa Sanders, Deputy Town Planner,

My husband and I are alarmed at the contentious request of Parker Avenue residents to rezone from R1-A to R1-B because of the following reasons:

- 1) Six homes on Parker Avenue border our property. A few are already eyesores and in violation of the existing 39 ft. setbacks and some are on the property line.
- 2) Increased size of homes and smaller setbacks will negatively impact our home value, peacefulness and privacy, as well as everyone else on Euclid Ave. (we can already hear one household's TV).
- 3) Rezoning would destroy the reason people live in Atherton; large, quiet and parklike in a prime wooded location close-together "McMansions" alter Atherton's reputation

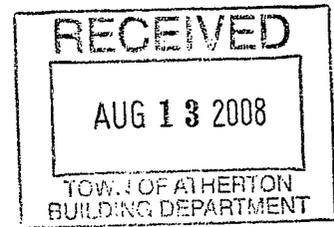
ATTACHMENT 5

the finest town on the Peninsula.
Please don't lower our standards!

Sincerely,

Lorna S. Basso

Debbie Moritz and Michael Rabson
17 Parker Ave
Atherton, CA 94027
650-261-1010



August 13, 2008

Lisa Costa Sanders
Deputy Town Planner
City of Atherton
91 Ashfield Road
Atherton, CA 94027

Dear Ms. Sanders,

We understand that the Town of Atherton has received a request from several Parker Avenue residents for a change of zoning.

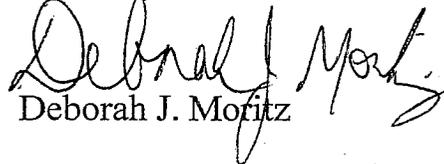
We bought our house in 1993 when our older son was 6 months old. We are from the East Coast and were accustomed to living on tree lined streets with a "green" feeling. For this reason, Parker Ave appealed to us. It has been home to us, our 2 boys and 2 very large dogs.

In March of 2000 we completed a second story addition, which changed our house to 4 bedrooms and 2.5 baths with a family room, living room, and eat-in kitchen. Our addition was done in accordance with the R1A requirements.

Our house is more than adequate for a family of 2 adults, 2 teenage boys (who seem to take up a disproportionate amount of space), and 2 human sized animals. Furthermore, any family (including those with more than 2 children), who feels the need for more space, could design a new house or addition to include a substantial basement and stay in accordance with the R1A zoning specifications.

Please feel free to contact us if you need any additional information.

Sincerely,


Deborah J. Moritz

John H. Frenster, M.D., FACP
247 Stockbridge Avenue
Atherton, California 94027-5446
650/367-6483

FAX: 650/364-1773
frensasc@ix.netcom.com
<http://www.frenster.com>
MATRIX COGNITION

August 9, 2008

Ms. Lisa Costa Sanders
Deputy Town Planner
Town of Atherton
91 Ashfield Road
Atherton, California 94027

Dear Ms. Sanders.

Thank you very much for your letter of August 1, 2008 concerning the request to rezone Parker Avenue from R1-A Residential to R1-B Residential. We suggest that the R1-A status be maintained simply because it has worked so well.

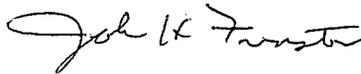
We have lived in Atherton for over 42 years. We are both active physicians, and we purchased our current residence at 247 Stockbridge Avenue (corner of Parker Avenue) in 1968, and purchased our rental property at 18 Parker Avenue in 1975.

We have raised three children to adulthood (and Master's degrees in Business, Physics, and Education). They have great fondness and appreciation of the entire Parker Avenue neighborhood. Our young'uns return to visit us, and they find tears in their eyes as they remember their joys of childhood on Parker in Atherton.

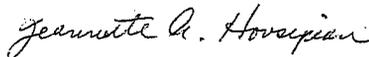
We are on good terms with all of our neighbors, often helping them out during accident or illness, blackouts or earthquakes; windstorms or droughts. We exchange fruits from our trees, good fellowship during block parties and elections, and waves and smiles each time they pass our way. Our Neighborhood Watch Program is effective, and we all attend Town Council meetings frequently, and vote in every election.

Even this zoning issue cannot change our solidarity and fondness for each other. We have worked well together in past discussions on this issue, and will do this again as we get past this misguided attempt. We will attend the Atherton City Council meeting on August 20, and would like to join other speakers in detailing our hopes for the future of Atherton.

Sincerely,



John H. Frenster, M.D.,



Jeannette A. Hovsepian, M.D. (Mrs. Frenster).

Town of Atherton
Planning Commission

8/9/2008

We moved into our house shortly after the zoning compromise for Parker Avenue back in 1992. We thought it was a fair resolution addressing the wants of some neighbors for bigger houses and the desire of many neighbors to preserve the openness of the street in accordance with the town planning and goals. Yet this thoughtful compromise did not satisfy those who are determined to develop the street as they see fit. Reflecting back on the neighbors who have bought houses on this street, many have been real estate agents, developers/builders or their close relatives who hope to maximize their investment at the expense of their long-term neighbors who had moved here precisely because of the particular appeal of this town. Perhaps it is no coincidence that at least five of those families sold their houses after their second attempt to change the street zoning failed several years ago. This represents 35% percent of the turn over in home ownership on our street, not counting the sales due to death, since we moved here 17 years ago.

We recognize that Parker Avenue has relatively modest houses in a town with special spatial aesthetics and appeal. For those who argue the need for a larger house in a good school district, there are many choices in neighboring towns that may better meet their needs. We appreciate the open feel preserved by the town planning and are enjoying raising our family here.

Sincerely,



Andrew & Eda Carlson
53 Parker

Ted Johnston and Margaret Johnston
44 Parker Ave
Atherton, CA
August 10, 2008

Lisa Costa Sanders
Planning Commission
Town of Atherton

R-1A versus R-1B for Parker Ave.

We have lived in Atherton for 37 years (14 years on an acre lot on Alejandra) and 23 years here on Parker. We like the style of Atherton and changing Parker Ave. to R-1B would be contrary to that style.

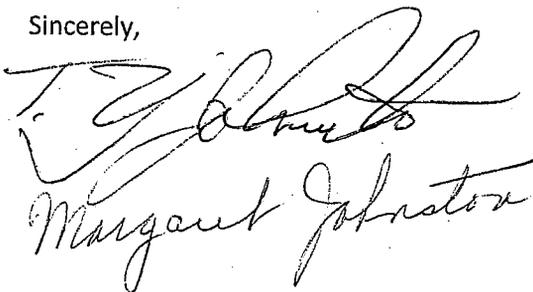
Several of the people who are in favor of rezoning to R-1B cite the restrictions in R-1A as being appropriate for homes on large lots and stated that these restrictions are not appropriate for our small lots. Our feeling is the reverse. Although, the restrictions are nice for the large lots, they are really important for our small lots so that we cannot be hemmed in by large two story houses 14 feet from our property line. We have looked at properties near us in the county and we are thankful that we have these rules that prevent us from having that density of housing. There are of course trade-offs, but our suggestion would be if your desire is to have a larger home on a small lot then Menlo Park and its unincorporated area provide excellent schools (Atherton and Menlo Park share the usage of Menlo Park City Schools and Las Lomitas schools) and allow more dense housing.

Some of the letters seemed to infer that the changes in zoning have been arbitrary and capricious. They are basically historical. When my house was built in the 1930's a 25' setback and a 10' side lot were according to code. Subsequently, these rules have been changed to 30' and 14' for our lots. The additions done to our house prior to our owning it conform to the new side setbacks of 14' and the size of the second floor of less than 7.5% of the size of the lot.

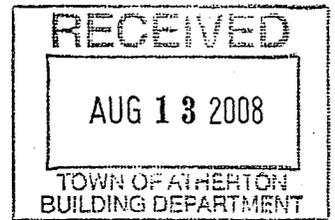
Anyone who thinks that they will be able to build a garage on their property if we were rezoned to R-1B should look long and hard. If you want to place the garage behind your house, if you are very lucky you might be able to do that. There is not a single 60' wide property on Parker where one could put a garage alongside the existing house without a major reduction in the width of the house.

There are many areas on the peninsula between Burlingame and Cupertino with good school systems where larger houses are possible on small lots. Atherton, please, don't remove one of the very few parcels where our smaller houses cannot be surrounded by larger houses on small lots.

Sincerely,



Margaret Johnston



Tina and Jeremy Isenberg
240 Polhemus Ave
Atherton, CA 94027
650-368-2605

August 12, 2008

Lisa Costa Sanders
Deputy Town Planner,
City of Atherton
91 Ashfield Road
Atherton, CA 94027

Dear Ms. Sanders,

We are writing in connection with the request by some residents of Parker Ave. to change zoning of their neighborhood from R1A to R1B. While respecting their right of petition, we object strongly to any action on the part of the Town of Atherton toward granting it. Our objections include but are not limited to the following points.

First, we object to the apparent absence of official notice to us. Our property shares boundaries with two Parker Ave. lots (12 and 22), and thus we are significant interested parties to any change in their zoning. We learned about the proposed change only today through informal conversation with a resident of Parker Ave. We think that such an important matter should have been brought to our attention through official channels with enough time to prepare a thorough response.

Second, we strongly disagree with the 'fairness' argument made by the petitioners. While the appeal to be treated the same as others with similar size lots is superficially attractive, such appeal is undermined by its failure to consider the interests of nearby R1A homeowners. In neighborhoods with R1B zoning elsewhere in Atherton, purchasers of nearby R1A properties knew in advance of adjacent R1B zoning. In our neighborhood, purchasers of R1A properties had the right to assume that zoning would not be radically changed. We think that the notion of 'fairness' should be enlarged to consider our interests.

Third, we would regard granting this petition as an instance of urbanization of Atherton, whose Charter describes the Town as a rural community as follows:

"The Town of Atherton desires, insofar as possible, to preserve its character as a scenic, rural, thickly-wooded, residential area, with abundant open space ..."

The changes sought by the petitioners, amounting to spot changes in zoning, would erode the rural character of the Town in the name of benefitting individual property owners. Such changes neither benefit the Town, as it is described in its Charter, nor adjacent R1A property owners nor Parker Ave. residents who wish to live in the environment protected by the current zoning rules.

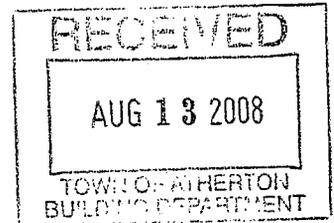
We urge you to reject the petition by some residents of Parker Ave. to change zoning of their neighborhood to R1B.

Yours,

A handwritten signature in cursive script, appearing to read "Jeremy Isenberg".

Christina and Jeremy Isenberg

Lisa Costa Sanders
Deputy Town Planner



RE: R1-A ZONING ON PARKER AVENUE IN ATHERTON

Although some of the homes on Parker Avenue may not be as roomy as the applicants for change would like, the charm of this delightful neighborhood with its fabulous address wooed them even though they were informed as the law requires that Parker Avenue is and always has been zoned R1-A.

Surely there are homes for sale in R1-B zones that would appeal to our unhappy and "restricted" neighbors more than this charming village.

Scores of children have grown up safely on Parker Avenue and were educated in the excellent schools in our district.

Those who would support a change in zoning might be reminded that some years back city planners agreed that the small houses may be enlarged up to 2,250 square feet AND that the setbacks would remain. This is no secret to any one intending to purchase a home on Parker Avenue.

Turnover – Unhappily, many of the turnovers have been the result of death, divorce or family relocation. Other residents who have moved over the years needed or wanted larger homes. No problem. They didn't try to change the zoning, they moved.

Sincerely,

A handwritten signature in cursive script that reads "Audrey Herald Polster".

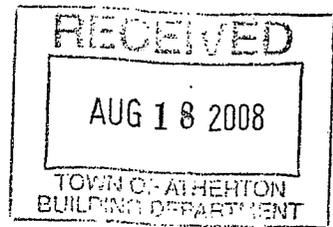
Audrey Herald Polster
79 Parker Avenue

A handwritten signature in cursive script that reads "Ronald A. Polster".

Ronald A. Polster
79 Parker Avenue

8/11/08

37 Euclid Avenue
Atherton, Ca 94027



August 17, 2008

Ms. Lisa Costa Sanders
Atherton Planning Department
91 Ashfield Road
Atherton, CA 94027

Dear Ms. Sanders,

We have just learned that a group of Parker Avenue residents is petitioning to rezone their street to allow larger houses. We are not happy that we were not informed of the proposed change, which we strongly oppose. The proposed R1B zoning is incompatible with West Atherton neighborhoods.

After residing farther up the Peninsula for a number of years Bruce and I moved back to West Atherton, where I grew up. It was our expectation that the open, uncrowded environment in this part of town assured by its R1A zoning would remain as it has always been. Our property on Euclid adjoins six lots on Parker Avenue; we already have had major problems with noisy backyard parties on one of them closest to our house. We value privacy, and the prospect of Parker Avenue houses adding the bulky second stories we see in the R1B-zoned area downtown is unacceptable.

I request that the Atherton City Council deny the request to rezone Parker Avenue from R1A to R1B.

Sincerely,

Lorna S. Basso

A large, stylized handwritten signature in black ink, appearing to read "BRUCE BASSO".

Lorna Basso

BRUCE BASSO

P.S.: We learned of this matter at the last moment. Because this past week we have been frantic, what with hosting a family wedding on our property and my mother being in and out of the hospital, I have asked one of our Parker Avenue neighbors to deliver this letter in person tomorrow.

80 Parker Avenue
Atherton, Ca 94027

August 11, 2008

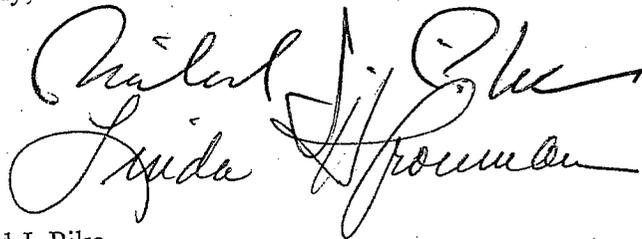
Lisa Costa Sanders
Deputy Town Planner
Town of Atherton Administrative Offices
91 Ashfield Road
Atherton, CA 94027

Dear Ms. Sanders,

We are in receipt of your letter of 1 August concerning the request to rezone Parker Avenue. This letter and the accompanying rebuttal constitute our written response.

We hereby request that the Atherton City Council find without merit and dismiss the collective 1 August 2008 Application petitioning for Town Action to rezone Parker Avenue from R-1A to R-1B.

Sincerely,

Handwritten signatures of Richard J. Pike and Linda H. Grossman. The signature of Richard J. Pike is on top, and the signature of Linda H. Grossman is below it.

Richard J. Pike
Linda H. Grossman

Attachments

Arguments In Favor of Retaining R-1A Zoning for Parker Avenue

We oppose reclassifying Parker Avenue R-1B.

The issue at hand is house size. It was settled 16 years ago when the floor-area ratio (FAR) for Parker Avenue and other small R-1A lots in Atherton was adjusted upward. This compromise, resulting from meticulous staff work by Town agencies, provided the living space required to add a decent second story to existing houses while preserving the objectives of R-1A zoning. We endorsed this well crafted solution in 1992 and support its continuance now. Located a mile and a half from the higher-density R-1B-zoned town center (see Appendix and Attachment 1), Parker Avenue is correctly classified R-1A.

Despite the successful 1992 revision of R-1A FAR, the subject petition marks the third attempt in the last five years to rezone the street to R-1B -- all initiated or abetted by the same real-estate-business-involved household (#72 in Attachment 2), native-born Athertonians who by now should understand their home town's zoning philosophy. Similarly, the lead contact person for the subject petition (#98) also is an Atherton native, and another petitioner (#43) has resided in Atherton since 1983.

We are deeply saddened that this bone of contention has again divided our street, because each time it brings fresh discord and bitterness. Linda and Richard both (coincidentally) once lived on closely packed properties, 6 abutting lots in Menlo Park (Richard) and 5 in the East Bay (Linda); each of us always enjoyed cordial relationships with the neighbors. It is painful for us now to experience repeated and unnecessary dissension, whereas in prior years our neighborhoods worked together in friendship.

Among the issues -- whether or not raised directly in the subject petition -- are property values, lot size, house size, turnover, families with children, garages, and "fairness":

- Rezoning Parker Avenue to allow larger houses and thus grow current wealth or maximize profit when the property is later sold has been a goal of several petitioners, now and previously (e.g. 1991-92). This is hardly a reason to drop the existing R-1A classification; personal gain or speculation are not zoning issues.
- Innuendo has been circulated orally by some petitioners that R-1A zoning is capping smaller Parker Avenue properties at a low market value, thereby enabling "the wrong kind of people" to buy into Atherton rather than, say, Redwood City. This is fear-mongering; it is vile and baseless.
- Rezoning the street simply to enlarge a house or build a new one of a larger size to satisfy personal preferences is another objective of some Parker Avenue households. That, too, is insufficient cause to abandon R-1A. If the relaxed R-1A zoning criteria of 1992 still do not allow the desired amount of space, then dissatisfied owners need to look elsewhere rather than degrade the street's quality of life by seeking to increase the bulk of its houses and overall visual density.

- Some petitioners allege that R-1A zoning encourages transient ownership of Parker Avenue's modest houses. This is challenged by Attachment 2, which reveals periods of residence dating to 47 years with a median of 17 years. Since 1989, turnover has affected 12 (57%) of the 21 Parker Avenue properties – largely due to deaths (3), economic success (3) or failure (1), divorce (2), or retirement (2), not discontent over house size as insinuated. Only one property, #62, has experienced significant recent change in ownership. Moreover, the number of rentals on the street is down to just two (#28, #54) from four (#36, #72, #89, & #90) just a few years ago.
- Some petitioners contend that the modest houses allowed under the R-1A classification exclude young families with children from Parker Avenue. This is refuted by post-1992 expanded properties #17 and #36 as well as by older properties (#43, #98). The statement by one of the petitioners previously requesting R-1B zoning for Parker at the Atherton City Council meeting of 18 October 2006, "You can't raise a family in that (size house)" [from *The Almanac*, 1 Nov. 2006, page 5], is untrue. More to the point, this issue has no bearing on zoning.
- Nor would rezoning Parker Avenue lots to R-1B allow addition of a free-standing garage -- without moving the existing house closer to the street, or, removing the house and erecting a new one on a smaller footprint (Municipal Code, Sect. 17.36.050 and 17.36.060). Atherton does not require a garage, but all lots on Parker Avenue originally had one, either built-in (e.g. #28, #80, #79) or free standing (#61, #72). Some owners converted garages to living space or tore them down to install swimming pools, enlarge yard space, etc. Builders of the two newest houses (#36, #90) chose not to include a garage. In practical terms the issue is moot; all but a few of the remaining garages are used for storage rather than to house vehicles.
- Several petitioners charge that R-1A zoning is "unfair" to Parker Avenue households because its restrictions, (supposedly) designed only for the many large (over 1 acre) lots, result in too-small houses on the fewer small lots. However, the R-1A classification was intended to control the overall appearance of *all* of its properties, *regardless of size*. What R-1A zoning ensures, on both large and small lots, is a modest *proportion* of house size and bulk to lot size -- thus preserving the visually appealing openness and lack of crowding that is Atherton's very reason-for-being.

In 1990 we purchased #80 Parker Avenue because it exactly met our search criteria; we would not have touched it otherwise. Built in 1955, long before any zoning changes, the house has a higher floor/area ratio than currently allowed. This privilege cost us dearly: well over twice that of the smaller house next door (#72) purchased only 6 months before ours. Until the larger house on the double lot (#49) changed hands ca. 1993, our property taxes were more than double those of all but one other (#98) on the street. Would we have settled for one of the smaller, less costly, houses (had it been available)? No -- it would not have met our foreseeable needs. Sometimes one simply has to pay for what one wants, "unfair" as that may seem.

In conclusion, stripping Parker Avenue of R-1A protection would violate both letter and spirit of Atherton's mission statement setting forth the standard that maintains the town as an exceptional place to live:

"The Town of Atherton desires, insofar as possible, to preserve its character as a scenic, rural, thickly-wooded, residential area, with abundant open space . . . "

Despite the modest scale of the 1/5-acre Parker Avenue properties, they, too, are Atherton and deserve to share, as fully as larger properties, in the low-density R-1A environment that constitutes the Town's unique "commons."

Changing Parker Avenue to R-1B zoning would also set a precedent, with potential consequences as a "wedge" (the proverbial "camel's nose under the tent") encouraging wider real-estate interests -- always desirous of expanding their opportunity -- to press further for loosening the conservative zoning that makes Atherton the matchless residential community we all enjoy today.

APPENDIX

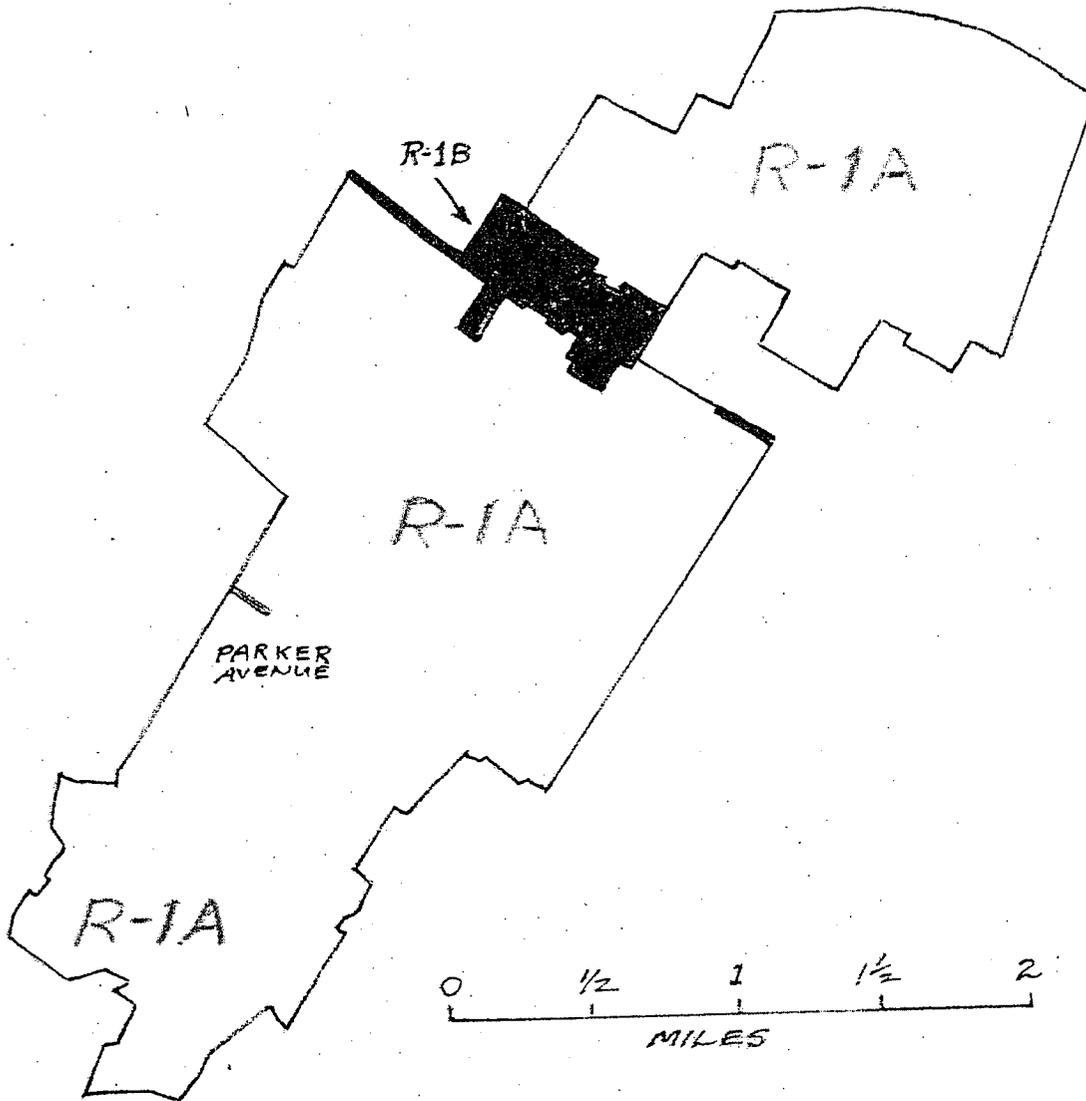
Most of the petitioners are new to Atherton (Attachment 2); only two lived on Parker Avenue when R-1A zoning was liberalized in 1992. Statements in support of the subject Request to Rezone reveal that the petitioners understand neither the historical origins of Atherton's land-use practices nor the rationale for R-1A zoning of Parker Avenue's small lots. Because the Municipal Code does not go into such background, a synopsis seems appropriate:

From the earliest human settlements, dense residential land-use has "gravitated" to the center of a village, town or city -- together with infrastructure for commerce, transport, governance, etc. -- whereas, by a process of self-selection, the density of residential land use decreases with distance from that "high-activity" core. This natural order of things has proven so workable that it has endured as a fundamental principle of town planning.

