



MINUTES
Town of Atherton
CITY COUNCIL
June 21, 2017

6:30 P.M. – CLOSED SESSION

91 Ashfield Road

7:00 P.M. - REGULAR MEETING

Council Chambers

94 Ashfield Road,
Atherton, California

This Agenda may not reflect the actual order of items. The order of items is subject to change based on Council action.

6:30 PM CLOSED SESSION IN CONFERENCE ROOM

Council Member Widmer will be teleconferencing in from the following location:

158 Glenwood Avenue

Atherton, CA 94027

ROLL CALL Lempres, Wiest, Lewis, Widmer, DeGolia

PUBLIC COMMENTS

Public Announcement of Closed Session Items

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code
Section 54957(b)**

City Manager

ADJOURN AND RECONVENE IN REGULAR SESSION

7:02 pm

7:00 REGULAR SESSION

Council Member Widmer will be teleconferencing in from the following location:

158 Glenwood Avenue

Atherton, CA 94027

1. PLEDGE OF ALLEGIANCE

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

3. PRESENTATIONS

- Outgoing Committee Members Recognition
 - Kenneth Hausman – Audit and Finance Committee
 - William Hoy – Park and Recreation Committee
 - Jim Massey – Audit and Finance Committee

- Annual Report – Mosquito & Vector Control Representative – Mason Bruschy
7:06 – not here

Mayor Lempres presented outgoing Audit and Finance Committee, Jim Massey, with a service recognition plaque.

4. **PUBLIC COMMENTS** *(This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the Agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the Council from acting on items not listed on the Agenda except by special action of the City Council under specified circumstances. Speakers' time is limited to three minutes. Additionally, the public may address the Council on any subject listed on the Consent and Regular Agenda. Each speaker may address the Council once for a limit of three minutes.)*

None.

5. **REPORT OUT OF CLOSED SESSION - Report out by City Attorney**
City Attorney Bill Conners reported no action.

6. **CITY MANAGER'S REPORT**

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-11)

(Consent Calendar items are routine in nature and are generally considered in one motion and adopted by a single vote of the City Council. If discussion regarding a Consent Calendar item is desired, the member(s) of the City Council, public, and/or staff wishing to pull the item should so indicate at the time the Mayor calls for consideration of the Consent Calendar.)

Council Member Lewis and Widmer pulled Item 11.

8. **APPROVAL OF MAY 17 REGULAR MEETING AND JUNE 7 SPECIAL MEETING MINUTES**
Report: Acting City Clerk Judi Herren
Recommendation: Approve meeting minutes for May 17 and June 7, 2017
9. **APPROVAL OF BILLS AND CLAIMS FOR MAY, 2017 IN THE AMOUNT OF \$1,217,828**
Report: Finance Director Robert Barron III
Recommendation: Approve Bills and Claims in the amount of \$1,217,828
10. **AWARD A CONSTRUCTION CONTRACT TO NEMA CONSTRUCTION FOR THE SERIES CIRCUIT STREET LIGHT REPLACEMENT PROGRAM PROJECT; APPROVE AN AMENDMENT TO THE W-TRANS AGREEMENT TO PROVIDE CONSTRUCTION SUPPORT SERVICES; AND AMEND THE FY 2016/17 CAPITAL IMPROVEMENT PROGRAM PROJECT BUDGET – PROJECT NUMBER 56058**

Report: Community Services Director Mike Kashiwagi

Recommendation:

1. Award the construction contract for the Series Circuit Street Light Replacement Program Project to the lowest responsive bidder, Nema Construction of Albany, CA for \$707,233 and authorize change orders up to \$35,000; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract; and
2. Authorize the City Attorney to prepare and the City Manager to execute an amendment to the Professional Services Agreement with Whitlock & Weinberger Transportation, Inc. (W-Trans) for construction support services for a not to exceed fee of \$9,870; and
3. Adopt the attached Resolution No. 17-XX amending the FY 2016/17 Capital Improvement Program.

MOTION by Lewis, second by DeGolia to approved the consent calendar consisting of items 8 through 10. The motion passed 4-0-1, with Widmer abstaining from Item 9.

PULLED ITEM

11. ADOPT THE ATTACHED RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION FOR FUNDING TO C/CAG FOR THE BICYCLE AND PEDESTRIAN MASTER PLAN IMPLEMENTATION PROGRAM

Report: Community Services Director Mike Kashiwagi

Recommendation: Adopt the attached Resolution No. 17-XX authorizing the filing of the 2017-2018 TDA Article 3 Grant Application for funding of the Bicycle and Pedestrian Master Plan Implementation Program to C/CAG

The Council discussed the purpose of the grant, safety along ECR, emergency response, and correspondence from the Fire District.

It was noted that the grant application did not restrict the Town to any particular project but was rather an application for projects within the Town's Bicycle and Pedestrian Master Plan.

