



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL**  
**ATHERTON CHANNEL DRAINAGE DISTRICT**  
**February 20, 2013**  
**7:00 p.m.**  
**94 Ashfield Road**  
**Atherton, California**  
**REGULAR MEETING**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**      Lewis, Dobbie, Widmer, Wiest, Carlson

**PRESENTATIONS**

**PROCLAMATION FOR BRUCE AND RUTH POTTS** – Mayor Lewis presented a proclamation to the Potts for their hard work and dedication over the years.

**PROCLAMATION FOR SUSAN BLAKE-** Mayor Lewis noted that Susan Blake donated the art sculptures in the park.

**4.      PUBLIC COMMENTS**

William Grindley reported out about High Speed Rail.

Lou Paponis, spoke about High Speed Rail.

Anne McNertney, questioned whether it was appropriate for former Council Member McKeithen to have authorized a purchase for \$14,000.

**5.      REPORT OUT OF CLOSED SESSION** – None.

**6.      CITY MANAGER’S REPORT**

City Manager Rodericks made comments on the Community Center Advisory Committee (CCAC) Master Plan RFP and suggested that the City Council consider the City Council Subcommittee appointed to the CCAC as a body to assist staff in the preparation and release of the RFP. Rodericks also mentioned the cancellation of the Goal Workshop tentatively scheduled for March 4. Scheduling conflicts have forced the workshop to be rescheduled.

Vice Mayor Carlson requested an update on the Police Department involvement with Redwood City and local schools for their “active shooter” scenarios and response. Carlson requested an update on the Library JPA at the next meeting.

Council Member Widmer suggested that the City Manager evaluate contract staffing versus hired staff for the Account Technician position under recruitment.

Mayor Lewis asked for an update on the Recology rate setting at the next meeting.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** - None.

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

Council Member Dobbie pulled items 12 and 18.

Council Member Widmer pulled items 13 and 17.

Council Member Wiest pulled item 15.

8. **APPROVAL OF JANUARY 16 REGULAR MEETING MINUTES**

**Recommendation:** Approve meeting minutes

9. **APPROVAL OF BILLS AND CLAIMS FOR JANUARY, 2013 IN THE AMOUNT OF \$978,555**

**Recommendation:** Approve Bills and Claims in the amount of \$978,555

10. **FINANCIAL REPORT FOR JANUARY 31, 2013**

**Report:** Finance Director Robert Barron

**Recommendation:** Receive the General Fund Financial Report for January 31, 2013

11. **ACCEPTANCE OF TREASURER'S REPORT FOR THE FIRST QUARTER ENDED DECEMBER 31, 2012**

**Report:** Finance Director Robert Barron

**Recommendation:** Accept the Treasurer's Report for the First Quarter Ended December 31, 2013

14. **APPROVAL OF ONE -YEAR LEASE EXTENSION WITH KNOX PLAYSCHOOLS, INC. AT HOLBROOK-PALMER PARK**

**Report:** City Manager George Rodericks

**Recommendation:** Approve a lease extension from September 1, 2013-August 30, 2014 with Knox Playschools, Inc. for the operation of the Playschool in Holbrook-Palmer Park

16. **APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR THE 2013 SPRING PATCHING PROJECT**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Approve the plans and specifications and authorize advertisement for bids for the 2013 Spring Patching Project, Project No.56055

19. **RESOLUTION REQUESTING SUPPORT AND COMMITMENT OF THE SAN MATEO COUNTY TRANSPORTATION AUTHORITY AND CALTRAIN JOINT**

**POWERS BOARD TO FUND IMPROVEMENTS NECESSARY TO ELIMINATE THE HOLD OUT RULE AT THE ATHERTON STATION**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Adopt Resolution urging the support and commitment of the San Mateo County Transportation Authority and Caltrain Joint Powers Board to approve funding for necessary improvements to eliminate the hold out rule at the Atherton Station

