



**Draft Minutes
Town of Atherton
July 6, 2016
3:00 P.M.
Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting**

ROLL CALL Lewis, Lempres, Widmer, Wiest, DeGolia

**Teleconference
Vice Mayor Mike Lempres
15 Loma Media Rd.
Santa Barbra, CA 93103**

PUBLIC COMMENTS - (Limited to items on the agenda)

1. DISCUSSION AND DIRECTION REGARDING THE REGULATION OF SMALL UNMANNED AIRCRAFT SYSTEMS (sUAS) OR DRONES

Report: City Manager George Rodericks

Recommendation: Review the staff report and provide staff with direction regarding consideration of local regulatory measures related to sUAS or drones

Staff presented the staff report and the Council discussed the various issues related to the use of drones. Following public comment, the Council discussed issues related to privacy, noise, identification, enforcement, the federal regulatory framework, use in the Park, photography (commercial and hobby), use on public property and use on private property.

Following discussion, the Council directed staff prepare an ordinance for future consideration regulating drone use within the Town's jurisdiction to the maximum extent possible under Federal law, specifically addressing issues related to privacy and noise.

2. DISCUSSION AND CONFIRMATION OF PROPOSED CHANGES TO THE BUSINESS LICENSE ORDINANCE FOR THE NOVEMBER 2016 ELECTION BALLOT

Report: Finance Director Robert Barron III

Recommendation: Discuss recommended changes to the Town's business license ordinance and confirm direction to consider placing the item on the November 2016 election ballot

Staff presented the staff report and following public comment, the Council discussed issues related to revenue generation, taxation framework, business categories, exclusion of home occupations from the tax framework, and applicability of the tax to the conduct of business in Atherton. Staff advised that the current business license ordinance and tax was adopted 31 years ago, does not identify current business types operating in Town, and is based on a 5% of gross receipts or a flat fee, whichever is less. The proposed changes would update the business

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categories and revise the taxation framework to a more modern framework of \$0.25 per \$100 of gross receipts and a flat fee.

Following discussion, the Council directed staff prepare the ordinance and applicable resolution for consideration by the Council at the July 20 Council meeting with changes related to expansion of the specific business identifications/examples covered by the ordinance (for example, adding business descriptions such as cleaning services, professional photography, and commercial operation of drones), exclusion of home occupations from the tax framework since they are separately covered under the Town's land use provisions, include a "catch all" provision for businesses not specifically identified, and consolidate the overall taxation categories to clarify the distinction between businesses with 3 or more employees and 2 or less.

3. REVIEW AND DISCUSS THE DISPOSITION OF LIBRARY DONOR FUNDS AND PROVIDE THE COUNCIL LIBRARY LIAISON WITH FEEDBACK

Report: City Manager George Rodericks

Recommendation: Review and discuss the disposition of library donor funds and provide the Council Library Liaison with feedback

Following a brief staff report, the Council discussed the status of the Library Ad Hoc Subcommittee on Donor Funds and the Council's previously adopted Exhibit "A" Talking Points. The Council went through each talking point and discussed the status of Subcommittee discussion for each.

The Council provided feedback to the Council Library liaison regarding protection of the Town's use of library donor funds for design and construction of the Town's new library, once built – expansion of programs and services to the community, and planning for maintenance, replacement, and refurbishment of the Library and its grounds in the Civic Center.

ADJOURN

Mayor Lewis adjourned the meeting at 5:17 p.m.



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Town of Atherton
CITY COUNCIL
July 20, 2016

6:00 P.M. – SPECIAL MEETING - CLOSED SESSION
Conference Room; Town Administrative Offices
91 Ashfield Road, Atherton, California
7:00 P.M. - REGULAR MEETING
Council Chambers
94 Ashfield Road,
Atherton, California

The meeting was called to order at 7:00 p.m.

7:00 PM REGULAR SESSION

1. PLEDGE OF ALLEGIANCE

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

Council Member Widmer was excused.

3. PRESENTATIONS

Lt. Wade introduced Officer Bryan Robbins. Wade administered the oath of office and Bryan's son officially pinned him.

