



MINUTES
Town of Atherton
CITY COUNCIL
July 19, 2017

5:00 P.M. – CLOSED SESSION

91 Ashfield Road

5:30 P.M. – STUDY SESSION

94 Ashfield Road

7:00 P.M. - REGULAR MEETING

Council Chambers

94 Ashfield Road,

Atherton, California

5:00 PM CLOSED SESSION IN CONFERENCE ROOM

Council Member Widmer will be teleconferencing in from the following location:
158 Glenwood Avenue
Atherton, CA 94027

ROLL CALL Lempres, Wiest, Lewis, DeGolia
Widmer Call in for Item 24

PUBLIC COMMENTS

Public Announcement of Closed Session Items

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b)

City Manager

ADJOURN AND RECONVENE IN STUDY SESSION

5:30 PM STUDY SESSION

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158 Glenwood Avenue
Atherton, CA 94027

ROLL CALL

Council Members: Lempres, Wiest, Lewis, Widmer, DeGolia

PUBLIC COMMENTS – (Limited to items on the agenda)

- 1. REVIEW, DISCUSS AND PROVIDE STAFF WITH DIRECTION REGARDING CONSIDERATION OF AN ORDINANCE TO AMEND CHAPTER 8.20.130 OF THE**

ATHERTON MUNICIPAL CODE TO EXEMPT EMERGENCY ROAD AND CHANNEL CLEARING FROM COSTS OF ABATEMENT OF PUBLIC NUISANCES

Report: Assistant City Attorney Jennifer Larson

Recommendation: Review, Discuss and Provide staff with direction regarding consideration of an amendment of Ordinance 8.20.130 to exempt limited, emergency road and channel clearing from the mandatory cost recovery provisions of the Chapter

MOTION by Lewis, second by DeGolia to review, discuss and provide staff with direction regarding consideration of an amendment of Ordinance 8.20.130 to exempt limited, emergency road and channel clearing from the mandatory cost recovery provisions of the Chapter. The motion passed 4 – 0.

7:00 REGULAR SESSION

**Council Member Widmer will be teleconferencing in from the following location:
158 Glenwood Avenue
Atherton, CA 94027**

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL Lempres, Wiest, Lewis Widmer, DeGolia

3. PRESENTATIONS

- Recognition of Commander Joe Wade
- Recognition of Sergeant Sherman Hall
- Recognition of John Mattes for Service
- Recognition of Dan Larsen for Service and Swearing In
- Annual Report – Mosquito & Vector Control Representative – Mason Bruschy

4. PUBLIC COMMENTS

**5. REPORT OUT OF CLOSED SESSION - Report out by City Attorney
City Attorney Bill Connors reported no action.**

6. CITY MANAGER'S REPORT

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

CONSENT CALENDAR (Items 8-16)

Member of the public, Cyrus S. Safai, pulled item 16.

**8. APPROVAL OF JUNE 21 REGULAR MEETING MINUTES
Report: Acting City Clerk Judi Herren
Recommendation: Approve meeting minutes for June 21, 2017**

9. **APPROVAL OF BILLS AND CLAIMS FOR JUNE 2017 IN THE AMOUNT OF \$1,383,635**
Report: Finance Director Robert Barron III
Recommendation: Approve Bills and Claims in the amount of \$1,383,635
10. **AUTHORIZE THE PURCHASE OF 2 MARKED POLICE VEHICLES; AND DECLARE AS SURPLUS 3 POLICE VEHICLES AND AUTHORIZE THEIR AUCTION**
Report: Police Chief Steven McCulley
Recommendation:
 1) Authorize the purchase of two (2) marked 2017 Ford Police Utility Explorers for a total cost of \$152,149.08 which includes sales tax, tire tax, license, emergency equipment, and installation costs; and
 2) Declare the 2008 Ford Crown Victoria, the 2009 Ford Crown Victoria, and the 2009 Ford Expedition as surplus and authorize their sale via auction
11. **ADOPT RESOLUTION 17-XX DESIGNATING A VOTING DELEGATE AND UP TO TWO ALTERNATES TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 13- SEPTEMBER 15, SACRAMENTO**
Report: Acting City Clerk Judi Herren
Recommendation: Adopt Resolution 17-XX designating a voting delegate and an alternate to the League of California Cities Annual Conference in Sacramento
12. **ADOPTION OF A RESOLUTION DECLARING THE RESULTS OF THE ALL MAIL BALLOT SPECIAL MUNICIPAL DISTRICT ELECTION FOR MEASURE “A” ADOPTED BY THE VOTERS ON JUNE 6, 2017**
Report: Acting City Clerk Judi Herren
Recommendation: Adopt Resolution 17-XX declaring the results of Measure “A” adopted by the voters on June 6, 2017
13. **ADOPTION OF A RESOLUTION AUTHORIZING THE ADOPTION OF BAKER COMPANY, 1ST BATTALION, 506TH INFANTRY, 1ST BRIGADE, 101ST AIRBORNE DIVISION BY THE TOWN AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE AGREEMENT RELATED THERETO**
Report: Police Chief Steven McCulley
Recommendation: Adopt the attached Resolution Authorizing the Adoption of Baker Company, 1st Battalion, 506th Infantry, 1st Brigade, 101st Airborne Division by the Town of Atherton and authorize the Mayor to execute the Agreement on behalf of the Town
14. **ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE 2017 OVERLAY PROJECT**
Report: City Engineer Marty Hanneman
Recommendation: Accept work and authorize recording of a Notice of Completion for the 2017 Overlay Project, Number 56078
15. **ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE 2017 CAPE SEAL PROJECT**
Report: City Engineer Marty Hanneman

