



Minutes
Town of Atherton
CITY COUNCIL
June 29, 2012
9:30 a.m.
COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California
REGULAR MEETING

This meeting is a continuance from the June 20, 2012 meeting.

1. **ROLL CALL** – Lewis, Widmer, McKeithen, Carlson, Dobbie (excused)

Mayor Widmer mentioned that there was a concert in the park put on by the Arts Committee with 100-150 people attending. The event was a big success. There will be another concert at the end of July.

REGULAR AGENDA – (Items 23-28)

23. APPROVAL OF FISCAL YEAR 2012-2013 OPERATING AND CAPITAL IMPROVEMENT BUDGET

Report: Finance Director Debra Auker

Recommendation: Approve Resolution 12-xx adopting the revised Fiscal Year 2012-2013 Operating and Capital Budget

Interim Finance Director Debra Auker presented the budget.

Councilmember Carlson asked what valuation the Assessor has given the Town and wanted to know how much the value had gone up. Interim Finance Director Debra Auker answered that she didn't have the numbers but did confirm that it was above the county average. She added that at the next meeting they will be discussing the property tax auditing service the Town will be working with. The service will provide detail.

Councilmember Carlson asked where we are on the five year financial plan. Interim Finance Director Debra Auker answered that the plan is going to the Finance Committee at the next meeting. Councilmember asked if they would be getting new actuarial data and Interim Finance Director Auker answered in the affirmative.

Councilmember Carlson asked about the technology expenses listed on the budget. Interim City Manager Theresa DellaSanta answered that they are looking at iPads and a new system for recording meetings. Councilmember Carlson commented that there should be a discussion regarding expenditures of the technology budget. Interim City Manager Theresa DellaSanta answered that there will be a discussion.

Vice Mayor Lewis commended Interim Finance Director Debra Auker on presenting clear and concise budget document.

Vice Mayor Lewis asked if the \$3600 Road Impact Fee was interest. Interim Finance Director Auker answered yes.

Vice Mayor Lewis expressed concern about the expenses noted on the budget about improvements to the Town facilities. She doesn't like to see money spent on a project that is temporary since ultimately the modular building needs to be replaced. Lewis commented that it shows the need to come up with a plan for the Town Center.

Vice Mayor Lewis verified that the \$112,000 Building Department excess was an increase. Interim Finance Director Debra Auker verified this and noted that it is a conservative estimate. Vice Mayor Lewis commented that it is good news to increase the Building Department reserve.

Vice Mayor Lewis also wants the events in the park to be revisited since she thinks the Town is missing out on revenue.

Mayor Widmer commented that he doesn't like the language about not reviewing contracts every year. His understanding is that the budget is reviewed every year. Auker explained that this section is for contracts and/or projects that are entered into that will span fiscal years. There would be no reason to bring the contract back to the Council.

Mayor Widmer asked about the Town's contract with Alan Margot. How much money does the Town make from him? Auker answered that he is under contract and the contract was renewed. He pays the Town no matter how many classes he holds. Mayor Widmer asked if it was brought before the Council when the contract was renewed. Auker answered that the contract didn't require City Council review since it was just an amendment to an existing contract.

Mayor Widmer commented that the Town should profit from the contract. He would like it to be discussed at a future meeting. All Town taxpayers are subsidizing 30 key holders and at the very least, the Town shouldn't be losing money on the tennis courts.

Mayor Widmer asked about the \$150,000 for the streetlamps. At first it was thought to be savings driven, and then it was discussed as a safety issue. The lights are hard to get and are being phased out. When it is done, Mayor Widmer thinks they need to look at all options.

Councilmember Carlson asked if they were still adding to the Building reserve. Auker answered that although on page 31 the summary states that it will be down \$10,000, Interim Finance Director Auker expects that it would be going up.

Vice Mayor Widmer commented that the current outsourcing model is working well.

Councilmember Carlson asked about handling the events in the park. Interim City Manager DellaSanta confirmed that it will be at the next meeting.

Councilmember Carlson pointed out an inconsistency in the budget that the Preschool revenue is listed as General Fund instead of offsetting park expenses.

Vice Mayor Lewis noted that the capital improvement allocation for 2012-13 is \$900,000 and \$5.5 million for 2012-13. Vice Mayor Lewis questioned that in light of all of the items that are still in question, should it be removed from the budget?

Mayor Widmer answered that he doesn't agree and that if the money doesn't get spent it will just roll over.

Bob Roeser, Atherton resident, spoke about the tennis courts and reiterated (from a prior meeting) that he would be willing to lead a fund raising effort to refurbish the tennis courts.

Mayor Widmer thanked him for his offer and that he should coordinate with Parks and Recreation Commission and with Interim City Manager Theresa DellaSanta.

