



Minutes
Town of Atherton
CITY COUNCIL
May 16, 2018
REGULAR MEETING
7:00 P.M.
City Council

7:00 REGULAR SESSION

1. PLEDGE OF ALLEGIANCE

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

3. PRESENTATIONS

- Oath of Office – Johnathan Massagli – administered by Chief McCulley

Chief McCulley introduced Officer Massagli and administered the oath of office. McCulley pinned Massagli.

- Proclamation – Skip Mills– by Chief McCulley

Chief McCulley recognized Skip Mills for the incredible work and volunteer hours he puts into maintaining the Police Department's DARE car.

4. PUBLIC COMMENTS

John Fisher, Atherton resident, spoke about donations to other government entities. Regarding the item on the regular agenda to donate \$5,000 for a gun buyback program to the County; He felt this should be avoided because it is not in Atherton's best interest to donate funds to other entities.

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

6. CITY MANAGER'S REPORT

Rodericks reported that it has been requested that the City Council consider supporting Proposition 69 and Opposing the Repeal Measure for SB 1. Unless there is objection by the Council, staff will prepare a letter from the Mayor regarding these measures.

Council was not in favor or sending a letter to oppose SB 1. They were in favor of supporting Prop 69. Staff will send a letter.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-13)

MOTION by Widmer, second by DeGolia to approve the consent calendar consisting of items 8 through 13. The motion approved unanimously.

8. **APPROVAL OF APRIL 4 AND MAY 2 SPECIAL MEETING MINUTES**

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes

9. **APPROVAL OF BILLS AND CLAIMS FOR APRIL, 2018 IN THE AMOUNT OF \$1,206,017**

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$1,206,017

10. **ACCEPTANCE OF TREASURER'S REPORT FOR THE THIRD QUARTER ENDED MARCH 31, 2018**

Report: Finance Director Robert Barron III

Recommendation: Accept the Treasurer's Report for the Third Quarter Ended March 31, 2018

11. **ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR SITE IMPROVEMENTS FOR TEMPORARY LIBRARY MODULAR BUILDINGS**

Report: Public Works Director Robert Ovadia

Recommendation: Accept work and authorize recording of a Notice of Completion for Site Improvements for Temporary Library Modular Buildings, Project Number 54015

12. **ADOPTION OF RESOLUTION 18-XX CALLING THE NOVEMBER 6, 2018 GENERAL ELECTION, REQUEST CONSOLIDATION, AND CONTRACT WITH THE CHIEF ELECTIONS OFFICE FOR ELECTION SERVICES**

Report: City Clerk Theresa DellaSanta

Recommendation: Adopt Resolution 18-xx calling the General Election, for the purpose of electing three (3) members of the Atherton City Council, to be held on November 6, 2018; requesting the San Mateo County Board of Supervisors to consolidate the election with any other elections to be held on November 6, 2018; contracting with the Chief Elections Official for the purpose of providing election services; and authorizing the City Manager to sign the service agreement with the County Elections Officer

13. **ADOPTION OF RESOLUTION REQUIRING CANDIDATES TO BE CHARGED A DEPOSIT TO COVER THE COST OF PUBLICATION FOR STATEMENT OF QUALIFICATIONS FOR THE NOVEMBER 6, 2018 GENERAL ELECTION**

Report: City Clerk Theresa DellaSanta

Recommendation: Staff recommends adoption of a resolution requiring candidates to pay the prorated cost of publication and distribution of the Statement of Qualifications and specifying the length of the Statement for the November 6, 2018 General Election

PUBLIC HEARING – (Item 14)

14. PUBLIC HEARING ON RECOMMENDED INCREASE TO GREEN WASTE RATES IN THE TOWN OF ATHERTON

Report: Finance Director Robert Barron III

Recommendation:

- 1) Conduct the Public Hearing regarding the proposed increase in green waste rates; and
- 2) If appropriate, introduce the attached Ordinance for first reading, an Ordinance of the City Council of the Town of Atherton Setting Refuse Collection Rates.

Finance Director Barron III summarized the staff report for council. Following discussion around the true cost of green carts, the numbers of green carts, the work of the Solid Waste Subcommittee, and the impact of future franchise negotiations and tipping fee increases, the Council voted to introduce the Ordinance to Increase Green Waste Rates.

MOTION by Lewis, second by DeGolia to introduce the ordinance setting refuse collection rates for first reading. The motion passed unanimously.

