



Minutes
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
January 16, 2013
7:00 p.m.
94 Ashfield Road
Atherton, California
REGULAR MEETING

The meeting was called to order by Mayor Lewis at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL Lewis, Dobbie, Widmer, Wiest, Carlson

Council Member Dobbie was excused.

3. PRESENTATIONS

Council Member Widmer presented City Clerk DellaSanta with a plaque thanking her for her time served as interim City Manager.

HERITAGE TREE REMOVAL PROCESS – Staff report included
Report: Town Arborist Kevin Kielty

Town Arborist Kevin Kielty presented Council with a staff report and provided an overview of the heritage tree removal process.

Kielty explained that the new guidelines require applicants to apply for the tree removal permit and pay the fee, prior to the Town Arborist conducting an inspection. This will allow Staff to better track permits and ensure better cost recovery of actual time spent. The Arborist then conducts a formal site inspection and reviews all pertinent materials required for the project such as an arborist report submitted by the applicant. At the Site Inspection the Town Arborist evaluates the tree(s) proposed for removal. The Arborist inspects the tree for several different conditions. Based on the inspection and any additional information provided, the Town Arborist will determine if the Heritage Tree Removal Application can be reviewed at Staff level or should be referred to the Planning Commission. If the application remains at Staff level, the Arborist will determine if the tree meets the required findings for removal.

Council thanks Kielty for his presentation.

4. PUBLIC COMMENTS

Jon Buckheit, Atherton resident, recognized DellaSanta for her work as interim City Manager.

Phil Lively, Atherton resident, thanked Council for approving a \$20,000 appropriation to the Atherton Disaster and Preparedness Team (ADAPT). Lively indicated that ADAPT has run into some problems with the procurement policy and hopes to get a plan to donate items approved.

5. **REPORT OUT OF CLOSED SESSION** – There was no closed session.

6. **CITY MANAGER’S REPORT**

Vice Mayor Carlson asked Rodericks if he has any input with regard to Phil Lively’s comments. Rodericks said he spoke with Lively and he is working with staff on creating a donation policy.

Carlson asked if the library audit is still on the radar. Rodericks said he has a Library JPA Operations meeting the following week and he plans to meet and discuss it with the Library Executive Director.

Mayor Lewis noted that with the amount of rain we have been getting the Town should not be complacent about the channel. She added that we should do all we can to mitigate any erosion.

Public Comment:

Kathy McKeithen questioned the vehicle code violations and incident figures under the Police Department section of the report. She questioned how many tickets versus warnings were given, and how many suspicious people contacted by police personnel were actually in their cars.

City Manager Rodericks said staff can follow up with those figures.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** -

CONSENT CALENDAR (Items 8-13)

Council Member Widmer said he would like to comment on items 8 and 12, and pull 13.

8. **APPROVAL OF DECEMBER 19 REGULAR MEETING MINUTES**

Recommendation: Approve meeting minutes

Widmer said he was not at the December meeting. He congratulated Lewis and Carlson, and welcomed Wiest.

Widmer asked for clarification on the motion to reconsider the salary and benefits.

Mayor Lewis suggested that Widmer discuss this under the salary and benefits item on the regular agenda. Widmer agreed.

Kathy McKeithen, Atherton resident, said she objects to rules and procedures that were followed in reconsidering the motion.

9. APPROVAL OF BILLS AND CLAIMS FOR DECEMBER, 2012 IN THE AMOUNT OF \$844,409

Recommendation: Approve Bills and Claims in the amount of \$844,409

**10. REVIEW AND APPROVAL OF RESOLUTION ACKNOWLEDGING PARTICIPATION IN THE SAN MATEO COUNTY SUB-REGION FOR THE REGIONAL HOUSING NEEDS ALLOCATION PROCESS (RHNA) AND ACCEPTANCE OF THE ASSIGNED HOUSING SHARE
(2) AUTHORIZATION TO CONTRACT WITH C/CAG FOR DEVELOPMENT OF HOUSING ELEMENT DATA FOR 2014-22 HOUSING ELEMENT**

Report: Town Planner Neal Martin

Recommendation: (1) Review and adopt the attached Resolution acknowledging participation in the San Mateo County Sub-region for the Regional Housing Needs Allocation (RHNA) Process and acceptance of the assigned housing share in accordance with the Sub-regional Technical Advisory Committee and Policy Advisory Committee recommendations.