**20. ADOPTION OF A RESOLUTION APPROVING BUDGET AMENDMENT FOR FISCAL YEAR 2012-2013**

**Report:** City Manager George Rodericks

**Recommendation:** Adopt resolution approving a budget amendment to the FY 2012-2013 budget for the transfer of \$20,000 from the Unappropriated General Fund to the Labor Relations Services Account

**21. RESOLUTION TO REJECT CLAIM OF RANJIT PRADHAN**

**Report:** City Clerk Theresa DellaSanta

**Recommendation:** Adopt Resolution 13-xx denying the claim filed by Ranjit Pradhan for damages

**22. CALTRAIN ELECTRIFICATION PROJECT NOTICE OF PREPARATION COMMENTS**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Staff recommends that the City Council request Councilmember Carlson work with Planning and Public Works Staff to develop comments on the Caltrain Electrification Project Notice of Preparation. It is further recommended that the City Council request Councilmember Carlson to present the Atherton Comment Letter at a Caltrain Scoping Meeting

**MOTION by Carlson, second by Dobbie to approve the consent calendar excluding items 12, 13, 15, 17, and 18. The motion passed unanimously.**

**Pulled Items were taken up next**

**12. POLICE DEPARTMENT: RECORDS DESTRUCTION**

**Report:** Police Chief Ed Flint

**Recommendation:** The City Council, upon the advice of the City Attorney and the Chief of Police, authorize the destruction of the noted Department records, documents, instruments, and other papers set forth in this request

Council Member Dobbie said he talked to Chief Flint at length about this item and he is supportive of the Chief's decision to destruct records. Dobbie added that the boxes full of files at the carriage house need to be looked at and destroyed if they have hit their time limit for storage.

Council Member Widmer said he spoke to Chief Flint as well. He thinks the Police department is being run better than it ever has under Flint's leadership. Widmer said that even though there are laws that allow for destruction of records it shouldn't always happen because there is still some resident distrust because of certain issues they have encountered. He concluded that Council needs to make sure that the residents are comfortable and have no doubts in their mind.

Council Member Wiest said he wouldn't want to give off the perception that files of deep concern are being destructed. Wiest said he supports Chief Flint's discretion in his professional judgment with reviewing the files and determining if they are ready to be destroyed.

Council Member Carlson felt the Town has been remiss in following a records retention policy and that it needs to be done in every department. Carlson said part of the discomfort is that internal investigations seem to be at the top priority list. Carlson asked how staff determined that destroying these records would not be later regretted.

City Attorney Connors noted that he reviewed all 18 files and every single file is trivial. There is not one important file that is considered to be part of a lawsuit. Connors noted that a retention policy is an agency's legal authority to receive, create, retain, and dispose of official public records. Destruction of older records pursuant to the Town's records retention policy and State law is a routine process and staff should be returning for destruction authorization in all departments.

Chief Flint said he went through the files with a fine tooth comb and asked himself if there are any reoccurring deficiencies or concerns with the employee. Flint noted that if there was ever any indication that there is a problem then he would maintain the files. Flint said the files are minor in nature and none of them involved employees with reoccurring deficiencies. Flint concluded that the Town has a well-run Police Department with good people doing good things. He encouraged residents to approach him if there are any concerns.

Council Member Dobbie reminded everyone that storing documents costs money. He encouraged staff to get rid of documents that are no longer required for storage.

Mayor Lewis said the records retention has not been done on a routine basis. Lewis said all other cities and municipalities do it routinely. She said it's a new day with a new Chief and we need to continue to look forward.

**MOTION by Lewis, second by Dobbie to approve the resolution authorizing the destruction of the noted Department records, documents, instruments, and other papers set forth in this request. The motion passed unanimously.**

### **13. STORAGE AND OPERATION FOR I-NET EQUIPMENT**

**Report:** City Manager George Rodericks

**Recommendation:** Approve the agreement between the Town of Atherton and the Cable Joint Powers Agency for storage and operation of institutional network equipment

This item involved the storage and operation of institutional network equipment at Town Hall in connection with the existing fiber network used throughout the County. Because the Town is considering development of a new Town Hall the Agreement was continued to March to allow the City Manager to discuss issues related to relocation of the existing equipment and costs associated thereto.

