



MINUTES
Town of Atherton
CITY COUNCIL
July 17, 2013
7:00 p.m.
94 Ashfield Road
Atherton, California
REGULAR MEETING

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

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

SWEARING IN CEREMONY –

Sergeant Chris Vigil & Sergeant Alfredo Guarducci – Administered by Chief of Police Ed Flint

4. **PUBLIC COMMENTS**
Philip Lively requested that Item 15 be moved up on the Agenda.

Mayor Lewis announced an urgency item and City Manager Rodericks explained the item was to clarify the adoption of a resolution for candidate's statements and the process going forward.

MOTION by Wiest, second by Widmer to add urgency item to Agenda. The motion passed unanimously.

5. **REPORT OUT OF CLOSED SESSION**

CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6

No reportable action.

6. **CITY MANAGER'S REPORT**
 - a. **Community Center Advisory Committee Report**

City Manager George Rodericks noted various additional items including selection of council candidates, SBWMA is seeking a council member to serve on the board, completion of the tennis courts resurfacing project and the bulletin board, cape seal project is not complete and the contractor is continuing cleanup before submitting the final to the Town.

Council Member Dobbie stated he heard complaints about the cape seal contractor and would like staff to consider those comments the next time the contractor bids on a Town project.

Council Member Widmer commented that he was pleased with the results of the resurfaced tennis courts.

Mayor Lewis was pleased to know that tennis keys are still being sold and purchased and suggested advertising on a banner.

Mayor Lewis stated that the concept of a roundabout at Alameda de las Pulgas has already been reviewed by the Transportation Committee and Council and wanted to know if this item could be brought to a higher priority from this point. The City Manager explained that the roundabout is not in the current 13/14 budget and the item would have to return to the Transportation Committee for recommendation to Council. Council Member Widmer questioned whether the roundabout is the best solution and suggested a traffic light as an alternative. Council Member Dobbie was concerned with the substantial cost of the roundabout. Vice Mayor Wiest summarized the process of returning this item for council consideration.

The consensus of the Council was to let the issue play out through the Transportation Committee.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT – None.

CONSENT CALENDAR (Items 8-12)

Council Member Widmer offered clarification to item 12. With regard to the colleagues' letter he confirmed that action is to be taken within two months time. He also requested clarification that one Council Member liaison per committee was correct.

City Manager George Rodericks suggested clarifying language which the Council accepted.

MOTION by Widmer, second by Wiest to approve the consent calendar consisting of items 8 through 12, including the edits to Item 12. The motion passed unanimously.

8. APPROVAL OF BILLS AND CLAIMS FOR MAY, 2013 IN THE AMOUNT OF \$779,496

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$779,496

9. FINANCIAL REPORT FOR JUNE 30, 2013

Report: Finance Director Robert Barron III

Recommendation: Receive the General Fund Financial Report for June 30, 2013

10. ATHERTON ART FOUNDATION BUDGET REQUEST FOR FY 2013-14

Report: Finance Director Robert Barron III

Recommendation: Consider and approve the FY 2013-14 funding request for the Atherton Arts Foundation in the amount of \$12,415

11. APPROVAL OF SOCIAL MEDIA POLICY

Report: Police Chief Ed Flint
Recommendation: Adopt Social Media Policy

12. ADOPT REVISIONS TO RESOLUTION 13-08 GOVERNING COMMITTEES AND COMMISSIONS

Report: City Manager George Rodericks
Recommendation: Approve revisions to Resolution No. 13-08 Governing Committees and Commissions

REGULAR AGENDA – (Item 13)

City Clerk Theresa DellaSanta explained that this is standard for the election. DellaSanta added that the cost to the candidate is \$400 and the statement cannot exceed 200 words.

Mayor Lewis asked about the word limitations and the City Clerk explained that only Council approval could change the limits. Council agreed to keep the limitation as it was written.