Specific projects for the grant would be selected by the Council at a future date.

MOTION by Lewis, second by Wiest to adopt the attached Resolution No. 17-XX authorizing the filing of the 2017-2018 TDA Article 3 Grant Application for funding of the Bicycle and Pedestrian Master Plan Implementation Program to C/CAG. The motion passed 4-1, with Widmer opposing.

REGULAR AGENDA – (Items 12-19)

12. CONDUCT ANY ADDITIONAL INTERVIEWS FOR VARIOUS TOWN COMMITTEES AND COMMISSION; AND, IF APPROPRIATE, MAKE APPOINTMENTS THERETO

Report: Acting City Clerk Judi Herren

Recommendation: Conduct any additional interviews for various Town Committees and Commission; and, if appropriate, make appointments thereto

MOTION by Lewis, second by DeGolia to appoint Holly Joseph to the Environmental Programs Committee and Anthony Wynne to Rail Committee. The motion passed 5-0.

MOTION by Wiest, second by Lewis to appoint Devika Patil and Ann Yvonne Walker to the Audit & Finance Committee. The motion passed 5-0.

MOTION by Lempres, second by Lewis to reappoint Paul Tonelli to the Planning Commission. The motion passed 5-0.

MOTION by Lewis, second by Wiest to appoint Christine David to the Park & Recreation Committee. The motion passed 3-1-1, with Lempres excused and Widmer abstaining.

13. REVIEW OF STAFF REPORT AND REQUEST TO REPLACE A SHARED FENCE ADJACENT TO HOLBROOK PALMER PARK AND 280-300 FELTON DRIVE; PROVIDE STAFF WITH DIRECTION REGARDING AUTHORIZATION TO REPLACE THE FENCE, TYPE, HEIGHT, AND DESIGN AS WELL AS CONSIDERATION OF TOWN FINANCIAL PARTICIPATION IN THE PROJECT

Report: Public Works Superintendent Steve Tyler

Recommendation: Review the staff report and the request to replace a shared fence adjacent to Holbrook Palmer Park and 280-300 Felton Drive; provide staff with direction regarding authorization to replace the fence, type, height, and design as well as consideration of Town financial participation in the project

Property owners at 280 and 300 Felton Drive in Menlo Park share a fence line with the Town in Holbrook Palmer Park. The property owners requested that the Town consider authorizing the replacement of the existing fence (on Town property).

Council discussed issues related to liability, safety, condition of the fence, location of the fence, proposed location of the new fence, private gate access into the Park, and cost sharing.

City Attorney Connors explained liability issues if the fence is built on Town property and the need for encroachment permits, obtained by property owner, and a hold harmless agreement between the property owners and the Town.

Council discussed the gate noted on the plans and there was split opinions about allowing private access to the park from the private property.

MOTION by Wiest, second by Widmer to authorized the replacement of the fence with a new fence in its current location (on Town property) by the property owner, denied a request for the continuation of an existing private gate entry into the Park, and direct the City Attorney to prepare an encroachment agreement for use/access to Town property. The motion passed 5-0.

14. REVIEW STAFF REPORT AND PROVIDE DIRECTION TO THE SOLID WASTE SUBCOMMITTEE WITH RESPECT TO CONTINUING DISCUSSIONS WITH RECOLOGY AND THE SBWMA AND AUTHORIZE THE SUBCOMMITTEE TO NEGOTIATE WITH RECOLOGY ON BEHALF OF THE TOWN

Report: City Manager George Rodericks

Recommendation: Review the staff report and provide direction to the Solid Waste Subcommittee with respect to continuing discussions with Recology and the South Bay Waste

Management Authority (SBWMA) and authorize the Subcommittee to negotiate with Recology on behalf of the Town.

The Council provided feedback to the Ad Hoc Refuse Subcommittee regarding the pending negotiations and proposed model franchise agreement from the South Bayside Waste Management Authority.

They discussed issues related to the term of the franchise, cost changes, pending negotiable items, bulky item trash collection, service level agreements, and other provisions directly related to service delivery in Atherton.

MOTION by DeGolia, second by Lewis to authorize the Subcommittee to negotiate with Recology on behalf of the Town. The motion passed 5-0.

15. CIVIC CENTER UPDATE: RECEIVE AND FILE THE COST MODEL MANAGER AND UPDATED PROJECT SCHEDULE; PROVIDE DIRECTION WITH RESPECT TO DESIGN AND DEVELOPMENT OF PROJECT DEDUCTIVE ALTERNATES

Report: Community Services Director Mike Kashiwagi

Recommendation:

1. Receive and file the Cost Model Manager (CMM) and Updated Project Schedule
2. Provide direction with respect to design and development of Project Deductive Alternates

After a brief staff report and report from Steve Dostart of the Civic Center Advisory Committee, the Council discussed issues related to inclusion of deduct alternates, bid climate, funding availability, and project timing.