4. PUBLIC COMMENTS

None.

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

A. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6

Agency Negotiators: George Rodericks, City Manager

Employee Organization: Unrepresented Employees, Atherton Police Officers' Association

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b) City Manager

City Attorney Bill Connors reported that the Council met in closed session but there was no reportable action.

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

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-16)

8. **APPROVAL OF JULY 6 SPECIAL MEETING AND JUNE 15, 2016 REGULAR MEETING MINUTES**

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes

9. **APPROVAL OF BILLS AND CLAIMS FOR JUNE IN THE AMOUNT OF \$989,386**

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$989,386

10. **ADOPT RESOLUTION APPROVING SALARIES AND BENEFITS FOR UNREPRESENTED EMPLOYEES AND ADOPT RESOLUTION APPROVING TOWN OF ATHERTON SALARIES FOR FY 2016/17**

Report: City Manager George Rodericks

Recommendation: It is recommended that the Council adopt the attached Resolutions.

- a. Resolution approving the salary and benefits for unrepresented employees
- b. Resolution approving Town of Atherton Salaries for FY 21016/17

11. **AWARD OF CONTRACT FOR THE BELBROOK CULVERT REPAIR PROJECT, PROJECT NUMBER 56075**

Report: City Engineer Mary Grace Houlihan

Recommendation:

1. Authorize the award the construction contract for Belbrook Culvert Repair Project, Project Number 56075 to the lowest responsive bidder for an amount not to exceed \$250,000 and authorize construction change orders for an amount not to exceed \$30,000; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town.
2. Authorize the City Attorney to prepare a Right of Entry (ROE) for construction access and authorize the City Manager to execute the ROE on behalf of the Town.
3. Authorize the City Manager to execute an amendment to the consulting services agreement with Kimley Horn and Associates to provide construction support and environmental oversight during construction and for post construction reporting.

12. ***ITEM REMOVED FROM THE AGENDA***

13. **AWARD OF CONTRACT FOR THE 2016 OVERLAY PROJECT, PROJECT NUMBER 56069**

Report: City Engineer Mary Grace Houlihan

Recommendation: Award the construction contract for 2016 Overlay Project, Project Number 56069 to the lowest responsive bidder, O'Grady Paving, Inc. of Mountain View for \$287,340 and authorize change orders up to \$50,000; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town

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- 14. AUTHORIZATION TO CONTRACT WITH INTERWEST CONSULTING GROUP FOR INFORMATION TECHNOLOGY SERVICES TO THE TOWN OF ATHERTON**
Report: City Manager George Rodericks
Recommendation: Authorize a contract with Interwest Consulting Group for Information Technology Services for the Town; direct the City Attorney to prepare a contract; and authorize the City Manager to execute the contract on behalf of the Town
- 15. AUTHORIZATION TO PURCHASE OF TWO NEW POLICE VEHICLES AS PART OF THE FY 2016/17 BUDGETED EQUIPMENT REPLACEMENT FUND**
Report: Acting Chief Joe Wade
Recommendation: Authorize the purchase of two new police vehicles as part of the FY 2016/17 budgeted equipment replacement fund
- 16. SECOND READING AND APPROVAL TO AMEND ATHERTON MUNICIPAL CODE SECTION 12.24.085 TO ALLOW BICYCLES ACCESS TO A SECTION OF WALKING PATH AT HOLBROOK-PALMER PARK**
Report: Community Services Director Mike Kashiwagi
Recommendation: Second Reading and approval of amendment to Atherton Municipal Code Section 12.24.085 to allow bicycles access to a section of the walking path at Holbrook-Palmer Park.

MOTION by Wiest, second by Lempres to approved the consent calendar consisting of items 8 through 16. The motion passed unanimously.

