



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL**  
**April 16, 2014**  
**7:00 p.m.**  
**94 Ashfield Road**  
**Atherton, California**  
**REGULAR MEETING**

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

**A. Proclamation in Recognition of Jim Dobbie**

Senator Hill and Congresswoman Eshoo presented Proclamations recognizing former Council Member Jim Dobbie for his service to the community.

**B. Proclamation in Recognition of Atherton's Public Safety Communications Personnel**

Atherton Dispatcher Antoinette Gutierrez read the proclamation for the record.

**C. Proclamation in Recognition of National Peace Officers Memorial Day**

Police Sergeant Sherman Hall read the proclamation for the record.

**D. Atherton Dames Carriage House Project**

Atherton Dames presented their preliminary proposal for renovation of the Carriage House and asked for the Council's endorsement and funding assistance. The Council expressed their appreciation to the Dames for the worthwhile project and expressed support for renovations to the facility. However, concerns were also expressed with respect to timing of the project, other funding priorities for the Town, and the level of detailed information available on the building's infrastructure needs. The Council asked that the Dames provide staff more detailed information on the renovation project itself so that staff can prepare a review for the City Council in connection with the budget cycle. At that time, the Council will reconsider formal endorsement of the project and funding assistance.

**E. Evolve – Reforming Proposition 13**

The Evolve representative provided an overview of the issues. The Council discussed whether other similar communities had supported the project as well as its impact on residential communities.

The Council took no action.

**4. PUBLIC COMMENTS**

Menlo Park Fire District Board Member Peter Carpenter spoke regarding the Town's efforts to reduce lanes on El Camino Real.

**5. REPORT OUT OF CLOSED SESSION - Report out by City Attorney**

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b)**

City Manager

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

One (1) potential case

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

**6. CITY MANAGER'S REPORT**

**a. Community Center Advisory Committee Report**

City Manager Rodericks provided a brief correction to an event table under the Public Works section in the Report.

**7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

**CONSENT CALENDAR (Items 8-22)**

Items 8 through 22, excluding Item 19 were approved by one motion. Item 19 dealing with a modification to the NV5 contract related to the Drainage Master Plan was pulled from the Consent Agenda for discussion later.

**8. APPROVAL OF MARCH 19 REGULAR MEETING MINUTES AND APRIL 2 SPECIAL MEETING MINUTES**

**Report:** City Clerk Theresa DellaSanta

**Recommendation:** Approve meeting minutes

**9. APPROVAL OF BILLS AND CLAIMS FOR MARCH, 2014 IN THE AMOUNT OF \$880,308**

**Report:** Finance Director Robert Barron III

**Recommendation:** Approve Bills and Claims in the amount of \$880,308

- 10. SECOND READING OF AN ORDINANCE ADDING A NEW CHAPTER 2.32.030 TO THE ATHERTON MUNICIPAL CODE ESTABLISHING REGULATIONS OPTIONS FOR FILLING CITY COUNCIL VACANCIES BY APPOINTMENT**  
**Report:** City Manager George Rodericks  
**Recommendation:** Waive further reading and adopt Ordinance adding chapter 2.32.030 to the Atherton Municipal Code establishing regulations options filling City Council vacancies by appointment
- 11. APPROVAL OF RESOLUTION 14-XX RESCINDING 13-08 AND MODIFYING THE CIVIC CENTER ADVISORY COMMITTEE CHARTER**  
**Report:** City Manager George Rodericks  
**Recommendation:** Adopt Resolution No. 14-XX rescinding Resolution No. 13-08 modifying the Civic Center Advisory Committee's (CCAC's) charter to include participation through the design phase of the project
- 12. SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADDING A NEW CHAPTER 12.18 TO THE ATHERTON MUNICIPAL CODE ESTABLISHING REGULATIONS REGARDING MOBILE FOOD VENDING**  
**Report:** City Manager George Rodericks  
**Recommendation:** Waive further reading and adopt the Ordinance Adding a new Chapter 12.18 establishing regulations regarding mobile food and schedule a second reading
- 13. SECOND READING AND ADOPTION OF ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON INCREASING THE RATES FOR GREEN WASTE**  
**Report:** City Clerk Theresa DellaSanta  
**Recommendation:** Waiver further reading and adopt ordinance increasing the rates for green waste collection services
- 14. RESOLUTION ADOPTING AN AMENDMENT TO THE APOA MOU REGARDING SECTION E, RETIREE HEALTHCARE SIDE LETTER – SECTION E – MOU**  
**Report:** City Manager George Rodericks  
**Recommendation:** Adopt the attached Resolution ratifying an Amendment to the Memorandum of Understanding between the Town of Atherton and the Atherton Police Officers Association (APOA) regarding Section E, Retiree Healthcare
- 15. COMPUTER WORKSTATION LEASE PROGRAM**  
**Report:** City Manager George Rodericks  
**Recommendation:** Authorize the City Manager to negotiate and execute a lease arrangement for the Town's computer systems
- 16. AWARD OF CONTRACT FOR AUDITING SERVICES**  
**Report:** Finance Director Robert Barron III  
**Recommendation:** Accept the recommendation from the Finance Committee and approve the award of contract for Independent Auditing Services to Maze & Associates for Fiscal

