



MINUTES
Town of Atherton
CITY COUNCIL
October 18, 2017
7:00 P.M. - REGULAR MEETING
Council Chambers
94 Ashfield Road,
Atherton, California

Council Member Lewis teleconferenced in from the following location:
Cypress Inn
Lincoln & 7th Street
Carmel, CA 93921
831-624-3871

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

Berry Chen, Council Member of the City of Cupertino, spoke on air pollution. He also asked the Council to review the Air Quality Regulation 11, Rule 18, which would reduce health risks from toxic emissions from existing local facilities. Mr. Chen explained that the Town of Los Altos and Los Altos Hills has submitted letters of support of this regulation and they also included three more items.

Linda Sell, Co-Founding Board Member of Bay Area for Clean Environment requested a letter from the Council in support of Air Quality Regulation 11, Rule 18.

Resident John Fisher, 38 Tuscaloosa, addressed the Council regarding bicycle and pedestrian lanes. He supports the lanes and recognizes the safety issues of bicycles and pedestrians, but explained too many bike lanes depicts a surplus of funds in the Atherton budget.

Council Member Widmer received clarification on the replacement of laminate sharrows in conjunction with street repairs.

5. **REPORT OUT OF CLOSED SESSION**

None.

6. **CITY MANAGER'S REPORT**

Council Member Widmer thanked staff for the thorough pension report.

Vice Mayor Wiest thanked police staff for confirming the training date for the active shooter scenario for April 9, 2018 at Menlo School.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

CONSENT CALENDAR (Items 8-13)

Council Member Widmer pulled Items 11 and 12.

8. APPROVAL OF AUGUST 1 SPECIAL MEETING AND OCTOBER 4 SPECIAL MEETING MINUTES

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes for August 1 special meeting and October 4 special meeting

9. APPROVAL OF BILLS AND CLAIMS FOR SEPTEMBER IN THE AMOUNT OF \$1,629,741

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$1,629,741

10. APPROVAL OF THE ATHERTON ARTS FOUNDATION BUDGET REQUEST - FY 2017-2018

Report: Finance Director Robert Barron III

Recommendation: Approve the FY 2017-2018 Budget Request from the Atherton Arts Foundation in the amount of \$11,120

11. ADOPTION OF RESOLUTION SUPPORTING LEGISLATIVE REFORMS TO IMPROVE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW

Report: Police Chief Steven McCulley

Recommendation: Adopt the attached resolution in support of promoting legislative reforms to improve the unintended negative impacts of existing criminal law

12. ADOPTION OF RESOLUTION SUPPORTING AB 1408 - A STATE MEASURE TO REQUIRE REVOCATION OF PROBATION AFTER A THIRD VIOLATION

Report: Police Chief Steven McCulley

Recommendation: Adopt the attached resolution in support of amended AB 1408 in response to the shooting of two Whittier Officers. AB 1408 would require revocation of probation if the offender has violated probation terms for a third time

13. APPOINTMENT TO THE RAIL COMMITTEE

Report: City Clerk Theresa DellaSanta

Recommendation: Appoint John S. Maulbetsch to the Rail Committee

MOTION by Wiest, second by DeGolia to approve the consent calendar consisting of items 8 – 10 and 13. The motion passed unanimously.

PULLED ITEMS

11. ADOPTION OF RESOLUTION SUPPORTING LEGISLATIVE REFORMS TO IMPROVE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW

Report: Police Chief Steven McCulley

Recommendation: Adopt the attached resolution in support of promoting legislative reforms to improve the unintended negative impacts of existing criminal law

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Recommendation: Adopt the attached resolution in support of amended AB 1408 in response to the shooting of two Whittier Officers. AB 1408 would require revocation of probation if the offender has violated probation terms for a third time

Council Member Widmer stated he did not support items 11 and 12 because there is an elimination of due process. Widmer explained the proposed language violates the Eighth Amendment. He also gave a brief recap of the incident in Whittier, CA which prompted these changes.

Mayor Lempres explained that the proposed resolutions did not intact any changes, but does support the language modifications. He questions whether or not these items were appropriate for Council without any background information. Lempres suggested that these be returned to Council when more information is gathered.

Council Member DeGolia and Vice Mayor Wiest echoed the Mayor's comment regarding a lack of background information.

Council Member Lewis commented that the League of Cities approved these changes and was initially supportive, but after the Council's comments, believes that postponing the items is the best course of action.

REGULAR AGENDA – (Items 14-15)

14. AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSAL FOR LOCAL TRAFFIC FLOW/LONG RANGE PLANNING SOLUTIONS/ NTMP

Report: Mike Kashiwagi

Recommendation: Authorize staff to issue a Request for Proposal (RFP) to retain a traffic engineering consultant to prepare a study for traffic flow/long range planning solutions/NTMP

Council Member Widmer commented that the proposed changes were satisfactory and explained the lights can be programmed. He expressed support for the RFP but emphasized this was step one of many.