PUBLIC HEARING – (Item 17)

- 17. CONDITIONAL EXCEPTION TO THE SUBDIVISION ORDINANCE FOR A LOT LINE ADJUSTMENT – 279 PARK LANE AND 60 SANTIAGO AVENUE**
Report: Town Planner Lisa Costa Sanders
Recommendation: The Planning Commission recommends that the City Council conduct the public hearing and approve the request for a conditional exception to the Subdivision Ordinance for a Lot Line Adjustment at 279 Park Lane and 60 Santiago Avenue in Atherton based on the findings listed below:
1. There are special circumstances or conditions affecting the property;
 2. The exception is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 3. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the property is located;
 4. The granting of the exception will not violate the requirements, goals, policies, or spirit of the law.

Town Planner Costa Sanders summarized the staff report.

Council Member DeGolia requested confirmation that the 20 foot width allows for vehicle and fire apparatus. Costa Sanders confirmed that it does.

MOTION by DeGolia, second by Lempres to approve item 17 as recommended. The item passed unanimously.

REGULAR AGENDA – (Items 18-22)

18. APPROVE THE RELEASE OF A REQUEST FOR PROPOSAL (RFP) TO PREPARE PLANS AND SPECIFICATIONS FOR PEDESTRIAN AND VEHICULAR CIRCULATION PLANS (PC1 & VC1) CONSISTENT WITH THE PARK AND LANDSCAPE MASTER PLANS

Report: Community Services Director Mike Kashiwagi

Recommendation: Approve the release of a Request for Proposal to prepare plans and specifications for pedestrian and vehicular circulation plans (PC1 and VC1) consistent with the Park and Landscape Master Plans

After a brief staff report and public comment, the Council discussed issues related to amendments to the RFP to ensure that the document focused on landscaping.

Kashiwagi confirmed that the landscape architect will be the primary person for this project. He added that staff will amend the RFP to note that.

Mayor Lewis noted that this project is included in the approved park master plan. Kashiwagi confirmed that this RFP is to provide the panning and design to implement the recommendations in the plan. DeGolia provided background of the discussions that took place at the Park & recreation meeting surrounding the fire safety turnaround in the parking lot and it's re-landscaping.

Council discussed costs related to the project. Kashiwagi confirmed that this is a publicly bid project and council will have more input along the way.

MOTION by DeGolia, second by Wiest to approve the release of a Request for Proposal to prepare plans and specifications for pedestrian and vehicular circulation plans (PC1 and VC1) consistent with the Park and Landscape Master Plans. The motion passed unanimously.

19. DIRECTION TO CITY ATTORNEY TO PREPARE AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT FOR STAFF COSTS ASSOCIATED WITH THE REVIEW OF TECHNICAL STUDIES, LEGAL DOCUMENTS, AND DESIGN PLANS FOR THE HIGH SPEED RAIL PROJECT

Report: Community Services Director Mike Kashiwagi

Recommendation: If Council deems appropriate, direct the City Attorney to prepare and authorize the City Manager to execute a Reimbursement Agreement with the California High Speed Rail Authority for staff costs associated with the review of technical studies, legal documents, and design plans for the High Speed Rail Project

Following a staff presentation and public comment, the Council discussed legal issues related to any current or future legal challenges by the Town related to high speed rail, timing of fiscal reimbursement claims, and assurance that despite fiscal reimbursement, review of CAHSR issues is

not a Town priority. Following any final Q&A, the Council authorized the City Attorney to draft and City Manager to execute an agreement protecting the Town's legal interests.

MOTION by Lempres, second by Wiest to direct the City Attorney to prepare and authorize the City Manager to execute a Reimbursement Agreement with the California High Speed Rail Authority for staff costs associated with the review of technical studies, legal documents, and design plans for the High Speed Rail Project. The motion passed unanimously.

20. REVIEW, DISCUSS, AND CONSIDER ADOPTION OF THE NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM

Report: Community Services Director Mike Kashiwagi

Recommendation: Review, discuss, and consider adoption of the Neighborhood Traffic Management Program, a new policy document to address neighborhood traffic concerns in the Town of Atherton

Community Services Director Kashiwagi provided council with a report.