Years 2013-14, 2014-15, and 2015-16 and direct the City Manager to enter into a professional three-year agreement with Maze & Associates

17. **RECEIVE AND FILE THE CIVIC CENTER MASTER PLAN**  
**Report:** Community Services Director Michael Kashiwagi  
**Recommendation:** Receive and file
  
18. **APPROVAL OF BRIDGE AND CULVERT INSPECTION RFP**  
**Report:** Community Services Director Michael Kashiwagi  
**Recommendation:** Authorize staff to advertise and distribute the Bridge and Culvert Inspection RFP
  
20. **RESOLUTION ESTABLISHING DAY USE PERMITS AT HOLBROOK-PALMER PARK**  
**Report:** Community Services Director Michael Kashiwagi  
**Recommendation:** Adopt the attached Resolution No. XX authorizing a Day Use Permit and setting fees for specified uses at Holbrook-Palmer Park
  
21. **AWARD OF CONTRACT FOR THE 2014 SLURRY PROJECT, PROJECT NUMBER 56058**  
**Report:** Community Services Director Michael Kashiwagi  
**Recommendation:** Award the contract for 2014 Slurry Project, project number 56058 to the low bidder American Asphalt of Hayward, for \$205,291; and to authorize the City Manager to execute the contract on behalf of the Town
  
22. **AWARD OF CONTRACT FOR THE 2014 SPRING PATCHING PROJECT, PROJECT NUMBER 56057**  
**Report:** Community Services Director Michael Kashiwagi  
**Recommendation:** Award the contract for 2014 Spring Patching Project, project number 56057 to the low bidder, Half Moon Bay Grading and Paving of Half Moon Bay for \$94,215; and authorize the City Manager to execute the contract on behalf of the Town

**MOTION BY Lewis, second by DeGolia to approved the consent calendar, excluding Item 19. The motion passed unanimously.**

**PUBLIC HEARING - None**

**REGULAR AGENDA - (Items 23-26)**

23. **APPROVAL OF A BUDGET AMENDMENT FOR THE CIVIC CENTER PROJECT'S ENVIRONMENTAL ASSESSMENT AND PRE-DESIGN PROJECT MANAGEMENT**  
**Report:** Community Services Director Michael Kashiwagi  
**Recommendation:** Adopt the attached Resolution No. XX authorizing a budget amendment for the environmental and pre-design phase of the Civic Center Project

Community Services Director Mike Kashiwagi explained that a budget amendment is needed to allocate funding to move forward with environmental work on the project.

Following discussion and public comment, the Council discussed the need to move forward with the project and discussed whether there was a need to backfill the Building Development Funding.

**MOTION by Lewis, second by DeGolia to adopt Resolution authorizing a budget amendment for the environmental and pre-design phase of the Civic Center Project. The motion passed 3-1 with Widmer opposed.**

Widmer noted that he was opposed because he did not agree with the allocation to transfer \$94,250 from the Unappropriated General Fund Balance to the Town's Building Fund to reimburse the Fund for Master Plan work.

