



Minutes
Town of Atherton
CITY COUNCIL
October 17, 2018
REGULAR MEETING
7:00 P.M.
City Council

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

7:00 REGULAR SESSION

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL Wiest, Widmer, Lewis, DeGolia, Lempres

3. PRESENTATIONS

- **Proclamation to ADAPT** – Chief McCulley

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Chief McCulley read the proclamation for the record. He thanked the members of ADAPT for their hard work and efforts in helping to prepare the Town for a major disaster event.

- **Proclamation to Former Sergeant Sherman Hall** – Chief McCulley

Chief McCulley read the proclamation for the record. He thanked Sgt. Hall for his many years of dedicated service in Atherton.

- **Oath of Office** – Sergeant David Gomez
- **Introduction of the K9 Unit** – Chief McCulley

Chief McCulley gave the Oath of Office to Sergeant Gomez and to the K9 Unit. Sgt. Gomez was pinned by his wife.

- **Presentation by CalWater** – District Manager Dawn Smithson

Moved to a future agenda.

4. PUBLIC COMMENTS

The Goodman's, 99 Reservoir Lane, discussed construction of a new home that abuts their property. They have no ill will toward their neighbors. They indicated that there is an elevation issue that leaves them with a view of 3-4 stories of the new property. They encourages staff to look more into the elevation issues.

5. **REPORT OUT OF CLOSED SESSION - Report out by City Attorney**
6. **CITY MANAGER'S REPORT** – Nothing further from Council.
7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-16)

City Manager Rodericks said that staff needs to remove item 12 entirely from the agenda and bring it back at a future meeting.

Council Member Lempres had a question on item 10. He asked if there is any additional update on Tetra Tech as it relates to Hunters Point. Staff had no update.

Council Member Lewis asked if there will be additional language regarding storwater on El Camino Real and whether it would come back to Council.

Rodericks said that language will be added for them to look at collection of water from Redwood City upward to Atherton and going East.

MOTION by Lewis, second by Lempres to approve the consent calendar except item 12 which is removed entirely. The motion passed 4-0-1 – Widmer had to recuse because of items 10 and 11 due to his occupation as a professor at Menlo College.

8. **APPROVAL OF MINUTES**
Report: City Clerk Theresa DellaSanta
Recommendation: Approve minutes for: September 5 and September 19
9. **APPROVAL OF BILLS AND CLAIMS FOR SEPTEMBER 2018 IN THE AMOUNT OF \$ 1,430,673**
Report: Finance Director Robert Barron III
Recommendation: Approve Bills and Claims for September in the total amount of \$1,430,673
10. **AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE AN AGREEMENT AMENDMENT WITH TETRA TECH INC. TO PREPARE A PRELIMINARY ENGINEERING CONCEPT DESIGN REPORT FOR A PROPOSED STORMWATER CAPTURE FACILITY PROJECT AT CARTAN FIELD MENLO COLLEGE**
Report:
Recommendation: Authorize the City Attorney to prepare and the City Manager to execute an agreement amendment with Tetra Tech Inc. to prepare a Preliminary Engineering Concept Design report (20% design) for a proposed stormwater capture facility project at Cartan Field Menlo College
Description: *This item involves approval of the attached Scope of Work to develop a 20% Concept Design to explore potential alternatives for a water capture facility at Cartan Field*
11. **SELECT MIG AS THE ENVIRONMENTAL CONSULTANT FOR ENVIRONMENTAL DOCUMENTATION FOR A PROPOSED STORMWATER CAPTURE FACILITY**

PROJECT AT CARTAN FIELD AND AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT

Report: Town Planner Lisa Costa Sanders

Recommendation: Select MIG as the Environmental Consultant to prepare an environmental document for the proposed Stormwater Capture Facility Project at Cartan Field and authorize the City Attorney to prepare and the City Manager to sign a Professional Services Agreement

Description: *This item involves which consultant to select to prepare the environmental document. Ultimately, staff is recommending that the Council authorize the preparation and execution of an agreement with MIG to prepare an Initial Study and Mitigated Negative Declaration for a Stormwater Capture Facility at Cartan Field.*

~~12. **SELECTION OF A “PREFERRED ALTERNATIVE” AND TWO ITERATIONS OF THE ALTERNATIVE FOR ENVIRONMENTAL EVALUATION FOR A PROPOSED STORMWATER CAPTURE FACILITY PROJECT AT CARTAN FIELD**~~

~~**Report:** Town Planner Lisa Costa Sanders~~

~~**Recommendation:** Approve the staff recommendation to select Cartan Field Stormwater Capture Alternative 3 as the “Preferred Alternative” for further environmental evaluation and reporting and authorize staff to develop two additional iterations of Alternative 3 for analysis in the project environmental document~~