(2) Authorize City Manager to enter into an agreement with C/CAG for development of Housing Element data for 2014-22 Housing Element

11. PLACEMENT OF DONATED STATUES AT HOLBROOK-PALMER PARK

Report: Public Works Director Mike Kashiwagi

Recommendation: Approve recommendation from the Atherton Park and Recreation Commission and the Atherton Arts Committee (AAC) to locations for placement of donated artwork in Holbrook-Palmer Park

Motion by Widmer, second by Carlson to approve items 8 through 11. The motion passed 4-0.

Council took up item 12 next.

12. ADOPT A RESOLUTION FOR THE REVISION OF THE GRADING AND DRAINAGE CRITERIA

Report: Public Works Director Mike Kashiwagi

Recommendation: Adopt a resolution for the revision of the Grading and Drainage Criteria per the adopted Ordinance no. 573

Council Member Widmer asked if this is associated with a statewide change.

Kashiwagi said that statewide changes were included in addition to a number of other necessary revisions.

Mayor Lewis noted that the process to revise and create the new criteria has been carefully researched and reviewed with stakeholders. Lewis added that the Town should reaffirm its commitment to monitor the upper channel.

MOTION by Widmer, second by Carlson to adopt a resolution for the revision of the Grading and Drainage Criteria per the adopted Ordinance no. 573. The motion passed unanimously.

13. WATKINS HOUSE RESIDENCY

Report: City Manager Rodericks

Recommendation: Direct the Mayor and Vice Mayor to work with the City Manager to revise his contract to adjust for the housing benefit

Council Member Widmer noted that he was on the ad-hoc committee that negotiated Rodericks' contract. Widmer indicated that he recalled he was pretty adamant that Council wanted a City Manager to live in town and they gave flexibility on timing for Rodericks and his family to move to Atherton.

Council Member Wiest asked if this is a personnel issue. City Attorney Connors felt it was an administrative question on how to move forward and therefore is public, but the actual negotiations can take place in a closed session with an ad-hoc committee.

Vice Mayor Carlson said the he does not recall making the search for a City Manager contingent upon finding someone who would live in the house. He added that he assumed if the City Manager were to live in the house that the amount of salary would be reduced by the value of the house. Carlson said there are complexities beyond Rodericks control that make it impossible for him to move at this point in time.

Mayor Lewis agreed that she understood that employment was not predicated on the City Manager living at the Watkins residence. Her understanding was that it was an added benefit that if he chose to take his salary would be reduced. Lewis added that she is uncomfortable discussing the City Managers personal situation in public.

Public Comment:

Jon Buckehit, Atherton resident, said that in the past when the City Manager chose to live in the house, he/she was also required to work there and therefore the net compensation was zero. He said for that reason there should be no increase in compensation.

Kathy McKeithen felt the staff report was a gross misstatement of negotiations. McKeithen went through the staff report and rebutted several of the points. McKeithen said that in the interest of transparency the Council Member that requested this staff report should be identified.

Malcolm Dudley, Atherton resident, said as a former member of City Council he recalled that the house was a benefit to City Managers and the deal was that they would take it only if they needed it.

Council Member Widmer read a letter from Robert Ferrero into the record.

Public Comments closed.

Council Member Widmer felt that the City Managers contract is only a couple of months old and it would not be wise to make changes at this time. He added that the Town is still spending funds on improving the house and felt it was an asset to the Town. Widmer concluded that taxpayer's should not have to bear the burden of paying for an additional salary because someone does not want to live in the house.

Vice Mayor Carlson suggested holding a closed session negotiation to go back and review what transpired during the recruitment and see if we can clarify the expectations. Carlson added that there are alternatives for the house including having another employee live in it, or even renting it out.

Council Member Wiest didn't feel it would be appropriate to start negotiations over, but he did agree with a closed session to help settle it.

Mayor Lewis said she will appoint an ad-hoc committee consisting of herself and Council Member Carlson and the item will be table until a future meeting.