**24. AUTHORIZE THE MAYOR TO TRANSMIT A COMMENT LETTER TO CALTRAIN ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PENINSULA CORRIDOR ELECTRIFICATION PROJECT**

**Report:** Deputy Planner Lisa Costa Sanders

**Recommendation:** Authorize the Mayor to sign the attached letter and transmit to Caltrain providing the Town's comments on the Draft Environmental Impact Report for the Peninsula Corridor Electrification Project

City Manager Rodericks reported that the letter to Caltrain is in response to the Draft Environmental Impact Report on Electrification. Paul Jones from the Town's Rail Committee presented a report to the Council on the topic.

Council noted that the letter was very well written however dense. They felt it could be broken up into paragraphs using additional spacing, bullet points and bolded headers.

**MOTION by Lewis, second by Widmer to authorize the Mayor to sign the attached letter and transmit to Caltrain providing the Town's comments on the Draft Environmental Impact Report for the Peninsula Corridor Electrification Project. The motion passed unanimously.**

**25. OPTIONS FOR PARKER AVENUE – RIGHT OF WAY**

**Report:** Deputy Planner Lisa Costa Sanders

**Recommendation:** Review and discuss options for handling code enforcement and the disposition of right-of-way on Parker Avenue; and, if appropriate, direct staff to initiate the abandonment of a portion of the public right-of-way

City Manager Rodericks reported that Parker Avenue is a unique street in Town where the right-of-way exceeds the typical right-of way. The situation creates issues related to land use and zoning as well as improvements along the frontage of properties.

Staff presented a report for the Council's consideration discussing options for handling the right of way on Parker Avenue, and if appropriate, directing staff to initiate an abandonment process for a portion of the excess right-of-way.

Several residents of the street opined that instead of abandonment, they would favor an encroachment permit process. Residents expressed concerns related to the additional tax assessment of the land area and the concern that homes would be able to be enlarged thus changing the character of the street. Two residents of the street spoke in favor of the abandonment suggesting that the tax issue was not significant and that enforcement of the right-of-way needs to be consistent.

Following public comment the Council discussed the issue and felt that additional information related to the tax implications was needed. Staff will return to the Council with a report providing a general estimate of the tax impacts of abandonment. Residents on Parker Avenue will be notified when the item returns to the Council for consideration.

**26. PROVIDE DIRECTION TO STAFF FOR DEVELOPMENT OF A TENNIS FACILITY MANAGEMENT BID PACKET**

**Report:** Community Services Director Michael Kashiwagi

**Recommendation:** Provide direction to staff for developing a bid packet for Atherton Tennis Facility Management Services

Community Services Director Kashiwagi provided a report identifying business points of a tennis facility management request for proposal. The Council discussed the information and asked about private lessons, monitoring, and the defining of what incentives there were for a contractor.

Council requested that staff consider solicitation of bidder ideas for regulating the program.

Council took no action. Staff will return at the next meeting with an RFP for Council approval.

**19. DRAINAGE MASTER PLAN – AMENDMENT TO NV5 CONTRACT**

**Report:** Community Services Director Michael Kashiwagi

**Recommendation:** Authorize the City Manager to execute a contract amendment with NV5 for additional engineering services for the analysis of additional flood protection along the Atherton channel

This item involved a modification to an existing contract with NV5 for analysis of additional flood protection along the Atherton Channel. The Council asked about the design alternatives for detention basins at the 25-, 50-, or 100-year storm mark.

Council asked that an estimate be obtained for additional design work on larger storm event detention basins.

**MOTION by DeGolia, second by Lewis to approve authorization to the City Manager to execute a contract amendment with NV5 for additional engineering services for the analysis of additional flood protection along the Atherton channel and request an estimate for design work on a larger storm event. The motion passed unanimously.**

**27. COUNCIL REPORTS/COMMENTS – None.**

**28. FUTURE AGENDA ITEMS - None.**

29. **PUBLIC COMMENTS** - None.

30. **ADJOURN**

Mayor Wiest adjourned the meeting at 10:23 p.m.

Respectfully submitted,

Theresa DellaSanta  
City Clerk