



Minutes
Town of Atherton
CITY COUNCIL
March 15, 2017

7:00 P.M. - REGULAR MEETING
Council Chambers
94 Ashfield Road,
Atherton, California

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

Council agreed to move agenda item 19 to the end of the meeting in order to allow Fire District Member Virginia Chang-Kiraly to attend the meeting and speak on the item.

7:00 REGULAR SESSION

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Lempres, Widmer, Wiest, DeGolia
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 report.
7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**
CONSENT CALENDAR (Items 8-14)

Council Member DeGolia pulled item 14.

Council Member Widmer had a comment on Item 11 and 12.

8. **APPROVAL OF FEBRUARY 15 REGULAR MEETING AND MARCH 1 SPECIAL MEETING MINUTES**
Report: City Clerk Theresa DellaSanta
Recommendation: Approve meeting minutes
9. **APPROVAL OF BILLS AND CLAIMS FOR FEBRUARY IN THE AMOUNT OF \$1,275,320**
Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$1,275,320

10. APPROVE A 2-YEAR CONTRACT FOR STREET SWEEPING WITH CONTRACT STREET SWEEPING SERVICES; AUTHORIZE THE CITY ATTORNEY TO DRAFT AND THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR SERVICES

Report: Community Services Director Mike Kashiwagi

Recommendation: Approve a 2-year sweeping contract with a 2-year extension option to Contract Sweeping Services to provide Town sweeping services in an amount not exceed \$17,777.77 annually (or \$1,481.48 monthly) and authorize the City Attorney to draft the contract and the City Manager to execute the agreement

11. APPROVE THE MIDDLEFIELD RD/OAK GROVE AVE INTERSECTION IMPROVEMENTS PLANS AND SPECIFICATIONS AND AUTHORIZE ADVERTISEMENT FOR PUBLIC BIDS

Report: Community Services Director Mike Kashiwagi

Recommendation: 1. Approve the Middlefield Road/ Oak Grove Avenue Plans and Specifications; and 2. Authorize staff to advertise the plans and specifications for public construction bids

12. AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSAL FOR DESIGN DOCUMENTS; AUTHORIZE THE FILING OF AN APPLICATION FOR FUNDING TO MTC; AND AUTHORIZE AGREEMENT TO COMPLY WITH ASSEMBLY BILL 2135, MTC SURPLUS LAND ACT

Report: Community Services Director Mike Kashiwagi

Recommendation:

1. Authorize issuance of a Request for Proposal (RFP) to develop design and bid documents for bicycle facility improvements on Middlefield Road between San Mateo County and City of Menlo Park.
2. Adopt the attached Resolution No. 17-XX to authorize local support for the filing of an application for funding to MTC.
3. Adopt the attached Resolution No. 17-XX to authorize the agreement to comply with the Assembly Bill 2123, MTC Surplus Land Act for San Francisco Bay Area Cities and Counties

13. ACCEPT THE 2016 ANNUAL REPORT TO THE CITY COUNCIL ON THE ATHERTON GENERAL PLAN IMPLEMENTATION AND AUTHORIZE ITS TRANSMITTAL TO HCD

Report: Town Planner Lisa Costa Sanders

Recommendation: Accept the Annual Report and authorize its transmittal to the California Governor's Office of Planning and Research and the California Department of Housing and Community Development pursuant to Section 65400 of the California Government Code (CGC).

MOTION by DeGolia, second by Wiest to approve the consent calendar. The motion passed unanimously.

14. SECOND READING AND ADOPTION OF AN ORDINANCE TO ADD CHAPTER 9.06 OF THE ATHERTON MUNICIPAL CODE REGULATING OPERATION OF UNMANNED AIRCRAFT SYSTEMS

Report: Assistant City Attorney Jennifer Larsen

Recommendation: Second reading and adoption of an ordinance regulating operation of unmanned aircraft systems within the Town

The Council discussed the proposed ordinance and feedback from the community. Following discussion about complaints, registration of small drones, cameras, privacy, and potential future issues, the Council adopted the Drone Ordinance without further changes. The Ordinance goes into effect on April 14, 2017.

MOTION by Lewis, second by Wiest to adopt the ordinance regulating operation of unmanned aircraft systems within the Town. The motion passed 3-1-1 (DeGolia abstained, Widmer opposed).

