



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**April 17, 2019**  
**CLOSED SESSION**

**6:00 P.M.**

**Administrative Conference Room**  
**91 Ashfield Rd**  
**REGULAR MEETING**  
**7:00 P.M.**  
**City Council Chambers**  
**94 Ashfield Road**

**6:00 CLOSED SESSION**

**CLOSED SESSION IN CONFERENCE ROOM**

**ROLL CALL**           Widmer, DeGolia, Lewis, Wiest, Lempres

**PUBLIC COMMENTS** – None.

**CLOSED SESSION**

- A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Pursuant to Government Code Section 54957(b)

City Manager

- B. **CONFERENCE WITH LABOR NEGOTIATOR** – Labor negotiations pursuant to Government Code Section 54957.6

Agency Negotiator: George Rodericks, City Manager

Employee Organization: Unrepresented Employees, Atherton Police Officers' Association

**ADJOURN FROM CLOSED SESSION AND CONVENE IN OPEN SESSION IN THE COUNCIL CHAMBERS**

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

**7:00 REGULAR SESSION** – *Convene as the City Council*

1. **PLEDGE OF ALLEGIANCE**

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

### 3. PRESENTATIONS

- **Proclamation – Police Week**

Chief McCulley read the proclamation for the record. He recognized the police departments throughout the nation for their dedication to protecting the community and serving others.

- **Oath of Office Sergeant Jason Bollendorf**

Chief McCulley administered the Oath of Office for the record. He stated Sergeant Bollendorf's achievements and career highlights that have been beneficial to the Atherton community.

- **Proclamation**

- **Menlo College Women's Wrestling Team**

Presented by Mayor Widmer for the record. He congratulated the coaches for their commitment to supporting the team in their recent win.

- **Menlo School Girls' Basketball Team**

Presented by Mayor Widmer for the record. He congratulated the team for the hard work and recent win.

### 4. PUBLIC COMMENTS - None

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

City Attorney reported out that the City Council provided direction to the City Manager concerning labor negotiations and approved seeking a consultant to assist with conducting a 360-degree evaluation of the City Manager.

### 6. CITY MANAGER'S WRITTEN REPORT AND VARIOUS DEPARTMENT ORAL REPORTS

*Discussion: The City Manager's Report includes written reports from the Town's various Departments. Staff is present to answer any questions the Council may have on the various issues noted in the written Reports. The Council may ask questions and discuss any of the various items.*

City Manager Rodericks reminded Council of the upcoming events: Civic Center Groundbreaking Ceremony on April 23, Atherton Community Meeting on April 30, Friends for Holbrook Palmer Park Easter Egg Hunt on April 20, and Arbor Day and Memorial on April 18.

Councilmember Lewis questioned what the blue color on the legend indicates with respect to criminal activity in Town. City Manager Rodericks responded that the color indicates multiple police responses to the same spot.

### 7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

#### CONSENT CALENDAR (Items 8-11)

City Manager Rodericks noted that the minutes for the meeting of March 20, 2019 are not included.

Councilmember Lewis noted an error on the minutes for March 6, the title reads Agenda and not Minutes. City Manager Rodericks noted that the error will be corrected.

**8. APPROVAL OF MINUTES**

**Report:** City Clerk Theresa DellaSanta

**Recommendation:** Approve minutes for: March 6, 20 and April 3, 2019

**Description:** *This item involves approval of draft minutes from past City Council meetings.*

**9. APPROVAL OF BILLS AND CLAIMS FOR MARCH, 2019 IN THE AMOUNT OF \$ 1,526,152**

**Report:** Finance Director Robert Barron III

**Recommendation:** Approve Bills and Claims for March in the total amount of \$ 1,526,152

**10. ACCEPTANCE OF PROPOSED CHANGES TO THE STATEMENT OF INVESTMENT POLICY AND ATTACHED RESOLUTION**

**Report:** Finance Director Robert Barron III

**Recommendation:** Accept the recommended changes to the Investment Policy from the Finance Committee and adopt the attached resolution.

**11. ADOPT A RESOLUTION APPROVING A PROJECT LIST FOR THE ROAD MAINTENANCE AND REHABILITATION ACT OF 2017 (SB1)**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Adopt a Resolution approving a project list for the Road Maintenance and Rehabilitation Act of 2017 (SB1).