Accordingly, Atherton's R-1B zoning, which allows denser packing of houses than R-1A *as well as bulkier dwellings*, is correctly located at the town's center, along the two main transportation corridors, in one compact area interrupted only by Menlo School/College property (Attachment 3). R-1A zoning, on the other hand, which mandates lower-density land use than R-1B, is mandated everywhere else away from the "downtown." In Atherton, this distinction is applied *independently of lot size*, a critical point rarely recognized by non-residents and newcomers: yes, Atherton *is* different from other communities -- **that's the whole point of the town!**

Because Atherton is intentionally a low-density (R-1A) residential town with a small high-activity core, the area of higher density (R-1B) zoning also is small (Attachment 1); there is no justification for extending it at this time. Additionally, in implementing land-use policy Atherton has long made a point of not allowing "*spot zoning*" that would, for example, sprinkle isolated patches of R-1B throughout R-1A areas distant from the town center.

ATTACHMENT 1



ATTACHMENT 2

Table 1

PARKER AVENUE, ATHERTON, LENGTH OF OWNERSHIP

REVISED TO AUGUST 2008

Property	Owner(s)	2008 Petitioner?	Length of Ownership (years)
79 Parker	Polster		47
71 Parker	Wadsworth		44
247 Stockbridge	Frenster / Hovsepian		42
89 Parker	Harrington		34 (mother, now daughter)
18	Frenster / Hovsepian		33
54	Watkins		30 (rental)
44	Johnston		23
97	Bennett	Y	22
72	Anderson	Y	19
80	Pike/Grossman		18
53	Carlson		17
17	Moritz/Rabson		15
49	Bagshaw / Petersmeyer	Y	14
11	Leznik		6 or 7
28	Tang/Yu	Y	6 (rental)
90	Gardner	Y	6 (new house)
98	Kramer	Y	< 5
36	Riley	Y	< 3 (new house)
43	Warner Trust	Y	-2
61	Kassayan	Y	< 2
62	Pham	Y	< 2

Median ownership is 17 years, hardly evidence of the "extremely transient population" claimed by one of the 2008 petitioners at the Atherton City Council meeting of 18 October 2006 (quoted from *The Almanac*, 1 November, 2006, page 5).

Ownership turnover since 1989 has affected 12 properties, or 57% of the 21 Parker Avenue properties, not the 75% claimed by one of the 2008 petitioners. Turnover frequency has been highest for #62 (4 owners since 1989).

Hi Lisa! It's hard to believe that it's over five years since you were kind enough to come over to Parker Avenue and explain about the then proposed re-zoning of our street. With the new applications for zoning change, all I can think of is Ronald Reagan's classic line he winningly used when he was debating Jimmy Carter in the Presidential Debates, "There you go again!" Well, "here we go again."

Clearly "change" is part of life and to be expected. When this issue came up the first time (this is now the third time) the members of the Town Council, including the mayor, visited Parker Avenue. They came into our house and others. They looked around and concluded, "these people have a point; these houses are small." They then enacted an exception that allowed up to 2,250 sq. ft. to be built on our 7,800 sq. ft. lots. The caveat was that the setbacks remain the same. Everyone who's bought since then is entitled to utilize the compromise the Town has allowed if their home is under the expanded square footage allowed. Thus these applicants already have the option to enlarge their homes. The petitioners are disregarding the compromise, and are intent on changing the zoning which would alter the character of the street, not only affecting the immediate neighborhood but all the adjoining acres. Changing the zoning from R-1A to R-1B would amount to 'spot zoning' and that is what the Council and Planning Commission have specifically not allowed for very good reasons.

When Parker Avenue's houses come on the market, we routinely go to an 'open house.' One of the questions my wife and I invariably ask is whether the real estate agent informs prospective buyers that the zoning is R-1A and about its guidelines. Without exception the real estate agents say they are sensitive about telling buyers; it's also a legal requirement that this be disclosed. Thus, everyone who buys on Parker Avenue is aware that it is zoned R-1A.

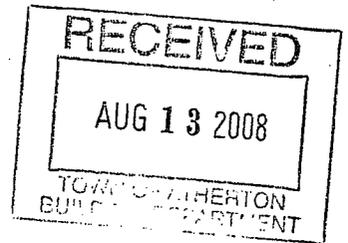
Our nine neighbors whose acre properties abut Parker Avenue appreciate the fact that our setbacks don't have them feeling like they live in a high density area with congested housing. By adhering to the R-1A formula under the General Plan, the homes on Parker Avenue will continue to conform in scale to those of our neighbors, those on Euclid Avenue and Bergesen Court. Converting to R-1B would allow Parker Avenue to become a pocket of bulky, out-of-scale structures not in keeping with the existing spatial aesthetic that prevails in the rest of West Atherton.

Bold, progressive leadership requires the preservation of what is sound, good and retains the character of Atherton. We've enjoyed living on Parker Avenue for over 44 years because of the uniqueness of Atherton that has been carefully preserved by responsible people serving in the government of our town. May this continue by keeping the R-1A zoning on Parker Avenue.

Kind regards,

-DUANE WADSWORTH-

From: Duane Wadsworth
71 Parker Avenue, Atherton, CA 94027-5415 USA
E-mail: duanewadsworth@yahoo.com
Home: 650-365-1956 **Office:** 650-365-2719
Skype name: *duanewadsworth*
Cell: 415-269-2699 **FAX:** 650-745-2455



August 12, 2008

Barb & Peter Carson
4 Bergesen Court
Atherton, CA 94027

Lisa Costa Sanders
Deputy Town Planner
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

Dear Mrs. Sanders:

We have been told by our neighbors that several residents of Parker Avenue have requested a zoning change for their property from R-1A to R-1B. We believe that the zoning change would not be in keeping with the character of this part of Atherton.

We have been residents of the Town of Atherton since 1982. For the first ten years, we lived at 49 Rittenhouse in Lloyden Park. Since 1992, we have lived at 4 Bergesen Court which is the cul de sac that runs parallel to Parker. Our lot is adjacent to two full lots and two small sections of lots on Parker.

We moved from Rittenhouse to Bergesen because we wanted a more rural environment and we believed that the Atherton zoning would never allow huge houses on small lots. As you know, the lots in Lloyden Park are small and the houses take up most of the land. That was acceptable at that point in our lives because of the close proximity to the train station and the Town Hall. It was also appropriate because all of the lots in that area of Atherton were of the same size.

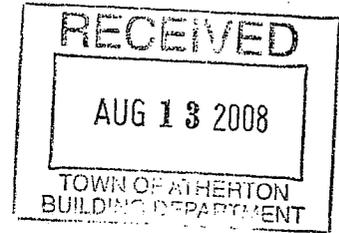
We do not feel that it is appropriate for the houses on Parker to be rezoned to the R-1B designation. The lovely tree-like setting that now characterizes this part of Atherton would be destroyed. We would no longer have the rural atmosphere that we so cherish and that was the reason for our move 16 years ago.

Please consider what spot zoning would do to this lovely area of Atherton and the precedent that it could set for future requests by neighbors of this beautiful town. Thank you for the time that you have spent on this issue.

Sincerely,

Barb & Peter Carson
(650) 369-9465

Anne & Lee Anderson
6 Bergesen Court
Atherton, CA 94027
650-361-8980



August 11, 2008

Lisa Costa Sanders
Deputy Town Planner
City of Atherton
91 Ashfield Road
Atherton, CA 94027

Dear Lisa,

We understand that the Town of Atherton has received a request from several Parker Avenue residents for a change of zoning. We are adamantly opposed to a zoning change.

We purchased and have lived on our one-acre property at 6 Bergesen Court since 1991. Our rectangular-shaped property is situated parallel to Parker Avenue with the long side of the rectangle abutting Parker Avenue properties. That means we share a fence with five (5) Parker Avenue homeowners. We have always felt that both we and our Parker Avenue neighbors benefit from the R-1A zoning that provides all of us with a park-like setting in which to live. Our neighbors benefit from the trees and open space on our one-acre property and we benefit from having neighbors with appropriately-scaled homes in relation to their lots.

Because we share a fence with so many Parker Avenue homes, we have always felt ourselves to be part of the Parker Avenue neighborhood. We have even invited ourselves and our children to Parker Avenue block parties over the years so that we could get to know our neighbors better. In 1992, when the compromise was drafted to allow Parker Avenue homeowners an increase in the square footage of their homes, we felt that compromise was fair and we did not oppose it.

On the other hand, we have been dismayed and outraged by each subsequent attempt –largely instigated by the same set of property owners -- to change the zoning of Parker Avenue from R-1A to R-1B. Such a change would completely change the park-like setting that we counted on when we purchased and made improvements to our home over the years. If all five of our Parker Avenue neighbors took advantage of such a change, it is likely that five, giant, oversized, two-story houses would loom over our single-story, California-style indoor/outdoor house and garden. Such a change would not only completely and irreparably ruin the feel of the home and garden that we have enjoyed for nearly 17 years, it would also substantially lower its value in one fell swoop.

Spot zoning – at the behest of a few homeowners -- simply does not make sense in a town as special as Atherton. In this case, it would serve to enrich a few homeowners

at the expense of all the other people who purchased their R-1A homes in good faith.
Please leave the R-1A zoning in place, where it has resulted in a park-like neighborhood
that can't be duplicated.

Sincerely,
Anne & Lee Anderson

Atherton Zoning Code - Article I. Amendments

17.60.010 Initiation.

Amendments to this title and reclassifications of property may be made by the city council through adoption of subsequent amending ordinances pursuant to the procedure established by this article. Amendments may be initiated by:

- A. A petition to the city council by an owner or owners of real property in the town;
- B. Resolution of intention by the planning commission;
- C. Resolution of intention by the city council directing planning commission to consider a proposed amendment. (Ord. 407 § 14-6(A), 1985)

17.60.020 Public hearing.

A public hearing shall be held by the planning commission on all proposed amendments to this title. Upon receipt of a petition for amendment or city council resolution of intention, the secretary of the planning commission shall set a date for the public hearing which shall be held within forty days of acceptance of the completed petition. Subsequent to a planning commission decision on a proposal, the commission secretary shall transmit the recommendation to the city council. A public hearing shall be held by the city council on all proposed amendments to this article; provided, however, that if the matter under consideration is an amendment to change property from one zoning district to another, and the planning commission has recommended against the adoption of such amendment, the city council shall not be required to take any further action unless an interested party shall request such a hearing by filing a written notice with the city clerk within five days after the planning commission files its recommendation with the city council. At its next regular meeting following receipt of a planning commission recommendation to approve an amendment, the city council shall set a date upon which the hearing is set. Any public hearing pursuant to this section may be continued from time to time. (Ord. 407 § 14-6(B), 1985)

17.60.030 Planning commission action.

Within sixty days following the public hearing, the commission shall make a specific finding as to whether the proposed amendment is required to achieve the objectives of the general plan and the ordinance codified in this title. The commission may approve, modify or deny the proposed amendment based on the information supplied as part of the application, testimony and evidence presented at the public hearing and consistency with the general plan. The commission shall transmit a written report to the city council, including its decision and findings of fact. (Ord. 407 § 14-6(C), 1985)

17.60.040 City council action.

Within sixty days following a public hearing on the proposed amendment, the city council shall make a specific finding as to whether the amendment is required to achieve the objectives of the general plan and the ordinance codified in this title. If the council finds that the change is appropriate, it shall enact an ordinance amending the appropriate sections of this title. If the council finds that the change is not appropriate, it shall deny the application or reject the proposal. Any change in district boundaries enacted as part of the amendment shall be indicated on the zoning map following adoption of an ordinance amending the map. (Ord. 407 § 14-6(D), 1985)

ATTACHMENT 4

Atherton Municipal Code - Chapter 17.20
R-1A RESIDENTIAL DISTRICT

Sections:

17.20.010 Generally.

17.20.020 Permitted uses.

17.20.030 Conditional uses.

17.20.040 Building and lot requirements.

17.20.010 Generally.

The regulations set forth in this chapter shall apply to all R-1A districts and shall be subject to the provisions of this chapter. (Ord. 407 § 2-1 (part), 1985)

17.20.020 Permitted uses.

The following uses are permitted in R-1A districts:

A. One single-family dwelling per lot or building site and accessory uses, accessory buildings and garages;

B. Home occupations as regulated in Chapter 17.48;

C. Second dwelling units in compliance with Section 17.36.030. (Ord. 544 § 3 (part), 2003; Ord. 434 § 4 (part), 1988; Ord. 407 § 2-1(A), 1985)

17.20.030 Conditional uses.

The following uses shall be permitted in any R-1A district upon the granting of a conditional use permit in accordance with the provisions of this title:

A. Churches and places of worship;

B. Public utilities or facilities, uses or structures. (Ord. 544 § 2 (part), 2003; Ord. 499 § 2 (part), 1999; Ord. 434 § 5 (part), 1988; Ord. 407 § 2-1(B), 1985)

17.20.040 Building and lot requirements.

The following minimum and maximum requirements shall apply in all R-1A districts:

A. Height. The maximum building heights permitted are:

1. The standard maximum height for main buildings shall be thirty feet; provided, that vertical sidewalls and columns may not exceed twenty-two feet; and provided further, that these standard maximum heights may be increased, but in no event to exceed thirty-four feet for main buildings nor to exceed twenty-eight feet for vertical sidewalls and columns, under any of the following circumstances:

a. The main building, vertical sidewalls and columns height may be increased in any case where the front, rear and side yards are increased above the standard setbacks by a ratio of at least five feet for each one foot increase of height.

b. Increased height for a main building (but not to exceed thirty-four feet) or for vertical sidewalls or columns (but not to exceed twenty-eight feet) shall be permitted in any case in which the planning commission grants an excessive height permit based upon findings that such increased height would be appropriate under the general plan of the town. In making such determination, the planning commission shall consider unique conditions on the particular property, trees, shrubs, screening, the effect of the proposed construction on neighboring properties both as to privacy and view, and the impact, if any, of the proposed construction on the rural character of the neighborhood. The procedure for application, hearing, decision, conditions of approval, other procedures and appeals shall be that specified in this code for conditional use permits.

R-1A RESIDENTIAL DISTRICT

2. Accessory structures: fifteen feet; provided compliance is maintained with other requirements as specified in Sections 17.36.050 and 17.36.055;

3. Stables: thirty-four feet;

4. Garages: fifteen feet; provided compliance is maintained with other requirements as specified in Section 17.36.060.

B. Site Area, Width and Depth. Minimum site requirements are:

1. Building site area: forty-three thousand five hundred sixty square feet;

2. Width: one hundred seventy-five feet;

3. Depth: two hundred feet;

4. Flag lots:

a. Width of access area, twenty feet,

b. Site area exclusive of access area, forty thousand square feet;

5. Existing legal structures, nonconforming due to height, may remain nonconforming as to height when they would be required to be made conforming only upon receipt of an excessive height permit as outlined in subsection A of this section.

C. Maximum Floor Area Ratio. The maximum floor area ratio shall be eighteen percent of the lot size except for those lots smaller than forty-three thousand five hundred sixty square feet (one acre) which shall be determined by the following equation:

$$\text{Floor area in square feet} = (\text{lot size in square feet} \times 0.163) + 726 \text{ square feet, with a minimum allowable floor area of 2,250 square feet.}$$

The floor area above the first floor of the main building for all lots shall not exceed 7.5 percent of the lot size.

The following conditions shall not be included in floor area calculations:

1. The first five hundred square feet of roofed area, completely open on two or more sides;

2. Structures, open on all sides, with substantially open roofs.

D. Front and Rear Yards. Minimum front and rear yard requirements are:

1. Main building, interior and corner lots: sixty feet minimum; provided, however, on lots of record prior to adoption of Ordinance No. 146 with a depth of less than two hundred feet, the front and rear yards shall each be thirty percent of the lot depth with a minimum of thirty feet; provided further, where main building heights are between thirty feet and thirty-four feet the front and rear yards shall be increased by a ratio of two feet for each one-foot increase in height;

2. Accessory structures: as provided in Chapter 17.36;

3. The property owned by the city and county of San Francisco, known as the Hetch Hetchy property, over which the owner of adjacent property with contiguous frontage has reserved surface rights, may be utilized by said owner for setback calculation purposes. The adjacent property owner may calculate setbacks to the original property line prior to the acquisition by the city and county of San Francisco, or in the case of properties subdivided after that date, to the centerline of the Hetch Hetchy property.

E. Side Yards. Minimum side yard requirements are as provided in Chapter 17.40; provided, however, where main building heights are between thirty feet and thirty-four feet, the side yards shall be increased by a ratio of one and a half feet for each one-foot increase in height.

1. The property owned by the city and county of San Francisco, known as the Hetch Hetchy property, over which the owner of adjacent property with contiguous frontage has reserved surface rights, may be utilized by said owner for setback calculation purposes. The adjacent property owner may calculate setbacks to the original property line prior to the acquisition by the city and county of San Francisco, or in the case of properties subdivided after that date, to the centerline of the Hetch Hetchy property.

R-1A RESIDENTIAL DISTRICT

F. Accessory Structure Area. Maximum area permitted for all accessory structures, exclusive of pools, tennis courts, garages, carports, drives and other paved surfaces, on a building site shall not exceed the ratio of one thousand two hundred square feet of accessory structure for each forty-three thousand five hundred sixty square feet of lot area.

G. Eaves. Roof eaves may encroach into any yard not to exceed a maximum of four feet on the main building and not to exceed one foot on an accessory building.

H. Exception Review. Exception review shall be required under the provisions of Chapter 17.54 of this code for each main building proposed to be built on any lot one-half acre or less in area, which lot was previously used in conjunction with any adjoining lot or lots as the site for a single primary residence, or has at any time been assessed with any other lot or lots as a single parcel. There shall be excepted from the requirements of this subsection any proposed main building which is single story and less than eighteen feet in height, and any proposed main building which in the judgment of the building official substantially differs from the main building on the lot previously used in conjunction with the subject lot in three of four items in Category A and at least three of the six items in Category B listed below:

Category A	Category B
Roof profile	Color
Front or side setbacks	Exterior wall materials
Second floor configuration	Front door location
	Window style
Window placement	Garage door location
	Roof material

I. Retaining Walls. Retaining walls shall be located no closer than five feet from any property line. (Ord. 556 § 1, 2005; Ord. 512 § 1, 2000; Ord. 497 §§ 6, 7, 1998; Ord. 478 § 1(C), 1994; Ord. 471 § 1, 1992; Ord. 476 § 1(B), 1993; Ord. 466 § 1, 1991; Ord. 449 §§ 4, 5, 1989; Ord. 434 §§ 6—10, 1988; Ord. 407 § 2-1(C), 1985)

**Atherton Municipal Code - Chapter 17.24
R-1B RESIDENTIAL DISTRICT**

Sections:

17.24.010 Generally.

17.24.020 Permitted uses.

17.24.030 Conditional uses.

17.24.040 Building and lot requirements.

17.24.010 Generally.

The regulations set forth in this chapter shall apply in all R-1B districts and shall be subject to the provisions of this title. (Ord. 407 § 2-2 (part), 1985)

17.24.020 Permitted uses.

The following uses are permitted in R-1B districts:

A. One single-family dwelling per lot or building site and accessory uses, accessory buildings and garages;

B. Home occupations as regulated in Chapter 17.48;

C. Second dwelling units in compliance with Section 17.36.030. (Ord. 544 § 3 (part), 2003; Ord. 434 § 4 (part), 1988; Ord. 407 § 2-2(A), 1985)

17.24.030 Conditional uses.

The following uses shall be permitted in any R-1B district upon the granting of a conditional use permit in accordance with the provisions of this title:

A. Churches and places of worship;

B. Public utilities and facilities, uses and structures. (Ord. 544 § 2 (part), 2003; Ord. 499 § 2 (part), 1999; Ord. 434 § 5 (part), 1988; Ord. 407 § 2-2(B), 1985)

17.24.040 Building and lot requirements.

The following minimum and maximum requirements shall apply in all R-1B districts as regulated in this chapter:

A. Height. Maximum heights are:

1. Main buildings: twenty-eight feet, provided that vertical side walls or columns do not exceed eighteen feet. End walls shall be perpendicular to the lot depth;

2. Accessory structures: fifteen feet; provided compliance is maintained with other requirements as specified in Sections 17.36.050 and 17.36.055.

B. Site Area, Width and Depth. Minimum site requirements are:

1. Building site area: thirteen thousand five hundred square feet;

2. Width: ninety feet;

3. Depth: one hundred sixty feet;

4. Flag lots:

a. Width of access area, twenty feet,

b. Site area exclusive of access area, thirteen thousand five hundred square feet.

C. Maximum Floor Area Ratio. The maximum floor area ratio shall be eighteen percent of the lot size except for those lots smaller than forty-three thousand five hundred sixty square feet (one acre) which shall be determined by the following equation:

$$\text{Floor area in square feet} = (\text{lot size in square feet} \times 0.165) + 1,500 \text{ square feet.}$$

R-1B RESIDENTIAL DISTRICT

The following conditions shall not be included in floor area calculations:

1. The first five hundred square feet of roofed area, completely open on two or more sides;
 2. Structures, open on all sides, with substantially open roofs.
- D. Front and Rear Yards. Minimum and maximum front and rear yard requirements are:
1. Main buildings, interior and corner lots: thirty feet minimum; provided, however, on lots of record prior to adoption of Ordinance No. 277, with a depth less than one hundred sixty feet, the front and rear yards shall each be eighteen percent of the lot depth with a minimum of twenty feet;
 2. Accessory structures, as provided in Chapter 17.36.
- E. Side Yard. Minimum side yard requirements as shown in Table 17.40.010.
- F. Additions to Main Buildings Which Are Nonconforming Due to Side Yard Setbacks But Are Otherwise Legally Built.
1. Additions may be made to main buildings, which are nonconforming due to side yard setbacks but are otherwise legally built, in the conforming or nonconforming areas provided that:
 - a. An exception is first approved by the planning commission in accordance with Chapter 17.54, Exceptions, of this code; and
 - b. When required, the applicant shall supply a duly executed and acknowledged covenant running with the land, with the town named as beneficiary, and in a form satisfactory to the city attorney. Provided, that if the applicant has elected to construct an addition in either of the following manners said covenant shall be required detailing the applicable restrictions:
 - i. If expansion is made in the nonconforming area no future expansion shall be allowed above the first story, or
 - ii. If expansion is made above the first story no future expansion shall be allowed in the nonconforming area.
 2. Additions in the nonconforming area must conform with Section 17.44.050E of this title.
 3. Additions in the conforming area must meet all other provisions of this title.
- G. Eaves. Roof eaves may encroach into any yard not to exceed a maximum of four feet on the main building and not to exceed one foot on an accessory building.
- H. Exception Review. Exception review shall be required under the provisions of Chapter 17.54 of this code for each main building proposed to be built on any lot one-half acre or less in area, which lot was previously used in conjunction with any adjoining lot or lots as the site for a single primary residence, or has at any time been assessed with any other lot or lots as a single parcel. There shall be excepted from the requirements of this subsection any proposed main building which is single story and less than eighteen feet in height, and any proposed main building which in the judgment of the building official substantially differs from the main building on the lot previously used in conjunction with the subject lot in three of four items in Category A and at least three of the six items in Category B listed below:

Category A	Category B
Roof profile	Color
Front or side setbacks	Exterior wall materials
Second floor configuration	Front door location
Window placement	Window style
	Garage door location
	Roof material

I. Retaining Walls. Retaining walls shall be located no closer than five feet from any property line. (Ord. 497 §§ 8, 9, 1998; Ord. 480 § 1(D), 1994; Ord. 476 § 1(A), (C), 1993; Ord. 456 § 5, 1990; Ord. 443 §§ 1, 2, 1989; Ord. 434 § 11, 1988; Ord. 407 § 2-2(C), 1985)



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: GLENN NIELSEN, CHIEF OF POLICE

DATE: FOR THE MEETING OF MARCH 18, 2009

**SUBJECT: REQUEST FOR ADDITIONAL FUNDS TO SUPPORT THE WALSH
ROAD DISASTER PREPAREDNESS PROJECT**

RECOMMENDATION:

Staff recommends that the Council consider a request from the Atherton Disaster Preparedness Committee to augment the Walsh Road Disaster Preparedness Project budget by \$5,500.

