



MINUTES
Town of Atherton
CITY COUNCIL
October 21, 2020
CLOSED SESSION &
REGULAR MEETING

Mayor DeGolia called the meeting to order at 6:30 pm

6:30PM CLOSED SESSION MEEGTING

ROLL CALL - Wiest, Widmer, Lempres, Mayor DeGolia, Vice Mayor Lewis – Present

PUBLIC COMMENT – Public announcement of Closed Session Item

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to Government Code Section 54956.9 (d)(2) (one case).

7:00PM REGULAR AGENDA – Convened as the City Council

1. PLEDGE OF ALLIGIANCE

2. ROLL CALL - Wiest, Widmer, Lempres, Mayor DeGolia, Vice Mayor Lewis – Present

3. PRESENTATIONS

Sergeant Jason Bollendorf Retirement Proclamation - Mayor DeGolia read and presented the proclamation to Sergeant Bollendorf for his service.

A.D.A.P.T. Proclamation was presented by Mayor DeGolia and Tom Prussing received it on behalf of the organization.

4. PUBLIC COMMENT - *None*

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

City Attorney Ebrahimi noted that Council met in Closed Session and direction was provided to staff.

6. CITY MANAGERS REPORT

City Manager Rodericks shared the written report noting staff was available for questions.

CONSENT CALENDAR (ITEMS 7-16)

7. **APPROVAL OF MINUTES OF SEPTEMBER 16 AND OCTOBER 7, 2020 COUNCIL MEETINGS**
8. **APPROVAL OF BILLS AND CLAIMS FOR SEPTEMBER IN THE AMOUNT OF \$ 3,389,151**
9. **ADOPTION OF MUNICIPAL CODE ORDINANCE AMENDMENTS TO ATHERTON MUNICIPAL CODE CHAPTERS 17.52 ACCESSORY DWELLING UNITS AND CHAPTER 17.60 DEFINITIONS**

Adopted Ordinance No. 646

10. **ADOPT A RESOLUTION APPROVING A GRANT OF PUBLIC UTILITIES EASEMENT TO CALIFORNIA WATER SERVICE COMPANY FOR WATER**

Adopted Resolution No. 20-23

11. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF JULY 17, 2019, SEPTEMBER 4, 2019, SEPTEMBER 18, 2019, SEPTEMBER 24, 2019, OCTOBER 1, 2019, OCTOBER 2, 2019, OCTOBER 16, 2019, NOVEMBER 6, 2019, NOVEMBER 13, 2019, DECEMBER 4, 2019, DECEMBER 9, 2019.**

12. **ADOPTION OF RESOLUTION 20-XX APPROVING UPDATE OF THE TOWN'S CONFLICT OF INTEREST CODE AND APPENDIX "A" DESIGNATING POSITIONS IN THE CONFLICT OF INTEREST CODE**

Adopted Resolution No. 20-24

13. **APPROVAL OF REVISIONS TO THE CITY COUNCIL HANDBOOK**

Pulled by Mayor DeGolia.

City Manager Rodericks shared the revisions made to the Council Handbook based on feedback provided by Council. He noted significant revisions to the roles of subcommittees and the role of the Mayor.

Council discussed their ability to communicate with residents free of prohibitions on any topic without indicating that they represent the position of the full Council, Brown Action violations concerns, and other semantic revisions to the handbook.

MOTION by Widmer, Second by Lewis to continue this item to the next Regular Council meeting allowing staff time to incorporate revisions as suggested.

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

NOES:

ABSTAIN:

ABSENT:

- 14. CERTIFICATION OF CONTINUING EMERGENCY AND RATIFICATION OF SUCH RULES AND REGULATIONS ENACTED BY THE DIRECTOR OF EMERGENCY SERVICES IN RESPONSE TO COVID-19**
- 15. APPROVE THE AGREEMENT REGARDING THE ADVANCEMENT OF FUNDS FROM THE LIBRARY JPA TO THE TOWN**
- 16. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE 2020 SLURRY SEAL PROJECT, PROJECT NUMBER 56094**

MOTION by Lewis, Second by Wiest to approve the Consent Calendar Items with the exception of Item 13.

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

NOES:

ABSTAIN:

ABSENT:

PUBLIC HEARING (ITEM 17)

- 17. PUBLIC HEARING ON RECOMMENDED INCREASE TO REFUSE RESIDENTIAL, COMMERCIAL AND GREEN WASTE RATES IN THE TOWN OF ATHERTON**

Mayor DeGolia opened the public hearing and Finance Director Barron III presented the item sharing the proposed refuse rates. Barron noted that only (1) written public comment was received.