**MOTION by Carlson, second by Lewis to continue the item to the March meeting. The motion passed unanimously.**

**15. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR THE 2013 CAPE SEAL PROJECT**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Approve the plans and specifications and authorize advertisement for bids for the 2013 Cape Seal Project, Project No.56056

With the approval of this item the 2013 Cape Seal Project will get underway. The Town has a comprehensive pavement management system that assists staff in determining which streets are in need of repair in order to avoid a much more costly street reconstruction.

Council requested that the Town conduct a mailing to the residents on the impacted streets to provide them with information on the timing of the project and its impact to their area as well as asking their assistance in identifying any construction projects in the area that may “damage” the new roadway.

**MOTION by Dobbie, second by Wiest to approve the plans and specifications and authorize advertisement for bids for the 2013 Cape Seal Project, Project No.56056. The motion passed unanimously.**

**17. ATHERTON PEDESTRIAN & BICYCLE MASTER PLAN CONSULTANT SELECTION**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Approve the selection of Alta Planning & Design (Alta) to prepare the Town’s Pedestrian & Bicycle Master Plan and authorize the City Manager to execute an agreement with Alta in an amount not to exceed \$39,980; And Solicit nominations for an ad-hoc Pedestrian/Bike Stakeholder Advisory Group whose members will be appointed by the Mayor.

Mayor Lewis appointed herself and Council Member Widmer to the ad-hoc committee for Pedestrian/Bike Stakeholder Group.

**MOTION by Dobbie, second by Widmer to approve the selection of Alta Planning & Design (Alta) to prepare the Town’s Pedestrian & Bicycle Master Plan and authorize the City Manager to execute an agreement with Alta in an amount not to exceed \$39,980; And Solicit nominations for an ad-hoc Pedestrian/Bike Stakeholder Advisory Group whose members will be appointed by the Mayor.**

**18. CONSIDERATION OF A POLICY REGARDING CITY COUNCIL IPADS AND UPDATE ON PAPERLESS AGENDA PROJECT**

**Report:** City Manager George Rodericks

**Recommendation:** Adopt policy regarding the issuance and use of iPads to City Council Members

Council Member Dobbie noted that he was not interested in utilizing an iPad if he can only use it to download agenda packets. He added that he would like to use the iPad for several things in order to get used to using it. Dobbie requested further clarification on personal use.

In an effort to clarify approved uses of the iPad the Town developed a policy. Rodericks suggested several changes that would allow for personal usage of which is lawful, and which does not result in a gain or advantage to the user or a loss to the Town is permitted. Council agreed to the changes.

**MOTION by Dobbie, second by Widmer to adopt policy regarding the issuance and use of iPads to City Council Members. The motion passed unanimously.**

**PUBLIC HEARINGS - None**

**REGULAR AGENDA – (Items 23-26)**

**23. APPOINTMENT TO FILL VACANCY ON TRANSPORTATION COMMITTEE AND CONSIDER APPOINTMENT OF TWO COUNCIL MEMBERS TO THE COMMUNITY CENTER ADVISORY COMMITTEE (CCAC)**

**Report:** City Clerk Theresa DellaSanta

**Recommendation:** Appoint member to fill vacancy on Transportation Committee and Appoint two Council Members to Community Center Advisory Committee (CCAC)

**Each Council Member was provided with a ballot to choose one of two applicants. Council approved with a 3-2 vote appointment of Gary Lauder to fill the Transportation Committee vacancy expiring in June of 2016.**

**MOTION by Widmer, second by Dobbie to appoint Mayor Lewis and Council Member Dobbie to the CCAC, with Council Member Widmer acting as an alternate should one of the appointees be unable to attend. The motion passed unanimously.**

**24. FEE WAIVER REQUEST – END OF YEAR PICNIC FOR GRADUATING 5<sup>TH</sup> GRADERS @ ENCINAL SCHOOL USE OF HPP CARRIAGE HOUSE**

**Report:** City Manager George Rodericks

**Recommendation:** To Be Determined

Council expressed their concern with setting a precedent for the waiver of fees. Council denied the request and directed staff to come back with a policy that governs fee waivers and banners.