BACKGROUND:

The Atherton Disaster Preparedness Committee has been working with the City Manager, the Menlo Park Fire District, the Atherton Police Department and Town residents to better prepare the Town for any disaster. Some of the Atherton Disaster Preparedness Committee accomplishments include:

- Lindenwood area emergency supplies and training
- The outfitting of three trailers equipped with medical supplies
- The design of a 4 wheel drive disaster vehicle and its unique communications system
- Aerial surveys of the Walsh Road area

The Walsh Road area is unique in that there is only one way in and one way out of this large geographical area. Many homes are contained within that area. Dense vegetation, sloping hillsides, winding roads and an earthen dam distinguish the area. A significant concern is that upon experiencing a significant natural disaster, residents may be unable to flee from the area because the one route of egress may be blocked or otherwise made impassable by the disaster itself.

ANALYSIS:

In an ongoing effort to alleviate some of the potential dangers that natural disasters pose to the residents of the Walsh Road area, the volunteers assigned to the task are requesting additional funding to purchase equipment. The volunteers have prepared a budget to acquire the below listed items:

- Installation of an omni-directional emergency warning siren \$30,000

This siren will be erected upon the Cal Water Property at the end of Reservoir Road and can be activated by Menlo Fire & Atherton Police upon any emergency. Cal Water itself will be able to activate the siren should the earthen dam break. Working cooperatively with the staff of Cal Water, all indications are that they will most likely contribute to this project by installing the siren on a tower on their property at their expense. Should this happen, the cost of the installation will be greatly reduced.

- Deploying two disaster caches in the Walsh Road area \$2,000

These caches will be stocked with bolt cutters, medical supplies, reference books, etc.

- Outfitting the radio systems in the new disaster vehicle \$2,000

Purchasing and installing antennas, mounting hardware, wiring, etc.

- Purchasing of reflective directional signage \$400

These signs will be erected a specific location to assist evacuees

Total: \$34,400.00

FISCAL IMPACT:

Both the Menlo Park Fire District and Cal Water have committed to contribute \$10,000 each to this cause. Atherton’s contribution comes to \$14,400. To date, \$8,900 remains in the disaster fund. A transfer of \$5,500 from the General Fund to account 101 12 3169 121 will be necessary if all of the above items are approved.

Prepared by:

Approved by:

Glenn Nielsen
Chief of Police

Jerry Gruber
City Manager



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 MARCH 18, 2009

**SUBJECT: ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR
BUDGET ADJUSTMENTS FOR FY 2008-09; CONSIDERATION OF
OPTIONS TO BALANCE THE GENERAL FUND**

RECOMMENDATION

Adopt the Resolution Approving the Mid-Year Budget Adjustments for FY 2008-09; consider Options to Balance the General Fund.

DISCUSSION

The first mid-year budget review for FY 2008-09 was conducted on the February 18, 2009, City Council meeting. At the meeting, the City Council directed staff to bring back proposals to reduce the projected \$2,147,416 budget shortfall in the General Fund. Since then, the Management Team worked hard and is pleased to report that with the additional increase in revenues of \$101,313 and reductions in operating expenditures of \$534,276, the projected General Fund budget shortfall is decreasing by \$635,589 to \$1,511,827.

Change in General Fund Revenues

Excess Educational Revenue Augmentation Fund (ERAF) has been increased by \$79,162 to reflect the actual amount received from the County of San Mateo.

Planning Department is projecting a \$10,000 increase in the zoning and planning fees.

Changes in General Fund Expenditures

With the combined efforts of various General Fund Departments, staff was able to reduce General Fund expenditures by \$534,276 (or \$431,228, net of legal and non-department expenditures increase).

Changes in Expenditures – Other Funds

Administrative Services

To pay for the assistance provided by MuniServices in the business license refund process, staff is seeking City Council approval for a \$25,000 flat fee to MuniServices. The refund process is complex and time consuming.

Road Impact Fees

Expenditures have been increased by \$1,319 to cover the 10% contingency approved on January 21, 2009, for the Road Impact Fee Study.

Special Parcel Tax

The polling and consulting cost has decreased from \$40,000 to \$20,000.

Storm Drainage

If the City Council would like to go forward with a fee study, the estimate cost including engineering consultation is \$40,000. Since the storm drainage fee is a property related-fee under Proposition 218, the study is a pre-requisite to any change in the fee.

Tennis Fund

The Public Works Director is requesting an additional appropriation of \$13,852 to cover the ongoing operating expenditures. The use of \$13,028 from the reserve fund is necessary to fund the appropriation.

FISCAL IMPACT

The attached exhibits provide a review of revenues and expenditures history for the Town. In sum, staff is projecting a deficiency of General Fund revenues over expenditures by \$1,516,827. In order to have a balanced budget as required by law, the use of General Fund reserve (fund balance) will be necessary to make up for the deficiency unless alternative can be developed. Five options are listed in Exhibit D for City Council consideration. Option #5 was added after discussion with the Vice Mayor on March 12, 2009.

Prepared by:

Approved by:

Louise Ho, Finance Director

Jerome Gruber, City Manager

Attachment:

- Resolution of the City Council of the Town of Atherton Approving Mid-year 2008-09 Budget Adjustment
- Exhibit A General Fund Mid-Year 2009 Revenues & Expenditures Review
- Exhibit B General Fund Mid-Year 2009 Supplemental Expenditure Request
- Exhibit C Other Funds Mid-Year 2009 Supplemental Request
- Exhibit D General Fund Balancing Options
- Staff Report and Exhibit A, B, and C from February 18, 2009

RESOLUTION NO. 09-

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON APPROVING MID-YEAR BUDGET ADJUSTMENTS
FOR FY 2008-09**

WHEREAS, it is the goal of the City Council to continue to provide the highest level of cost-effective service to Atherton's residents within the funds available; and,

WHEREAS, the City Council annually conducts a mid-year budget review to ascertain the performance of all City departments in meeting their budget objectives, review revenue trends and make budgetary adjustments for unforeseen and emergency expenses; and,

WHEREAS, the City Council wishes to modify the FY 2008-09 budget to reflect that mid-year budget review.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby approve an amendment to the FY 2008-09 Town Budget to enact the changes identified on Exhibit A, B, and C, attached hereto.

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 _____th day of _____, 2009, by the following vote.

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

ATTEST:

Jerry Carlson, MAYOR
Town of Atherton

Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney

Town of Atherton						
General Fund						Exhibit A
Mid-Year Revenues and Expenditures Review						
FY 2008-09						
58.3%						
Description	Adopted Budget FY08/09	Adj. Actual Jul 08 thru Jan 09	% of Annual Budget	Mid-Year Adjustment	% of Change	FY 2009 Projected
Revenues						
Secured	4,299,782	2,258,525	52.5%			4,299,782
Unsecured	250,000	268,806	107.5%	18,806	7.5%	268,806
SB813 Redemption	150,000	29,475	19.6%	(85,000)	-56.7%	65,000
Home Owners Prop Tax Re	31,500	15,943	50.6%			31,500
Local Sales & Use Tax	115,000	43,710	38.0%	(30,000)	-26.1%	85,000
Public Safety Sales Tax	69,000	26,474	38.4%	(15,000)	-21.7%	54,000
IN LIEU SALES TAX/TRIPLE FLIP	54,235	15,764	29.1%	(23,000)	-42.4%	31,235
Franchise Taxes-PG&E	225,000	-	0.0%			225,000
Franchise Tax-Cal Water	84,000	-	0.0%			84,000
Franchise Tax-BFI	173,000	91,537	52.9%			173,000
Franchise Taxes-Cable	88,000	75,209	85.5%	22,000	25.0%	110,000
Document Trsf Tax	250,000	99,406	39.8%	(50,000)	-20.0%	200,000
Motor Vehicle In-Lieu	641,300	320,614	50.0%	(17,630)	-2.7%	623,670
Motor Veh. Lic Fees (MVLFF)		4,982	100.0%	25,000	100.0%	25,000
Business Licenses	450,000	133,921	29.8%	(425,000)	-94.4%	25,000
Prior Year Business License Refund				(680,000)	-100.0%	(680,000)
Home Occupation	6,000	1,850	30.8%	(3,000)	-50.0%	3,000
Building Permit	1,300,000	388,485	29.9%	(500,000)	-38.5%	800,000
Encroachment	110,000	126,807	115.3%	60,000	54.5%	170,000
Other Licenses & Permit	-	325	100.0%	500	100.0%	500
Landscape Fee	4,000	(5,000)	-125.0%			4,000
Vehicle Code Fines	30,000	5,396	18.0%			30,000
Other Fines & Forfeit	11,000	8,715	79.2%			11,000
ERAF Subvention	468,206	-	0.0%	79,162	16.9%	547,368
Ca State 911 Reimb	54,500	-	0.0%	(54,500)	-100.0%	-
POST Reimb	20,000	6,484	32.4%			20,000
Other Reimbursements	60,000	40,894	68.2%			60,000
SB 90 reimbursement	-	-	0.0%			-
Grants	40,000	7,530	18.8%			40,000
React Task Force Reimb	140,000	27,485	19.6%	(84,180)	-60.1%	55,820
Elections Processing Fee	-	2,000	100.0%	2,000	100.0%	2,000
Document/Research Fee	400	-	0.0%			400
Photocopy Fee	4,000	4,288	107.2%	2,000	50.0%	6,000
Alarm Sign Fees	600	330	55.0%			600
Vehicle Release	1,500	1,440	96.0%	1,000	66.7%	2,500
Police Report	3,000	1,240	41.3%			3,000
Special Service Fee	4,500	372	8.3%	(2,500)	-55.6%	2,000
Post Office	55,000	25,881	47.1%			55,000
SMIP Fees	11,000	-	0.0%	(11,000)	-100.0%	-
Application Fee	35,000	9,225	26.4%	(35,000)	-100.0%	-
Zoning & Planning Fees	37,000	24,750	66.9%	45,000	121.6%	82,000
Plan Check	365,000	256,964	70.4%			365,000

Town of Atherton						
General Fund						Exhibit A
Mid-Year Revenues and Expenditures Review						
FY 2008-09						
		58.3%				
Description	Adopted Budget FY08/09	Adj. Actual Jul 08 thru Jan 09	% of Annual Budget	Mid-Year Adjustment	% of Change	FY 2009 Projected
Social Fees	35,000	77,418	221.2%			35,000
Meeting Fees	65,000	33,094	50.9%			65,000
Class Fees	16,000	8,403	52.5%			16,000
Weddings	90,000	25,173	28.0%			90,000
Park Day Use Fee	-	399	100.0%	500	100.0%	500
Interest Income	400,000	-	0.0%	(200,000)	-50.0%	200,000
Cellular One	36,000	14,894	41.4%			36,000
Property Rental-Playscl	75,000	39,048	52.1%			75,000
Sale of Property	-	732	100.0%			-
Donations/Contributions	24,000	25	0.1%	12,151	50.6%	36,151
Miscellaneous Income	10,000	4,683	46.8%			10,000
Transfers in from Gas Tax	100,000	58,333	58.3%			100,000
Transfers in from GFCIP	150,000	87,500	58.3%			150,000
Total Revenues	10,642,523	4,669,528	43.9%	(1,947,691)	-18.3%	8,694,832
EXPENDITURES						
City Council	37,277	24,548	65.9%	(1,500)	-4.0%	35,777
City Manager	737,136	479,397	65.0%	(2,500)	-0.3%	734,636
City Attorney	206,228	194,623	94.4%	100,000	48.5%	306,228
Non-Dept				120,945	100.0%	120,945
Finance	442,256	231,172	52.3%	(2,500)	-0.6%	439,756
Planning	360,154	162,490	45.1%	(19,217)	-5.3%	340,937
Building	1,182,099	614,439	52.0%	(84,900)	-7.2%	1,097,199
Police	5,151,586	2,830,691	54.9%	(256,456)	-5.0%	4,895,130
Public Works & Park	2,521,151	1,209,873	48.0%	(285,100)	-11.3%	2,236,051
Total Expenditures	10,637,887	5,747,233	54.0%	(431,228)	-4.1%	10,206,659
Excess (Deficiency) of Revenues over Expenditures	4,636	(1,077,705)	-23246.5%	(1,516,463)	-32710.6%	(1,511,827)
Analysis of Fund Balance - General Fund:						
Ending Fund Balance 6/30/07 per audit						9,841,723
Projected Net Change FY 2008						
- transfer to building fund				(1,805,144)		
- San Mateo County investment loss				(282,542)		
- deficiency of revenues over expenditures				(51,784)		(2,139,470)
Projected Fund Balance 6/30/08					A	7,702,253
Projected Net Change FY 2009:						
- prior years business license refund						(680,000)
- deficiency of revenues over expenditures						(831,827)
	(bus lic \$425,000; bldg permit \$500,000, interest \$200,000)					
Projected Fund Balance 6/30/09					B	6,190,426
Budget Stabilization Reserve 15% of GF Exp						1,595,683

Town of Atherton						
General Fund						Exhibit A
Mid-Year Revenues and Expenditures Review						
FY 2008-09						
		58.3%				
Description	Adopted Budget FY08/09	Adj. Actual Jul 08 thru Jan 09	% of Annual Budget	Mid-Year Adjustment	% of Change	FY 2009 Projected
Emergency Disaster Reserve 15% of GF Exp						1,595,683
GASB 45 unfunded retiree health care liability						500,000
Compensated Absences as of 6/30/08						737,806
Future Building Inspection						769,057
Unreserved, Desig. for Bus License Refund						817,000
Unreserved, Undesignated						1,687,024
Projected Fund Balance 6/30/08					A	7,702,253
Budget Stabilization Reserve 15% of GF Exp						1,530,999
Emergency Disaster Reserve 15% of GF Exp						1,530,999
GASB 45 unfunded retiree health care liability						500,000
Compensated Absences as of 6/30/09						774,696
Future Building Inspection						769,057
Unreserved, Undesignated						1,084,675
Projected Fund Balance 6/30/09					B	6,190,426



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 FEBRUARY 18, 2009

**SUBJECT: ADOPTION OF A RESOLUTION APPROVING THE MID-YEAR
BUDGET ADJUSTMENTS FOR FY 2008-09**

RECOMMENDATION

Adopt the Resolution Approving the Mid-Year Budget Adjustments for FY 2008-09.

DISCUSSION

To prepare for the mid-year budget review for FY 2008-09, staff is using a very conservative approach in projecting revenues and is relying on financial data which is still being reconciled. As a result, the projection may be the best estimate at the present time.

Revenues

Due to the current economic climate and the need to refund two years of business license tax, staff is recommending that the General Fund revenues for FY 2008-09 be adjusted down by (\$2,049,004). The most significant revenue adjustments are to reduce the business license revenue by (\$1,105,000) and building permit revenue by (\$500,000).

In addition, supplemental property tax projection and document transfer tax are being reduced by (\$85,000) and (\$50,000) to reflect the current housing market condition. Sales tax projection is reduced by (\$68,000) to reflect the level of sales activities. Investment income is projected to be lower by (\$200,000) due to the low interest rate.

SMIP fee is a fee collected on behalf of other agency and should not be considered as income. Therefore, the SMIP fees projected for FY 2008-09 is being adjusted to zero.

Due to the funding cut for the REACT Task Force, (\$84,180) is being reduced from the REACT reimbursement income. To make up for the loss of revenue, the Police Department is reducing their expenditure budget by the same amount.

When the City Council approved the CA State 911 phone upgrade, \$96,606 was the total cost of the Zetron system which was budgeted in the Police Department expenditure budget, with a \$54,500 reimbursement income to be received from the State of California. Staff found out that the State is going to reimburse the \$545,00 directly to the vendor. As a result, the reimbursement revenue projected and the Police Department expenditure budget are being reduced to reflect the change.

Expenditures – General Fund

Based on the seven month actual expenditures data, all the City departments with the exception of Legal (City Attorney) are expected to come within budget approved. Although the City Manager Department consisting of City Manager, City Clerk, and Human Resources is showing a higher expenditures at January 31, 2009. This department is managing the budget and is expected to come within budget.

To ensure that legal invoices can be paid, staff is requesting an additional \$100,000 to fund the remaining months of legal services till June 30, 2009.

Planning budget will be increased by \$5,783 for Pacific Municipal Consulting expanded services for zoning code update which have been approved previously by City Council.

Police Department is participating in the “Click IT or Ticket” program and is requesting an additional overtime budget of \$15,000 which will be reimbursed by the program grant.

It seems that the retiree health care costs have not been properly budgeted in FY 2008-09. Staff is recommending that the City Council appropriate \$97,200 to cover the costs in the Non-Department budget.

In addition, a \$23,745 budget is needed for the interim work to be performed by Maze & Associates for the FY 2008-09 audits which will occur in June 2009.

Expenditures – Other Fund

To pay for the approved Disaster Preparedness Committee request for communication van and other accessories, staff is recommending that the City Council appropriate \$40,000 from the Equipment Operation Fund #610.

To pay for the NBS cost allocation plan and fee study, business license refund assistance from MuniServices, and Nicolay Consulting to perform the GASB 45 (retiree health care cost) study,

staff is recommending that the City Council appropriate \$67,400 from the Administrative Services Fund #612 to pay for these services which have been previously approved by the City Council.

The Town is in desperate need for a new financial software to replace the current DOS software that is cumbersome and not efficient. Both the Finance staff and management team could not get accurate financial information to make informed decision. Staff is recommending that the City Council appropriate \$64,300 from the Computer Services Fund #611 to cover the first installment and training costs for the acquisition of Springbrook, two servers to replace outdated servers, a tracking system for internet use. For the Springbrook purchase, staff is submitting a separate staff report and contract on the February 18, 2009 agenda for City Council review and approval.

To prepare for the upcoming expiration of the Special Parcel Tax and the issue with Road Impact Fee, staff is recommending that the City Council appropriate \$40,000 from the Special Tax Fund #201 to pay for the polling and consulting services to assist the Town. Discussion will be made with City Council before the fund is used. Staff is also recommending that the City Council appropriate \$13,190 from the Road Impact Fee Fund #204 to engage the service of Kimley-Horn for the road impact study.

FISCAL IMPACT

The attached exhibits provide a review of revenues and expenditures history for the Town. In sum, staff is projecting a deficiency of General Fund revenues over expenditures by (\$2,147,416). In order to have a balanced budget as required by law, the use of General Fund reserve (fund balance) will be necessary to make up for the deficiency unless alternative can be developed. It is important that as a sound fiscal policy, the Town continues to maintain a healthy fund balance to weather down turn in the economy.

Prepared by:

Approved by:

Louise Ho
Finance Director

Jerome Gruber
City Manager

Attachment:

- Resolution of the City Council of the Town of Atherton Approving Mid-year 2008-09 Budget Adjustment
- Exhibit A General Fund Mid-Year 2009 Revenues & Expenditures Review
- Exhibit B General Fund Mid-Year 2009 Supplemental Expenditure Request
- Exhibit C Other Funds Mid-Year 2009 Supplemental Request

Town of Atherton					
General Fund				Exhibit A	
Mid-Year Revenues and Expenditures Review - General Fund					
FY 2008-09					
		58.3%			
Description	Adopted Budget FY08/09	Adj. Actual Jul 08 thru Jan 09	% of Annual Budget	Mid-Year Adjustment	FY 2009 Projected
Revenues					
Secured	4,299,782	2,258,525	52.5%		4,299,782
Unsecured	250,000	268,806	107.5%	18,806	268,806
SB813 Redemption	150,000	29,475	19.6%	(85,000)	65,000
Home Owners Prop Tax Re	31,500	15,943	50.6%		31,500
Local Sales & Use Tax	115,000	43,710	38.0%	(30,000)	85,000
Public Safety Sales Tax	69,000	26,474	38.4%	(15,000)	54,000
IN LIEU SALES TAX/TRIPLE FLIP	54,235	15,764	29.1%	(23,000)	31,235
Franchise Taxes-PG&E	225,000	-	0.0%		225,000
Franchise Tax-Cal Water	84,000	-	0.0%		84,000
Franchise Tax-BFI	173,000	91,537	52.9%		173,000
Franchise Taxes-Cable	88,000	75,209	85.5%	22,000	110,000
Document Trsf Tax	250,000	99,406	39.8%	(50,000)	200,000
Motor Vehicle In-Lieu	641,300	320,614	50.0%	(17,630)	623,670
Motor Veh. Lic Fees (MVLFF)		4,982	100.0%	25,000	25,000
Business Licenses	450,000	133,921	29.8%	(425,000)	25,000
Prior Year Business License Refund				(680,000)	(680,000)
Home Occupation	6,000	1,850	30.8%	(3,000)	3,000
Building Permit	1,300,000	388,485	29.9%	(500,000)	800,000
Encroachment	110,000	126,807	115.3%	60,000	170,000
Other Licenses & Permit	-	325	100.0%	500	500
Landscape Fee	4,000	(5,000)	-125.0%		4,000
Vehicle Code Fines	30,000	5,396	18.0%		30,000
Other Fines & Forfeit	11,000	8,715	79.2%		11,000
ERAF Subvention	468,206	-	0.0%		468,206
Ca State 911 Reimb	54,500	-	0.0%	(54,500)	-
POST Reimb	20,000	6,484	32.4%		20,000
Other Reimbursements	60,000	40,894	68.2%		60,000
SB 90 reimbursement	-	-	0.0%		-
Grants	40,000	7,530	18.8%		40,000
React Task Force Reimb	140,000	27,485	19.6%	(84,180)	55,820
Elections Processing Fee	-	2,000	100.0%	2,000	2,000
Document/Research Fee	400	-	0.0%		400
Photocopy Fee	4,000	4,288	107.2%	2,000	6,000
Alarm Sign Fees	600	330	55.0%		600
Vehicle Release	1,500	1,440	96.0%	1,000	2,500
Police Report	3,000	1,240	41.3%		3,000
Special Service Fee	4,500	372	8.3%	(2,500)	2,000
Post Office	55,000	25,881	47.1%		55,000
SMIP Fees	11,000	-	0.0%	(11,000)	-

Town of Atherton					
General Fund				Exhibit A	
Mid-Year Revenues and Expenditures Review - General Fund					
FY 2008-09					
		58.3%			
Description	Adopted Budget FY08/09	Adj. Actual Jul 08 thru Jan 09	% of Annual Budget	Mid-Year Adjustment	FY 2009 Projected
Application Fee	35,000	9,225	26.4%		35,000
Zoning & Planning Fees	37,000	24,750	66.9%		37,000
Plan Check	365,000	256,964	70.4%		365,000
Social Fees	35,000	77,418	221.2%		35,000
Meeting Fees	65,000	33,094	50.9%		65,000
Class Fees	16,000	8,403	52.5%		16,000
Weddings	90,000	25,173	28.0%		90,000
PARK DAY USE FEE	-	399	100.0%	500	500
Interest Income	400,000	-	0.0%	(200,000)	200,000
Cellular One	36,000	14,894	41.4%		36,000
Property Rental-Playscl	75,000	39,048	52.1%		75,000
Sale of Property	-	732	100.0%		-
Donations/Contributions	24,000	25	0.1%		24,000
Miscellaneous Income	10,000	4,683	46.8%		10,000
Transfers in from Gas Tax	100,000	58,333	58.3%		100,000
Transfers in from GFCIP	150,000	87,500	58.3%		150,000
Total Revenues	10,642,523	4,669,528	43.9%	(2,049,004)	8,593,519
EXPENDITURES					
City Council	37,277	24,548	65.9%		37,277
City Manager	737,136	479,397	65.0%		737,136
City Attorney	206,228	194,623	94.4%	100,000	306,228
Non-Dept				120,945	120,945
Finance	442,256	231,172	52.3%		442,256
Planning	360,154	162,490	45.1%	5,783	365,937
Building	1,182,099	614,439	52.0%		1,182,099
Police	5,151,586	2,830,691	54.9%	(123,680)	5,027,906
Public Works & Park	2,521,151	1,209,873	48.0%		2,521,151
Total Expenditures	10,637,887	5,747,233	54.0%	103,048	10,740,935
Excess (Deficiency) of Revenues over Expenditures	4,636	(1,077,705)	-23246.5%	(2,152,052)	(2,147,416)
Analysis of Fund Balance - General Fund:					
Ending Fund Balance 6/30/07 per audit					9,841,723
Projected Net Change FY 2008					
- transfer to building fund				(1,805,144)	
- San Mateo County investment loss				(282,542)	
- deficiency of revenues over expenditures				(115,851)	(2,203,537)
Projected Fund Balance 6/30/08					7,638,186

Town of Atherton					
General Fund					Exhibit A
Mid-Year Revenues and Expenditures Review - General Fund					
FY 2008-09					
		58.3%			
Description	Adopted Budget FY08/09	Adj. Actual Jul 08 thru Jan 09	% of Annual Budget	Mid-Year Adjustment	FY 2009 Projected
Projected Net Change FY 2009:					
- prior years business license refund					(680,000)
- deficiency of revenues over expenditures	(bus lic \$425,000; bldg permit \$500,000, interest \$200,000)				(1,467,416)
Projected Fund Balance 6/30/09					5,490,770
Budget Stabilization Reserve 15% of GF Exp					1,595,683
Emergency Disaster Reserve 15% of GF Exp					1,595,683
GASB 45 unfunded retiree health care liability					500,000
Compensated Absences as of 6/30/08					737,806
Future Building Inspection					769,057
Unreserved, Designated for Bus License Refund					817,000
Unreserved, Undesignated					1,622,957
Projected Fund Balance 6/30/08					7,638,186
Budget Stabilization Reserve 15% of GF Exp					1,611,140
Emergency Disaster Reserve 15% of GF Exp					1,611,140
GASB 45 unfunded retiree health care liability					500,000
Compensated Absences as of 6/30/09					774,696
Future Building Inspection					769,057
Unreserved, Undesignated					224,736
Projected Fund Balance 6/30/09					5,490,770

Town of Atherton		
Supplemental Request FY 2009		
Other Funds	Exhibit C - Other Fund	
		Mid-Year Adjustment
<u>Equipment Operations</u>		
	Disaster Preparedness Committee Re-appropriate budget carryover from FY 2007-08 approved on 12/17/08	16,650
	Disaster Preparedness Committee add'l appropriation for FY 2008-09 approved on 12/17/08	23,350
		40,000
<u>Administrative Services</u>		
	Cost allocation plan and comprehensive fee study - NBS	37,400
	Additional scope for building fee study - NBS	4,000
	Business license tax refund - MuniServices	15,000
	GASB 45 actuarial study - Nicolay Consulting	11,000
		67,400
<u>Computer Services</u>		
	Springbrook Financial Software 1/5 install payment and training costs	48,000
	Springbrook Server & 2 cash registers	7,000
	Websense Enterprise tracking software licenses	2,800
	Server	6,500
		64,300
<u>Road Impact Fee</u>		
	Road Impact Fee - Kimley -Horn	13,190
<u>Special Parcel Tax</u>		
	Polling and consulting services	40,000



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: JEROME D. GRUBER, CITY MANAGER.

