



Minutes
Town of Atherton
March 1, 2017
4:00 P.M.

Jennings Pavilion
150 Watkins Ave
Atherton, California

Special Meeting
Joint Study Session
City Council and Park & Recreation Committee

Mayor Lempres called the meeting to order at 4:00 p.m.

ROLL CALL

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

Park & Recreation Members: Roeser, Hoy, Gardner, Kupperman, Timpson, Davey, Narancic

Hoy & Gardner were excused.

PUBLIC COMMENTS – None.

JOINT STUDY SESSION ITEMS

1. REVIEW AND PROVIDE DIRECTION TO STAFF ON THE SCOPE AND BUDGET REGARDING THE PARK CIRCULATION PLAN PROJECTS

Report: Public Works Superintendent Steve Tyler

Recommendation: Review and provide direction to staff on the scope and budget regarding the Park Circulation Plan Projects

The Council and Committee walked the Park to view various improvements that have been made over the last year. Recent capital improvements in the Park include renovations to the turf, completion of the Event Garden, renovations and widening of the west path from the pedestrian bridge to the rear gate, and the installation of new Par Course equipment.

Verde Design provided the Council and Committee with history of the park master plan and approvals. The Design Group then reviewed each design plan with members.

The group discussed the various elements of the plans including pedestrian access ways, turf, parking spaces, and entry elements. The group also discussed the conversion of existing asphalt pathways in the Park (non-bicycle pathways) to decomposed granite pathways.

It was the consensus of the group that staff should include the cost of converting these pathways areas into the Town's Park Maintenance Budget each year section by section instead of the Town's overall Capital Improvement Project budget. Verde Design will incorporate the feedback from the meeting as much as possible in the plans and return for final review by the Park & Recreation Committee for a recommendation to the Council. It is anticipated that a portion of the

improvements will be underway at the beginning of FY 2017/18 as part of the 5-Year Capital Improvement Project Budget.

Park & Rec Chair Bob Roeser explained the committee's recommendations for implementation of the park master plan. Public Works Superintendent Steve Tyler noted that the budget numbers will return to Council during the FY 17/18 Budget cycle this spring.

Adjourn to Study Session of City Council (Only) – 5:34 p.m.

CONSENT (ACTION) ITEMS

2. AUTHORIZATION FOR THE CITY ATTORNEY TO DRAFT AND THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WRNS STUDIO TO MOVE FORWARD INTO THE CONSTRUCTION DOCUMENTS PHASE OF THE PROJECT

Report: City Engineer Marty Hanneman

Recommendation: Authorize the City Attorney to draft and the City Manager to execute an amendment to the professional services agreement with WRNS Studio (WRNS) to prepare construction documents (CD) for the Civic Center Project for a fee not to exceed \$1,182,615

MOTION by Widmer, second by Lewis to authorize the City Attorney to draft and the City Manager to execute an amendment to the professional services agreement with WRNS Studio (WRNS) to prepare construction documents (CD) for the Civic Center Project for a fee not to exceed \$1,182,615. The motion passed unanimously.

STUDY SESSION ITEMS

3. DISCUSSION OF USE OF PUBLIC FUNDS FOR WORK WITHIN THE TOWN'S RIGHT-OF-WAY

Report: City Manager George Rodericks

Recommendation: Review and discuss and provide staff with feedback

Assistant City Attorney Larsen explained that the Town's current Municipal Code Section 8.20.050 for Public Nuisances, defines the following as a Public Nuisance: "...overgrown, dead, decayed, diseased or hazardous trees or other vegetation...weeds and other vegetation likely to harbor rats, vermin or nuisances, that constitute a fire hazard, or vegetation that creates a vehicular, bicycle or pedestrian hazard or otherwise interferes with public circulation or which impedes drainage within the public right-of-way or watercourse..." It was further noted that that same ordinance provides that abatement of such nuisance by the Town (with notice or without due to emergent circumstances) can be done by Town personnel or contractors. The Code is also explicit in that the costs of abatement are the responsibility of the property owner - not the Town.

Staff advised that past practice had been that the Town clears the right-of-way as needed without assessing the cost of abatement to the property owner; but, given the City Attorney's advice on the Town's ordinance, doing so may constitute a gift of public funds unless the Council finds that such work is a public, municipal purpose. Normal issues of negligence apply and damage caused by any tree felling would be the responsibility of the property owner. The issue discussed is the cost of clearing the path of travel in the Town's right-of-way.

The Council discussed the various elements and past practice and took public comment. The Council asked what was done by neighboring agencies in these circumstances. After discussion, the Council asked that staff do additional research on the topic, in particular, what changes can be made to the Town's municipal code to address this issue, if desired; and, how is the issue handled by adjacent jurisdictions.

4. REVIEW AND DISCUSS SHORT-TERM RENTALS, ENFORCEMENT AND FUTURE POLICY ISSUES IN ATHERTON; AND PROVIDE STAFF WITH DIRECTION

Report: Acting Chief of Police Joe Wade

Recommendation: Review and discuss short-term rentals, enforcement and future policy issues in Atherton; and provide staff with direction

City Manager Rodericks noted that the Council had asked for an update on how short term rentals were addressed in Atherton and what the experience has been on the issue. Staff advised as to issues related to recent code enforcement activity as well as potential options for Council consideration if there was a desire to change current law. Staff noted that current law does not allow for rental periods less than 30 days (short-term).

One member of the audience spoke about how she hosts many guests from many beneficial organizations and guests such as families of people sick or dying at Stanford. She charges \$129-\$149/ night. She is willing to continue to operate on a trial basis with permit for one year with percentage going to town.

John Davey – suggested discussing this as a revenue opportunity.

The Council discussed the various issues related to noise, traffic, and other issues in residential neighborhoods.

Vice Mayor Wiest suggested a trial basis that includes a very clearly defined ordinance.

Council Member Widmer was not in favor as he felt that some individuals/companies are buying properties in Atherton just to rent the whole property out.

Council Member Lewis was not in favor because she felt it would change the character of the Town's General Plan.

Council Member DeGolia suggested putting a survey on Open Town Hall to get more feedback from the community.

Mayor Lempres was in favor of looking at a more tailored way to do this that would be effective and logical and can be made to work out for all.

Following discussion and public comment, the Council asked that staff do some additional research on impacts of short-term rentals in residential neighborhoods and opportunities to change the Town's municipal code to address the ability of property owners to engage in short-term rentals.

ADJOURN

MOTION by Lewis, second by DeGolia to adjourn the meeting. Mayor Lempres adjourned the meeting at 6:26 p.m.

Respectfully Submitted,

Theresa N. DellaSanta
City Clerk