Council discussed the Neighborhood Traffic Management Plan providing feedback on public outreach, review triggers, neighborhood participation requirements, involvement of Menlo Fire District, Emergency Response Routes, application of the process to neighborhood concerns, determination of affected areas, and implementation.

DeGolia asked for the definition of "adjacent" property owners as it relates to residents who request the addition of a traffic calming device in their neighborhood. He noted that in some cases, the plan requires a certain percentage of neighbors and adjacent property owners to support the device.

Kashiwagi noted that adjacent neighbors would be properties that are in front of and across the street from the requesting party. Connors added that it would include and properties that "touch" the device location.

Council Member Wiest asked if the Menlo Park Fire District was involved in developing the plan. Kashiwagi noted that Menlo Park's plan was used as a basis before it was reviewed by police, fire, transportation committee and the community. The Fire Districts comments were used as a basis for community development of the plan.

Jon Johnston, MPFPD, thanked Council and staff for the work they did in developing the plan. He noted that the District supports the plan.

Penelope Wong, Menlo Park Transportation member, noted that Menlo Park developed the same type of plan but they are currently disbanding it because it did not work for Menlo Park. The complete streets policy, to some extent, is a replacement for the plan.

Council Member Wiest believe that the processes outlined in the plan are reasonable and the plan is a good first step in managing traffic. The plan is subject to modification as necessary so if the percentages don't work for the Town the plan can adjust accordingly. He supported the plan.

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Mayor Lewis concurred. She hopes that streets in Atherton will become safer and slower because of the plans being developed. Lewis felt that a higher percentage of neighborhood “buy in” is important.

Vice Mayor Lempres agreed that it is important to have substantial “buy in” in a neighborhood that wants a new traffic calming device. He noted that once something is done, it is hard to undo.

DeGolia felt that requiring 51% “buy in” is almost ensuring that nothing happens because it is very difficult to get people to come to meetings.

MOTION by DeGolia, second by Lempres to adopt the plan providing direction to staff to lower the petition threshold to 25% from 51%. The motion passed 3-1, Wiest opposed (because he did not support an increase in the percentage petition threshold).

21. ACCEPT THE CIVIC CENTER PROJECT STATUS UPDATE; PROVIDE FEEDBACK ON THE GREEN BUILDING ALTERNATIVES MATRIX AND LIBRARY FLOOR PLAN; AUTHORIZE THE EXECUTION OF AN AMENDMENT TO AGREEMENT WITH WRNS; AND AUTHORIZE THE EXECUTION OF A SUBCONTRACTOR AGREEMENT WITH PAEC

Report: City Engineer Mary Grace Houlihan

Recommendation:

1. Authorize the City Manager to execute Amendment Number 4 with WRNS Studio in the amount of \$40,000 for Architectural/Engineering support services to support the Peninsula Advanced Energy Community (PAEC) grant scope;
2. Authorize City Manager to execute a subcontractor agreement with PAEC;
3. Review Green Alternatives matrix and updated floor plans and elevations to date and provide any appropriate feedback; and
4. Review Library floor plan to date and provide any appropriate feedback.

City Engineer Mary Grace Houlihan summarized the staff report through a PowerPoint presentation walking the Council through the various changes to the footprint and floor planning, to include a reduction in square footage of 3,200 square feet.

Staff also discussed changes to the WRNS Scope of Work to accommodate a grant from PAEC and the CEC of \$40,000 to study additional green building alternatives for the Project.

MOTION by Wiest, second by DeGolia to authorize a contract with PAEC, amended the contract scope of work with WRNS to accommodate the grant work, reviewed the green alternatives matrix and directed staff to return the matrix to the Civic Center Advisory Committee for feedback, and provided feedback on the floor planning. The motion passed unanimously.