Council discussed how residential rates were determined and potential advantages of moving from SBWMA to GreenWaste Recovery specifically citing residents avoiding the impacts of Commercial rates.

Mayor DeGolia suggested Council evaluate how to get to full cost recovery for green carts.

Mayor DeGolia closed the public hearing with no public comments.

MOTION by Lempres, Second by Widmer to introduce an Ordinance of the City Council of the Town of Atherton for first reading setting refuse collection rates.

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

NOES:

ABSTAIN:

ABSENT:

REGULAR AGENDA (ITEMS 18-27)

18. MEMORANDUM OF UNDERSTANDING WITH THE JOINT POWERS BOARD (JPB) REGARDING CLOSURE OF THE ATHERTON CALTRAIN STATION AND ASSOCIATED MAINTENANCE AND USE AGREEMENT FOR THE ATHERTON CALTRAIN STATION PROPERTY

Public Works Director Ovadia Robert presented the item noting a few key revisions to the MOU since it was last presented to Council at the October 7, 2020 Study Session.

Council discussed the timeline for the agreement and improvements, the structure of the agreement, and the funding for the requested improvements.

Sebastian Petty, Deputy Chief of Planning with Caltrain responded to Council inquires indicating that the funding request for the project will go to the Transportation Authority in early November.

Ovadia clarified that the agreement references the funding obligations for the JPB.

City Attorney Ebrahimi noted legal limitations for the agreement while identifying some revisions to language within the agreement.

City Manager Rodericks clarified that the exhibits provide timeframes for certain actions/construction.

PUBLIC COMMENT

Jim Janz made public comments suggesting contractual revisions while supporting the closure of the Atherton station.

Greg Conlon made public comments suggesting the item be continued until the next Regular Council meeting.

Frank Burke made public comments suggesting contractual revisions.

Council continued the discussion collectively agreeing a preference to additional revisions be included and represented to Council at a future meeting.

MOTION by Lewis, Second by Wiest approve continuance of items of 18 and 19 to future meeting.

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

NOES:

ABSTAIN:

ABSENT:

19. APPROVAL OF RESOLUTION GOVERNING TOWN COMMITTEES; REDUCING RAIL COMMITTEE MEMBERSHIP AND AMENDING THE RAIL POLICY

Item was continued to a future meeting of the City Council, see motion from Item 18.

20. BAYFRONT CANAL / ATHERTON CHANNEL FLOOD PROTECTION AND RESTORATION PROJECT MEMORANDUM OF UNDERSTANDING

Public Works Director Ovadia presented the staff report noting that the project requires completion by the end of December 2021 and the Town’s contribution toward construction costs are capped pursuant to the Memorandum of Understanding (MOU). He added that San Mateo County is willing to provide a separate agreement with the Town for project funding.

Council Member Widmer questioned that if the project costs do not exceed the available budget would the Town be eligible for a pro rata share of a refund.

Len Materman, Chief Executive Officer of San Mateo County Floor & Sea Level Rise Resiliency District noted that any excess funds would be focused on the maintenance rather than refunding. He added that if the funds were substantial reimbursements may be appropriate and a meeting would be held between the partners to discuss that possibility.

PUBLIC COMMENTS

Gita Dev, Sierra Club commented on her support for the project and encouraged Council approval.

MOTION by Lewis, Second by Lempres to authorize the City Manager to execute the Memorandum of Understanding (MOU) among the San Mateo County Flood and Sea Level Rise Resiliency District, City of Redwood City, City of Menlo Park and the County of San Mateo for the Bayfront Canal/Atherton Channel Flood Protection and Restoration Project, contingent upon approval of a financing agreement with the County.

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

NOES:

ABSTAIN:

ABSENT:

21. ESTABLISH SPEED LIMITS – ALAMEDA DE LAS PULGAS, CAMINO AL LAGO, ENCINAL AVENUE, ISABELLA AVENUE, MARSH ROAD, MIDDLEFIELD ROAD, PARK LANE, VALPARAISO AVENUE, WATKINS AVENUE

Public Works Director Ovadia reviewed the California Vehicle Code and methods for setting speed limits. Ovadia noted the recommendations are that street speed limits be maintained, except for Valparaiso, which would go from 35mph to 30 mph. He further noted there are funds in the budget for signage.