**MOTION by Lewis, second by Wiest to approve the Consent Calendar. The motion passed unanimously.**

**PUBLIC HEARING – None**

**REGULAR AGENDA - (Items 12-16)**

**12. ENDORSEMENT OF THE PROPOSAL FOR THE FORMATION OF THE SAN MATEO COUNTY FLOOD AND SEA LEVEL RISE RESILIENCY AGENCY (FSLRRA) AND ALLOCATION OF \$25,000 PER YEAR FOR THREE YEARS TO FUND THE FORMATION OF THE AGENCY**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Adopt a resolution endorsing the San Mateo County Flood and Sea Level Rise Resiliency Agency proposal and authorizing the expenditure of \$25,000 per year for three years (starting in FY 2019-20) to startup of the Agency.

Councilmember Lempres questioned if there has been any changes or updates since the last meeting. County Consultant Larry Paterson responded that no changes have been made at this time but that the Steering Committee would be evaluating the issues as the governance structure moves forward but thought that no changes should be made at this time.

Councilmember Wiest questioned if there is a back-out clause and expressed concerns about funds contributed by the County. County Consultant Patterson stated that the funding would be from local agencies for the startup only and that the proposed agency would be intended to be self-sustaining after three years.

Councilmember Lewis commented on the benefits that the Agency has and asked for those to be highlighted. County Consultant Patterson briefly reviewed the various benefits of the proposed agency, to include options similar to the Bayfront Canal Project which is not yet fully funded. The proposed Agency would assist with seeking out grants and services that could be allocated to local agencies.

Vice Mayor DeGolia asked if the Agency would move the Bayfront Canal Project forward. County Consultant Patterson replied there would be \$400,000 available to keep the design and planning for the project moving forward.

Mayor Widmer stated concerns regarding what are the circumstances that the Agency could be taxing additional funds that are not anticipated and are there safeguards in place to that. Councilmember Patterson stated that project-specific Memorandums of Understanding (MOU) would be in place to manage projects, local funding, and matching funds.

Councilmember Wiest questioned if there will be taxing authority. County Consultant Patterson replied that parcel taxes could be implemented. Councilmember Wiest questioned if there is a budget allocation. County Consultant Patterson replied there is not. Councilmember Wiest questioned if the County will fund the Agency. County Consultant Patterson replied the County will not be funding the Agency but that its funds would come from pre-existing property tax revenues.

Councilmember Lewis questioned if the Agency can help with costs for stormwater projects. County Consultant Patterson replied that there are ways that the Agency can help support those projects.

Vice Mayor DeGolia commented that the Atherton Channel connects with Bayfront Canal and that funding for this project is a high priority. Vice Mayor DeGolia noted that this type of agency could assist with the Town's needs for the Master Drainage Plan.

Councilmember Wiest stated that the three-year commitment may not be suitable as the benefits may not equal to the funding provided and the Town has not been very lucky as members of JPA Agreements.

Councilmember Lempres stated that this is not a long-term MOU and that the Town's commitment is limited to three years. Councilmember Lempres noted that he struggles with the Agreement and concerns that our local authority would be usurped. Councilmember Lempres noted that the Town wants to ensure that it has input through the governance process.

Councilmember Lewis stated that water treatment is needed for the benefit of the Atherton community. Mayor Widmer noted that it was disappointing that the Town did not receive positive feedback from its suggestions; but he agrees that sea level rise is a regional issue.

**MOTION by Lewis, second by Lempres to adopt the Resolution of Endorsement. Motion passed 4-1 (Wiest opposed).**

**13. RECEIVE AND PROVIDE FEEDBACK ON ALAMEDA DE LAS PULGAS CORRIDOR STUDY AND LOCAL TRAFFIC FLOW/LONG RANGE PLANNING SOLUTIONS STUDY**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Receive and provide feedback on Alameda de las Pulgas Corridor study and Local Traffic Flow/Long Range Planning Solutions study

**Description:** *This item will have the Traffic Consultants retained by the Town to present and receive feedback from the City Council on the Alameda de las Pulgas Corridor study and Local Traffic Flow/Long Range Planning Solutions study.*

Presentations were made by AMG Representative, Shruti Shrivasta and TJKM Representatives, Colin Burgett and Ruta Jariwala.

