



**Town of Atherton  
ATHERTON CHANNEL  
DRAINAGE DISTRICT  
September 21, 2016  
MINUTES  
7:00 P.M. Council Chambers  
94 Ashfield Road,  
Atherton, California**

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

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Lempres, Widmer, Wiest, DeGolia

3. **PRESENTATIONS**

None.

4. **PUBLIC COMMENTS** – None.

**CONSENT CALENDAR** (Item 5 Only)

5. **APPROVE A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE GRANT OF EASEMENT FOR A PORTION OF THE ATHERTON CHANNEL ON BEHALF OF THE ATHERTON CHANNEL DRAINAGE DISTRICT**  
**Report:** City Engineer, Marty Hanneman  
**Recommendation:** Approve a resolution to authorize the City Manager to execute the Grant of Easement on behalf of the Atherton Channel Drainage District.

**MOTION by DeGolia, second by Widmer to approve a resolution to authorize the City Manager to execute the Grant of Easement on behalf of the Atherton Channel Drainage District. The motion passed unanimously.**

**ADJOURN (TO RECONVENE TO THE REGULAR CITY COUNCIL MEETING)**

MOTION by Lempres, second by DeGolia to adjourn to the regular session. Mayor Lewis adjourned to the regular city council meet at 7:03 p.m.



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL**  
**September 21, 2016**  
**REGULAR MEETING**  
**7:05 PM Council Chambers**  
94 Ashfield Road,  
Atherton, California

The Mayor called the meeting to order at 7:03 p.m.

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

2. **PRESENTATIONS**

**Introduction and Oath of Office** – Police Officers Ken MacDonald & Harris Smiler

Acting Chief Joe Wade introduced new Police Officers MacDonald and Harris. Both officers were pinned by a family member.

**Presentation** – CalWater – A presentation on Water District Activities

Dawn Smithson, Bear Gulch District Manager, presented to the City Council. Smithson reviewed recent developments, self-certification and reduction targets, water shortage contingency plan, and conservation tools and tips for customers.

**Proclamation** – Atherton Resident Nerissa Dexter

Mayor Lewis presented Nerissa Dexter with a proclamation from the City Council.

3. **PUBLIC COMMENTS**

Ygrene made a short presentation on its PACE Funding program. The item will be on the October City Council agenda for council to take action.

Walter Sleeth, notified Council that the Friends of the Library haven't had any input on the library plans and he would appreciate the opportunity. He added that the Town should slow down on taking action to hire consultant to review the Fire District taxes.

Scott Barnum and Tom Prussing provided an after action report on the Atherton Community Emergency Disaster Drill. There was discussion of what the drill consisted of and what was learned from it.

Prussing noted that the premise of the drill was to test the Town's collaborative response to a major "disaster" (e.g., earthquake) and the objectives were to engage drill participants to better understand what happens if.... And to determine vulnerabilities and lessons learned. Overall the drill was well attended and the drill itself was run efficiently and effectively.

Barnum noted that ADAPT will continue to set up and conduct further drills in Atherton, submit recommendations for modest increase in supplies, and look for ways to partner with the Town on increasing participation.

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

None.

**5. CITY MANAGER'S REPORT**

Mayor Lewis announced that Atherton will hold its first Farmers Market and Family Faire on Sunday, September 25 from noon to 3pm.

**6. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

**CONSENT CALENDAR (Items 7-14)**

Vice Mayor Lempres questioned whether there was a conflict with him voting on Item 10 since his wife is on the Arts Foundation Board. Assistant City Attorney Larsen noted that there is no conflict with Lempres voting on the item.

Mayor Lewis pulled item 14 and moved it to the end of the regular agenda.