Council Member Widmer asked if any consideration was given to reduce speeds on Middlefield.

Ovadia clarified that based on the survey the 85th percentile was 33mph, as such, the vehicle code limits reducing it by more than 5 mph or below 30 mph. If reduced lower than that it cannot be enforced via radar impacting the ability of a citation to hold up if contested in court.

Vice Mayor Lewis and Council Member Widmer requested more policing and traffic monitoring along that corridor.

MOTION by Widmer, Second by Wiest to request the Transportation Committee review the speed limit on Middlefield Road requesting traffic monitoring and to adopt Resolution No. 20-25 as amended declaring the following speed limits based upon the Engineering and Traffic Surveys and other related information:

Alameda De Las Pulgas– between Camino Al Lago and Stockbridge Ave	30 mph
Camino Al Lago– between Alameda De Las Pulgas and End of Street	25 mph
Encinal Avenue – between Middlefield Rd and Laurel St	25 mph
Isabella Avenue– between El Camino Real and Elena Ave	25 mph
Marsh Road– between Middlefield Rd and Fair Oaks Ave	30 mph
Middlefield Road– between City Limits and Ringwood Ave	30 mph
Park Lane– between Elena Ave and Valparaiso Ave	25 mph
Valparaiso Avenue– between El Camino Real and City Limits	30 mph
Watkins Avenue – between El Camino Real and Middlefield Rd	25 mph

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

NOES:

ABSTAIN:

ABSENT:

22. REQUEST FOR PROPOSALS FOR THE OPERATION AND MAINTENANCE OF THE PROPOSED LIBRARY CAFÉ

Public Works Director Ovadia presented the item and reviewed the request for proposal noting the incorporated feedback from the September 16, 2020 Council meeting.

MOTION by Lewis, Second by Widmer to approve the request for proposal for the Library Café and postpone a release until March 2021.

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

NOES:

ABSTAIN:

ABSENT:

23. DISCUSSION AND DIRECTION REGARDING NAMING REQUEST LEVELS, MODIFICATIONS TO THOSE LEVELS AND A DISCUSSION OF “LEGENDS OF ATHERTON” THEMED SPACES WITHIN THE LIBRARY

City Manager Rodericks provided an overview of the item.

Vice Mayor Lewis suggested the creation of Ad Hoc committee to engage residents to help curate and design a Legends of Atherton themed room. Mayor DeGolia announced the creation of an Ad-Hoc committee for those purposes. He appointed Vice Mayor Lewis to the committee.

24. TOWN CENTER PROJECT UPDATE

City Manager Rodericks reviewed the staff report.

25. COUNCIL REPORTS/COMMENTS – *None*

26. PUBLIC COMMENTS

Greg Conlon made a public comment suggesting Council consider the ramifications if Measure RR on the November 3, 2020 ballot fails.

27. ADJOURN

Mayor DeGolia adjourned the meeting at 10:05 p.m.

Anthony Suber
City Clerk



MINUTES
Town of Atherton
City Council
October 26, 2020
SPECIAL MEETING

Mayor DeGolia called the meeting to order at 3:30 pm

3:30 PM REGULAR AGENDA – *Convened as the City Council*

1. **ROLL CALL** - Wiest, Widmer, Lempres, Vice Mayor Lewis, Mayor DeGolia – Present
2. **PUBLIC COMMENTS** – *None*
3. **MEMORANDUM OF UNDERSTANDING WITH THE JOINT POWERS BOARD (JPB) REGARDING CLOSURE OF THE ATHERTON CALTRAIN STATION AND ASSOCIATED MAINTENANCE AND USE AGREEMENT FOR THE ATHERTON CALTRAIN STATION PROPERTY**

Public Works Director Ovadia presented the item.

City Clerk Suber announced the public comments received in writing in advance of the meeting.

Public Comments

Greg Conlon made public comments related to the item.

Council inquired to what if any additional measures to strengthen the agreement holding the JPB accountable to fulfil the proposed improvements within a date range.

Sebastian Petty, Deputy Chief of Planning with Caltrain spoke to the funding sources of the agreement. He noted that additional grant funds are being sought for improvements.

Council Member Widmer expressed his discomfort with the current agreement and his preference to allow train service to remain unaffected until the agreement is final.

City Attorney Ebrahimi outlined alternative outcomes should Council postpone approval until Measure RR on the November 3, 2020 ballot results are available.