Recommendation: Accept work and authorize recording of a Notice of Completion for the 2017 Cape Seal Project, Number 56077

MOTION by Wiest, second by Lewis to approved the consent calendar consisting of items 8 through 15. The motion passed 4 – 0.

PUBLIC HEARINGS – (Items 17 – 20)

- 17. REVIEW AND DISCUSS, AND IF APPROPRIATE, CONDUCT THE PUBLIC HEARING AND ADOPT A FEE RESOLUTION AMENDING FEES AND CHARGES RELATED TO RENTAL FEES AT HOLBROOK PALMER PARK AND DEAD TREE REMOVAL INSPECTION FEE**

Report: Finance Director Robert Barron III

Recommendation: Review and discuss, and if appropriate, conduct the Public Hearing and adopt the attached fee resolution amending fee and charges related to rental fees at Holbrook Palmer Park and dead tree removal inspection fee

The Council considered and discussed issues related to the cost of dead tree inspections, the public purpose associated with encouraging residents to take action regarding dead trees, and the subsidy required by the Town if the fees were waived.

MOTION by DeGolia, second by Lewis to adopt a fee resolution amending fees and charges related to rental fees at Holbrook Palmer-Park, dead tree removal inspection fee, and drone fee. The motion passed 4 – 0.

- 18. CONDUCT THE PUBLIC HEARING AND INTRODUCE AN ORDINANCE ADDING CHAPTER 15.64 TO THE ATHERTON MUNICIPAL CODE RELATING TO EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRICAL VEHICLE CHARGING STATIONS**

Report: Building Official Mike Greenlee

Recommendation: Conduct a Public Hearing and introduce an Ordinance adding Chapter 15.64 to the Atherton Municipal Code relating to the expedited and streamlined permitting process for electrical vehicle charging stations in compliance with Assembly Bill AB1236

The Council heard the staff report and introduction to an ordinance related to electrical vehicle charging stations.

MOTION by Lewis, second by DeGolia to introduce the proposed ordinance for first reading and set second reading and adoption for September 20, 2017. The motion passed 4 – 0.

- 19. APPROVE THE ATTACHED REQUEST FOR A TENTATIVE PARCEL MAP CERTIFICATE TO CREATE TWO LOTS AT 336 WALSH ROAD (APN 073-220-030)**

Report: Senior Planner Stephanie B. Davis

Recommendation: Approve attached Tentative Parcel Map Certificate at 336 Walsh Road make the findings listed in Atherton Municipal Code Section 16.16 and as listed in the Findings section of this staff report

The Council heard the staff report and discussed issues related to site development, channel improvements, and the protection of heritage trees.

MOTION by Wiest, second by Lewis to approve the Tentative Parcel Map Certificate at 336 Walsh Road make the findings listed in Atherton Municipal Code Section 16.16 and as listed in the Findings section of the staff report. The motion passed 4 – 0.

20. AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON CALLING FOR A SPECIAL MUNICIPAL ELECTION TO SUBMIT A MEASURE TO RENEW THE PARCEL TAX FOR AN ADDITIONAL FOUR YEARS AND INCREASE THE APPROPRIATION LIMIT TO PERMIT SPENDING THE PROCEEDS OF THE PARCEL TAX FOR THE SAME PERIOD; AND REQUESTING THE SAN MATEO COUNTY BOARD OF SUPERVISORS CONSOLIDATE WITH ANY OTHER ELECTION TO BE HELD ON NOVEMBER 7, 2017

Report: Acting City Clerk Judi Herren

Recommendation: That the Council hold a public hearing and adopt the following ordinance – an Ordinance of the City Council of the Town of Atherton calling for a Special Municipal Election and order of submission to the qualified electors of the Town of Atherton a Measure to renew the Parcel Tax for an additional four years and increase the Appropriations Limit to permit spending the proceeds of the Parcel Tax for the same period; and requesting that the San Mateo County Board of Supervisors Consolidate with any other Election to be held on November 7, 2017

The Council heard the staff report and discussed issues related to the length of the parcel tax measure and annual review of revenues and expenditures related thereto. There was clarification that the parcel tax is not a new tax.

