



MINUTES
Town of Atherton
City Council
January 13, 2021
SPECIAL MEETING / STUDY SESSION

Mayor Lewis called the meeting to order at 4:00 PM.

4:00 PM REGULAR AGENDA

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** – Widmer, Hawkins-Manuelian, DeGolia, Vice Mayor Lempres, Mayor Lewis
3. **PUBLIC COMMENTS** – *None*
4. **CONSIDERATION OF LETTER TO THE STATE OF CALIFORNIA REGARDING COVID-19 PROTOCOLS FOR HOUSES OF WORSHIP**

City Manager Rodericks presented the item and a draft letter for Council consideration.

Council discussed the merits and benefits of sending the letter as drafted and collectively agreed the City Manager could make revisions with the direction provided and return the letter for consideration at the February Regular Meeting.

MOTION by Widmer, Second by Lempres to approve and send a modified letter to the State of California regarding COVID-19 protocols for Houses of Worship to be modified by City Manager Rodericks and presented to Council for approval in February.

AYES: DeGolia, Widmer, Vice Mayor Lempres,

NOES: Hawkins, Mayor Lewis

ABSTAIN:

ABSENT:

STUDY SESSION

5. **DISCUSSION AND DIRECTION REGARDING THE START TIME FOR CITY COUNCIL MEETINGS**

City Manager Rodericks presented the item providing background and context.

Council collectively agreed to revise the starting times for City Council meetings while the Town operates under the Shelter-in-Place Order and is conducting virtual meetings due to COVID-19 protocols.

This item will return to Council at the January 20, 2021 Regular meeting for formal adoption.

6. DISCUSSION OF THE TOWN'S MUNICIPAL CODE REGULATIONS REGARDING LANDSCAPE SCREENING AND POSSIBLE MUNICIPAL CODE AMENDMENTS RELATIVE TO LANDSCAPE SCREENING FOR HILLSIDE LOTS OR OTHER SOLUTIONS.

Principal Planner Davis presented the item reviewing Municipal Code regulations regarding landscape screening and potential code amendments. Municipal Code.

Council discussed the item reviewing which elements were being considered for revisions including lighting and what penalties were in place in the event requirements are not met within specified period.

Town Arborist Bentz noted that in the event of non-compliance it would result in a Code Enforcement matter that could carry citations and other relevant penalties.

Council referred this item to the Planning Commission for further evaluation and consideration and directed the Planning Commission to make a recommendation to Council.

7. POLICE DEPARTMENT SUCCESSION PLANNING AND STAFFING

AUTHORIZATION TO ADD A SPECIALTY ASSIGNMENT - TRAFFIC AND MOTOR SERGEANT

Police Chief McCulley presented Report No. 1, outlining the background and benefits of adding the specialty assignment for a Traffic and Motor Sergeant.

Council inquired about the incentive pay associated with this assignment and other incentives offered to Motorcycle Officers. Council inquired about any State requirements related to the use of electric vehicles. Council collectively supported the staff recommendation.

This item will return for Council approval during the FY 21/22 budget process.

AUTHORIZATION TO OVER-HIRE A POLICE TRAINEE POSITION AT THE ACADEMY

Police Chief McCulley presented Report No. 2 demonstrating the need and advantages of funding a Police Trainee position at the academy. McCulley reviewed the Police Department staffing needs and plans with Council and described how by “over-hiring” with a Police Trainee will allow the department time to replace pending vacancies.

City Manager Rodericks noted that this is a one-time arrangement based on staffing opportunities and not an overall policy change. He added that Council could consider implementing a policy to fund a Police Trainee’s participation in the academy without having a present vacancy but that is not what staff is advocating for at the present time.

Council collectively supported the staff recommendation.

This item will return for Council approval during the FY 21/22 budget process.

AUTHORIZATION TO RECLASSIFY THE LEAD DISPATCHER POSITION TO COMMUNICATIONS SUPERVISOR

Police Chief McCulley presented Report No. 3 discussing the desire to create a Communications Supervisor role in the FY 2021/22 budget replacing the Lead Dispatcher position. He highlighted some unique challenges of the Dispatcher position and provided context to the 24/7 function of the role.

Council inquired as to the reporting structure of the department and how this might impact the use of Per Diem Staff.

This item will return for Council approval during the FY 21/22 budget process.

AUTHORIZATION TO CREATE A DISPATCHER / CODE ENFORCEMENT OFFICER POSITION

Police Chief McCulley presented Report No. 4 recommending Council consider creating a new position classification for a Dispatcher/Code Enforcement Officer.

Council asked some clarifying questions and collectively offered support of the staff recommendation.

Vice Mayor Lempres requested the Council receive information about Police Department donations.

This item will return for Council approval during the FY 21/22 budget process.

8. COUNCIL REPORTS/COMMENTS

Mayor Lewis reported that the Council of Cities dinner will be on January 29th and is being hosted by the City of Brisbane virtually. She noted that Atherton will host the September 24th dinner and is optimistic about the prospect of hosting it at the new Town Center pending State and Local health order allowance.

