



MINUTES
Town of Atherton
City Council
September 15, 2021
REGULAR MEETING

Mayor Lewis called the meeting to order at 6:00 p.m.

6:00 P.M. REGULAR MEETING

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** - Hawkins–Manuelian, DeGolia, Widmer, Vice Mayor Lempres, Mayor Lewis
– Present
3. **PRESENTATIONS** - *None*
4. **PUBLIC COMMENTS** – *None*
5. **CITY MANAGER’S WRITTEN REPORT**

Council Member DeGolia acknowledged the exceptional work being done by School Resource Officer Andruha at Selby Lane School and other schools in Town.

CONSENT CALENDAR (Items 6 - 12)

6. **APPROVAL OF BILLS AND CLAIMS FOR JULY 2021 IN THE AMOUNT OF \$ 2,741,619 AND AUGUST 2021 IN THE AMOUNT OF \$ 5,455,268.**
7. **APPROVAL OF MINUTES FOR JULY 21 AND SEPTEMBER 1, 2021.**
8. **ADOPT A RESOLUTION DESIGNATING A VOTING DELEGATE AND UP TO TWO ALTERNATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE, SEPTEMBER 22 - 24, 2021**

Adopted Resolution 21-13

9. **SECOND AMENDMENT TO THE AGREEMENT FOR TENNIS FACILITY MANAGEMENT SERVICES BETWEEN THE TOWN AND PLAYER CAPITAL TENNIS**

Pulled from consent by Mayor Lewis

- 10. ACCEPTANCE OF DONATION NAMING REQUESTS**
- 11. ACCEPTANCE OF TREASURER’S REPORT FOR THE FOUR QUARTER ENDED JUNE 30, 2021**
- 12. THIRD AMENDMENT TO THE LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS RELATED TO WIRELESS TELECOMMUNICATION FACILITIES AT THE ATHERTON TOWN CENTER**

Council Member Widmer provided a correction for Item 10.

MOTION by Widmer, Second by DeGolia to approve the Consent Calendar Items 6-12, removing item 9, which was pulled for discussion by Mayor Lewis.

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

NOES:

ABSENT:

ABSTAIN:

PUBLIC HEARING (Item 13)

- 13. INTRODUCTION OF AMENDMENTS TO ATHERTON MUNICIPAL CODE CHAPTER 2.08.010 “POSTING PLACES”**

Clerk Suber presented the item to Council.

Mayor Lewis noted there was an additional bulletin board located at Selby Lane not included in the staff report.

Public Comments:

Patricia Leugers asked Council to consider offering the boards to the Lindenwood Homeowners Association to take ownership and maintenance responsibilities.

Council directed staff to connect with the Lindenwood Homeowners Association to gauge their interest in assuming ownership and maintenance responsibilities of the bulletin boards.

MOTION by Lempres, Second by Widmer waiving the first reading by substitution of the title and introduce an Ordinance amending the Municipal Code by revising the posting locations in Chapter 2.08.010.

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

NOES:

ABSENT:

ABSTAIN:

REGULAR AGENDA (Item 14-21)

14. REVIEW AND CONSIDERATION OF REVISIONS TO THE RESOLUTION GOVERNING TOWN COMMITTEES AND COMMISSIONS TO REDUCE MEMBERS ON THE RAIL COMMITTEE AND MERGING THE BICYCLE AND PEDSTRIAN AND TRANSPORTATION COMMITTEES

City Manager Rodericks introduced the item providing context for the discussion to reduce the Rail Committee and potential merger of the Transportation and Bicycle and Pedestrian Advisory Committees (BPAC).

Public Comment:

- John Maulbetsch commented on the item supporting a reduction of the membership requirements.

Council discussed and agreed to reduce the membership of the Rail Committee from up to nine (9) members to seven (7) members.

MOTION by Widmer, Second by DeGolia to adopt Resolution No. 21-14 reducing the membership on the Rial Committee from up to nine (9) to seven (7) amending the resolution governing Town committees and commissions.

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

NOES:

ABSENT:

ABSTAIN:

Rodericks provided additional background information related to a potential merger of the Transportation and BPAC noting methods for achieving a merger if done immediately or overtime due to attrition.

Public Comment:

- Jerry Leugers commented on the item noting significant overlap of the two committees.
- Carol Collins commented on the item and discussed the need for continuity.
- Susanne Pari commented on the item.
- Shahram Shirazi commented on the item.

Rodericks addressed the rules and requirements for establishing a BPAC.

Council Member Widmer indicated that he did not support the concept of a merger and his belief that the two committees having competing priorities.

Council continued to discuss the advantages or disadvantages of a merger noting challenges of bringing specific items to both groups, the overlap, potential of the groups establishing joint meetings bi-annually, and a general desire to encourage as much public input and feedback as possible.

MOTION by DeGolia, Second by Widmer to strike the language merging the Transportation Committee and Bicycle and Pedestrian Committees from Resolution No. 21-14.

