



Minutes
Town of Atherton
CITY COUNCIL
June 19, 2013
7:00 p.m.
94 Ashfield Road
Atherton, California
REGULAR MEETING

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

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Dobbie, Widmer, Wiest, Carlson
3. **PRESENTATIONS**

PROCLAMATION – Jerry Carlson

Council Member Carlson noted that although the job as a Council Member has been difficult and frustrating at time it can also be rewarding. Carlson encouraged residents to engage in their governments and apply for committees and the Council.

Phil Lively, Atherton resident, thanked Jerry for his many years of service.

Greg Conlon, Atherton resident, thanked Jerry for his enormous job in representing Atherton in the High Speed Rail lawsuit.

William Grindley, Atherton resident, reiterated Conlon's comments and spoke about the role Jerry had in founding the Peninsula Cities Consortium for HSR.

Jack Ringham, Atherton resident, read a poem he personally wrote about Jerry's accomplishments on council.

PROCLAMATION – Helen Hausman

Mayor Lewis read a proclamation to Ms. Hasuman. Ms. Hausman was recognized for her many years of service to the community across many different roles.

PLAN BAY AREA PRESENTATION – ABAG

ABAG representative presented the draft Bay Area Plan which includes integrating land use and transportation, reducing per capita greenhouse gas emissions, housing at all income levels, build on local plans, stretch available revenues through smart investments, increase economic

competitiveness, preserve our nature environment, and to help ensure a healthy region for our children and grandchildren.

A complete copy of the presentation can be obtained through the City Clerk.

4. PUBLIC COMMENTS

William Grindley presented updates on his continuing efforts against High Speed Rail.

5. REPORT OUT OF CLOSED SESSION

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

Agency Negotiators: George Rodericks, City Manager; Geoffrey Rothman, Renne Sloan Holtzman Sakai, LLP.

Employee Organization: APOA

City Attorney Bill Connors said that there was no reportable action from closed session.

6. CITY MANAGER’S REPORT

a. Community Center Advisory Committee Report

In addition to the written report, City Manager Rodericks noted the upcoming Atherton 90th Birthday and advised the Council on the coming budget request for the Atherton Arts Foundation.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT - None.

CONSENT CALENDAR (Items 8-18)

City Manager Rodericks pulled Item 13 entirely.

Council Member Dobbie pulled item 10.

8. APPROVAL OF MAY 15 REGULAR MEETING MINUTES

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes

9. APPROVAL OF BILLS AND CLAIMS FOR MAY, 2013 IN THE AMOUNT OF \$1,105,621

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$1,105,621

11. APPROVE A ONE YEAR EXTENSION WITH CENTRAL MAINTENANCE COMPANY FOR THE CONTINUATION OF JANITORIAL SERVICES FOR THE AMOUNT OF \$25,151.14 ANNUALLY

Report: Community Services Director Mike Kashiwagi

Recommendation: Approve a one-year extension with Central Maintenance Company for the continuation of Town Janitorial Services with a 2% increase for a total of \$2,095.95 per month for FY 2013-2014 for an annual total of \$25,151.14

12. EXTENSION OF THE 2012 TREE MAINTENANCE SERVICE CONTRACT #56053 FOR ONE YEAR

Report: Community Services Director Mike Kashiwagi

Recommendation: Extend the contract for the 2012 Tree Maintenance Project, project number 56053 to West Coast Arborists, Inc. for one (1) additional year and to authorize the Mayor to execute the contract on behalf of the Town

14. APPROVE RESOLUTION REJECTING CLAIM OF ERMINIA MEIER

Report: City Clerk Theresa DellaSanta

Recommendation: Adopt Resolution 13-xx denying the claim filed by Erminia Meier for damage

15. APPROVE RESOLUTION REJECTING CLAIM OF DELONA ZINN

Report: City Clerk Theresa DellaSanta

Recommendation: Adopt Resolution 13-xx denying the claim filed by DeLona Zinn for damages

16. APPROVE RESOLUTIONS TO REJECT CLAIM OF NAMITA DALAL, RUPAL DALAL, AND ASHKOK BHAT

Report: City Clerk Theresa DellaSanta

Recommendation: Adopt Resolutions denying three separate claims filed by Namita Dalal, Rupal Dalal, and Ashkok Bhat for damages

17. ADOPTION OF THE APPROPRIATIONS LIMITS FOR FY 2013-14

Report: Finance Director Robert Barron III

Recommendation: Adopt Resolution 13-xx setting the Appropriation Limit for FY 2013-14 at \$11,255,965

18. ADOPTION OF RESOLUTION ASSESSING A SPECIAL TAX FOR MUNICIPAL SERVICES FOR THE FISCAL YEAR 2013-2014

Report: Finance Director Robert Barron III

Recommendation: Adopt a resolution assessing a special tax for municipal services for the Fiscal Year 2013-2014

MOTION by Widmer, second by Wiest to approve the consent calendar except item 10 and item 13 (removed entirely). The motion passed unanimously.