Council made typographical corrections on the amount for a private club; \$10,000 not \$25,000 and opted to align the parcel tax with the election schedule by changing the four year term to three.

MOTION by Lewis, second by DeGolia to adopt an Ordinance of the City Council of the Town of Atherton calling for a Special Municipal Election and order of submission to the qualified electors of the Town of Atherton a Measure to renew the Parcel Tax for an additional three years and increase the Appropriations Limit to permit spending the proceeds of the Parcel Tax for the same period; and requesting that the San Mateo County Board of Supervisors Consolidate with any other Election to be held on November 7, 2017. The motion passed 4 – 0.

REGULAR AGENDA – (Items 21 – 25)

21. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA, (1) SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING RENEWAL OF THE PARCEL TAX FOR AN ADDITIONAL FOUR YEARS AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND INCREASING THE APPROPRIATION LIMIT TO PERMIT SPENDING THE PROCEEDS OF THE PARCEL TAX FOR THE SAME PERIOD; AND (2) PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR RENEWAL OF THE PARCEL TAX TO THE COUNTY AT THE NOVEMBER 7, 2017 ELECTION
Report: Acting City Clerk Judi Herren

Recommendation: Adopt a resolution setting priorities for filing written primary argument(s) regarding the parcel tax and directing the City Attorney to prepare an impartial analysis to be printed in the ballot; and for providing for the filing of rebuttal arguments (if rebuttals are accepted by Council)

The Council heard the staff report and discussed issues related to the establishment of a Council subcommittee to craft the primary argument, expressed support for all members of the Council signing the argument and selected a date for a possible Special Meeting to approve the Argument as July 28 at 8 am.

Mayor Lempres selected Council Member Lewis to serve as a member of a Subcommittee with himself to craft the primary argument, and authorized rebuttal arguments to be filed for the Measure.

MOTION by Lewis, second by Wiest to adopt a Resolution setting priorities for filing written primary argument(s) regarding the parcel tax and directing the City Attorney to prepare an impartial analysis to be printed in the ballot; and for providing for the filing of rebuttal arguments. The motion passed 4 – 0.

22. CIVIC CENTER UPDATE: RECEIVE AND FILE THE COST MODEL MANAGER AND UPDATED PROJECT SCHEDULE; AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE AGREEMENT AMENDMENTS WITH WRNS STUDIOS, AS APPROPRIATE; APPROVE THE PRE-QUALIFIED LIST OF FIVE GENERAL CONTRACTORS; AUTHORIZE THE CITY ATTORNEY TO REVIEW AND THE CITY MANAGER TO SIGN A LETTER OF INTENT WITH THE SFPUC

Report: City Engineer Marty Hanneman

Recommendation:

- 1) Receive and file the Cost Model Manager (CMM) and Updated Project Schedule; and
- 2) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio to prepare site plans for temporary trailers for a not to exceed fee of \$19,500; and
- 3) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio to provide the necessary designs and documentation for five additional deduct alternates for a not to exceed fee of \$130,250; and
- 4) Approve the pre-qualified list of five General Contractors; and
- 5) Authorize the City Attorney to review and the City Manager sign a Letter of Intent with the SFPUC for the existing 36-inch water line.

Staff provided a brief staff report outlining scopes of work for the project architect related to deductive alternates for the project, temporary staging for the Library, approval of a Letter of Intent with the SFPUC, and approval of the Statements of Qualifications for 5 General Contractors that will be authorized to bid on the project.

The Council discussed issues related to the general contractors and expressed support to limit the list to the 5 selected, discussed whether to include or exclude the potential deferral of the historic council chambers remodel, and discussed the deal points related to the SFPUC. Following discussion, the Council approved staff recommendations.

MOTION by Lewis, second by Wiest to receive and file the Cost Model Manager (CMM) and Updated Project Schedule; and authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio to prepare site plans for temporary trailers for a not to exceed fee of \$19,500; and authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio to provide the necessary designs and documentation for five additional deduct alternates for a not to exceed fee of \$130,250; and approve the pre-qualified list of five General Contractors; and authorize the City Attorney to review and the City Manager sign a Letter of Intent with the SFPUC for the existing 36-inch water line. The motion passed 4 – 0.

