



MINUTES
Town of Atherton
CITY COUNCIL
ATHERTON CHANNEL DRAINAGE DISTRICT
December 19, 2012
7:00 p.m.
94 Ashfield Road
Atherton, California
REGULAR MEETING

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

PLEDGE OF ALLEGIANCE

ROLL CALL Lewis, Dobbie, Widmer, McKeithen, Carlson

Council Members McKeithen and Widmer were excused.

REGULAR AGENDA (Items 2-3)

2. ADOPTION OF A RESOLUTION DECLARING THE RESULTS OF THE ELECTION HELD ON NOVEMBER 6, 2012, TO FILL TWO FULL-TERM COUNCIL SEATS

Report: City Clerk Theresa DellaSanta

Recommendation: Adopt resolution declaring the results of the Election held on November 6, 2012

City Clerk DellaSanta read the official results of the election to fill two full-term council seats.

Motion by Carlson, second by Dobbie to adopt resolution declaring the results of the Election. The motion passed.

Ayes: 3 Nays: 0 Abstain: 0 Absent: 2

3. ADOPTION OF A RESOLUTION DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 6, 2012 FOR MEASURES “F”, “L”, AND “M”

Report: City Clerk Theresa DellaSanta

Recommendation: Adopt a Resolution declaring the results of the November 6, 2012 Election

City Clerk DellaSanta read the official results of the election for Measures “F”, “L”, and “M”.

Motion by Carlson, second by Dobbie to adopt resolution declaring the results of the Election. The motion passed.

Ayes: 3 Nays: 0 Abstain: 0 Absent: 2

4. PRESENTATIONS

OATH OF OFFICE – COUNCIL MEMBERS ELIZABETH LEWIS AND CARY WIEST –

The oath of office was administered to incumbent Council Member Elizabeth Lewis and new Council Member Cary Wiest by City Clerk DellaSanta.

MESSAGE FROM OUTGOING MAYOR

Mayor Widmer’s wife, Mary Beth, read a speech on behalf of Widmer who was not present. Below is a summary of comments. The entire speech can be accessed through the City Clerk’s office.

“To all members of our great community, I want to take this opportunity to thank you again for the support you gave me back in 2010 during my campaign. It has been and continues to be my honor to serve you. To my fellow Council members, thank you for the honor of serving as Mayor over this last year.”

“At the beginning of the year, almost all City Management positions were being filled by contractors. ... Over the last 12 months, the Town filled 3 key roles.”

“During the year, the Town renewed the outsourcing contracts it initiated the year before. The Town did gain some additional concessions and commitments from these contractors, who, based upon resident inputs, are all doing an excellent job.”

“The last major objective was to improve the use of standard technology to boost our efficiencies and openness to the public.”

“Additionally this year, the Council began to address some long term financial issues. Recognizing some of our off balance sheet issues, those being our pension liabilities and costs associated with our long term employee healthcare obligations, the Council took some bold steps to address not just our periodic expenses but to address some future ones as well. These included establishing and placing approximately \$1.5M in pre-allocated funds into an irrevocable trust which locks away these funds and which will help fund our anticipated long term financial obligations for retiree health. This fund will now grow as we place our annual contribution into it. The fund is now an off-balance sheet liability of approximately \$7.5M.

“Finally, the Council took steps to address the high employee overhead costs which many of our neighboring towns have begun addressing. Specifically, the Town established a second tier benefit level for new employees which, through its elimination of lifetime health care for the employee and spouse, and changes to the pension formulas will help to bring down, over time, the off-balance sheet liabilities which are in the tens of millions of dollars, as well as help manage our year-on-year budget.”

“I thank you all for your help and support over these past twelve months. I am proud to have had the opportunity and honor to have had your support to serve as Mayor during this period when, as a team, we have accomplished so much.”

SELECTION OF MAYOR AND VICE MAYOR –

DellaSanta opened nominations for the office of Mayor.

Motion by Carlson, second by Dobbie to elect Elizabeth Lewis to the office of Mayor. The motion passed unanimously.

