



Minutes
Town of Atherton
CITY COUNCIL
November 20, 2013
7:00 p.m.
94 Ashfield Road
Atherton, California
REGULAR MEETING

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

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Wiest, Dobbie, Widmer
3. **PRESENTATIONS**

Samtrans Transit Study Presentation -
Presented by Barrow Emerson, Principal Planner

Mr. Emerson presented information on the Samtrans Transit Study along the El Camino Real corridor. Emerson provided an update on the planned route improvements, rapid improvements and safety and security.

4. **PUBLIC COMMENTS** – None.
5. **REPORT OUT OF CLOSED SESSION** - None.
6. **CITY MANAGER’S REPORT**
 - a. **Community Center Advisory Committee Report**

City Manager Rodericks provided a report on the Town’s pavement condition index, the New Mayor and Council Member Academy sponsored by the League of California Cities, evaluation of the Town’s General Liability and Workers’ Compensation coverage, status of the Civic Center Advisory Committee work, updates on the Animal Control Shelter proposed by the County of San Mateo, information on the Park Master Plan, and the Town’s upcoming Holiday Schedule.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**
CONSENT CALENDAR (Items 8-14)

Lewis clarified that the consent calendar consists of items 8 through 13.

Item 13 was removed from consent for further discussion.

8. **APPROVAL OF OCTOBER 16 REGULAR MEETING MINUTES**

Report: City Clerk Theresa DellaSanta
Recommendation: Approve meeting minutes

9. APPROVAL OF BILLS AND CLAIMS FOR AUGUST, 2013 IN THE AMOUNT OF \$1,004,655

Report: Finance Director Robert Barron III
Recommendation: Approve Bills and Claims in the amount of \$1,004,655

10. RESOLUTIONS APPROVING EMPLOYER PAID MEMBER CONTRIBUTION

Report: City Manager George Rodericks
Recommendation: Approve Resolutions for Employer Paid Member Contributions (EPMC) for APOA Sworn and Non-Sworn personnel

11. RESOLUTIONS ESTABLISHING THE EMPLOYER'S CONTRIBUTION FOR EMPLOYEES AND ANNUITANTS UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT (PEMCHA)

Report: City Manager George Rodericks
Recommendation: Approve the attached Resolutions fixing the employer's contribution for employees and annuitants at the minimum required PEMCHA contribution

12. VIRTUALIZATION OF SERVERS

Report: City Manager George Rodericks
Recommendation: Receive and File

MOTION by Widmer, second by Dobbie to approve the consent calendar except for item 13. The motion passed unanimously.

PUBLIC HEARING - (Items 14-15)

14. SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADOPTING BY REFERENCE THE 2013 CALIFORNIA BUILDING STANDARDS CODE, RETAINING EXISTING MODIFICATIONS, AND RATIFY THE FIRE REGULATIONS AS ADOPTED BY THE MENLO PARK FIRE PROTECTION DISTRICT

Report: Community Services Director Mike Kashiwagi
Recommendation: Adopt the ordinance amending Title 15 of the Atherton Municipal Code, ratify the fire regulations as adopted by the Menlo Park Fire Protection District and direct the Building Official to file the amendments with State of California as required by law

Council Member Widmer said several surrounding cities had less costly provisions for sprinkler regulations. Widmer requested that staff work with the Fire District to amend the sprinkler regulations as they apply to Atherton – specifically, the impact of the sprinkler retrofit requirements on smaller homes.

Mayor Lewis disagreed and felt that the requirements are put in place in order to protect homes that are building more than 50%.

Council Member Dobbie said he does carry sympathy for smaller home owners who are doing major renovations.

The Fire District discussed the costs associated with the sprinkler provisions.

MOTION by Wiest, second by Dobbie to adopt the ordinance amending Title 15 of the Atherton Municipal Code, ratify the fire regulations as adopted by the Menlo Park Fire Protection District and direct the Building Official to file the amendments with State of California as required by law. The motion passed 3-1, Widmer opposed because he felt the sprinkler ordinance should be amended.

15. SECOND READING AND ADOPTION OF ORDINANCE PROHIBITING OVERNIGHT CAMPING

Report: City Manager Rodericks

Recommendation: Adopt ordinance that prohibits overnight camping within the Town limits

City Manager Rodericks informed Council that this was the second reading and adoption of an ordinance prohibiting overnight camping in vehicles. The ordinance was modified at the last Council meeting to address private property and the ability of a property owner to allow camping on their own property.

MOTION by Dobbie second by Widmer to adopt ordinance that prohibits overnight camping within the Town limits. The motion passed unanimously.

REGULAR AGENDA - (Items 16-19)

Taking note of the audience, Lewis questioned how many people were present for item 18. A majority of hands were raised. Council took up item 18.

18. AIRCRAFT NOISE – SURF AIR

Report: City Manager George Rodericks

Recommendation: Review, Discuss and Provide Direction

City Manager Rodericks explained that the report information on the impacts connected to Surf Air flights over portions of the Town.

