



Minutes
Town of Atherton
CITY COUNCIL
May 15, 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, Dobbie, Widmer, Wiest, Carlson

Dobbie was absent from the May 15th meeting.

3. **PRESENTATIONS**

ADAPT/ACIL Presentation – Scott Barnum, ADAPT & John Davey, ACIL

Barnum and Davey spoke about preparedness efforts in the community emphasizing that preparedness activity begins and ends at the local level – specifically, at home.

It is vital that residents are prepared at home because depending on the type of disaster, it could take up to a week before basic services could be restored. Disaster professionals advise that the most important thing we can do is be prepared to survive for 72 hours in our homes. That’s a conservative estimate as first responder resources and priorities will be strained. In reality, it could be closer to a week before help arrives. “Sheltering in Place” will save the most lives. Local first responders (ADAPT, CERT, Menlo Fire, APD, and the Town) have divided Atherton into “districts” for coverage and response. Residents within these districts can support each other through local neighborhood efforts.

HIP Housing Presentation – Laura Fanucchi, Associate Director

Katie Comfort Carr addressed the Council. Carr discussed that HIP Housing is a non-profit organization that creates homes for thousands in San Mateo County. HIP Housing invests in human potential by improving the housing and lives of people in the county. Founded in 1972, HIP Housing initiates programs to assist the disadvantaged and disabled living in San Mateo County. More information on HIP Housing can be found on their website at www.hiphousing.org.

4. **PUBLIC COMMENTS**

William Grindley updated Council on the continuing efforts laid out against High Speed Rail.

5. **REPORT OUT OF CLOSED SESSION, 6PM Session**

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

Agency Negotiators: George Rodericks, City Manager; Geoffrey Rothman, Renne Sloan Holtzman Sakai, LLP.
Employee Organization: APOA

City Attorney Bill Connors stated that there was no reportable action.

6. **CITY MANAGER’S REPORT**

a. **Community Center Advisory Committee Report**

City Manager Rodericks commented that the Town had not yet received reimbursement for the costs incurred during the most recent presidential visit and noted the Chief’s attendance at a recent School Safety Summit.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-15)

8. **APPROVAL OF APRIL 15 SPECIAL MEETING AND APRIL 17 REGULAR MEETING MINUTES**

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes

9. **APPROVAL OF BILLS AND CLAIMS FOR APRIL, 2013 IN THE AMOUNT OF \$816,211**

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$816,211

10. **FINANCIAL REPORT FOR APRIL 30, 2013**

Report: Finance Director Robert Barron III

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

11. **ACCEPTANCE OF TREASURER’S REPORT FOR THE FIRST QUARTER ENDED MARCH 31, 2013**

Report: Finance Director Robert Barron III

Recommendation: Accept the Treasurer’s Report for the first Quarter Ended March 31, 2013

12. **TOWN RESPONSE TO CIVIL GRAND JURY REPORT TITLED: “CAN WE TALK? LAW ENFORCEMENT AND OUR MULTILINGUAL COUNTY”**

Report: Police Chief Ed Flint

Recommendation: Staff recommends that the City Council accept the attached final proposed draft as the Town's response to the Civil Grand Jury

15. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE 2013 SPRING PATCHING PROJECT

Report: Community Services Director Mike Kashiwagi

Recommendation: Accept work and authorize recording of a notice of completion for the 2013 Spring Patching Project, Number 56055

MOTION by Widmer, second by Wiest to approved the consent calendar with the exception of items 13 and 14. The motion passed unanimously.

