



AGENDA
Town of Atherton
CITY COUNCIL
February 21, 2018
CLOSED SESSION
6:30 P.M.
91 Ashfield Road
REGULAR MEETING
7:00 P.M.
City Council
94 Ashfield Road

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

6:30 PM CLOSED SESSION IN CONFERENCE ROOM

ROLL CALL Wiest, Widmer, Lewis, DeGolia, Lempres

PUBLIC COMMENTS

Public Announcement of Closed Session Items

CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.5

Agency Negotiators: George Rodericks, City Manager
Employee Organization: Unrepresented Employees, Police Chief

7:00 REGULAR SESSION

1. PLEDGE OF ALLEGIANCE

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

3. PRESENTATIONS

None.

4. PUBLIC COMMENTS – None.

5. REPORT OUT OF CLOSED SESSION - Report out by City Attorney

Connors reported that the City Manager received direction from the Council. No further reportable action.

6. **CITY MANAGER'S REPORT** – Nothing further to add to written report.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-16)

Council Member DeGolia pulled item 13. Lewis noted she wanted to pull 13 as well.

MOTION by Widmer, second by DeGolia to approve consent items 8 through 16 except item 13 which was pulled from consent. The motion passed unanimously.

8. **APPROVAL OF DECEMBER 6 SPECIAL MEETING, DECEMBER 21 REGULAR MEETING AND JANUARY 10 SPECIAL MEETING MINUTES**

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes for December 6 and 21, and January 10 meeting minutes

9. **APPROVAL OF BILLS AND CLAIMS FOR JANUARY, 2018 IN THE AMOUNT OF \$1,033,774**

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$1,033,774

10. **TREASURERS REPORT FOR THE SECOND QUARTER ENDED DECEMBER 31, 2017**

Report: Finance Director Robert Barron III

Recommendation: Accept the Treasurer's Report for the Second Quarter Ended December 31, 2017

11. **540, 560 AND 596 FLETCHER DRIVE – ZONING ORDINANCE AMENDMENT ADOPTION TO CORRECT CLERICAL ERROR**

Report: Lisa Costa Sanders

Recommendation: Waive further reading of the Zoning Ordinance Amendment introduced on January 17, 2018 and adopt the attached Zoning Ordinance Amendment correcting the Zoning Map clerical error related to properties located at 540, 560 and 596 Fletcher Drive

12. **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING SECTION 13.10.070 OF THE ATHERTON MUNICIPAL CODE FOR PUBLIC, EDUCATIONAL AND ACCESS SUPPORT FEES FROM VIDEO SERVICE PROVIDERS**

Report: City Manager George Rodericks

Recommendation: Second Reading and adoption of ordinance amending Section 13.10.070(b)(1)(B) of the Atherton Municipal Code to reauthorize fee to be paid by video service providers for Public, Educational and Government (PEG) access support

14. **APPROVE REMOVAL OF PORTIONS OF WORK FROM THE SERIES CIRCUIT STREET LIGHT REPLACEMENT PROGRAM PROJECT NUMBER 56058**

Report: Public Works Director Robert Ovadia

Recommendation: Approve the removal of work on Burns Avenue from the Series Circuit Street Light Replacement Program

15. AWARD OF CONTRACT FOR THE 2018 SPRING PATCHING PROJECT, PROJECT NUMBER 56083

Report: Public Works Director Robert Ovadia

Recommendation: Award the construction contract for 2018 Spring Patching Project, project number 56083 to the lowest responsive bidder, G. Bortolotto & Company of San Carlos for \$134,200 and authorize change orders up to \$15,000; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town

16. AWARD OF CONTRACT FOR THE 2018 SLURRY SEAL PROJECT, PROJECT NUMBER 56084

Report: Public Works Director Robert Ovadia

Recommendation: Award the construction contract for 2018 Slurry Seal Project, Project Number 56084 to the lowest responsive bidder, American Asphalt of Hayward for \$156,510 and authorize change orders up to \$15,000; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town.

Item 13 was taken up next.