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

NOES:

ABSENT:

ABSTAIN:

15. MODIFICATION OF HOURS FOR THE RIGHT-TURN ON RED RESTRICTIONS AT THE MIDDLEFIELD ROAD/OAK GROVE AVENUE INTERSECTION

City Manager Rodericks introduced the item noting safety concerns.

Commander Larsen provided additional information on the item including school start times, extra-curricular activities at the school, and alternative routes for motorists.

Council discussed possible modifications of the rule, revisions to signage, and historical accident report information.

Public Comment:

- Smith McKeithen provided public comments in advance of the meeting.
- Jerry Leugers commented on the item.
- Carol Collins commented on the item.

Council continued discussion noting a priority to provide the highest degree of safety for students in town and residents.

Council expressed support and provided direction for staff to further evaluate the following and return to Council for evaluation:

- **Synchronization of light signals;**
- **Red arrow for right a turn signal;**
- **Pedestrian signage;**
- **Conducting a foot traffic survey to evaluate setting time specific restrictions.**

This item will return to Council at a future meeting for further evaluation.

16. DISCUSSION AND DIRECTION REGARDING MEDIAN STREET TREE REPLACEMENT OPTIONS FOR MOUNT VERNON LANE AND TUSCALOOSA AVENUE

City Manager Rodericks introduced the item and the activity performed by staff and the preferences provided by residents at Mount Vernon and Tuscaloosa. He noted staff recommends that if Council allows the installation of a tree in the road at Tuscaloosa that a curb be constructed for the median along with stripping.

Town Arborist Bentz provided additional information related to quotes from vendors and tree sizes. She indicated staff was seeking direction on tree size for replacement.

Public Comment:

- Rachel Whetstone commented on the item
- Shahram Shirazi commented on the item.
- Elizabeth Kerrigan commented on the item.
- Curtis Smith commented on the item.
- Susanne Pari commented on the item
- Diana Bryan submitted public comments in writing and via Zoom.

Council discussed the replacement tree at Tuscaloosa and Bentz noted the largest size possible within the median is a 60-inch box. They discussed the dimensions of the median around the tree and needs for a curb. Bentz noted that the road at Mount Vernon is not wide enough to allow for a tree to be planted within it.

Rodericks noted the need for a curb for the Tuscaloosa tree is related to liability concerns. He added that it is not staff's recommendation to plant a tree in the middle of the road noting considerations for the width of the street and access for emergency service vehicles.

Bentz confirmed plans to connect with nurseries to confirm availability for the Cork Oak option agreed upon.

MOTION by Widmer, Second by Lempres to plant a 60-inch Cork Oak tree at Mount Vernon with a budget of \$8k that may be offset by resident financial support.

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

NOES:

ABSENT:

ABSTAIN:

Council discussed the replacement of the tree at Tuscaloosa including options of widening the road. Staff advised the Council that West Coast Arborists provides the Town with the services of an independent certified arborist to prepare analysis of the condition of Town-owned trees. Further, that any report and recommendation provided by that independent certified arborist are reviewed by the Town's own certified arborist.

Council directed staff evaluate the roadway at Tuscaloosa for possible widening taking the needed curb and median into account for a recommendation to be made at a future Council meeting.

This item will return to Council for further evaluation related to the replacement tree at Tuscaloosa.

17. CONSIDERATION OF BUDGET FOR TOWN CENTER GRAND OPENING

City Manager Rodericks introduced the item noting staff recommendation of a preliminary budget of \$25,000 for the event.

The Ad Hoc Subcommittee for the Grand Opening of the Town Center of Mayor Lewis and Council Member Hawkins-Manuelian shared a series of questions for council discussion.

The Council expressed support for hosting a smaller, ribbon-cutting ceremony sometime in December and postponing a larger celebratory event to Spring 2022 to allow the project site conditions to mature over that time.

MOTION by Lewis, Second by Hawkins to approve a preliminary budget for the grand opening and ribbon cutting event for the new Town Center.

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

NOES:

ABSENT:

ABSTAIN:

18. TOWN CENTER PROJECT UPDATE

City Manager Rodericks presented a brief update.

19. CITY MANAGER PERFORMANCE EVALUATION AND APPROVAL OF AMENDMENT TO CITY MANAGER EMPLOYMENT CONTRACT

City Attorney Ebrahimi presented the item and referenced the performance evaluations completed by Council. She added that the salary increases included in the amendment reflect cost of living increases received by other unrepresented staff members and parity for the Town Manager.

Council concurred to align all future performance evaluations.

MOTION by Lewis, Second by Lempres to approve an 8th amendment to the employment contract with George Rodericks for City Manager services.

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

NOES:

ABSENT:

ABSTAIN:

9. SECOND AMENDMENT TO THE AGREEMENT FOR TENNIS FACILITY MANAGEMENT SERVICES BETWEEN THE TOWN AND PLAYER CAPITAL TENNIS

Pulled from the Consent Calendar by Mayor Lewis.

Council discussed increasing the annual rate charged to Player Capital Tennis agreeing to grant staff the authority to negotiate new terms prior to any renewal.

Michal Jessup from Player Capital Tennis addressed Council related to the terms of the agreement.