PUBLIC HEARINGS - None

REGULAR AGENDA – (Items 16-21)

16. PUBLIC INPUT REGARDING: INFORMATION ON UPCOMING CONTRACT NEGOTIATIONS – ATHERTON POLICE OFFICERS ASSOCIATION

Report: City Manager George Rodericks

Recommendation: Take public comment on the upcoming labor negotiations

City Manager Rodericks explained that this item was an opportunity for the community to provide input on the pending APOA MOU Negotiations. Rodericks provided a report outlining the salary and benefit issues as well as the requirements for collective bargaining. The Report covered the Town's organization and organizational chart, salary and benefit costs by department, pension and other post-employment benefit obligations, the Meyers-Millias-Brown Act, the Meet and Confer process, Impasse and Fact Finding, Pension Reform, and the 2013 Negotiation. Several residents spoke at the meeting providing input into the process on topics such as support for the Police Department, requiring police officers to pay their share of the pension obligation, membership within the APOA, outsourcing the police services, the provision of high-quality services, the parcel tax, and changes to the command structure within the Department. Since the item was "informational" there was no discussion by the Council.

No Action was taken.

17. DISCUSSION AND DIRECTION: INFORMATION ON RELATIONSHIP BETWEEN THE TOWN OF ATHERTON AND THE SAN MATEO COUNTY LIBRARY JPA

Recommendation: To Be Determined

Rodericks stated that this item is a discussion of the April Colleague's Memorandum on the relationship of the Town to the San Mateo County Library JPA. The Council discussed the possibility of the Town leaving the JPA, the struggle to obtain detailed financial data for the Atherton Branch, the legal issues connected to the use of donor funds and "ownership" of those funds, as well as the direction to head next. Issues such as transparency, the JPA's power over the use of donor funds, monthly accounting, and local control were discussed. The Council heard public

comment on the issue that advised them to “follow the money” in evaluating how events transpired over the last several years.

The Council directed that staff to investigate feasible options for maintaining and enhancing library services to the community, evaluate legal options for withdrawal from the JPA and the impacts thereto, and get a report back from the Community Center Advisory Committee on the size needs for the Atherton Library. Council discussion made it clear that the Library is a priority; that donor funds should only be spent on library services and library capital infrastructure; and that it is important to protect local control over local revenues and library property tax revenues are no exception.

MOTION by Lewis, second by Carlson meet with SMCL representative and create an agreement to have donor funds reside on Atherton books; discuss usage of funds and define the meaning of library service; and agree that if Atherton withdraws from the JPA that the funds will still be available to Atherton. Additionally, make it very clear that in no way can the funds be used for the civic center construction except for the library portion. The motion passed 3-1, Widmer abstained.

18. USE OF POLLING FIRM FOR PARCEL TAX RENEWAL

Report: City Manager George Rodericks

Recommendation: Consider the use of professional services for assistance with the upcoming parcel tax renewal and evaluation of other potential revenue sources and direct staff accordingly

Rodericks explained that this item is for use of a polling firm in connection with the possible renewal of the parcel tax in November 2013. The Council discussed the merits of using a firm as well as the methodology that could be employed. The Council selected True North Research, Inc..

Timothy McLarney, President, True North Research, provided clarification about the survey methodology and process to help ease concerns.

MOTION by Lewis, second by Wiest to approve the use of True North Research, Inc. to assist in providing polling and survey research for the proposed parcel tax renewal. The motion passed 3-1 (Widmer opposed).

Widmer noted that he did not want to approve spending funds until he knew that the residents would support renewal of the parcel tax.

An Ad-hoc subcommittee of the Council was created to assist staff and True North Research in crafting survey questions. It is anticipated that work will be complete within the next 8 weeks.

19. EVENT GARDEN AT HOLBROOK-PALMER PARK

Report: Community Services Director Mike Kashiwagi

Recommendation: The Park and Recreation Commission recommends that Council approve the Holbrook Palmer Park Foundation to proceed with their plan for the design phase of a new Events Garden area at Holbrook Palmer Park

This item involved a presentation by the Holbrook Palmer Park Foundation through Shirley Carlson on a project in the Event Garden at the Park. Mrs. Carlson presented a conceptual drawing that had already been through the Parks and Recreation Commission with continued concurrence. The Council reviewed and approved the project in concept. Any project still has to go through the Town's formal approval processes. It was recommended that the Town and Foundation enter into a funding agreement for the project to cover issues such as total project cost, management, and changes.