RESOLUTION OF THE TOWN OF ATHERTON REQUIRING CANDIDATES TO PAY THE COST OF PUBLICATION AND DISTRIBUTION OF THE STATEMENT OF QUALIFICATIONS WITH THE SAMPLE BALLOT AND SPECIFYING THE LENGTH OF THE STATEMENT AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013

MOTION by Widmer, second by Dobbie to accept the RESOLUTION OF THE TOWN OF ATHERTON REQUIRING CANDIDATES TO PAY THE COST OF PUBLICATION AND DISTRIBUTION OF THE STATEMENT OF QUALIFICATIONS WITH THE SAMPLE BALLOT AND SPECIFYING THE LENGTH OF THE STATEMENT AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013. The motion passed unanimously.

Item 15 moved up on Agenda.

15. SELECTION OF CANDIDATE FOR CITY COUNCIL

Report: City Manager George Rodericks
Recommendation: Again review the full slate of candidates and if deemed appropriate, conduct a vote/selection process to appoint a member to the City Council

Mayor Lewis explained that at the last meeting the Council voted to hold a special election in November and she felt it was imperative to give the public another opportunity to question and understand the process.

City Manager George Rodericks explained the timeline and difference between an appointment and holding an election to fill the City Council vacancy.

Mayor Lewis opened public comment.

John Ruggerio reminded Council of their last vote taken at a previous meeting to appoint an applicant. Ruggerio reiterated that he is willing to fill the vacancy and will not rerun when the temporary term expires.

Mike Child expressed support for Greg Conlon.

Bob Roeser and Anne McNertne questioned the appointment and election timelines.

City Attorney William Connors explained that within 60 days of the July 1, 2013 resignation the Council's options are to fill by appointment or approve a resolution calling for a special election. During that 60 days Council can choose to appoint a candidate and cancel the election. However Council no longer has the opportunity to appoint after the 60 day time period.

Mayor Lewis explained the dates and deadlines.

Dobbie stated that unless a Council Member changed their vote from the last attempt at appointment then the election should proceed.

Council Member Widmer stressed the need for Council to have options and not give up the right to appoint.

Vice Mayor Wiest urged Council to proceed with the election. If appointment was made after campaigning had started it would be unfair.

City Attorney William Connors echoed Vice Mayor Wiest's point that appointing a candidate once campaigning has already started is unfair.

Mayor Lewis agreed that keeping options open is valuable, however making candidates wait until after August 9, 2013 to see if an appointment occurred was unfair.

MOTION by Dobbie, second by Wiest to continue with the election in November and close off their opportunity to consider appointment. The motion passes 3-1 (Widmer opposed).

13. PARCEL TAX SURVEY PRESENTATION

Verbal Report: True North Research

Tim McLarney from True North Research presented the results of the survey and answered questions from Council and staff.

McLarney noted that the survey was designed to gauge the community's support for renewal of the parcel tax, however it also solicited the community's opinion with respect to their quality of life and level of satisfaction with government services. During the survey, respondents were asked, *How would you rate the overall quality of life in Atherton? Would you say it is excellent, good, fair, poor or very poor?*

The result - 93.4% of the respondents shared favorable opinions of the quality of life in Atherton. Sixty percent reported an excellent quality of life and thirty-three percent stated that the quality of life was good. An additional five percent reported quality of life as fair, whereas zero percent used poor or very poor to describe their quality of life in Town.

While there were other questions in the series addressing improvement, the final question in this series asked respondents, if, overall, they were satisfied or dissatisfied with the job the Town of

Atherton is doing to provide municipal services. The survey asked, *Generally speaking, are you satisfied or dissatisfied with the job the Town of Atherton is doing to provide city services?* More than 82% of respondents indicated they were satisfied with the Town's efforts to provide services, with 37% stating that they were very satisfied.

The survey trekked through a series of ballot questions testing support for the renewal of the Town's parcel tax. After hearing arguments for and against the renewal of the parcel tax, the survey respondents were asked a final ballot test question gauging the support for or opposition to renewal of the tax.