PUBLIC HEARINGS - None

REGULAR AGENDA – (Items 14-22)

14. APPOINTMENT TO FILL VACANCY ON TRANSPORTATION COMMITTEE

Report: City Clerk Theresa DellaSanta

Recommendation: Appoint member to fill vacancy on Transportation Committee

City Clerk DellaSanta informed Council that this item was tabled from the December meeting because at least one Council Member was absent. DellaSanta suggested tabling it to February since one Council Member is absent at this meeting too.

Council agreed to table item 14 until the February Council meeting.

15. COMMISSION | COMMITTEE DISCUSSION AND DIRECTION

Report: City Manager Rodericks

Recommendation: Review and Direct Staff Accordingly

City Manager Rodericks reviewed resolution 12-16 governing Committees and Commissions. Rodericks lined out 10 areas where the resolution could be enhanced or changed.

Council Member Widmer asked what precipitated this report and what communications has been conveyed to the Committees.

Rodericks said this report was for Council to take an objective look at changes that he felt would be appropriate.

Public Comment:

Smith McKeithen, Atherton resident, asked what Council procedures for opening up public comment will be in the future. McKeithen noted that he prefers to hear what Council has to say before he makes his public comment.

Conners said Mayors have an awful lot of flexibility on how they run their meetings and as long as the rules are followed he is fine with how they prefer to run it.

Mayor Lewis said she has attended four New Mayor and Council Members conferences through the League of California Cities and she is following the guidelines set out and taught by the League.

Kathy McKeithen, Atherton resident, questioned which staff member brought forth the changes in the report. She felt a nepotism policy was not needed. McKeithen disliked that the idea of disbanding an Arts Committee which holds numerous events for the residents. McKeithen disagreed with all changes in the report.

Larry Sweeney, Transportation member, said there was a workshop on these committees just last summer and the general consensus was not to disband the Transportation committee.

Sandy Crittenden, Atherton resident, questioned how the Arts Committee can still utilize the Evans Trust if they were no longer a Brown Act compliant committee. Crittenden suggested that forming the Arts Committee into something like the Holbrook Palmer Park Foundation could work.

Malcolm Dudley, Atherton resident, said there is a long history with the Arts Committee and he was shocked to see consideration of disbanding the committee.

Jon Buckheit, Atherton resident, said it is important for the Town to have as many volunteers as possible, and he didn't feel the Town can afford to dispense the help.

Public Comment closed.

Vice Mayor Carlson went through the list of areas suggested for change. Carlson did not agree with many of the changes and he felt that Council needs to be thinking about the best ways to engage the residents. Carlson said staff should ask the Arts Committee for their input on whether or not they want to remain a Brown Act complaint committee. Carlson concluded that he would like to see the Transportation Committee become more involved in a bike and pedestrian master plan, and he felt the application for committees and commissions needs to be updated.

Council Member Wiest felt the Town should give every member serving a committee the opportunity to give input before we disband. Wiest echoed several of Council Member Carlson's comments. Wiest concluded that he would like to see an updated version of the committee application which provides better information to Council Members.

Council Member Widmer felt that the commission and committees resolution has already been looked at and revised. He felt there was still consternation from the previous process and the Council should move on.

Mayor Lewis noted that the staff report was not calling for action by Council. It was merely ideas and suggestions that staff felt Council might want to consider. Lewis added that the Arts Committee does a lot of work for the Town and they deserve careful consideration when discussing potential disbandment.

City Manager Rodericks noted that the concern with the Arts Committee is that they are a formal town committee subject to the Brown Act and it makes it challenging for them conform to the Town's procurement policy, particularly with holding art shows where they sell their own art.

Rodericks said he heard Council's thoughts and staff will not move forward on any of the suggestions in the report except revisions to the resolution to disband the Town Center Task Force and Atherton Library Steering Committee.

Council suggested asking members of the Arts Committee for their input on how they prefer to operate.

No formal action was taken.

16. APPROVAL OF CITY COUNCIL COMMITTEE ASSIGNMENTS

Report: City Clerk DellaSanta

Recommendation: Approve Committee Assignments

Council Member Widmer read a statement from Council Member Dobbie who was not present. Dobbie felt that the Mayor deliberately excluded him and Widmer from certain Committee assignments which they felt they were better qualified for.

Council Member Widmer said he was disappointed in the final selections. He requested four committees and received none. Widmer noted that in previous years Council Members were always appointed to at least one Committee of their choice.

