



MINUTES
Town of Atherton
City Council
June 15, 2022
CLOSED SESSION
REGULAR MEETING

Mayor DeGolia called the meeting to order at 5:30 p.m.

5:00 P.M. CLOSED SESSION

CLOSED SESSION IN ADMINISTRATIVE CONFERENCE ROOM 1011

ROLL CALL - Hawkins-Manuelian, Polito, Lewis, Vice Mayor Widmer, Mayor DeGolia

PUBLIC COMMENTS - Public Announcement of Closed Session Items

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957

Title: City Attorney

- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957

Title: City Manager

Mayor DeGolia called the Regular meeting to order at 6:00 p.m.

6:00 P.M. REGULAR AGENDA

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL** - Hawkins-Manuelian, Polito, Lewis, Vice Mayor Widmer, Mayor DeGolia – Present
- 3. PRESENTATION – Swear-In of Officer Bobby Magami**

Chief McCulley presented the Oath of Office and swearing in for Officer Magami. Megami's wife and son were present.

4. PUBLIC COMMENTS – NONE

5. REPORT OUT OF CLOSED SESSION by City Attorney, Mona Ebrahimi

City Attorney Ebrahimi reported there was no public comment and that Council met in Closed Session providing an excellent review of the City Manager's Performance and awarding a \$15,000 bonus with a 5% salary increase. She added that Council also reviewed the City Attorney Performance and will be increasing the retainer from \$15,000 per month to \$17,000 per month.

6. CITY MANAGER'S WRITTEN REPORT

Councilmember Lewis shared that the City Manager's report includes details related to the Police Department that is available for the public.

Mayor DeGolia announced he terminated 5 subcommittees that are no longer active.

CONSENT CALENDAR (Items 7 - 10)

7. APPROVAL OF BILLS AND CLAIMS FOR MAY 2022 IN THE AMOUNT OF \$ 1,895,271.

8. APPROVAL OF MINUTES FROM MAY 4 AND JUNE 1, 2022.

9. CERTIFICATION OF CONTINUING EMERGENCY; MAKE SUCH FINDINGS AS REQUIRED UNDER GOVERNMENT CODE SECTION 54953(E)(3); AND RATIFY SUCH RULES AND REGULATIONS ENACTED BY THE DIRECTOR OF EMERGENCY SERVICES IN RESPONSE TO COVID-19

10. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE HOLBROOK-PALMER PARKING LOT LIGHTING REPLACEMENT PROJECT

MOTION by Lewis, Second by Polito to approve the Consent Calendar Items 7-10, removing the Council Minutes from May 18 and May 24 to return for approval at a future meeting.

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES:

ABSENT:

ABSTAIN:

Mayor DeGolia moved Item 17

17. **DISCUSS COMMUNITY FEEDBACK REGARDING HOUSING ELEMENT UPDATES**

Mayor DeGolia indicated due to the nature of the meeting and the issue and timing a few notes related to how public comment will be received for the item.

City Manager Rodericks provided background related to the item including the timeline for receiving public comments and the documentation process conducted for public comments. He noted upcoming Special Meetings related to the Housing Element Update and some likely revisions to the Housing Element. Rodericks shared details about possible penalties or issues with not having an approved Housing Element. He also added that 290 Polhemus will be removed from the zoning overlay at the next Regular Council meeting.

Councilmember Lewis shared her pleasure with the outpouring of public interest in this topic. Lewis later articulated the rationale behind including 290 Polhemus in the Zoning Overlay at the May 24th meeting.

Councilmember Polito noted he saw comments from 37 people and his position is that unless the Town submits a plan in good faith the Town will have a problem with the State Housing and Community Development. He continued that the Town would maintain some control to mediate issues relate to traffic congestion and improvements to public safety.

Councilmember Widmer discussed comments he received and noted many concerns shared were related to traffic congestion. He added that he has received community feedback suggesting the Town consider adding the northwest region of El Camino Real, Gilmore House, and the Town Corporation Yard into the Zoning Overlay. Widmer expressed a desire to submit a plan that is achievable and actionable.

Councilmember Hawkins-Manuelian noted she received comments indicating that the process for selecting properties to be included in the Overlay was done in an arbitrary manner. She recommended that Council ensure the initial criteria for selecting areas to include in an Overlay be used, including areas near schools, existing high-density housing, Bear Gulch, and along El Camino Real.

