



Minutes
ATHERTON CITY COUNCIL
May 21, 2014
7:00 P.M. – REGULAR MEETING
Council Chambers
94 Ashfield Road, Atherton, California

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

1. PLEDGE OF ALLEGIANCE

Mayor Wiest opened the meeting by recognizing Atherton resident and former Dames and Foundation member Betty Ogawa who passed earlier in the month. A moment of silence was dedicated to Ms. Ogawa.

2. ROLL CALL Widmer, Lewis, DeGolia, Wiest

3. PRESENTATIONS - None

4. PUBLIC COMMENTS

Walter Sleeth, Atherton resident, spoke on the placement of agenda items.

Jack Ringham, Atherton resident, spoke about traffic safety efforts on Fair Oaks Lane.

John Ruggerio, Atherton resident, spoke about placement of agenda items.

Lou Paponis, Atherton resident, suggested Council look at Holbrook-Palmer Park as location for the new Civic Center.

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

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

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

Agency Negotiator: George Rodericks, City Manager
Employee Organization: Unrepresented Employees

C. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Subdivision (a) of Section 54956.9) People of the State of California v. James Kristofferson, a, San Mateo Superior Court, Case No. CIV 527946

City Attorney Connors reported that Council provided direction to the City Manager on Items A and B. Connors added that Council received a report on item C.

6. CITY MANAGER'S REPORT

a. Civic Center Project Report

City Manager Rodericks provided a brief overview of the budget adoption calendar and subsequent City Council meetings, the bike pedestrian striping at Middelfield and Marsh Road and his vacation schedule for June.

Council encouraged the City Manager to look into designation of Priority Conservation Areas (PCA) to allow grant funding for projects such as the bike pedestrian plan and installation of bridges. Additionally, Council suggested a few weeks of warnings on incorrectly parked cars in the park before beginning enforcement.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT - None.

CONSENT CALENDAR (Items 8-14)

Walter Sleeth requested removal of Item 13.

Council Member Widmer had a comment on Item 10 and requested removal of 13.

8. APPROVAL OF APRIL 16 REGULAR MEETING MINUTES

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes

9. APPROVAL OF BILLS AND CLAIMS FOR MARCH, 2014 IN THE AMOUNT OF \$881,550

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$881,550

10. FINANCIAL REPORT FOR APRIL 30, 2014

Report: Finance Director Robert Barron III

Recommendation: Receive and File the Combined Statement of Revenues, Expenditures and Changes in Fund Balance Financial Report for April 30, 2014

11. 2013 ANNUAL REPORT TO THE CITY COUNCIL ON THE ATHERTON GENERAL PLAN IMPLEMENTATION

Report: Town Planner Neal Martin

Recommendation: Accept the Annual Report and authorize its transmittal to the California Governor's Office of Planning and Research and the California Department of Housing and Community Development pursuant to Section 65400 of the California Government Code (CGC)

12. SPRINGBROOK – HUMAN RESOURCES MODULE

Report: City Manager George Rodericks

Recommendation: Approval of an amendment to the Springbrook Finance Software Agreement to update the Human Resources module

14. APPROVE REQUEST FOR PROPOSAL AND AUTHORIZE ITS RELEASE TO ADVERTISE TENNIS FACILITY MANAGEMENT SERVICES

Report: Community Service Director Mike Kashiwagi

Recommendation: Approve the Request for Proposal (RFP) and authorize its release to advertise for tennis facility management services

MOTION by Lewis, second by DeGolia to approve the consent calendar excluding item 13. The motion passed unanimously.

PUBLIC HEARINGS – (Items 15-16)

15. CONSIDER AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTERS 17.40 AND 17.60, RELATING TO ACCESSORY BUILDINGS AND ATHLETIC FACILITIES

Report: Deputy Town Planner Lisa Costa Sanders

Recommendation: Conduct the public hearing and introduce the attached ordinance amending Atherton Municipal Code Chapters 17.40 and 17.60 relating to accessory buildings and athletic facilities

Deputy Town Planner Lisa Costa Sanders presented the public hearing to introduce an ordinance amending Atherton Municipal Code Section 17.40 and 17.60 relating to accessory buildings and athletic facilities. The ordinance included several updates to the Municipal Code relating to windows on accessory buildings, occupancy of accessory buildings and guest houses, and athletic facilities.

Council supported the amendments to specifically define skylights under the restrictions to for windows and skylights to 9 feet on accessory structures and update the code to better clarify the difference between guest houses and second dwelling units.