City Manager Rodericks noted that the Maintenance and Lease agreement is for 20-years with automatic 5-year renewals. He added that the only improvements that are possible without closing the station would be the quad gates, none of the other proposed improvements would be possible without a closure.

MOTION by Wiest, Second by Lempres to authorize the City Manager to sign and approve the Memorandum of Understanding with the Joint Powers Board (JPB) regarding the closure of the Atherton Caltrain Station and Maintenance and Use agreement for the Atherton Caltrain Station Property; postponing the signing until after the JPB receives funding approval.

AYES: Wiest, Lempres, Lewis, DeGolia

NOES: Widmer

ABSTAIN:

ABSENT:

4. APPROVAL OF RESOLUTION GOVERNING TOWN COMMITTEES; REDUCING RAIL COMMITTEE MEMBERSHIP AND AMENDING THE RAIL POLICY

City Clerk Suber introduced the item and City Manager Rodericks provided a brief history of the committee membership growth.

MOTION by Wiest, Second by Lewis to accept staff recommendations rescinding Resolution No. 19-07 and to adopt Resolution No. 20-26 Establishing and Governing Town Committees; reducing Rail Committee membership and amending the Rail Policy.

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

NOES:

ABSTAIN:

ABSENT:

5 COUNCIL REPORTS/COMMENTS – None

6. PUBLIC COMMENTS – None

7. ADJOURN

Mayor DeGolia adjourned the meeting at 4:15 pm.

Anthony Suber
City Clerk



MINUTES
Town of Atherton
City Council
November 4, 2020
SPECIAL MEETING &
STUDY SESSION

Mayor DeGolia called the meeting to order at 4:00 pm

4:00 PM REGULAR AGENDA – *Convened as the City Council*

1. **ROLL CALL** - Wiest, Widmer, Lempres, Vice Mayor Lewis, Mayor DeGolia – Present
2. **PUBLIC COMMENTS** – *None*
3. **ADOPTION OF A RESOLUTION EXPRESSING SUPPORT FOR ACTIONS TO FURTHER STRENGTHEN LOCAL DEMOCRACY, AUTHORITY, AND CONTROL AS RELATED TO LOCAL ZONING AND HOUSING ISSUES**

Principal Planner Davis presented the item to Council.

Mayor DeGolia provided a brief history to how the Resolution came to Council.

Council collectively supported the adoption of the Resolution.

MOTION by Lewis, Second by Lempres to adopt Resolution No. 20-27 expressing support for actions to further strengthen local democracy, authority, and control as related to local zoning and housing issues.

AYES: Wiest, Widmer, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

STUDY SESSION

4. **REPORT ON REGIONAL HOUSING NEEDS ALLOCATION (RHNA) PROCESS**

Principal Planner Davis presented the staff report and introduced Consultant Joshua Abrams of 21 Elements.

Joshua Abrams presented the RHNA calculations and methodology to Council. He noted that additional surveys are being completed to determine affordability levels, how to account for Accessory Dwelling Units (ADUs) and how it will contribute toward the RHNA target.

Council discussed the RHNA calculations, methodology, and other projects taking place in Atherton that might contribute toward the goals.

City Attorney Ebrahimi added context on the intent and purpose of the RHNA numbers and the Town's obligations. She noted the Town is not required to build units or to encourage Developers to build.

Council continued to discuss if there were any proposals from Atherton Schools for housing and if Senior Housing contributed toward the RHNA targets.

Davis confirmed that currently there are no proposals submitted to the Town for on campus housing, but the schools have onsite housing plans included in their long-range Master Plans. She added that typical dormitory style construction would not count toward the RHNA goal but that other types of construction that include shared kitchen, bathroom, etc. space might.

Vice Mayor Lewis informed Council that she would raise questions at the C/CAG meeting on November 12, 2020 to inquire what other jurisdictions were planning.

Council directed staff to draft a letter to the Association of Bay Area Governments as part of the public comment process related to the methodology used.

This is an informational item and will return to Council at a future meeting.

5. CASH FLOW MANAGEMENT REPORT; FOCUS ON THE TOWN CENTER PROJECT

Finance Director Barron III presented to item and provided Council with an overview of the cash flow and financing plan for the Town Center Project.

Council discussed the current drawdown schedule and other revenue sources.

This is an informational item and will return to Council at a future meeting.

6. COUNCIL REPORTS/COMMENTS – *None*

7. PUBLIC COMMENTS – *None*

8. ADJOURN

Mayor DeGolia adjourned the meeting at 5:17 pm.

Anthony Suber
City Clerk