PUBLIC HEARING (Items 15-18)

15. CONDUCT THE PUBLIC HEARING ON RECOMMENDED DECREASE IN RESIDENTIAL GARBAGE CART RATES IN THE TOWN OF ATHERTON; AND, IF APPROPRIATE, INTRODUCE THE PROPOSED AMENDMENT TO THE ORDINANCE FOR FIRST READING

Report: Finance Director Robert Barron III

Recommendation: Conduct the Public Hearing regarding the proposed decrease in residential garbage cart rates; and if appropriate, introduce the attached Ordinance for first reading, an Ordinance of the City Council of the Town of Atherton Amending Refuse Collection Rates

Barron provided Council with a brief staff report. The Council discussed the current refuse rates, pending franchise negotiations, continuation and future use of the refuse rate stabilization fund and future rate adjustments.

Lewis was concerned about reducing rates and having to raise it in the future to compensate or true it up at the end of the contract.

Widmer explained that there was an audit done and several discussions among the subcommittee. There will be no true up requirements at the end of the contract.

MOTION by DeGolia, second by Widmer to introduce the proposed ordinance for first reading and set second reading and adoption for April 19, 2017. The motion passed unanimously.

16. CONDUCT THE PUBLIC HEARING AND INTRODUCE FOR FIRST READING AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 17.52 SECOND DWELING UNITS

Report: Town Planner Lisa Costa Sanders

Recommendation: The Planning Commission recommends that the City Council conduct the public hearing and introduce an ordinance amending Atherton Municipal Code Chapter 17.52 regulating second dwelling units

The Council discussed amendments to the Town's second dwelling unit ordinance to comply with State law. After a staff report and public comment, the Council discussed application of the changes on current and future development of accessory structures, side and rear yard setback issues, the application of fire safety requirements (sprinklers), neighbor impact, and rental. Following a minor tweak to language related to rental periods, the Council introduced the ordinance for first reading and set second reading and adoption for April 19, 2017. The Council directed that staff begin a conversation with the Planning Commission to address setbacks for accessory structures in general.

17. CONDUCT THE PUBLIC HEARING AND INTRODUCE AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL TO MODIFY AND RATIFY THE FIRE REGULATIONS AS ADOPTED BY THE MENLO PARK FIRE PROTECTION DISTRICT

Report: Community Services Director Mike Kashiwagi

Recommendation: Conduct the Public Hearing and Introduce an Ordinance amending Title 15 of the Atherton Municipal Code to modify and ratify the fire regulations as adopted by the Menlo Park Fire Protection District and conduct a Public Hearing

MOTION by Wiest, second by Lewis to introduce for first reading and set the second reading and adoption for April 19, 2017. The Motion passed unanimously.

18. RESOLUTION APPROVING THE ISSUANCE BY THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF ITS TAX-EXEMPT REVENUE OBLIGATIONS, IN ONE OR MORE SERIES, FOR THE BENEFIT OF MENLO SCHOOL IN AN AGGREGATE AMOUNT NOT TO EXCEED \$34,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE COST OF CONSTRUCTION, ACQUISITION, REHABILITATION, EQUIPPING AND FURNISHING OF CERTAIN FACILITIES, PROVIDING THE TERMS AND CONDITIONS FOR SUCH OBLIGATIONS AND OTHER MATTERS RELATING THERETO

Report: City Attorney Bill Conners

Recommendation: Approve resolution approving the issuance by the California Enterprise Development Authority of its tax-exempt revenue obligations, in one or more series, for the benefit of Menlo school in an aggregate amount not to exceed \$34,000,000 for the propose of financing and refinancing the cost of construction, acquisition, rehabilitation, equipping and furnishing of certain facilities, providing the terms and conditions for such obligations and other matters relating thereto

Conners explained that this item is a standard resolution to approve the issuance of tax-exempt revenue obligations for Menlo School. Menlo School was required to appear before the local jurisdiction (Atherton) at a Public Hearing for adoption of the Resolution. The Resolution does not impose any obligation on the Town with respect to the debt issuance. Following discussion and public comment, the Council adopted the Resolution.

MOTION by DeGolia, second by Lewis to Approve resolution approving the issuance by the California Enterprise Development Authority of its tax-exempt revenue obligations, in one or more series, for the benefit of Menlo school in an aggregate amount not to exceed \$34,000,000 for the propose of financing and refinancing the cost of construction, acquisition, rehabilitation,

equipping and furnishing of certain facilities, providing the terms and conditions for such obligations and other matters relating thereto. The motion passed unanimously.

