



Minutes
Town of Atherton
CITY COUNCIL
November 15, 2017
7:00 P.M. - REGULAR MEETING
Council Chambers
94 Ashfield Road,
Atherton, California

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** **Lempres, Wiest, Lewis, Widmer, DeGolia**
3. **PRESENTATIONS** – None.
4. **PUBLIC COMMENTS**

Cupertino City Councilmember Barry Chang thanked Council for their letter of support on passing Regulation 11, Rule 18 through the Bay Area Air Quality Management District.

Kelly Crowley, Peninsula resident, asked about the Middlefield Bike Lane project. She indicated that she is a bike commuter and has concerns about some of her commute through Atherton. Crowley thanked Atherton for putting up sharrows.

Linda Sell, attended the Bay Area Air Quality Management Meeting earlier in the day. She explained what Rule 11 will do. She thanked Atherton for support.

Jack Ringham, Atherton resident, said he was disappointed that the parcel tax did not pass but that he was not surprised. Ringham encouraged Council to look at a real estate transfer tax. He also suggested charging for parking in the Town's lots.

Greg Conlon, Atherton resident, noted that he saw discrepancies in the registrars voting reports on election night. He intends to follow up with the County in person.

5. **REPORT OUT OF CLOSED SESSION** - **Report out by City Attorney** – Nothing to report.
6. **CITY MANAGER'S REPORT**

Councilmember Lewis provided the most recent percentage of votes for the election. (YES – 52.75% and NO – 47.25%).

Councilmember Widmer noted that he read a post election article that Councilmember Lewis wrote on the parcel tax. He thought it was an excellent article that represented his view and thanked her for her work.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-14)

MOTION by Lewis, second by Wiest to approve the consent calendar items 8, 9, 10, 11, 12 and 14. Council Member Widmer abstained from Item 9 because he was unable to review.

Item 13 was removed by Council Member DeGolia.

Council Member Wiest thanked the City Manager for his due diligence on putting together the salary studies for item 11.

Council Member Wiest thanked staff for their work on the savings.

Council Member Lewis commented on item 11. She thanked Steve Tyler for his service over the years.

8. APPROVAL OF OCTOBER 18 REGULAR MEETING AND NOVEMBER 1 SPECIAL MEETING MINUTES

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes for October 18 regular meeting and November 1 special meeting

9. APPROVAL OF BILLS AND CLAIMS FOR OCTOBER IN THE AMOUNT OF \$1,373,986

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$1,373,986

10. ACCEPTANCE OF TREASURER'S REPORT FOR THE FIRST QUARTER ENDED SEPTEMBER 30, 2017

Report: Finance Director Robert Barron III

Recommendation: Accept the Treasurer's Report for the first Quarter Ended September 30, 2017

11. APPROVE REORGANIZATION OF PUBLIC WORKS DEPARTMENT AND APPROVE RESOLUTION AMENDING THE TOWN'S FY 2017/18 SALARY SCHEDULE AND CLASSIFICATIONS

Report: Deputy City Manager Theresa DellaSanta

Recommendation:

- Reclassify the Public Works Superintendent position to Public Works Director/City Engineer; the Associate Engineer to Senior Engineer/Maintenance Manager; and the Town Arborist to Town Arborist/ Park Manager;
- Adopt the attached Resolution approving the salary range for each position; and
- Terminate contract with Interwest Consulting Group, Inc. for Public Works Director/City Engineer services, effective for December 31, 2017.

12. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE MIDDLEFIELD ROAD COMPLETE STREETS INTERSECTION IMPROVEMENTS PROJECT

Report: Mike Kashiwagi

Recommendation: Accept work and authorize recording of a Notice of Completion for the Middlefield Road Complete Streets Intersection Improvements Project, (Project Number 56079)

14. RESOLUTION TO REJECT CLAIMS OF MEDINA SETO LAW GROUP ON BEHALF OF CHRIS GARCIA, IRELYN GARCIA, JASMINE GARCIA, JODI COHEN, JULIE DALE, AND ZEALYN GARCIA

Report: Deputy City Manager/City Clerk Theresa DellaSanta

Recommendation: Adopt Resolution 17-xx denying the claim filed by Medina Seto Law Group on behalf of Chris Garcia, Irelyn Garcia, Jasmine Garcia, Jodi Cohen, Julie Dale, and Zealyn Garcia

PUBLIC HEARING – (Item 15)

MOTION by Lewis, second by Wiest to continue Item 15 to March 21, 2108. The motion passed unanimously.