PULLED FROM CONSENT

13. ADOPT A RESOLUTION IN COLLABORATION WITH THE CITIES OF: REDWOOD CITY, MENLO PARK, PALO ALTO AND MOUNTAIN VIEW REGARDING THE MANAGERS MOBILITY PARTNERSHIP INITIATIVE, AND APPROVE PENINSULA BIKEWAY ROUTE AND BIKEWAY SIGN INSTALLATIONS

Report: Public Works Director Robert Ovadia

Recommendation:

1. Adopt the attached Resolution No. 18-XX regarding the Managers Mobility Partnership Initiative, endorsing a collaborative effort with the cities of Redwood City, Menlo Park, Palo Alto and Mountain View to create a north-south bicycle route and enhance bicycle network between Atherton and these mid-Peninsula communities, and
2. Approve the proposed Peninsula Bikeway route, approve location of proposed signs consistent with signs installed in neighboring jurisdictions, and direct staff to have the bicycle signs installed by City crews.

Council Member DeGolia noted that this would add to the already installed Atherton bike signs in Town. DeGolia preferred the Peninsula Bikeway sign topper with the image of the bike added to current bikeway signs in Atherton. DeGolia suggested minimizing the number of new poles that go up in Atherton for this project.

Council Member Lewis agreed. She noted that to the extent that the topper can be placed on existing bike route signs to do so.

Vice Mayor Widmer suggested removing way finding signage (on the pavement) in areas that the toppers are installed. Staff will look into this.

Council Member Lempres recapped Transportation Committee comments and the support of the committee.

Mayor Wiest commented that the signs do not represent a “Tour De Peninsula.”

MOTION by Lewis, second by Lempres to approve item 13 as presented and recommended. The motion passed unanimously.

PUBLIC HEARING – None

REGULAR AGENDA – (Items 17-22)

Mayor Wiest took a poll on who, in the audience, was present for Items 17 and 18. Item 18 was taken up first.

18. CALTRAIN ELECTRIFICATION PROJECT - DISCUSS AND PROVIDE DIRECTION REGARDING CALTRAIN RESPONSE LETTER DATED FEBRUARY 6, 2018

Report: Mike Kashiwagi, Interwest Consultant

Recommendation: Discuss and provide direction regarding the Caltrain Response Letter dated February 6, 2018 related to the Overhead Catenary System (OCS) pole preference and project cost impacts

Vice Mayor Widmer questioned timing of the issue. Kashiwagi noted that staff was first made aware of the issue in November. There was further discussion on timing of meetings with Caltrain. Kashiwagi noted that the center poles discussion came up in June/July of 2017, but that that conversation was in the context of minimizing impacts to trees.

Public Comment was opened.

Sharon Hume, Lloyd Park Homeowners’ Association President, requested that the Council spend the \$200,000 to redesign the poles.

Nerissa Dexter, felt that mistakes were made and balls were dropped. The Town should pay.

Elizabeth Lewis, thanked the Council for the leadership. She noted that the Town voted to spend money to preserve trees impacted by the civic center project; the Council should do the same in this situation.

Frank Burke, noted that this is not just a Lloyd Park issue. It will be an eyesore for all.

Council Member Lewis felt that Caltrain should have come to the Town with the issue in a timely and cooperative manner. She felt that this was not good faith and that it appeared to be retribution from the electrification lawsuit filed by the Town. She concluded that the redesign costs should be shared between the two agencies.

Council Member Lempres was sympathetic to the Lloyd Park residents. He felt that the Town could not waive their rights to sue (a condition of Caltrain); asking the Town to do so is bordering on bad faith.

Vice Mayor Widmer did not feel that the discussion from Caltrain about the redesign was appropriate or clear. When Caltrain realized only one tree had to be removed they should have come back to Atherton for input. He felt the agencies should share in the redesign costs. The rest of the conditions from Caltrain are overly broad and inappropriate.

Council Member Lempres suggested focusing on a “path forward” and how the Town could engage Caltrain to lead to a resolution.

There was a discussion of a possible subcommittee of two Council Members to engage Caltrain in conversation and reach a consensus.

Council Member DeGolia felt that there have been a lot of discussions and some insulting letters from Caltrain. He suggested that they may be upset that the Town filed a lawsuit on the electrification issue. He noted that while the Town was focused on mitigating trees during the center pole discussion, Caltrain should have come back to the Town when they realized there were changes to the design.