At this final point in the survey, support for the parcel tax measure was found among 75% of voters, with 46% indicating that they would definitely support the measure. Approximately 20% of the respondents were opposed to the measure and 6% were unsure or unwilling to state their vote choice.

Council discussed the options of the parcel tax rates.

Mayor Lewis opened public comment.

Greg Conlon asked the presenter, Tim McLarney, about the off year election screening voting records. Mr. McLarney supplied statistics.

Bob Roeser wanted to see the chart on people who were against parcel tax.

No action was taken.

PUBLIC HEARINGS - (Item 14)

- 14. AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE TOWN OF ATHERT MEASURES RELATING TO (1) RENEWAL OF THE PARCEL TAX FOR AN ADDITIONAL FOUR YEARS AND (2) INCREASING THE APPROPRIATION LIMIT TO PERMIT SPENDING THE PROCEEDS OF THE PARCEL TAX FOR THE SAME PERIOD AND REQUEST THE SAN MATEO COUNTY BOARD OF SUPERVISORS CONSOLIDATE WITH ANY OTHER ELECTION TO BE HELD ON NOVEMBER 5, 2013**

Report: City Manager George Rodericks

Recommendation: Hold a Public Hearing and adopt the following ordinance: An Ordinance of the Town of Atherton ordering the submission to the qualified electors of the Town of Atherton (1) an ordinance authorizing the renewal of the parcel tax for an additional four years and (2) an ordinance increasing the Appropriations Limit for the Same Period and Request the San Mateo County Board of Supervisors Consolidate

City Manager George Rodericks read the report and advised Council on options they have.

Mayor Lewis described the options of the parcel tax as to renew the current tax, a flat \$750 for 1/2 acre or More, or a flat \$340 (average) for vacant & \$750 for dwelling.

Philip Lively urged Council to renew the parcel tax with no changes. Also, asked if the two measures could be combined. City Manager George Rodericks and City Attorney William Conners will see if merging the two is a possibility.

Rick DeGolia said the Council runs a risk of misleading public if the parcel tax rate is changed.

Council Member Dobbie expressed his support for a flat tax.

Vice Mayor Wiest stated he wants to renew tax as it stands with no changes.

Council Member Widmer wants to consider Option B, Flat \$750 for 1/2 acre or more, with revisions.

MOTION by Lewis, second by Wiest to adopt the ordinance as presented in the report and combining the measures into one and including the existing rate table which is the same as the last parcel tax renewed in 2009.

MOTION by Widmer, second by Dobbie to amend the motion to change the rate for the private club to \$25,000. The motion passed unanimously.

Mayor Lewis asked for a vote on the original motion. The motion passed 3-1 (Dobbie opposed).

REGULAR AGENDA, CONTINUED - (Items 15-19)

16. RESOLUTION SETTING PRIORITIES FOR FILING WRITTEN PRIMARY ARGUMENT(S) REGARDING THE MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS TO BE PRINTED IN THE SAMPLE BALLOT AND PROVIDING FOR THE FILING OF REBUTTAL ARGUMENT(S)

Report: City Manager George Rodericks

Recommendation: Adopt a resolution setting priorities for filing written primary argument(s) regarding the measure and directing the City Attorney to prepare an impartial analysis to be printed in the sample ballot; and for providing for the filing of rebuttal arguments

City Manager George Rodericks read the report and suggested that Council establish a sub-committee of the council to write the primary argument.

Mayor Lewis and Council Member Widmer were selected as Council representatives of the ad hoc committee.

Mayor Lewis opened public comment.

Greg Conlon stressed the importance of a parcel tax adding that 20% of the police department's budget utilizes the tax.