Additionally, Council supported adding requirements for BMX track and skateboard ramps, require batting cages to have netting and sound baffling material and the addition of language to the facility types that include bocce ball courts, batting cages, golf driving range and putting greens, lacrosse nets, skateboard ramps, BMX tracks and other tracks and other sports and athletic facilities.

MOTION by Widmer, second by Lewis to introduce the ordinance and return the item for second reading and adoption at the June City Council meeting. The motion passed unanimously.

16. CONSIDER INTRODUCING A DENSITY BONUS ORDINANCE, AMENDING THE ATHERTON MUNICIPAL CODE

Report: Town Planner Neal Martin

Recommendation: Conduct the public hearing and introduce the attached ordinance amending the Town of Atherton Municipal Code Title 17 related to the provision of a density bonus.

Deputy Town Planner Lisa Costa Sanders presented the public hearing to introduce an ordinance amending Municipal Code Title 17 related to the provision of density bonus. California law provides requirements that local government jurisdictions shall provide specific density bonuses and/or other incentives or concessions for the production of affordable housing units and child care facilities if requested by an applicant. The CGC also provides that all cities and counties shall adopt an ordinance

that specifies how compliance with the State law provisions will be implemented. The Planning Department provided various scenarios and examples to Council to include the subdivision of one's property and the sale of a lot for an affordable housing use, to better understand how a request for a density bonus would work in Atherton.

Council conducted the public hearing, introduced the ordinance and approved the Planning Commission recommendation to add a provision specifying that any lot created pursuant to the Density Bonus Ordinance provisions shall not be less than 80% of the minimum lot size for the district in which they are located.

MOTION by DeGolia, second by Lewis to introduce the ordinance and return the item for second reading and adoption at the June City Council meeting. The motion passed unanimously.

REGULAR AGENDA - (Items 17-26)

17. ATHERTON DAMES CARRIAGE HOUSE PROJECT – FOLLOW UP TO APRIL 16, 2014 PRESENTATION TO CITY COUNCIL

Report: City Manager George Rodericks

Recommendation: Review and if appropriate, authorize the Mayor to provide a letter of endorsement for the Project.

City Manager Rodericks reported that the Atherton Dames provided a presentation to Council regarding proposed renovation and restoration improvements to the Gen Merrill Carriage House. In addition to providing an overview of the proposed improvements, estimated cost and fundraising goals, the Atherton Dames also requested a written project endorsement from the Town as well as a commitment of Town funds for the project. Council requested that staff meet with the Dames regarding current project status, specific project improvements, anticipated project phasing, and anticipated timelines/scheduling.

The Council expressed their gratitude to the Dames for the worthwhile project and expressed support for renovations to the facility. However, concerns were also expressed with the timing of the project, the need to identify the uses for the Gen Merrill Carriage House along with other facilities in the park, the desire to wait until the Park Master Plan is completed and the need to further vet the project in the community.

Council directed the City Manager to identify and clarify the project, decide on uses, and then work with the Atherton Dames to create a strategy for public outreach from community on their support for the project.

18. OPTIONS FOR PARKER AVENUE - RIGHT OF WAY

Report: Deputy Town Planner Lisa Costa Sanders

Recommendation: Review and discuss the options for handling code enforcement and the disposition of right-of-way on Parker Avenue; and, if appropriate, direct staff to initiate the abandonment of a portion of the public right-of-way

Deputy Town Planner Lisa Costa Sanders reported that Parker Avenue is a unique street in Town where the right-of-way exceeds the typical right-of-way. The situation creates issues related to land use and zoning as well as improvements along the frontage of properties.

At the April 16 City Council meeting staff presented a report for the Council's consideration discussing options for handling the right-of-way on Parker Avenue. Staff returned to the May meeting to address residents' concerns related to the additional tax assessment of the land area. Staff reported that the abandonment of a portion of public right-of-way would result in increased tax assessment to the Parker Avenue property owners however the San Mateo County Assessor's Office indicated that the Assessor's Office is legally prohibited from providing an advisory opinion on the value of property or assessment.

Several residents of the street opined that although they favored an encroachment process that they would support an abandonment process if it can be done in a "gap tooth" method that would offer abandonment to the entire street on a voluntary basis and allow acceptance on a parcel-by-parcel basis.

Following public comment the Council discussed the issue and felt that because it is not entirely clear on which process the majority of the street prefers that they would like to conduct an individual survey of each Parker Ave. resident. Staff will send a certified letter to each resident asking if they prefer an abandonment process or continue with the encroachment process. The encroachment process will be fully explained and consequences of abandonment will be clarified in the survey letter.