Mayor Wiest felt that the Town needed to do its best to come to a reasonable resolution.

Following discussion, Mayor Wiest appointed two members of the Council (Wiest/DeGolia) to work with staff and Caltrain toward a solution and return any agreed upon solution to the Council for ratification.

17. FIRE SERVICES FISCAL REVIEW – PROVIDE REVIEW, FEEDBACK AND DIRECTION ON NEXT STEPS

Report: City Manager George Rodericks

Recommendation: Review the Fire Services Fiscal Review (“Study”), take public comment and provide feedback to staff and direction on next steps

City Manager Rodericks summarized his report.

Public Comment Opened.

Malcolm Dudley, felt that the fiscal review is necessary but that the top priority should be protection of lives and property. He felt that the fire study had some good information but that it is also seriously flawed.

Jim Massey, felt that it is the responsibility of the Council as fiduciaries of the taxpayers for this Town to look into this issue. He thanked Council for doing so. Massey supported a contract model.

Bob Polito, felt that the money the District spends is staggering. He noted that they budget \$1.7M in overtime alone and have a dozen employees making over \$300,000 per year. He supported exploring other options.

Alan Epstein, explained that this has come about because there have been no property tax allocation changes from the state since Proposition 13.

Council Member Lewis said she does not support Atherton forming its own fire department. She said the District provides excellent levels of services to the Town and she does not prefer Atherton leave the

District. She felt that Atherton's contribution to the District has grown over the years and the California Legislature needs to change percentage formulas of property tax dollars for better alignment. She suggested discussions with state representatives on how to reset the percentages so the District doesn't have such excess.

Vice Mayor Widmer felt that the district provides the best services out there. 1st rate. He noted that he was appalled at some of the scare-mongering and rhetoric by certain individuals. He felt that there needs to be some work together to make sure that taxpayers' dollars are being spent appropriately.

Council Member DeGolia said that he has heard from some residents that they feared lesser service if they expressed a desire to leave the District. He said that is not the case. The District is extremely professional and would not alter their service. He agreed that comments in the press from Board members are unprofessional. He concluded that at no time has the Town expressed desire to actually leave the Fire District.

Council Member Lempres said that the Council has a fiduciary duty to look into this. He noted that the Town has no intention of doing anything that would put the safety of its residents at risk. This is simply to learn options and have an open discussion about next steps.

Mayor Wiest noted that the Town's service and growth have been consistent over the last twenty years. He noted that the Town requested through the District a small medical unit be designed into the new civic center. Consolidation of costs is cheaper. That is not what is happening here. We are not interested in our own fire department but we need to give taxpayers the best benefit for their dollar.

Following discussion, staff had support from three members of the Council (Wiest, Widmer, Lempres) to direct staff to work with the consultant to move forward with Task No. 4 and provide the Council with a range of options to understand and consider.

19. REVIEW, PROVIDE COMMENT AND APPROVE A 2018 EARTH DAY EVENT WORK PLAN AND BUDGET AS RECOMMENDED BY THE ENVIRONMENTAL PROGRAMS COMMITTEE (EPC)

Report: City Manager George Rodericks

Recommendation: It is recommended that the City Council review, provide comment and approve a final 2018 Earth Day event and budget as recommended by the Environmental Programs Committee (EPC)

City Manager Rodericks summarized the report.

The Council discussed the proposed Earth Day activities. The Council expressed support for the selected movie and the event. The Council also expressed a desire for a clear mechanism to allow the Council to direct committee or commission review of a particular issue without broad language within a committee charter. Staff will return with some options for consideration by the Council.

20. PROVIDE FEEDBACK ON THE MIDDLEFIELD ROAD CLASS II BICYCLE LANES IMPROVEMENTS PROJECT SIXTY-FIVE PERCENT PLANS

Report: Public Works Director Robert Ovadia

Recommendation: Review and provide feedback on the 65% plans (Attachment 1) for the Middlefield Road Class II Bicycle Lanes Improvements Project

Marty Hanneman summarized the report. The Council provided feedback on intersection striping, crosswalk at Middlefield and Fair Oaks, and signage. The Council will be provided with a 65% plan set and will have an opportunity to review the final plans before bid in March.