MOTION by Lewis, second by Wiest to adopt the adopt a resolution setting priorities for filing written primary argument(s) regarding the measure and directing the City Attorney to prepare an

impartial analysis to be printed in the sample ballot; and for providing for the filing of rebuttal arguments. **The motion passes unanimously.**

17. CIVIC CENTER MASTER PLAN CONTRACT APPROVAL

Report: Community Services Director Mike Kashiwagi

Recommendation: Amend the FY 2013-14 Operating Budget by appropriating the additional amount of \$105,600 from General Fund Unobligated Fund Balance to the Capital Improvement Program, Civic Center Project – Master Plan Component.

Approve an agreement with HMC Architecture with a cost not to exceed \$196,000 to prepare the Civic Center Master Plan; and Authorize the City Manager to execute a contract with HMC Architecture

Community Services Director Mike Kashiwagi said that Council previously approved the selection of HMC Architects to prepare the civic center master plan and directed staff to negotiate a contract. Kashiwagi explained that the original proposal from HMC was \$289,000 but after discussion with town staff HMC revised the scope to not exceed \$181,000. Kashiwagi said the source for this savings was the background information provided by the Library Steering committee and Blue Ribbon Town Center Task Forces. The \$196,000 amount requested in the contract includes \$15,000 for contingency spending which can only be used with authorization from staff.

City Manager Rodericks added that the contingency would be used for neighborhood or council meetings. Rodericks also explained the Town has full control on spending the \$15,000 contingency.

Mayor Lewis confirmed that the Civic Center Advisory Committee (CCAC) will be informed if and when the contingency is utilized.

Mayor Lewis opened public comment.

Rick DeGolia questioned when the request for funding to update the library needs assessment will be placed on the agenda. City Manager George Rodericks stated it will be placed on the August 2013 study session agenda.

MOTION by Dobbie, second by Widmer to amend the FY 2013-14 Operating Budget by appropriating the additional amount of \$105,600 from General Fund Unobligated Fund Balance to the Capital Improvement Program, Civic Center Project – Master Plan Component; and Approve an agreement with HMC Architecture with a cost not to exceed \$196,000 to prepare the Civic Center Master Plan; and Authorize the City Manager to execute a contract with HMC Architecture. **The motion passes unanimously.**

18. APPROVAL OF RESOLUTION ESTABLISHING MONTHLY STUDY SESSION MEETINGS

Report: City Manager George Rodericks

Recommendation: Approve resolution 13-xx establishing monthly study session meetings

City Manager George Rodericks explained there is a resolution ordinance that establishes regular City Council meetings and this proposed resolution will establish study session meetings. Rodericks questioned what day of the week Council prefers to hold the study sessions.

Council Member Dobbie stated that all study sessions should have a purpose and set goals prior to the meeting.

Council Member Widmer said study sessions are for large items that need thorough discussion. He also stated he prefers Monday for study sessions, keeping the agenda to one or two topics, and to keep the meeting no longer than two hours. Council Member Widmer requested that the resolution be passed without setting an affirmative date at this time.

City Attorney William Connors said he prefers Tuesday as the date for meetings.

Mayor Lewis opened public comment.

Anne McNertne feels that study sessions are important and some consensus should be made on a date.

The Council agreed to take no action on the resolution.

19. CITY COUNCIL COMMITTEE REORGANIZATION

Report: City Clerk Theresa DellaSanta

Recommendation: Approve City Council Committee Reorganization

Mayor Lewis distributed the new City Council Committee schedule and read aloud to the public.

20. COUNCIL REPORTS/COMMENTS – Mayor Lewis spoke briefly about a Council of Cities meeting in the City of South San Francisco.

21. FUTURE AGENDA ITEMS

22. PUBLIC COMMENTS

Greg Conlon reminded the Council about ABAG 's redistricting meeting on July 18, 2013.

23. ADJOURN

MOTION by Lewis, second by Wiest to adjourn the meeting. The motion passed and Mayor Lewis adjourned the meeting at 10:01 p.m.

Respectfully submitted,



Judi Herren