



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

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

Mayor Wiest noted that Council Member Lewis will be teleconferencing from the following location:

Westin Kierland
Conference Room
6902 E Greenway Parkway
Scottsdale AZ 85254-8123

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** **Widmer, Lewis, DeGolia, Wiest**
3. **PRESENTATIONS** – None.
4. **PUBLIC COMMENTS** – None.
5. **REPORT OUT OF CLOSED SESSION** - Report out by City Attorney

None.
6. **CITY MANAGER'S REPORT** – Nothing further to add to written report.
7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-12)

Council Member Widmer removed Item 11.

**MOTION by Widmer, second by DeGolia to approve the consent calendar, excluding Item 11.
The motion passed unanimously.**

8. **APPROVAL OF JUNE 4, 2014 SPECIAL MEETING MINUTES**
Report: Assistant City Manager/City Clerk Theresa DellaSanta
Recommendation: Approve meeting minutes

9. **APPROVAL OF BILLS AND CLAIMS FOR JUNE, 2014 IN THE AMOUNT OF \$941,364**
Report: Finance Director Robert Barron III
Recommendation: Approve Bills and Claims in the amount of \$941,364
10. **ADOPTION OF AN AMENDMENT TO RESOLUTION NO. 14-06 CORRECTING THE DISABILITY RETIREMENT PROVISIONS FOR THE ATHERTON POLICE OFFICERS' ASSOCIATION**
Report: City Manager, George Rodericks
Recommendation: Adopt Resolution No. 14-XX, amending Resolution No. 14-06 correcting the disability retirement provisions for the Atherton Police Officers' Association (APOA)
12. **ADOPTION OF A RESOLUTION TO CORRECT THE ADOPTED APPROPRIATIONS LIMITS FOR FY 2014-15**
Report: Finance Director Robert Barron III
Recommendation: Adopt the attached *revised* resolution setting the Appropriation Limit for FY 2014-15 at \$11,335,317

PUBLIC HEARING - None

REGULAR AGENDA - (Items 13-18)

13. **ADOPT RESOLUTION 14-XX DESIGNATING A VOTING DELEGATE AND UP TO TWO ALTERNATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 3-5, LOS ANGELES**
Report: Assistant City Manager/City Clerk Theresa DellaSanta
Recommendation: Adopt Resolution 14-XX designating a voting delegate and an alternate to the League of California Cities Annual Conference in Sacramento

The Council selected two members to attend the League of California Cities Annual Conference in Los Angeles from September 3 to September 5. Noting that two of the four members of Council would be attending, the September 3 Study Session will be cancelled. Staff noted that either the City Manager and/or the Assistant to the City Manager will also attend.

MOTION by Widmer, second by DeGolia to designate Councilmember Lewis as voting delegate and Mayor Wiest as voting alternate. The motion passed unanimously.

14. **AMEND RESOLUTION 14-05 TO ADD A COUNCIL MEMBER LIAISON TO THE PARK & RECREATION COMMISSION AND APPROVE THE MAYOR'S SELECTED APPOINTMENTS**
Report: City Manager, George Rodericks
Recommendation: 1. Adopt the attached amendment to Resolution 14-05 adding a City Council Liaison to the Parks and Recreation Commission and amending the title of the Commission to Committee;
 2. Approve the Mayor's selected appointments as liaisons

Staff recommended that the Council consider changing the title of the Parks & Recreation Commission to Parks & Recreation Committee for consistency in the resolution and eliminate all references to “Commissions.” Further, staff recommended that the Council consider adding a Council liaison to the Committee. After discussion, the Council adopted the resolution with the amendments and approved the Mayor’s appointees of Vice Mayor DeGolia as liaison and himself as the alternate.

The Council also noted that they may wish to amend and update the scope of the Parks & Recreation Committee and supported returning the resolution for Council consideration to do so at an upcoming meeting.

MOTION by Widmer, second by Lewis to adopt the amendment to Resolution 14-05 adding a City Council Liaison to the Parks and Recreation Commission and amending the title of the Commission to Committee; and approve of Mayor’s designees.

15. ADOPT RESOLUTION 14-XX UPDATING THE PURCHASING LIMITS AS REQUIRED BY ATHERTON MUNICIPAL CODE CHAPTER 3.16

Report: City Manager, George Rodericks

Recommendation: Approve resolution revising purchasing policy amount limits as required in Chapter 3.16 of the Atherton Municipal Code

City Manager Rodericks explained that prior limits for open market and informal bidding were set at \$15,000 for goods and professional services. Staff recommended amending the limits to reflect the change to permanent staffing and changing market conditions. Staff recommended changing the limits for goods and supplies to \$30,000 and the limit for professional services to \$25,000.

The Council discussed the issues involved, including, but not limited to, issues such as history, competitive bidding, transparency, internal controls, auditing, oversight, budgetary controls, and staffing.

MOTION by Lewis, second by DeGolia to adopt the resolution modifying the limits for open market and informal bidding to \$30,000 for goods and supplies and \$25,000 for professional services. The motion passed 3-1, Widmer Opposed.