This item was pushed to the March 18 City Council meeting.

21. REVIEW, DISCUSS, AND, IF APPROPRIATE, AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSAL FOR CONSULTANT FIRMS TO ASSIST WITH THE UPDATES TO THE TOWN'S BUSINESS LICENSE ORDINANCE TAX MEASURE AND OTHER POTENTIAL REVENUE ALTERNATIVES

Report: Finance Director Robert Barron III

Recommendation: Review, discuss and authorize issuance of attached Request for Proposal (RFP) for consultant firms to assist with updates to the Town's business license ordinance tax measure and other revenue alternatives

Following a staff report and public comment, the Council discussed the need for the Request for Proposal, the timing of a business license tax modification, the need for a transient occupancy tax on short-term rentals given that short-term rentals are not permitted, and the possibility of a situs sales tax. Following discussion, the Council directed staff to engage an existing consultant to assist with defining the possibilities of a situs sales tax; table the business license tax at this time, and eliminate any consideration of a transient occupancy tax.

22. CIVIC CENTER UPDATE: RECEIVE AND FILE THE COST MODEL MANAGER, PROJECT SCHEDULE; AUTHORIZE THE CITY ATTORNEY TO REVIEW AND THE CITY MANAGER TO EXECUTE A COST SHARING AGREEMENT WITH WEST BAY SANITARY DISTRICT; AND AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE: AN AGREEMENT FOR TEMPORARY LIBRARY SITE IMPROVEMENTS WITH REDGWICK CONSTRUCTION, A LEASE AGREEMENT WITH MOBILE MODULAR MANAGEMENT CORPORATION, AN AGREEMENT WITH SILVERADO VALLEY ELECTRIC, AN AGREEMENT WITH PIEDMONT MOVING SYSTEMS, AND AN AGREEMENT WITH AN AUCTION HOUSE FOR SURPLUS PROPERTY

Report: Public Works Director Robert Ovadia

Recommendation:

- 1) Receive and file the Cost Model Manager (CMM) and Project Schedule; and
- 2) Authorize the City Attorney to review and the City Manager to execute a cost sharing Agreement with West Bay Sanitary District; and
- 3) Authorize the City Attorney to prepare and the City Manager to execute a construction contract for the Temporary Library Site Improvements with Redgwick Construction in the amount not to exceed \$93,200 and authorize a 20% contingency in the amount of \$18,000 for any unforeseen conditions; and
- 4) Authorize the City Attorney to prepare and the City Manager to execute a Lease Agreement with Mobile Modular Management Corporation in the amount not to exceed \$295,797.36 and authorize a 20% contingency in the amount of \$60,000 for the City Manager to execute any needed changes to the lease or required unforeseen work or equipment; and

MOTION by Widmer, second by Lewis to approve recommendation #4. The motion passed unanimously.

- 5) Authorize the City Attorney to prepare and the City Manager to execute an Agreement with Silverado Valley Electric in the amount not to exceed \$19,826.50 and authorize a 20% contingency in the amount of \$4,000 for any unforeseen conditions; and

MOTION by Lempres, second by Lewis to approve recommendation #5. The motion passed unanimously.

- 6) Authorize the City Attorney to prepare and the City Manager to execute an Agreement with Piedmont Moving Systems in the amount not to exceed \$55,539.59 and authorize a 20% contingency in the amount of \$10,000 for any unforeseen issues for on call moving services; and

MOTION by Lempres, second by DeGolia to approve recommendation #6. The motion passed unanimously.

- 7) Authorize the City Attorney to prepare and the City Manager to execute an Agreement with an Auction House selected through informal bids to dispose of Town owned surplus property no longer deemed necessary.

MOTION by DeGolia, second by Lewis to approve recommendation #7. The motion passed unanimously.

23. COUNCIL REPORTS/COMMENTS

24. FUTURE AGENDA ITEMS

25. PUBLIC COMMENTS

Greg Conlon, in light of the recent Parkland school shooting he felt that one police officer for 8,000 students is not enough.

26. ADJOURN

Mayor Wiest adjourned the meeting at 10:27 p.m.

Respectfully submitted,

Theresa N. DellaSanta
City Clerk