



Minutes
Town of Atherton
CITY COUNCIL
November 28, 2012

7:00 p.m.

Holbrook-Palmer Park Pavilion
150 Watkins Road
Atherton, California
REGULAR MEETING

1. **PLEDGE OF ALLEGIANCE** –

2. **ROLL CALL** – Lewis, Widmer, Carlson, McKeithen, and Dobbie

3. **PRESENTATIONS**

D.A.R.E /RED RIBBONS AWARDS – Presented by Reserve Officer Bruce Potts

4. **PUBLIC COMMENTS**

Smith McKeithen spoke in support of Councilmember McKeithen and enumerated her contributions and achievements during her tenure on the council.

Mayor Bill Widmer presented a proclamation commending Kathy McKeithen for her dedication in serving the Town of Atherton.

Councilmember Dobbie spoke about Kathy McKeithen's dedication and tireless effort to the Town of Atherton.

Councilmember McKeithen made remarks offering a retrospective of her time on the Council.

City Attorney Connors brought an item to the attention of the Council. He would like to add the item to the end of the night's agenda as a Closed Session Item.

MOTION Lewis, second Dobbie to add the item to the evening's agenda. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0

5. **REPORT OUT OF CLOSED SESSION**

6. **CITY MANAGER'S REPORT**

City Manager George Rodericks presented his report. He highlighted a few things staff is working on, including the policy manual, the mid-year budget update he hopes will be ready by February and the Fall newsletter which will feature a name-change contest.

Councilmember Carlson requested a list of projects with a timetable. He would like it made available to the

council in the near future. He also requested an action plan to improve the situations at Menlo Atherton High School and Selby Lane School based on the incident report numbers.

Councilmember Carlson also complimented staff on their work on the storm preparedness information.

Vice Mayor Lewis also thanked staff for their work on storm preparedness. Vice Mayor Lewis asked if Public Works and/or Building have a master schedule of construction projects. She noted that there were only seven building permits reported but in driving around town it looks like more construction is going on.

Public Works Director Mike Kashiwagi answered that action projects could be listed. City Manager George Rodericks commented that the number Vice Mayor Lewis was referring to was actually commercial projects. The residential projects number is more than twelve.

Vice Mayor Lewis asked if the Builders Roundtable monthly meeting is open to the public. Public Works Director Mike Kashiwagi answered in the affirmative. Vice Mayor Lewis asked if the meeting could be opened more to residents. Mayor Widmer suggested that the meeting be added to the web site for regularly scheduled meetings.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT -

CONSENT CALENDAR (Items 8-17)

Items pulled from the Consent Calendar: 8, 9, 10, 11, 12, 13, 14, 15, 16

17. RESOLUTION TO REJECT CLAIM OF MARY T. BELICH

Report: City Clerk Theresa DellaSanta

Recommendation: Adopt Resolution to reject claim of Mary T. Belich and authorize staff to send a notice of rejection.

MOTION by Lewis, second by Widmer to approve the Resolution to reject the claim of Mary T. Belich. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0

The Council then took up those items that were pulled from the Consent Calendar:

8. APPROVAL OF OCTOBER 21 REGULAR MEETING MINUTES

Recommendation: Approve meeting minutes

Councilmember Carlson asked how much the Town-wide mailing to send out the Council authorized POA press release cost. City Manager George Rodericks answered that it cost \$900 to send the mailing.

Mayor Widmer commented that the press release was not picked up by any news outlets so he and the City Manager decided to do a Town-wide mailing.

Vice Mayor Lewis requested that the minutes be changed to reflect that she, Councilmember Dobbie and Councilmember Carlson trusted the Mayor to do a high level response to the APOA mailing. In the Vice Mayor's opinion, the letter that went out to the town was not high level and in fact was more detailed than the letter that was presented to the council at the last meeting.

Mayor Widmer answered that the letter was scaled back a lot and that the understanding at the last meeting was that the information was important and needed to get out to the residents.

Councilmember Dobbie commented that even though it wasn't exactly what was approved, he agrees with the decision and thinks it was the right thing to do.