Mayor Widmer commented that the last time he was by the tennis courts the door was left open. Three of the courts are in immediate need of resurfacing. Interim City Manager Theresa DellaSanta reported that courts 2, 3, and 4 will be resurfaced by late August.

MOTION McKeithen/Carlson to Approve Resolution Adopting the revised Fiscal Year 2012-2013 Operating and Capital Budget. The motion passed.

Ayes: 4 Nays: 0 Abstain: 0 Excused: 1 (Dobbie)

24. APPROVAL OF RESOLUTION ESTABLISHING AND GOVERNING TOWN COMMITTEES AND COMMISSIONS

Report: Interim City Manager Theresa DellaSanta

Recommendation: Approve resolution No 12-xx establishing and governing Town Committees and Commissions

Interim City Manager Theresa DellaSanta presented the Resolution.

Vice Mayor Lewis commented that on the first page a line was deleted and it says “as an alternative,” but since the line was removed, so should “as an alternative.” On page 2, Item 3 “will” should be “may” or “might” or “could.” Page 3, section 3 “at the pleasure of the City Council...” Vice Mayor Lewis asked if this means that a person can be removed – and, is there a vehicle to remove them? Interim City Manager DellaSanta answered that if they don’t show up for two consecutive meetings they can be removed.

Vice Mayor Lewis asked if for those committees that cannot fulfill 50% of the seats, should the Council revise the numbers of committees. Interim City Manager Theresa DellaSanta answered that at this will be discussed at a future meeting.

Vice Mayor Lewis asked about four year terms. Can there be an alternative time frame? Four years is a big commitment. Mayor Widmer commented that for some committees it is appropriate and that some amount of longevity is required. It can bog down a committee to have new people come in and out. The rail committee has specific expertise and there are no term limits. Vice Mayor Lewis would like the language inserted as such.

Mayor Widmer referred to Exhibit A, Rail Committee, item D should end with “as approved by the Town Council” at the end. Councilmember Carlson explained that this portion of the document is meant to provide the Rail Committee members with a body of information that they can use as the Town’s official stance on an issue. There has to be a process but once a document has gone through the Council or been signed by the Mayor it becomes part of the record.

Councilmember McKeithen was asked to look into other cities’ environmental programs. She did so and found that Woodside and Hillsborough had the best descriptions of their environmental plans. Hillsborough’s web site was far and away the best that Councilmember McKeithen encountered. The website had page after page of information for residents. There are tips and tricks for saving water, recycling batteries, etc. The website connects the town’s resources with the topics where applicable. Councilmember McKeithen would like to suggest that a staff member take charge of the committee and become integrated with the environmental committee.

Mayor Widmer suggested checking with Hillsborough to see if the Atherton website can link to theirs.

Councilmember McKeithen suggests finding out the scope from Hillsborough and have a staff member appointed to the committee.

Councilmember Carlson suggested before it gets too far into it, to have the committee come up with a report on the topic. Mayor Widmer agreed that once the committee is appointed it should follow up and possibly meet with Hillsborough and other cities to see how they are doing it.

MOTION Carlson, second by Lewis to approve with changes to the Resolution establishing and governing Town committees and commissions. The motion passed.

Ayes: 4 Nays: 0 Abstain: 0 Excused: 1(Dobbie)

25. PROVIDE STAFF DIRECTION REGARDING THE PREPARATION OF A REQUEST FOR PROPOSAL FOR PRELIMINARY DESIGN SERVICES TO DETERMINE THE FEASIBILITY AND COST TO CONSTRUCT A ROUNDABOUT AT THE INTERSECTION OF ATHERTON AVENUE AND ALAMEDA DE LAS PULGAS

Report: Public Works Director Mike Kashiwagi

Recommendation: Provide staff direction regarding the preparation of a Request for Proposal for Preliminary Design Services to determine the feasibility and cost to construct a roundabout at the intersection of Atherton Avenue and Alameda De Las Pulgas.

Public Works Director Mike Kashiwagi presented the staff report.

It was noted that this item came from the May 8th Town Transportation meeting. Currently the intersection has a four-way stop but due to increased traffic there have been greater backups at this intersection. It would be funded as part of the capital improvement program under Traffic Safety which holds \$50,000.

Councilmember Carlson wanted to clarify the problem being solved. Is this a priority in the Town. Public Works Director Kashiwagi answered that a resident brought it to the Transportation Commission's attention so they looked at it. Public Works Director Kashiwagi couldn't come up with another intersection that was more problematic in the Town.

Councilmember Carlson asked what traffic studies had been done. Public Works Director Kashiwagi answered that no studies had been done but rather the information was from residents and the Las Lomas school administration.

Vice Mayor Lewis commented that more than one resident brought this issue up as it is. It was a known problem in the neighborhood. Vice Mayor Lewis asked if we can we get contributions from Menlo Park? Public Works Director Kashiwagi answered that cities are responsible for paying for their own traffic mitigation projects.

