



**Minutes**  
**CITY COUNCIL**  
**December 18, 2013**  
**7:00 p.m.**  
**94 Ashfield Road**  
**Atherton, California**  
**REGULAR MEETING**

Mayor Lewis called the meeting to order at 7:00 p.m.

Mayor Lewis opened the meeting in honor of long-time resident and Planning Commission member Herm Christensen who unexpectedly passed on. A moment of silence was completed.

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL Lewis, Wiest, Dobbie, Widmer, DeGolia**

**3. PRESENTATIONS**

**PROCLAMATION** – Menlo-Atherton Viking Pop Warner Cheerleaders – Presented by Mayor

Mayor Lewis presented the Vikings with a proclamation for their competitive achievements. The Vikings performed a short cheer for the audience.

**COUNCIL REORGANIZATION**

a) Message from Outgoing Mayor – Lewis

Mayor Lewis highlighted Council accomplishments during her year as Mayor, which include transparency through technology. Lewis thanked the City Manager and staff for upgrading the Town's new website and for the constant emails informing residents of important Town matters. Lewis added that the Town accomplished successful negotiations with its employees, conducted a successful audit, used extra funds to pay down its other post-employment benefits, and the passage of the parcel tax. Lewis concluded that there was a large victory in the High-Speed Rail lawsuit, thanked staff for their continued work on the master planning projects, and welcome Rick DeGolia to Council.

b) Selection of Mayor and Vice Mayor – Administered by Mayor

Mayor Lewis nominated Vice Mayor Wiest for Mayor. Council Member Widmer seconded the nomination. The motion passed 5-0. Vice Mayor Wiest was appointed Mayor for the 2014 term.

Mayor Lewis nominated Rick DeGolia for Vice Mayor. Mayor Wiest seconded the nomination.

Council Member Dobie nominated Bill Widmer for Vice Mayor. Widmer seconded the nomination.

Mayor Lewis asked for the vote on the nomination for Rick DeGolia. The motion passed 4-1 (Dobbie opposed). Council Member DeGolia was appointed Vice Mayor for the 2014 term.

The motion to nominate Bill Widmer was not voted upon.

c) Oath of Office -New Mayor and Vice Mayor – Administered by City Clerk

City Clerk DellaSanta administered the oath of office to Mayor Wiest and Vice Mayor DeGolia.

d) Message from Incoming Mayor

Mayor Wiest thanked Lewis for her leadership over the past year. Wiest indicated that he would continue to honor transparency through technology and any other means necessary. Additionally he will look to reduce long-term liabilities, streamline Council meetings, and continue on course with master plan projects.

#### **PRESENTATION AND DISCUSSION OF “OPENGOV” SOFTWARE – Finance Director Robert Barron III**

Nate Levin from OpenGov discussed OpenGov which is an online software solution that provides the public the opportunity to trek through the Town budget in a more interactive way. Presently, the Town uploads its hardline budget as a PDF document year after year. While the online document provides the public with the data it does not allow the public the ability to manipulate the data in any meaningful way. Through OpenGov, the Town would upload financial data on a regular basis and the public would be able to manipulate the data to compare and contrast the information in any way they see fit. This is another step toward engaging the public in the Town’s governance.

Council thanked staff and Mr. Levin for the presentation.

#### **4. PUBLIC COMMENTS**

Bob Roeser, spoke on behalf of the Parks & Recreation Commission regarding the Commissions discussions on the Tennis Key Policy. The Commission will be preparing a report for the Council’s consideration in January 2014.

The Council also heard public comment on the establishment of Life Peace Zones.

#### **5. REPORT OUT OF CLOSED SESSION - Report out by City Attorney – None.**

#### **6. CITY MANAGER’S REPORT**

##### **a. Community Center Advisory Committee Report**

City Manager Rodericks provided a report on Surf Air, an upcoming Disaster Preparedness Exercise, committee appointments, CalTrain’s CBOSS Project Work, Master Plan Updates and the Town’s upcoming Holiday Schedule.

## **7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

### **CONSENT CALENDAR (Items 8-14)**

#### **8. APPROVAL OF NOVEMBER 6 AND DECEMBER 4 SPECIAL MEETING MINUTES**

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes

#### **9. APPROVAL OF BILLS AND CLAIMS FOR NOVEMBER, 2013 IN THE AMOUNT OF \$1,148,956**

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$1,148,956

#### **10. FINANCIAL REPORT FOR NOVEMBER 30, 2013**

Report: Finance Director Robert Barron III

Recommendation: Receive the General Fund Financial Report for November 30, 2013

#### **11. ACCEPTANCE OF TREASURER'S REPORT FOR THE THIRD QUARTER ENDED SEPTEMBER 30, 2013**

Report: Finance Director Robert Barron III

Recommendation: Accept the Treasurer's Report for the third Quarter Ended September 30, 2013