23. REVIEW CALTRAIN PCEP TREE AVOIDANCE MINIMIZATION AND REPLACEMENT PLAN AND PROVIDE STAFF WITH DIRECTION

Report: Public Works Superintendent Steve Tyler

Recommendation: Following a presentation from Caltrain, review Caltrain PCEP Tree Avoidance Minimization and Replacement Plan and Provide Staff with Direction

Caltrain representatives made a presentation noting most significantly that they had found a way to use centerline pole alignment for the majority of the route through Atherton. By doing so, Caltrain significantly reduced the tree removal impact to the Town resulting in 0 trees being set for removal on private property and 2 trees on public property (Holbrook Palmer Park).

Caltrain discussed their tree replacement and pruning plan. It is anticipated that work in Atherton will not begin until Fall 2017.

24. AUTHORIZE THE CITY ATTORNEY TO REVIEW AND THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE LAS LOMITAS SCHOOL DISTRICT FOR A PROPOSED STORM WATER CAPTURE FACILITY

Report: City Engineer Marty Hanneman

Recommendation: Authorize the City Attorney to review and the City Manager to sign a memorandum of understanding (MOU) with the Las Lomitas School District to address project management, funding, and responsibilities for the proposed Las Lomitas Elementary School storm water capture facility

Staff provided a staff report and the Council discussed issues related to Town benefits of the project for flood control, regional benefits related to water quality, regional opportunities for project credit (financial and flow-related) up and down stream, regional projects that the Town could be participating in at some future date and how this project interplays, how the collaborative \$13.6 million Caltrans funding operates, public outreach related to the proposed traffic signal past and future, traffic control and parking plans for the school project, ingress and egress on the site after development, safe routes to school and the need and benefits of the proposed traffic signal, benefits to the school district for the project, necessary tree removal, long term maintenance obligations and the potential for cost share partners, and ultimately the District financial ask to the Town of \$750,000.

Mayor Lempres was concerned about the ownership of the culvert and the drafting of a multiparty agreement.

Vice Mayor Wiest and Council Members Widmer and Lewis questioned the maintenance costs. Council Member Widmer also commented he was not in support of the proposed street light.

Council also discussed the a financial contribution of \$500,000 over 5 years, reinforcing the need for extended public outreach related to the proposed traffic signal, and reinforcing the desire for more specific information related to future maintenance costs and a commitment from other agencies for participation.

MOTION by Wiest, second by DeGolia to authorize the City Attorney to review and the City Manager to propose an updated memorandum of understanding (MOU) with the Las Lomitas School District to address project management, funding, and responsibilities for the proposed Las Lomitas Elementary School storm water capture facility. The motion passed 5 – 0.

PULLED ITEM

16. RESOLUTION TO REJECT CLAIM OF CYRUS S. SAFAI

Report: Acting City Clerk Judi Herren

Recommendation: Adopt Resolution 17-XX denying the claim filed by Cyrus S. Safai

Mr. Safai requested a continuance for this item to allow him time to produce backup documents for the Council.

City Council granted that request and will put this item on the September 20, 2017 regular meeting agenda.

MOTION by Lempres, second by DeGolia to continue item 16 to the September 20, 2017 regular meeting agenda. The motion passed 4 – 0.

25. AUTHORIZE THE CITY MANAGER TO NEGOTIATE A LEASE AGREEMENT AND EASEMENTS WITH ATHERTON FIBER; DIRECT CITY ATTORNEY TO DRAFT LEASE AGREEMENT AND EASEMENTS; AUTHORIZE CITY MANAGE TO EXECUTE LEASE AGREEMENT AND EASEMENTS

Report: City Engineer Marty Hanneman

Recommendation:

- 1) Authorize the City Manager to negotiate a lease agreement and easements with Atherton Fiber/Paxio/Open Fiber; and
- 2) Direct the City Attorney to draft a lease agreement and easements; and
- 3) Authorize the City Manager to execute the lease and easements on behalf of the Town

Staff provided a brief staff report. Council expressed support for the project and authorized staff to negotiate the lease and easement agreements.

MOTION by DeGolia, second by Wiest to authorize the City Manager to negotiate a lease agreement and easements with Atherton Fiber/Paxio/Open Fiber; and direct the City Attorney to draft a lease agreement and easements; and authorize the City Manager to execute the lease and easements on behalf of the Town. The motion passed 4 – 0.

27. COUNCIL REPORTS/COMMENTS

28. **FUTURE AGENDA ITEMS**

29. **PUBLIC COMMENTS**

30. **ADJOURN**

Mayor Lempres adjourned the meeting at 11:16 p.m.



Respectfully submitted,
Judi Herren
Acting City Clerk