



Minutes
Town of Atherton
CITY COUNCIL
October 19, 2016

6:00P.M. – CLOSED SESSION
7:00 P.M. - REGULAR MEETING
Council Chambers
94 Ashfield Road,
Atherton, California

Following Closed Session, the Mayor called the meeting to order at 7pm. A report out of closed session is provided under item 5.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Lempres, Widmer, Wiest, DeGolia
3. **PRESENTATIONS**
4. **PUBLIC COMMENTS**
5. **REPORT OUT OF CLOSED SESSION** - Report out by City Attorney

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to subsection (b) of Government Code Section 54956.9):

One (1) Case

City Attorney Connors noted that there was no reportable action from closed session.

6. **CITY MANAGER’S REPORT**

City Manager Rodericks asked Council for concurrence on the annual Town holiday closure the week between Christmas Day and New Year’s Day. Council concurred that the Town should shut down that week.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-21)

MOTION by Wiest, second by DeGolia to approve the consent calendar consisting of Items 8 through 21. The motion passed unanimously except that Widmer abstained from Item 9 because he was unable to review the report and Lewis recused herself from Item 15 due to proximity.

8. **APPROVAL OF SEPTEMBER 21 REGULAR MEETING AND OCTOBER 5 SPECIAL MEETING MINUTES**
Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes

9. APPROVAL OF BILLS AND CLAIMS FOR SEPTEMBER IN THE AMOUNT OF \$ 3,142,882

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$3,142,882

Lewis noted that although the bills seem high for the month, the Public Works Department was able to stay under budget with the Marsh Road project.

10. ACCEPTANCE OF TREASURER’S REPORT FOR THE FOURTH QUARTER ENDED JUNE 30, 2016

Report: Finance Director Robert Barron III

Recommendation: Accept the Treasurer’s Report for the Fourth Quarter Ended June 30, 2016

11. ADDITIONAL SERVICE REQUEST FOR CONSTRUCTION MANAGEMENT – MARSH ROAD CHANNEL RETAINING WALL REPAIR PROJECT

Report: Community Services Director Mike Kashiwagi

Recommendation: Direct the City Attorney to prepare and the City Manager to execute an amendment to the professional services agreement with Ghirardelli Associates for a not to exceed fee of \$33,664.20 to perform construction inspection and management services necessary for the Marsh Road Retaining Wall Repair Project

12. ADDITIONAL CONSTRUCTION ENGINEERING SUPPORT SERVICES – MARSH ROAD CHANNEL RETAINING WALL REPAIR PROJECT

Report: Community Services Director Mike Kashiwagi

Recommendation: Approve an amendment to the professional services agreement with Biggs Cardosa Associates, Inc. for an additional not to exceed fee of \$9,000 for additional construction engineering support services necessary for the Marsh Road Retaining Wall Repair Project Close-Out

13. APPROVAL OF THE ATHERTON EXCELLENCE COMMUNITY RECOGNITION PROGRAM

Report: City Manager George Rodericks

Recommendation: Approve the Atherton Excellence Community Recognition Program

14. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE EL CAMINO REAL/ALMENDRAL AVENUE PEDESTRIAN HYBRID BEACON PROJECT

Report: Community Services Director Mike Kashiwagi

Recommendation: Accept work and authorize recording of a Notice of Completion for the El Camino Real/Almendral Avenue pedestrian hybrid beacon project. Project Number 56073

15. 142 BRITTON AVENUE – STREET VACATION

Report: Town Planner Lisa Costa Sanders

Recommendation: Adopt the attached Resolution approving a Street Vacation at 142 Britton Avenue

