



Minutes
Town of Atherton
CITY COUNCIL
November 20, 2019
REGULAR MEETING

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 – Lempres, Lewis, Wiest, Vice Mayor DeGolia, Mayor Widmer – Present

3. PRESENTATIONS

- **Annual Report from Park and Recreation Committee presented by Chair, John Davey**

John Davey presented the Annual Report from the Park and Recreation Committee.

- **Annual Report from Atherton Library**

Tomika Price, San Mateo County Library representative, presented the Annual Report from Atherton Library.

Councilmember Lempres asked how the Atherton Library has adjusted to the temporary location. Tomika informed the Council that the Atherton Library rents out the Carriage House located at Holbrook Palmer Park to assist in alleviating large group weekly events and parking spaces.

4. PUBLIC COMMENTS

Greg Conlon, Atherton resident shared underground utilities information with Council and encouraged Council to consider undergrounding utilities as a future Atherton priority.

5. REPORT OUT OF CLOSED SESSION – None

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

City Manager Rodericks presented the report and addressed a few specific items such as 41 Snowden, Flock Cameras, and Police activity taking place at the Park

Mayor Widmer commented that motorized scooters have been an issue throughout Atherton and citation enforcement must be implemented.

Vice Mayor DeGolia questioned response times to calls, Chief McCulley responded that he will provide Council with additional information, reasons and factors.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT - None

CONSENT CALENDAR (Items 8-9)

8. APPROVAL OF BILLS AND CLAIMS FOR SEPTEMBER IN THE AMOUNT OF \$ 4,609,302

9. ADOPTION OF AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADOPTING BY REFERENCE THE 2019 CALIFORNIA BUILDING STANDARDS CODE, RETAINING EXISTING MODIFICATIONS

MOTION by Lewis, Second by Lempres to approve the Consent Calendar. Motion passed unanimously.

REGULAR AGENDA - (Items 10-18)

10. REVIEW AND AFFIRM THE TOWN'S CURRENT AUTOMATED LICENSE PLATE READER (ALPR) POLICY; OR, IF DEEMED APPROPRIATE, MAKE REVISIONS TO THE POLICY AND APPROVE IT

Chief Steve McCulley presented the item and informed Council he reached out to neighboring jurisdictions regarding their policies.

City Attorney Connors noted that an ordinance would need to be presented to the Council.

Councilmember Lempres questioned the records destruction period of one year. Connors commented that records destruction should occur after a minimum of two years or what would fall under the statutes of limitations and would still need to go to Council for approval. He noted that keeping the storage policy at two years would reduce storage cost but to also purge records immediately when the records have expired. McCulley added that they gathered data from other police agencies when considering the policy. Lempres asked if the records would be immediately destroyed upon approval, or retention time to which McCulley confirmed records would be destroyed in the proper time

Mayor Widmer noted that auditing of the records would need to be considered in order to effectively purge records safely. McCulley noted that an outside audit can be considered. Connors noted that ALPR Systems mandates auditing of the records annually but would need to specify the methods or organization that would be used within the policy.

Vice Mayor DeGolia noted that Menlo Park and Redwood City transfer their data to an outside source as a policy. McCulley informed the Council that the Atherton Police Department currently stores their data in-house.

Kristine Curry, Atherton resident commented that in a recent meeting she attended raised concerns about the ALPR and opposes the policy. She believes that the surveillance criteria is a privacy concern. She noted to not add the meters at this time, change the route, and to consider an outside auditing of the records.

Lauren Cory, chair of the Mid-Peninsula ACLU opposes the ALPR Policy due to privacy concerns.

Walter Sleeth, Atherton resident, opposes the ALPR Policy because there is no need for the ALPR at the moment.

Councilmember Lempres noted that his concerns are for the residents' privacy but recognizes the need to reduce crime, the data record storage and management, and would like the policy would provide more security.

Vice Mayor DeGolia commented that the existence of the ALPR has been an important tool in the increase in public safety but to evaluate possible improvements to the existing policy. He noted that his concerns are focused the privacy of Atherton residents.