**7. APPROVAL OF JULY 6 SPECIAL MEETING, JULY 20 REGULAR MEETING, AND AUGUST 24, 2016 SPECIAL MEETING MINUTES**

**Report:** City Clerk Theresa DellaSanta

**Recommendation:** Approve meeting minutes.

**8. APPROVAL OF BILLS AND CLAIMS FOR JULY IN THE AMOUNT OF \$1,757,270 AND BILLS AND CLAIMS FOR AUGUST IN THE AMOUNT OF \$2,422,052**

**Report:** Finance Director Robert Barron III

**Recommendation:** Approve Bills and Claims in the amount of \$4,179,322.

**9. ADOPTION OF RESOLUTION ACCEPTING EXPENDITURES FOR BALANCE OF FISCAL YEAR 2016-2017 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF), CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS) GRANT**

**Report:** Acting Chief Joe Wade

**Recommendation:** Adopt the attached resolution accepting the recommended expenditures of the remaining balance of FY 2016-17 Supplemental Law Enforcement Services Fund (SLESF), Citizen's Option for Public Safety (COPS) Grant in the amount of \$100,000.00 in accordance with California state requirements.

**10. APPROVAL OF THE ATHERTON ARTS FOUNDATION BUDGET REQUEST - FY 2016-2017**

**Report:** Finance Director Robert Barron III

**Recommendation:** Approve the FY 2016-2017 Budget Request from the Atherton Arts Foundation in the amount of \$10,745.

**11. AUTHORIZE PARTICIPATION IN THE PENINSULA SUNSHARES PROGRAM**

**Report:** City Clerk Theresa DellaSanta

**Recommendation:** Approve letter of support for participation in Peninsula Sunshares.

**12. ADOPT PAY SCHEDULES FOR COMPLIANCE WITH CALIFORNIA CODE OF REGULATIONS SECTION 570.5 AS REQUIRED BY CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)**

**Report:** Finance Director Robert Barron III

**Recommendation:** Adopt resolution approving revised pay schedules for FY 2014/15 through FY 2016/17 for compliance with California Code of Regulations Section 570.5 as required by CalPERS.

**13. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE 2016 SLURRY SEAL PROJECT**

**Report:** City Engineer, Marty Hanneman

**Recommendation:** Accept work and authorize recording of a Notice of Completion for the 2016 Slurry Seal Project, Number 56071.

**MOTION by DeGolia, second by Wiest to approved the consent calendar consisting of items 7 through 13. The motion passed unanimously however Widmer abstained from Item 8 because he was not present for the meetings.**

**REGULAR AGENDA – (Items 15-19)**

**14. PROVIDE FEEDBACK TO STAFF REGARDING THE BUSINESS LICENSE TAX STRATEGY PLAN/CALENDAR**

**Report:** Finance Director Robert Barron III

**Recommendation:** Provide feedback to staff regarding the business license strategy plan and timeline for putting the business license tax on the November 2018 election ballot.

After a brief staff report and public comment, the Council discussed various issues related to the calendar/strategy including building flexibility into the timeline, meetings with stakeholder groups, broader conversations around revenue alternatives, and more detail regarding other community business license tax strategies. Following discussion, the Council directed staff to return at the October 5 Study Session with a discussion of broad revenue alternatives and later in the fall, begin the Business License strategy/calendar with a Council discussion of the July 2016 Business License Tax model with expanded information about other community business license tax strategies in an attempt to define or redefine what the Town is looking for in its own taxing model.

**15. RATIFY THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF ATHERTON AND THE ATHERTON POLICE OFFICERS ASSOCIATION AND APPROVE THE FY 2016/17 UPDATED SALARY SCHEDULE**

**Report:** City Manager George Rodericks

**Recommendation:** 1) Adopt the attached Resolution ratifying the FY 2016-2019 Memorandum of Understanding (MOU) between the Town of Atherton and the Atherton Police Officers Association (APOA) establishing salaries and benefits for those personnel effective October 1, 2016 through June 30, 2019; and 2) Adopt the attached Resolution approving the FY 2016/17 Updated Salary Schedule.

After a staff report and public comment, the Council discussed the negotiation process and outcomes.

Mayor Lewis felt that it was a fair and reasonable negotiation between the Town and the APOA.

Council Member Widmer noted that he will abstain from the vote because he was not present for the negotiations.

Council Member DeGolia noted that the discussion and the negotiations were not easy. He noted that the Council represents the people of Atherton and that Council Members need to remain good stewards of Town finances. He was satisfied with moving more of the pension responsibility to the employees.