- 16. RESOLUTION ADOPTING AN AMENDMENT TO THE APOA MOU REGARDING SECTION 27, ALTERNATIVE SCHEDULING, DISPATCHERS**
Report: City Manager George Rodericks
Recommendation: Adopt the attached Resolution ratifying an Amendment to the Memorandum of Understanding via Side Letter between the Town of Atherton and the Atherton Police Officers Association (APOA) regarding Section 27: Alternative Scheduling, Dispatchers
- 17. ADOPT RESOLUTION 16-XX ACCEPTING ALL OF VOLUME I AND THE TOWN'S PORTION OF VOLUME 2 OF THE SAN MATEO COUNTY HAZARD MITIGATION PLAN**
Report: City Clerk Theresa DellaSanta
Recommendation: Adopt resolution 16-xx accepting all of Volume I and the Town's portion of Volume 2 of the San Mateo County Hazard Mitigation Plan.
- 18. ADOPT RESOLUTIONS CONSENTING TO INCLUSION OF THE TOWN OF ATHERTON PROPERTIES IN CALIFORNIA HOME FINANCE AUTHORITY PACE PROGRAMS AND ASSOCIATE MEMBERSHIP IN CALIFORNIA HOME FINANCE AUTHORITY**
Report: City Clerk Theresa DellaSanta
Recommendation: Adopt Resolution 16-XX consenting to Inclusion of Properties within the Town's Incorporated Area in CHF Community Facilities District No. 2014-1 (Clean Energy) to Finance Renewable Energy Generation, Energy Efficiency, Water Conservation and Electric Vehicle Charging Infrastructure Improvements and approving associate membership in CHF; and Adopt Resolution 16-XX consenting to Inclusion of Properties within the Town's Incorporated Area in the CHF PACE Program to Finance Renewable Energy Generation, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and approving associate membership in CHF
- 19. RESOLUTION 16-XX CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE TOWN OF ATHERTON IN THE CSCDA OPEN PACE PROGRAM**
Report: City Clerk Theresa DellaSanta
Recommendation: Adopt Resolution 16-xx authorizing the Town's participation in CSCDA Open PACE, which will enable property owners to finance permanently fixed renewable energy, energy efficiency, water efficiency, and seismic strengthening improvements as well as electric vehicle charging infrastructure
- 20. AUTHORIZE THE CITY MANAGER EXECUTE AN AGREEMENT WITH LSA ASSOCIATES, INC. FOR PREPARATION OF THE CALIFORNIA WATER SERVICES BEAR GULCH STATION 5 PROJECT ENVIRONMENTAL DOCUMENTATION IN AN AMOUNT NOT TO EXCEED \$43,054**
Report: Town Planner Lisa Costa Sanders
Recommendation: Authorize the City Manager execute a Professional Services Agreement with LSA Associates Inc., for the preparation of the California Water Services Bear Gulch Station 5 project environmental documentation in an amount not to exceed \$43,054

21. AWARD OF CONSULTANT SERVICES AGREEMENT TO VERDE DESIGN INC. FOR ARCHITECTURAL SERVICES AT HOLBROOK-PALMER PARK CIRCULATION PROJECTS

Report: Community Services Director Mike Kashiwagi

Recommendation: Direct the City Attorney to prepare and the City Manager to execute a professional service contract with Verde Design, Inc. for a not exceed price of \$64,870 to perform architectural and engineering and provide construction documents along with some minimal construction oversight for the Park Pedestrian and Vehicle Circulation plans (PC1 and VC1)

Widmer commented that the design costs were high. He urged staff not allow the construction crew to redo paths that were recently completed.

PUBLIC HEARING – (Item 22-23)

22. APPEAL OF THE STAFF DECISION TO ISSUE AN ENCROACHMENT PERMIT FOR A DRIVEWAY AT 38 SUTHERLAND DRIVE

Report: Public Works Superintendent Steve Tyler

Recommendation: Conduct a public hearing and deny the appeal, thereby upholding staff's decision to issue an encroachment permit for the driveway approach at 38 Sutherland and in front of the property at 26 Sutherland

After a brief staff report, the Council conducted the Public Hearing with comments from both the applicant and appellant regarding the encroachment. Following comments, the Council discussed issues related to Fire Department access requirements, ability to make changes to the access, property measurements, tree preservation, and aesthetics.