Councilmember Lewis noted that the current data management procedure is secured but had concerns about the privacy of Atherton residents, review of the current ALPR policy, and costs.

Councilmember Wiest recognized the efficiency of the ALPR and the need for an updated policy.

Mayor Widmer raised concerns about the agreement such as data selling and data retention schedule.

Connors noted that though the policy can be updated but state laws must be followed. He informed Council there are pending legislations that are making changes to the retention schedule. Additionally, he noted that the Town currently uses ALPR and that changing the policy is acceptable but to take note on the current state laws.

Council directed staff to review the current ALPR Policy along with additional information on the operations of the National Regional Intelligence Center and present it at a future meeting.

11. CONSIDER ACCEPTANCE OF A DONATION OF A SCULPTURE; CONSIDER USE OF THE EVANS CREATIVE ARTS FUND TOWARD THE PURCHASE THE SCULPTURE OR OTHER SPECIFIED USE; AND REVIEW AND CONFIRM THE STATUS OF THE ATHERTON ARTS FOUNDATION AS A DESIGNATED GROUP

Public Works Director Ovadia presented the item and reviewed the options before the Council for consideration. He described the process of evaluation of the sculpture, the placement of the sculpture and the discussion held by the Park and Recreation Committee.

Councilmember Lewis questioned if the available funds that the Atherton Arts Foundation has is from their fundraisers and donations. Ovadia noted that the funds presented is the allocated funds from the Town.

Mayor Widmer noted that the Garden Room of the Main House needs improvement and asked if staff evaluated the costs. Ovadia noted that the evaluation would depend on the Council's decision on what aspect must be prioritized. Additionally, he noted that there is a strong need for floor renovations.

Vice Mayor DeGolia noted that any work done must be managed by the Town.

Councilmember Lewis questioned if the space is rented out to the Atherton Arts Foundation. Ovadia stated that the Atherton Arts Foundation is a designated group and is exempt from paying rent and that the location does not generate income.

Atherton Resident, Walter Sleeth, requested a picture of the statue and Ovadia provided a copy.

Dorothy Hunter, President of the Atherton Arts Foundation, informed Council that they do not charge artists and all income consists of donations. She informed Council that classes are held in the Garden Room and that several improvements need to be made.

Ted Ullman, member of the Atherton Arts Foundation, noted that in the past request for funds had been denied and delayed the process of approval of the statue. He expressed that the funds should be focused on the installation of the statue instead of the improvements to the Garden Room.

Malcolm Dudley, Atherton Resident, commented that the importance of the improvements of the Garden Room is for community multi-purpose use, needed to maintain historical value, and to provide the space for artists in the community.

Joan Sanders, Atherton resident and member of the Arts Committee spoke in support of the committee and encouraged the Council to continue its support.

Mayor Widmer noted that there needs to be a representative from the Holbrook-Palmer Park Foundation to provide additional information.

Council directed staff to connect with the designated groups, Atherton Arts Foundation and the Holbrook-Palmer Park Foundation, conduct some additional research on costs and present the results at a future meeting.

12. RECEIVE A REPORT, DISCUSS AND PROVIDE DIRECTION REGARDING A PARK AND RECREATION COMMITTEE RECOMMENDATION TO CONSIDER CREATION OF AN OFF-LEASH DOG AREA IN HOLBROOK PALMER PARK; AND CONFIRM OR REMOVE THE INCLUSION OF AN OFF-LEASH DOG AREA IN THE PARK MASTER PLAN

Public Works Director Ovadia introduced the item and provided background information.

Robert Roeser, Atherton resident, commented that the implementation of an off-leash dog park would mean consistent maintenance and to consider the cost in it.

John Davey, Atherton resident and chair of the Parks and Recreation Committee, expressed his full support for the implementation of an off-leash dog park. He shared his perspective on the benefits for

the park visitors.