DellaSanta opened nominations for the office of Vice Mayor.

Motion by Lewis, second by Wiest to elect Jerry Carlson to the office of Vice Mayor. The motion passed unanimously.

MESSAGE FROM INCOMING MAYOR-

Mayor Lewis gave her incoming Mayor speech. Below is a summary of comments. The entire speech can be accessed through the City Clerk’s office.

“Thank you fellow Council Members for this privilege to serve the Town of Atherton as Mayor for the coming year. I’d like to acknowledge the hard work done by Outgoing Mayor Widmer.”

“We are fortunate to have our own top-notch police force that our residents can fully depend upon. With the ten public, and private schools within our Town it is critical for us to coordinate with them in case of emergencies.”

Mayor Lewis recognized many of the Administrative employees of the Town.

“These individuals and many others now in place are a superb group of professionals who are dedicated and capable to manage the operations of running our Town.”

“This past year our residents’ voices were heard through social media and web technologies connecting with each other and us in ways that have never before been possible. It is up to our Town to keep pace with the new technology and provide the transparency in our government that is expected. I believe this will go a long way towards improving the ability of councilmembers to report to, engage with and make decisions that more accurately reflect the needs and concerns of the broadest cross-section of our community than ever before. I am looking forward to working with everyone to accomplish this.”

“In closing I want to reiterate that my Top Priority is to develop a more collaborative Council- to be able to put aside our personal agendas and keep our focus on the big picture of what is best for our Town as a whole and work together.”

INTRODUCTION OF NEW POLICE OFFICER – Chief Flint introduced new Police Officer Chris Vigil who came to the Town as a lateral from the City of Santa Cruz. Chief Flint administered the oath of office for Vigil. Vigil’s significant other, Felicia, pinned his badge.

2012 ATHERTON TREE AWARDS –

Town Arborist Kevin Kielty introduced the winners of the 2012 tree awards and presented them with certificates from the Mayor.

5. PUBLIC COMMENTS

Didi Fisher, Atherton resident, noted that the committee for *no against Measure F* donated the unused money they had raised to start a capital fund to begin fundraising for the new town center.

A representative from Senator Jerry Hill’s office introduced himself and expressed his thanks to outgoing and incoming council members.

A representative from PG&E introduced herself as the new liaison for the Town of Atherton.

6. REPORT OUT OF CLOSED SESSION - None.

7. PROPOSED RECONSIDERATION OF SALARY AND BENEFITS RESOLUTION FOR UNREPRESENTED STAFF

Council Member Carlson moved reconsideration of the salary and benefits resolution approved at the December meeting. Council Member Wiest seconded.

Public Comment:

Malcolm Dudley, Atherton resident, felt that the issue of employee compensation is very important and it should be handled through the budget process. Dudley encouraged rescinding the motion made at the December meeting.

Council Member Dobbie noted that Council is the steward of the Town’s finances; Dobbie felt the present changes offered to the employees are generous. Dobbie felt that public sector employees are paid much better than private sector and it’s time to fix it.

Mayor Lewis called for a vote on the motion. Motion passed 3-1, with Dobbie opposed.

Mayor Lewis noted that the motion to reconsider has passed and therefore Council can discuss the content of the resolution.

Council Member Carlson questioned what the next steps are. City Attorney Connors said a new original motion is in order after discussion and debate. Connors concluded that Council can approve the current resolution, amend the resolution, or continue it to a future meeting.

Council Member Wiest was in favor of continuing the matter so he can get caught up to speed on how the current resolution was developed.

Council Member Carlson agreed.

Mayor Lewis reiterated that she agrees pension dollars need to be transferred from the Town to the employees, but how it is structured and rolled out should be a policy decision from Council.

Bob Polito, Atherton resident, said he reviewed the whole process in great length. He thinks it would be a bad decision to start over from scratch, but he felt that the roll out of cuts needs to be spread out over several more years than what is proposed.