MOTION by Widmer, second by DeGolia to continue the Public Hearing to November 16 to allow the property owners and staff to meet and work toward resolution of the issues in a manner that results in minimal encroachment, if any, preserves the tree, and addresses the needs of the Fire District. The motion passed unanimously.

23. PUBLIC HEARING ON RECOMMENDED INCREASE TO GREEN WASTE RATES, AND INCREASE IN COMMERCIAL RATES AND COMMERCIAL ORGANIC RATES IN THE TOWN OF ATHERTON

Report: Finance Director Robert Barron III

Recommendation: Conduct the Public Hearing regarding the proposed increase in green waste rates, increase in commercial rates and commercial organic rates; and if appropriate, introduce the attached Ordinance for first reading, an Ordinance of the City Council of the Town of Atherton Setting Refuse Collection Rates

Barron provided a brief staff report. Widmer explained the history.

MOTION by Widmer, second by Wiest to introduce the attached Ordinance for first reading, an Ordinance of the City Council of the Town of Atherton Setting Refuse Collection Rates. The motion passed unanimously.

REGULAR AGENDA – (Items 24-28)

24. REVIEW OF SCOPE OF WORK FOR A FIRE SERVICES FISCAL REVIEW AND AUTHORIZE THE RELEASE OF A REQUEST FOR PROPOSAL

Report: City Manager George Rodericks

Recommendation: Review the proposed scope of work for a fire services fiscal review and authorize the release of a Request for Proposal (RFP).

Following a staff presentation and public comment, the Council discussed issues including the Town's legal ability to conduct a study, the role of the Town, disappointment at the reaction/response of the Fire District, review of the various tasks, clarification on the scope, the joint meeting scheduled for December 13, and services from the Fire District.

City Attorney Connors noted that the statutory powers granted by the legislature allow the Town to look at how other agencies spend Atherton taxpayer money because it ultimately benefits the taxpayer.

Council Member Widmer noted that prior this discussion the District and the Town had a healthy relationship. He noted that he would like to see the Board work with the Town to provide the information. He added that the District provides a great service and hopes that relationships will be mended and the agencies will continue working together.

Council Member Wiest concurred. He felt the Town needs to move forward and get reasonable answers from the District.

Council Member DeGolia agreed that the District provides a great service. He added that the Town is not looking to provide their own fire services. He prefers to address the issue further after the Council meets jointly with the Board in December.

Vice Mayor Lempres felt that this is an appropriate duty for the Council. It's important for residents to know and understand where their taxes are going.

Mayor Lewis added that the intent of this item is not adversarial at all. The purpose is so the Town can understand and convey the numbers to its residents.

MOTION by Lewis, second by DeGolia to approve the Scope of Work consisting of Tasks 1, 2 & 3 and authorize release of the RFP following discussion/review by the Ad Hoc Subcommittee. The motion passed unanimously.

25. APPROVAL OF A CLIMATE ACTION PLAN AND BUDGET AMENDMENT FOR IMPLEMENTATION OF THE CLIMATE ACTION PLAN

Report: Town Planner Lisa Costa Sanders

Recommendation:

Adopt the attached resolution approving a Climate Action Plan for the Town.

Adopt the attached resolution authorizing a budget amendment for Planning Department professional services for implementation of the Town's Climate Action Plan.

After a brief staff report correcting a few errors in the document and public comment, the Council discussed issues related to data sources, ABAG growth projections, and the Town's participation in Peninsula Clean Energy.

MOTION by DeGolia, second by Lewis to adopt the resolution approving a Climate Action Plan for the Town with the specified corrections by Council and to adopt the d resolution authorizing a budget amendment for Planning Department professional services for implementation of the Town's Climate Action Plan. The motion passed unanimously.