REGULAR AGENDA – (Items 15-21)

15. RECEIVE AN UPDATE AND PROVIDE DIRECTION ON NEXT STEPS FOR THE ATHERTON WATER CAPTURE FACILITY PROJECT

Report: Public Works Director Robert Ovadia

Recommendation: Receive the project update and provide direction on next steps for the water capture facility project. Potential next steps include: 1) Proceed with finalizing the plans, specifications and estimate (PS&E) for the water capture project in Holbrook-Palmer Park; 2) Stop work on the water capture project in Holbrook-Palmer Park and continue the search for a new location; 3) Stop all work

Tetra Tech provided Council with a presentation on the water capture project at Holbrook-Palmer Park. The presentation included a preliminary engineering 20% design update.

Following the presentation Council questioned issues related to seismic safety, scalability of the project, and PCB and Mercury sources and levels.

Mayor Wiest opened up for Public Comment.

Those that spoke in opposition to the project: Anne McNertney, Mike McPherson, Michelle Olsen, Jack Ringham, Laurie Thompson, Victor Para, Lal Hannigan, Julie Quinlan, Denise Kupperman, and Sandy Crittenden.

Council Member Lempres thanked those in attendance as this was the fifth time they have attended a meeting on this topic. He felt this project had real benefits but that the park is not the right location for it. He is not in favor of the project at the park at all.

Vice Mayor Widmer agreed. He felt that the park option should be kept open but not the first choice. He felt the Town should work in earnest to move forward with the project in other locations.

Council Member DeGolia felt there is a lot of misinformation on this issue. He felt the Council's job is to weigh the benefits with the impacts as accurately as possible. There are true benefits to the project. He felt that the Town should continue to search for a new location and stop looking into the park.

Council Member Lewis agreed that there were misunderstandings about the project. She mentioned that 18 tons of plastic end up in the bay and it is the electeds duty to help clean up the channel. Lewis concluded that the Council has the responsibility to pick the right location for the benefit of the Town.

There was some discussion regarding the funds from Caltrans and alternative locations.

Mayor Wiest noted that the Council will be responsible in picking the right location and doing its fair share to help alleviate the bay.

Council advised that they are not ready to accept the 20% design solution for the Park and generally see the Park option for a project of this type as an option of last resort. Council directed staff to stop work on the water capture project in Holbrook-Palmer Park and continue to evaluate other options and locations and return to the Council for review and vetting of those options.

- 16. FEE WAIVER REQUEST – ENCINAL ELEMENTARY SCHOOL 5TH GRADE PICNIC**
Report: Public Works Director Robert Ovadia
Recommendation: Review and, if deemed appropriate, approve a waiver of fee or portions thereof for the Annual 5th Grade Picnic to be held June 14, 2018 at the Carriage House/North Meadow at Holbrook-Palmer Park

MOTION by DeGolia, second by Widmer to set the fee at a flat rate of \$500. The motion passed unanimously.

- 17. APPROVAL FOR FUNDS – SAN MATEO COUNTY BUYBACK REQUEST - UP TO \$5,000**
Report: Police Chief Steve McCulley
Recommendation: Approve funds and contribute to a San Mateo County Gun Buyback program up to the amount of \$5,000

A representative with Citizens for a San Mateo County Gun Buyback spoke on behalf of the program. She provided background on the program. She encouraged Council to support the program by donating funds.

Council agreed that the item should be pulled from the agenda since the event was already held.

MOTION by Lewis, second by Widmer to pull the item from the agenda. The motion passed unanimously.

- 18. DISCUSSION ON AMENDMENTS TO ATHERTON MUNICIPAL CODE CHAPTER 8.10 “REMOVAL OF AND DAMAGE TO HERITAGE TREES”, INCLUDING AMENDING THE TREE PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS**
Report: Senior Planner Stephanie Davis

Recommendation: It is recommended that the City Council receive a report from staff and a recommendation from the Planning Commission on amendments to the Town’s Municipal Code Chapter 8.10 “Removal of and Damage to Heritage Trees”, including amendments to the Town’s Tree Preservation Guidelines, Standards, and Specifications and provide direction to staff

Stephanie Davis, Senior Planner, gave a brief introduction and summarized the Planning Commissions recommendations. Town Arborist Sally Bentz took over to discuss the current regulations and what the updates would mean.

Following the presentation the Council asked follow-up questions regarding definitions of trees and process. The Mayor opened up for public comment.

Carol Collins, Atherton resident, discussed her property and issues related to utilities. She asked questions about the presentation.

John McClellan, S.P. McClenahan, clarified the questions surrounding the measurements and thanked Council for hearing the item. McClenahan noted that he works with their architect or civic engineer to indicate the Town arborist expectations to mitigate issues.