**MOTION by DeGolia, second by Lempres to adopt the Resolution ratifying the FY 2016-2019 Memorandum of Understanding (MOU) between the Town of Atherton and the Atherton Police Officers Association (APOA) establishing salaries and benefits for those personnel effective October 1, 2016 through June 30, 2019; and adopt the attached Resolution approving the FY 2016/17 Updated Salary Schedule. The motion passed 4-0-1 (Widmer abstained).**

**16. APPROVAL OF 4th AMENDMENT TO CITY MANAGER'S AGREEMENT**

**Report:** City Attorney William Connors

**Recommendation:** Approve 4th amendment to City Manager's Agreement and read City Manager's salary and benefits orally into the record.

Mayor Lewis noted that the Town was fortunate to have Rodericks as the City Manager. There has been much improvement over the last four years and he should be recognized for that.

Council Member Widmer noted that he could not support the item solely because it wasn't clear how the bonus would be paid out. He noted that it had nothing to do with Rodericks performance.

The Council discussed legal issues related to the proposed bonus provision within the City Manager's contract.

Vice Mayor Lempres noted that the subcommittee (Lewis, Lempres) laid it out the bonus provisions very clearly with the City Manager and believed it was the right decision.

**MOTION by Lempres, second by DeGolia to approve 4th amendment to City Manager's Agreement and read City Manager's salary and benefits orally into the record. The Mayor read the salary and benefits for the record. The motion passed 4-0-1 (Widmer abstained).**

**Widmer recognized the good work of the City Manager in light of his abstention.**

**17. PROVIDE DIRECTION TO STAFF FOR PARTICIPATION LEVEL IN PENINSULA CLEAN ENERGY FOR MUNICIPAL ACCOUNTS**

**Report:** City Manager George Rodericks

**Recommendation:** Provide direction to staff for participation level in Peninsula Clean Energy for municipal accounts.

After a brief staff report and public comment, the Council discussed the increase of 2.5-3% (\$6,900) in energy costs if the Town were to enroll in the ECO100 option with Peninsula Clean Energy.

Council Member DeGolia who represents the Town on the PCE Board provided background information to the Council.

**MOTION by Lewis, second by DeGolia to enroll municipal accounts in the ECO100 Plan and to monitor costs over the next few years as part of the City Manager's Monthly Report. The motion passed unanimously.**

**18. ACCEPT THE CIVIC CENTER PROJECT STATUS UPDATE; PROVIDE FEEDBACK ON THE CIVIC CENTER AND LIBRARY DESIGNS; RECEIVE UPDATE ON THE SFPUC WATER LINE AND PROVIDE FEEDBACK**

**Report:** City Engineer Marty Hanneman

**Recommendation:** 1) Review the updated Civic Center and Library floor plans and elevations and provide feedback; and 2) Review the information on SFPUC 36-inch water line potential relocation and provide feedback.

Staff presented the staff report and a PowerPoint presentation walking the Council through the various changes to the footprint and floor planning for the Civic Center and Library. Staff also discussed the current status of the SFPUC water line. The Council discussed various issues regarding the project, including, but not limited to ADA parking, exterior doors, enclosures for the children's reading spaces, making the children's reading areas more engaging, the proposed café/warming kitchen layout, modifications to the floor planning to make the café layout more feasible, plumbing and stub outs for the café versus full implementation, exterior reading spaces, use of exterior spaces, and gathering spaces. With respect to the SFPUC water line, the Council discussed indemnification, leaks, condition of the line, potholing requests and actual line depth/location, validity of the easements, cost benefit, and further negotiation with the SFPUC on moving the line.

Following discussion, the Council's direction was to continue discussion/negotiation on the SFPUC water line, return to the Council with a final resolution for consideration, consider the feedback on the library and civic center floor plans, and request that Atherton Now provide some detail with respect to committed pledges.

Council took up **ITEM 14** which was removed by Mayor Lewis from the consent agenda for discussion.

