



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**ATHERTON CHANNEL DRAINAGE DISTRICT**  
**August 17, 2011**  
**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California  
**REGULAR MEETING**

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

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Dobbie, Widmer, McKeithen, Carlson – All Present
3. **PRESENTATIONS** - None
4. **PUBLIC COMMENTS**

William Grindley, Atherton resident, updated Council on High Speed Rail. Grindley said the Authority submitted the project level EIR and a 30 to 45-day window was set for response.

5. **REPORT OUT OF CLOSED SESSION**
  - A. **CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Subdivision (a) of Section 54956.9)**  
*Pacific Peninsula Group v. Town of Atherton, and Does 1 through 50, San Mateo Superior Court, Case No. CIV 497841*

City Attorney Bill Connors said the settlement has been accepted in concept. Connors said staff needs to prepare an agreement to sign. Once it is signed by PPG it will be finalized.

6. **CITY MANAGER'S REPORT**

Mayor Dobbie introduced new interim Chief of Police Ed Flint. Dobbie said Flint is an exceptional addition to the Town.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** - None.  
**CONSENT CALENDAR** (Items 8-19)

Mayor Dobbie had a comment on Item 10.

Council Member McKeithen removed Item 14.

Vice Mayor Widmer removed item 19.

Council Member Lewis had a question on item 17.

Council Member Carlson removed item 18.

**8. APPROVAL OF JULY 20, 2011 REGULAR MEETING**

**Recommendation:** Approve July 20, 2011 regular meeting minutes

**9. APPROVAL OF BILLS AND CLAIMS FOR JULY, 2011 IN THE AMOUNT OF \$1,836,866**

**Recommendation:** Approve Bills and Claims in the amount of \$1,836,866

**10. FINANCIAL REPORT FOR THE ONE MONTH ENDED JULY 31, 2011**

**Report:** Finance Director Louise Ho

**Recommendation:** Receive the General Fund Financial Report for the one month ended July 31, 2011

Mayor Dobbie said the Town has made great progress on reducing legal bills largely in part because of the new Attorney. Dobbie said now is the time to reduce all bills and requested that staff review the Towns current planning fees and determine whether or not they are competitive.

**11. ACCEPTANCE OF TREASURER'S REPORT FOR THE FOURTH QUARTER ENDED JUNE 30, 2011**

**Report:** Finance Director Louise Ho

**Recommendation:** Accept the Treasurer's Report for the Fourth Quarter Ended June 30, 2011

**12. TOWN RESPONSE TO CIVIL GRAND JURY REPORT ON CELL TOWERS: PUBLIC OPPOSITION AND REVENUE SOURCE**

**Report:** Deputy Planner Lisa Costa Sanders

**Recommendation:** Approve the response letter to the San Mateo County Civil Grand Jury regarding cell towers: public opposition and revenue source

**13. TOWN RESPONSE TO THE SAN MATEO COUNTY CIVIL GRAND JURY REPORT DATED JUNE 27, 2011 – RUNNING ON EMPTY**

**Report:** Finance Director Louise Ho

**Recommendation:** Approve the response to San Mateo County Civil Grand Jury report dated June 27, 2011, on running on empty

**15. ADOPTION OF LOCAL HAZARD MITIGATION PLAN FOR TOWN Report: Police Chief Ed Flint**

**Recommendation:** Adopt Resolution No. 11-xx approving the Local Hazard Mitigation Plan for the Town

**16. APPROVE A CONTRACT AMENDMENT FOR BKF ENGINEERS FOR CONSTRUCTION AND PERMIT COMPLIANCE SERVICES ON THE UPPER**

**ATHERTON CHANNEL CREEK STABILIZATION AND SLOPE RESTORATION  
PHASE II PROJECT NUMBER 56037 IN THE AMOUNT OF \$29,430**

**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Approve a Contract Amendment for BKF Engineers for construction and permit compliance services on the Upper Atherton Channel Creek Stabilization and Slope Restoration Phase II Project, project number 56037 in the amount of \$29,430 and increase the Upper Atherton Channel Creek Stabilization and Slope Restoration Project budget of \$30,000.00

**MOTION by McKeithen, second by Widmer to approve the consent calendar consisting of items 8, 9, 10, 11, 12, 13, 15, 16. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**PUBLIC HEARINGS - None**

**REGULAR AGENDA (Item 20-21)**

**20. ADOPT RESOLUTION 11-XX DESIGNATING A VOTING DELEGATE AND UP TO TWO ALTERNATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 21-23, SAN FRANCISCO**

**Report:** Interim City Manager John Danielson

**Recommendation:** Adopt Resolution 11-xx designating a voting delegate and an alternate to the League of California Cities Annual Conference in San Francisco

**MOTION by Lewis, second by McKeithen to designate Jerry Carlson as the voting delegate and Elizabeth Lewis as the alternate. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**21. IMPLEMENTATION OF TOWN'S LAST BEST AND FINAL OFFER REGARDING CONTRACTING OUT OF BARGAINING UNIT WORK FOR MISCELLANEOUS TOWN EMPLOYEES REPRESENTED BY TEAMSTERS 856**

**Report:** Interim City Manager John Danielson

**Recommendation:** Adopt Resolution 11-19, implementing the Town's Last, Best, and Final Offer to contract out work currently performed by members of the Miscellaneous Town Employee bargaining unit pursuant to the impasse resolution procedures contained in Municipal Code Sec 2.152.160

Council Member Lewis said she is saddened to see this resolution and had hoped the Town and the Union would reach some kind of agreement.