9. ADJOURN

Mayor Lewis adjourned the meeting at 6:00 PM.

Anthony Suber
City Clerk



MINUTES
Town of Atherton
City Council
JANUARY 20, 2021
CLOSED SESSION
REGULAR MEETING

6:15 P.M. CLOSED SESSION

PUBLIC COMMENTS – *None*

CLOSED SESSION IN ZOOM MEETING SPACE

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

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b)(1)***
City Manager
-

Mayor Lewis called the meeting to order at 7:11 PM

7:00 P.M. REGULAR MEETING

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL -** Hawkins, DeGolia, Widmer, Vice Mayor Lempres, Mayor Lewis – Present
- 3. REPORT OUT OF CLOSED SESSION**

City Attorney Ebrahimi noted that no action was taken.

- 4. PUBLIC COMMENTS – *None***
- 5. CITY MANAGER'S WRITTEN REPORT**

City Manager Rodericks briefly presented the report.

CONSENT CALENDAR (Items 6 – 14)

6. **CERTIFICATION OF CONTINUING EMERGENCY AND RATIFICATION OF SUCH RULES AND REGULATIONS ENACTED BY THE DIRECTOR OF EMERGENCY SERVICES IN RESPONSE TO COVID-19**
7. **ADOPTION OF RESOLUTION SETTING CITY COUNCIL MEETING START TIMES DURING COVID-19 (Adopted Resolution No. 21-01)**
8. **APPROVAL OF MINUTES FOR DECEMBER 16, 2020**
9. **APPROVAL OF BILLS AND CLAIMS FOR DECEMBER IN THE AMOUNT OF \$ 2,821,639**
10. **RECEIVE AND FILE OF COUNCIL COMMITTEE ASSIGNMENTS**
11. **ACCEPT THE FISCAL YEAR 2019-20 AUDITED BASIC FINANCIAL STATEMENTS**
12. **APPROVAL OF A MEMORANDUM OF UNDERSTANDING AND FINANCING AGREEMENTS WITH THE COUNTY OF SAN MATEO FOR FUNDING OF THE BAYFRONT CANAL / ATHERTON CHANNEL FLOOD PROTECTION AND RESTORATION PROJECT**
13. **ADOPT A RESOLUTION AUTHORIZING THE TRANSFER OF RULE 20A UTILITY UNDERGROUNDING WORK CREDITS TO THE CITY OF SOUTH SAN FRANCISCO (Adopted Resolution No. 21-02)**
14. **APPROVAL OF A CONDUIT LEASE AGREEMENT WITH ATHERTON FIBER FOR THE USE OF STREETLIGHT CONDUITS IN THE LINDENWOOD NEIGHBORHOOD; AND AUTHORIZATION FOR THE CITY ATTORNEY TO PREPARE AND CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN**

MOTION by Widmer, Second by DeGolia to approve the Consent Calendar items 6 – 14.

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

NOES:

ABSTAIN:

ABSENT:

PUBLIC HEARING (Item 15)

15. **INTRODUCTION AND FIRST READING OF ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 8.16 “NOISE”, PERTAINING TO LEAF BLOWERS**

Town Planner Costa Sanders presented the item recommending Council introduce an Ordinance to amend the Atherton Municipal Code pertaining to leaf blowers. She noted the ordinance as proposed reduces weekday operation of leaf blowers by one hour and two hours on Saturdays.

Public comments were received in advance of the meeting, distributed to Council and posted for public review from:

- Carol & John Flaherty
- Jerry Leugers
- Patrick Kelvie
- Marc Michel and Marguerite Janopaul
- RL Smith McKeithen

PUBLIC COMMENTS:

- Carol Flaherty commented on the item.
- Betsy Coby commented on the item.

Council discussed the benefits of electric leaf blowers, 2-stroke vs. 4-stroke engines, the issue of regulating blowing to specific days or times, and concerns about enforcement.

Council Member Hawkins shared the results from an informal survey she emailed out to a list of residents she collected during her campaign. She noted responses primarily focused on spare the air days and transition time from gas to electric.

Discussion continued relating to a need for increased outreach to residents. Council collectively expressed caution with introducing the Ordinance for adoption without taking additional steps including gathering more information and educating residents.

Motion by Widmer, Second by DeGolia to move forward with the evaluation of electric leaf blowers at Holbrook-Palmer Park as a pilot program and eliminate blowing activities on Spare the Air Days through Fall 2022 at Town facilities; and conduct community education programs in concert with the Environmental Programs Committee to educate the community about the differences between 2-stroke vs. 4-stroke leaf blowers, the benefits of electric blowers and hazards of gas blowers.

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

NOES:

ABSTAIN:

ABSENT:

REGULAR AGENDA (Items 16-22)

16. DISCUSSION REGARDING SUSTAINABILITY COORDINATOR STAFFING

Town Planner Costa Sanders presented the item requesting Council consider adding a Sustainability Coordinator position and seeking direction regarding the Towns involvement in local and regional sustainability efforts and initiatives.

City Manager Rodericks recommended Council consider a bringing on a consultant for the role at 20 hours a week or approximatley1000 hours per year to report through the City Manager's Office.