#### **12. RESOLUTIONS ESTABLISHING THE EMPLOYER'S CONTRIBUTION FOR EMPLOYEES AND ANNUITANTS UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT (PEMHCA)**

Report: City Manager George Rodericks

Recommendation: Approve the attached Resolutions fixing the employer's contribution for employees and annuitants at the minimum required PEMHCA contribution

#### **13. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING AND DELEGATING TO THE OFFICE OF THE CITY MANAGER THE DUTIES TO DETERMINE DISABILITY OF LOCAL SAFETY EMPLOYEES AND DELEGATING DISABILITY DETERMINATION APPEALS TO AN ADMINISTRATIVE LAW JUDGE**

Report: City Manager George Rodericks

Recommendation: Approve resolution delegating to the office of the City Manager the duties to determine disability of local safety employees and delegating disability determination appeals to an administrative law judge

#### **14. BUDGET AMENDMENT FOR ENHANCED MAINTENANCE ITEMS**

Report: Community Services Director Mike Kashiwagi

Recommendation: Approve the attached budget amendment for enhanced maintenance items directed by City Council on November 20, 2013

**MOTION by Lewis, second by Dobbie to approve the consent calendar, items 8 – 14. The motion passed unanimously.**

**PUBLIC HEARING - (Item 15)**

**15. 150 VALPARAISO AVENUE (APN 070-390-010) SACRED HEART SCHOOLS, CONDITIONAL USE PERMIT NO. CUP13-00003 AMENDING CONDITIONAL USE PERMITS CUP10-00010 AND CUP13-00001 BY SUBSTITUTING A TDM PROGRAM FOR REQUIRED INTERSECTION RECONSTRUCTION**

**Report:** Deputy Planner Lisa Costa Sanders

**Recommendation:** Conduct the public hearing, make the findings listed below, approve the EIR Addendum, and approve the amendments to the Conditional Use Permits for the Lower/Middle School and Practice Gym Projects with conditions specified in the draft certificates of approval.

Council Member Lewis recused herself due to her proximity to the School. Council Member Widmer recused himself due to his wife's involvement on the issue as a Planning Commissioner.

Deputy Planner Lisa Costa Sanders presented the report. The issue surrounded a substitution for their Transportation Demand Management Program. The changes were supported by the Planning Commission, the Applicant, and the surrounding community. City Council action is required because the original EIR was certified by the City Council; consequently the proposed Addendum should be approved by the City Council. In addition, the original mitigation measure requiring intersection improvements and heritage tree removals would occur in the public right-of-way and require City Council approval. Replacement of that mitigation measure should, therefore also require City Council action.

Sandy Crittenden, Atherton resident, questioned the true number of trips per day to and from the school.

Mayor Wiest questioned how the trips would increase if there was an enrollment increase. Costa Sanders said that an enrollment increase requires Planning Commission approval.

Keith Wollenberg, Atherton resident, said that his backyard fence abuts the gym and school. Wollenberg said the school is working very hard to be a good neighbor.

Rose Hau, Atherton resident, was not supportive of removal of 19 trees. Hau felt it was unacceptable.

David McAdoo, Menlo School, said he is happy to see more care taken off the street through the TDM. McAdoo noted that there are plenty more opportunities to reduce cars through shuttle buses and carpools.

Mayor Wiest expressed his pleasure with the detailed report and the deep concern for mitigation.

**MOTION by Wiest, second by DeGolia to make the findings outlined in the Staff Report, take the following actions and approve the following permits with the conditions listed in the draft approval certificate:**

1. Consider the addendum with the final EIR prior to making a decision on the project.

2. Make a finding based on substantial evidence that the Alternative “A” Intersection Improvements are no longer necessary to mitigate a significant impact and a better alternative exists in the form an enhanced TDM program.
3. Approve the two draft Amended Conditional Use Permit Certificates (Lower/Middle School Reconstruction Project and Practice Gym Project) that delete the existing Intersection Improvements condition and add a new condition requiring the TDM Program and annual monitoring.

The motion passed 3-0-2 (Lewis, Widmer absent)

### **REGULAR AGENDA - (Items 16-19)**

Lewis and Widmer returned to the Chambers.

#### **16. COMMITTEE APPOINTMENTS AND POSSIBLE INTERVIEWS**

Report: City Manager George Rodericks

Recommendation: Consider appointments to the Atherton Environmental Programs Committee and to the San Mateo County Mosquito and Vector Control District

**MOTION by Widmer, second by Lewis to approve appointments to the Environmental Programs Committee. The motion passed unanimously.**

Council interviewed each (present) candidate for the San Mateo County Mosquito & Vector Control District.

Mason Brutschy and Sam Lerner (incumbent) were allowed to give a brief presentation and answer questions of Council.

After two rounds of ballot voting Mason Brutschy was appointed Atherton Trustee to the San Mateo County Vector Control District by a 3-2 vote. DeGolia, Dobbie and Widmer voted for Brutschy. Wiest and Lewis voted for Lerner.