**ACCEPT THE AMENDMENTS THE PEDESTRIAN AND BICYCLE MASTER PLAN TO DESIGNATE PORTIONS OF OAK GROVE AVENUE AS A CLASS II BIKE ROUTE AND REMOVE CLASS II DESIGNATION ON PORTIONS OF GLENWOOD AVENUE**

**Report:** City Engineer Marty Hanneman

**Recommendation:** Accept the attached amendment to the Atherton Bicycle and Pedestrian Master Plan (BPMP) to: 1) Designate Oak Grove Avenue, between Laurel Street and Middlefield Road (within Town limits) as a Class II route; and 2) Remove the Class II bike route designation on Glenwood Avenue between Laurel Street and Middlefield Road.

Council Member Widmer recused himself from the item due to the proximity of his home to the item. Widmer left the meeting.

Mayor Lewis asked why the move from Glenwood to Oak Grove.

Kashiwagi explained that Glenwood Avenue offers less interaction between bicyclists and motor vehicles (fewer crossing of vehicular lanes), bicyclists currently choose Oak Grove Avenue over Glenwood Avenue by a significant margin for their east-west maneuvers. This is due to the direct link Oak Grove Avenue provides between major destinations in the area (downtown Menlo Park, Caltrain station, and Menlo-Atherton High School).

**MOTION by DeGolia, second by Lempres to accept the amendment to the Atherton Bicycle and Pedestrian Master Plan (BPMP) to: 1) Designate Oak Grove Avenue, between Laurel Street and Middlefield Road (within Town limits) as a Class II route; and 2) Remove the Class II bike route designation on Glenwood Avenue between Laurel Street and Middlefield Road. The motion passed 4-0-1 (Widmer absent).**

19. **COUNCIL REPORTS/COMMENTS** – Nothing further.

20. **FUTURE AGENDA ITEMS**

Council Member DeGolia initiated a short discussion about removal of the unprotected crosswalks at Stockbridge on El Camino Real.

There was discussion regarding the Selby intersection.

21. **PUBLIC COMMENTS** – None.

22. **ADJOURN**

MOTION by Wiest, second by DeGolia to adjourn the meeting.

Mayor Lewis adjourned the meeting at 10:30 p.m.

Respectfully Submitted,  
Theresa N. DellaSanta  
City Clerk



**Minutes**  
**Town of Atherton**  
**October 5, 2016**  
**3:00 P.M.**  
**Council Chambers**  
94 Ashfield Road  
Atherton, California  
**Special Meeting**

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

Council Member Widmer will teleconference from the following location:  
The Hyatt Regency Long Beach  
200 South Pine Avenue,  
Long Beach, California, USA, 90802

**PUBLIC COMMENTS** –

Walter Sleeth – felt that the decision for item number 2 should not be decided until the new library is actually built.

**STUDY SESSION ITEMS**

**1. DISCUSSION OF THE FIRE FISCAL SERVICES REVIEW SUBCOMMITTEE AND PROVIDE FEEDBACK TO THE MAYOR REGARDING SUBCOMMITTEE MEMBERSHIP**

**Report:** City Manager George Rodericks

**Recommendation:** Discuss the Fire Fiscal Services Review Subcommittee Assignments and provide feedback to the Mayor for possible modification to the Subcommittee membership

Mayor Lewis noted that she attended the Fire District Board meeting the prior week. She summarized the Districts meeting and their action as it relates to the Town.

Councilmember DeGolia was not clear on what action was necessary for this item.

Assistant City Attorney Jennifer Larsen clarified that there are potential brown act issues because the action taken by the Fire Board raises a participation issue for the Town since the Town already has an assigned subcommittee to work with fire board members that does not include the Mayor.

DeGolia recommended that the subcommittee continue to meet and do their analysis and allow the Mayor to meet with the Board President as they please.

Larsen explained that to eliminate confusion, reduce the potential for cross or mixed messages/purposes, prevent the potential for a Brown Act violation, accommodate the District's request of meeting with the Mayor, and the Council/staff's need for a Council Subcommittee,

staff recommends that the Council consider reassigning one member of the Committee to be the “Mayor” of Atherton.