22. PROVIDE DIRECTION TO STAFF AND ADOPT VARIOUS RESOLUTIONS RELATED TO THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN A BALLOT MEASURE FOR THE NOVEMBER 8, 2016 ELECTION THAT AMENDS THE TOWN’S BUSINESS LICENSE TAX ORDINANCE

Report: Finance Director Robert Barron III

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Recommendation: Provide direction to staff regarding the specific business license tax model, written arguments, and rebuttal arguments, and adopt the attached resolutions setting the same:

- 1) Resolution of the City Council of the Town of Atherton ordering the submission to the qualified electors of the Town a Measure relating to the Town's Business License Tax Ordinance to be held on November 8, 2016; and
- 2) Resolution of the City Council of the Town of Atherton setting priorities for filing written arguments regarding the Measure relating to the Town's Business License Tax Ordinance to be held on November 8, 2016; and
- 3) Resolution of the City Council of the Town of Atherton providing for the filing of rebuttal arguments regarding the Measure relating to the Town's Business License Tax Ordinance to be held on November 8, 2016.

Finance Director Robert Barron presented the staff report and PowerPoint Presentation. Following the staff report and public comment, the Council discussed various issues related to the item. These included considerations related to enforcement, timing, outreach efforts, expressed need for funding, tax models, examination of other revenue options in addition to the business license, and other community tax structures.

Following discussion, the Council directed that consideration of the business license tax measure be postponed and that staff return in September with a 12- to 18-month strategy plan with target dates, necessary meetings, survey proposals, outreach proposals, possible polling, and tax model alternatives for Council consideration with a target of the November 2018 ballot. The Council also directed that staff provide the Council with a refresh on other tax alternatives for consideration.

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

24. **FUTURE AGENDA ITEMS** – None.

25. **PUBLIC COMMENTS** – None.

26. **ADJOURN**

Mayor Lewis adjourned the meeting at 10:03 p.m.

Respectfully Submitted,
Theresa N. DellaSanta
City Clerk



Minutes
Town of Atherton
August 24, 2016
3:00 P.M.
Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting
City Council

ROLL CALL Lewis, Lempres, Widmer, Wiest, DeGolia

Widmer was excused from the meeting.

PUBLIC COMMENTS - (Limited to items on the agenda)

1. CONSIDERATION OF APPOINTMENT OF CANDIDATES TO THE OFFICES OF CITY COUNCIL THAT WERE TO BE VOTED ON AT THE NOVEMBER 8, 2016 ELECTION

Report: City Manager George Rodericks

Recommendation: Approve Resolution appointment of nominees to offices of City Council that were to be voted on at the November 8, 2016 Election. If approved, the election scheduled to be held on Tuesday, November 8, 2016, is now cancelled.

City Manager Rodericks summarized the staff report.

Assistant City Attorney pointed out that there is no conflicts with the current incumbent nominees voting to approve this item.

City Clerk DellaSanta read the following letter from Council Member Widmer into the record.

Fellow Councilmembers,

I am sorry I cannot be with you today for the special meeting. I plan to be in attendance for the upcoming Council Study Session on the 7th of September and am looking forward to seeing you all again. As I am not in attendance, this public comments submittal, is submitted as a letter of support to cancel the upcoming election and reappoint the two sitting Councilmembers who have, in a timely manner, submitted their approved candidate forms for re-election. I believe our team has been working well together and I am hopeful that, with your vote to cancel the election, we will, without the suspense and cost of an election, be able to seamlessly move forward and continue to support the needs of the Town.

I look forward to the good news of your vote.

Best regards,

Bill Widmer

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Vice Mayor Lempres noted that he is happy that the Council chose to wait until the very last minute to cancel the election. He felt that cancelling the election was not to be taken lightly and it was important to keep the door open as long as it could. Lempres added that he respects both nominees (Lewis and Wiest) and he is pleased with their reappointment.

Mayor Lewis thanked Vice Mayor Lempres for his words.

MOTION by Lempres, second by DeGolia to Approve Resolution appointment of nominees (Elizabeth Lewis and Cary Wiest) to offices of City Council that were to be voted on at the November 8, 2016 Election. If approved, the election scheduled to be held on Tuesday, November 8, 2016, is now cancelled. The Motion passed 4-0-1 (Widmer, absent).

ADJOURN

Mayor Lewis adjourned the meeting at 3:11 p.m.