#### **17. SELECTION OF DESIGN ALTERNATIVE AND DIRECTION TO NEGOTIATE A DESIGN CONTRACT WITH BIGGS CARDOSA ASSOCIATES FOR THE MARSH ROAD RETAINING WALL REPAIR**

Report: Community Services Director Mike Kashiwagi

Recommendation:

1. Approve the selection of a concrete cast-in-place open culvert option 2A to repair the Marsh Road Wall segment of the Atherton Channel and incorporate design elements to accommodate a future bike/pedestrian path,
2. Authorize staff to perform environmental assessment of Option 2A,
3. Authorize staff to negotiate an agreement for design with Biggs Cardosa Associates, Inc. to be brought to City Council for approval, and
4. Select a preferred concept for a possible bike/pedestrian path

Community Services Director Kashiwagi presented the report to Council focusing on the two recommended alternatives, a cast-in-place u-channel and a box culvert. The Council’s earlier discussions focused on the future potential for covering the channel with a pedestrian and/or bicycle

pathway and the cost implications of a design, specifically related to the environmental costs for review.

Staff advised that any covered application would need full environmental review that could take as long as 12 months, not including time with other agencies. Some applications, such as an open boardwalk may allow for an easier, faster, and possibly cheaper environmental process.

Kashiwagi presented an overview of the environmental process for the two options together with a clarification and breakdown of potential cost differentials related to that analysis.

**MOTION by Lewis, second by Wiest to move forward with the staff recommendation for Option 2A (a cast-in-place open culvert) with the possibility for a cover at a later date. Additionally, if in the course of the review it turns out there is a need for a mitigated negative declaration because of the removal of heritage trees that it come back to Council. The motion passed 3-2, with Dobbie and Widmer opposed.**

## **18. CONSIDERATION OF TRAFFIC CONTROL DEVICES AND LANE CONTROL PROJECTS ALONG EL CAMINO REAL (SELBY LANE AND ISABELLA)**

**Report:** Community Services Director Mike Kashiwagi

**Recommendation:** Provide direction regarding the potential placement of traffic control devices at Selby Lane, and Isabella on El Camino Real. Staff would also like direction regarding support for reducing the lanes on El Camino Real

Community Services Director Kashiwagi presented information on traffic control devices and lane control projects, particularly along El Camino Real at Selby Lane and Isabella.

The Council heard from a number of residents concerning signalization at Selby Lane. Of the 7 neighborhood speakers, a couple spoke in favor of signalization while the remainder questioned the merits of traffic signal versus some other solution. Discussion revolved around the merits of a signal, the types of incidents at the intersection, pushing the problem for one street to another, and the possibility of increases to traffic in the area. In the end, the Council opted to postpone support for signalization of the intersection, to include postponing support for a hybrid beacon.

The Council asked staff to work with the Transportation Committee and CalTrans to investigate a wider range of solutions to address the issues at the intersection, including consideration of eliminating left turns during certain times of the day or entirely.

In addition, the Council asked staff to return with a Scope of Work to address speed and traffic issues on Selby Lane.

Council also provided support for the installation of a hybrid beacon at Isabella at El Camino Real and the future possibility of reducing the number of lanes from 6 to 4 along the Atherton portion of El Camino Real.

## **19. FLEET MANAGEMENT**

**Report:** Police Chief Ed Flint

**Recommendation:** Request authorization to take the following fleet management actions:

1. Purchase two (2) 2014 Ford Police Interceptor sedans (one marked patrol vehicle, and one unmarked detective vehicle) including equipment and installation costs;
2. Convert an existing marked patrol vehicle to a K9 vehicle;
3. Auction four (4) surplus police vehicles through First Capitol Auction of Vallejo, CA

Police Chief Flint discussed the purchase of two police vehicles and the surplus of four existing vehicles that have reached the end of their useful life. The size of the Police fleet will go from 20 total vehicles down to 16.

Council requested that staff retain one of the surplus patrol units as a decoy car to be used in the field, when appropriate. In addition, the Council asked that staff consider first attempting to sell the vehicles directly to the community prior to auction.

**MOTION by Lewis, second by Wiest to approve purchase two (2) 2014 Ford Police Interceptor sedans (one marked patrol vehicle, and one unmarked detective vehicle) including equipment and installation costs; Convert an existing marked patrol vehicle to a K9 vehicle; Auction four (4) surplus police vehicles through First Capitol Auction of Vallejo, CA; and consider attempting to sell the vehicles directly to the community prior to auction. The motion passed unanimously.**

#### **20. COUNCIL REPORTS - Wiest, Widmer, Lewis**

Nothing further to add to written reports.

#### **21. FUTURE AGENDA ITEMS – None.**

#### **22. PUBLIC COMMENTS - None.**

#### **23. ADJOURN**

Mayor Wiest adjourned the meeting at 10:54 p.m.

Respectfully submitted,

Theresa DellaSanta  
City Clerk