**MOTION by Widmer, second by McKeithen to adopt Resolution 11-19, implementing the Town's Last, Best, and Final Offer to contract out work currently performed by members of the Miscellaneous Town Employee bargaining unit pursuant to the impasse resolution procedures contained in Municipal Code Sec 2.152.160. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**14. RESOLUTION ESTABLISHING GUIDELINES FOR ENFORCING ORDINANCE 593 - CHAPTER 12.16.040 OF THE ATHERTON MUNICIPAL CODE REGARDING REQUIREMENTS FOR THE STORAGE AND REMOVAL OF RECYCLING, COMPOSTING AND GARBAGE CONTAINERS (CARTS)**

**Report:** Interim City Manager John Danielson

**Recommendation:** Approve Resolution No. 11-xx establishing guidelines for enforcing Ordinance 593 – Chapter 12.16.040 of Atherton Municipal Code regarding requirements for the storage and removal of recycling, composting and garbage containers (carts)

Council Member McKeithen requested adding language that this is for habitual violators only.

Council Member Lewis suggested sending a notice on the next garbage bill or a letter to all residents educating them about the ordinance and the intent of it.

Council agreed that a letter go out with the next garbage bill. Council Member Lewis suggested sending a separate letter or postcard directly from the Town.

**MOTION by McKeithen, second by Widmer to approve Resolution No. 11-xx establishing guidelines for enforcing Ordinance 593 – Chapter 12.16.040 of Atherton Municipal Code regarding requirements for the storage and removal of recycling, composting and garbage containers (carts) with the additional language indicating that it is to be used against habitual violators. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**17. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE HOOVER STREET CROSSWALK PROJECT NUMBER 56011**

**Report:** Interim Public Works Director Mike Kashiwagi

**Recommendation:** Approve the plans and specifications and authorize advertisement for bids for the Hoover Street Crosswalk Project, Project No. 56011

Council Member Lewis asked if Menlo Park is participating in the costs.

Council Member McKeithen said this item was essentially requested by Atherton residents.

**MOTION by McKeithen, second by Lewis to approve the plans and specifications and authorize advertisement for bids for the Hoover Street Crosswalk Project, Project No. 56011. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**18. RECOMMENDATION FROM RAIL COMMITTEE TO APPROVE A LETTER TO CALTRAIN TO INSTALL QUAD-GATES AT WATKINS AVENUE**

**Report:** Council Member Carlson

**Recommendation:** Approve letter to Caltrain recommending quad-gates at Watkins Avenue

Council Member Carlson informed Council that a revised summary of the letter has been handed out by the City Clerk. Carlson recommended approval of the revised edition.

**MOTION by Carlson, second by Widmer to approve letter to Caltrain recommending quad-gates at Watkins Avenue. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

**19. APPROVAL OF A BUILDING DEPARTMENT OUTSOURCING CONTRACT**

**Report:** Interim City Manager John Danielson

**Recommendation:** Award the contract Building and Life Safety Services to Interwest, and authorize the City Manager to negotiate and execute an agreement for a “not to exceed” fifty-eight percent (58%) of total new building revenues collected and to negotiate transitional fees for building plans already underway.

Vice Mayor Widmer requested insight into the evaluation criteria and the process as to how the selected firm was picked. Widmer said the selected firm has great experience and all of the members are qualified for the job.

City Manager Danielson said a group of four experts were put together to interview the applicants. All Town staff was excluded from the process. A matrix was put together based on a commonality of the proposals and sent to each interviewer to screen the proposals. Danielson said there were 4 proposals that were consistently high scored. The interviewers interviewed all 4 firms and 1 was firmly ruled out. The group discussed the other 3 and determined that Interwest was their first choice.

Vice Mayor Widmer suggested that staff call some of Interwest references and report back to Council. Widmer concluded that he would like to review the contract before it is finalized.

Mayor Dobbie mentioned that if they firm turn out to be unsatisfactory the Town can terminate the contract.

Council Member Lewis asked how the price was determined.

Danielson said each firm has the opportunity to create a proposal and some chose to submit pricing based at a straight percentage, others chose hourly with no caps, and others chose a hybrid. Danielson said it is set up so we never exceed more than we take in.

Council member Carlson asked if the firm will be measured on any type of performance criteria.

Danielson said staff will take feedback from customers and residents through public forums and staff will measure turnaround times based on what was submitted in the proposal.

Council member McKeithen supported public forums because the Town has never had anything like it.

Council agreed that CSG and Dennis Lockard have done a great job for the Town and wished them well.

**MOTION by Dobbie, second by McKeithen to award the contract Building and Life Safety Services to Interwest, and authorize the City Manager to negotiate and execute an agreement**

**for a “not to exceed” fifty-eight percent (58%) of total new building revenues collected and to negotiate transitional fees for building plans already underway. The motion passed.**

Ayes: 5 Nays: 0 Abstain: 0 Absent: 0

22. **COUNCIL REPORTS** – Nothing further to add to written report.

23. **FUTURE AGENDA ITEMS** – None.

24. **PUBLIC COMMENTS**

John Ruggeiro, Atherton resident, sought clarification on the historical artifact ordinance.

25. **ADJOURN**

**MOTION by McKeithen, second by Widmer to adjourn the meeting. The motion passed unanimously.**

Mayor Dobbie adjourned the meeting at 7:40 p.m.

**Respectfully submitted,**

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**Theresa DellaSanta  
Deputy City Clerk**