



MINUTES
Town of Atherton
CITY COUNCIL
October 18, 2017

7:00 P.M. - REGULAR MEETING

Council Chambers
94 Ashfield Road,
Atherton, California

Council Member Lewis teleconferenced in from the following location:

Cypress Inn
Lincoln & 7th Street
Carmel, CA 93921
831-624-3871

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

Berry Chen, Council Member of the City of Cupertino, spoke on air pollution. He also asked the Council to review the Air Quality Regulation 11, Rule 18, which would reduce health risks from toxic emissions from existing local facilities. Mr. Chen explained that the Town of Los Altos and Los Altos Hills has submitted letters of support of this regulation and they also included three more items.

Linda Sell, Co-Founding Board Member of Bay Area for Clean Environment requested a letter from the Council in support of Air Quality Regulation 11, Rule 18.

Resident John Fisher, 38 Tuscaloosa, addressed the Council regarding bicycle and pedestrian lanes. He supports the lanes and recognizes the safety issues of bicycles and pedestrians, but explained too many bike lanes depicts a surplus of funds in the Atherton budget.

Council Member Widmer received clarification on the replacement of laminate sharrows in conjunction with street repairs.

5. **REPORT OUT OF CLOSED SESSION**

None.

6. **CITY MANAGER'S REPORT**

Council Member Widmer thanked staff for the thorough pension report.

Vice Mayor Wiest thanked police staff for confirming the training date for the active shooter scenario for April 9, 2018 at Menlo School.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-13)

Council Member Widmer pulled Items 11 and 12.

8. **APPROVAL OF AUGUST 1 SPECIAL MEETING AND OCTOBER 4 SPECIAL MEETING MINUTES**

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes for August 1 special meeting and October 4 special meeting

9. **APPROVAL OF BILLS AND CLAIMS FOR SEPTEMBER IN THE AMOUNT OF \$1,629,741**

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$1,629,741

10. **APPROVAL OF THE ATHERTON ARTS FOUNDATION BUDGET REQUEST - FY 2017-2018**

Report: Finance Director Robert Barron III

Recommendation: Approve the FY 2017-2018 Budget Request from the Atherton Arts Foundation in the amount of \$11,120

11. **ADOPTION OF RESOLUTION SUPPORTING LEGISLATIVE REFORMS TO IMPROVE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW**

Report: Police Chief Steven McCulley

Recommendation: Adopt the attached resolution in support of promoting legislative reforms to improve the unintended negative impacts of existing criminal law

12. **ADOPTION OF RESOLUTION SUPPORTING AB 1408 - A STATE MEASURE TO REQUIRE REVOCATION OF PROBATION AFTER A THIRD VIOLATION**

Report: Police Chief Steven McCulley

Recommendation: Adopt the attached resolution in support of amended AB 1408 in response to the shooting of two Whittier Officers. AB 1408 would require revocation of probation if the offender has violated probation terms for a third time

13. **APPOINTMENT TO THE RAIL COMMITTEE**

Report: City Clerk Theresa DellaSanta

Recommendation: Appoint John S. Maulbetsch to the Rail Committee

MOTION by Wiest, second by DeGolia to approve the consent calendar consisting of items 8 – 10 and 13. The motion passed unanimously.

PULLED ITEMS

11. ADOPTION OF RESOLUTION SUPPORTING LEGISLATIVE REFORMS TO IMPROVE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW

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Recommendation: Adopt the attached resolution in support of amended AB 1408 in response to the shooting of two Whittier Officers. AB 1408 would require revocation of probation if the offender has violated probation terms for a third time

Council Member Widmer stated he did not support items 11 and 12 because there is an elimination of due process. Widmer explained the proposed language violates the Eighth Amendment. He also gave a brief recap of the incident in Whittier, CA which prompted these changes.

Mayor Lempres explained that the proposed resolutions did not intact any changes, but does support the language modifications. He questions whether or not these items were appropriate for Council without any background information. Lempres suggested that these be returned to Council when more information is gathered.

Council Member DeGolia and Vice Mayor Wiest echoed the Mayor's comment regarding a lack of background information.

Council Member Lewis commented that the League of Cities approved these changes and was initially supportive, but after the Council's comments, believes that postponing the items is the best course of action.