REGULAR AGENDA – (Items 19-21)

20. REVIEW AND APPROVE BALLOT ARGUMENT IN FAVOR OF MEASURE SUBMITTED TO QUALIFIED ELECTORS AT THE JUNE 6, 2017 ELECTION AND DIRECT STAFF WITH RESPECT TO REBUTTAL ARGUMENTS

Report: City Manager George Rodericks

Recommendation: Approve language submitted by Ad Hoc Subcommittee members Wiest and DeGolia for the Argument in Favor of Measure to be submitted to qualified electors at the June 6, 2017 election. Sign the Ballot Argument Submission Form provided by the City Clerk; and direct staff with respect to rebuttal arguments

Rodericks provided Council with a brief report noting that the item is review and approval of the Ballot Argument in favor of the measure submitted to qualified electors at the June 6 meeting and direction to staff on the handling of rebuttal arguments. The Council reviewed the draft argument and made changes to its text.

MOTION by Lewis, second by Widmer to approve the revised ballot argument and authorize signature by the Council for submittal. The motion passed unanimously.

The Council set a tentative Special Meeting for 9 am on March 27 to review a rebuttal argument, if necessary, and directed the Ad Hoc Committee to draft the rebuttal for the meeting.

21. APPROVE A TASK ORDER FOR INTERWEST CONSULTING GROUP FOR PHASING SERVICES; AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE THE TASK ORDER; AND RECEIVE THE CIVIC CENTER PROJECT CONSTRUCTION PHASING PLANS

Report: City Engineer Marty Hanneman

Recommendation:

1. Approve a Task Order for Interwest Consulting Group for Phasing Services at a fee not to exceed \$128,800;
2. Authorize the City Attorney to prepare and the City Manager to execute any necessary amendments thereto; and
3. Receive the phasing plans for construction of Civic Center Project and provide feedback.

Following a brief staff report By Hanneman on the proposed staging task order, the Council reviewed the overall phasing and staging plan for the project.

Council member Lewis said that it was a well thought out plan and she was impressed by it. She liked that the Police were to stay in operation without having to move during the length of the project.

Vice Mayor Wiest concurred.

MOTION by Lewis, second by DeGolia to approve 1) a Task Order for Interwest Consulting Group for Phasing Services at a fee not to exceed \$128,800;

2) Authorize the City Attorney to prepare and the City Manager to execute any necessary amendments thereto; and 3) receive the phasing plans for construction of Civic Center Project and provide feedback. The motion passed unanimously.

19. REVIEW AND REVISE A LETTER TO THE MENLO PARK FIRE PROTECTION DISTRICT REGARDING THE RECENT CITYGATE REPORT; AND IF APPROPRIATE, AUTHORIZE ITS RELEASE

Report: City Manager George Rodericks

Recommendation: Review and revise a letter to the Menlo Park Fire Protection

District regarding the recent Citygate Report; and, if appropriate, authorize its release

The City Council reviewed the meeting video from the February 2017 Fire Board Meeting. Board Member Chang-Kiraly provided Council with an update on the discussions that took place regarding the Citygate report at the Fire District meeting. She noted that the report was informational only and there was no decisions made to close down any of the fire stations. She noted that she thought the District made it clear at the December joint meeting with Council that closure or moving of stations would involve discussions with Council before any decisions are made.

Vice Mayor Wiest felt that there was some disconnect between the time when Council Member DeGolia requested a hybrid station for emergency services at the new civic center (the District decided not to participate) and with the Citygate report. Wiest was surprised that the report mentioned a fire station at the new center.

Chang-Kiraly said she would seek more clarification on when the report was commissioned regarding ambulance services.

Council Member Lewis questioned the Districts use of public participation in relation to the Oak Grove Station.

Council Member Widmer noted that the Town would like to have continued input and involvement into the process. He requested advanced notice when discussion take place that involve the Town.

Council Member Lewis left the meeting at 10:11 p.m.

The Council discussed services areas and locations that were in the report. Wiest noted that the report didn't seem to address potential impacts that Atherton might have with closing stations.

Chang-Kiraly said that given the station locations she continues to have issues with subsidizing service with respect to mutual aid.

Council Member DeGolia noted that comments from the District President resulted in a deteriorated relationship between the District and Town which none of us want. He urged that the two entities continue to explore their issues and work together.

Chang-Kiraly reiterated that she was at the meeting on behalf of the District to inform Council that the Citygate report was informational only and no action has been taken.

Mayor Lempres that he is focused on input and on getting and providing input in a close, cooperative and collegial manner with the District.

MOTION by DeGolia, second by Widmer to release the letter to the Menlo Park Fire Protection District regarding the recent Citygate Report. The motion passed unanimously.

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

23. **FUTURE AGENDA ITEMS** – None.

24. **PUBLIC COMMENTS** – None.

25. **ADJOURN**

MOTION by DeGolia, second by Widmer to adjourn the meeting. The Mayor adjourned the meeting at 10:31 p.m.

Respectfully Submitted,

**Theresa N. DellaSanta
City Clerk**