Councilmember Wiest commented on challenges in beginning a large project within the park. He noted that the location is not ideal and raised concerns that it would interfere with the atmosphere of the park, especially the maintenance. Wiest continued to raise concerns that allowing dogs to be off leash could pose a risk to park goers along with their own dog.

Councilmember Lempres commented that the off-leash dog park provides community value and noted that it is within the Master Plan. He expressed concerns about the priority of other projects but, supports keeping the park in the Master Plan.

Councilmember Lewis stated that there are other higher priority projects that need Staff and Council attention and that the off-leash dog park was intended to be reviewed in the future. She raised concerns about the safety of others with dogs off their leash.

Vice Mayor DeGolia commented that promoting an off-leash dog area would increase the attendance of park goers who will bring their dogs.

Mayor Widmer stated that the location was not ideal and the timing for the project is off, concluding it is not a priority. He raised concerns about the noise, funding, and daily maintenance. He noted that existing dog parks in neighboring cities have reported health issues due to the lack of inconsistency sanitation and maintenance.

Council acknowledged the tremendous efforts that the Parks and Recreation committee has made in creating the plan and thanked them for their service to residents.

Motion by Lewis, Second by Wiest to remove the Off-Leash Dog Park from the Park Master Plan and advised that once priority projects and improvements are complete that the Off-Leash Dog Park can be reconsidered.

AYES: Widmer, Wiest, Wiest

NOES: Lempres

ABSTAIN: DeGolia

ABSENT:

13. DISCUSSION ON THE TOWN'S MUNICIPAL CODE REGULATIONS REGARDING LEAF BLOWERS AND POSSIBLE RESTRICTIONS ON THEIR USE IN TOWN

Senior Planner Davis introduced the item.

Vice Mayor DeGolia questioned the costs from switching to gas to battery-operated leaf blowers. Public Works Director Ovidia informed the Council that the battery-operated leaf blowers require chargers as well and the labor hours it would take before providing an exact amount.

Mayor Widmer commented that the implementation of an ordinance should come as a recommendation. Davis noted that additional public outreach and community education can be provided

Jerry Leugers, Atherton resident, commented that leaf blowers are used excessively throughout Atherton and contributes to the air pollution along with creating noise issues.

Robert Roeser, Atherton resident, expressed support in the implementation of switching to an environmental-friendly leaf blower.

Councilmember Lewis commented that gas powered leaf blowers pose more of an issue in terms of noise, the environment, and the practices of the how it is being used.

Councilmember Wiest noted that the regulations for the use of gas blowers is constantly changing. He raised concerns about the gardening and landscaping services who have to work a full-day and the efficiency of using only batteries.

Vice Mayor DeGolia noted that other cities are responding quickly to climate issues and would like to see the Town transition to more environmental-friendly methods to promote sustainability.

Councilmember Lempres noted concerns for costs, noise, and air quality.

Mayor Widmer commented that the use of the batteries is also an environmental risk and also contributes to the cause of fires. He noted that the item does not present a budget and requests to move the item to a future meeting.

MOTION by Wiest, Second by Widmer to include the transition to electrical powered leaf blowers in the FY 19/20 Budget Plan with additional information and return at a future Meeting. AMENDED by Lewis, Second by Lempres to review the item in February 2020. Motion passed unanimously.

14. DISCUSSION ON THE SAN MATEO COUNTY'S OFFICE OF SUSTAINABILITY PROPOSED DISPOSABLE FOOD SERVICE WARE ORDINANCE AND POSSIBLE RESTRICTIONS ON THEIR USE IN TOWN

MOTION by Widmer, Second by DeGolia to continue the item to December 18, 2020 meeting. Motion passed unanimously.

15. PROVIDE DIRECTION ON THE TOWN WIDE LOCAL TRAFFIC FLOW/LONG RANGE PLANNING SOLUTIONS STUDY; AND IF DIRECTED, AUTHORIZE A CONTRACT AMENDMENT WITH TJKM FOR ADDITIONAL RELATED SERVICES

Public Works Director Ovadia presented the item and discussed the work done to revise the contract parameters.