19. AUTHORIZE THE RELEASE OF REQUEST FOR PROPOSALS FOR ENVIRONMENTAL DOCUMENT PREPARATION AND GEOTECHNICAL ENGINEERING SERVICES FOR THE CIVIC CENTER MASTER PLAN

Report: Deputy Town Planner Lisa Costa Sanders

Recommendation: Review the attached Request for Proposals (RFPs) for environmental document preparation and geotechnical engineering services for the Civic Center project and authorize their distribution

Costa Sanders reported that this item relates to a Request for Proposal (RFP) for environmental document preparation and geotechnical services for the Civic Center Project.

MOTION by Lewis, second by DeGolia to approve the Request for Proposals (RFPs) for environmental document preparation and geotechnical engineering services for the Civic Center project and authorize their distribution. The motion passed unanimously.

20. CIVIC CENTER PROJECT MANAGEMENT RFP

Report: Community Services Director Mike Kashiwagi

Recommendation: Review the Civic Center Project Management Request for Proposal and authorize its distribution

Community Services Director Mike Kashiwagi reported that staff suggests a Project Management (PM) firm be engaged before a design architect is hired in order to provide technical assistance to the Town and to improve controls on the budget. The PM firm, with its knowledge of construction practices and costs, should be in a better position than the design architect to recommend design decisions that would lead to a lower cost project while still meeting the intent of the program.

Kashiwagi requested two changes to the RFP which included the addition of language in the scope of services to include "perform and document daily construction activities and observations and

quality control” and a change to the schedule to extend the proposal due date from June 5 to June 18 to allow adequate time to submit a detailed proposal.

MOTION by DeGolia, second by Lewis to approve the Civic Center Project Management Request for Proposal, along with the edits provided by Kashiwagi and authorize its distribution. The motion passed unanimously.

21. GENERAL FUND AND OPERATIONS BUDGET FOR FISCAL YEAR 2014/15
Report: Finance Director Robert Barron III
Recommendation: Review and Discuss.

City Manager Rodericks presented the Council with an overview of the major fiscal changes in the Town’s General Fund operations. For FY 2014/15 for the Town’s General Fund, staff projects \$11.6M in General Fund revenues against \$11.5M in General Fund expenditures. This projects a year-end positive balance in the General Fund of \$8.7M (before transfers to and from other financial sources) and a single-year revenue surplus of \$137,849. This is without the inclusion of revenue from the excess Educational Revenue Augmentation Fund (ERAF) and the Town’s Parcel Tax. This also includes the addition of the two (2) sworn personnel raising the complement of sworn personnel from 19 to 21.

Following discussion of General Fund Operations, there was discussion of police services. Rodericks noted that the Police Department represents the single-largest General Fund expenditure for the Town there is continuing discussion and debate of ways to reduce expenditures through shared and contract services. Council expressed their support for the Chief of Police and the superiority of the Department compared to what it previously was. Council felt a study at this time would be a waste of resources and therefore were not supportive of a police services study.

Finance Director Robert Barron III presented Council with a live walk-through of the financial data transparency tool to detail each department’s major budget changes.

The final FY 2014/15 budget will return to Council for adoption at their June meeting.

22. TOWN ARBORIST RESOURCES AND STAFFING LEVEL

Report: City Manager George Rodericks

Recommendation: Consider increasing the Town Arborist position from part-time to full-time status to provide necessary oversight and compliance of Town policies regarding the health and protection of trees on private property, Holbrook Palmer Park and within the public right-of-way. Staff also recommends transitioning this position from a contract position to an in-house hire

City Manager Rodericks explained that staff is suggesting that Council hire a full-time position however Council could consider a concurrent recruitment and an RFP in order to consider which option would provide the Town a better cost for services. Council felt it was prudent to study both options. Council encouraged staff to make it clear that the position responsibilities be clear that *requests for services* will be resident-initiated requests for public services only.

Staff will return to a future Council meeting with the report describing the results.

23. INTRODUCTION OF AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADDING A NEW CHAPTER RELATED TO THE USE OF PLACARDS TO DENOTE CONDITIONS RELATING TO CONTINUED OCCUPANCY OF BUILDINGS

Report: Community Services Director Mike Kashiwagi

Recommendation: 1) Waive full reading and introduce by title only, an Ordinance to amend Title 15 of the Atherton Municipal Code adding a new chapter related to the use of placards to denote conditions relating to continued occupancy of buildings, and 2) Take public comment and schedule the second reading and adoption for the June 18 Regular Meeting.

