



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**February 19, 2020**  
**REGULAR MEETING**

Mayor DeGolia called the meeting to order at 7:15 pm

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

1. **ROLL CALL** - Wiest, Widmer, Lempres, Mayor DeGolia Vice Mayor Lewis – Present, with Councilmember Michael Lempres teleconferencing in from the following location:  
180 Lake Parkway  
Stateline, NV 89449

2. **PLEDGE OF ALLEGIANCE**

3. **PRESENTATIONS**

Presentation was provided by Chief Steve McCulley for a Swearing in and Oath of Office for Officer Nik Torres

4. **PUBLIC COMMENT**

Alex Key spoke on Item 20 in favor of extending the work hours, and finishing the project sooner, rather than later.

5. **CLOSED SESSION**

City Attorney Ebrahimi indicated no reportable action

6. **CITY MANAGERS WRITTEN REPORT**

City Manager Rodericks provided a report on the Town's various Departments noting Police Department hiring items.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** - None

## **CONSENT CALENDAR**

8. **APPROVAL OF MINUTES OF JANUARY 15, 2020 COUNCIL MEETING**
9. **APPROVAL OF BILLS AND CLAIMS FOR JANUARY 2020 IN THE AMOUNT OF \$ 1,701,590**
10. **APPROVAL OF BILLS AND CLAIMS FOR JANUARY 2020 IN THE AMOUNT OF \$ 1,701,590**
11. **ACCEPTANCE OF TREASURER'S REPORT FOR THE SECOND QUARTER ENDED DECEMBER 31, 2019**
12. **ADOPT THE ATTACHED BUDGET AMENDMENT RESOLUTION FOR THE FY 2019/20 BUDGET**
13. **AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LAMPHIER GREGORY FOR THE PREPARATION OF AN ENVIRONMENTAL DOCUMENTATION FOR A PROPOSED MENLO COLLEGE RESIDENCE HALL PROJECT AT 1000 EL CAMINO REAL**

**MOTION by Wiest, second by Lewis to approve the Consent Calendar. The motion passed with Councilmember Widmer recusing himself from Item 12.**

## **PUBLIC HEARINGS**

14. **WAIVE THE FIRST READING AND INTRODUCE BY TITLE ONLY, AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 8.04.050 MAKING MINOR AMENDMENTS TO THE PERMITTING REQUIREMENTS APPLICABLE TO NEWLY INSTALLED ALARM SYSTEMS; REVIEW AND APPROVE THE DRAFT LETTER TO THE COMMUNITY UPDATING THE COMMUNITY ON THE ALARM MONITORING PROGRAM**

This item was introduced by City Attorney Ebrahim. Ms. Ebrahim highlighted changes to the original alarm ordinance, which was adopted in 2018. Changes included the term of installation and having the Police Department be the lead Department instead of the Building Department.

Mayor DeGolia asked about the letter attached, and the City Attorney provided a brief review of the letter. Councilmember Widmer noted some residents have already paid their fee and questioned how the Town would address that. Chief McCulley responded indicating that those residents were mailed a letter to address that.

Council provided additional suggestions as to what information should be communicated with residents to ensure clarity.

**MOTION by Wiest, second by Lewis to approve waiving the first reading and introduce modifications by title only. The motion passed unanimously**

**15. WAIVE THE FIRST READING AND INTRODUCE BY TITLE ONLY, AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE TO UPDATE HOLIDAYS DURING WHICH CERTAIN CONSTRUCTION AND CONSTRUCTION-RELATED ACTIVITY IS PROHIBITED**

This item was introduced by City Attorney Ebrahim. Ms. Ebrahim highlighted these are minor amendments and includes a definition of what constitutes a holiday, which is consistent with the government code.

Councilmember Lewis asked a clarifying question and requested that Friday after Thanksgiving be included. City Attorney Ebrahimi noted that the Town could add to or remove dates from the lists as Council wishes. There was consensus on Council to add the Friday after Thanksgiving.