MOTION by Carlson, second by Wiest to bring a revised resolution to Council in January that reconsiders implementation, bonus plans, provides fairness to employees and still achieves the goal of bringing the Town's compensation plan in line with the private sector. The motion passed.

Ayes: 3 Nays: 1 (Dobbie) Abstain: 0 Absent: 1 (Widmer)

8. CITY MANAGER'S REPORT

City Manager Rodericks highlighted sections within the Administration Department update.

Council member Carlson noted that the idea behind the revisions of the governance structure for the SBWMA stems from the desire to have closer communication with Council on policy issues.

Carlson added that he looks forward to receiving information on long-term liabilities with long-range financial plans. Carlson thanked staff for the list of projects and priorities.

Mayor Lewis commended Rodericks on his detailed report.

Council Member Dobbie noted that a resident on Stockbridge Avenue ran into major issues during the storms and he believes it is because the street is continually overlaid.

Mayor Lewis suggested a hotline that residents can call when they run into serious problems during a storm. City Manager Rodericks said residents can contact Public Works 24/7 and that the Department is on call at all times.

9. COMMUNITY ORGANIZATION ROUNDTABLE REPORT - None.

CONSENT CALENDAR (Items 10-15)

No items were removed.

10. APPROVAL OF NOVEMBER 28 REGULAR MEETING MINUTES

Recommendation: Approve meeting minutes

11. APPROVAL OF BILLS AND CLAIMS FOR NOVEMBER, 2012 IN THE AMOUNT OF \$1,014,790

Recommendation: Approve Bills and Claims in the amount of \$1,014,790

12. **FINANCIAL REPORT FOR FOUR MONTHS ENDED OCTOBER 31, 2012**
Report: Finance Director Robert Barron III
Recommendation: Receive the General Fund Financial Report for the four months ended October 31, 2012
13. **A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REAFFIRMING THE TOWNS COMMITMENT TO THE RALPH M. BROWN ACT**
Recommendation: Approve Resolution
14. **ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE 2012 CAPE/SLURRY PROJECT, PROJECT NUMBER 56052**
Report: Public Works Director Mike Kashiwagi
Recommendation: Accept work and authorize recording of a notice of completion for the 2012 Cape/Slurry Project, Project Number 56052
15. **ADOPTION OF A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL ONE BAY AREA GRANT PROGRAM (OBAG) SURFACE TRANSPORTATION PROGRAM (STP) FUNDING FOR THE ATHERTON AVENUE/FAIR OAKS LANE/MIDDLEFIELD ROAD MAINTENANCE PROJECT**
Report: Public Works Director Mike Kashiwagi
Recommendation: Adopt a resolution authorizing staff to submit an application for Surface Transportation Program (STP) grant funds for Atherton Avenue/Fair Oaks Lane/Middlefield Road Maintenance Project, committing the required 11.47% local match and stating the assurance of the Town to complete the project

MOTION by Dobbie, second by Carlson to approve consent items 10 through 15. The motion passed unanimously.

PUBLIC HEARINGS - None

REGULAR AGENDA, CONTINUED – (Items 16-20)

16. **APPOINTMENT TO FILL VACANCY ON TRANSPORTATION COMMITTEE**
Report: City Clerk Theresa DellaSanta
Recommendation: Appoint member to fill vacancy on Transportation Committee

City Clerk DellaSanta reported that a vacancy arose on the Transportation Committee. DellaSanta passed out ballots for voting. The ballots were returned and the result was a tie. Council continued the item to January when all five members are present.

17. **INFORMATIONAL UPDATE ON THE GRADING AND DRAINAGE CRITERIA UPDATE**
Report: Community Services Director Mike Kashiwagi
Recommendation: Receive information regarding proposed changes to the Town of Atherton's Grading and Drainage design criteria and standards

Kashiwagi reported that the Town's current grading and drainage standards were adopted in 2007 and due to new legislation needs to be updated. The update will also incorporate requirements for non-residential developments, which are not included in the Town of Atherton's current criteria.