Mayor DeGolia addressed his colleagues on Council and referenced the City Manager comments related to the Los Angeles County being delayed out of compliance. DeGolia shared his position is that this is a good opportunity for the Town to observe what takes place statewide. He articulated that in his resident interactions that many residents are opposed to at least 3 of the properties being considered in the overlay. He went on to address the Council concerns including wanting to avoid being a target of the State or housing advocates, the concept of a multi-family housing overlay being a new proposition for the Town's consideration, and concerns with stress on existing infrastructure. He cautioned his colleagues on Council to go slowly and included that by adding the Overlay the Town can protect areas within Town that cannot be done under SB9

Public Comments:

- Jerry Fletcher commented on the item
- Jeff Morris commented on the item
- Allen Austin commented on the item

- Laurie Shepard commented on the item
- Jim Massey commented on the item
- Steve Smith commented on the item
- Nahil Anizhazi commented on the item
- James Green commented in the item

Mayor DeGolia indicated the Town did complete a General Plan update in 2019.

Mayor DeGolia called for a 5 Minute Recess at 7:17 PM.

PUBLIC HEARING (Items 11-15)

11. DECLARATION OF EXEMPTION OF GOVERNMENT CODE SECTION 4902 REVIEW BY THE PLANNING COMMISSION FOR STREET-RELATED REAL PROPERTY ACQUISITIONS THAT ARE MINOR IN NATURE; AND VACATION OF A PORTION OF MADRONE ROAD

Public Works Director Ovadia shared historical information related to the item.

MOTION by Widmer, Second by Polito to adopt the Resolution 2022-13 declaring that provisions of California Government Code section 65402 shall not apply to minor street related acquisitions, dispositions, abandonments, and alignments.

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES:

ABSTAIN:

ABSENT:

MOTION by Lewis, Second by Polito to conduct a Public Hearing and adopt the attached Resolution 2022-14 vacating the street use of a portion of Madrone Road and retaining existing utility easement rights.

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES:

ABSTAIN:

ABSENT:

12. APPEAL OF A PLANNING COMMISSION DECISION TO DENY A VARIANCE TO ALLOW FOR A FENCE/WALL TO EXCEED SIX FEET IN HEIGHT AND TO ALLOW FOR A RETAINING WALL TO BE LOCATED LESS THAN FIVE FEET FROM THE PROPERTY LINE AT 25 ISABELLA DRIVE.

Principal Planner Davis presented the item providing a detailed review of the history and background information. She noted the Planning Commission decision and rules related to granting variances as directed within the Atherton Municipal Code.

City Attorney Ebrahimi provided guidance for Council to disclose communications held with anyone other than the City Manager.

Vice Mayor Widmer disclosed his site visit, watched the Planning Commission Meeting and discussed the issue with Mayor DeGolia.

Councilmember Polito disclosed that he visited the site and watched the Planning Commission meeting.

Councilmember Lewis indicated that she watched the Planning Commission meeting.

Councilmember Hawkins-Manuelian indicated that she watched the Planning Commission meeting.

Mayor DeGolia indicated that he visited the site, watched the Planning Commission meeting and discussed the topic with Vice Mayor Widmer.

The property owner of 25 Isabella addressed Council along with her Attorney and provided the reasons and case for the variance application.

Councilmember Lewis read the letter prepared by the property owner seeking a variance that was shared with neighbors.

Council held a discussion with the property owner of 25 Isabella and the impacted neighbor on 15 Isabella to gain insight on their decision for an appeal application as to whether to uphold or reverse a prior Planning Commission decision which denied a variance request to allow for an as-built fence/wall to be greater than 6 feet in height and an associated retaining wall to be located less than 5 feet from a property line.

After hearing from both parties Council encouraged property owners to make another attempt at finding a feasible resolution through negotiations suggesting both parties use some form of mediator to engage in the dialogue. Council instructed that if an arrangement cannot be met then they will hear the matter again at a future Council meeting to make a final determination.

This item was continued to September to allow the property owners to attempt to resolve the issue.

13. INTRODUCTION OF ORDINANCE AMENDMENTS TO CHAPTER 17.50 “LANDSCAPE SCREENING” OF THE ATHERTON MUNICIPAL CODE (AMC).

Principal Planner Davis presented the item and provided a summary of the amendments.

Council held a brief discussion related to the size of trees and language included in the amendments to Atherton Municipal Code (AMC) Chapter 17.50 Landscape Screening Ordinance.

Town Arborist Bentz provided insight as to what types of tree species would be prescribed.

City Attorney Ebrahimi provided guidance on allowable language which was discussed by Council.

MOTION by Widmer, Second by Lewis as amended to conduct the public hearing and introduce Ordinance amendments to Chapter 17.50 “Landscape Screening” of the Atherton Municipal Code (AMC) based on the following finding and for the reasons outlined in this report.

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES:

ABSTAIN:

ABSENT:

14. INTRODUCTION AND 1ST READING OF AN ORDINANCE APPROVING A POLICY FOR THE USE AND ACQUISITION OF MILITARY EQUIPMENT AS REQUIRED BY ASSEMBLY BILL 481 LAW ENFORCEMENT AND STATE AGENCIES

City Manager Rodericks introduced the item and there was no Council discussion.