DATE: FOR THE MEETING OF MARCH 18, 2009

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

RECOMMENDATION:

The City Manager request that the City Council approve a professional services agreement with GODBE Research for professional opinion research survey and communication strategy consulting services and that the City Council authorize the City Manager to execute an agreement in the amount not to exceed \$ 19,550.00

INTRODUCTION:

On March 9, 2009, Mayor Carlson and I interviewed three professional polling groups EMC Research, GODBE Research, and Lew Edwards and Group to assist the Town of Atherton to Solicit Atherton voters' opinions regarding long-range financing mechanisms. After interviewing all three firms, it was decided based on qualifications and cost to select GODBE Research to conduct polling for the Town of Atherton.

ANALYSIS:

All three proposals were reviewed by the City Manager and Assistant City Manager.

FISCAL IMPACT:

The agreement cost of \$19, 550.00 will need to be authorized at this time and included as a mid-year budget adjustment. The funding mechanism will be from the parcel tax fund.

Attachments:



Town of Atherton

March 10, 2009

TO: JERRY GRUBER, CITY MANAGER

FROM: EILEEN WILKERSON, ASSISTANT CITY MANAGER

**SUBJECT: REQUEST FOR PROPOSAL FOR PROFESSIONAL OPINION
RESEARCH SURVEY AND COMMUNICATION STRATEGY
CONSULTING SERVICES**

RECOMMENDATION:

The City Manager requests that the City Council approve a professional services agreement with GODBE Research, Inc. for professional opinion research survey and communication strategy consulting services and that the Council authorize the City Manager to execute an agreement in an amount not to exceed \$19,550.00

BACKGROUND:

The Town of Atherton currently has a long-term financing mechanism in the form of a Parcel Tax. The Parcel Tax will sunset June 30, 2010.

After several conversations between you, the Finance Director, Senior Management, and me, you directed me to research the process and cost of "polling." Between January 20 and January 29, I conducted an informal telephone survey to determine the general services provided and cost to engage a consultant to assist the Town to solicit Atherton voter opinions regarding long-range financing mechanisms. The informal survey resulted in costs ranging between \$10,000 and \$80,000 dependent upon the scope of services required.

Additionally, I met with Ann Ritzma, City of Pacifica, and discussed Pacifica's recent experience using consultants to solicit voter opinions on long-term financing mechanisms as well as voter satisfaction with City operations.

On January 30, 2009, the Council held a special study session and, by consensus, directed Staff to investigate long-term financing mechanisms well in advance of the Parcel Tax sunset date of June 30, 2010. The Council discussed hiring a consulting firm to conduct an Atherton resident survey regarding the upcoming Parcel Tax and/or Utility User Tax and/or General Tax. The

consulting firm would coordinate public outreach and educational information regarding the proposed ballot measure.

Through the Request for Proposals (RFP) process, on February 3, 2009, the Town of Atherton solicited written proposals from qualified consultants, firms, and consulting teams to provide opinion research survey and communication strategy consulting services to support the planning, development, marketing, implementation, and evaluation of public services and public policy programs for the Town.

On February 17, 2009, the RFP process closed and three proposals for professional services were received. A comparison of the three proposals was completed and interviews scheduled for all three proposing groups.

On March 9, 2009, the interview team consisted of Mayor Carlson and you. All candidates were allotted 45 minutes that included a 15-20 minute presentation with the balance of each interview answering questions regarding services provided based on their individual proposals. Further negotiations with each candidate resulted in reduced cost proposals to provide all services without focus groups.

On March 10, I followed up with reference checks on the Consultants and reported back confirming the interview teams' recommendation of GODBE Research, Inc.

ANALYSIS:

The Town may not use public funds to advocate for passage or defeat of a ballot measure. However, within the limits of state law, the Town may solicit public opinion on financing options and provide information that is needed for the voters to make informed decisions. All of the proposed consultants have assured the Town that they understand and abide by these legal principles. The RFP interview team has determined that the Town will benefit most by entering into a professional services agreement with GODBE Research, Inc. for an amount not to exceed \$19,550.00.

FISCAL IMPACT:

The 2008-09 Budget does not include funding for a professional services agreement for Professional Opinion Research Survey and Communication Strategy Consulting Services. The agreement cost of \$19,550.00 will need to be authorized at this time and included as a mid-year budget adjustment. The funding mechanism will be from the current Parcel Tax funds.

ALTERNATIVES:

- 1) Accept the recommendation.
- 2) Reject all proposals.
- 3) Direct Staff to modify the scope of work and request new proposals.



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: LOUISE HO, FINANCE DIRECTOR

DATE: FOR THE MEETING OF MARCH 18, 2009

**SUBJECT: APPROVAL OF SPRINGBROOK SOFTWARE LICENSE AGREEMENT,
SPRINGBROOK SOFTWARE MAINTENANCE AGREEMENT, AND
AUTHORIZE THE CITY MANAGER TO SIGN BOTH CONTRACTS**

RECOMMENDATION:

Approve the Springbrook Software License Agreement, Springbrook Software Maintenance Agreement, and Authorize the City Manager to Sign Both Contracts.

DISCUSSION

Since 1999, the Town of Atherton has been using a DOS (Wintegrate) financial software system to maintain financial records, processing accounts payable, payroll, and cash receipts transactions. To-date, this system is becoming obsolete and is expensive to maintain. Currently, the Town pays over \$22,000 in annual maintenance and support to Harris Computers. In addition to the high maintenance fee, Finance staff spends a tremendous amount of time contacting technical support both locally and in Canada where Harris is headquartered.

Due to the complexity and difficulties in accessing management reports, the management team is relying on the limited resources in the Finance Department to provide them with budget, revenues and expenditures history. Finance staff also has a challenging time balancing bank reconciliations due to the inability of Wintegrate to produce a detail account transactions report in a readable form. To improve the organization's efficiency and effectiveness, staff searched for a replacement to Wintegrate. There are various products available in the market. Based on the City Manager and Finance Director's experience with several software including Springbrook, staff is recommending that the City Council approve and appropriate the funds in

the mid-year budget adjustment necessary to convert from Wintegrate to Springbrook Software version 6.07. Staff is not recommending the 7.0 .net version due to the fact that this latest version is still being tested and debugged. Both the management team and staff from the Police, Building, and Public Works including Park have seen the Springbrook product and support the decision to go with Springbrook.

Springbrook is a company headquartered in Portland, Oregon, and has over 300 clients in the United States. Currently, employee information and fixed assets are kept on Excel spreadsheets. To take advantage of a fully integrated system and to improve internal control and segregation of duties in the payroll and human resources functions, staff is recommending adding Human Resources and Fixed Assets modules. Springbrook also has track changes ability for auditor to review.

With City Council approval of the two Springbrook agreements, staff will obtain a project timeline from Springbrook before the contracts are signed by the City Manager. It is expected that the implementation and conversion of data could take up to six months from the signing of the contracts.

FISCAL IMPACT

The total not-to-exceed cost (excluding Springbrook staff travel costs, annual maintenance fee, and applicable sales tax) is \$121,650 (\$133,815 with a 10% contingency added). Springbrook offers a 5-year interest free payment plan. \$24,330, the first of the five installments, is due upon signing of the Software License Agreement. Travel costs for implementation and training on-site is an estimate. Staff will be working closely with Springbrook to keep the travel costs within budget. Additional cost will be incurred for a new server and other hardware including cash register.

Staff is seeking City Council approval for a \$48,000 mid-year budget adjustment out of the Computer Services fund during FY 2008-09 for the Springbrook conversion. Funds in the amount of \$24,330 will need to be appropriated in FY 2010 to FY 2013 to pay the remaining four installments.

Included in the total cost is \$1,500 for the Finance Director to attend the Springbrook Client Conference in May 2009 in Portland, Oregon. Each year, Springbrook hosts a client conference in Portland to enable a national user group to meet with Springbrook management and staff on product development, receive training, and discuss user-requested enhancement.

The first annual maintenance fee of 10,455 is due on July 1, 2009. The annual maintenance fee will go up 5% per year for the next four years as indicated on the agreement.

Prepared by:

Approved by

Louise Ho
Finance Director

Jerome Gruber
City Manager

Attachments: Springbrook Software License Agreement
Springbrook Software Maintenance Agreement



SPRINGBROOK SOFTWARE
SOFTWARE LICENSE AGREEMENT

PARTIES

LICENSOR

Springbrook Software, Inc., an Oregon corporation
111 SW Fifth Avenue, Suite 2900
Portland, OR 97204
Phone: 503.820.2200
Fax: 503.820.4500
Email: sales@sprbrk.com

LICENSEE

TOWN OF ATHERTON
91 ASHFIELD ROAD
ATHERTON, CA 94027
650-752-0552
lho@ci.atherton.ca.us

AGREEMENT

1. **Definitions.** As used in this Agreement, including the Attachments hereto, the following terms shall have the following meanings.
 - a. "Initial Installation" means the first instance of installation or loading of any portion of the Software onto Licensee's computer, network or system, without regard to completion of modifications or other services to be performed under this Agreement.
 - b. "Licensee Modifications" means any modification, enhancement or addition to the Software developed by or for Licensor especially for Licensee's use or at Licensee's request.
 - c. "Licensor Modifications" means any modification, enhancement or addition to the Software by or for Licensor, other than Licensee Modifications.
 - d. "Material" as applied to the Software or an application, shall mean a



significant or substantial alteration or effect on the function or output thereof, and "cure" as applied to a Material failure shall mean the provision of functional equivalent functions or means.

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 - f. "Software" means the version of the Springbrook Software, Inc. software packages, applications and interfaces selected by Licensee, listed on Attachment A (each an "Application"), current at the time of signing this Agreement, and shall include any Licensee Modifications and Licensor Modifications provided by Licensor to Licensee.
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 - b. **License Restrictions.** Licensee may only use the Software and User Materials within the limited scope set forth herein. In particular, and without limitation, Licensee agrees that Licensee and Licensee's employees will not: (i) assign, sublicense, transfer, pledge or grant a security interest in, lease, rent or share Licensee's rights under this License Agreement with any third party; (ii) reverse assemble, reverse compile, cross compile or otherwise adopt, translate or modify the

Software; or (iii) refer to or use any portion of the Software or User Materials as part of any effort to develop any other software program.

- c. Source Code. Licensor shall house the latest release of the Software with source code with Iron Mountain Intellectual Property Management for release to the then current president of the National User Group for distribution to all National User Group Members in the event of bankruptcy or inability of Licensor to continue providing normal support services to its client base.
3. **Ownership; Proprietary Protection.** This Agreement does not provide Licensee with title to or ownership of the Software, but only a right of limited use. Licensor shall have sole and exclusive ownership of all right, title and interest in and to the Software and User Materials, all copies thereof, all derivative works, and all related material generated from the Software including material displayed on the screen such as icons, screen displays, etc. (including ownership of all copyrights, trademarks and other intellectual property rights pertaining thereto), whether created by Licensor or any other party, subject to the rights of Licensee expressly granted herein.
4. **Confidential Information; Non-Disclosure.** Licensee acknowledges that the Software and User Materials, and all underlying ideas, algorithms, concepts, procedures, processes, principles, know-how, and Licensor's methods of business and technical operation (collectively referred to as "Confidential Information") are confidential and contain trade secrets. Licensee shall not use, disclose or cause disclosure of, or distribute any Confidential Information, directly or indirectly, without the prior written consent of Licensor, except that Licensee is authorized to disclose Confidential Information to Licensee's employees or agents as required for Licensee's use of the Software as authorized by this Agreement or as required by Law, which obligation shall survive the termination of this License. Licensee shall indemnify Licensor for damages or costs incurred by Licensor as a result of the unauthorized use, disclosure or distribution of any Confidential Information by Licensee or any of Licensee's employees or agents.
5. **Fees.** The fees payable by Licensee to Licensor under this Agreement shall consist of License Fees (as defined in Attachment A), and additional fees for specific services. If any portion of the Fees is paid through an installment note, any default under the terms of said note will constitute default by Licensee under this Agreement.
 - a. **License Fees.** License fees shall be paid by Licensee solely in consideration of the License granted under this Agreement, and shall be invoiced and payable in the amounts and at the times in accordance with the Schedule of Fees set forth in Attachment A. License Fees are

exclusive of Service Fees, and shall not constitute consideration or payment for set-up, implementation management, training and consulting, data conversion, modifications or maintenance.

- b. Fees for Services. Additional fees shall be paid by Licensee in consideration of set-up, implementation management, training and consulting, modifications, and data conversion, and shall be invoiced and payable in the amounts and at the times in accordance with the Schedule of Fees set forth in Attachment A.
 - c. Maintenance Fees. Maintenance fees shall be paid by Licensee solely in consideration of those maintenance and support services described in a separate Software Maintenance Agreement between Licensor and Licensee.
 - d. Non-appropriation. Any payments due and payable to Licensor for the services described in this Agreement during Licensee's current budget year are within appropriation of Licensee. In the event Licensee has not appropriated sufficient funds for payment of Licensor's services beyond the current fiscal year, this Agreement shall cover only those costs incurred up to the conclusion of the current fiscal year; payment for additional work is conditional upon future Licensee appropriation.
 - e. Taxes. Licensee is solely responsible for paying sales or use tax directly to the state via a use tax return. Licensee is solely responsible for state or local property or excise taxes associated with licensing, possession, or use of the Software or any associated services. Software will be provided via the Internet – no physical media (including but not limited to CD's, tapes, manuals, etc) will be shipped.
6. Licensee's Cooperation. Licensee acknowledges that successful installation, implementation and use of the Software cannot be accomplished by Licensor's efforts alone, and requires substantial effort and cooperation by Licensee personnel capable of properly using the Software. Both Licensor and Licensee shall at all times use their best efforts to actively participate and cooperate in data conversion, system installation, implementation, training and use, shall provide each other accurate and timely information, and shall afford each other reasonable access to information and facilities. All substantive communication between Licensor and Licensee will take place between Licensee's project manager and Licensor's project manager. Licensor agrees that Licensee has the right to approve or reject Licensee's trainers and/or project managers. Licensor further agrees not to replace staff assigned to Licensee's project without the consent of Licensee, except for reasonable cause.

7. **Acceptance Testing Period.** Upon completion of implementation of each Application, Licensor shall give written notice to Licensee that installation of the Application at the Initial Installation site(s) is completed, and that Licensee has achieved live status as to the Application (such times also referred to as “go live date(s)” in Licensor’s project schedule, as shall be determined by the parties promptly after execution of this agreement). Licensee shall be deemed to have accepted the Application thirty (30) days after Licensor's notice, unless, during that thirty (30) day period (the “Acceptance Testing Period”), the Application fails to perform in accordance with the Specifications in some Material respect attributable to a defect in the Application or an act or omission of Licensor, and, by the end of the Acceptance Period, Licensee gives Licensor written notice of non-acceptance describing the failure in reasonable detail. If Licensee gives a proper notice of non-acceptance to Licensor, then:
- a. **Investigation.** Licensor shall investigate the reported failure. Licensee shall provide to Licensor reasonably detailed documentation and explanation, together with underlying data, to substantiate the failure and to assist Licensor in its efforts to diagnose, reproduce, and if necessary correct the failure.
 - b. **Material Failure Found.** If there exists a reproducible Material failure to perform in accordance with the Specifications attributable to a defect in the Application or an act or omission of Licensor, Licensor shall, within thirty (30) days (or such longer period as may be reasonable under the circumstances) after receipt of Licensee's written notice of non-acceptance, correct the failure so that the Application functions in Material conformity with the Specifications. Upon correcting the failure within such period Licensor shall notify Licensee in writing that the failure has been corrected, and another Acceptance Testing Period shall begin in accordance with this Section 7.
 - c. **No Material Failure Found.** If there was no reproducible Material failure to perform or the failure to perform was not attributable to a defect in the Application or an act or omission of Licensor, then Licensor shall give written notice to Licensee explaining its determination in reasonable detail, and Licensee shall have thirty (30) days to respond with additional documentation or written explanation regarding the failure. If Licensee provides such response, Licensor shall be afforded thirty (30) days to review the response and, if necessary, attempt to correct the failure. If Licensee does not provide such response within thirty (30) days, then Licensee shall be deemed to have accepted the Application as of the date of Licensor's notice.
8. **Term; Default; Opportunity to Cure.** This Agreement is effective as of the Effective Date and shall continue until terminated. The License shall terminate

upon default, cancellation, repudiation or rejection of this Agreement by either party; provided, however, that Licensor shall only have the right to terminate the Agreement if Licensee is found to be in default. A party shall be considered in default only if the party, thirty (30) days after receiving written notice from the other party identifying with reasonable specificity a Material failure to comply with any term or condition contained herein (including without limitation Licensee's failure to pay any fees or charges due under this Agreement or any related Software Maintenance Agreement or service agreement, and Licensor's breach of the limited warranty provided in Section 10), has not cured such failure or breach. Upon termination of the License, Licensee shall return to Licensor the Software together with all copies and merged portions in any form and User Materials and related documentation. In the event of termination other than termination resulting from a default by Licensor, no License Fees or other Fees then paid or payable shall be waived or refunded, and any License Fees then unpaid shall be immediately payable in full.

9. **Support and Maintenance.** Support and maintenance of the Software is not included in this Agreement or the License Fees or Service Fees paid hereunder, but is purchased through a separate Software Maintenance Agreement.

10. **Limited Warranty.** Licensor warrants that it has title to the Software and that it has full authority to grant this license to Licensee. Licensor also warrants that, as to each Application, for a period of one-hundred and eighty (180) days from the date of Licensee's acceptance of the Application, the Application will function in Material conformity with the Specifications. Licensor makes no warranty regarding the usability or convertibility of any of Licensee's data, the suitability of the Software for Licensee's needs, or any performance problem, claim of infringement or other matter to the extent attributable to any use or modification of the Software, or combination of the Software with any other software or computer program or communications device, not expressly authorized by Licensor in writing. Determination of breach of the foregoing limited warranty or default under this Section 10 shall be subject to the notice and cure provisions of Section 8, and upon receipt of written notice of breach of warranty Licensor shall be afforded a period of thirty (30) days to cure the reported Material defect, failure or other breach. Licensee agrees that the foregoing limited warranty is in lieu of all other warranties of Licensor and Licensor disclaims all other warranties, express or implied, including without limitation any implied warranty of merchantability, fitness or adequacy for any particular purpose or use, quality, productiveness or capacity, or that the operation of the Software will be error-free.

11. Limitation of Remedies and Liability.

- a. The cumulative liability of Licensor to Licensee for all claims relating

to the Software and any services rendered hereunder or in any related service or maintenance agreement, arising under or relating to this or any related agreement or warranty (including without limitation the limited warranty provided pursuant to Section 10), or otherwise in Agreement, tort, strict liability, indemnity or any cause of action whatsoever, shall in all events be limited to the total amount of the Fees paid to Licensor under this Agreement for the relevant Application(s) and related services. In no event shall Licensor be liable for any consequential, indirect, special or incidental damages (including, without limitation, damages for loss of business profits, business interruption, loss of business information, or other pecuniary loss), whether arising out of Agreement, tort, warranty or otherwise, even if Licensor has been advised of the possibility of such potential loss or damage. The foregoing limitation of liability shall apply regardless of the success or effectiveness of other remedies. The Fees herein and terms hereof have been agreed to by Licensor in reliance on the allocation of risk and limitation of liability set forth in Section 10 and this Section 11.

- b. Licensor shall indemnify, defend and save Licensee, its officers, elected and appointed officials, employees, and agents harmless from and against any and all liability, claims, suits, actions, damages and/or causes of action of any kind arising out of any bodily injury, personal injury, property damage or in violation of any federal, state or municipal law or ordinance or other cause in connection with the activities of Licensor, or on account of the performance or character of the Work or otherwise related to its performance of this Agreement to the extent that any such liability, claims, suits, actions, damages and/or causes of action arises out of the intentional negligent or willful misconduct of the Licensor.
- c. Licensor shall indemnify, defend and save Licensee, its officers, elected and appointed officials, employees and agents harmless from and against any and all liability, claims, suits, actions, demands, damages, causes of action, costs and expenses (including attorneys' fees) arising out of or relating to any allegation or claim that Licensee's ownership, possession, installation, use, maintenance or support of any of the Software or the User Materials, individually, or as part of Licensee's system, infringes upon or otherwise violates the intellectual property rights of any other person or entity including, but not limited to, any copyrights, patents, trade secrets or trademarks of others.

12. Venue; Governing Law. Exclusive venue for any dispute between the parties arising out of or relating to this Agreement shall be in the Federal District

Court for the Northern District of California, or, if Federal jurisdiction is not available, the state court located in San Mateo County. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of California, as such laws apply to a Agreement made and performed in such state, without regard to conflicts of law provisions.