**MOTION by Widmer, second by Dobbie to deny the request and direct staff to come back with policies. The motion passed unanimously.**

**25. COMMUNITY CENTER MASTER PLAN CONSULTANT SELECTION UPDATE**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Waive requirement for City Council approval for the Request for Proposal for Civic Center Master Plan Preparation, and authorize staff to prepare and distribute the Community Center Master Plan RFP

Community Service Director Mike Kashiwagi gave background on the report. He noted that staff is requesting a waiver of the Municipal Code requirement that an RFP should be reviewed and approved by City Council prior to it being issued so that the RFP can be advertised and issued as soon as it is completed.

Council Member Dobbie was concerned with the cost of the master plan.

Council Member Widmer said the purchasing policy requirement is there for a reason and he does not support waiving the requirement. Widmer said this is a very large amount and he believes the Council should have a good look at the RFP.

Vice Mayor Carlson said he is comfortable with the process. He noted his concern with the fact that the current architect for the Town Center gave a substantially lower cost for a master plan.

Council Member Wiest echoed Carlson. He had concerns with the overall estimated cost of the master plan.

Mayor Lewis felt the estimate was just too high.

City Manager Rodericks noted that as the scope of work is reviewed and refined the engineer's estimate will be revised.

Council discussed waving the requirement for the RFP to go to full Council for review.

MOTION by Dobbie, second by Widmer to authorize staff to prepare the RFP and come back to the entire Council for review. The motion failed 2-3 (Lewis, Carlson, Wiest opposed).

**MOTION by Carlson, second by Wiest to waive requirement for City Council approval for the Request for Proposal for Civic Center Master Plan Preparation, and Authorize staff to prepare an RFP, and if the d-hoc CCAC committee does not approve of the RFP then go back to full Council for approval before distribution of the Community Center Master Plan RFP. The motion passed 4-1 (Widmer opposed).**

**26. CONSIDERATION TO CONTRIBUTE TO CITIZENS FOR CALIFORNIA HIGH SPEED RAIL ACCOUNTABILITY (CCHSRA) TO FUND LITIGATION CHALLENGING THE LEGAL USE OF PROPOSITION 1A FUNDING BY THE CALIFORNIA HIGH SPEED RAIL AUTHORITY**

**Report:** Public Works Director Mike Kashiwagi

**Recommendation:** Consider a funding allocation of \$5,000 - \$10,000 to the CCHSRA to fund litigation challenging the legal use of Proposition 1A funding by the California High Speed Rail Authority

Council Member Carlson noted that the Town has budgeted \$30,000 in the rail budget and spending 1/3 of it on the lawsuit challenging legal use of the proposition 1A funding is worth it.

**MOTION by Carlson, second by Lewis to approve a funding allocation of \$10,000 to the CCHSRA to fund litigation challenging the legal use of Proposition 1A funding by the California High Speed Rail Authority. The motion passed unanimously**

**27. COUNCIL REPORTS/COMMENTS – Nothing further to add to written reports.**

**28. FUTURE AGENDA ITEMS – None.**

29. **PUBLIC COMMENTS** – None.

30. **ADJOURN**

MOTION by Lewis, second by Dobbie to adjourn the meeting. The motion passed and Mayor Lewis adjourned the meeting at 10:07 p.m.

**Respectfully submitted,**

**Theresa DellaSanta  
City Clerk**