Vice Mayor Lewis asked if the funds from Measure A were part of the \$50,000. Public Works Director Kashiwagi answered that the study would be funded by the Traffic Safety fund. If the project gets approved it would go into next year's capital improvement budget.

Councilmember McKeithen commented that this is not a new issue but it has been a problem for a long time. At one point the Council was told it could cost millions. There are different kinds of roundabouts. The span has been anywhere from \$300,000 to over \$1,000,000.

Mayor Widmer agrees that roundabouts are very helpful in keeping traffic flowing. But they require a lot of space. He feels that a roundabout may cause more of a backup on Atherton Avenue. And, they might want to consider a traffic signal. The Town will need to make room in the budget if we bring up big ticket items like

this. Mayor Widmer is not sure it's the worst intersection in Town. Mayor Widmer is not 100% in favor of it.

Bob Roeser has a problem with providing a solution before the problem has been studied. Mr. Roeser is concerned about the backup being caused to the roundabout from other intersections.

Mayor Widmer asked if the study would be about just the roundabout or would they study other options? Public Works Director Kashiwagi answered that first of all they would see if a roundabout is feasible and then the roundabout needs to be properly designed. They will provide a cost and that cost would be compared to a more conventional traffic signal. Public Works Director Kashiwagi stated that a signalized intersection could back traffic up to Woodside and Valparaiso which is quite a distance.

Councilmember Carlson is concerned about allocating scarce funds to a capital project, and asked Public Works Director Kashiwagi how he would characterize the project by importance. Public Works Director Kashiwagi believes it's time to look at the necessity for a traffic control device. He feels they are much more appropriate for the Town and create less of a look of an urban environment.

Councilmember Carlson asked if a roundabout would have been his first choice. Public Works Director Kashiwagi said yes. They know the intersection can be easily signalized but for the look and feel of the Town, Public Works Director Kashiwagi thinks it's the best option.

Mayor Widmer isn't sure this is the best use of funds. He doesn't want to expend 50% of the fund right away.

Vice Mayor Lewis asked Public Works Director Kashiwagi if there is a way to analyze all of the problem intersections. She wonders if there is an overall approach. Public Works Director Kashiwagi answered that Atherton doesn't really have a lot of traffic. The majority of the traffic is on Middlefield and El Camino Real. El Camino Real is under CalTrans jurisdiction and Middlefield has been heavily studied and at times signals have been put in. There should be appropriate spacing to help the traffic flow. Public Works Director Kashiwagi stated that in the future Middlefield might end up having another traffic signal on one of the streets that connect to El Camino Real.

Councilmember McKeithen asked if this would be taking money away from something else. Public Works Director Kashiwagi answered that at this point, no, it would not be taking away from another project.

Mayor Widmer interjected that it is day one of the budget and he is uncomfortable with spending half of the fund right off the bat.

Councilmember McKeithen noted that Atherton's primary concern is with traffic and safety. Both Public Works Director Kashiwagi and the former Director feel this is important.

Mayor Widmer doesn't see a problem with doing the study. Perhaps the timing is just bad. Mayor Widmer would like to suspend the item until we see expenditures later in the year.

Councilmember Carlson asked if the report would be beneficial to the Town's knowledge base. Public Works Director Kashiwagi answered that it could be that the report shows it would work and how much it costs but the Town decides that the money should not be spent at that time.

Vice Mayor Lewis suggested that they allow staff to move forward with the RFP and it doesn't mean the project has to be done.

MOTION Lewis, second by Carlson to authorize the provide prepare of a request for proposal for

preliminary design services to determine the feasibility and cost to construct a roundabout or other traffic mitigation measures at the intersection of Atherton avenue and Alameda de las Pulgas, not to exceed \$2500. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Excused: 1 (Dobbie)

26. PROVIDE STAFF DIRECTION REGARDING THE DEVELOPMENT OF A SPEED HUMP POLICY FOR THE TOWN OF ATHERTON

Report: Public Works Director Mike Kashiwagi

Recommendation: Provide direction to staff regarding the expenditure of staff time and resources necessary to develop a Speed Hump Policy for the Town of Atherton as directed by the Transportation Committee

Public Works Director Mike Kashiwagi presented the report to Council.

Mayor Widmer asked if it was out of the budget or would additional funds be needed. Public Works Director Mike Kashiwagi answered that it was coming out of the budget.

Mayor Widmer asked if there were other, more pressing, projects in Public Works department. Kashiwagi responded that if the project was approved it would fold into the normal workload.

Councilmember Carlson asked why the report would be on speed humps and not other types of traffic calming.

Kashiwagi answered that it was asked for by the Transportation Committee. Speed humps make the most sense in Atherton.