~~**Description:** *This item will involve a discussion by the Council on which alternative to select as the “Preferred Alternative” for further environmental evaluation. Ultimately, staff is recommending that the Council select Alternative 3 as the “Preferred Alternative” to be evaluated in an Initial Study and Mitigated Negative Declaration for a Stormwater Capture Facility at Cartan Field.*~~

13. **ADOPTION OF UPDATED ORDINANCE NO. 12.24, AN ORDINANCE OF THE TOWN OF ATHERTON RELATED TO HOLBROOK PALMER (HP) PARK**

Report: Police Chief Steve McCulley

Recommendation: Adoption of updated Ordinance No. 12.24, an Ordinance of the Town of Atherton related to Holbrook Palmer Park

Description: *This item involves revisions to Chapter 12.24 of the Atherton Municipal Code related to the rules and regulations for Holbrook Palmer Park. The proposed revisions deal with adding regulations for the use of drones, the control and leashing of dogs, the consumption or possession of alcohol, and the use of amplified sound. The Town’s leash law and regulations for drones already exist so the adds to the Ordinance are merely an update to current laws already on the books. Alcohol is allowed in the Park only under a Town permit or rental agreement. This is clarified in the update. Amplified sound is also allowed only under a Town permit or rental agreement. This too is clarified. The Council may discuss activities in the Park that they experience and how the Town staff manages or regulates these activities*

14. **AUTHORIZATION TO RELEASE REQUEST FOR PROPOSALS FOR GREEN INFRASTRUCTURE PLAN PREPARATION**

Report: Public Works Director Robert Ovadia

Recommendation: Authorize Staff to release a Request for Proposals (RFP) to qualified consulting firms for the preparation of a Green Infrastructure Plan

Description: *This item involves the release of a Request for Proposals for the preparation of a Green Infrastructure Plan in compliance with the Municipal Regional Stormwater Permit issued Lby the California Regional Water Quality Control Board – San Francisco Bay Region*

15. AWARD A CONTRACT FOR THE RESURFACING OF THREE TENNIS COURTS AND A CONTRACT FOR MAINTENANCE OF THE CLAY COURT AT HOLBROOK PALMER PARK; DIRECT THE CITY ATTORNEY TO PREPARE THE CONTRACT AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE TOWN

Report: Public Works Director Robert Ovardia

Recommendation:

- 1) **Award a contract for resurfacing of three tennis courts at Holbrook Palmer Park to the lowest responsive bidder, Saviano Company Inc. of San Jose for \$25,000 and authorize change orders up to \$2,500; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town.**
- 2) **Award the contract for maintenance of the clay tennis court at Holbrook Palmer Park to Saviano Company Inc. to maintain the clay court once every year for 3 years, at a cost of \$2,500 each year.**

Description: *This item involves the award of a contract to resurface three (3) tennis courts at Holbrook Palmer Park, in the amount of \$25,000, and award of a three (3) year maintenance contract for the clay tennis court at Holbrook Palmer Park, in the amount of \$2,500 per service, to Saviano Company, Inc. of San Jose*

16. AUTHORIZE THE ADVERTISEMENT AND SOLICITATION OF BIDS FOR JANITORIAL MAINTENANCE SERVICES

Report: Public Works Director Robert Ovardia

Recommendation: Authorize staff to advertise and solicit bids for the Town's Janitorial Maintenance Services Contract

Description: *This item involves the release of a Request for Bids for Janitorial Maintenance Services associated with various Town facilities*

PUBLIC HEARING – None.

REGULAR AGENDA – (Items 17-19)

17. REVIEW AND APPROVE AN E-CITATION SOLUTION FOR THE POLICE DEPARTMENT BY EXECUTING A CONTRACT WITH TYLER TECHNOLOGIES FOR THE PROVISION OF SOFTWARE, EQUIPMENT, TRAINING AND SERVICES

Report: Police Chief Steve McCulley

Recommendation: Authorize the City Manager to execute a contract with Tyler Technologies, the publisher of Brazos e-Citation software, to provide the Atherton Police Department with the software, equipment, training and service necessary to implement and operate their e-Citation solution

Description: This item will involve the discussion by the Council on the proposed contract with Tyler Technologies for the implementation of E-Citation technology for use by patrol and traffic officers when issuing traffic and other citations. Ultimately, staff is recommending that the Council authorized the execution of the contract with Tyler Technologies

Police Chief McCulley summarized his staff report.

Lempres asked if there were any downsides to this technology. McCulley said there were none that he was aware of. If the devices break down, officers will just revert back to paper citations.

Mayor Wiest asked what the life span of the technology is. McCulley predicted it would be a few years similar to other technologies. Wiest asked if it is wireless. McCulley said yes.

There was discussion about maintenance and annual costs.