Council Member Elect Rick DeGolia felt that issues related to noise, safety, and height of the aircraft should be heard. He asked council to consider holding a community meeting to give people the opportunity to do so.

Council heard from several residents regarding issues associated with aircraft noise created by Surf Air.

The Council committed a subcommittee to continue to work locally and regionally to address the issue(s) with Surf Air, San Carlos Airport, and the Federal Aviation Administration (FAA). The Council directed the subcommittee to set up a Community Meeting involving elected

representatives from surrounding communities, to include the County, as well as State and Federal legislators in an effort to coalesce the community voices around the topic.

16. APPROVAL 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 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. Select a preferred concept for a possible bike/pedestrian path, and
3. Direct staff to negotiate an agreement for design with Biggs Cardosa Associates, Inc. to be brought to City Council for approval.

City Manager Rodericks explained that this item was approval of the design alternative and direction to negotiate a design contract with Biggs Cardosa for the Marsh Road Retaining Wall Repair.

Kashiwagi presented the report to the Council focusing on the two recommended alternatives, a cast-in-place u-channel and a box culvert. The Council 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 36 months.

Some applications, such as an open boardwalk may allow for an easier, faster, and possibly cheaper environmental process. Staff was directed to have the Town's Planning Staff provide an overview of the environmental process for the two options together with a clarification and breakdown of potential cost differentials related to that analysis.

The Council is attempting to differentiate the cost-benefit of selecting a closed alternative now versus covering the channel at a later date. While environmental work would be required for any alternative that covers the channel, the two alternatives for pathway above the channel have differing impacts that would be addressed in the environmental analysis.

Council continued the item to the December meeting to allow staff to provide that analysis.

17. DISCUSS AND PROVIDE DIRECTION TO STREET ROW AND PARK ENHANCED MAINTENANCE

Report: City Manager George Rodericks

Recommendation: Discuss and provide direction to Street and Park contracts for enhancements to current activities

City Manager Rodericks provided background information on the enhancements to street right-of-way and park maintenance.

Council reviewed the entire list of enhanced maintenance items provided in the staff report. Each item was taken line by line item and voted up.

The Council directed staff to return with budget amendments to address numerous safety, aesthetic, and maintenance improvements. Improvements included trimming of vegetation for sight-clearance, refurbishing the pathway in the Park, painting street light poles, performing regular streetlight inspections, preparing tree and street light inventories for a GIS layer, increasing basic maintenance at the Park, and others.

19. TASER X26P PURCHASE

Report: Police Chief Ed Flint

Recommendation: Purchase twenty-five (25) Taser X-26Ps to replace the Police Department's current outdated Taser X26 inventory

The replacement of the Police Department's Tasers with the new model as the current vendor is phasing out the current model for purchase and maintenance. The Council discussed the Town's use of Tasers over time as a "less than lethal" tool in law enforcement.

MOTION by Widmer second by Wiest to purchase twenty-five (25) Taser X-26Ps to replace the Police Department's current outdated Taser X26 inventory. The motion passed unanimously.

13. DISCUSSION AND ADOPTION OF AMENDMENT TO TENNIS CONTRACT TO ADDRESS THE FUNCTION OF THE TOWNS TENNIS PROFESSIONAL

Report: City Manager George Rodericks

Recommendation: Clarify and approve contract amendment for services of Tennis Professional Alan Margot at Holbrook-Palmer Park

City Manager Rodericks discussed Mr. Margot's continued service as the Town's Tennis Professional, the condition of the courts, the key and usage policies for the courts, encouraging use of the courts, and the continued need for tennis clinics and camps, as well as a tennis professional.

Alan Margot discussed his experience on the court and the fact that many other individuals just buy a key from the Town and provide tennis lessons at any given time.

Bob Roeser discussed his support for Alan Margot and his tennis lessons. He urged an agreement that would keep Alan as the Towns Tennis Pro.

MOTION by second by to direct staff to amend the Tennis Contract such that it is for camps and clinics only with Mr. Margot as the provider, revise the key policy and cost such that Atherton households are issued one key with a replacement cost and non-residents can purchase a key, and remove the exclusivity issue in the Tennis Contract to eliminate the requirement of a "Town Tennis Professional."

Staff will return the amendments to the contract, the formalization of the tennis court usage policy, and the fee resolution to the Council in December or January for formal approval. The tennis courts will be re-keyed as a matter of course in February 2014. At that time, the new policies, as ultimately adopted by the Council, would go into effect.

20. COUNCIL REPORTS/COMMENTS

Nothing further to add to written reports.

21. **FUTURE AGENDA ITEMS** – None.

22. **PUBLIC COMMENTS** – None.

23. **ADJOURN**

Mayor Lewis adjourned the meeting.

Respectfully submitted,

Theresa DellaSanta
City Clerk