PUBLIC HEARINGS - (19-20)

19. APPROVAL OF FISCAL YEAR 2013-2014 OPERATING AND CAPITAL IMPROVEMENT BUDGET

Report: Finance Director Robert Barron III

Recommendation: Approve Resolution 13-xx adopting the Fiscal Year 2013-2014 Operating and Capital Budget

City Manager Rodericks provided a report outlining the budget document and major fiscal changes as well as highlights of the Town's Reserve Policies and Long-Term Liabilities.

Council Member Widmer noted that the budget is an excellent looking document. He added that staff should pay more attention to memberships and dues, equipment depreciation, and contract versus in-house staff.

Council Member Carlson suggested looking at general fund alternatives. He added that it is prudent to pay down the pension liabilities and other post-employment benefits. Carlson added that regional issues, and parcel tax revenues should also be explored.

Mayor Lewis suggested that the Reserve Policy be increased to 35%. Lewis noted her appreciation for the hard work staff spent on creating the budget and the budget document.

MOTION by Carlson, second by Wiest to approve Resolution adopting the Fiscal Year 2013-2014 Operating and Capital Budget. The motion passed unanimously.

20. ADOPT RESOLUTION 13-xx APPROVING AN AMENDED TOWN MASTER FEE SCHEDULE

Report: Finance Director Robert Barron III

Recommendation: Council to Adopt Resolution 13-xx amending the master fee schedule for Town of Atherton

Council heard a report from the Town's consultant (Capital Accounting Partners) that conducted a study to assist staff in developing fees based on full cost recovery.

Following the report Council asked questions of the consultant and took public comment.

Carol Flaherty, Atherton resident, questioned the methodology of the fee calculation, and the nature of the fees.

Frank Lewis, Norcal construction, felt that the proposed fees are fine. He noted that the Atherton Building Department is the best he has ever worked with.

Greg Conlon, volunteered the Finance Committee to review the proposed fees.

Council Member Carlson felt there was disconnect to how staff arrived at the fees and the quality of staff involvement in the process.

MOTION by Lewis, second by Wiest to continue the item to the August 7 study session. The motion passed unanimously.

REGULAR AGENDA – (Items 21-25)

21. SELECTION OF VICE MAYOR

Report: City Manager George Rodericks

Recommendation: That the Mayor declare the office of Vice Mayor vacant and that the Council conduct a selection of Vice Mayor

Call for Nominations: City Clerk Theresa DellaSanta

Council Member Dobbie felt that it was inappropriate to choose a Vice Mayor at this time. He felt it would be more appropriate after Council Member Carlson resigns.

Council Member Widmer agreed.

Council Member Carlson felt that the arguments presented were not valid and that Council should move to appoint a new Vice Mayor.

Mayor Lewis felt that it is important for the remaining Council Members to continue to functioning together.

Council Member Carlson nominated Cary Wiest as Vice Mayor.

MOTION by Carlson, second by Lewis to appoint Cary Wiest as Vice Mayor. The motion passed 3-1-1 (Dobbie opposed and Widmer abstained).

22. DISCUSSION OF CITY COUNCIL VACANCY PROCESS

Report: City Manager George Rodericks

Recommendation: Review and Discuss

City Manager Rodericks explained that the Council essentially has two options for filling the vacancy after Council Member Carlson leaves Council. Council can either appoint a resident to fill the unexpired term or call a special election to fill the vacancy. The Council discussed the issues and merits of both.

Mayor Lewis felt it was important that all remaining Council Members agree on a replacement if they go that route.

Vice Mayor Wiest felt that there were time constraints associated with appointing a Council Member and felt that allowing the election to vote a Council member in gives the public more time to get prepared and to engage candidates.

Council Member Dobbie suggested putting out a notice to find out who is interested but still allow time to call the election. Council Member Widmer agreed.