Public Comment:

Kathy McKeithen, Atherton resident, said she felt the selections were a personal vendetta against Council Members Dobbie and Widmer. McKeithen said this does not illustrate collaboration and she was horrified at the process.

Mayor Lewis noted that there are 4 Town Committees and 14 agency Committees, and Council Member Dobbie did not request one agency committee.

MOTION by Carlson, second by Wiest to approve the committee assignments. The motion passed 3-1, with Widmer opposed.

17. TOWN CENTER AND LIBRARY COMMITTEE SELECTION

Report: City Manager Rodericks

Recommendation: See Staff Report

City Manager Rodericks summarized his report.

Council Member Widmer asked how staff time will be allocated for the Town Center project.

Mayor Lewis noted that there is \$1.8 million set aside for the building department portion and there is a fundraising committee not affiliated with the Town that is currently collecting donations.

Council Member Wiest asked for clarification on how the project will be funded in light of Council considering a joint committee.

City Attorney Connors said Council is the only governing body that can allocate money for the project, and any funds that are allocated will be tracked and segregated separately.

Mayor Lewis said the residents were clear during the election that they wanted the project to move forward through private donations. Lewis said the Town has staff and residents who are motivated to push things forward.

Public Comment:

Phil Lively, Atherton resident, suggested combining the two committees and putting the brightest people on the committee and get this project done once and for all.

Council Member Carlson was in favor of moving forward by consolidating the committees and beginning a recruitment for members.

Council Member Widmer was in favor of a master plan. He was not in favor of disbanding the committees because he did not want to lose the intellectual knowledge associated with each project.

Council Member Wiest supported consolidation of the committees and a master plan. He requested a timeline of events associated with the project.

Discussion ensued on the process including creation of a charter and recruitment for committee members.

MOTION by Carlson, second by Lewis to formally disband the Town Center Task Force and the Atherton Library Steering Committee, send letters of thanks to the resident appointed committee members, process the formation of a Community Center Advisory Committee, solicit membership, appoint two Council Members, and have staff begin working on a Master Plan and Design for the new Community Center to include the Library and Town Hall.

The motion passed 3 to 1 with Widmer opposed because he was not in favor of disbanding the committees.

18. SALARY AND BENEFITS RESOLUTION FOR UNREPRESENTED EMPLOYEES

Report: City Manager Rodericks

Recommendation: Adopt Resolution Approving Salary and Benefits for Unrepresented Employees

City Manager Rodericks summarized his report.

Vice Mayor Carlson asked what constituted a salary survey. Rodericks said that there were some recommendations for class changes around May of 2012 and the salary survey was reviewed with Council in a closed session.

Council Member Widmer gave a PowerPoint presentation on the process taken during 2012 for negotiations with unrepresented staff. Widmer disagreed with figures in the report and reviewed several salary and benefit comparisons with surrounding jurisdictions. [A copy of the presentation can be obtained through the City Clerk's office].

Public Comment:

Malcolm Dudley, Atherton resident, supported treating the employees fair and competitive. Dudley said he spent copious amount of time reviewing the information with respect to salary and benefits for public and private sectors. He added that when you look at it in terms of education, skills, years of service and salary then we are underpaid by about 3.7%.

Council Member Widmer did not agree that employees are underpaid.

Council Member Wiest said that this was not an easy decision because it affects people's lives. Wiest said he is happy that staff has been willing to work with Council on a fair and equitable solution.

Vice Mayor Carlson said his previous concerns were with principles and implementation. Carlson said both have been addressed and he is pleased with the employees, and their hard work

Mayor Lewis acknowledged her appreciation for the employees. Lewis felt this helps achieve the Towns overriding goals and objectives of transferring health and pension obligations to employees without overburdening the employees.

MOTION by Lewis, second by Carlson to adopt Resolution Approving Salary and Benefits for Unrepresented Employees. The motion passed unanimously.

19. REVIEW OF PLANS AND ISSUES FOR MENLO-ATHERTON LITTLE LEAGUE TO MAKE IMPROVEMENTS TO LITTLE LEAGUE FIELD AT HOLBROOK-PALMER PARK

Report: Public Works Director Mike Kashiwagi

Recommendation: Approve the review process and issues for an amendment to the agreement with Menlo-Atherton Little League (M-ALL) to construct and maintain improvements to the baseball field at Holbrook-Palmer Park

Kashiwagi summarized his report. He added that staff met with representatives from the Little League and there were no major concerns.

