



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL**  
**January 21, 2015**

**7:00 P.M.**  
**REGULAR MEETING**  
**Council Chambers**  
94 Ashfield Road,  
Atherton, California

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

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL      **Widmer, Lewis, DeGolia, Wiest, Lempres****
- 3. PRESENTATIONS**

**a) Peninsula Humane Society – Community Services Presentation**

Ken White, Director of the Peninsula Humane Society provided an overview of the services and programs of the Peninsula Humane Society. Since 1952, San Mateo County has contracted with the Peninsula Humane Society (PHS) for animal control field and sheltering service. All twenty cities in the County, including the Town of Atherton, have in turn contracted with the County for these services. Under this contract, all 21 agencies (20 cities and the County) share the cost of services based on a formula that factors agencies' proportionate use of field services and shelter services. Animal Control services are provided by PHS in a 45,000 square foot building at 12 Airport Boulevard in San Mateo. In 2011, PHS moved its charitable, mission-driven functions, such as animal adoption, from the Airport Boulevard shelter to its recently constructed 57,000 square foot building on Rollins Road in Burlingame.

The mandated animal control services functions remain at the Airport Boulevard shelter. Those functions include: receiving and housing stray animals; servicing as the location for the public when looking for lost pets or surrendering unwanted animals; sheltering animals; spay/neuter clinic; and, vaccination clinic. For public convenience, licensing, micro-chipping, veterinary care and animal behavior work are performed at both locations.

**b) San Mateo County Mosquito and Vector Control District Presentation – Atherton  
Trustee Mason Brutschy**

The Mosquito and Vector Control District (SMCMVCD) provides services to the entire Atherton community that includes mosquito abatement, yellow jacket/wasp nest removal, tick & insect identification, and testing, collection of dead birds and squirrels, inspects mice and rat problems and conducts community outreach and education on all of their services. Residents pay for

these services through a special tax approved by voters in 1982. The cost for this special tax is a maximum amount of \$3.74 per parcel to be charged each tax year. Along with the \$3.74 per parcel amount the District receives a small allocation of basic property taxes.

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

The following members of the public spoke to suggest that Council challenge the Final Environmental Impact Report for the Caltrain Electrification project.

Jim Janz  
William Grindley  
David Shonbrunn

A HIP Housing representative passed out 2015 calendars and provided a brief background on HIP Housing services. HIP Housing's Mission is to invest in human potential by improving the housing and lives of people in our community. HIP Housing enables people with special needs, either from income or circumstance, to live independent, self-sufficient lives in decent, safe, low-cost homes.

#### **5. REPORT OUT OF CLOSED SESSION - Report out by City Attorney**

None.

#### **6. CITY MANAGER'S REPORT**

The Council asked a few questions regarding the Report and the Police Chief provided a summary of priority calls for the Police Department. Future Reports will include a deeper data table for trending response times.

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

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

Vice Mayor Lewis removed Item 11. Council Member Widmer removed Item 13.

Item 8 was continued to the February meeting.

#### **8. APPROVAL OF DECEMBER 17, 2014 REGULAR MEETING MINUTES**

**Report:** Assistant to the City Manager/City Clerk Theresa DellaSanta

**Recommendation:** Approve meeting minutes

#### **9. APPROVAL OF BILLS AND CLAIMS FOR DECEMBER, 2014 IN THE AMOUNT OF \$1,061,386**

**Report:** Finance Director Robert Barron III

**Recommendation:** Approve Bills and Claims in the amount of \$1,061,386

#### **10. REVIEW OF THE TOWN'S INSURANCE OPTIONS**

**Report:** City Manager George Rodericks

**Recommendation:** Receive and File

**12. ADOPTION OF RESOLUTION 15-XX APPROVING UPDATE OF THE TOWN'S CONFLICT OF INTEREST CODE AND APPENDIX "A" DESIGNATING POSITIONS IN THE CONFLICT OF INTEREST CODE**

**Report:** Assistant to the City Manager/City Clerk Theresa DellaSanta

**Recommendation:** Adopt a Resolution Amending Conflict of Interest Code of Non-Elected Officials and Designated employees of the Town of Atherton

**14. ACCEPTANCE OF FINAL PARCEL MAP AT 93 CAMINO POR LOS ARBOLES AND AUTHORIZE RECORDATION**

**Report:** Town Planner Lisa Costa Sanders

**Recommendation:** That the City Council determine that the Final Parcel Map is in conformity with the approved Tentative Parcel Map, the requirements of Title 16 (Subdivisions) of the Atherton Municipal Code and the California Subdivision Map Act and accept the Final Parcel Map for recording

**Motion by Lewis, second by Wiest to approve the consent calendar consisting of items 9, 10, 12 and 14. The motion passed unanimously.**

**PUBLIC HEARING – None**

**REGULAR AGENDA - (15-19)**

**15. PEAK DEMOCRACY – OPEN TOWN HALL  
BUDGET AMENDMENT AND AUTHORIZATION TO BEGIN WORK**

**Report:** City Manager George Rodericks

**Recommendation:** Approve a budget amendment of \$8,000 for overlapping FY 2014/15 and FY 2015/16 and authorize staff to begin work with Peak Democracy (Open Town Hall)

Council heard a presentation from Mike Cohen from Peak Democracy on a civic engagement tool/resource for the Town.