Vice Mayor Wiest expressed the need for these benchmarks. He there was discussion on impact fees from developments at a recent fire board meeting. Wiest suggested using cell phone applications to mitigate the roadways and allow Atherton to handle how and where to divert traffic issues.

Council Member Lewis was in agreement with Council and supported the study. She stressed the importance of identifying cut through traffic and commuter impact.

Mayor Lempres supports the study but wants to be clear on where traffic is diverted. He also commented that the influx in traffic is not linked to an increasing population in Atherton.

MOTION by Widmer, second by Lewis to authorize staff to issue a Request for Proposal (RFP) to retain a traffic engineering consultant to prepare a study for traffic flow/long range planning solutions/NTMP. The motion passed unanimously.

- 15. CIVIC CENTER UPDATE: RECEIVE AND FILE THE COST MODEL MANAGER AND PROJECT SCHEDULE; AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE AN AGREEMENT AMENDMENT WITH WRNS STUDIOS FOR: LEED CERTIFICATION FOR THE CITY HALL/POLICE BUILDING, SEWER MAIN RELOCATION, PARCEL MAP AND PROPERTY LINE MERGERS, WATER LINE RELOCATION, AND UTILITY NEGOTIATIONS; AND RECEIVE PLANNING COMMISSION ACTIONS UPDATE**
Report: Mike Kashiwagi
Recommendation: 1) Receive and file the Cost Model Manager (CMM) and Project Schedule.

Council Member Widmer commented that the schedule is later than initially proposed; originally January/February 2018 and now March 2018.

City Engineer Marty Hanneman explained the delay was due to Council approval of “added deduct alternates”.

- 2) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio to provide Leadership in Energy and Environmental Design (LEED) certification and the necessary designs and documentation for the City Hall/Police Building for a not to exceed fee of \$74,000.

Council Member Widmer stated the need to design a building that Atherton can afford and the LEED certification is not a necessity at this time.

Mayor Lempres, Vice Mayor Wiest, Council Member Lewis, and Council Member DeGolia echoed Council Member Widmer’s comments. There was not support for the LEED certification at this time.

- 3) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via subconsultant to provide West Bay Sanitary sewer main relocation design for a not to exceed fee of \$22,000, and
4) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via subconsultant to provide Cal Water main relocation design for a not to exceed fee of \$13,120, and
5) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via subconsultant to provide a survey for a tentative parcel map and lot line merger for a not to exceed fee of \$32,780, and
6) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via subconsultant to provide utility negotiations for proposed easements for a not to exceed fee of \$38,300.

Council Member Widmer questioned why West Bay Sanitary District was not performing the relocation design.

City Engineer Marty Hanneman explained that this amendment is needed to be in compliance with the time constraints and the agreement with West Bay Sanitary District and CalWater will be brought to Council at the next regular meeting. He also commented that with WRNS doing the sewer design it assures that it will function with the building design.

Vice Mayor Wiest stressed that Town staff understand the need to be fiscally prudent where it is appropriate.

MOTION by Lewis, second by Wiest to authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via subconsultant to provide West Bay Sanitary sewer main relocation design for a not to exceed fee of \$22,000. The motion passed unanimously.

7) Receive update on Planning Commission proposed actions.

No action taken.

16. COUNCIL REPORTS/COMMENTS

17. FUTURE AGENDA ITEMS

18. PUBLIC COMMENTS

19. ADJOURN

Mayor Lempres adjourned the meeting at 8:04 p.m.



MINUTES

Town of Atherton

November 1, 2017

4:00 P.M.

Admin Conference Room

91 Ashfield Road

Council Chambers

94 Ashfield Road

Atherton, California

Special Meeting

4:00 PM **CLOSED SESSION IN ADMIN CONFERENCE ROOM - CANCELLED**

ROLL CALL Lempres, Wiest, Lewis, Widmer, DeGolia

Mayor Lempres absent.

PUBLIC COMMENTS – (Limited to items on the agenda)

4:30 PM **ACTION ITEM**

1. **AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE A CONSULTANT SERVICES AGREEMENT WITH TETRA TECH INC. FOR PRELIMINARY ENGINEERING DESIGN SERVICES FOR THE HOLBROOK-PALMER PARK WATER CAPTURE FACILITY; AND APPROVE A TASK ORDER FOR INTERWEST CONSULTING GROUP FOR PROJECT MANAGEMENT SERVICES**

Report: Mike Kashiwagi

Recommendation:

- a. Authorize the City Attorney to prepare and the City Manager to execute a professional services agreement with Tetra Tech Inc., for a not to exceed fee of \$550,000 to prepare only Phase I - Preliminary Engineering Concept Design and estimate services necessary for the Holbrook-Palmer Park Water Capture Facility;
- b. Approve a Task Order for Interwest Consulting Group to provide Project Management Services through Preliminary Engineering Concept Design for a not to exceed fee of \$136,200; and
- c. Authorize the City Attorney to prepare and the City Manager to execute any necessary amendments thereto.