Councilmember Lewis questioned if this would impact other projects. City Manager Rodericks replied that the Town has fund balance in Measure A and Measure M for street projects and this would qualify as a street project.

Finance Director Barron informed Council that Parcel Tax Funds can be used for local funding.

MOTION by Lempres, Second by Lewis Council to approve the contract amendment with TJKM for additional related services. Motion passed unanimously.

16. CONDUCT THE PUBLIC HEARING AND INTRODUCE FOR FIRST READING, BY TITLE ONLY, AN ORDINANCE REPEALING AND REPLACING CHAPTER 15.48 OF THE ATHERTON MUNICIPAL CODE ESTABLISHING WATER-EFFICIENT LANDSCAPING STANDARDS

Public Works Director Ovadia introduced the item and indicated the Town has been operated with this practice. The plans are reviewed with building requirements. We did not update our own, if you didn't, then you would follow the State Law requirements. Updating our code to match our practices, we had some minor changes suggested by our Green Infrastructure Consultant.

City Attorney Conners noted that law requires this is filed with the State.

Greg Conlin, Atherton resident asked if this impacts how the Town operates presently to which Ovadia already addressed.

MOTION by Lewis, Second by Wiest introducing the first reading, by title only, an Ordinance repealing and replacing Title 15, Chapter 15.48 "Water-Efficient Landscaping" standards. Motion passed unanimously.

17. REVIEW, DISCUSS, AND PROVIDE FURTHER DIRECTION ON ISSUES RELATED TO THE TOWN CENTER FINANCING: 1) RECEIVE A PRESENTATION FROM URBAN FUTURES AND DISCUSS THE CASH FLOW AND FINANCE PLAN FOR THE TOWN CENTER; 2) REVIEW AND PROVIDE FEEDBACK REGARDING A DRAFT DEBT POLICY RELATED TO THE ISSUANCE OF DEBT; 3) PROVIDE DIRECTION REGARDING THE POTENTIAL ENGAGEMENT OF A FUNDRAISING CONSULTANT; AND 4) PROVIDE DIRECTION, AND POSSIBLE ACCEPTANCE OF A DONATION TOWARD THE TOWN CENTER IN EXCHANGE FOR A SPECIFIED NAMING OPPORTUNITY

Finance Director Barron III introduced the item.

Wing-See Fox, Urban Futures presented details about the financing options to Council.

Council discussed the steps involved with issuing a Certificate of Participation (COP) and the Town Debt Policy, the merits of hiring a fundraising consultant, and the acceptance of donations for certain naming opportunities.

Councilmember Lewis asked if the list of donors were contacted with the naming level of donations that they provided. Staff responded that they have not reached out.

Vice Mayor DeGolia noted that there is a donor wall designated for the donors who have contributed over \$100,000 in donated funds.

Councilmember Lempres commented that donations and funding should be fair and made available for anyone interested in naming opportunities.

Greg Conlin, Atherton resident asked about costs associated with the Town Center project, the needs of the COP, and about donations received by the Town.

MOTION by Wiest, Second by Lewis to authorize the Staff to move forward with financing options with the expectation of borrowing up to \$7 MIL and engaging Bond Council with a Certificate of Participation with a condition to reevaluate strategies based on receiving additional donations. Motion passed unanimously.

MOTION by DeGolia, Second by Lewis to offer naming rights to the Road in the amount of \$5MIL. Motion passed unanimously.

18. CIVIC CENTER PROJECT UPDATE

This was an informational item only.

City Manager Rodericks informed the Council that the project was going well and briefly reviewed Change Orders.

19. COUNCIL REPORTS/COMMENTS – None

20. FUTURE AGENDA ITEMS – None

21. PUBLIC COMMENTS

Greg Conlin, Atherton resident commented on the Town Center donors on Roads and Has donors to recommend

Walter Sleeth, Atherton resident commented that because other cities are considering leaf blower ordinances it may be easier to introduce to the community.

22. ADJOURN

Mayor Widmer adjourned the meeting at 11:42 p.m.



Anthony Suber
City Clerk