Cohen provided numerous examples of how to utilize the tool, how decision makers can make use of the data, and the various ways to engage the citizens using posts, polls and photos.

Council Member DeGolia felt that the Town has come a long way with respect to transparency and supported this item.

Following the presentation the Council asked questions and discussed issues such as transparency, topics, user-lists, sign-ups, community touch-points, and uses for the product.

Council Member Lempres was supportive of further engagement with the citizens. Vice Mayor Lewis concurred.

Council Member Widmer was supportive of the tool, but felt it would be prudent to implement it after it is added to the budget.

**MOTION by Lewis, second by Wiest to approve a budget amendment of \$8,000 for overlapping FY 2014/15 and FY 2015/16 and authorize staff to begin work with Peak Democracy (Open Town Hall). The motion passed unanimously.**

**16. RECEIVE REPORT ON THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PENINSULA CORRIDOR ELECTRIFICATION PROJECT AND AUTHORIZE THE MAYOR TO TRANSMIT A COMMENT LETTER**

**Report:** Town Planner Lisa Costa Sanders

**Recommendation:** Receive the report on the Final Environmental Impact Report for the Peninsula Corridor Electrification Project and Authorize the Mayor to transmit a comment letter on behalf of the Town

Council Member Lempres recused himself due to his proximity to the rail corridor.

Town Planner Lisa Costa Sanders presented the report to Council.

Public comment from residents and others addressed issues of timing, the need for stronger action with Caltrain and trees/aesthetics related to the project.

Council discussed the letter and provided feedback related to service level at the Atherton Station and evaluation of other alternatives, to include diesel locomotion.

Due to the possibility of new information, the Council directed staff to setup a Special Meeting/Closed Session for January 27 at 11:30 am to allow the Council to re-examine the possibility of a challenge to the Caltrain Electrification EIR.

**MOTION by Lewis, second by Wiest to authorize the Mayor to transmit a FEIR comment letter on behalf of the Town; and direct staff to formally contact Caltrain and request additional time to review the FEIR. The motion passed unanimously.**

**17. SECOND READING & ADOPTION OF THE WIRELESS TELECOMMUNICATIONS FACILITY ORDINANCE AND ADOPTION OF AN IDENTICAL URGENCY ORDINANCE**

**Report:** City Manager George Rodericks

**Recommendation:**

- 1) That the City Council take public comment and discuss the proposed ordinance.
- 2) Motion to approve second reading and adoption of the ordinance.
- 3) That the City Council review the urgency ordinance and make specific findings thereto.
- 4) That the City Council adopt the urgency ordinance.

The Council heard the staff report and staff addressed questions from the Council related to lease amounts, process, leases, and application.

Staff suggested that the Town process wireless facility permits via a minimum deposit of \$10,000 per facility and a separate Planning review deposit of \$5,000.

The council also discussed setting the terms, conditions and the lease amount of Wireless Telecommunication Facilities on public right-of-way.

The Council suggested that the base lease amount be adjusted to \$3,200 from the recommended \$2,000 per site.

**MOTION by Wiest, second by Lempres to adopt the urgency ordinance and the regular ordinance for the wireless telecommunications facility. The motion passed unanimously.**

#### **18. POLICE MOTORCYCLE PURCHASE**

**Report:** Police Chief Ed Flint

**Recommendation:** Staff recommends that Council authorize the purchase of one (1) new 2015 BMW R1200RT-P motorcycle as a replacement motorcycle for a total cost of **\$34,591.22**, which includes sales tax, documentation fees, communications equipment, radar unit, and installation. The total cost represents a maximum amount, as the labor costs could be less

Chief Flint presented the staff report noting that the BMW would replace an existing motorcycle that is in the midst of surplus. Atherton experiences traffic and pedestrian safety concerns every day, whether the need is stop sign enforcement near one of the elementary schools, traffic issues along El Camino Real, or speed enforcement on cut-through streets. The Police Department receives regular traffic complaints, sometimes simultaneously, and at multiple locations throughout the Town. Motorcycle traffic enforcement is one of the most effective means to address these types of concerns and complaints.