Betsy Colby, Atherton resident, said that Bentz did a wonderful job. Please encourage her.

PPG Architect, there is no one solution to tree issues. It’s a case-by-case basis. He felt that further discussion was warranted.

Denise Kupperman, Atherton resident, felt there was issues with allowing decisions at the staff level for exceptions to the TPZ.

Rodericks explained that staff is seeking feedback on the recommended changes.

Vice Mayor Widmer felt that even with the reductions the TPZ appears to be too restrictive. He was surprised that Eucalyptus trees were not added to the non-heritage list given their high fire dangers. He felt that property border issues and neighbor issues need to be properly handled. There are a lot of flag lots in town. There needs to be more consideration.

Council Member DeGolia cautioned making revisions that won’t be enforced. He encouraged stronger penalties for heritage tree removals. Agreed that Eucalyptus should be added to the non-heritage tree list. DeGolia desired an ordinance that included rules people could equivalently follow.

Council Member Lewis thanked Bentz for the work on the TPZ this far. She noted her anguish for new homeowners who come in and chop trees down. Lewis encouraged requiring “replanting.”

Council Member Lempres questioned whether this is before the Council because of “bad actors.” If so then he agreed with DeGolia in that there should be stronger penalties. Lempres felt that clarity is great, but discretion should be given where necessary. He requested analysis for smaller lots; and more input from developers and residents before it comes back to council.

Mayor Wiest was not in favor or redwood trees in the buildable area. Had concerns with doing nothing on TPZ. He suggested ways for applying penalties to those who don’t comply with the rules during/after

construction. He wanted to make it clear that we don't want to make it so restrictive that people are unable to build a home.

Staff will return to Council at a future date with further modifications.

19. APPROVAL OF RESOLUTION GOVERNING TOWN COMMITTEES

Report: City Manager George Rodericks

Recommendation: Approve Resolution 18-xx rescinding Resolution 15-10, and Establishing and Governing Town Committees

City Manager Rodericks summarize the changes in the Resolution and Rail Policy Issues Exhibit.

Council discussed the changes and suggested changes to the Audit/Finance Committee terms and charter; discussed the process for setting items to a committee agenda; and briefly discussed changes to the Rail Issues Exhibit.

Council agreed that the Audit/Finance Committee terms should be changed from 2-year to 4-year terms to be consistent with the rest of the committees.

MOTION by Lewis, second by Widmer to adopt the Resolution and formally extended the terms of members of Audit/Finance Committee to 4 years, applicable to current members. The motion passed unanimously.

20. DISCUSSION OF TEMPORARY HOUSING OPTIONS FOR PUBLIC SAFETY PERSONNEL; AND, IF APPROPRIATE, AUTHORIZE THE CITY MANAGER TO ENGAGE A DESIGN PROFESSIONAL

Report: Public Works Director Robert Ovadia

Recommendation: Authorize the City Manager to further explore renovation options of the Main House at Holbrook-Palmer Park by engaging a design professional and/or soliciting a design professional in the community for pro-bono work, including an analysis of retrofitting the building with automatic sprinklers

Public Works Director Robert Ovadia summarized the report.

Anne McNertney, Atherton resident, provided suggestions for housing including trailers.

Following public comment, the Council discussed the potential for use/need; appropriateness of using the Main House at the Park for the purpose; the need of the Town to provide the benefit; other options and solutions that might be available and the need for sprinklers in the Main House.

Council Member Lewis was no longer in support of the Main House as an option because there isn't enough room and it doesn't provide a living environment. She felt renting a home might be a better option.

Vice Mayor Widmer clarified that employees took a job knowing their commute and their situation; knowing full aware that housing was not a right or a benefit. He was in support of finding housing if employees were to pay a stipend.

Council Member DeGolia agreed with Widmer but still felt a responsibility to address the issue and find some kind of housing. He would like Park & Rec Committee input. Lempres agreed that it should be looked into. He reminded staff that council agreed that the Main House should be retrofitted for fire sprinklers.

There was discussion about renting space from residents.

Following discussion, the Council directed staff to investigate other options before proceeding with any further vetting of the Main House for this use and separately investigate the cost of retrofitting the Main House with fire sprinklers.

**21. ORDINANCE OF THE COUNCIL OF THE TOWN OF ATHERTON
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN
OF ATHERTON AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Report: City Clerk Theresa DellaSanta

Recommendation: Approval an Ordinance of the City Council of the Town of Atherton authorizing an Amendment to the contract between the Town and the Board of Administration of the California Public Employees' Retirement System

MOTION by Widmer, second by DeGolia to approve an Ordinance of the City Council of the Town of Atherton authorizing an Amendment to the contract between the Town and the Board of Administration of the California Public Employees' Retirement System. The motion passed unanimously.