Council Member Widmer supports the project, but wants to be sure that there are no hidden or surprise fees in the future. He also confirmed that the hazardous waste will be discarded appropriately. Widmer commented that credit be given when considering joint projects downstream for the benefit from the water capture facility. He stated that he does agree there is a need for the Task Order providing a Project Manager, but commented it was a high price tag.

Council Member Lewis received clarification on how the debris from the watershed is going to be removed. She also commented that the water capture project was a great opportunity. Lewis confirmed that the Project Manager is highly trained.

Council Member DeGolia expressed three concerns; 1) confirm that the costs come out of the Caltrans agreement; 2) Council and staff should consider alternate locations for the project; and 3) is supportive of the project but suggested scaling to a smaller size for construction and maintenance purposes. He added that key features of the project are removal of waste from the channel, removal of hazardous waste from the runoff, and that the excess collected rain water assists maintaining the park. DeGolia expressed concern for the construction phase of the project and the impact it would have on the landscape and roads of the park; suggested moving the project near the fountain in front of the Main House to avoid damage to lawn and landscape areas. He received feedback on the hourly rate of the proposed Interwest Project Manager; \$140 per hour. DeGolia also received clarification that Tetra Tech Inc. would be assisting with public outreach and that cost was included.

Resident Bob Roeser supports the project but urged Council to be diligent with outreach to avoid public scrutiny.

MOTION by Widmer, second by Lewis to 1) authorize the City Attorney to prepare and the City Manager to execute a professional services agreement with Tetra Tech Inc., for a not to exceed fee of \$550,000 to prepare only Phase I - Preliminary Engineering Concept Design and estimate services necessary for the Holbrook-Palmer Park Water Capture Facility; 2) approve a Task Order for Interwest Consulting Group to provide Project Management Services through Preliminary Engineering Concept Design for a not to exceed fee of \$136,200; and 3) authorize the City Attorney to prepare and the City Manager to execute any necessary amendments thereto. The motion passed 4-0 with Mayor Lempres absent.

2. ADOPTION OF A RESOLUTION FOR THE FY 2017-18 BUDGETED REVENUES AND EXPENSES FOR THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT

Report: Mike Kashiwagi

Recommendation: Adopt the attached Resolution No. 17-XX accepting the budgeted revenues and expenditures of the FY 2017-18 Road Maintenance and Rehabilitation Account (RMRA) funds in the estimated amount of \$40,398 in accordance with the Road Repair and Accountability Act of 2017. Accept the list of projects corresponding to the adopted town budget and direct staff to forward to the California Transportation Commission (CTC) to receive RMRA funds

Council Member Lewis explained the urgency of the item was related to time constraints.

MOTION by Lewis, second by DeGolia to adopt the attached Resolution No. 17-XX accepting the budgeted revenues and expenditures of the FY 2017-18 Road Maintenance and Rehabilitation Account (RMRA) funds in the estimated amount of \$40,398 in accordance with the Road Repair and Accountability Act of 2017. Accept the list of projects corresponding to the adopted town budget and direct staff to forward to the

California Transportation Commission (CTC) to receive RMRA funds. The motion passed 4-0 with Mayor Lempres absent

STUDY SESSION ITEMS

3. EDUCATIONAL MEETING ON POWER PURCHASE AGREEMENTS

Report: Presentation by Craig Lewis, Clean Coalition

Chris from Borrego Solar conducted a slide show presentation. His focus was on payment options; 1) Power Purchase Agreements (PPA); 2) Clean Renewable Energy Bonds; 3) Tax Exempt Municipal Leases; and 4) General Obligation Bonds.

The Council expressed interest in the PPA, but was informed that anything under 500 kilo watts, which the project is, will not be enforceable through a PPA. Chris suggested the Clean Renewable Energy Bond.

Council Member DeGolia and Council Member Lewis discussed the options of selling any tax credits the Town could not take advantage of.

4. UPDATE/DIRECTION ON RECOLOGY FRANCHISE RENEWAL NEGOTIATIONS

Report: Refuse/Recycling Subcommittee and City Manager George Rodericks

Council Member Widmer informed the Council that he along with Rodericks, Barron, and Assistant City Attorney Jennifer Larson reviewed in detail the proposed agreement. He noted changes need to be made to make it more specific to Atherton.

Council Member DeGolia received clarification that Council Member Widmer is involved with the discussion as it relates to all cities within the JPA, not just Atherton specific.

Vice Mayor Wiest commented that the Recology Franchise Agreement is very boilerplate and distributed to all 12 jurisdictions. He also stated that many of the jurisdictions approve it without editing to their needs.

Council Member Lewis confirmed that by editing the agreement, no critical mass would be distrusted where Atherton would no longer benefit from the JPA. She also requested that the large Recology trucks refrain from parking idle in front of any one residence for long periods of time.

5. ADJOURN

Vice Mayor Wiest adjourned the meeting at 5:28 p.m.