PUBLIC COMMENTS:

- Carol Flaherty commented that residents are less interested in spending money on a Sustainability Coordinator as opposed to other options like more cameras to prevent burglaries.

Council collectively agreed with the prospect of using a consultant to fill the role.

There was no formal action taken, this item will return to Council for approval as part of the FY 21/22 budget process.

17. ADOPT A RESOLUTION AMENDING FEES FOR TENNIS KEY FEES FOR THE HOLBROOK-PALMER PARK TENNIS COURTS

Public Works Director Ovadia presented the item for Council approval including maintenance performed on the tennis courts and future needs.

Council discussed the fee increase and inquired if any studies had been conducted related to the costs and charges.

Council Member DeGolia commented that the Town key charges are much lower than surrounding cities.

Michael Jessup from Player Capital Management addressed Council inquiries about Tennis Court maintenance.

Motion by Lewis, Second by DeGolia to adopt Resolution No. 21-03 supporting Option No. 3 presented by staff increasing the cost of the resident tennis key to \$100, include access to the clay court as part of that purchase and increase the cost of the non-resident key to \$275 for regular court access.

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

NOES:

ABSTAIN:

ABSENT:

18. CONSIDERATION OF LETTER TO BIDEN ADMINISTRATION IN SUPPORT OF CLEAN WATER ACT AND PROTECTION OF REDWOOD CITY SALT PONDS

City Manager Rodericks presented the item and noted that Mayor Lewis brought this item to him for Council consideration and approval.

Mayor Lewis provided some historical context to the item noting that Council took a supportive position on protecting the Redwood City Salt Ponds in the past.

Council agreed that to support a revised version of the letter to be drafted in collaboration with City Manager Rodericks and Mayor Lewis.

There was no formal action, only Council direction.

19. REVIEW AND APPROVE THE RESPONSE TO THE GRAND JURY REPORT: “SECOND UNITS: ADDING NEW HOUSING IN THE NEIGHBORHOODS”

Town Planner Costa Sanders presented the item and response letter to the San Mateo Grand Jury for Council approval.

Motion by Widmer, Second by Lempres to approve the response letter to the Grand Jury Report: Second Units: Adding New Housing in the Neighborhoods” adding the suggestion that a Property Tax Moratorium or Suspension be included.

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

NOES:

ABSTAIN:

ABSENT:

20. TOWN CENTER PROJECT UPDATE: AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH KPM-HOGUE INC. TO PROVIDE, DELIVER, AND INSTALL THE NECESSARY FURNITURE, FIXTURES AND EQUIPMENT (FF&E) FOR THE NEW CITY HALL/ POLICE BUILDING; AND AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE AN AGREEMENT AMENDMENT WITH TELECOMMUNICATIONS ENGINEERING ASSOCIATES (TEA) TO PROVIDE NEW FEDERAL AND STATE REQUIRED ADDITIONAL ENCRYPTION CAPABLE COMMUNICATIONS SYSTEMS

Project Manager Hanneman presented the item and both recommended actions. He added that two-thirds of the project is completed and that the Furnitures, Fixtures, and Equipment (FF&E) agreement is critical to have in place.

Council discussed some concerns with the furniture selections and inquired about options to review other choices. Council advised that there was not support to approve an agreement with KBM-Hogue at this time.

City Manager Rodericks clarified that the furniture will not be bought until staff reviews the furniture and makes the determination what would work best. As such, the agreement being requested is with the vendor with preliminary selections that will be refined as the selections are made.

Mayor Lewis advised that Council was not comfortable with supporting the agreement with KBM-Hogue at this time and announced she will be creating an Ad Hoc Subcommittee to review and make recommendations.

Chief McCulley reviewed the second recommend action to execute an amendment to the Telecommunications Engineering Associates agreement to provide new federal and state required encryption communications to allow continued access to CLETS. He noted that this is a requirement that the Town be in compliance with by 2023.

Council Member Widmer asked about a mutual response from another agency without encryption. Chief McCulley noted that encryption can be turned off for mutual aid services but that personally identifiable information cannot be transmitted.

Council discussed the item in detail asking about the timing of the need, how the press might keep track of police activity, if there would be any impacts reducing transparency, the design of the hardware, and what neighboring jurisdictions were planning to comply and if partnerships were possible.

MOTION by Widmer, Second by Lempres to authorize the City Attorney to prepare and the City Manager to execute an agreement amendment with Telecommunications Engineering Associates (TEA) to provide new federal and state required additional encryption capable communications systems and increase their current budget by \$119,667 to \$379,747, and authorize change orders up to \$30,000 for a total amount of \$409,747 with a report back to address any issues related to the loss of transparency.

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

NOES:

ABSTAIN:

ABSENT:

21. COUNCIL REPORTS/COMMENTS

Council Member Widmer reported about the change out of garbage and recycling carts.

Council Member Hawkins noted issues raised by the Auto-Bill Pay messaging related to refuse services provided by GreenWaste Recovery.

22. ADJOURN

Mayor Lewis adjourned the meeting at 9:51 PM.

Anthony Suber
City Clerk