15. REQUEST FOR A TENTATIVE PARCEL MAP TO MERGE SIX PARCELS INTO ONE PARCEL FOR THE CIVIC CENTER PROJECT AT 91 ASHFIELD ROAD AND 2 DINKELSPIEL STATION LANE (APNS 060-321-010, 060-321-130, 060-323-180, 060-323-010, 060-321-170 and 060-321-160)

Report:

Recommendation: The Planning Commission recommends that the City Council conduct the public hearing and approve the Tentative Parcel Map Certificate to merge six parcels into one parcel at the Atherton Civic Center based on the findings listed below:

1. The Tentative Parcel Map is in conformance with the Subdivision Map Act and the Atherton Subdivision Ordinance.
2. The size and shape of the proposed subdivision is in general conformance with Town requirements and the general pattern of the neighborhood and will not cause traffic, health or safety hazards.
3. The proposed subdivision will have proper and sufficient access to a public street.
4. The proposed map and the design or improvement of the proposed subdivision is consistent with the Atherton General Plan.
5. The site is physically suitable for the proposed type of development.
6. The site is physically suitable for the proposed density of development.
7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
8. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.
9. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, or that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to those previously acquired by the public.
10. Discharge of waste from the proposed subdivision will not result in violation of existing water quality requirements prescribed by the regional water quality control board.

Item13 was removed and taken up next.

13. DIRECT THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE PENINSULA CORRIDOR JOINT POWERS BOARD FOR THE CALTRAIN PENINSULA CORRIDOR ELECTRIFICATION PROJECT

Report: Mike Kashiwagi

Recommendation: Direct the City Attorney to prepare and the City Manager to execute an Agreement with the Peninsula Corridor Joint Powers Board (JPB) which defines the respective rights, obligations, and agreement between the JPB and Town of Atherton related to the design and construction of the Caltrain Peninsula Corridor Electrification Project

There was substantial discussion on the pole heights.

Council Member DeGolia said that his understanding was that the poles would go on the tracks in order to minimize removal of trees. He wanted clarification on the actual height of the pole and to make sure it is included in the agreement.

Council Member Widmer agreed that Caltrain should include language in the agreement that they have committed to with respect to center poles and pole heights.

Stacey Cocke, Caltrain representative, noted that the current design (65% complete) for the OCS poles within the Town of Atherton would range from approximately 35 feet in height to 45'6" in height. Where available width between northbound and southbound tracks allow, center poles will be utilized within the Town. Center poles will have a maximum height of 35 feet. Where center poles cannot be used (approximately 0.2 miles north of Fair Oaks to the northern Town border), outside poles need to be used. For outside poles, the current design utilizes a double track cantilever design which requires a pole height of 45'6".

Vice Mayor Wiest noted that his understanding was that there may be a height/topography issue but that a 45 foot pole is a considerable difference to what was discussed with Atherton which was 25 feet.

Cocke noted that the rationale for Caltrain utilizing a double track cantilever design vs. a single track cantilever was to minimize impacts to existing trees. She noted that they could go back and look at different poles and heights that would have more tree impacts, as an option.

Council Member DeGolia noted that the critical issue is transparency. If there are trade-offs between poles heights and pole types then the Town needs to know that.

Vice Mayor Wiest noted that a process needs to be figured out on how to bring back information to rail committee members and the community since they were relying on information that was initially given to them with respect to pole heights being a maximum of 25 feet.

Council Member Widmer doesn't understand the need for higher poles and agrees that Council should see the trade-off options. He added that the hours of operation need to be looked at. He hoped that in highly populated areas like Atherton the noisy work would be done during daylight hours.

Mayor Lempres noted that under the law we can't compel Caltrain to do things, but we can ask them to agree to certain things. He asked Ms. Cocke if Caltrain would be willing to work with Atherton and in

fact seek Atherton's approval on pole heights and construction hours that affect our residents before moving forward.

Cocke said she will take it back to Caltrain and follow up. She noted that there is time to look through the pole issue. Cocke added that the construction hours is already set by contract between Caltrain and the contractor.

Council Member DeGolia requested that only standard poles are used. Vice Mayor Wiest noted that the Town would like to see 25-30 foot poles but that we are willing to work together to find a solution that works for both entities and that we are all comfortable with.