26. DISCUSS AND PROVIDE DIRECTION REGARDING A POTENTIAL REQUEST TO CALTRANS TO REMOVE THE EXISTING MARKED CROSSWALK AT THE INTERSECTION OF STOCKBRIDGE AVE AND EL CAMINO REAL

Report: Community Services Director Mike Kashiwagi

Recommendation: Provide direction to staff regarding a potential request to Caltrans to remove the existing marked crosswalk at the intersection of Stockbridge Avenue and El Camino Real

Staff presented the staff report and answered questions from the Council regarding timing and process. Following public comment, the Council discussed issues related to other ongoing project, signage, counts, and soliciting input from the Town's Transportation Committee.

Following discussion, the Council directed that staff solicit input from the Transportation Committee in line with timing of the El Camino Real Complete Streets Study.

27. INTRODUCTION OF AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADOPTING BY REFERENCE THE 2016 CALIFORNIA BUILDING STANDARDS CODE, RETAINING EXISTING MODIFICATIONS, AND AMENDING CHAPTER 15.52.040 OF THE ATHERTON MUNICIPAL CODE TO COMPLY WITH 2016 CALIFORNIA GREEN BUILDING CODE

Report: Community Services Director Mike Kashiwagi

Recommendation: Introduce the ordinance by Title amending Title 15 of the Atherton Municipal Code; and Direct the City Clerk to file any notice required by law and schedule a public hearing at its next regular Council meeting on November 16, 2016 and consider adoption of the ordinance

Following a brief staff report and public comments the Council discussed the updates and discussed changes to amend the 65% Construction and Demolition requirements within the ordinance to 75%.

MOTION by Wiest, second by DeGolia to introduce the ordinance, with the discussed changes, and schedule the public hearing for November 16, 2016. The motion passed unanimously.

28. ACCEPT THE CIVIC CENTER PROJECT STATUS UPDATE; PROVIDE FEEDBACK ON THE CIVIC CENTER AND LIBRARY DESIGNS; RECEIVE AND ACCEPT 50 PERCENT DESIGN DEVELOPMENT COST ESTIMATE

Report: Community Services Director Mike Kashiwagi

Recommendation: Review the updated Civic Center and Library floor plans and elevations and provide feedback; and Receive and accept the 50 percent Design Development Cost Estimate and provide feedback.

Following a staff report and public comments, the Council discussed renovations to the Historic Town Hall to include modifications related to the café, deck, restrooms and heritage spaces.

The Council also discussed the sustainability features to a limited degree, interior design of the library, and ad alternates as part of the 50% cost estimate.

The Council discussed involvement/awareness of the non-CCAC Council Members with respect to the Project and staff committed to creating a process to keep them more informed and involved in the information.

The City Council will meet jointly with the CCAC in a study session next month.

29. **COUNCIL REPORTS/COMMENTS** – None.

30. **FUTURE AGENDA ITEMS** – None.

31. **PUBLIC COMMENTS** – None.

32. **ADJOURN**

Mayor Lewis adjourned the meeting at 10:46 p.m.

Respectfully Submitted,
Theresa N. DellaSanta
City Clerk



Minutes
Town of Atherton
November 2, 2016
3:00 P.M.
Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

Mayor Lewis called the meeting to order at 3:00 p.m.

ROLL CALL Lewis, Lempres, Widmer, Wiest, DeGolia

PUBLIC COMMENTS – (Limited to items on the agenda)

STUDY SESSION ITEMS

- 1. REVIEW OF TOWN ALTERNATIVE REVENUE STRATEGY AND PROVIDE FEEDBACK**
Report: Finance Director Robert Barron III
Recommendation: Review of Town alternative revenue strategy and provide feedback to staff regarding revenue alternatives for future discussion and review

Finance Director Robert Barron III provided the Council with a summary of his report.

Council Member Widmer mentioned that raising the transaction and use tax from half cent to one cent could cover sale of such things to include food sales in the circus club and sales in the potential cafe for the new civic center. He felt that the Town needs to do more research on the limitations of a development impact fee. Widmer also suggested conducting a fee study for weddings in the park, a cell tower in the park, and looking at adjusting rates and carving out additional franchise fees for sanitation. Widmer also suggested a transaction and use tax increase to capture the sale/leasing of vehicles.