13. **Entire Agreement; Construction; Licensor and Licensee Representations.**

This Agreement, along with the Software Maintenance Agreement and the Town of Atherton's Professional Consulting Services Agreement, is the complete and exclusive statement of the agreement between Licensor and Licensee and supersedes all prior and contemporaneous negotiations, discussions, proposals and understandings, oral, written or implied, including those involving any agent of either party, relating to the subject matter herein. No representations or statements made by either party or either party's agents not expressly set forth or referenced in the Agreement shall be binding on either party. Rights, obligations and warranties under this Agreement extend to Licensee and Licensor only, and no other person shall be considered a third party beneficiary of this Agreement or be otherwise entitled to any rights or remedies under this Agreement. No provision of this Agreement shall be construed in favor of or against any party because one party or its professional advisors participated in the preparation of this Agreement. Licensee represents and warrants that it possesses sufficient mastery of the principles of accounting to use the Software for its intended purpose, and, accordingly, Licensee acknowledges that it is Licensee's responsibility to: develop and institute the use of manual controls to validate the accuracy of the data generated by the system; review proof lists and reports to validate the accuracy of reports and statements; and verify that a functioning archival system is in place, and that the data base is archived to a removable medium on a daily basis. In the event of a conflict between the Attachments and the main body of this Agreement, the main body of this Agreement shall control.

14. **Modification; No Waiver.** The terms of this Agreement may only be modified, expanded or added to by a written agreement executed by the parties. No oral communication between the parties or their agents before or after execution of this Agreement shall be binding upon either party unless the parties expressly agree in writing to the terms of such communication. No waiver by either party of any breach of any term or condition hereof shall be effective or enforceable unless made in writing signed by the party, and no waiver shall be interpreted as a continuing waiver or a waiver of any future obligation.

15. **Attorneys Fees.** If any suit, action, or other proceeding shall be instituted relating to any term or condition of this Agreement or relating to any of the rights, duties, or obligations arising under it, the prevailing party shall be entitled to recover from the other party and the other party agrees to pay to the

prevailing party, whether or not the matter proceeds to final judgment or decree, in addition to costs and disbursements allowed by law, such sum as the trial and each appellate court may adjudge reasonable as an attorney's fee in such suit, action, or other proceeding, and in any appeal thereof including. Such sum shall include an amount estimated by the court as the reasonable costs and fees to be incurred by the prevailing party in collecting any monetary judgment or award or otherwise enforcing each order, judgment, or decree entered in such suit, action, or other proceeding.

16. **Insurance.** Consultant shall provide proof of insurance coverage during the life of the Agreement, including:
- a. Comprehensive General Liability and Automobile Liability Insurance in an amount not less than \$1,000,000 combined single limit applying to bodily injury, personal injury and property damage.
 - b. Professional liability insurance in the amount of \$1,000,000 per claim, with a \$2,000,000 accumulative maximum.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed in duplicate by its duly authorized officer or representative. (Licensor and Licensee both represent and warrant that the person(s) executing this Agreement on behalf of Licensor or Licensee has the full authority to do so).

LICENSOR

LICENSEE

By:

By:

Name: Marily Rementeria

Name: _____

Signature: *Marily Rementeria*

Signature: _____

Title: Managing Partner

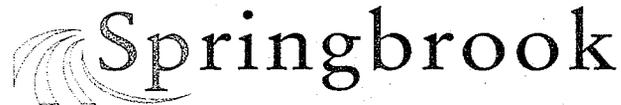
Title: _____

Date: Mar 3, 2009

Date: _____, 2009

ATTACHMENT A: SCHEDULE OF FEES

Attachment A contains the price quote issued to Licensee showing the applications and services being licensed and/or purchased, the fees therefore, and the current fees for other services, and a schedule of payment terms. By signing this agreement, Licensee is agreeing to the Schedule of Fees for the duration of the implementation.



V6.07 5 Year Interest Free Pricing Proposal for City of Atherton, CA.

Application/Products	Application License Fees	Training & Consulting	Implementation Management
Finance Suite (GL, AP, ACH, Bank Rec)	\$10,000	\$6,400	\$2,400
Extended Budgeting & Forecasting	Included	\$800	\$400
Financial Reporting	Included	\$3,200	\$800
AP MICR Code - 1 Check	Included		
Purchase Orders	\$4,000	\$800	\$400
Requisitions		\$800	\$400
Payroll	\$7,000	\$6,400	\$2,400
Decentralized Time Entry with Elec. Approval	Included	\$800	\$400
Payroll MICR Code - 1 Check	Included		
Human Resources	\$7,500	\$3,200	\$1,200
Fixed Assets	\$5,000	\$800	\$400
Miscellaneous Accounts Receivable	\$4,000	\$800	\$400
Central Cash Management/Point Of Sale	\$5,000	\$800	\$400
Cash Receipt Import	\$1,500		
Positive Pay (AP)	\$1,500		
Positive Pay (PR)	\$1,500		
1 Client Conference Ticket & est. Travel			\$1,500
Business Process Study			\$6,000
Document Attachment & Cataloging	Included		
Integrated Report Archival	Included		
Total	\$47,000	\$24,800	\$17,100
Application Server Tier (5 Named Users)	\$3,000		
Conversion - Turn Key	\$41,500		
Maintenance - billed separately			
Total Other	\$44,500		
Previous Springbrook Client Discount	-\$11,750		
Total Not to Exceed Project Costs	\$121,650		



Turn Key Proposal for Atherton, CA.

Turn-Key Conversion and Set-up for Atherton, CA.

Application to be converted	Conversion Estimates
Chart of Accounts	\$6,000
GL Transaction Balances*	\$6,000
Accounts Payable Vendor Master	\$6,000
Payroll Masters - Employee Data	\$9,000
HR Masters - Employee Data	\$12,500
Fixed Asset Masters	\$2,000
Total Not to Exceed Costs	\$41,500

Springbrook is proposing a Turn-key conversion, where Springbrook will do data entry to fill in any gaps in the data that was converted and that is necessary to run the system efficiently. Included in this will be any gaps in the Chart of Accounts master, the 3 years of GL annual summary history, the AP Vendor Master, the Payroll master, including set-ups, the HR masters and the Fixed Assets master. It does not include any history other than what has been mentioned above and does not include items not necessary to running the software, such as user-defined fields, etc. Springbrook will make every attempt to complete all the information to minimize the data impact on the City. The City will still be required to verify that the data is complete and correct. The BPS will detail the exact information that will be involved in this process.

Note: Conversion to include chart of accounts, the current year's budget, current YTD balance (as of a specific date designated by the client), and previous year's ending balance.

A.2. FEE PAYMENT SCHEDULE

1st Year Investment	\$24,330	Due at contract signing
2nd Year Investment	\$24,330	Due 1 yr after signing
3rd Year Investment	\$24,330	Due 2 yrs after signing
4th Year Investment	\$24,330	Due 3 yrs after signing
5th Year Investment	\$24,330	Due 4 yrs after signing

Total Due at Contract Signing: \$ 24,330

CA State Sales Tax (8.25% of \$121,650): \$ 10,036

First-year Maintenance (see Software Maintenance Agreement) will be due and payable to CONSULTANT July 1, 2009, with subsequent years' maintenance due each July thereafter. Additional maintenance will be charged on all custom modifications performed and supported by Licensor.

Estimated Travel Costs for BPS and Training: (Billed as incurred - not included in payments above)

Estimated Travel Costs for : City of Atherton, CA

Business Process Study:
(one trip, one person, 1 days)

Airfare:	\$400
Lodging:	\$150
Car Rental:	\$90
Per Diem Expenses:	\$50
Airport Transportation:	\$15
Travel Time	\$300

Estimated Travel	\$1,005
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Finance/PR/WO/FA Training (Initial, Follow-up, Go-Live)
of Trips: 4 Days: 5

Airfare:	\$1,600
Lodging:	\$3,000
Car Rental:	\$1,800
Per Diem Expenses:	\$1,000
Airport Transportation:	\$300
Travel Time	\$1,200

Estimated Travel	\$8,900
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Total Estimated Travel	\$9,905
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* An after live Assessment is sometimes deemed necessary. This is usually a one-day trip

COST SUMMARY:

License Fees	\$47,000
Discount	-\$11,750
Training	\$24,800
Implementation Management	\$17,100
Application Server (database manager)	\$3,000
Turn key Conversion/Set-up Services	\$41,500
Travel Estimate	\$12,420

TOTAL FIVE-YEAR ESTIMATE:

\$ 134,070

A.3. EXPLANATION OF FEE SCHEDULE ITEMS FOR SERVICES

A.3.1 Software Maintenance.

Maintenance and support of the Software is not provided under this Software License Agreement, but under a separate Software Maintenance Agreement between Licensor and Licensee. In the event of a conflict between this "Explanation" of software maintenance and the Software Maintenance Agreement, the Software Maintenance Agreement shall prevail. First year maintenance is based on 22% of the retail value of the application software and 25% of the then current retail value of the database manager. Maintenance on the Springbrook applications is provided by Springbrook Software and includes telephone and Internet support, as well as enhancements to the version purchased. Maintenance on the database manager included with this Agreement is provided by Springbrook software and includes telephone and Internet support, as well as updates to the database as provided by Progress.

A.3.2 Implementation Management.

Implementation Management Services. Implementation Management Services are vital to a successful implementation, and are considered consulting rather than training. An IM Specialist is assigned to manage your implementation, managing your workload, checklists, task lists and keeping you apprised of the status of your project. This involves on-going telephone and conference calls as well as written documentation. Implementation planning is generally conducted prior to signing contracts. The cost of this line item in your quote may have changed up or down from your original quote as a result of completing the BPS (see below) depending on the complexity of your implementation (will you be using the system(s) and Application(s) as they are provided, will you be implementing all the features contained in the Application(s), will modifications be required, etc. – note: these conditions may also affect the training estimate listed in this quote).

Business Process Study (BPS). Every agency is unique in the way it conducts business. In addition, other factors need to be considered, such as what, if any, interfaces need to be written to connect Springbrook to vendors' applications, what unique reporting requirements you may have, what type of forms you require, etc. During the BPS we consult with your staff on the best way to set up the new system to meet your organization's requirements. In summary, we help you maximize the benefits while minimizing any misunderstandings about the functionality or implementation of your new software. This service (with the exception of travel expenses for an on-site BPS) is included in your implementation management services in this contract. Based on the BPS we provide a written document outlining our findings for your review and approval.

A.3.3 Consulting and Training Services.

The amounts listed in this quote do not include travel time or expenses. In addition, all out of pocket travel-related expenses will be billed (this will be invoiced at current IRS per diem rules for your area on all applicable items, including car rental, hotel expense, airfare, mileage, taxis, parking, toll fares and meals). Variables that could cause the need for *additional* training include, without limitation: employees at your organization that are unfamiliar with their job responsibilities; users who are unfamiliar with Windows; multiple users who need to be trained at separate times and/or locations; or turnover in application software personnel during the implementation period. Training fees will be payable by Licensee whether or not application software personnel are made available for training, and failure to complete required training could result in increased Maintenance Fees. Licensee shall provide users of the Software with Springbrook certified Software training; a System Malfunction, failure or error caused by an untrained user shall not be the responsibility of the Licensor.

A.3.4 Modifications.

Modifications are made on a bid basis, based on Springbrook's current Service Fee schedule. All Modifications and custom programming will be made pursuant to work orders approved in advance by you. These include any and all fees for modifications requested and outlined in the BPS findings, as well as future Modifications requested during and after the project is completed. In order to keep the implementation schedule on track, no modifications other than those outlined during the BPS process will be made to the Software until the base system is installed (and all License Fees have been paid), unless those modifications are essential to your ability to go live on the application(s). No fees for Software modifications shall be billed to you until Springbrook has received a signed bid for such modifications.

A.3.5 Communication Requirements.

Telephone/Modem Support. – Licensee shall provide and maintain a telephone line for speaking with the licensor's support staff. Licensee shall provide the ability and security permissions to access the licensor's Internet web site for a minimum of one computer with Springbrook Software installed. Licensee must also provide and maintain remote access for the licensor's support staff to the computer or computers which serve the Springbrook Software database and disseminate the Springbrook Software application. This remote access must be made available through either an Internet connection of 128 kilobytes per second or greater, or a modem and a telephone line for the modem's use. This remote access also requires that the Licensee offer the licensor's support staff access through one of the products listed by the licensor. These currently include: Symantec PCAnywhere, Citrix GoToMyPC, Microsoft Terminal Services, and Citrix Metaframe. VPN connections are currently supported using the Microsoft client included in Windows 2000 and Windows XP, as well as the Cisco System VPN Client.

A.4. ADDITIONAL SERVICE FEES

After hours support <i>(Maintenance contract covers support from 5:00am – 6:00pm PST Monday – Thursday and 5:00am – 5:00pm PST Friday.)</i>	\$ 150/hr
Onsite Installation	\$ 150/hr
Network & Operating System Consulting <i>(Answering questions and assisting users and/or their consultants with all aspects of hardware, networks, and operating systems - includes installation, set-up, and troubleshooting.)</i>	\$ 150/hr
Training (Note: Report Writing is billed at \$150/hr) <i>(The training necessary for the average user has been included with the project total above - additional one-on-one training, if requested, shall be billed at \$150/hr. Training is held in the Portland, Oregon Training Center, or onsite.)</i>	\$ 150/hr
Travel Time (billed one way) <i>(For onsite services)</i>	\$ 100/hr
Travel Expenses Incurred <i>(Lodging and meals will be charged on a not to exceed basis per IRS standards (per Publication 1542) for your area, unless no other options are available; airfare, car rental, gas and parking will be billed as actual as no IRS standards apply.)</i>	Billed as
Telephone Training <i>(Working with a trainer or customer support representative on questions other than support related issues (as defined in Maintenance Agreement) where the call exceeds 10 minutes in length is considered training rather than support and may be billed as such.)</i>	\$ 100/hr
Weekend/After Hours Training	
Onsite rate	\$ 200/hr
Telephone rate	\$ 200/hr
NOTE: Senior Managers/Programmers/CPAs	\$ 200/hr

These are current rates for services and are subject to change after 12 months of executed date of this contract.



SPRINGBROOK SOFTWARE
SOFTWARE MAINTENANCE AGREEMENT

PARTIES:

LICENSOR:

Springbrook Software, Inc., an Oregon corporation
111 SW Fifth Avenue, Suite 2900
Portland, OR 97204
Phone: 503.820.2200
Fax: 503.820.4500
Email: sales@sprbrk.com

LICENSEE

TOWN OF ATHERTON
91 ASHFIELD ROAD
ATHERTON, CA 94027
650-752-0552
lho@ci.atherton.ca.us

AGREEMENT:

Licensor has licensed its proprietary software products and programs to Licensee, and Licensee wishes to have Licensor maintain and support the use of the Software. Licensor and Licensee therefore agree as follows:

1. **Defined Terms.** Certain terms used in this Agreement have defined meanings, which are provided in Section 15, and in other sections herein. Definitions of specifically defined terms (appearing in quotation marks and capitalized where defined herein) shall apply whether or not the term is capitalized.
2. **Term; Automatic Renewal; Termination; Opportunity to Cure.** The "Initial Term" of this Agreement shall be a period of twelve (12) months commencing upon the Effective Date. This Agreement shall automatically renew at the end of the Initial Term for subsequent terms (each a "Renewal Term") each of twelve (12) months thereafter, unless either party gives the other not less than thirty (30) days written notice of termination prior to the termination of the Initial Term or then-current Renewal Term. A party shall be considered in default under this Agreement only if the party has not cured such failure or breach within



thirty (30) days of receiving written notice from the other party identifying with reasonable specificity a material failure to comply with any term or condition contained herein, including without limitation:

- a. Licensee's failure to pay any fees or charges due under this Agreement or any related License Agreement or service agreement.
 - b. Licensee's creation or modification of data in a Springbrook Software database, except through the licensed Springbrook applications.
(Exceptions shall only be with the express, written consent of Licensor).
 - c. Licensor's breach of the limited warranty provided in Section 11.
In the event that Licensee is in default under this Agreement, Licensor in its sole discretion may elect to terminate this Agreement or to place Licensee's Maintenance Agreement on hold until such default is cured. In the event that this Agreement is placed on hold pursuant to the preceding sentence, Licensee will be charged a Reconnection Fee pursuant to Section 8.
3. **Scope of Maintenance.** During the term of this Agreement, Licensor agrees to provide diligently "Basic Maintenance Services" in support of the Software. Basic Maintenance Services shall consist of:
- a. **Unlimited Support Services.** Licensor will supply a toll-free line plus Internet access into support to answer questions and help resolve issues not related to error corrections as defined below.
 - b. **Error Correction.** Licensor will use all reasonable diligence to correct verifiable and reproducible Errors within a reasonable time period after reported to Licensor. The Error Correction, when completed, may be provided in the form of a "temporary fix," consisting of sufficient programming and operating instructions to implement the Error Correction.
 - c. **Telephone/Modem Support.** Licensor shall maintain a telephone and modem support line, or DSL Internet connection, or T1 connection to the Internet during normal business hours (5:00am - 6:00pm PST Monday through Thursdays and 5:00am - 5:00pm Fridays), excluding major national holidays, that permits Licensee to report Errors in the Software and to receive assistance in cases of operator error. Licensee agrees to provide and maintain a means for Licensor to remotely access and maintain the Applications as installed on Licensee's computers or networks. The current list of supported means of this access is available from Licensor Software, but will include either a modem and dedicated modem telephone line, or an Internet connection of 128Kb, or faster, with a dedicated, static IP address.

Licensee agrees to provide and maintain an Internet connection of 128Kb, or faster, for accessing Software updates and information from the Springbrook Software web site. In order to serve Licensee properly, Licensor requires that the modem be located physically in the server, not in a workstation on Licensee's network. Licensor reserves the right to bill hourly (following Licensee's approval) for maintenance in cases of repeated operator error, or where a single operator error results in extensive Licensor time to resolve the problem.

- d. **Changes in State and Federal Regulations.** Licensor will provide updates needed to conform to state and federal regulations, including changes to tax tables and routine forms, as changes become effective. Maintenance services under this Agreement do not include updates to conform to any changes in local governmental regulations, including without limitation changes in utility billing rates, reports or methods.
 - e. **Service Packs.** Licensor may, from time to time, issue routine minor Releases of the Software, known as Service Packs, which contain Error Corrections and minor Enhancements to Licensees who have maintenance agreements in effect. Installation of Service Packs is provided at no charge to Licensee if completed over the Internet. Installation of routine releases and updates by Licensor at Licensee's site will be billed to Licensee at the then current hourly rate except in cases where Licensor is solely responsible for the inability to provide modem support.
 - f. **Discounts on Major Enhancement Releases.** Licensor may, from time to time, offer Major Enhancements to Licensee, generally for an additional charge. To the extent Licensor offers such Major Enhancements, it shall permit Licensee to obtain one copy of each Major Enhancement for each copy of the Software or Application being maintained under this Agreement at the discount then specified by Licensor.
4. **Exceptions.** The following matters are not covered by, and are outside the scope of, Basic Maintenance Services:
- a. Onsite support services provided by employees or agents of Licensor;
 - b. Training, file and data conversion costs, and consulting services (whether onsite or offsite);
 - c. Maintenance or support services resulting from any problem resulting from Licensee's deliberate misuse, alteration (including local reports written by the Licensee), or damage of the Software;

- d. Support of operating systems; support of non-Licensors software (including but not limited to spreadsheets, word processors, general office software, and report builders (including the Progress Report Builder);
 - e. Onsite installation and management services for Upgrades or Major Enhancements;
 - f. Providing Internal Controls and/or balancing Licensee's books;
 - g. Any training, consulting, implementation management services, and data conversion services, required on an individual Licensee basis for Upgrades or Major Enhancements (whether onsite or offsite);
 - h. Any set up, support for and maintenance of additional *production* databases (whether onsite or offsite);
 - i. Travel (including travel time) and living expenses for installation and training, or any other onsite support or services;
 - j. New (additional) Product license and service fees.
5. **Cooperation of Licensee.** Licensee agrees to notify Licensor promptly following the discovery of any Error. Further, upon discovery of an Error, Licensee agrees, if requested by Licensor, to submit to Licensor a listing of output and any other data that Licensor may require in order to reproduce the Error and the operating conditions under which the Error occurred or was discovered. Licensor shall treat any such data as confidential.
6. **Fees and Expenses.** The Initial Term "Maintenance Fees," as set forth on Attachment A, will be invoiced and payable as set forth on Attachment A, for Basic Maintenance Services. Maintenance Fees for each Renewal Term will be invoiced approximately ninety (90) days in advance of the commencement of each Renewal Term, but in any event payable upon commencement of the Renewal Term. . In the event Licensee has not appropriated sufficient funds for payment of Licensor's services beyond the first year, this Agreement shall cover only those costs incurred up to the conclusion of the first full fiscal year; payment for additional work is conditional upon future Licensee appropriation. Payments due and payable to Licensor for the services described in this Agreement are within the current budget and within an available, unexhausted and unencumbered appropriation of Licensee. Maintenance Fees will apply to support of the Software and to any modifications made thereto if those modifications require support and/or additional programming services during Upgrades. For Initial Term Maintenance Fees, the rate is twenty-two percent (22%) of the license fee as noted in Attachment A of the Software License Agreement for the Licensor's Applications, twenty-five percent (25%) of the

initial fee as either noted in Attachment A of the Software License Agreement or on a work order pre-approved in writing by Licensee for all interfaces and custom modifications to the licensed Applications, and twenty-five percent (25%) of the fee noted in Attachment A for the Application Server Tier Maintenance Fees will not increase by more than 5% annually.

- a. **Fees for Excluded Items.** Licensee agrees to pay fees for those items or services excluded from Basic Maintenance Services pursuant to Section 4, when and as the services are rendered and the expenses invoiced, provided, however, that no such additional fees or costs will be invoiced to Licensee without Licensee's prior written approval of the fees, costs, and related work. Licensor shall provide supporting documentation for all expenses upon Licensee's request. Licensor reserves the right to require prepayment or advance deposit for such additional charges or expenses in some instances. Licensee is also responsible for sales or use taxes and state or local property or excise taxes associated with licensing, possession, or use of the Software or any associated services. All fees paid hereunder are nonrefundable and will be forfeited in the event of termination or cancellation except as otherwise specifically provided herein.
 - b. **Key Licensee personnel replacement.** If key personnel replacement occurs, Licensor reserves the right to require that the new employee(s) acquire Licensor-required training. Licensor offers free training at Licensor's Portland Training Center to all new department heads and one (1) new primary user in each department on Licensor software applications previously implemented by the Licensee. Up to a ten percent (10%) increase in maintenance fees may occur if training is not received by all applicable users who call in for support.
7. **Work Orders.** Licensee may from time to time request from Licensor services, such as Software modifications or additional training. Licensor shall make a reasonable and good faith effort to comply with such requests but shall retain sole discretion to decide whether such services are provided. Licensee shall receive from Licensor in advance an estimate of the cost of requested services. Licensor shall receive for all approved Licensee requests a signed work order from the Licensee and a deposit equal to fifty percent (50%) of the estimated cost of the service.
8. **Billing.** All invoices from Licensor to the Licensee for any product or service are due upon receipt. Invoices are past due forty-five (45) days after the date of invoice. Licensor may, at its option, charge all invoices forty-five (45) days and older an interest at a rate of one and one-half percent (1½%) per month (eighteen percent (18%) per annum) or, if less, the highest rate allowed by applicable law from the date such fee or charge first became past due. Invoices

are delinquent sixty (60) days after the date of invoice. A delinquent invoice may cause Licensor, at its option, to put the Licensee's account on hold, or, subject to the terms of Section 2, terminate this Agreement. Accounts on hold may receive no product, service, or support from Licensor (including without limitation Basic Maintenance Services) until all past due and delinquent invoices are paid in full. Once an account is placed on hold for non-payment, Licensor shall not be required to provide Basic Maintenance Services, or other products or services, hereunder until a "Reconnection Fee" equal to twenty-five percent (25%) of the current Term's annual Maintenance Fee is paid by Licensee.