Council Member Lempres asked if it follows the Town's records retention policies. Conners said yes.

Vice Mayor Widmer was not ready to approve this because he felt that starting off with three devices and expanding it doesn't provide the true cost of the program. He's not in favor of the "creeping" procurement. He would like to see the whole cost and prioritize it.

Chief McCulley said the Department would prefer six, but felt that three is good to beta test and then, if efficient, move forward with purchase of up to three more.

Mayor Wiest was in favor because he felt the industry was changing and it makes the department more productive.

Council Member DeGolia felt that staff should return to Council when they are ready to purchase more devices and provide a status report on how they are working.

MOTION by Lempres, second by Lewis to authorize the City Manager to execute a contract with Tyler Technologies, the publisher of Brazos e-Citation software, to provide the Atherton Police Department with the software, equipment, training and service necessary to implement and operate their e-Citation solution. The motion passed 4-1, Widmer opposed.

Item 19 was taken up next since Council Member Lempres had to recuse himself for 18.

**19. ORDINANCE OF THE COUNCIL OF THE TOWN OF ATHERTON
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN OF
ATHERTON AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Report: City Manager George Rodericks

Recommendation: Approval an Ordinance of the City Council of the Town of Atherton authorizing an Amendment to the contract between the Town and the Board of Administration of the California Public Employees' Retirement System

Description: *For this item, the Council will discuss authorizing an amendment to the contract with California Public Employees Retirement System to add additional pension cost share provisions for Atherton Police Officers' Association members. The provisions under this Ordinance are already in force through the collective bargaining process and the resultant negotiated Memorandum of Understanding between the Town and the Atherton Police Officers Association.*

MOTION by Widmer, second by DeGolia to an Ordinance of the City Council of the Town of Atherton authorizing an Amendment to the contract between the Town and the Board of Administration of the California Public Employees' Retirement System. The motion passed unanimously.

- 18. AWARD A CONTRACT TO CENTRAL VALLEY ENVIRONMENTAL TO PROVIDE DEMOLITION AND ABATEMENT SERVICES FOR THE LIBRARY BUILDING; AUTHORIZE THE CITY ATTORNEY TO PREPARE AND CITY MANAGER TO EXECUTE A CONTRACT WITH CENTRAL VALLEY ENVIRONMENTAL TO PROVIDE DEMOLITION AND ABATEMENT SERVICES FOR THE LIBRARY BUILDING; APPROVE A TASK ORDER AMENDMENT WITH INTERWEST CONSULTING GROUP FOR CONTINUED CIVIC CENTER PROJECT MANAGEMENT SERVICES AND AUTHORIZE THE CITY MANAGER TO EXECUTE A TASK ORDER AMENDMENT WITH INTERWEST CONSULTING GROUP FOR CONTINUED CIVIC CENTER PROJECT MANAGEMENT SERVICES**

Report: Public Works Director Robert Ovadia

Recommendation:

1. Award a contract for demolition and abatement services for the Library building, Project Number 56087 to the lowest responsive bidder, Central Valley Environmental (CVE) of Fresno, CA for \$276,856 and authorize change orders up to \$50,000 for a total project cost not to exceed \$326,786; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town.

2. Approve Task Order Amendment No. 2 with Interwest Consulting Group (ICG) for continued Civic Center project management services for \$76,800 and authorize the City Manager to execute this Task Order Amendment No. 2.

Description: *This item will involve a discussion of the award of construction to demolition the existing library. Additionally, staff is asking the Council to provide authorization to execute a task order with Interwest Consulting to continue to provide Project Management services for the civic center through the new bid award expected in March 2019.*

Council Member Lempres recused himself due to the proximity of his home in relation to this project. Lempres left the meeting since this was the last item.

Norma Fogelberg, Atherton resident asked why the library is being demolished before bids for the building are received.

The Council discussed issues related to the engineering estimate for the project, construction/demolition bids, market timing, tiles on the old building, and next steps.

MOTION by Lewis, second by Widmer to award a contract for demolition and abatement services for the Library building, Project Number 56087 to the lowest responsive bidder, Central Valley Environmental (CVE) of Fresno, CA for \$276,856 and authorize change orders up to \$50,000 for a total project cost not to exceed \$326,786; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town; and to approve Task Order Amendment No. 2 with Interwest Consulting Group (ICG) for continued Civic Center project management services for \$76,800 and authorize the City Manager to execute this Task Order Amendment No. 2. The Motion passed 4-0 (Lempres absent).

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

21. **FUTURE AGENDA ITEMS** - None.

22. **PUBLIC COMMENTS** – None.

23. **ADJOURN**

Mayor Wiest adjourned the meeting at 8:06 p.m.

Respectfully submitted,

Theresa N. DellaSanta, City Clerk