Council Member Wiest concurred with Widmer on the sanitation analysis. Should consider doing special assessment district for long-term issues related to drainage, lighting, etc.

Council Member DeGolia felt that the basis for revenue increases should be tied to town goals. He didn't want to nickel and dime residents. DeGolia was in favor of asking residents what they think about revenue options. He was not in favor of car leases/sales.

Vice Mayor Lempres suggested a more detailed discussion the parcel tax and potential to increase it. He didn't want to operate off the assumption that the parcel tax is automatic. Lempres noted that it is important that whatever the Town does it stays very transparent. Lempres felt that a business license tax or a utility user tax was appropriate. He also suggested looking into a real property transfer tax. He agreed that the Town should not nickel and dime residents.

Council Member DeGolia felt that a combination of a Utility User Tax (UUT) and a business license tax is fair because it involves individuals paying according to their use. The parcel tax is a tax on what is owned and is therefore predictable.

The Council discussed the difference between a special tax and general tax and whether the parcel tax could be a general tax.

Mayor Lewis felt that the parcel tax been supported for so many years because it is specifically designated for public safety and capital improvement projects.

The Council discussed real property transfer taxes.

Mayor Lewis felt noted that the Town would have to become a charter city in order to impose a real property transfer tax. That required a vote of the residents.

Council Member DeGolia suggested that the Town survey residents for their opinions on options that could include a UUT tax, parcel tax, special assessment taxes and and/or a business license tax.

Council Member Wiest felt that special assessment districts should be analyzed to include drainage. The Town should take a look at how to drill down on special assessment districts

Staff will put together a brief scope of work to flesh out the business license tax, the real property transfer tax, and the utility user's tax fir amounts to be received, structures, estimates and recommendations. Council to consider a community advisory survey to with a target ballot date of November 2017.

Staff will continue work on recommendations for special assessment districts where project appropriate, look at the franchise fee for refuse services with the subcommittee, and the council can provide feedback on fees at Holbrook-Palmer Park in November 2016.

Staff will research the following revenue options and bring back a schedule for council.

- Special Assessment tax where project appropriate
- Real Property Transfer tax (with the caveat that the town must discuss charter city)
- Road Impact Fee (No)
- Utility User tax
- Franchise Fee for Sanitation (and at that same time look at fees for debris boxes)
 - To be reviewed by the committee
- Business License tax

2. POTENTIAL LITIGATION—AB1889 HSR FUNDING

Report: City Attorney Bill Connors

Recommendation: Review Report, Direct Staff

City Attorney Bill Connors requested direction.

Council Member Widmer supported continuing on but was concerned with being the only named participant in a lawsuit. He didn't want the Town to pay for it all.

Council Member Wiest expressed his disappointment that no other larger cities had joined.

Council Member DeGolia felt that the Town should wait for the outcome of Proposition 53 before making any decisions.

Vice Mayor Lempres was supportive of the Rail Committee's work and recommendations.

3. BUILDING FUND – CIVIC CENTER PROJECT – REVIEW AND PROVIDE STAFF WITH FEEDBACK

Report: City Manager George Rodericks

Recommendation: Review and Discuss issues related to the Building Fund as related to the Civic Center Project and provide staff with feedback on next steps

City Manager Rodericks provided a summary of the report.

Vice Mayor Lempres asked if there was any concern with the text of Measure L. Connors noted that there is no concern associated with imposing a surcharge in order to recoup costs that the Town did not collect since it stopped contributions into the building fund.

There was discussion on why the Council stopped collecting the surcharge for the building fund.

Council was supportive of reinstating the surcharge in order to make up for the shortfall.

ADJOURN

Mayor Lewis adjourned the meeting.

Respectfully submitted,
Theresa N. DellaSanta