9. **Use and Restrictions.** Error Corrections, Enhancements, Upgrades and New Product Releases (and any other programming provided by Licensor, regardless of its form or purpose) shall be considered part of the Software for purposes of determining the parties' rights and obligations related thereto pursuant to the License Agreement and this Agreement. Licensor shall have sole and exclusive ownership of all right, title and interest in and to such works (including ownership of all copyrights, trade secret rights and other intellectual property rights pertaining thereto), subject to the terms and conditions of the License Agreement.
10. **Limited Remedy and Liability; Exclusion of Consequential Damages.** The cumulative liability of Licensor to Licensee for all claims relating to any services rendered hereunder, in contract, tort, or otherwise, shall not exceed the total amount of the Maintenance Fees paid by Licensee to Licensor pursuant to this Agreement during the twelve (12) months prior to the claim. In no event shall Licensor be liable to Licensee for any consequential, indirect, special, or incidental damages (including, without limitation, damages for loss of business profits, business interruption, loss of business information, or other pecuniary loss), even if Licensor has been advised of the possibility of such potential loss or damage. The foregoing limitation of liability and exclusion of certain damages shall apply regardless of the success or effectiveness of other remedies, and shall apply to all claims under the warranty described in Section 11. Licensor's liability for breach of warranty exists only during the warranty period set forth in Section 11.

Licensor shall indemnify, defend and save Licensee, its officers, elected and appointed officials, employees, and agents harmless from and against any and all liability, claims, suits, actions, damages and/or causes of action of any kind arising out of any bodily injury, personal injury, property damage or in violation of any federal, state or municipal law or ordinance or other cause in connection with the activities of Licensor, or on account of the performance or character of the Work or otherwise related to its performance of this Agreement to the extent that any such liability, claims, suits, actions, damages and/or causes of action arises out of the intentional negligent or willful misconduct of the Licensor.

11. **Limited Warranty and Exclusions.** LICENSOR WARRANTS THAT IT WILL RENDER ITS SERVICES HEREUNDER IN A GOOD AND WORKMANLIKE MANNER, AND THAT DURING THE TERM OF THIS AGREEMENT AND FOR A PERIOD OF SIX (6) MONTHS THEREAFTER LICENSOR, AT LICENSOR'S SOLE COST, SHALL CORRECT ANY FAILURE TO RENDER ITS SERVICES HEREUNDER IN A GOOD AND WORKMANLIKE MANNER. ANY CLAIM BASED ON THE FOREGOING WARRANTY MUST BE SUBMITTED IN WRITING TO LICENSOR SPECIFYING THE FAILURE IN REASONABLE DETAIL, AND SHALL BE SUBJECT TO THE NOTICE AND CURE PROVISIONS OF SECTION 2. LICENSEE AGREES THAT THE FOREGOING LIMITED WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES OF LICENSOR AND LICENSOR DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS OR ADEQUACY FOR ANY PARTICULAR PURPOSE OR USE, QUALITY OR PRODUCTIVENESS, COMPATIBILITY, DESIRED RESULTS, CAPACITY, OR THAT SERVICES RENDERED HEREUNDER WILL BE ERROR-FREE.

12. **Venue; Governing Law.** Governing law and exclusive venue for any dispute between the parties arising out of or relating to this Agreement shall be as determined pursuant to the License Agreement.

13. **Entire Agreement; Construction; Licensor and Licensee Representations.** This Agreement is the complete and exclusive statement of the agreement between Licensor and Licensee and supersedes all prior and contemporaneous negotiations, discussions, proposals and understandings, oral, written or implied, including those involving any agent of either party, relating to the subject matter herein. No representations or statements made by either party or either party's agents not expressly set forth or referenced in the Agreement shall be binding on either party. Rights, obligations and warranties under this Agreement extend to Licensee and Licensor only, and no other person shall be considered a third-party beneficiary of this Agreement or be otherwise entitled to any rights or remedies under this Agreement. No provision of this Agreement shall be construed in favor of or against any party because one party or its professional advisors participated in the preparation of this Agreement. Licensee represents and warrants that it possesses sufficient mastery of the principles of accounting to use the Software for its intended purpose, and Licensee acknowledges that it is solely the Licensee's responsibility to: develop and institute the use of manual and other appropriate controls to validate the accuracy of the data generated by the system and ensure that Licensee's books balance; review proof lists and reports to validate the accuracy of reports and statements; verify that all users of the Software are

properly and sufficiently trained and experienced; and verify that a functioning archival system is in place, and that the data base is archived to a removable medium on a daily basis. In the event of a conflict between the Attachments and the main body of this Agreement, the main body of this Agreement shall control.

14. **Modification; No Waiver.** The terms of this Agreement may only be modified, expanded or added to by a written agreement executed by the parties. No oral communication between the parties or their agents before or after execution of this Agreement shall be binding upon either party unless the parties expressly agree in writing to the terms of such communication. No waiver by either party of any breach of any term or condition hereof shall be effective or enforceable unless made in writing signed by the party, and no waiver shall be interpreted as a continuing waiver or a waiver of any future obligation.
15. **Telephone/Internet Support.** Licensee shall provide and maintain a telephone line for speaking with Licensor's support staff. Licensee shall provide the ability and security permissions to access the licensor's Internet web site for a minimum of one computer with Springbrook Software installed. Licensee must also provide and maintain remote access for the licensor's support staff to the computer or computers which service the Springbrook Software database and disseminate the Springbrook Software application. This remote access must be made available through either an Internet connection of 128 kilobytes per second or greater, or a modem and a telephone line for the modem's use. This remote access also requires that the Licensee offer the Licensor's support staff access through one of the products listed by the Licensor. These currently include: Symantec PCAnywhere, Citrix GoToMyPC, Microsoft Terminal Services, and Citrix Metaframe. VPN connections are currently supported using the Microsoft client included in Windows 2000 and Windows XP, as well as Cisco System VPN Client.
16. **Definitions.**
 - a. **Terms Defined in License Agreement.** The following terms have that meaning assigned to them pursuant to the Software License Agreement executed by the parties in conjunction with this Agreement (the "License Agreement"): "Application;" "Cure;" "Error;" "Material;" "Specifications;" "Software;" and "User Materials."
 - b. "Enhancement" means a modification or addition that, when made or added to the Software, materially changes its utility, efficiency, functional capability, or application, but that does not constitute solely an Error Correction, and does not constitute a New Product Release. Licensor may designate Enhancements as "Major Enhancements" or simply as "Enhancements," depending on Licensor's assessment of their value and

of the function added to the Software or Application. "Major Enhancement" may be a substantial rewrite of an Application, similar to a New Product Release, or may be additional functionality benefiting only certain licensees rather than all licensees as a whole, and requiring those Enhancements to be packaged as a separate module.

- c. "Temporary Fix" means an initial correction or "fix" to a problem in the Software prior to the release of an Error Correction.
- d. "Error Correction" means either a modification or addition that, when made or added to the Software, brings the Software into Material conformity with its published specifications, or a procedure or routine that, when observed in the regular operation of the Software, avoids the practical adverse effect of such nonconformity.
- e. "New Product Release" means either the total rewrite of an Application or new version(s) of the Software (including, without limitation, offering of an Application in a new language), the offering of new suites of Applications or databases, generally packaged as a separate module, and which may incorporate Error Corrections and/or Enhancements. A New Product Release shall be distinguished from an Enhancement by Licensor's determination, based on Licensor's assessment of the New Product's value and of the function added to the Software or an Application.
- f. "Service Pack" means a set of files that may contain Error Corrections, Minor Enhancements (not requiring database changes), or both, that can be downloaded over the Internet by the Customer without assistance from the Company and are generally made available 4-12 times per year.
- g. "Upgrade" has substantially the same meaning as "Enhancement."

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed in duplicate by its duly authorized officer or representative. (Licensor and Licensee both represent and warrant that the person(s) executing this Agreement on behalf of Licensor or Licensee has the full authority to do so).

LICENSOR

LICENSEE

By:

By:

Name: Marily Rementeria

Name: _____

Signature: *Marily Rementeria*

Signature: _____

Title: Managing Partner, Sales

Title: _____

Date: March 3, 2009

Date: _____, 2009

ATTACHMENT A: SCHEDULE OF FEES

Attachment A contains the price quote issued to Licensee showing the applications and corresponding first year maintenance/support service fees, as well as a schedule of payment terms for these maintenance/support services. Please note that these fees are for one full year. By signing the Attachment A, Licensee is agreeing to this Schedule of Fees.



Annual Maintenance Costs for Atherton, CA.

Application/Products	1st Year Maintenance	2nd Year Maintenance	3rd Year Maintenance	4th Year Maintenance	5th Year Maintenance
Finance Suite	\$2,200	\$2,310	\$2,426	\$2,547	\$2,674
Purchase Orders	\$880	\$924	\$970	\$1,019	\$1,070
Requisitions	\$880	\$924	\$970	\$1,019	\$1,070
Payroll	\$1,540	\$1,617	\$1,698	\$1,783	\$1,872
Fixed Assets	\$1,100	\$1,155	\$1,213	\$1,273	\$1,337
Misc. Accounts Receivable	\$880	\$924	\$970	\$1,019	\$1,070
Central Cash Management	\$1,100	\$1,155	\$1,213	\$1,273	\$1,337
Cash Receipt Import	\$375	\$394	\$413	\$434	\$456
Positive Pay (AP)	\$375	\$394	\$413	\$434	\$456
Positive Pay (PR)	\$375	\$394	\$413	\$434	\$456
Total Springbrook	\$9,705	\$10,190	\$10,700	\$11,235	\$11,796
Application Server Tier (5 Named Users)	\$750	\$788	\$827	\$868	\$912
Total Other	\$750	\$788	\$827	\$868	\$912
Total 5 Year Maintenance Costs	\$10,455	\$10,978	\$11,527	\$12,103	\$12,708

First-year will be due and payable three months after contract signing on a pro-rata basis through the end of Licensee's fiscal year, with subsequent years' maintenance due each year thereafter. Additional maintenance will be charged on all custom modifications performed and supported by Licensor.



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 MARCH 18, 2009

**SUBJECT: ADOPTION OF THE STATEMENT OF INVESTMENT POLICY AND
RESCIND THE INVESTMENT POLICY ADOPTED ON NOVEMBER 1,
2008**

RECOMMENDATION

Adopt the Statement of Investment Policy and Rescind the Investment Policy Adopted on November 1, 2008.

DISCUSSION

On January 21, 2009, the City Council of the Town of Atherton approved the Investment Advisory Agreement – Non-Discretionary with MBIA Municipal Investors Service Corporation to invest the Town's funds in accordance with the written investment objectives, policies and restrictions of the Town. To provide MBIA with a more broad non-discretionary authority in investing Town funds, the Finance Committee reviewed the proposed Statement of Investment Policy on March 5, 2009, and is recommending that the City Council adopt the Statement of Investment Policy and rescind the Investment Policy adopted by the City Council on November 1, 2008.

The Investment Policy adopted on November 1, 2008, limits the investment to United States Treasury Securities, Certificate of Time Deposits, and the State of California Local Agency Investment Fund (LAIF). The proposed Statement of Policy will expand the investment choices to include Federal Instrumentality (Agency securities), Repurchase Agreements (only if LAIF is not available), Prime Commercial Paper, Medium-Term Notes, and Money Market Funds. Although some of these investments may be more risky, MBIA and staff will exercise the standard of prudence and follow the order of the objectives: safety, liquidity, and yield. MBIA

will obtain Town staff's approval before any purchase or sale can be made. Wells Fargo Bank will serve as the custodian for security safekeeping and transaction recording.

In addition to the report from Well Fargo Bank, MBIA will produce a monthly report to the Town detailing investment activities and performance.

FISCAL IMPACT

None

Prepared by:

Approved by:

Louise Ho
Finance Director

Jerome Gruber
City Manager

Attachment: A Resolution approving the Statement of Investment Policy
Statement of Investment Policy
Investment Policy adopted on November 1, 2008



TOWN OF ATHERTON

INVESTMENT POLICY

I. PURPOSE

This statement of investment policy is intended to provide guidelines for the prudent investment of the Town of Atherton's temporary idle cash and to outline the policies for maximizing the efficiency of the Town's cash management system. The ultimate goal is to enhance the economic status of the Town while protecting its pooled cash. The management and oversight responsibility for the Town's investments is delegated to the City Manager or designee, who shall monitor and review all investments for consistency with this investment policy.

The investment policies and practices of the Town of Atherton are based on state law and prudent money management. All funds will be invested in accordance with the Town's Investment Policy and the authority governing investments set forth in the California Government Code, Sections 53601 through 53659. The investment policy for bond proceeds is contained in the relevant bond documents approved by the City Council at the time of the issuance of the debt.

II. OBJECTIVE

The Town's cash management system is designed to monitor forecasted expenditures and revenues, thus enabling the Town to invest excess funds to the fullest extent possible. The Town attempts to obtain the highest yield obtainable as long as investments meet the criteria established for safety and liquidity.

III. POLICY

Town funds not required for immediate expenditure will be invested in compliance with State law (Government Code Section 53600 et. Seq.) and this policy. The Town will maintain adequate cash availability and maximum yield on invested idle funds while insuring that principal invested is protected.

This investment policy applies to all transactions of the financial assets of all funds of the Town of Atherton.

IV. REPORTING REQUIREMENTS

Consistent with Sections 16481.2 and 53646 of the Government Code, the City Manager or designee shall submit an annual Statement of Policies to the City Council for consideration at a public meeting. A copy of the approved Annual Investment Policy shall be filed with the California Debt and Investment Advisory Commission (CDIAC) as required.

In addition to the submittal of an annual Statement of Investment Policies, the City Manager or designee shall render to the City Council a quarterly and annual Treasurer's Report, which shall include at a minimum the following information:

- a. Type of investment instruments
- b. Issuer name
- c. Purchase date
- d. Par value
- e. Market value
- f. Book value
- g. Interest rate
- h. Portfolio yield
- i. Weighted average days to maturity
- j. Maturity date
- k. Statement of compliance with the investment policy or other appropriate document (i.e., bond documents)
- l. Statement denoting the ability of the Town to meet the expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall not – or may not – be available.
- m. Performance result comparison using applicable benchmark indices

The Quarterly Treasurer's Report shall include all investments as of the end of the quarter from all funds held in the Town's portfolio, including funds held and invested by trustees, and shall be issued within 30 days after the end of the quarterly reporting period. The annual report shall be issued within 90 days of the end of the fiscal year.

The Town shall submit copies of its second and fourth quarter Treasurer's Reports to the California Debt and Investment Advisory Commission (CDIAC) within 60 days after the close of the second and fourth quarters of each fiscal year.

V. CRITERIA FOR SELECTING INVESTMENTS AND THE ORDER OF PRIORITY

1. **Safety:** Safety of principal is the foremost objective of the Town of Atherton. Each investment transaction shall seek to ensure that capital losses are avoided, whether from securities default, broker-dealer default, or erosion of market value. The Town shall seek to preserve principal by mitigating the two types of risk: credit risk and market risk.
 - **Credit risk:** Credit risk, defined as the risk of loss due to failure of the issuer of a security, shall be mitigated by investing only with issuers whose financial strength and reputation can be verified to be the highest as rated by nationally known rating agencies and by diversifying the investment portfolio so that the failure of any one issuer would not unduly harm the Town's cash flow.
 - **Market Risk:** Market risk, the risk of the market value fluctuations due to overall changes in the general level of interest rates, shall be mitigated by:
 - (a) structuring the portfolio so that securities mature earlier than or concurrent with the timing of major cash outflows, thus eliminating the need to sell securities prior to their maturity; (b) prohibiting the use of leverage and margin accounts; and prohibiting the taking of short positions that is, selling securities which the Town does not own. It is explicitly recognized herein, however, that in a diversified portfolio, occasional measured loses are inevitable, and must be considered within the context of the overall investment return.
2. **Liquidity:** An adequate percentage of the portfolio will be maintained in liquid short-term securities which can be converted to cash if necessary to meet disbursement requirements. Since all cash requirements cannot be anticipated, investments in securities with active secondary or resale markets is highly recommended. Emphasis will be on marketable securities with low sensitivity to market risk.
3. **Yield:** Yield is the potential dollar earnings an investment can provide, and is sometimes described as the rate of return. Yield will become a consideration only after the basic requirements of safety and liquidity have been met.

VI. INVESTMENT TYPES AND GUIDELINES

The Town is able to purchase and invest in the following instruments as stipulated under Section 53601 of the Government Code as well as guidelines set by the Town:

1. US Treasury Bills, Notes and Bonds
 - No limit.
 - Maturity not to exceed 5 years.
2. Certificate of Time Deposits
 - Limited to 10% of Town's total portfolio.
 - Maturity not to exceed 360 days.
 - Investment must be FDIC (Federal Deposit Insurance Corporation) insured.
3. Local Agency Investment Fund

- Limit to 50% of the Town's total portfolio.
- Limit to be reviewed monthly with Finance Committee.
- The Local Agency Investment Fund (LAIF) was established by the State of California to enable treasurers to place funds in a pool for investments. There currently is a limitation of \$40 million per agency subject to a maximum of 10 total transactions per month. The Town of Atherton uses this fund for short-term investments and liquidity.

4. San Mateo County Pool

The Town will no longer participate in the San Mateo County Pool once the invested fund is withdrawn.

VII. INVESTMENT PLACEMENT

Investment placement shall be determined by, but not be limited to, continual evaluation projection of market conditions, interest rate trends, cash flow needs, economic data, yield curves, and interest rate forecast. Additionally, the Finance Director will obtain at least two quotations from dealers, brokers, bank and saving the loan associations before finalizing the investment placement. The combination of these factors shall determine where, in what denominations, and for what maturity investments are made.

VIII. SELLING SECURITIES PRIOR TO MATURITY

Losses are only acceptable if the proposed swap/trade can clearly enhance yield over the life the new security on all total return basis.

Sufficient written documentation will be maintained to facilitate audit of the transaction. Losses if any, will be recognized and recorded based on the transaction date.

Jerry Gruber
 City Manager
 Town of Atherton

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF
ATHERTON APPROVING THE STATEMENT OF INVESTMENT POLICY AND
RESCINDS THE INVESTMENT POLICY ADOPTED ON NOVEMBER 1, 2008**

WHEREAS, pursuant to State Law, the City Council reviewed and amended the Town's Investment Policy on November 1, 2008; and

WHEREAS, the City Council wish to rescind the November 1, 2008, Investment Policy; and

WHEREAS, the City Council wishes to approve the attached Statement of Investment Policy, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby approve the attached Statement of Investment Policy.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 18th day of March, 2009, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Jerry Carlson, MAYOR
TOWN OF ATHERTON

ATTEST:

Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

Wynne Furth, City Attorney



Town of Atherton

Statement of Investment Policy

The City Council of the Town of Atherton has adopted this Investment Policy in order to establish the investment scope, objectives, delegation of authority, standards of prudence, reporting requirements, internal controls, eligible investments and transactions, diversification requirements, risk tolerance, and safekeeping and custodial procedures for the investment of the funds of the Town. All Town funds will be invested in accordance with this Investment Policy and with applicable sections of the California Government Code.

This Investment Policy was endorsed and adopted by the City Council on March 18, 2009. It replaces any previous investment policy or investment procedures of the Town.

SCOPE

The provisions of this Investment Policy shall apply to all financial assets of the Town as accounted for in the Town's Comprehensive Annual Financial Report.

All cash shall be pooled for investment purposes. The investment income derived from the pooled investment account shall be allocated to the contributing funds based upon the proportion of the respective average balances relative to the total pooled balance. Investment income shall be distributed to the individual funds not less than annually.

OBJECTIVES

The principal investment objectives of the Town are:

1. Preservation of capital and protection of investment principal.
2. Maintenance of sufficient liquidity to meet anticipated cash flows.
3. Attainment of a market rate of return.
4. Diversification to avoid incurring unreasonable market risks.
5. Compliance with the Town's Municipal Code and with all applicable Town resolutions, California statutes and Federal regulations.

DELEGATION OF AUTHORITY

The management responsibility for the Town's investment program is delegated annually by the City Council to the Treasurer, as provided for in California Government Code Section 53607. The Town's City Manager serves as the Treasurer. The City Manager may delegate the authority to conduct investment transactions and to manage the operation of the investment portfolio to other specifically authorized staff members. No person may engage in an investment transaction except as expressly provided under the terms of this Investment Policy.

The City Manager or designee shall develop administrative procedures and internal controls, consistent with this Investment Policy, for the operation of the Town's investment program. Such procedures shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the Town.

The Town may engage the support services of outside investment advisors with respect to its investment program, so long as it can be demonstrated that these services produce a net financial advantage or necessary financial protection of the Town's financial resources.

PRUDENCE

The standard of prudence to be used for managing the Town's investment program is California Government Code Section 53600.3, the prudent investor standard which states, "When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."

The Town's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The Town recognizes that no investment is totally without risk and that the investment activities of the Town are a matter of public record. Accordingly, the Town recognizes that occasional measured losses may occur in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the Town.

The City Manager or designee and authorized investment personnel acting in accordance with established procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that deviations from expectations are reported in a timely fashion to the City Council and appropriate action is taken to control adverse developments.

ETHICS AND CONFLICTS OF INTEREST

Elected officials and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the Town's investment program or could impair or create the appearance of an impairment of their ability to make impartial investment decisions. Employees and investment officials shall subordinate their personal investment transactions to those of the Town. In addition, Town City Council members, the City Manager, and the Finance Director shall file a Statement of Economic Interests each year as required by California Government Code Section 87203 and regulations of the Fair Political Practices Commission.

AUTHORIZED SECURITIES AND TRANSACTIONS

All investments and deposits of the Town shall be made in accordance with California Government Code Sections 16429.1, 53600-53609 and 53630-53686. Any revisions or extensions of these code sections will be assumed to be part of this Investment Policy immediately upon being enacted.

The Town has further restricted the eligible types of securities and transactions as follows:

1. United States Treasury bills, notes or bonds with a final maturity not exceeding five years from the date of trade settlement.
2. Federal Instrumentality (government sponsored enterprise) debentures, discount notes, callable and step-up securities, with a final maturity not exceeding five years from the date of trade settlement, issued by the following only: Federal Home Loan Banks (FHLB), Federal National Mortgage Association (FNMA), Federal Farm Credit Banks (FFCB) and Federal Home Loan Mortgage Corporation (FHLMC).
3. Repurchase Agreements with a final termination date not exceeding 30 days collateralized by U.S. Treasury obligations or Federal Instrumentality securities listed in items 1 and 2 above with the maturity of the collateral not exceeding ten years. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the Town's approved Master Repurchase Agreement. The purchased securities shall have a minimum market value including accrued interest of 102% of the dollar value of the funds borrowed. Collateral shall be held in the Town's custodian bank, as safekeeping agent, and the market value of the collateral securities shall be marked-to-the-market daily.

Repurchase Agreements shall be entered into only with broker/dealers and who are recognized as Primary Dealers with the Federal Reserve Bank of New York, or with firms that have a Primary Dealer within their holding company structure. Primary Dealers approved as Repurchase Agreement counterparties shall have a short-term credit rating of at least A-1 or the equivalent and a long-term credit rating of at least A or the equivalent. Repurchase agreement counterparties shall execute a Town approved Master Repurchase Agreement with the Town. The City Manager or designee shall maintain a copy of the Town's approved Master Repurchase Agreement and a list of the broker/dealers who have executed same.

4. Prime Commercial Paper with a maturity not exceeding 270 days from the date of trade settlement with the highest letter and number rating as provided for by a Nationally Recognized Statistical Rating Organization (NRSRO). The entity that issues the commercial paper shall meet all of the following conditions in either sub-paragraph A. or sub-paragraph B. below:

A. The entity shall (1) be organized and operating in the United States as a general corporation, (2) have total assets in excess of \$500,000,000 and (3) have debt other than commercial paper, if any, that is rated at least A or the equivalent by a NRSRO.

B. The entity shall (1) be organized within the United States as a special purpose corporation, trust, or limited liability company, (2) have program wide credit enhancements, including, but not limited to, over collateralization, letters of credit or surety bond and (3) have commercial paper that is rated at least A-1 or the equivalent by a NRSRO.

No more than 5% of the Town's total portfolio shall be invested in the commercial paper of any one issuer, and the aggregate investment in commercial paper shall not exceed 25% of the Town's total portfolio.

5. Medium-Term Notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States, with a final maturity not exceeding five years from the date of trade settlement, and rated at AAA or the equivalent by a NRSRO. The aggregate investment in medium-term notes shall not exceed 5% of the Town's total portfolio.
6. State of California's Local Agency Investment Fund (LAIF), pursuant to California Government Code Section 16429.1. The aggregate investment in the pool shall not exceed 50% of the Town's total portfolio.
7. Money Market Funds registered under the Investment Company Act of 1940 that (1) are "no-load" (meaning no commission or fee shall be charged on purchases or sales of shares); (2) have a constant net asset value per share of \$1.00; (3) invest only in the securities and obligations authorized in the applicable California statutes and (4) have a rating of at least AAAM or the equivalent by at least two NRSROs. The aggregate investment in money market funds shall not exceed 20% of the Town's total portfolio.