MOTION by DeGolia, Second by Widmer to approve a two-year contract extension with an option to renegotiate terms prior to a renewal for tennis facility management services with Player Capital Tennis.

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

NOES:

ABSENT:

ABSTAIN:

20. COUNCIL REPORTS/COMMENTS – *None*

21. ADJOURN

Mayor Lewis adjourned the meeting at 8:53 p.m.

Anthony Suber
City Clerk



MINUTES
Town of Atherton
City Council
October 6, 2021
CLOSED SESSION &
SPECIAL MEETING/STUDY SESSION

Mayor Lewis called the meeting to order at 3:15 p.m.

3:15 PM CLOSED SESSION

PUBLIC COMMENTS – None

CLOSED SESSION IN ZOOM MEETING SPACE

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

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - (Gov. Code section 54956.9): City of Long Beach v. Monsanto Company, et al. (2:16-cv-03493-FMO-AS). Central District Court of California, Western Division, Los Angeles Courthouse. Initiation of litigation pursuant to Gov. Code section 54956.9(d): (one case)

City Attorney

Liability Claims (Gov. Code section 54956.95)

Claimant: (John Garcia)

Agency claimed against: (Town of Atherton)

Mayor Lewis called the meeting to order at 4:02 p.m.

4:00 PM REGULAR AGENDA

- 1. ROLL CALL - Hawkins-Manuelian, DeGolia, Widmer, Vice Mayor Lempres, Mayor Lewis – All Present**

Mayor Lewis announced that Council Member and Vice Mayor Lempres submitted a letter of resignation from Council effective on October 15, 2021.

Vice Mayor Lempres addressed his resignation and noted that he is proud of the work he and his fellow Council colleagues and staff were able to accomplish during his tenure and he would miss serving the wonderful residents of the Town of Atherton.

Council Member DeGolia complimented Lempres indicating that he is sad to see him go and hopes he can return to Council in the future.

2. **PUBLIC COMMENTS – *None***

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

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

4. **ADOPT A RESOLUTION RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM (MARCH 4, 2020) AS APPLICABLE IN THE TOWN AND AUTHORIZING TELECONFERENCE MEETINGS OF LEGISLATIVE BODIES OF THE TOWN PURSUANT TO THE RALPH M. BROWN ACT**

City Manager Rodericks introduced the item noting the newly adopted Assembly Bill 361.

Council discussed the options for continuing live streaming for meetings noting the increased public participation and transparency since option has been implemented.

Staff responded indicating the function and option will continue to be offered.

MOTION by DeGolia, Second by Widmer to adopt Resolution No. 2021 – 15 authorizing teleconference meetings of legislative bodies of the Town pursuant to the Ralph M. Brown Act and Assembly Bill 361.

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

NOES:

ABSENT:

ABSTAIN:

STUDY SESSION

5. **FEEDBACK AND DIRECTION REGARDING A REQUEST FOR PROPOSALS FOR LANDSCAPE MAINTENANCE SERVICES**

Public Works Director Ovadia presented the report to Council highlighting options for Council consideration.

Public Comments:

- Jeremy Isenberg, on behalf of the Holbrook-Palmer Park Foundation submitted written comments.
- Susan Moriconi submitted written comments.
- Walter Robinson submitted written comments.
- Matt Baker commented on the item

Council Member Widmer stated that he supports the idea of increasing the financial support for Holbrook-Palmer Park (Park) and that he supports having any request for proposal responses broken out to indicate costs for the Park versus costs associated with the Town Center separately.

Council collectively supported Widmer's comments indicating that the Town solicit proposals for landscaping services for the Town Center and the Park and that the vendor selected should specialize in the area of landscaping.

City Manager Rodericks clarified that there would be three separate areas to itemize on responsive bids noting services needed for the Library, Town Center, and Holbrook-Palmer Park.

Council provided direction to staff that a request for proposal ask responders to itemize costs related to each area independently and that one vendor provide the services for each.

This will return to Council at a future meeting for approval.

6. NEIGHBORHOOD TRAFFIC MANAGEMENT ACTION PLAN

Public Works Director Ovadia presented the item to Council noting results from the resident survey and input from residents related to mitigation measures

Riya Debnath, TJKM Consultant reviewed the presentation with Council providing overviews of the suggested mitigation measures.

Ruta Jariwala, TJKM Consultant added context to the conversation noting that intention of this phase of the project was to gather resident and neighbor input.

Council discussed the results from the surveys, suggested mitigation measures, and impacts on pedestrians, bicyclists, and motorists. Council directed that staff return to the Council with a priority list of measures to implement.

This item will return to Council at a future meeting for further direction.

7. COUNCIL REPORTS/COMMENTS

Council Member DeGolia reported that Peninsula Clean Energy (PCE) held an annual retreat and provided details about the goals of PCE related to providing 100% renewable energy to all of its customers 24/7 by 2025 and to contribute to the County in reaching the state's goal to be 100% greenhouse gas-free by 2045.

8. ADJOURN

Mayor Lewis adjourned the meeting at 5:56 p.m.

Anthony Suber
City Clerk