John Ruggeiro, Rick DeGolia, and Greg Conlon were in favor of advertising

Council opted to solicit for interested candidates and interview similar to the process for the selection of members to serve on Commissions and Committees. The deadline dates for applications of interested candidates is Monday, July 8 at 5pm, The Council will hold a Special Meeting at 5:30pm on Thursday, July 11 to interview/review applications. If the Council is able to select a candidate from those applying they will do so, if not, the Council can choose to call the election (by July 12) for November 2013.

23. ADOPT RESOLUTION 13-xx DESIGNATING A VOTING DELEGATE AND UP TO TWO ALTERNATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 18-20, SACRAMENTO

Report: City Manager George Rodericks

Recommendation: Adopt Resolution 13-XX designating a voting delegate and an alternate to the League of California Cities Annual Conference in Sacramento

MOTION by Carlson, second by Lewis to designate the Mayor and Vice Mayor to serve as delegate and alternative to the 2013 League of California Cities Conference. Council Member Widmer will serve as 2nd alternate. The motion passed unanimously.

24. APPROVAL OF RANKING OF CIVIC CENTER MASTER PLAN CONSULTANTS AND AUTHORIZATION TO NEGOTIATE AGREEMENT

Report: Community Services Director Mike Kashiwagi

Recommendation: Approve the ranking of proposers recommended by the CCAC for preparation of a Civic Center Master Plan; and authorize staff to negotiate an agreement with HMC, the highest-ranked firm, to prepare the Civic Center Master Plan and to proceed to next highest ranked firm(s) if negotiations are not successful

Community Services Director Mike Kashiwagi updated the Council on the CCAC's process for ranking the proposals and selecting a firm.

Vice Mayor Wiest suggested negotiating down the cost.

Kashiwagi said staff will develop a scope and identify additives.

Council Member Dobbie suggested specificity in the scope.

Council Member Widmer agreed and added that it is important that the contract is crystal clear and "bullet proof".

MOTION by Dobbie, second by Widmer to approve the ranking of proposers recommended by the CCAC for preparation of a Civic Center Master Plan; and authorize staff to negotiate an agreement with HMC, the highest-ranked firm, to prepare the Civic Center Master Plan and to proceed to next highest ranked firm(s) if negotiations are not successful. The motion passed unanimously.

Staff will return to Council at their next meeting with a finalized contract.

25. ADOPTION OF SECOND AMENDMENT TO THE SOUTH BAYSIDE MANAGEMENT AUTHORITY (SBWMA) JOINT POWERS AUTHORITY (JPA) AGREEMENT TO CHANGE THE COMPOSITION OF THE BOARD OF DIRECTORS

Report: City Manager George Rodericks

Recommendation: Adopt the Second Amendment to the South Bayside Waste Management Authority (SBWMA) Joint Powers Authority (JPA) Agreement to define the SBWMA

Board of Directors as being comprised of an elected official from each of the member agencies' governing bodies

City Manager Rodericks explained that the amendment changes the governance makeup of the Board to elected officials. Once a sufficient number of Authority Members adopt the amendment, the Board will officially change.

MOTION by Dobbie, second by Carlson to adopt the Second Amendment to the South Bayside Waste Management Authority (SBWMA) Joint Powers Authority (JPA) Agreement to define the SBWMA Board of Directors as being comprised of an elected official from each of the member agencies' governing bodies. The motion passed unanimously.

- 10. APPROVE A ONE-YEAR EXTENSION WITH MCE CORPORATION FOR THE CONTINUATION OF PUBLIC WORKS MAINTENANCE AND MAINTENANCE MANAGEMENT SERVICES FOR A NOT-TO-EXCEED AMOUNT OF \$474,088.07**
Report: Community Services Director Mike Kashiwagi
Recommendation: Approve a one-year extension with MCE Corporation for the continuation of public works maintenance and maintenance management services for a not-to-exceed amount of \$474,088.07

Council Member Widmer suggested that staff look into a fixed price contract next year.

MOTION by Wiest, second by Carlson to approve a one-year extension with MCE Corporation for the continuation of public works maintenance and maintenance management services for a not-to-exceed amount of \$474,088.07

- 26. COUNCIL REPORTS/COMMENTS** - Nothing further to add.
- 27. FUTURE AGENDA ITEMS** - None.
- 28. PUBLIC COMMENTS**

Greg Conlon suggested that Council Members attend the redistricting meeting at the County the following evening.

- 29. ADJOURN**

MOTION by Wiest, second by Widmer to adjourn the meeting. The motion passed and Mayor Lewis adjourned the meeting at 10:48 p.m.

Respectfully submitted,

**Theresa DellaSanta
City Clerk**