The foregoing list of authorized securities and transactions shall be strictly interpreted. Any deviation from this list must be preapproved by resolution of the City Council.

INVESTMENT DIVERSIFICATION

The Town shall diversify its investments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities. Nevertheless, the asset allocation in the investment portfolio should be flexible depending upon the outlook for the economy, the securities markets and the Town's anticipated cash flow needs.

PORTFOLIO MATURITIES AND LIQUIDITY

To the extent possible, investments shall be matched with anticipated cash flow requirements and known future liabilities. The Town will not invest in securities maturing more than five years from the date of purchase, unless the City Council has by resolution granted authority to make such an investment at least three months prior to the date of investment.

SELECTION OF BROKER/DEALERS

The City Manager or designee shall maintain a list of broker/dealers approved for investment purposes, and it shall be the policy of the Town to purchase securities only from those brokers and the firms they represent. Each approved broker/dealer must possess an authorizing certificate from the California Commissioner of Corporations as required by Section 25210 of the California Corporations Code.

To be eligible, a firm must meet at least one of the following criteria:

1. be recognized as Primary Dealers by the Federal Reserve Bank of New York or have a primary dealer within their holding company structure, or
2. report voluntarily to the Federal Reserve Bank of New York, or
3. qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

The City Manager or designee will select broker/dealers on the basis of their expertise in public cash management and their ability to provide service to the Town's account. Each authorized broker/dealer shall submit and annually update a Town approved Broker/Dealer Information Request form that includes the firm's most recent financial statements.

The Town may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as they meet the criteria outlined in Item 4 of the Authorized Securities and Transactions section of this Investment Policy.

COMPETITIVE TRANSACTIONS

All investment transactions shall be conducted competitively with authorized broker/dealers. At least three broker/dealers shall be contacted for each transaction and their bid or offering prices shall be recorded.

If the Town is offered a security for which there is no other readily available competitive offering, then the City Manager or designee will document quotations for comparable or alternative securities.

SELECTION OF BANKS

The City Manager or designee shall maintain a list of FDIC insured banks approved to provide depository and other banking services for the Town. To be eligible, a bank shall qualify as a depository of public funds in the State of California as defined in California Government Code Section 53630.5 and shall secure deposits in excess of FDIC insurance coverage in accordance with California Government Code Section 53652.

SAFEKEEPING AND CUSTODY

The City Manager or designee shall select one or more banks to provide safekeeping and custodial services for the Town. A Safekeeping Agreement approved by the Town shall be executed with each custodian bank prior to utilizing that bank's safekeeping services.

Custodian banks will be selected on the basis of their ability to provide services for the Town's account and the competitive pricing of their safekeeping related services.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. All securities shall be perfected in the name of the Town. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

All investment securities, except non-negotiable Certificates of Deposit, Money Market Funds and LAIF, purchased by the Town will be delivered by either book entry or physical delivery and will be held in third-party safekeeping by a Town approved custodian bank, its correspondent bank or its Depository Trust Company (DTC) participant account.

All Fed wireable book entry securities owned by the Town shall be held in the Federal Reserve system in a customer account for the custodian bank which will name the Town as "customer."

All DTC eligible securities shall be held in the custodian bank's DTC participant account and the custodian bank shall provide evidence that the securities are held for the Town as "customer."

PORTFOLIO PERFORMANCE

The investment portfolio shall be designed to attain a market rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements. The performance of the Town's investments shall be compared to the average yield on the U.S. Treasury security that most closely corresponds to the portfolio's weighted average effective maturity. When comparing the performance of the Town's portfolio, its rate of return will be computed net of

all fees and expenses.

REPORTING

Monthly, the City Manager or designee shall submit to the City Council a report of the investment earnings and performance results of the Town's investment portfolio. The report shall include the following information:

1. Investment type, issuer, date of maturity, par value and dollar amount invested in all securities, and investments and monies held by the Town;
2. A description of the funds, investments and programs;
3. A market value as of the date of the report (or the most recent valuation as to assets not valued monthly) and the source of the valuation;
4. A statement of compliance with the investment policy or an explanation for non-compliance; and
5. A statement of the Town's ability to meet expenditure requirements for six months, and an explanation of why money will not be available if that is the case.

POLICY REVIEW

This Investment Policy shall be adopted annually by resolution of the City Council. It shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity, yield and diversification and its relevance to current law and economic trends. Amendments to this Investment Policy shall be approved by resolution of the City Council.



Town of Atherton

CITY COUNCIL STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: CITY ATTORNEY

DATE: FOR THE MEETING OF MARCH 18, 2009

SUBJECT: PROCEDURES TO REQUEST AN ITEM BE PLACED ON A CITY COUNCIL AGENDA

RECOMMENDATION:

Consider revisions to the Town of Atherton City Council Rules of Procedure paragraphs 5.1 and 5.2 regarding Agenda preparation.

INTRODUCTION:

At its special meeting of January 30, 2009, the City Council adopted three motions concerning the preparation of the agenda and directed the City Attorney to propose modifications to the Council's *Rules of Procedure*. The three modifications concerned:

- Written requests from a Council Member for placement of an item on a future agenda for discussion and possible action.
- Placement of items on the agenda by a committee or commission [other than those described in Section 9.3 of the *Rules of Procedure*].
- Joint requests from two Council Members to the City Manager for placement of an item on the agenda for discussion and possible action. The motion specifies that:
 - the item will be placed on the agenda "for discussion" within two meetings
 - it will consume no more than thirty minutes of staff time [before the meeting]
 - there will be no more than one such item per meeting
 - there will be an "up or down" vote at the meeting

At its February 2009 meeting, the Council considered proposed amendments to Section 5 of its *Rules of Procedure* on Order/Preparation of Agenda. After discussion, a motion was made:

to request that the City Attorney review the issue of Council Members and committees requesting items to be placed on the agenda with the intent that items can be placed on an agenda for consideration by the Council, but with the understanding to clear up the language to make it consistent and understandable to the Council and the public.

An amendment was proposed:

to direct the City Attorney to take the three motions voted on and passed at the January 30, 2009, Special City Council meeting and wordsmith such that they are clearer but the intent is left intact.

Both the amendment and main motion passed unanimously.

ANALYSIS:

California's Open Meeting Law, (the Brown Act) has for some years forbidden the Council to discuss or act on an item not listed on an agenda published before its meeting, except in very limited situations. This amendment to the Brown Act was to make sure that the public and the press has a chance to address the Council before important decisions were made. It had the unintended consequence of reducing the ability of a Council to respond promptly to matters of community concern. This is especially marked in a Town like Atherton, which has one regularly scheduled meeting a month. (The Council frequently holds additional special meetings, but they, too, are limited to matters published on an advance agenda.)

In revising its procedure, the Council is working within an existing legal and organizational framework in which:

- The City Manager is responsible for the preparation of the Council Agenda. (*Rules of Procedure Section 5.2*).
- Any Council Member (or member of the public) may make a request at a Council meeting to add an item to a future agenda. Council Members may not discuss the subject matter of the request but may vote on whether to place it on a future agenda (The Brown Act).
- The Mayor or any three Council Members may call a special meeting to discuss a matter specified in the call for the special meeting (The Brown Act and Section 3.3 of the *Rules of Procedure*.)
- Only the Council as a whole may direct expenditures of staff time and other city resources. (Atherton Municipal Code Chapter 2.12.).

After reviewing the Council's previous directions and the draft minutes of the February meeting, and consulting with the City Manager, the following proposed modifications have been drafted:

A. Modification of Section 5.1 - Order of Business

5.1 Order of Business

1. Call to Order, Pledge of Allegiance, Roll Call
2. Presentations
3. Council Reports
4. Public Comments
5. Staff Reports
6. Community Organization Round Table
7. Consent Agenda
8. Regular Agenda/Public Hearings
9. Public comments.
10. **Future Agenda Items**
11. Adjournment.

Analysis: Every Council Member has the right to request, at a Council Meeting, that the Council schedule consider one or more items on a future agenda. However, the Brown Act forbids any consideration of the item itself. This prohibition includes extensive discussion of *placing* an item on the agenda, whether by the proposer or by the rest of the Council. We suggest that the Council add a new section to its Order of Business, Item 10, "Council Consideration of Future Agenda Items," at the end of the meeting. In this section of the meeting, the Mayor would ask if any member had any requests for additions to future agendas. Any member with such a request would describe the matter briefly and move that it be placed on a future agenda. If the proposal received a second, the Council would vote on adding the matter to a future agenda. By law, discussion would be limited to brief requests for any needed clarification and inquiry to the city manager on the availability of time on upcoming agendas. If a majority of the council members present voted in favor, the item would be added to a future agenda. Unless otherwise directed by City Council, Town staff would prepare a staff report for the agenda item when it returned to the Council.

Because the Brown Act permits any two members of the Council to discuss a matter of City business with each other, so it would also be permissible for two members to decide in advance that they would request placement of an item under this provision.

B. First Modification of Section 5.2 -Agenda Preparation (Committee/Commission Request)

5.2 Agenda Preparation The agenda shall be prepared in accordance with the preparation procedure as directed by the City Manager.

1. When a Town Committee or Commission passes a motion at its meeting requesting Council consideration of an item that is within that Committee or Commission's powers and duties, the City Manager shall place

the item on a Council agenda no later than two regular meetings following the date of the request.

Analysis: Section 9.5 of the Rules of Procedure authorizes a Council Member who sits on a Committee to bring any decision of the Committee to the Council for a decision. The proposed amendment addresses a request from a Committee, or a Commission, to have the Council consider a matter that is within its area of responsibility but on which it has not made a decision. The request would be made by motion at a scheduled meeting of the Committee or Commission.

C. Second Modification of Section 5.2 – Agenda Preparation (Colleagues' Memo).

5.2 Agenda Preparation. The agenda shall be prepared in accordance with the preparation procedure as directed by the City Manager.

2. If two or more Council Members prepare a colleagues' memo, the City Manager shall place the item on the Council's agenda within two meetings. The item shall be placed at the end of the Regular Agenda/Public Hearings portion of the Agenda. A colleague's memo is a written request, no more than two pages in length, presenting an item for consideration and action by the entire Council. Council Members are encouraged to share a draft of the memo with the City Manager prior to final review and shall consult with the City Attorney on the legal adequacy of the title. Completed colleague's memos shall be provided to the City Clerk noon on the Tuesday of the week before the Council meeting at which the item is to be placed on the agenda. It is the Council's policy that colleagues' memos should be analytic and informative. No Council Member shall participate in the preparation of more than one colleague's memo per Council meeting.

Analysis: This procedure enables any two Council Members to place an item on the agenda for discussion and possible action. Consultation with the City Attorney is intended to insure that the agenda item's title gives adequate notice to the public. Review by the City Manager is to permit him to provide relevant information for consideration by the colleagues in their drafting of the request. The procedure does not contemplate any significant use of staff time in preparing the colleagues' memo.

A direction on an "up or down" vote has not been included. This appears to be a matter more appropriately handled by the Council's Rules of Debate in Section 12.

FISCAL IMPACT:

No fiscal impact is anticipated.

Prepared By:

Approved by:

/s/ Wynne Furth

Wynne Furth
City Attorney

Jerry Gruber
City Manager

Attachments:

City Council Rules of Procedure.



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: WYNNE FURTH, CITY ATTORNEY

DATE: FOR THE MEETING OF MARCH 18, 2009

**SUBJECT: APPOINTMENT OF DESIGNATED REPRESENTATIVES
FOR NEGOTIATIONS WITH CITY MANAGER**

RECOMMENDATION:

Appoint two members of the City Council as the Council's representatives to discuss possible modifications to the Town's contract with the City Manager.

BACKGROUND:

The Ralph M. Brown Act (Government Code Section 54950 and following) authorizes the City Council to meet in closed session to evaluate the City Manager. However, the evaluation process may not include discussion of compensation. A separate clause of the Brown Act, Government Code Section 54957.6 authorizes the City Council to meet in closed session with its designated representatives regarding the compensation of represented and unrepresented employees.

Staff recommends that the City Council appoint two members of the Council to serve as the Council's designated representatives in negotiation with the City Manager following its recent evaluation of the City Manager.

FISCAL IMPACT:

None.

Prepared By:

Approved:

Wynne Further
City Attorney

Jerome D. Gruber
City Manager



Town of Atherton

CITY COUNCIL STAFF REPORT

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

FROM: KATHI HAMILTON, ACTING CITY CLERK

DATE: FOR THE MEETING OF MARCH 18, 2009

**SUBJECT: STATUS REPORT OF CURRENT OPENINGS ON
COMMITTEES/COMMISSIONS AND REQUEST TO SCHEDULE
A SPECIAL CITY COUNCIL MEETING TO INTERVIEW
APPLICANTS**

RECOMMENDATION:

Staff recommends scheduling a Special City Council meeting to interview applicants for the Arts, Audit, General Plan, and Rail Committees and the Transportation Subcommittee.

BACKGROUND:

In June of 2008, the City Council adopted Resolution No. 08-24 governing Town Committees and Commissions. While the resolution was under discussion, some Committee terms were extended while others expired. The Screening Committee recommended procedures for implementing the Resolution No. 08-04. The Resolution had changed the number of members of the Audit Committee and provided for staggered terms on other committees. These procedures were approved on the Consent Calendar at the September 2008 City Council meeting. In most cases, sitting members continued to serve on a "hold-over" basis until new appointments could be made.

State law generally requires that openings on the Committees and Commissions must be advertised to the general public before appointments, or re-appointments, can be made upon the expiration of a term. (Government Code Section 54970-54975, commonly known as the Maddy Act.) When a vacancy occurs mid-term, special vacancy notices must be published or posted.

Following the Council's action in September, staff began a recruitment process. Letters were sent to the current members of the Transportation and Audit Committees asking if they wished to reapply for new terms, and applicants were solicited from the general

public for the Arts, Audit, and Rail Committee and the Transportation Subcommittee. A vacancy notice was given for Elizabeth Lewis's unexpired term on the General Plan Committee. The Town is currently advertising for applicants for the Planning Commission, Environmental Programs Committee, and the additional vacancies on the Arts and Rail Committees.

ANALYSIS:

Staff has prepared a matrix of all committees/commissions showing current members, when they were first appointed, when their terms expire/expired, and what vacancies exist. This matrix includes members continuing to serve the Town on a hold-over basis after the expiration of their current terms.

Based on the recruitment process, the following people are available to be interviewed for appointment to the following committees:

- Arts Committee: (7 vacancies) Larry Colof
- Audit Committee: (3 vacancies) Dr. Sam Goodman, Randy Lamb, Rose Hau
- Rail Committee: (4 vacancies) Jim Janz, Julia Quinlan
- Transportation Subcommittee:
(3 vacancies) Katherine Morganroth, Louis Paponis,
John Rugeiro, Richard Moore, Larry
Sweeney, Erv Ericksen
- General Plan Committee:
(1 vacancy) Jim Massey, Thom Bryant, David Henig

On the regular annual schedule of appointments, one term on the Planning Commission is expiring April 30, 2009. The terms of the three current members of the Environmental Programs Committee will also expire on April 30, 2009; there are also seven vacancies on that committee. A recruitment process is underway and potential applicants have until Friday, March 27, 2009, to apply. The current members of the Environmental Programs Committee have been sent letters asking if they would like to reapply. Council will need to schedule a special meeting sometime in April in order to make timely appointments to terms that begin on May 1, 2009.

FISCAL IMPACT:

Cost for advertising openings in the *Almanac*.

Prepared by:

Approved by:

Kathi Hamilton
Acting City Clerk

Jerry Gruber
City Manager

Attachments: Committee/Commission Matrix
 Recruitment Ads
 Vacancy Notice
 Resolution No. 08-24
 Staff Report from August 20 and September 17, 2008 City Council
 meeting

COMMITTEES/COMMISSIONS

Per Resolution No. 08-24 and the Process Adopted by Council on August 20, 2008

Page 1 of 4

Arts Committee	Five members appointed to a four-year term commencing in 2008 and ending April 30, 2012. Remaining five terms for three years, commencing in 2008 and ending on April 30, 2011. Current members' terms were extended for a four-year term.	
Members	First Appointed	Term Expires
Jean Schaaf	05/09/01	04/30/2012
Samira Nawas-Plesman	07/18/01	04/30/2012
Betty Ullman	10/21/04	04/30/2012
Vacant		04/30/2012
Vacant		04/30/2012
Vacant		04/30/2011

Audit Committee	Consists of five members, including the two Council Members of the Finance Committee, and three members appointed by Council. One term shall be for four years expiring April 30, 2010. One Term for four years ending April 30, 2012.	
Members	First Appointed	Term Expires
Michael G. Barsotti	05/01/04	04/30/2008
Mason Brutschy	05/01/04	04/30/2008
Alfred M. Dau	05/01/05	04/30/2008
Dr. Sam Goodman	05/01/04	04/30/2008
Monica Ip	05/01/05	04/30/2008

COMMITTEES/COMMISSIONS

Per Resolution No. 08-24 and the Process Adopted by Council on August 20, 2008

Page 2 of 4

Environmental Programs Committee		
Five members appointed to a two-year term commencing in 2007 and ending April 30, 2010. Remaining five terms for four years, commencing in 2007 and ending on April 30, 2011. Current members' terms were extended for a two-year term.		
Members	First Appointed	Term Expires
Todd Beardsley	10/18/06	04/30/2009
Valerie Gardner	11/15/06	04/30/2009
Frank Merrill, Jr.	07/25/07	04/30/2009
Vacant (Bob Jenkins)	Unexpired term	04/30/2009
Vacant		04/30/2009
Vacant		04/30/2011

General Plan Committee		
Consists two Council Members, two Planning Commissioners, and up to five appointed members who are not members of the City Council or Planning Commission.		
Members	First Appointed	Term Expires
Randy Lamb	05/01/06	04/30/2010
Todd Beardsley	11/17/04	04/30/2010
Carol Smith	06/20/07	04/30/2011
Elizabeth Plaschke	06/20/07	04/30/2011
Vacant (Elizabeth Lewis)	Unexpired term	04/30/2010

COMMITTEES/COMMISSIONS

Per Resolution No. 08-24 and the Process Adopted by Council on August 20, 2008

Page 3 of 4

Park and Recreation Commission	Consists of seven appointed members. One member shall be a representative of the Holbrook-Palmer Park Foundation. One member shall be a representative of the Atherton Dames.	
Members	First Appointed	Term Expires
John P. Davey	05/01/03	04/30/2011
David Wright	12/19/07	04/30/2012
Shirley Carlson	12/18/02	04/30/2012
Diane Crittenden (Dames)	05/01/07	04/30/2009
Clarice Merrill (HPPF)	05/01/07	04/30/2009
William Awbrey	07/18/07	04/30/2011
Marylue Timpson	07/18/07	04/30/2011

Planning Commission	Five members, each a resident of the Town, appointed by and serving at the pleasure of the City Council	
Members	First Appointed	Term Expires
Marion Oster	05/09/01	04/30/2009
Kristi Waldron	05/01/04	04/30/2012
Herman Cristensen	05/01/07	04/30/2011
Philip Lively	05/01/07	04/30/2011
William Grindley	06/18/08	04/30/2012

COMMITTEES/COMMISSIONS

Per Resolution No. 08-24 and the Process Adopted by Council on August 20, 2008

Page 4 of 4

Rail Committee*	Consists of up to ten members, each a resident of the town. Five members shall be appointed to a four-year term commencing in 2007 and ending on April 30, 2011. The remaining five members shall be four-year terms.	
Members	First Appointed	Term Expires
Mike McPherson	11/19/03	04/30/2011
Philip Lively	11/19/03	04/30/2011
Greg Conlon	02/18/04	04/30/2011
Arthur (Jack) Ringham	12/17/03	04/30/2011
Rosemary Maulbetsch	12/17/03	04/30/2011
Malcolm Dudley	12/17/03	04/30/2011
Vacant		04/30/2011

*The Resolution did not specify how to stagger terms; terms are for four years commencing in 2007.

Transportation/Traffic Subcommittee*	Consists of three appointed members whose terms expired in January 2008. Terms are for four years. New appointments would be for terms commencing in 2008 and ending April 30, 2012.	
Members	First Appointed	Term Expires
John Ruggeiro	04/2003	01/08
Louis Paponis	04/2003	01/08
A. Erwin Ericksen	05/21/08	01/08



Town of Atherton

CITY COUNCIL STAFF REPORT

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

**FROM: KATHI HAMILTON, ACTING CITY CLERK
MARC G. HYNES, CITY ATTORNEY**

DATE: FOR THE MEETING OF AUGUST 20, 2008

**SUBJECT: RECOMMENDATIONS FROM THE SCREENING COMMITTEE
REGARDING A PROCESS FOR COMMITTEES/COMMISSIONS
APPOINTMENTS/RECRUITMENT TO CONFORM TO
RESOLUTION 08-24**

RECOMMENDATION:

Approve the recommendations of the Screening Committee on a process to fill those terms that have expired or have been extended and/or recruit for new members on Committees/Commissions.

BACKGROUND:

Council adopted Resolution No. 08-24 to govern Committees/Commissions at its June 18, 2008, meeting. While the resolution was under discussion, some Committee Members' terms were extended while Council determined the composition of the resolution, while others' terms expired. The next step is to develop a process to recruit for those vacancies and/or expiration of terms for some committees. Staff sent a memo to the Screening Committee outlining Alternatives one and two for each of the subject committees (attached) and asking for recommendations on how to proceed. The Screening Committee has made the following selection of the respective alternative (either one or two) as listed below.

ANALYSIS:

Arts Committee: Resolution No. 08-24 established that membership can be up to ten members, five members appointed to a four-year term commencing in 2008 and ending April 30, 2012, and the remaining members' terms shall be three years commencing in 2008 and ending on April 30, 2011. Thereafter, each term of office shall be four years. Currently, there are three members on the Arts Committee.

Alternative one: Extend the current members' terms for four years and recruit for two members for a four-year term and five members for a three-year term, to be interviewed by the Screening Committee and approved by Council.

Atherton Rail Committee: Resolution No. 08-24 established that membership consists of two Council Members and up to 10 residents of the Town. The term of office for appointed members shall be a four-year term commencing in 2007 and ending on April 30, 2011. Thereafter, each term of office shall be four-years. Currently, there are six appointed residents on the Rail Committee.

Alternative one: Since the four-year term commenced in 2007, the assumption is the current members' terms would be extended and expire in 2011. Recruit for new members.

Audit Committee: Resolution No. 08-24 established that the Audit Committee consists of five members, including two Council Members of the Finance Committee, and three members appointed by Council. The term of office for all members ended on April 30, 2008. Thereafter, one term shall be for two years ending April 2010. The remaining terms shall be for four years ending April 2012; thereafter, the term office shall be four years. Currently, there are five appointed members of the Audit Committee.

Alternative two: Ask current members to reapply, recruit for new members, with all going through the Screening Committee process and approved by Council.

Environmental Programs Committee: Resolution No. 08-24 established that the EPC consists of up to 12 members, including two Council Members and ten residents of the Town appointed by Council. Five of the appointed members shall be appointed to a two-year term commencing in 2007 and ending April 20, 2009. The remaining members' terms shall be four years commencing in 2007 and ending April 30, 2011. Thereafter, each term of office shall be four years. Currently, there are four appointed members on the EPC.

Alternative one: Since the two-year term commenced in 2007, the assumption is the current members' terms would be extended and expire in 2009. Recruit for new members, one term for two years ending in 2009, four terms for four years, ending in 2011.

Transportation/Traffic Subcommittee: The Transportation/Traffic Subcommittee consists of five members including two Council Members and three appointed members. The term of office is for four years. Currently, there are three appointed members on the Subcommittee. One member was appointed in May 2008. The other two terms expired in 2008.

A New Alternative: Ask current members to reapply, recruit for new members, with all going through the Screening Committee process and approved by Council.

If Council approves the Screening Committee's recommendations, staff will proceed with a recruitment process with publication of a notice in the Almanac, on the Town's website, in posting locations.

FISCAL IMPACT:

If Council approves the Screening Committee's recommendations, cost for advertising in the *Almanac* will be incurred, as well as staff's time to administer the process.

