



Minutes
Town of Atherton
CITY COUNCIL
March 16, 2016
7:00 P.M. - REGULAR MEETING
Council Chambers
94 Ashfield Road,
Atherton, California

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

REGULAR SESSION

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

Red Cross Proclamation

Mayor Lewis presented the Red Cross Proclamation to Trisha Clement, Red Cross board member, and noted that Barbara Wood, an audience member, is a dedicated Red Cross volunteer. Mayor Lewis thanked the Red Cross for their humanitarian efforts and urged people to support the Red Cross. Ms. Clement provided detail about the work that the Red Cross delivers and thanked the Mayor and Council for recognizing March 2016 as Red Cross Month.

4. **PUBLIC COMMENTS**

No public comments.

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

6. **CITY MANAGER'S REPORT**

City Manager Rodericks noted that the Event Garden in Holbrook-Palmer Park is complete and accessible to the public. He also commented that he has signed the Notice of Intent letter to establish a quiet zone on the Fair Oaks Caltrain track to the Associate Administrator for Safety Federal, Railroad Administration.

Mayor Lewis confirmed that there is a 60-day notice period from the time the letter is mailed.

Rail Committee Member, Nerissa Dexter, explained the quiet zone process to the Council and what can be expected after the Notice of Intent is sent.

Vice Mayor Lempres verified that the Fair Oaks corridor was being requested as a quiet zone and there was discussion regarding the cost.

- a. Recommendation:** Authorization for the Mayor to execute a Letter on behalf of the Town providing feedback to the Greenheart Development EIR in Menlo Park and that the Mayor appoint a member of the Council to meet with Town staff and the Greenheart Land Company to discuss related issues

City Manager Rodericks requested that Mayor Lewis sign a letter, after it is drafted, providing feedback to the Greenheart Development EIR in Menlo Park and also appoint a member of the Council to be a liaison between the Town and Menlo Park.

Mayor Lewis confirmed that the letter was in response to the EIR, that staff was thoroughly reviewing the EIR before the drafting of the letter, and Council could provide feedback on the EIR individually.

Council Member Wiest questioned if this was to open the doors for Atherton's involvement to other cities projects that could potentially impact Atherton residents.

Council Member DeGolia requested that the Council create a policy that Council become more engaged in projects from surrounding jurisdictions that impact Atherton.

MOTION by Widmer, second by DeGolia to approve the authorization for the Mayor to execute a Letter on behalf of the Town providing feedback to the Greenheart Development EIR in Menlo Park. The motion passed unanimously.

Mayor Lewis appointed Vice Mayor Lempres as the liaison for the Greenheart Land Company project.

- b. Recommendation:** Feedback Regarding the Marsh Road Construction Plan

Feedback on the Marsh Road Construction Project was to begin the project as early as possible once a contractor was hired.

Council Member Widmer believes an 8:00 p.m. end time should be moved to 4:00 p.m. or 5:00 p.m. on Saturday's.

Mayor Lewis suggested no work on Sundays. Lewis felt that construction on Saturday should cease at 5:00 p.m., and suggested a daily start time of 7:00 a.m. in order to be aggressive and complete the project on time.

Council Member DeGolia suggested an 8:00 a.m. to 8:00 p.m. schedule.

Vice Mayor Lempres confirmed that the schedule is flexible and can be changed as needed.

Urgency Item

City Manager Rodericks sought approval by Council for use of the Atherton 2020 logo as a branding item for activities related to this year's Earth Day.

Mayor Lewis clarified that this item was only to approve the use of Atherton 2020 pre-purchased supplies and use of logo; not the revitalization or recreation of the Atherton 2020 program.

Council concluded that it was okay to use the logo as part of the Earth Day activities, projects, and programs; that publication materials should include the Town logo wherever feasible and appropriate; that a separate Environmental Programs Committee logo was not appropriate to use; that all materials should be run through the City Manager's Office prior to release; that new materials that extend the life of the logo beyond the 2016 Earth Day should not be created; and that after the Earth Day event, the Council can decide whether or not to continue use of the Atherton 2020 logo.