22. COUNCIL REPORTS/COMMENTS - None.

23. FUTURE AGENDA ITEMS – None.

24. PUBLIC COMMENTS – None.

25. ADJOURN

MOTION by Lempres, second by Widmer to adjourn the meeting. Mayor Wiest adjourned the meeting at 11:22 p.m.

Respectfully Submitted,

**Theresa N. DellaSanta
City Clerk**



MINUTES
Town of Atherton
City Council
June 6, 2018
4:00 P.M.
Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

Mayor Wiest called the meeting to order at 4:00 p.m.

ROLL CALL

Lewis, DeGolia, Lempres, Vice Mayor Widmer, Mayor Wiest

DeGolia was excused

Lempres arrived at 4:05 p.m.

PUBLIC COMMENT – *For items on the agenda.*

STUDY SESSION AGENDA

1. REVIEW OF THE FY2018/19 TOWN BUDGET

Report: City Manager George Rodericks

Recommendation: Review and Discuss Operating Budget for FY 2018/19

Finance Director Robert Barron III presented the operating budget for FY 2018/19. The presentation consisted of a general fund overview:

- General Fund Revenues - \$15,760,043
 - Does not include the estimated \$1,025,000 in Excess ERAF Revenue
- FY 2018/19 General Fund Expenditures - \$14,088,033
- Recommended Transfers out within General Fund
 - Transfer Out to Workers' Compensation - \$235,397

Vice Mayor Widmer suggested staff review the need for resurfacing of the tennis courts. Council Member Lewis preferred looking at all park needs before spending money on resurfacing. Widmer noted that the funds would come from the tennis fund.

Council thanked Barron and staff for the budget. City Manager Rodericks noted that final adoption of the budget will come to Council at their June 20 meeting.

2. RECEIVE THE BOUNDARY SURVEY OF HOLBROOK-PALMER PARK AND PROVIDE FEEDBACK ON NEXT STEPS

Report: Public Works Director Robert Ovardia

Recommendation: Review the Holbrook-Palmer Park boundary survey decide if any action should be taken

Public Works Director Robert Ovadia summarized the staff report.

Council Member Lewis said it was good information and felt the property owners would like to see the info.; So they are aware of the current conditions and be cognizant of potential liabilities. Lewis suggested notification to the residents about the boundary line and encroachments.

Council Member Lempres questioned adverse possession and whether there would be any impact for not alerting the neighbors to the current conditions.

City Attorney Connors said there is no adverse possession against a public agency. He said the only concern could be liability associated with someone getting hurt by an unsafe condition created by someone's fence on Town property.

Council Member Widmer said that if there is liability the Town should do something about it.

Lempres noted that the Town must have more control if someone's fence is on our property. He suggested a policy that, over time, allows the Town to reclaim their property.

There was further discussion about the property line, indemnification, encroachment permits, timeframe and possible legal issues. Staff will bring back a letter to property owners for Council review.

3. JOINT MEETING REQUEST FROM THE MENLO PARK FIRE PROTECTION DISTRICT

Report: City Manager George Rodericks

Recommendation: Review attached letter and provide staff with direction regarding the request

City Manager Rodericks summarized the report.

There were questions regarding whether there was any back up material for the District's requested agenda items.

Director Chang-Kiraly was hoping for a meeting sooner and noted that perhaps employee housing could be a discussion topic.

Council agreed that the Town should meet with the Fire District in a joint meeting as they have in the past around December. In the meantime, hold an open, strategic meeting with the District Chair and Chief to develop an agenda for the joint meeting.

URGENCY ITEM

The Brown Act allows the Town to add an item to a published agenda by a 2/3 majority of those present if there is a need for immediate action and the need came to the attention of the Town subsequent to the agenda being posted.

ADD URGENCY ITEM AS CLOSED SESSION ITEM TO THE AGENDA

MOTION by Lewis, second by Lempres to add the item to the agenda. The motion passed unanimously.

Adjourn to Closed Session at 4:50 p.m.

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

One (1) Case

Report: City Attorney Bill Conners

Recommendation: Council make a finding that there is an immediate need for action that came to the attention of the agency after the agenda was posted.

ADJOURN

Mayor Wiest adjourned the meeting at 5:00 p.m.

Respectfully Submitted,

Theresa N. DellaSanta
City Clerk