Council Member Widmer asked if equipment costs can be saved by reusing the equipment on the vehicles for surplus. Flint said staff evaluated that equipment and found that the technology was outdated.

Council Member Lewis questioned the number of miles on the existing bikes.

Council Member Wiest asked for clarification on the number of bikes in our motorcycle fleet. Flint explained that the Town currently has four motors with one that will go to surplus and one which is commonly used as a training vehicle.

Council Member Lempres asked if there is a vehicle replacement policy. Finance Robert Barron III said that it is done through the budget cycle and each department is charged a certain amount for future replacement of vehicles.

Chief Flint explained that the Town currently has two trained motor officers but is looking at hiring a third who has motor experience. He said that officers in vehicles during the week at commute hours have a tough time getting around in Atherton. Motorcycles have more flexibility for traffic issues and speed enforcement.

**MOTION by Wiest, second by Lempres to authorize the purchase of one (1) new 2015 BMW R1200RT-P motorcycle as a replacement motorcycle for a total cost of \$34,591.22, which**

**includes sales tax, documentation fees, communications equipment, radar unit, and installation. The motion passed unanimously.**

**19. CITY COUNCIL COMMITTEE ASSIGNMENTS**

**Report:** Assistant to the City Manager/City Clerk Theresa DellaSanta

**Recommendation:** Receive and File the Mayor's City Council Committee Assignments

The City Council received and filed the Mayor's Council Committee Assignments for 2015. It was noted that the Peninsula Cities Consortium (related to High Speed Rail) may cease to exist based on agency participation and that the Council will have a deeper discussion of the Charter City Committee at the February 4 Study Session.

**ITEMS REMOVED FROM CONSENT**

**11. AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL (RFP) TO DEVELOP BID DOCUMENTS FOR CLASS III BIKE ROUTES AND TO COMPLETE PRELIMINARY ENGINEERING OF CLASS I AND II BIKE ROUTES**

**Report:** Community Services Director Mike Kashiwagi

**Recommendation:** Authorize issuing a Request for Proposal to develop bid documents for Class III bike routes and to complete preliminary engineering of Class I and II bike routes

Vice Mayor Lewis asked if staff could provide a technical (educational) memorandum on Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs) as they may or may not apply to Atherton.

**MOTION by Lewis, second by Wiest to authorize issuing a Request for Proposal to develop bid documents for Class III bike routes and to complete preliminary engineering of Class I and II bike routes. The motion passed unanimously.**

**13. RESOLUTION AUTHORIZING THE DESTRUCTION OF RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090**

**Report:** Police Chief Ed Flint

**Recommendation:** Adopt the attached Resolution authorizing the destruction of certain records pursuant to Government Code Section 34090

Police Chief Flint reported that Penal Code Section 832.5 requires that citizen complaints or internal affairs investigations against police department personnel and any related reports or findings be maintained for a period of at least five years. Additionally, Government Code Section 34090 authorizes the Chief of Police, upon resolution of the City Council and written consent of the City Attorney, to destroy records, documents, instruments and other papers under his charge pursuant to an adopted records retention policy as the records are no longer required to be maintained.

Council Member Widmer asked if any of the records to be destroyed relate to any employees currently on the Town's payroll.

City Attorney Conners responded that there is nothing substantive within these records however he cannot go into detail because the records are within a personnel file.

Chief Flint explained that he and the City Attorney scrutinize these records before they come to Council and they do not bring all records forward for destruction.

The Council asked questions concerning the records retention policy for the Town, the consistency of the records under that policy, review by the City Attorney and Police Chief, and process.

Council Member Widmer noted that in 2012 the Council agreed that if employees were still on the payroll that we shouldn't be destroying any records. He felt that even if the records demonstrated that an employee was exonerated it is prudent to keep the records to display any potential patterns.

Council Member Wiest felt there was incredible integrity within the Chief and Attorney and supported approval.

**MOTION by Lewis, second by Wiest to adopt Resolution authorizing the destruction of certain records pursuant to Government Code Section 34090. The motion passed 4-1 (Widmer opposed).**

Widmer noted that his opposition has nothing to do with distrust and that he would like to spend some time with the City Manager and City Attorney understanding the policy so he doesn't face a conundrum in the future.

**20. COUNCIL REPORTS/COMMENTS**

Council Member Lewis reminded Council of the Council of Cities dinner and meeting scheduled for January 30 in Redwood City.

**21. FUTURE AGENDA ITEMS – None.**

**22. PUBLIC COMMENTS – None.**

**23. ADJOURN**

MOTION by Wiest, second by Widmer to adjourn the meeting. Mayor DeGolia adjourned the meeting at 10:34 p.m.

**Respectfully submitted,**

---

**Theresa DellaSanta**  
**City Clerk**