Council Member Widmer felt that it is the Mayors job to make changes to subcommittees. The Mayor should make necessary changes.

Finance Committee member Bob Polito offered to sit on the committee and put in the hours to complete the task if it helps avoid any issues.

The Council supported Polito’s suggestion. Council agreed that the Mayor will refrain from all conversations about the fire fiscal services review and Councilmember Wiest will work with Finance Committee member Bob Polito.

Mayor Lewis recapped her meeting and conversation with Fire District Board President Rob Silano. Silano attended the Mayors regularly schedule Office Hours. She noted that Silano encouraged her to write a letter to the Board summarizing what the Town is looking for.

Council disbanded the subcommittee (Wiest, Lempres) to allow Wiest and Finance Committee Member Bob Polito to work on developing the scope of work for the fire fiscal services review.

**2. PROVIDE FEEDBACK TO THE CITY COUNCIL REPRESENTATIVE TO THE LIBRARY JPA ON THE LIBRARY DONOR FUND DISCUSSIONS**

**Report:** City Manager George Rodericks

**Recommendation:** Provide feedback to the City Council Representative to the Library JPA on the Library Donor Fund Discussions

Councilmember DeGolia summarized his report regarding a proposal by the San Mateo County Libraries system to start using excess tax dollars that were generated in Atherton, Woodside and Portola Valley to help fund other community libraries within the JPA.

DeGolia noted that the proposal is to split the funds remaining after the library's operating expenses and a share of the overall system's expenses are paid.

He recapped the donor funds received by the Town over the last three fiscal years and estimated the amount going forward.

Councilmember Widmer suggested that the Town find out what tax value Atherton is gaining from the JPA. He wanted to know where the money is going and what it is being spent on.

Council discussed the JPA and how the service hours are set up. The General Fund of the Library JPA will cover costs for the library being open for up to 47 hours per week. For hours over 47 costs are borne by the municipalities.

Wally Sleeth – asked for clarification on what happens next. Is there a vote by the Library Board on JPA agreement?

Council Member DeGolia stated that the Board plans to vote solely on providing direction to library staff and attorneys to draft next steps and changes in the agreement.

Vice Mayor Lempres felt it was important to make sure Atherton residents receive the benefits of the taxes they are paying. He encouraged pushing for the strongest possible deal and not a 50/50 deal.

Council Member Widmer questioned how the money is being spent and whether Atherton is getting the maximum benefit out of it. He suggested proposing to the JPA that the 50/50 split occurs after facility operations and maintenance are funded and some money is put into a replacement fund. If the Board doesn't agree then Atherton should vote no.

A conversation among Council ensued regarding the percentage of splits.

Finance Committee Member Polito questioned whether any changes would need voter approval.

Mayor Lewis said she will think about the possibility of creating another ad hoc committee to look at library services and tax dollars associated with the service.

**3. DISCUSSION OF AN ATHERTON EXCELLENCE COMMUNITY RECOGNITION PROGRAM**

**Report:** City Manager George Rodericks

**Recommendation:** Review and discuss the Atherton Excellence Community Recognition Program and provide direction to staff regarding the potential program

City Manager Rodericks summarized his report.

Council Member DeGolia suggested a limit in the leadership/community service award category to 1-2 people per year. The awards selection committee would include honoree members of that limited category from the past five years, along with the Mayor, Vice Mayor and City Manager.

Further discussion regarding that there were no prohibitions on awards granted posthumously. Council agreed. Staff will bring the item back to the regular October Council meeting for final approval.

**4. REVIEW OF TOWN ALTERNATIVE REVENUE STRATEGY AND PROVIDE FEEDBACK**

**Report:** Finance Director Robert Barron III

**Recommendation:** Review of Town alternative revenue strategy and provide feedback to staff regarding revenue alternatives for future discussion and review

Item 4 was moved to the next Study Session meeting.

**ADJOURN**

**MOTION by DeGolia, second by Wiest to adjourn the meeting. The Mayor adjourned the meeting at 4:56 p.m.**

Respectfully submitted,  
Theresa DellaSanta