MOTION by Wiest, second by DeGolia to direct staff work with Caltrain to get additional information on potential pole heights to the Town satisfaction and include a requirement within the PCEP Agreement that Caltrain provided the Town with input into pole selection alternatives if poles are going to be higher than 30 feet. Additionally, include language in the agreement that Caltrain needs to try to do as much as they can to address the construction hours. The motion passed unanimously.

In the interest of transparency, the Council requested that Caltrain come to regular City Council meetings to allow the Council to get an update and provide input.

REGULAR AGENDA – (Items 16-19)

16. MIDDLEFIELD ROAD CLASS II BICYCLE LANES IMPROVEMENTS PROJECT CONCEPT PLAN

Report: Mike Kashiwagi

Recommendation: Receive and provide feedback on the concept plans for the Middlefield Road Class II Bicycle Lanes Improvements Project

The Council heard the staff report and discussed issues related to the project involving the creation of Class II Bicycle Lane improvements along Middlefield Road. The Council discussed bicycle boxes, lane placement, striping, widening requirements, public comments, and project timing. Following discussion, feedback to staff and the opportunity for public comment, the Council moved to the next item.

17. REVIEW THE PLANS FOR A PROPOSED CLAY TENNIS COURT AT HOLBROOK PALMER PARK AND PROVIDE STAFF WITH DIRECTION REGARDING ITS ACCEPTANCE AND USE, TOGETHER WITH AN EXTENSION OF THE AGREEMENT WITH PLAYER CAPITAL TENNIS

Report: City Manager George Rodericks

Recommendation: Review the plans for a new clay tennis court retrofit on Court #3 at the Atherton Tennis Facility and, if acceptable, direct the City Attorney to prepare and the City Manager to execute an amendment to the agreement with Player Capital Tennis (dated Sept. 25, 2014) for installation of the new court and rules for its use, as well as an extension of their agreement for the final 3-year term

Public Works Superintendent Steve Tyler explained that Michael Jessup from Player Capital Tennis (PCT) notified the Town that he received funding to install a clay tennis court inside the current tennis facility and that he wanted to know the Town's position on the proposed retrofit and its possible future

use. Mr. Jessup proposed installing the surfacing materials directly over what is currently Court #3. The concept was reviewed by the Park & Recreation Committee. PCT provided the P&R with a design and detailed agreement for the courts use. At the November 1, 2017 P&R meeting, PCT provided construction drawings for the new court as well as items that would be proposed for change in the current agreement between PCT and the Town.

Tyler concluded that the donation amount equals approximately \$100,000.

Michael Jessup noted that this would be the only clay court in Northern California at a public facility.

Vice Mayor Wiest asked for clarification on the cost of maintaining the clay court.

Jessup noted that there is daily maintenance which will be completed by Player Capital and then an annual maintenance with a cost of \$2,500 per year. He added that the first year requires two rounds of maintenance which requires rolling, adding and compacting of the clay. Clay courts require a lot less maintenance than “hard” courts and they last a lot longer.

Council Member Lewis asked Jessup to discuss the cost of using the court. Jessup noted that the residents will be charged an additional \$50 per year and non-residents will pay a fee of \$30 per hour to PCT for court use.

Council Member Widmer had concerns with the increased cost to Atherton residents. He suggested we charge only those that are interested in using the clay courts.

There was further discussion on issues related to the cost of maintenance, cost for key issuance, number of key holders, requirements of the acceptance of the court donation, damage to the court if there was a drought, water requirements, bifurcation of the key cost structure and expectations for use of the court.

Council Member Lewis noted that the tennis program is much improved over the years. If there are no other “strings attached” other than maintenance costs she suggests that the Council accept this gift.

Tyler noted that the donors requested that the Town extend the contract with Player Capital for an additional three years.

MOTION by Wiest, second by DeGolia to formally accept the donation of the clay court, authorized a 3-year extension of the agreement with Player Capital Tennis and directed staff to return at a future meeting with options for key pricing. The motion passed unanimously.

18. DISCUSSION OF NEXT STEPS FOR PARK IRRIGATION SYSTEMS AND UPDATE AND DIRECTION ON PARK STATUE RESTORATION

Report: Mike Kashiwagi, Public Works Superintendent Steve Tyler

Recommendation: Review and discuss next steps for irrigation systems in the Park and receive an update on the status of Park Statues and provide direction to staff on next steps for their restoration

Public Works Superintendent Steve Tyler reported that the Park recently suffered loss of 4 mature trees in the park, including Alders and pines. He summarized the need to address water needs for existing mature trees in the Park through an irrigation system. Tyler noted that with the potential to add a Water

Capture Facility into the Park, there may be infrastructure changes and opportunities that arise in connection to an irrigation project.