Mayor Widmer asked if Public Works Director Mike Kashiwagi would be open to expanding the study to include other options.

Vice Mayor Lewis agrees that the study should be expanded.

Kashiwagi answered that staff could do it but he would have to come back with a new estimate for the work. He added that he would need at least three months to get back to the Council.

Mayor Widmer asked if there was some urgency.

Kashiwagi responded that he didn't have knowledge of that. It was decided that the study could be done in the next three to six months.

MOTION by Lewis, second by Widmer to provide direction to staff regarding the expenditure of staff time and resources necessary to develop a Traffic Calming Measure (Speed Hump) Policy for the Town of Atherton as directed by the Transportation Committee. NEED MOTION LANGUAGE. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0 Excused: 1 (Dobbie)

27. ADOPTION OF RESOLUTION 12-XX CALLING THE NOVEMBER 6, 2012, GENERAL MUNICIPAL ELECTION, REQUEST CONSOLIDATION, AND CONTRACT WITH THE CHIEF ELECTIONS OFFICE FOR ELECTION SERVICES

Report: Interim City Manager Theresa DellaSanta

Recommendation: Staff recommends the adoption resolution 12-xx calling for a General Municipal Election, for the purpose of electing two (2) members of the Atherton City Council, to be held on November 6, 2012; requesting the San Mateo County Board of Supervisors to consolidate the election with any other elections to be held on November 6, 2012; contracting with the Chief Elections Official for the purpose of providing election services; and authorizing the City Manager to sign the service agreement with the County Elections Officer.

Interim City Manager Theresa DellaSanta presented the report.

MOTION by Lewis, second by Widmer to adopt Resolution 12-xx calling the November 6, 2012, General Presidential Election, request consolidation, and contract with the Chief Elections office for election services. The motion passed.

Ayes: 4 Nays: 0 Abstain: 0 Excused: 1 (Dobbie)

28. ADOPTION OF RESOLUTION 12-XX REQUIRING CANDIDATES TO BE CHARGED A DEPOSIT TO COVER THE COST OF PUBLICATION FOR STATEMENT OF QUALIFICATIONS

Report: Interim City Manager Theresa DellaSanta

Recommendation: Staff recommends adoption of a Resolution requiring candidates to pay the prorated cost of publication and distribution of the Statement of Qualifications and specifying the length of the Statement.

Interim City Manager Theresa DellaSanta presented the report.

Vice Mayor Lewis asked if Council could change the number of words. Theresa DellaSanta answered yes they could but it would cost more.

MOTION by Carlson, second by Lewis to adopt a Resolution 12-xx requiring candidates to be charged a deposit to cover the cost of publication for statement of qualifications. The motion passed.

Ayes: 4 Nays: 0 Abstain: 0 Excused: 1 (Dobbie)

CONSENT, CONTINUED

29. ADOPTION OF THE APPROPRIATIONS LIMITS FOR FY 2012-13

Report: Finance Director Debra Auker

Recommendation: Adopt resolution setting the appropriation limit for FY 2012-13 at \$10,764,282

Interim Finance Director Debra Auker presented the report.

Mayor Widmer asked who decided the inflation number. Auker answered that it was determined by the State Department of Finance.

MOTION by McKeithen, second by Carlson to adopt a Resolution setting the appropriation limit for FY 2012-13 at \$10,764,282. The motion passed.

Ayes: 4 Nays: 0 Abstain: 0 Excused: 1 (Dobbie)

30. COUNCIL REPORTS/COMMENTS

There were reports from Councilmember Carlson and Mayor Widmer.

Councilmember Carlson asked Councilmember McKeithen to report on the County Library Committee.

Councilmember McKeithen responded with the timeline of events which was also documented in Interim City Manager DellaSanta's report.

Councilmember Carlson asked if the Audit and Finance Committees could agendaize the topic. Councilmember McKeithen answered that they already are.

Councilmember Carlson also requested information on the SBWMA meeting. Interim City Manager Theresa DellaSanta reported that there will be an investigation into the Executive Director, who is being accused of awarding contracts to friends. It was asked who the inquiry would report to. Aaronson, Dickerson, Cohn and Lanzone is the law firm for SBWMA and will be receiving the investigation results. Interim City Manager Theresa DellaSanta also mentioned that SBWMA did not approve the budget pending the investigation.

Councilmember Carlson would also like a report on the Mosquito Abatement Agency. Interim City Manager Theresa DellaSanta is drafting a letter to recommend against the dissolution that she will bring to Council for approval.

31. FUTURE AGENDA ITEMS

32. PUBLIC COMMENTS

33. ADJOURN – The meeting was adjourned by Mayor Bill Widmer.

Respectfully submitted

**Theresa DellaSanta
Interim City Manager**