Kashiwagi added that BKF Engineers and Town staff conducted a series of meetings with stakeholders as well as public meeting with the residents of Atherton. Town staff emailed and advertised in the local newspaper to notify the stakeholders of the meetings. Stakeholders/residents were given the opportunity to review and provide comments regarding changes that are required by the San Francisco Bay Region Municipal Regional Stormwater Permit (MRP) and changes to update the Town's requirements.

Kashiwagi recognized Assistant Engineer David Huyhn for his involvement in this project.

A representative from BKF Engineers gave a PowerPoint presentation on the background of the grading and drainage law and the criteria.

No Action was taken. The item will be returned for final approval in January.

18. INFORMATION REPORT - TOWN CENTER PROJECT REPORT

Report: City Manager George Rodericks

Recommendation: Review and Discuss

City Manager Rodericks reported that item 18 and 19 can be taken up together.

Rodericks noted that in an effort to confirm the desires of the electorate, the location of the library and funding sources for the Town Center Project, were placed on the November 2012 ballot. Rodericks said the Town Center Committee met and discussed that the Library expansion project could become a part of the Town Center Project. Therefore the Town Center Committee suggested that the City Council step back and evaluate the possibility of reconstituting the Town Center Committee into a hybrid committee to address the needs of both the Library Expansion Project and the Town Center Project. He added that the Library Committee met and felt the same way.

Rodericks concluded that a finalized report and recommendations will come before Council at their January meeting. At that meeting a formal decision will be made.

Council expressed support for thanking both the Town Center and ALBSC for their service, disbanding both committees, and proceeding with a master plan. There will be continuing discussion and thought given to reconstituting a coalition committee and what format, if any, that will take at the January meeting. There was also comments from the Council in consideration of a staff-led process for development of the project(s).

19. INFORMATION REPORT – ATHERTON LIBRARY BUILDING PROJECT

Report: Public Works Director Michael Kashiwagi

Recommendation: Review and Discuss. This report is intended to advise the City Council on the status of the Library Building Project and provide options for the Council's consideration moving forward

20. INFORMATIONAL REPORT – PROPOSED IMPROVEMENTS TO THE EXISTING LITTLE LEAGUE FIELD AT HOLBROOK PALMER PARK

Report: Community Services Director Mike Kashiwagi

Recommendation: This is an informational report to inform the City Council of planned activities by staff regarding the construction of proposed improvements to the existing Little League field at Holbrook Palmer Park by the Menlo-Atherton Little League (MALL)

Kashiwagi noted that as a result of the vote Measure M passed and improvement to the existing little league field will take place.

Initial discussions of rebuilding the ballpark began approximately 9 months ago with the Atherton Dames, Felton Gables and other park neighbors, Atherton Mayor, Park & Recreation Commission, Planning Commission and the Atherton little league parents.

Kashiwagi concluded that staff is seeking input from Council on next steps and a final action plan. Staff will bring back recommendations to the January meeting for formal approval.

Bob Hellman, Menlo-Atherton Little League representative, noted that he and others involved in this project have spent many years trying to get to this point. He noted his desire to get the project going as quickly as possible.

Marylue Timpson, Sandy Crittenden, Didi Fisher, Bob Roeser, Valerie Gardner, and Denise Kupperman spoke during public comment.

Council Member Dobbie felt the traffic will be increased and it along with any other impacts should be studied.

Council Member Wiest felt that staff needs to study and recommend a plan that works for all parties involved. Wiest requested a timeline to go with that plan.

Council Member Carlson asked Kashiwagi what his plans are for next steps.

Kashiwagi said staff will work with the little league on answering several of the details including who will construct the improvements and come back to Council with a detailed outline and plan.

The item will return to Council in January for formal action.

21. COUNCIL REPORTS/COMMENTS - Nothing further

22. FUTURE AGENDA ITEMS - None

23. PUBLIC COMMENTS - None

24. ADJOURN

MOTION by Dobbie, second by Carlson to adjourn the meeting. The motion passed and Mayor Lewis adjourned the meeting at 9:13 p.m.

Respectfully submitted,

**Theresa DellaSanta
City Clerk**