REGULAR AGENDA – (Items 14-15)

14. AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSAL FOR LOCAL TRAFFIC FLOW/LONG RANGE PLANNING SOLUTIONS/ NTMP

Report: Mike Kashiwagi

Recommendation: Authorize staff to issue a Request for Proposal (RFP) to retain a traffic engineering consultant to prepare a study for traffic flow/long range planning solutions/NTMP

Council Member Widmer commented that the proposed changes were satisfactory and explained the lights can be programmed. He expressed support for the RFP but emphasized this was step one of many.

Vice Mayor Wiest expressed the need for benchmarks as discussed. He advised the Council of recent discussions by the Fire District concerning their ability to collect impact fees from development. Wiest suggested that staff follow the example of other communities and connect with phone map and routing applications, like Waze, and investigate opportunities for the Town to mitigate traffic impacts by redirecting traffic to more appropriate routes.

Council Member Lewis was in agreement with Council and supported the study. She stressed the importance of identifying cut through traffic and commuter impact.

Mayor Lempres supports the study but wants to be clear on where traffic is diverted. He also commented that the influx in traffic is not linked to an increasing population in Atherton.

MOTION by Widmer, second by Lewis to authorize staff to issue a Request for Proposal (RFP) to retain a traffic engineering consultant to prepare a study for traffic flow/long range planning solutions/NTMP. The motion passed unanimously.

15. CIVIC CENTER UPDATE: RECEIVE AND FILE THE COST MODEL MANAGER AND PROJECT SCHEDULE; AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE AN AGREEMENT AMENDMENT WITH WRNS STUDIOS FOR: LEED CERTIFICATION FOR THE CITY HALL/POLICE BUILDING, SEWER MAIN RELOCATION, PARCEL MAP AND PROPERTY LINE MERGERS, WATER LINE RELOCATION, AND UTILITY NEGOTIATIONS; AND RECEIVE PLANNING COMMISSION ACTIONS UPDATE

Report: Mike Kashiwagi

Recommendation: 1) Receive and file the Cost Model Manager (CMM) and Project Schedule.

Council Member Widmer commented that the schedule is later than initially proposed; originally January/February 2018 and now March 2018.

City Engineer Marty Hanneman explained the delay was due to Council approval of “added deduct alternates”.

2) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio to provide Leadership in Energy and Environmental Design (LEED) certification and the necessary designs and documentation for the City Hall/Police Building for a not to exceed fee of \$74,000.

Council Member Widmer stated the need to design a building that Atherton can afford and the LEED certification is not a necessity at this time.

Mayor Lempres, Vice Mayor Wiest, Council Member Lewis, and Council Member DeGolia echoed Council Member Widmer’s comments. DeGolia added that he felt a case hand not been made for LEED certification of the City Hall/PD facility.

3) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via subconsultant to provide West Bay Sanitary sewer main relocation design for a not to exceed fee of \$22,000, and

4) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via subconsultant to provide Cal Water main relocation design for a not to exceed fee of \$13,120, and

5) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via subconsultant to provide a survey for a tentative parcel map and lot line merger for a not to exceed fee of \$32,780, and

- 6) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via subconsultant to provide utility negotiations for proposed easements for a not to exceed fee of \$38,300.

Council Member Widmer questioned why West Bay Sanitary District was not performing the relocation design.

City Engineer Marty Hanneman explained that this amendment is needed to be in compliance with the time constraints and the agreement with West Bay Sanitary District and CalWater will be brought to Council at the next regular meeting. He also commented that with WRNS doing the sewer design it assures that it will function with the building design.

Vice Mayor Wiest stressed that Town staff understand the need to be fiscally prudent where it is appropriate.

MOTION by Lewis, second by Wiest to authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via subconsultant to provide West Bay Sanitary sewer main relocation design for a not to exceed fee of \$22,000. The motion passed unanimously.

- 7) Receive update on Planning Commission proposed actions.

No action taken.

16. **COUNCIL REPORTS/COMMENTS**

17. **FUTURE AGENDA ITEMS**

18. **PUBLIC COMMENTS**

19. **ADJOURN**

Mayor Lempres adjourned the meeting at 8:04 p.m.



Respectfully submitted,
Judi Herren
Deputy City Clerk