Vice Mayor Lempres stressed that the focus of these events should be on Atherton residents.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

CONSENT CALENDAR (Items 8- 11)

8. APPROVAL OF FEBRUARY 3 AND MARCH 2 SPECIAL MEETING AND FEBRUARY 17, 2016 REGULAR MEETING MINUTES

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes

9. APPROVAL OF BILLS AND CLAIMS FOR JANUARY IN THE AMOUNT OF \$912,472

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$912,472

10. AWARD OF CONTRACT FOR THE 2016 SLURRY SEAL PROJECT, PROJECT NUMBER 56071

Report: Community Services Director Mike Kashiwagi

Recommendation: Award the construction contract for 2016 Slurry Seal Project, Project Number 56071 to the low bidder, Pavement Coating Co. of Jurupa Valley for \$108,985.00; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town

11. AUTHORIZE AN AMENDMENT TO THE AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES FOR ADDITIONAL SERVICE REQUESTS FOR THE BELBROOK CULVERT REPAIR PROJECT

Report: Community Services Director Mike Kashiwagi

Recommendation: Authorize an amendment to the agreement with Kimley-Horn and Associates (KHA) for additional service requests not to exceed the amount of \$39,900 for the Belbrook Culvert Repair Project

Mayor Lewis requested that the minutes of February 17, 2016 reflect that after the discussion about the second meeting she understands the need for it.

MOTION by Lewis, second by Lempres to approve the consent calendar including Items 8 - 11. The motion passed unanimously.

PUBLIC HEARING – (Item 12)

12. CONSIDER AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 6.04; ANIMAL AND FOWL

Report: Town Planner Lisa Costa Sanders

Recommendation: The Planning Commission and staff recommend that the City Council adopt an Ordinance amending Atherton Municipal Code Chapter 6.04 regulating the keeping of fowl in Atherton

Town Planner Lisa Costa Sanders summarized her report to Council.

During public comment, Anne McNertey suggested two additions to the animal and fowl ordinance; during a disaster all residents should have the option to have chickens regardless of lot size; second, adjoining property owners should have the option to share a chicken coop.

Council Member Widmer expressed a concern about the setbacks, in some instances, being too close to the property line fence.

City Attorney Connors explained to the Council that not only could there be a percentage to the setback but also a minimum.

Council Member DeGolia, after clarification, was comfortable with the ordinance as written.

Council Member Wiest mentioned the process of how complaints and enforcement would be handled. He proposed a three complaint system, but after discussion it was decided that three strikes rule would create an incentive for complaints and they will be addressed through Code Enforcement.

The Council discussed amendments related to noise, odor, setback, lot size constraints, number of fowl permitted based on each lot size, and permitting/enforcement. Changes to the ordinance involved changes to the size of lots (square footage versus acres to reflect the “Atherton acre”), verbiage within the ordinance for clarity, revocation authority, and side/rear setback requirements.

MOTION by Lewis, second by Widmer to introduce the ordinance amending Atherton municipal code chapter 6.04; Animal and Fowl and waive the second reading as amended. The motion passed unanimously.

REGULAR AGENDA – (Items 13-16)

13. APPROVAL OF A BUDGET AMENDMENT TO CONTRIBUTE FUNDS TO JOINT VENTURE SILICON VALLEY AND SUSTAINABLE SILICON VALLEY

Report: City Manager George Rodericks

Recommendation: Adopt Resolution No. 16-XX authorizing a budget amendment to contribute funds to Joint Venture Silicon Valley and Sustainable Silicon Valley

Council Member DeGolia commented that although he supports the two programs, the amounts given to each should be equal to one another.

Council Member Widmer stated that the requested amounts were too high and suggested contributing \$1,000 each.

Vice Mayor Lempres proposed creating a methodology to how and when money is allocated to charities and/or programs.

Mayor Lewis and Council Member Wiest echoed Council Member Widmer sentiments that the requested amount was too high. Mayor Lewis suggested a contribution of \$750 each.

The Council agreed upon a contribution of \$750 to each agency and to authorize a budget amendment of \$1,250 to the 2015/16 budget.