**MOTION by Wiest, second by Lewis to approve waiving the first reading and introduce modifications by title only, as amended by Councilmember Lempres. The motion passed unanimously.**

**REGULAR AGENDA**

**16. COMMISSIONS AND COMMITTEE APPOINTMENTS**

This item was introduced by the Finance Director, Robert Barron III with City Clerk Anthony Suber adding additional information. They noted that there were sufficient applications for all committees, with the exception of Parks and Recreation.

The following candidates spoke on behalf of themselves:

- Matt Baker, Bicycle and Pedestrian Committee
- Jim Massey, Rail Committee
- Cate Levey, Environmental Programs Committee

Finance Director Barron recommended to Council that they appoint the Bicycle and Pedestrian and Rail Committee in one motion.

Vice Mayor Lewis asked Cate Levey if she preferred a certain term. Ms. Levey indicated she preferred the term expiring 6/30/2020

Councilmember Widmer suggested that Council appoint Marylue Timpson the Park and Recreation Committee for a term expiring on 6/30/2021.

**MOTION by Widmer, Second by Lewis to appoint Matt Baker to the Bicycle and Pedestrian Committee for a term expiring June 30, 2020, Cate Levey to the Environmental Programs Committee for a term expiring June 30, 2020, and Marylue Timpson to the Park and Recreation Committee for a term expiring June 30, 2021. The motion passed unanimously.**

**17. CONSIDER ACCEPTANCE OF A SCULPTURE DONATION; CONSIDER USE OF THE EVANS CREATIVE ARTS FUND TOWARD THE INSTALLATION OF THE SCULPTURE, TOWARDS IMPROVEMENT OF THE MAIN HOUSE GARDEN ROOM, OR OTHER SPECIFIED USE**

This item was introduced by Town Arborist Bentz who presented a history of accounts.

It was noted that the Park Foundation would like to place the statue at the Event Garden. Additionally, the Art Foundation made a request by letter submitted to Town Staff that asked that funds from the Evans Creative Arts fund be used for equipment and classrooms.

Mayor DeGolia advised that since there are two issues within this item (1) approval and placement of the sculpture and (2) how to allocate the remaining dollars in the Rita Corbett Evans Fund, he would like to separate the issues and start with the allocation of the dollars in the Evans Fund first. He noted that there are competing requests for these funds from the Park Foundation and the Arts Foundation.

Councilmember Widmer commented that there is currently a need for improvements in the Garden Room. He highlighted that the staff report recommended using the funds to pay for those improvements and use the remaining funds for the sculpture.

Vice Mayor Lewis added that both groups provided honorable services to the Town. Her recommendation split the money down the middle, giving an equal share to each organization. Councilmember Lempres stated he supported Vice Mayor Lewis' position to split the funds. Councilmember Wiest supported also supported Lewis recommendation.

Mayor DeGolia commented that both organizations are very valuable in the Town.

Councilmember Widmer asked that they take \$3,685 to provide to Public Works Director Ovadia for room improvements and provide the remainder to the HP Park Foundation.

### **PUBLIC COMMENT**

Catey Potts, member from HP Park Foundation commented the Evans Funds are more in line with the Foundation project and needs. These funds would help bridge the gap with the remaining balance in the Friends of Holbrook Palmer park foundation.

Swati Farmi, member of the Atherton Arts Foundation, shared a public commented that all the funds from the Evans Funds have previously been dispersed for Art's needs.

Tedd Ulman commented that he supports the use of the funds by the Arts Foundation.

**MOTION by Lewis, Second by Widmer for the Evans Fund to be terminated and the money in the fund to be spent for improvements to the Garden Room and the remainder to be provided to the Park Foundation. The motion passed unanimously.**

Catty Potts, HP Park Foundation member spoke to the recommendation of the location of the sculpture.

Tedd Ulman presented to Council images of the sculpture in certain locations that were recommended.