Community Services Director Mike Kashiwagi informed Council that the report introduces an ordinance amending Title 15 of the Municipal Code for use of placards to denote conditions related to continued occupancy buildings. A panel of building and safety industry experts was convened to review building condition notification protocols and standards during the post-earthquake recovery process based on the Loma Prieta experience.

Kashiwagi noted that one of the major revisions to come from that panel was to develop three placards that clearly identify the condition of buildings to owners and occupants. These revised placards have been included in California's Post-Disaster Safety Assessment Program.

MOTION by Lewis, second by DeGolia to introduce the ordinance, and schedule a second reading at the June 18 City Council meeting. The motion passed unanimously.

24. AUDIO VISUAL DESIGN PROPOSAL

Report: City Manager George Rodericks

Recommendation: Accept the audio-visual design proposal and authorize staff to move forward with the project

City Manager Rodericks presented the report and noted that the return on investment for this system is less than one year.

Council suggested the addition of an additional camera pointing towards the public and the addition of wireless microphones for the audience.

MOTION by Lewis, second by DeGolia to accept the audio-visual design proposal with the addition of microphones and one more camera and authorize staff to move forward with the project. The motion passed unanimously.

25. INFRASTRUCTURE TECHNOLOGY AD-HOC COMMITTEE

Report: City Manager George Rodericks

Recommendation: Allow the Mayor to designate a City Council Ad-Hoc Subcommittee to work with the City Manager to review and research the Town's infrastructure technology and recommend a plan for improvements

The Mayor designated Vice Mayor DeGolia and Council Member Widmer to the Ad-Hoc committee.

26. USE OF THE GILMORE HOUSE

Report: City Manager George Rodericks

Recommendation: Review, discuss and provide direction to staff

City Manager Rodericks suggested that the Gilmore House be used by the Town's Police Officers at the conclusion of their shift, primarily for those officers that commute considerable distances to work. Officers typically work 12-hour shifts in a 3/12, 4/12 weekly shift rotation. It would provide those officers that commute long distances to and from work to get adequate sleep before returning to work, especially when court appearances and extended shifts are thrown into the mix. The Town will work out comprehensive house rules and requirements before moving forward and a formal agreement will be drafted to include that this is not a continuous benefit and can be cancelled at any time provided that adequate notice is given.

After public comment, Council discussed the procedure for maintenance of the house, payment of utilities, and use of the benefit as a recruitment tool.

Although Council agreed that it may not be the most optimal use of the house, Council was supportive of the plan because it brings value to the Town and it allows the Town to maintain the house in case a future City Manager wishes to live in it. Staff will work out the framework and address and review the established "house rules" with police officers.

Item pulled from Consent

13. LETTER TO FEDERAL AVIATION ADMINISTRATION

Report: City Manager George Rodericks

Recommendations: Authorize Mayor to sign and send letter to the Federal Aviation Administration supporting a new flight path into San Carlos Airport

City Manager Rodericks report that the report is a request to send a letter to the Federal Aviation Administration (FAA) to support a new flight path into the San Carlos Airport. At the last Aircraft Noise Working Group meeting, the group decided to support San Carlos Airport Officials effort to approve a new GPS approach to the San Carlos Airport reduce noise over the Menlo Park, Atherton and North Fair Oaks neighborhoods. This approach would be along the same glide path, but it would be elevated by 500 feet, resulting in a glide path with a 3.77 degree slope, rather than the current three degree slope.

After public comment, Council discussed the Working Group's progress on noise abatement through alterations of their flight landing approach, particularly with Surf Air. Council discussed the Working Group's explanations for supporting the proposed GPS approach. Council discussed potentially modifying the letter to include reference to Surf Air and all other commercial airlines flying into the San Carlos Airport.

Council agreed to send the letter as is specific to the FAA and allow Vice Mayor DeGolia and Council Member Widmer to draft a supplemental letter that details specifics and reference to commercial airline noise into San Carlos Airport.

MOTION by Lewis, second by DeGolia to authorize Mayor to sign and send letter to the Federal Aviation Administration supporting a new flight path into San Carlos Airport; and

authorize DeGolia and Widmer to send a separate letter as discussed. The motion passed unanimously.

27. COUNCIL REPORTS/COMMENTS – Nothing further.

28. FUTURE AGENDA ITEMS – None.

29. PUBLIC COMMENTS

30. ADJOURN

Mayor Wiest adjourned the meeting at 11:41 p.m.

Respectfully submitted,

Theresa DellaSanta
City Clerk