MOTION by DeGolia, second by Lewis to adopt Resolution No. 16-XX authorizing a budget amendment to contribute funds to Joint Venture Silicon Valley and Sustainable Silicon Valley. The motion passed unanimously.

14. CONSULTANT INVESTIGATION OF LAS LOMITAS SCHOOL STORMWATER DETENTION FACILITY

Report: Community Services Director Mike Kashiwagi

Recommendation: Authorize the City Attorney to draft and the City Manager to execute a professional services agreement with Callender Associates for a feasibility study for a stormwater detention facility at Las Lomas School for an amount not to exceed \$46,137

Vice Mayor Lempres and Community Services Director Kashiwagi discussed the impacts on the school fields by the channel and that the school district needs to be made aware of all impacts.

Council Member Widmer questioned whether this project was still a shared effort between the school district and the Town.

Mayor Lewis and Community Services Director Kashiwagi discussed the options of grants and cost sharing measures for the project and Community Services Director Kashiwagi stated he will bring to Council those cost estimates.

MOTION by Wiest, second by Widmer to authorize the City Attorney to draft and the City Manager to execute a professional services agreement with Callender Associates for a feasibility study for a stormwater detention facility at Las Lomas School for an amount not to exceed \$46,137. The motion passed unanimously.

15. ADDITIONAL SERVICE REQUEST FOR SFPUC WATER LINE RELOCATION DESIGN

Report: Community Services Director Mike Kashiwagi

Recommendation: Authorize the City Attorney to draft and the City Manager to execute an amendment to the Professional Services Agreement with WRNS Studio for design services for replacement of the San Francisco Public Utilities Commission water line for a not to exceed fee of \$53,500

Vice Mayor Lempres and City Attorney Connors discussed the use of the General Fund as the funding source for this project. City Attorney Connors assured the Council because this water line relocation is a necessity for the Town, regardless of the new Civic Center, and that the General Fund is the appropriate funding source.

Council Member Widmer agrees that the project needs to be completed but expressed concern regarding the funding source. The water line issue came about because of the new Civic Center design and believes that the General Fund is not the correct funding source for this project.

Council Member Wiest noted that the water line needs to be replaced whether the civic center project is completed or not. Vice Mayor Lempres agreed.

Mayor Lewis explained that Council is abiding by Measure L for the funding for the Civic Center project and expressed the need for a new Civic Center. She also clarified, if the new Civic Center was to be built on top of the new water line then the General Fund would not be appropriate, but because the new building is not designed to set on top of the new water line, Measure L is not applicable.

MOTION by Wiest, second by Lempres to authorize the City Attorney to draft and the City Manager to execute an amendment to the Professional Services Agreement with WRNS Studio for design services for replacement of the San Francisco Public Utilities Commission water line for a not to exceed fee of \$53,500. The motion passed 4-1 with Council Member Widmer opposed because he did not feel that the General Fund was the appropriate source for the funds. Widmer was however supportive of relocating the line.

15. CIVIC CENTER PROJECT STATUS REPORT

Report: Community Services Director Mike Kashiwagi

Recommendation: Receive and File

Kashiwagi provide Council with a summary of his report.

Mayor Lewis announced the joint City Council and Civic Center Advisory Committee meeting for the Civic Center Design unveiling on Monday, March 21, 2016.

17. COUNCIL REPORTS/COMMENTS

Council Member Wiest reported out on the meeting with Menlo Park Fire District and their positive response to Atherton's continued participation and outreach.

Council Member DeGolia reported out on the meeting with City/County Association of Governments (C/CAG) and their continued efforts for energy efficiency.

Vice Mayor Lempres reported on the "Milk and Cookies with the Mayor" event at Sacred Heart School that he and Mayor Lewis attended.

18. FUTURE AGENDA ITEMS

Council Member Widmer would like to hear from and talk to those involved in fundraising.

City Manager Rodericks brought up the policy for regional development.

19. PUBLIC COMMENTS

None.

20. ADJOURN

Mayor Lewis adjourned the meeting at 9:27 p.m.

Respectfully Submitted,
Judi Herren