**MOTION by Widmer, Second by DeGolia to accept the sculpture and install it in the location recommended by the Foundation in the Event Garden. The motion passed unanimously.**

**18. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH SAGE ENERGY CONSULTING FOR PROCUREMENT ASSISTANCE FOR A SOLAR AND MICRO-GRID POWER SERVICES PROVIDER**

Project Manager Hanneman introduced this item. Councilmember Lempres asked the City Attorney, if there are any issues with him participating in the discussion and vote on the item. The City Attorney clarified that there is no conflict of interest. Hanneman continued and discussed the RFP Process and that three bids have been received. He noted it is the recommendation of staff to approve a Professional Services Agreement with Sage Energy.

Councilmember Wiest asked about what a Power Purchase Agreement time frame would look like to which Hanneman clarified that the that provider we choose will conduct that type of analysis and help the town determine what the agreement structure would look like. Mayor DeGolia asked for clarification on what work Sage Energy would complete, including if they would review all the PPA responses and help the Town structure the RFP. Hanneman affirmed that Sage would be available through the entire process, including preparing the RFP and review and evaluation the respondents.

Vice Mayor Lewis asked about State requirements for green energy. Project Manager Hanneman clarified that this is not part of the state requirement. Lewis asked if this was the same firm that assisted in conducting the previous analysis and evaluation, Hanneman confirmed it was.

Council asked questions about available options including battery backups/generators, Hanneman addressed the inquiries and clarified what options are available. He informed Council that they will the ability to make choices after the RFP has been released.

Mayor DeGolia shared information about the RFP released by Peninsula Clean Energy. He added a projected timeline to release the Town RFP by June 2020. DeGolia noted other factors to consider are the available tax credits.

Walter Sleeth, Atherton resident suggested the Town use existing staff to develop the RFP. Project Manager Hanneman responded citing the work to be done requires a specialized skill set.

Mayor DeGolia stated that his position is that The Town should enter into the contract including the options with and without micro-grid.

**MOTION by Lewis, Second by Widmer to authorize the City Attorney to prepare and City Manager to sign the agreement for a total not to exceed \$134,700 with an administrative contingency of \$13,500. Motion passed unanimously.**

**19. REVIEW AND APPROVAL OF THE FIRE SERVICES SPECIAL EDITION ATHERTONIAN**

This item was introduced by Finance Director Baron who provided an overview of the staff report.

Mayor DeGolia commented that he attended a Menlo Park Fire Protection District (MPFD) meeting where detailed information was shared about the services provided to the Town. DeGolia suggested the Town invite the Chief of MPFD to present the report to Council.

Councilmember Wiest noted he attended the same meeting and that much of the information shared had already been presented to Council.

Council discussed the the topic in detail including previous requests to the MPFD for information related to service levels and costs and challenges with obtaining Atherton specific information.

Councilmember Lempres stated he supported the idea to invite MPFD leadership to a public meeting to discuss the topic.

Vice Mayor Lewis stated that she is not in favor of detachment, that the services received are of great value and that the Town should not distribute the communication as it is written. Lewis suggested that the subcommittee reconvene to modify the article.

Council continued to discuss the town-wide mailer making edits to include adding information about costs projections, elaborating on the Town's plans in the executive summary, the options/plans for providing fire services if detachment is pursued, and adding information on how detachment may enhance or improve services.

City Attorney Ebrahimi recommended that any future subcommittee meetings be attended by the same members and advised that Council could direct staff to communicate with MPFD in advance of the community meetings and that it needs to be determined if the meetings will be publicly noticed for all Council to attend.

Council agreed that the community meetings would be a publicly noticed setting meeting dates of March 24<sup>th</sup> and April 1<sup>st</sup>.

John Wurdinger, San Mateo County Fire Fighters Union President commented that the Town Council and Staff didn't fully understand how Fire Suppression within Atherton worked. He added that there are 5 response districts that respond to the Town and if the Town built out its own department it would have 2 stations at most. Wurdinger continued that the Towns Matrix report was incomplete and not comprehensive.

Greg Conlon, Atherton resident asked what Legal advice the Council received on taking the topic to the voters and that option was considered.

The City Attorney Ebrahimi stated that this is the first step for Council prior to filing an application for detachment. She added that the Town could still take an advisory measure to the public on a future ballot.