MOTION by Widmer, Second by Lewis to introduce for 1st reading and waive future reading of an ordinance for the, “military equipment use policy and approving the use, acquisition, collaboration, and seeking of funding for military equipment,” as required by California Government Code § 7071 (a)(1) per Assembly Bill (AB) 481.

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES:

ABSTAIN:

ABSENT:

15. ADOPT THE ATTACHED RESOLUTIONS ADOPTING THE FY 2022/23 OPERATIONS AND CAPITAL BUDGET, SALARY & BENEFIT RESOLUTION FOR UNREPRESENTED STAFF, 2022/23 SALARY AND CLASSIFICATION SCHEDULE, GANN LIMIT APPROPRIATIONS AND ADOPT A FEE RESOLUTION AMENDING VARIOUS FEES AND CHARGES ON THE TOWN MASTER FEE SCHEDULE

City Manager Rodericks introduced the item and reviewed several key changes for Park fees. Rodericks noted that the Park and Recreation Committee plans to review the fees and may return to Council with future recommendations.

The Public Hearing was conducted and there was no public comment.

MOTION by Widmer, Second by Polito to adopt

- 1. Resolution 2022-08 of the City Council of the Town of Atherton Approving Fiscal Year 2022-2023 Salary Schedules and Classifications; and**
- 2. Resolution 2022-09 of the City Council of the Town of Atherton Establishing the Appropriations Limit for Fiscal Year 2022-2023 Pursuant to Article XIII B of the California Constitution**
- 3. Resolution 2022-10 of the City Council of the Town of Atherton Adopting the Fiscal Year 2022-2023 Operating and Capital Improvement Program Budget; and**
- 4. Resolution 2022-11 of the City Council of the Town of Atherton adopting the attached fee resolution amending various fees and charges on the Town Master Fee Schedule; and**

5. Resolution 2022-12 of the City Council of the Town of Atherton Adopting Salaries and Benefits for Unrepresented Staff.

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES:

ABSTAIN:

ABSENT:

REGULAR AGENDA (Items 16- 19)

16. CONSIDERATION OF AND APPOINTMENTS TO VARIOUS TOWN COMMITTEES AND PLANNING COMMISSION

City Manager Rodericks introduced the item and Council discussed the future of the Rail Committee, suggesting that committee be transitioned to a committee more similar to that of the Tree Committee. Mayor DeGolia suggested staff discuss this with the Rail Committee members and bring it back for Council consideration at a later meeting.

MOTION by Widmer, Second by Lewis to appoint

- **Thomas Hill to the Audit and Finance Committee to fill 4-Year terms expiring on June 30, 2026; and**
- **Kenneth Frederick to the Environmental Programs Committee for a 4-Year term expiring on June 30, 2026 and Amy Farrell to a mid- term vacancy expiring on June 30, 2024; and**
- **Taylor Henkel to the Parks and Recreation Committee for a 4-Year term expiring on June 30, 2026 and Frank Merrill to the Foundation seat for a 2-Year term expiring on June 30, 2024; and**
- **Eric Lane to the Planning Commission to fill a 4-Year term expiring on June 30, 2026; and**
- **John Maulbetsch to the Rail Committee to fill a 4-Year term expiring on June 30, 2026.**

17. DISCUSS COMMUNITY FEEDBACK REGARDING HOUSING ELEMENT UPDATES

This item was moved to be heard before ITEM 11.

18. CITY MANAGER PERFORMANCE EVALUATION AND APPROVAL OF AMENDMENT TO CITY MANAGER EMPLOYMENT CONTRACT

City Attorney Ebrahimi reported that the City Manager received an excellent performance review and was awarded a \$15,000 bonus and 5% raise in annual salary up to \$256, 854.15 effective July 1, 2022.

MOTION by Lewis, Second by Polito to approve the 9th amendment with George Rodericks for a base salary of \$256,854.15 per year and a one-time bonus of \$15,000 with amended language.

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES:

ABSTAIN:

ABSENT:

19. CITY ATTORNEY PERFORMANCE EVALUATION AND APPROVAL OF AMENDMENT TO LEGAL SERVICES AGREEMENT

City Manager Rodericks introduced the item noted Council direction to amend the contract for legal services with Kronick, Moskovitz, Tiedemann & Girard to increase the monthly retainer from \$15,000 to \$17,000.

MOTION by Lewis, Second by Hawkins to approve the amendment to the legal services agreement with Kronick, Moskovitz, Tiedemann & Girard to \$17,000 monthly.

AYES: Polito, Hawkins, Lewis, Widmer, DeGolia

NOES:

ABSTAIN:

ABSENT:

20. COUNCIL REPORTS/COMMENTS – *None*

21. ADJOURN

Mayor DeGolia adjourned the meeting at 9:28 p.m.



Anthony Suber
City Clerk