16. PARKER AVENUE PROPERTY OWNER SURVEY RESULTS

Report: Lisa Costa Sanders, Deputy Town Planner

Recommendation: Staff recommends the City Council consider the issue and take no action at this time

City Manager Rodericks noted that this item was a continuation of prior discussion involving the potential abandonment of a portion of the right-of-way along Parker Avenue. The survey results illustrated that 11 of the 21 property owners favored moving forward with the encroachment permit process while 7 favored abandonment. The Council reported that members favoring abandonment may be able to obtain additional information from the County Assessor related to the tax implications of abandonment and that information may sway the opinion in favor of abandonment.

Staff noted that the encroachment permit process would take approximately 60 to 90 days to enact and there may also be a period of adjustment.

The Council supported allowing the property owners to return with the request for abandonment if they feel that opinion on the street has changed following updated information from the County Assessor. Staff asked that there be a time period set for that return and the Council supported a period of 4-months before the issue could return to the Council. It was suggested that this period of time would allow for the encroachment permit process to be in full swing and allow time for the property owners to work the issues out with the County Assessor.

The Council took no action on the abandonment request.

17. RESOLUTION AUTHORIZING A CONTRIBUTION TOWARD OTHER POST-EMPLOYMENT BENEFIT LONG-TERM LIABILITIES

Report: Finance Director Robert Barron III

Recommendation: Adopt the attached Resolution authorizing the contribution of 2013/14 ERAF revenues (\$1,020,000) toward the Trust for Other Post-Employment Benefits (OPEB) long-term liabilities

Finance Director Robert Barron III stated that consistent with the policy expressed during the adoption of the FY 2014/15 Budget, staff is recommending that the Council consider allocating \$1,020,000 in ERAF funds received in FY 2013/14 toward the Town's OPEB liabilities. Barron noted that the Town has a funding obligation of approximately \$7.7m and with the allocation of FY 2013/14 revenues, the Town will have funded its obligation to \$4.3m. The obligation is a mix of current/future liabilities as well as benefits already earned (retirees).

The Council discussed the level of funding necessary and staff advised that the Town would be doing a refresh of the actuarial data which would allow the Council to make an informed decision with respect to future funding obligations.

MOTION by Widmer, second by DeGolia to adopt Resolution authorizing the contribution of 2013/14 ERAF revenues (\$1,020,000) toward the Trust for Other Post-Employment Benefits (OPEB) long-term liabilities. The motion passed unanimously.

18. APPROVAL OF AN AGREEMENT FOR CIVIC CENTER PROJECT MANAGEMENT CONSULTANT

Report: Mike Kashiwagi, Community Services Director

Recommendation: Approve the agreement with Mack5 for project management services for the Civic Center Project, in an amount not-to-exceed \$896,573 and authorize the City Manager to execute the agreement

Community Services Director Mike Kashiwagi noted that after an involved public bid and careful review and interview, Mack5 was selected as the top firm by staff and Civic Center Advisory Committee. Staff negotiated a "not to exceed" contract of \$896,573. The cost is distributed over a 3-year service period through project completion. It is designed to be implemented in phases as the project (and funding) moves along. The contract can be terminated and/or suspended at any time should the project not reach its funding needs. Funding is distributed in proportion amongst the

various project funding components (Building Facilities Fund, Donations, Library, and Capital Projects-Civic Center). The Council heard from members of the CCAC interview committee and asked questions of Mack5 representatives present in the audience. The Council discussed various issues, including, but not limited to, timing of the contract, termination, phasing, negotiated rates, percentage of overall project costs, soft costs, best value, excusable delays, man-hours, scope of work, strengthening of breach provisions, remedies and budget.

MOTION by Lewis, second by Wiest to approve the agreement with Mack5 for project management services for the Civic Center Project, in an amount not-to-exceed \$896,573 and authorize the City Manager to execute the agreement. The motion passed unanimously.

11. APPROVAL OF TASK ORDERS RELATED TO TRAFFIC SERVICES AND PROGRAM MANAGEMENT – INTERWEST GROUP

Report: City Manager, George Rodericks

Recommendation: Authorize the City Manager to execute Task Orders for On-Call Traffic Engineering Services and the Civic Center Program Management with Interest Consulting Group

Council Member Widmer noted that the Civic Center Project Task Order for Interwest should have been discussed concurrently with the Project Management Services of Mack5. The cost for Interwest’s services is overhead connected to the project itself at \$78,000 through design.

MOTION by Lewis, second by DeGolia to authorize the City Manager to execute Task Orders for On-Call Traffic Engineering Services and the Civic Center Program Management with Interest Consulting Group. The motion passed unanimously.

19. COUNCIL REPORTS/COMMENTS

Councilmember Widmer noted that he is part of the refuse and recycling rates ad-hoc sub-committee along with the Mayor. They recently met and are prepared to recommend new commercial rates at the September meeting following the proper noticing requirements.

20. FUTURE AGENDA ITEMS – None.

21. PUBLIC COMMENTS – None.

22. ADJOURN

Mayor Wiest adjourned the meeting at 8:20 p.m.

Respectfully submitted,

**Theresa DellaSanta
City Clerk**