Tyler added that the historic Park Fountain that is placed near the entrance of the park was toppled over by an unknown vandal and the Diana Statue crumbled apart from its own weight being carried by park staff to its new pedestal.

The Council expressed support for postponing irrigation decisions until after more is known about the Water Capture Facility and discussed the statuary further.

Denise Kupperman, Atherton resident, noted that the park lost many trees during the drought and most of the trees don't get any irrigation. She encouraged the Town to look at how to manage the trees in the park during the water capture facility project.

During discussion, the Council raised issues related to the cost of refurbishment of the statuary (Diana Statue and Water Fountain), possible vendors for refurbishment, origin of the statuary, and opportunities for fundraising.

The Council directed that staff store the statuary until such time as fundraising opportunities arise.

19. CIVIC CENTER UPDATE: RECEIVE AND FILE THE COST MODEL MANAGER AND PROJECT SCHEDULE; AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE AN AGREEMENT AMENDMENT WITH WRNS STUDIOS FOR: ADDITIONAL LANDSCAPE DESIGN FOR THE CORP YARD SITE AND SECURITY AND VIDEO SYSTEMS DESIGN FOR THE CITY HALL/POLICE BUILDING; PROVIDE FEEDBACK AND DIRECTION ON: UTILITY NEGOTIATIONS; 73 ASHFIELD ROAD AND 76 FAIR OAKS LANE PROPERTY LINES; RECEIVE PLANNING COMMISSION ACTIONS UPDATE; AND RECEIVED PROJECT MANAGEMENT COMMITTEE MEETING UPDATE

Report: Mike Kashiwagi / Marty Hanneman

Recommendation:

- 1) Receive and file the Cost Model Manager (CMM) and Project Schedule, and
- 2) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via Sub-consultant to provide additional security and video systems design for the City Hall/Police Building for a not to exceed fee of \$38,500, and
- 3) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio via Sub-consultant to provide additional landscape design services for Corporation Yard site for a not to exceed fee of \$6,000, and
- 4) Provide direction on on-going negotiations with the following utilities: West Sanitary Sewer, AT&T, and Cal Water, and
- 5) Provide direction for the proposed new fence along the property line with 73 Ashfield Road and 76 Fair Oaks Lane, and
- 6) Receive update on October 25, 2017 Planning Commission meeting actions, and
- 7) Receive update on November 7, 2017 Project Management Committee meeting.

Marty Hanneman summarized his report and sought direction from Council on where they want to put the proposed fence line and what type of fence.

DeGolia noted that there is no requirement that the Town put up a fence at any of their property lines

The Council discussed issues related to a couple of change orders for the project (corporation yard landscaping requirements and site security and technology); utility easements, property line issues related to trees and heritage tree removal. The Council discussed the cost of the change orders, the need for each, and the ability to reduce them if possible. The Council discussed the relocation of Town redwood fencing along the west property line to properly reflect the property line location. Adjacent property owner's comment and discussed options for fence placement and design. The Council heard reports on the cost model manager, project schedule, and recent actions by the Planning Commission.

The Council discussed in detail, the Commission's approval of up to 18 heritage tree removals. The Council heard that 5 trees were set for removal due to their condition, 6 trees were identified via the Commission and Project Management Committee for possible preservation and 7 trees (#'s 63, 67, 78, 101, 115, 119, & 120) were slated for removal due to their location within the project. Following discussion, the Council directed that staff identify the possible cost, design changes, and feasibility for preserving the remaining 7 trees and return to Council at a future meeting for discussion and further direction.

20. **COUNCIL REPORTS/COMMENTS** – Nothing further.

21. **FUTURE AGENDA ITEMS** – None.

22. **PUBLIC COMMENTS**

Greg Conlon, Noted that if the Town decides to go back to the residents for a parcel tax that they consider an exclusion for senior citizens, similar to what the school districts do.

23. **ADJOURN**

Mayor Lempres adjourned the meeting at 10:57 p.m.

Respectfully submitted,
Theresa DellaSanta
City Clerk