MOTION by Wiest, second by Lewis to include deduct alternates for the Corporation Yard, new Council Chambers, replacement of wood windows with aluminum (Library), and hydroseed in lieu of planting plan (Library). And defer a decision on whether to include the Renovation of the Historic Council Chambers until staff returns with a summary of Library funding (July 19). The motion passed 5-0.

16. ADOPT THE ATTACHED RESOLUTIONS ADOPTING THE FY 2017/18 OPERATIONS AND CAPITAL BUDGET, SALARY & BENEFIT RESOLUTION FOR UNREPRESENTED STAFF, THE 2017/18 SALARY AND CLASSIFICATION SCHEDULE, AND THE GANN LIMIT APPROPRIATIONS

Report: Finance Director Robert Barron III

Recommendation: Adopt the accompanying Resolutions:

1. FY 2017/18 Operating and Capital Improvement Budget;
2. FY 2017/18 Salary and Benefit Resolution Unrepresented Staff;
3. FY 2017/18 Salary Schedules and Classifications;
4. FY 2017/18 Gann Limit Appropriations

The Council noted that the Council had been reviewing over a series of public meetings and that its presentation on Wednesday was the final prepared budget.

The Council thanked staff and others working on the budget for their efforts.

MOTION by Widmer, second by Wiest to adopt resolutions adopting the FY 2017/18 operations and capital budget, salary & benefit resolution for unrepresented staff, the 2017/18 salary and classification schedule, and the GANN limit appropriations. The motion passed 5-0.

17. ADOPT THE ATTACHED RESOLUTION ASSESSING A SPECIAL PARCEL TAX FOR MUNICIPAL SERVICES FOR FISCAL YEAR 2017/18

Report: Finance Director Robert Barron III

Recommendation: Adopt the attached Resolution assessing a special parcel tax for municipal services for FY 2017/18.

The Council discussed various projects that the parcel tax funds and the reliance on the parcel tax for the Town's capital improvement budget.

MOTION by DeGolia, second by Widmer to adopt the resolution assessing a special parcel tax for municipal services for fiscal year 2017/18. The motion passed 5-0.

18. REVIEW THE STAFF REPORT AND PROVIDE STAFF WITH DIRECTION WITH RESPECT TO THE BUILDING AND LIFE SAFETY SERVICES CONTRACT; AND IF APPROPRIATE, DIRECT THE CITY ATTORNEY TO PREPARE AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT TO EXTEND THE CONTRACT FOR A PERIOD OF 3 YEARS VIA A 1-YEAR AMENDMENT WITH 2 SINGLE-YEAR EXTENSIONS

Report: City Manager George Rodericks

Recommendation: Review the staff report and provide staff with direction with respect to the Building and Life Safety Services Contract; and if appropriate, direct the City Attorney to prepare and authorize the City Manager to execute an amendment to extend the contract for a period of 3 years via a 1-year amendment with 2 single-year extensions

The Council discussed issues related to term of a proposed amendment, cost/revenue sharing, and other comparable agency contracts.

Council Member Lewis questioned the percentage received per building fee. City Manager Rodericks confirmed the cap was from 2013.

MOTION by Lempres, second by DeGolia to direct the City Attorney to prepare and authorize the City Manager to execute an amendment to extend the contract for a period of 5 years. The motion passed 5-0.

19. REVIEW AND DISCUSS THE ISSUANCE OF A LETTER TO THE COUNTY OF SAN MATEO BOARD OF SUPERVISORS REGARDING OPERATIONS AT SAN CARLOS AIRPORT; AND, IF APPROPRIATE, AUTHORIZE THE MAYOR TO EXECUTE A LETTER ON BEHALF OF THE TOWN

Report: City Manager George Rodericks

Recommendation: Review and discuss the issuance of a letter to the County of San Mateo Board of Supervisors regarding operations at San Carlos Airport; and, if appropriate, authorize the Mayor to execute a letter on behalf of the Town

Ad Hoc Aircraft Noise Subcommittee provided feedback regarding continued efforts to curb noise and activity related to the flights of Surf Air.

Resident Walter Sleeth encouraged Council to write the letter before the Board of Supervisors meeting next week.

The Council directed the Subcommittee to draft a letter on behalf of the Town and authorized the Mayor to execute the

20. COUNCIL REPORTS/COMMENTS

21. FUTURE AGENDA ITEMS

22. PUBLIC COMMENTS

Resident on Watkins Avenue commented that speedbumps on Watkins could cause more accidents than they would prevent.

23. ADJOURN

Mayor Lempres adjourned the meeting at 9:54 p.m.

Respectfully submitted,

Judi Herren
Acting City Clerk