Vice Mayor Carlson asked if the plans will be shared with the Park & Recreation Commission. Kashiwagi said the staff report will be made available to the Commission for their review.

Rodericks suggested that the Park & Recreation Commission form an ad-hoc committee to review the plans and submit formal comments to the Planning Commission.

Widmer reminded Council that the November vote did not circumvent any plans already in process however he was in favor of the Park & Recreation Commission having another chance to review the plans.

Public Comment:

Wally Sleeth, Atherton resident, spoke on behalf of Sandy Crittenden who suggested a CEQA review for this project.

Marylue Timpson, Atherton resident, said the Park & Recreation Commission would like to have one more chance to review the plans.

Mike Gardner, Little League, said the Park & Recreation already reviewed plans and unanimously approved them. He added that this project has gone on and around for over three years. Gardner would really like to move forward.

Bob Roeser, Atherton resident, cautioned people to stay positive and accelerate the project.

MOTION by Carlson, second by Lewis to approve the review process and issues for an amendment to the agreement with Menlo-Atherton Little League (M-ALL) to construct and maintain improvements to the baseball field at Holbrook-Palmer Park, and ensure that at a minimum, an Ad-hoc committee from the Parks & recreation Commission would have the opportunity to provide input to the Planning Commissions processing of the application.

The motion passed unanimously.

- 20. RESUMPTION OF FULL EVENT BOOKINGS AT HOLBROOK-PALMER PARK**
Report: Public Works Director Mike Kashiwagi
Recommendation: Provide direction to staff regarding Council's interest in the resumption of full event bookings at Holbrook-Palmer Park

Council Member Widmer said the only concern he ever had with events was the size, particularly because parking became an issue.

Kashiwagi noted that even with resumption of the weddings there would still be a size limit. Kashiwagi said the caterer charges by head so it would be fairly easy to control.

Carlson suggested setting up a reserve account for the park that would capture all revenues and expenses. He added that the playschool revenue ought to be included as well.

Wiest suggested a valet option in the contract to reduce overflow parking. The public parking around Town Hall could be utilized.

MOTION by Lewis, second by Carlson to direct staff to come back to Council with a detailed plan. The motion passed unanimously.

- 21. RECOLOGY REPORT & RATE UPDATE**
Report: City Manager George Rodericks
Recommendation: Receive and File

Rodericks summarized his report. Rodericks noted that current rates (2012-2013) are static but the cost methodology needs to be evaluated in the coming year in an effort to equalize costs for service delivery, particularly for green carts.

Council Member Widmer noted that there was a study done by a consultant and it is very important that we agree to this rate because it will be the base rate from here on out. Increases will be based on CPI adjustments.

Vice Mayor Carlson agreed and added that he would like to look further into the green cart rates.

No Action Taken.

22. APPROVAL OF REQUEST FOR PROPOSAL FOR A NEW TOWN PHONE SYSTEM

Report: City Manager George Rodericks

Recommendation: Approve Request for Proposal (RFP) to replace the Town telephone system

Rodericks reported that the Town's telephone system is failing and the RFP starts the process for replacing the deteriorating system.

MOTION by Carlson, second by Wiest to approve the RFP to replace the Town telephone system with the caveat that staff will receive and consider additional options from Council Widmer. The motion passed unanimously.

23. COUNCIL REPORTS/COMMENTS – Nothing further.

24. FUTURE AGENDA ITEMS

A. HIGH SPEED RAIL FUNDING FOR CITIZEN GROUP

-Vice Mayor Carlson and Council Member Widmer

Motion by Carlson, second by Widmer to add item to the next agenda. The motion passed unanimously.

B. LETTER TO CALTRAIN REGARDING REMOVAL OF HOLDOUT STATION

-Mayor Lewis and Vice Mayor Carlson

Motion by Carlson, second by Lewis to add item to the next agenda. The motion passed unanimously.

25. PUBLIC COMMENTS – None.

26. ADJOURN

MOTION by Carlson, second by Lewis to adjourn the meeting. The motion passed and Mayor Lewis adjourned the meeting at 11:06 p.m.

Respectfully submitted,

Theresa DellaSanta

City Clerk