MOTION by Carlson, second by Widmer to approve the project in concept. The motion passed unanimously.

20. POLICY AND FEE RECOMENDATIONS FOR WEDDINGS IN THE PARK

Report: Community Services Director Mike Kashiwagi

Recommendation: Review staff report and adopt the recommended policy and fee structure for weddings at Holbrook-Palmer Park

Rodericks explained that this was continued discussion of returning weddings to the Park. Staff presented a list of fees and policies to use should the Council support the return of weddings in the park. Following discussion and public comment, the Council felt there were still a number of unanswered questions with respect to exactly how things would be managed as well as eliminating any difference between a private wedding event and a large corporate event.

Council directed staff to return with a more detailed policy for events at the park (weddings and corporate) and develop a request for proposal outlining the scope of work for concessionaire services to operate and manage such events.

21. CITY MANAGER AGREEMENT

Report: City Manager Rodericks

Recommendation: As Directed

Rodericks explained that this item was placed on the agenda so that the Council could make any adjustments to the current agreement should they desire to do so following the recent performance appraisal process. The Council discussed the performance of the City Manager and suggested changes to the employment agreement. The issues centered around the house provided by the Town for use by the City Manager, the City Manager's inability to use the house, and a debate about the appropriate level of compensation given those facts and the Manager's performance.

MOTION by Lewis, second by Carlson revisions to the Agreement to address the City Manager's continued compensation and performance. The motion passed 3-1, Widmer opposed.

ITEMS REMOVED FROM CONSENT

13. APPROVE RESOLUTION 13-XX ESTABLISHING GUIDELINES FOR A FEE WAIVER POLICY

Report: City Manager George Rodericks

Recommendation: Adopt Resolution establishing guidelines for a fee waiver policy

Rodericks stated that this item was consideration of a policy to address fee waivers for use of Holbrook Palmer Park and Banners. The Council discussed the need for the policy, current practice, the policies applicability, and some verbiage within the proposed policy.

MOTION by Lewis, second by Carlson to approve the policy with minor adjustments. The motion passed 3-1, Widmer opposed.

Widmer noted that the park budget should be clarified before this is passed.

14. APPROVE RESOLUTION ESTABLISHING GUIDELINES FOR A BANNER POLICY

Report: City Manager George Rodericks

Recommendation: Approve Resolution No. 13-xx establishing the Town of Atherton banner policy

Rodericks outlined the concerns with current practice and advised that the proposed policy is consistent with current practice. While the current Town Banner Permit limits banners solely to “Town-Sponsored” events, there is no formalized definition of what that means. In practice, over the years, the policy has been interpreted to allow banners so long as they are associated with organizations connected to Atherton residents. The result has been that banners that are not related to “town-sponsored” events are hung after obtaining a permit. In doing so, the Town’s policy is actually an “all are welcome” policy, as the Town cannot regulate content with respect to banners.

Staff advised that the Council needs to choose between the “all” or “limited” approach for banners.

City Attorney Connors opined further explaining the legal challenges the Town might face with respect to regulating banner placement.

MOTION by Widmer, second by Lewis to approve the policy, with changes, limiting banners to town events and town-sponsored events. As a result, some groups that traditionally have been able to use the banner site will be unable to do so in the future. The motion passed unanimously.

22. COUNCIL REPORTS/COMMENTS

Mayor Lewis said she will be attending the Council of Cities business meeting and recommending Half Moon Bay Council Member Alan Alifano for the vacant LaFCO seat. There were no objections.

23. FUTURE AGENDA ITEMS – None.

24. PUBLIC COMMENTS – None.

25. ADJOURN

MOTION by Wiest, second by Widmer to adjourn the meeting. The motion passed and Mayor Lewis adjourned the meeting at 11:18 p.m.

Respectfully submitted,

**Theresa DellaSanta
City Clerk**