Walter Sleeth, Atherton resident stated he supported the Council's wish to invite MPFD to a meeting to have further information sharing.

Vice Mayor Lewis noted her expectation that the fire services communication come back to Council at the March 4th study session before Town-wide distribution.

There was consensus amongst the Council to Vice Mayor Lewis' suggestion.

## **20. REVIEW, DISCUSS AND PROVIDE DIRECTION ON NEXT STEPS FOR SOLID WASTE COLLECTION AND POST-COLLECTION SERVICES**

Finance Director Barron introduced the item and walked Council through the analysis that R3 assisted the Town with.

The subcommittee recommended that the Council give permission to Staff and Subcommittee to pursue services with Green Waste. Additionally, that the notice of intent be sent to SBWMA for withdrawal. Which is to be presented to the Council at their March 18th meeting.

Mayor DeGolia commented that between now and June Council needs to discuss this issue. To which, the City Attorney clarified, that in order to preserve the Town options, they must first serve notice to SBWMA and then negotiate the exit from the SBWMA.

Emily Ginsburg, R3 Consulting Group presented the analysis to Council. She specifically highlighted what Post Collection means for the Council. Councilmember Lewis commented that the cost of withdrawal from the SBMA is large. Ginsberg noted that the Town would need to take on some administrative and reporting functions in order to maintain compliance should it move to GreenWaste. Ginsburg reviewed the collection programs that the Town would use and detailed some changes to current services that the Town may encounter.

Staff discussed what was included in the bid, and that the agreement with the SBWMA was used to carved out what was being offered to Atherton versus what is provided to the JPA overall.

Council noted that if a change was made a comprehensive marketing and educational plan would need to take place including detailing lists of acceptable recyclable materials and items for each bin.

Councilmember Widmer commented on the issue with carts, specifically he mentioned that those that own their carts, need to be replaced by Green Waste.

Barron noted that Council can provide direction to continue to negotiate with GreenWaste and again Staff can continue to work with SBWMA and opt in with Recology by December 2020.

City Attorney Ebrahimi commented there are many factors to consider should Council choose to withdraw from the SBWMA, further analysis will be needed to determine accurate costs. She added that the Town had not yet received any calculation to justify the \$2 million cost listed for withdrawal in prior communications.

Councilmember Wiest stated that as a Council we have been open and trying to tailor services to Atherton. He proposed growing concerns over Senate Bill 1383 and his excitement about services available through GreenWaste.

Councilmember Widmer added that the Town is in a better position presently than in 2010.

Council did not provide Staff direction to execute an agreement with GreenWaste.

Trish Suzuki, Recology representative asked that Council take the employees into consideration when making their decision. She urged the Council to maintain their agreement with the SBWMA and Recology.

Ginsburg from R3 added that Green Waste has indicated they would take certain staff that experiences job loss due to a change in servicer, but that staff member would need to currently be servicing Atherton.

**21. CIVIC CENTER PROJECT UPDATE: AUTHORIZE THE CITY MANAGER TO APPROVE CERTAIN WORKWEEK AND WEEKEND CONSTRUCTION ALLOWED VARIANCES**

Council Lempres recused himself.

Project Manager Hanneman presented the item and advised that it is in the best interest of the Town to allow the contractors to extended working hours. He added that they have been fined a few times for working too early and there has been support from residents to get the project done with expediency.

Council shared accounts of resident interaction in support moving the project along as quick as possible and that any work variance would need to be handled with sensitivity and monitored.

**MOTION by Lewis, Second by Widmer to authorize the City Manager to approve certain workweek and weekend construction variances. The motion passed with one (1) abstention.**

**Councilmember Lempres recused himself.**

John Maulbetsch, Atherton resident commented the work being done has not been noisy or intrusive.

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

**23. PUBLIC COMMENTS - None**

**24. ADJOURN**

Mayor DeGolia adjourned the meeting at 10:45 p.m.



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**Anthony Suber**  
**City Clerk**