Mayor Widmer asked about signalization of specific intersections and whether the consultant evaluated all intersections. Councilmember Wiest queried about the impact of traffic congestion from Woodside Road; evaluation of peak and off-peak commute hours. Councilmember Lempres asked about the possibility of signalization of Alameda de las Pulgas and/or a roundabout at that location.

Councilmember Wiest asked if the consultant had connected with the Fire District about traffic control devices and emergency response routes. Vice Mayor DeGolia advised that Camino al Lago should be dropped from consideration for signalization as there are other improvements planned at that intersection. Mayor Widmer noted that the consultant should evaluate the intersection of Linden and Middlefield.

The City Council broadly discussed the flow of traffic through the Town and whether it was the goal of the Council to increase throughput of the various intersections and/or divert traffic around Town.

**The City Council asked that staff return to a future Study Session meeting to allow time for the Council to review additional data that includes the traffic flow, cost allocations, and impact around the various neighborhoods.**

**14. CIVIC CENTER UPDATE: AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH MACK5 TO PERFORM ADDITIONAL TESTING AND INSPECTION SERVICES DURING CONSTRUCTION OF THE CIVIC CENTER**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Authorize the City Manager to execute an amendment to the consulting services agreement with Mack5 to perform additional testing and inspection services during the construction of the Civic Center Project for a fee not to exceed \$191,811

**Discussion:** *This item provides an update on upcoming key project related activities and requests authorization for the City Manager to execute an amendment to the consulting services agreement with Mack5 to perform additional testing and inspection services during the construction of the Civic Center Project for a fee not to exceed \$191,811*

Councilmember Lempres stated that he is recused from this item due to the proximity of his residence.

Councilmember Lempres left the room at 9:18 p.m.

The City Council briefly discussed the amendment regarding testing and inspection services.

**MOTION by Lewis, second by Widmer. The motion passed unanimously to approve the agreement with Mack5 to perform additional testing and inspection services for the duration of the construction of the Civic Center Project.**

Councilmember Lempres returned at 9:22 p.m.

**15. DISCUSSION AND DIRECTION REGARDING THE AMENDED AND RESTATED FRANCHISE AGREEMENT BETWEEN THE TOWN OF ATHERTON AND RECOLOGY SAN MATEO COUNTY FOR RECYCLABLE MATERIALS , ORGANIC MATERIALS, AND SOLID WASTE COLLECTION SERVICES**

**Report:** City Manager George Rodericks

**Recommendation:** Review report and provide direction for next steps with respect to the Amended and Restated Franchise Agreement between the Town of Atherton and Recology San Mateo County for Recyclable Materials, Organic Materials, and Solid Waste Collection Services.

**Description:** *This item involves a discussion of the Amended and Restated Franchise Agreement between the Town and Recology; a requested review of refuse collection rates of other jurisdictions; and direction to staff regarding adoption of the Amended Agreement or preparation of a Request for Proposal for consulting services to prepare a Request for Bid for Refuse Services.*

Councilmember Lewis questioned the potential of costs being escalated in the future. Mayor Widmer replied that these are projected cost increased based on the data provided by Recology and the SBWMA. It was further noted that the cost of bond refinancing is still largely unknown. The Council discussed the various options open to the Town and the possibility of engaging a consultant to assist with a bid process, regardless of whether the Town chooses to change vendors.

**The City Council asked that the item be returned to a future meeting and that staff present a Request for Proposal to engage a consultant to assist with procurement services.**

**16. 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 Clerk Theresa DellaSanta

**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.

**Discussion:** *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 unrepresented staff members. The provisions under this Ordinance are already in force through an approved resolution governing unrepresented town staff salary and benefits.*

**MOTION by Lewis, second by Wiest to approve Ordinance 637 authorizing an Amendment to the contract between the Town and the Board of Administration of the California Public Employees' Retirement System.**

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

18. **FUTURE AGENDA ITEMS** - None

19. **PUBLIC COMMENTS** - None

20. **ADJOURN**

Mayor Widmer adjourned the meeting at 9:51 p.m.

Respectfully Submitted,

Francesca Reyes,  
Office Specialist