Prepared by:

Approved by:

Kathi Hamilton
Acting City Clerk

Jerry Gruber
City Manager

Marc G. Hynes
City Attorney



Town of Atherton

CITY COUNCIL STAFF REPORT

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

**FROM: KATHI HAMILTON, ACTING CITY CLERK
MARC G. HYNES, CITY ATTORNEY**

DATE: FOR THE MEETING OF SEPTEMBER 17, 2008

**SUBJECT: RECOMMENDATIONS FROM THE SCREENING COMMITTEE
REGARDING A PROCESS FOR COMMITTEES/COMMISSIONS
APPOINTMENTS/RECRUITMENT TO CONFORM TO
RESOLUTION 08-24**

RECOMMENDATION:

Approve the recommendations of the Screening Committee on a process to fill those terms that have expired or have been extended and/or recruit for new members on Committees/Commissions.

BACKGROUND:

At the City Council meeting of August 20, 2008, this item was removed from the Consent Calendar for discussion. Council discussion and subsequent direction was for the Screening Committee to submit all the candidates for the Audit Committee and the Traffic/Transportation Subcommittee to the full Council for consideration and appointment. The Council did not, however, approve the recommended process for recruitment for those committees with vacancies and expiration of terms.

ANALYSIS:

The item is being returned on this agenda for Council approval of the Screening Committee's recommendations. Staff will proceed with a recruitment process with publication of a notice in the Almanac, on the Town's website, and in posting locations.

Prepared by:

Approved by:

Kathi Hamilton
Acting City Clerk

Jerry Gruber
City Manager

Attachments



Town of Atherton

CITY COUNCIL STAFF REPORT

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

**FROM: KATHI HAMILTON, ACTING CITY CLERK
MARC G. HYNES, CITY ATTORNEY**

DATE: FOR THE MEETING OF AUGUST 20, 2008

**SUBJECT: RECOMMENDATIONS FROM THE SCREENING COMMITTEE
REGARDING A PROCESS FOR COMMITTEES/COMMISSIONS
APPOINTMENTS/RECRUITMENT TO CONFORM TO
RESOLUTION 08-24**

RECOMMENDATION:

Approve the recommendations of the Screening Committee on a process to fill those terms that have expired or have been extended and/or recruit for new members on Committees/Commissions.

BACKGROUND:

Council adopted Resolution No. 08-24 to govern Committees/Commissions at its June 18, 2008, meeting. While the resolution was under discussion, some Committee Members' terms were extended while Council determined the composition of the resolution, while others' terms expired. The next step is to develop a process to recruit for those vacancies and/or expiration of terms for some committees. Staff sent a memo to the Screening Committee outlining Alternatives one and two for each of the subject committees (attached) and asking for recommendations on how to proceed. The Screening Committee has made the following selection of the respective alternative (either one or two) as listed below.

ANALYSIS:

Arts Committee: Resolution No. 08-24 established that membership can be up to ten members, five members appointed to a four-year term commencing in 2008 and ending April 30, 2012, and the remaining members' terms shall be three years commencing in 2008 and ending on April 30, 2011. Thereafter, each term of office shall be four years. Currently, there are three members on the Arts Committee.

Alternative one: Extend the current members' terms for four years and recruit for two members for a four-year term and five members for a three-year term, to be interviewed by the Screening Committee and approved by Council.

Atherton Rail Committee: Resolution No. 08-24 established that membership consists of two Council Members and up to 10 residents of the Town. The term of office for appointed members shall be a four-year term commencing in 2007 and ending on April 30, 2011. Thereafter, each term of office shall be four-years. Currently, there are six appointed residents on the Rail Committee.

Alternative one: Since the four-year term commenced in 2007, the assumption is the current members' terms would be extended and expire in 2011. Recruit for new members.

Audit Committee: Resolution No. 08-24 established that the Audit Committee consists of five members, including two Council Members of the Finance Committee, and three members appointed by Council. The term of office for all members ended on April 30, 2008. Thereafter, one term shall be for two years ending April 2010. The remaining terms shall be for four years ending April 2012; thereafter, the term office shall be four years. Currently, there are five appointed members of the Audit Committee.

Alternative two: Ask current members to reapply, recruit for new members, with all going through the Screening Committee process and approved by Council.

Environmental Programs Committee: Resolution No. 08-24 established that the EPC consists of up to 12 members, including two Council Members and ten residents of the Town appointed by Council. Five of the appointed members shall be appointed to a two-year term commencing in 2007 and ending April 20, 2009. The remaining members' terms shall be four years commencing in 2007 and ending April 30, 2011. Thereafter, each term of office shall be four years. Currently, there are four appointed members on the EPC.

Alternative one: Since the two-year term commenced in 2007, the assumption is the current members' terms would be extended and expire in 2009. Recruit for new members, one term for two years ending in 2009, four terms for four years, ending in 2011.

Transportation/Traffic Subcommittee: The Transportation/Traffic Subcommittee consists of five members including two Council Members and three appointed members. The term of office is for four years. Currently, there are three appointed members on the Subcommittee. One member was appointed in May 2008. The other two terms expired in 2008.

A New Alternative: Ask current members to reapply, recruit for new members, with all going through the Screening Committee process and approved by Council.

If Council approves the Screening Committee's recommendations, staff will proceed with a recruitment process with publication of a notice in the Almanac, on the Town's website, in posting locations.

FISCAL IMPACT:

If Council approves the Screening Committee's recommendations, cost for advertising in the *Almanac* will be incurred, as well as staff's time to administer the process.

Prepared by:

Approved by:

Kathi Hamilton
Acting City Clerk

Jerry Gruber
City Manager

Marc G. Hynes
City Attorney



DEADLINE EXTENDED!

TOWN OF ATHERTON COMMITTEES RECRUITMENT WE NEED YOU!

The Town of Atherton invites dedicated volunteers to submit an application for the following committees:

ARTS COMMITTEE (2 terms expiring April 30, 2012; 5 terms expiring April 30, 2011):

The Arts Committee assists the City Council and the Park and Recreation Department in matters that pertain to arts programs, classes, workshops, performances, and other arts activities, as may be directed by the City Council. Each member serves at the pleasure of the City Council. The committee meets monthly.

AUDIT COMMITTEE (2 terms expiring April 30, 2010; 1 term expiring April 30, 2012):

One example of the Audit Committee's duties is to act in an advisory capacity and make recommendations to the City Council, upon request, in all matters pertaining to the Town's annual audit.

ENVIRONMENTAL PROGRAMS COMMITTEE (1 term expiring April 30, 2009; 5 terms expiring in April 30, 2011):

One example of the Environmental Programs Committee's duties is to act in an advisory capacity and make recommendations (programmatic and legislative) to the City Council, upon request, on all matters pertaining to the Town's natural and built environment and the Town's regional role and responsibilities as one of the communities on the San Francisco Bay Peninsula.

RAIL COMMITTEE (4 terms expiring April 30, 2012)

The Rail Committee acts in an advisory capacity to the City Council, upon request, in all matters pertaining to rail service in and through Town and researches and addresses the specific impact that high-speed rail and other rail improvements may have on the Town.

TRANSPORTATION/TRAFFIC SUBCOMMITTEE (1 terms expiring April 30, 2011; 2 terms expiring April 30, 2012)

The Transportation/Traffic Subcommittee shall act in an advisory capacity and make recommendations to the City Council, upon request, in all matters pertaining to transportation within the Town.

Applicants must be Atherton residents and registered voters of the Town of Atherton. **Please submit your application to the City Clerk's office. Positions will be open until filled.**

For more information or to obtain an application, contact Kathi Hamilton, Acting City Clerk, Town Administrative Offices, 91 Ashfield Road, Atherton, CA 94027, phone (650) 752-0529, e-mail: khamilton@ci.atherton.ca.us. Applications may be downloaded from the Town website at <http://www.ci.atherton.ca.us/armm.html>



PUBLIC NOTICE
NOTICE OF VACANCIES

Notice is hereby given that the Town of Atherton encourages residents to apply for a position on the Environmental Programs Committee to fill an unexpired term of a Committee Member as noted below. Additionally, there is a position available on the General Plan Committee. The positions have been vacated.

ENVIRONMENTAL PROGRAMS COMMITTEE

Robert Jenkins appointed 10/06 vacated 11/01/08

The unexpired term expires on April 30, 2009. Members of the committee act in an advisory capacity and make recommendations (programmatic and legislative) to the City Council upon request on all matters pertaining to the Town's natural and built environment and the Town's regional role and responsibilities as one of the communities on the San Francisco Bay Peninsula. Regular meetings are scheduled quarterly on the first Wednesday at 10:00 a.m., in the Conference Room of the Town Administrative Offices, at 91 Ashfield Road.

GENERAL PLAN COMMITTEE

Elizabeth Lewis appointed 05/06 vacated 12/02/08

The unexpired term expires on April 30, 2010. Members of the committee act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to Town planning, as well as review the General Plan and make recommendations to the City Council, Planning Commission and Town staff regarding the operation of the ordinances and policies on the subject of Town planning. Meetings are held quarterly on the first Wednesday, at 6:00 p.m., in the Council Chambers, at 94 Ashfield Road.

Applications are available on the Town website at:

http://www.ci.atherton.ca.us/COMM_APP_Master_2005.pdf or in the Town Administrative Offices and will be accepted in the Town Administrative Offices, 91 Ashfield Road, until the positions are filled.

Dated: December 5, 2008

Kathi Hamilton
Acting City Clerk



TOWN OF ATHERTON COMMITTEES/COMMISSIONS RECRUITMENT

Join us and Make a Difference

The Town of Atherton invites dedicated volunteers to submit an application for the following committees:

ARTS COMMITTEE (7 vacancies, 5 terms expiring April 30, 2011; 2 term expiring April 30, 2012):

The Arts Committee assists the City Council and the Park and Recreation Department in matters that pertain to arts programs, classes, workshops, performances, and other arts activities, as may be directed by the City Council. Each member serves at the pleasure of the City Council for an indefinite term. The committee meets monthly.

ENVIRONMENTAL PROGRAMS COMMITTEE (7 vacancies; 5 terms expiring April 30, 2009; 5 terms expiring April 30, 2011)

The Environmental Programs Committee acts in an advisory capacity and makes recommendations to the City Council on all matters pertaining to the Town's natural and built environment and the Town's regional role and responsibilities as one of the communities on the San Francisco Bay Peninsula

PLANNING COMMISSION (1 term expiring April 30, 2009):

The Planning Commission is authorized by the California Government Code. The powers and duties of the Planning Commission as set forth in the Government Code. The Commission is the Town's administrative agency for zoning issues. Each commissioner must file a public "Statement of Economic Interests" form annually.

RAIL COMMITTEE (4 Vacancies, terms expiring April 30, 2011)

The Atherton Rail Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council upon request in all matters pertaining to rail service in and through the Town;
- b. Research and address the specific impacts that high-speed rail and other rail improvements may have on the Town.

Applicants must be Atherton residents and registered voters of the Town of Atherton. **Applications must be received in the City Clerk's Office by Friday, March 27, 2009.**

For more information or to obtain an application, contact Kathi Hamilton, Acting City Clerk, Town Administrative Offices, 91 Ashfield Road, Atherton, CA 94027, phone (650) 752-0529, e-mail: khamilton@ci.atherton.ca.us. Applications may be downloaded from the Town website, <http://www.ci.atherton.ca.us/armm.html>

RESOLUTION NO. 08-24

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
GOVERNING TOWN COMMITTEES AND COMMISSIONS**

WHEREAS, the City Council of the Town of Atherton desires that the most qualified residents of the Town serve on Town committees and commissions consistent with obtaining the broadest representation of the community;

Now, therefore, the City Council of the Town of Atherton hereby resolves as follows:

Section 1. Establishment of Committees. The following committees and commissions are established for the Town of Atherton:

1. Arts Committee
2. Atherton Rail Committee
3. Audit Committee
4. Environmental Programs Committee
5. Finance Committee
6. General Plan Committee
7. Park and Recreation Commission
8. Screening Committee
9. Town Center Committee
10. Transportation Committee

Section 2. City Council Rules of Procedure – Staffing – Minutes - Reports.

- All committees and commissions shall follow the City Council Rules of Procedure and the provisions of the California Open Public Meeting Law (Brown Act).
- Each committee or commission shall annually select one of its members to act as Chair and one of its members to act as Vice Chair. In the event a committee or commission is unable to appoint a Chair and/or Vice Chair, the Mayor shall have the authority to make such appointment.
- The City Manager shall have the authority to appoint any Town staff member(s) to serve Town committees and commissions.
- All committees and commissions shall prepare action minutes for the City Council. Draft minutes, that is, unapproved minutes, shall be presented to the City Council as soon as possible following the meeting they report.
- Members of committees and commissions are encouraged to advocate to the City Council their position on matters under the purview of their committee or commission. Otherwise, no committee or commission or any of its members shall represent itself or themselves as speaking on behalf of the Town, City Council, and/or committee or commission without prior approval of the City Council. Statements of previously approved City Council policy may be made without additional City Council approval.

- Committees and commissions may provide educational materials to the public regarding the functions and actions of the committee or commission, but shall not engage in advocating to the public any particular position which is contrary to City Council policy.
- Upon request, an annual report shall be provided to the City Council of committee and commission activities for the preceding year.

Section 3: Appointment of Voting Members to Committees and Commissions.

Members other than City Council Members shall be appointed following recommendation of the Screening Committee and approval by the City Council. All appointed members shall be registered voters in the Town. Members shall serve at the pleasure of the City Council, or until the expiration of their terms set out below. Vacancies in any committee or commission arising from any reason, including expiration of term, shall be filled by appointment of the City Council based upon recommendations of the Screening Committee.

Section 4. Powers and Duties - Composition – Terms.

The powers and duties, along with the composition and terms of the Town's committees and commissions, shall be as described below:

- City Council representatives on committees are selected by the Mayor and approved by the City Council to serve a one (1) year term.
- Appointed members shall serve no more than two full consecutive terms on the committee or commission to which they are appointed. A member may be reappointed to the committee or commission following a minimum two (2) year hiatus.
- Each January, an annual report shall be provided to the City Council of attendance at committee and commission meetings for the preceding calendar year.
- Unexcused absences of members, other than City Councilmembers, from two or more consecutively scheduled meetings shall result in the automatic vacation of the member's office.
- In the event funding for the committees or commissions is desired, a budget shall be prepared and presented to the City Council for review and approval as part of the Town's regular budget process.
- Any requests by a committee or commission for staff work, information, or assistance from Town Staff shall be made to the City Manager.
- Changes in the dates or time of meetings from the established schedule may be made by majority vote of the committee or commission.

1. Arts Committee.

The Arts Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in matters regarding art awareness including, without limitation, the following goals and objectives:
 - i. Fulfill the requirements of the Rita Corbett-Evans estate;
 - ii. Develop a unique arts program specific to the needs of Atherton and the surrounding community;

- iii. Provide a base and focal point for arts programs in Atherton;
- iv. Include a multi-disciplinary range of artistic endeavors including fine, performing, and literary arts, as well as crafts.

The Arts Committee shall have the following composition and terms:

Consists of up to ten (10) appointed members. The term of office shall be as follows: Five (5) of the members shall be appointed to a four (4) year term commencing 2008 and ending on April 30, 2012. The remaining members' terms shall be three (3) years commencing 2008 and ending on April 30, 2011. Thereafter, each term of office shall be four (4) years. The Committee meets on the 4th Tuesday of each month at 1:00 p.m. in the Holbrook-Palmer Park Garden Room unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

2. Atherton Rail Committee.

The Atherton Rail Committee shall have the following powers and duties:

- a. Act in an advisory capacity to the City Council upon request in all matters pertaining to rail service in and through the Town;
- b. Research and address the specific impacts that high-speed rail and other rail improvements may have on the Town.

The Atherton Rail Committee shall have the following composition and terms:

Consists of up to twelve (12) members including two (2) Council Members and up to ten (10) appointed members. The term of office for appointed members shall be a four (4) year term commencing 2007 and ending on April 30, 2011. Thereafter, each term of office shall be four (4) years. The committee meets on the first Tuesday of every other month at 6:00 p.m. in the City Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair. In addition to other members, persons appointed to the Atherton Rail Committee may be appointed to represent and further the interests of Atherton homeowners and particularly those with properties on and along the Caltrain right-of-way. This declaration is made with specific recognition of the provisions of 2 California Code of Regulations Section 18707.4.

3. Audit Committee.

The Audit Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to the Town's annual audit;
- b. Provide oversight of the annual audit and present and explain the audit to the City Council with recommendations as to acceptance.;
- c. Advise City Council regarding appointment of outside auditors for annual audit;
- d. Review proposed audit scope with outside auditors prior to commencement of annual audit.

The Audit Committee shall have the following composition and terms:

Consists of five (5) members, including two (2) Council Members of the Finance Committee, and three (3) appointed members. The term of office for all appointed members shall end on April 30, 2008. Thereafter, one term shall be for two (2) years ending in April, 2010. The remaining terms shall be for four (4) years ending in April, 2012. Thereafter, the term of office shall be four (4) years. The committee meets as needed in the Conference Room of the Town Administrative Offices.

4. Environmental Programs Committee.

The Environmental Programs Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations (programmatic and legislative) to the City Council upon request on all matters pertaining to the Town's natural and built environment and the Town's regional role and responsibilities as one of the communities on the San Francisco Bay Peninsula.
- b. Develop and propose to the City Council timely and appropriate action plans for the Town to:
 - (i) environmental issues or threats that become matters of concern for the community;
 - (ii) any regulatory statute or legislative changes or policies coming from the county, state or Federal governments on matters of environmental protection or performance; and
 - (iii) technological advancements that can help the Town address environmental issues, threats or legislative requirements. Such issues would include but not be limited to global warming and carbon dioxide emissions, green building guidelines, conservation and diversion, ABAG policies, PG&E and Allied Waste programs or services, e-waste collection and Earth Day and other environmental events.
- c. Create pro-active community engagement programs for residents, commercial and public enterprises active within the Town's jurisdiction for presentation to and consideration and approval by, the City Council.

The Environmental Programs Committee shall have the following composition and terms:

Consists of up to twelve (12) members including two (2) Council Members and ten (10) residents of the Town. The term of office shall be as follows: Five (5) of the appointed members shall be appointed to a two-year term commencing 2007 and ending April 30, 2009. The remaining members' terms shall be four (4) years commencing 2007 and ending April 30, 2011. Thereafter, each term of office shall be four (4) years. The committee meets quarterly on the first Wednesday of the month at 10:00 a.m. in the Conference Room of the Town Administrative Offices unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

5. Finance Committee.

The Finance Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to Town finances;
- b. Consult with the City Manager on matters pertaining to the budget, capital spending plan and the long range financial plan for the Town;

The Finance Committee shall have the following composition and terms:

Consists of two (2) Council Members. The Members also serve on the Audit Committee. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

6. General Plan Committee.

The General Plan Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to Town planning;
- b. Review the General Plan and make recommendations to the City Council, Planning Commission and Town staff regarding the operation of the ordinances and policies on the subject of Town planning.

The General Plan Committee shall have the following powers and duties:

Consists of two (2) Council Members, two (2) Planning Commissioners and up to five (5) appointed members who are not members of the City Council or Planning Commission. The term of office shall be four (4) years. Planning Commission representatives are selected by the Planning Commission to serve for a term of one (1) year. The committee meets quarterly or more frequently if required on the first Wednesday of the month at 6:00 p.m. in the Town Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

7. Park and Recreation Commission.

The Park and Recreation Commission shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to parks and public recreation and to cooperate with other governmental agencies and public and private groups in the advancement of park and recreation planning and programming;
- b. Develop and maintain a master plan for parks within the Town and, annually, in the month of April, present a report to the City Council.
- c. Review the annual budget for parks and recreation during the process of its preparation and make recommendations with respect thereto to the City Council. This includes recommendations regarding the setting of fees. The budget should contain estimates and recommendations for such long-term capital outlay projects as may be necessary to provide for orderly development of park and recreation areas, buildings and facilities;

- d. Study and make recommendations on the acquisition and development of recreation areas, activities and facilities such as playgrounds, buildings, parks, open space and other centers of recreation;
- e. Assist Town staff in the planning of recreation programs for the community, and promote and stimulate public interest therein.

The Park and Recreation Commission shall have the following composition and terms:

Consists of seven (7) appointed members. One member shall be a representative of the Holbrook-Palmer Park Foundation. One member shall be a representative of the Atherton Dames. Each of the foregoing representatives shall serve a term of two (2) years. The term of office for the two (2) members ending April 30, 2008 shall be four (4) years. The term of office for the remaining members shall be four (4) years. Thereafter, each term of office shall be four (4) years. The Park and Recreation Commission meets on the first Wednesday of each month at 6:30 p.m. in Holbrook-Palmer Park unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

8. Screening Committee.

The Screening Committee shall have the following powers and duties:

- a. Interview all applicants for the Planning Commission and committees and commissions as described in Section 1 of this Resolution and make recommendations for appointment(s) to the City Council.

The Screening Committee shall have the following composition and terms:

Consists of two (2) Council Members appointed on a rotational basis so that each member shall serve on the committee before any member serves for a second time. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

9. The Town Center Committee.

The Town Center Committee, an ad hoc committee, shall have the following powers and duties:

- a. Assist the City Council in developing a vision and goals for the Town Center which includes facilities for City Council chambers, Police, Administration, Building, Public Works, Planning and Library functions;
- b. Upon approval of the City Council, the committee may engage Town residents and outside professional services to aid in the visioning process;
- c. Upon approval of the City Council assist in obtaining funds for Town Center improvements.

The Town Center Committee, an ad hoc committee, shall have the following Composition and terms:

Consists of two (2) Council Members. The committee meets on an as needed basis in the Conference Room of the Town Administrative Offices.

10. Transportation Committee.

The Transportation Committee shall have the following powers and duties:

- a. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to transportation within the Town.

The Transportation Committee shall have the following composition and terms: Consists of five (5) members including two (2) Council Members and three appointed members. The term of office shall be four (4) years. The committee meets on the second Tuesday of every other month at 6:00 p.m. in the City Council Chambers unless a special meeting in compliance with the provisions of the Brown Act is called by the committee chair.

This Resolution shall be effective immediately upon adoption. The operative date of this resolution for the General Plan Committee and the Park and Recreation Commission shall be thirty (30) days from and after the date of adoption of the Ordinance rescinding Chapters 2.37 and 2.40 of the Atherton Municipal Code. Resolution 98-06 is hereby rescinded.

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 June, 2008, by the following vote.

<i>AYES:</i>	<i>4</i>	<i>Council Members: J. Carson, Marsala, Janz, McKeithen</i>
<i>NOES:</i>	<i>0</i>	<i>Council Members: None</i>
<i>ABSENT:</i>	<i>0</i>	<i>Council Members: None</i>
<i>ABSTAIN:</i>	<i>0</i>	<i>Council Members: None</i>

/s/ James R. Janz
James R. Janz, MAYOR
Town of Atherton

ATTEST:

/s/ Kathi Hamilton
Kathi Hamilton, Acting City Clerk

APPROVED AS TO FORM:

Marc G. Hynes
Marc G. Hynes, City Attorney



**Town of Atherton
Office of the Mayor and
City Council**

91 Ashfield Road
Atherton, California 94027
650-752-0500

**TO: HONORABLE MAYOR CARLSON AND CITY COUNCIL
MEMBERS DOBBIE AND MCKEITHN**

**FROM: ELIZABETH LEWIS, COUNCILMEMBER
CHARLES MARSALA, COUNCILMEMBER**

DATE: FOR THE MEETING OF MARCH 18, 2009

**SUBJECT: AMEND CITY COUNCIL RESOLUTION 09-09 BY AMENDING
THE RESOLUTION TO REQUIRE REGULARLY SCHEDULED
MONTHLY FINANCE COMMITTEE MEETINGS**

RECOMMENDATION:

Amend Resolution No. 09-09 to require regularly scheduled monthly Finance Committee Meetings

BACKGROUND:

As stated at recent City Council study sessions and meetings, Council Members Elizabeth Lewis and Charles Marsala believe it would be in the best interests of the Town to have regularly scheduled Finance Committee meetings. Interested residents would be able to plan ahead and attend. Further, it would be beneficial to the majority of resident's schedules to have these meetings begin no earlier than 6:00 p.m. in the evening.

FISCAL IMPACT:

None.