MOTION Carlson, second by Lewis to approve the minutes of the City Council meeting of October 21, 2012. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0

9. APPROVAL OF BILLS AND CLAIMS FOR OCTOBER, 2012 IN THE AMOUNT OF \$995,446

Recommendation: Approve Bills and Claims in the amount of \$995,446

Vice Mayor Lewis asked why the Town is still getting bills from LSA when all of the work has stopped. Finance Director Robert Barron III answered that the invoice was from August but was paid in October. The staff will provide documentation of when the work was completed.

Councilmember Dobbie would like to see a copy of the invoices to back up the spending. Mayor Widmer commented that if the Town could change the payable terms to 45 days, the City Council could approve payment rather than approve checks that have already been sent.

MOTION Lewis, second by Dobbie to approve the bills and claims for October 2012 in the amount of \$995,446. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0

10. ACCEPTANCE OF TREASURER'S REPORT FOR THE FIRST QUARTER ENDED SEPTEMBER 30, 2012

Report: Finance Director Robert Barron III

Recommendation: Accept the Treasurer's Report for the First Quarter Ended September 30, 2012

Vice Mayor Lewis requested that a typographical error be fixed – Schedule A of the Quarterly Treasurer's Report should be dated September 30, not June 30.

MOTION McKeithen, second by Dobbie to approve the acceptance of the Treasurer's report for the first quarter ended September 30, 2012. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0

15. ADOPTION OF A RESOLUTION APPROVING BUDGET AMENDMENT FOR FY 2012-2013

Report: Chief Ed Flint

Recommendation: Adopt Resolution approving a budget amendment to the FY 2012-2013 budget for the transfer of \$20,000.00 from the General Fund to the Police Department's Disaster/Emergency Fund.

Discussion ensued about where the funds for Disaster Preparedness should be kept. Police Chief Flint would be happy to manage the funds if they are kept in PD. Vice Mayor Lewis commented that in the past, disaster preparedness was never official. Councilmember McKeithen remarked that it was official and a very diverse program. Councilmember McKeithen named three major elements that were put into place during the tenure

of the Disaster Preparedness Committee including a second well, electrical line from PD to the Corp. Yard and computers in all of the squad cars.

Mayor Widmer commented that staff will be assigned to Disaster Preparedness even if a committee is involved. Chief Flint will meet with the committee and report on the plans and expenditures.

City Manager George Rodericks will put a plan together with Chief Flint, meet with the Superintendent of Schools and bring a report back to the Council at a later date.

MOTION Lewis, second by McKeithen to adopt a resolution approving the budget amendment for FY 2012-2013. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0

11. ADOPT RESOLUTION NO. 12-XX APPROVING SALARY AND BENEFITS FOR ALL UNREPRESENTED EMPLOYEES

Report: City Manager George Rodericks

Recommendation: Adopt Resolution 12-xx

City Manager George Rodericks presented the item. City Attorney Bill Conners clarified that there were changes made to the resolution that allowed buy in by CalPERS. Specifically, the idea of a Cafeteria plan needed to be spelled out more pointedly instead of providing details that allude to a Cafeteria plan.

Councilmember Dobbie commented that very few private sector jobs provide lifetime benefits. The Town has been looking at this for a long time. Many cities are going bankrupt due to the cost of retirement and benefits.

Councilmember Carlson asked if the unrepresented employees have seen the new resolution. City Attorney Conners answered that they probably haven't seen the latest iteration that had minor changes. Councilmember Carlson thinks that the 3-year moving average seems to be a good solution versus using the last year's salary to determine compensation. Councilmember Carlson thinks it's important to strive to be fair to employees and listen to residents.

Vice Mayor Lewis does not think the vote should happen tonight. She would like the item continued to the next meeting.

Councilmember Dobbie asked for clarification on whether the Council can approve the item tonight. City Attorney Conners answered in the affirmative.

Vice Mayor Lewis thinks the timeline is too short. She feels the two cuts over 18 months is too fast.

Mayor Widmer thinks the time to do something is now. This has been discussed for a long time and changes need to be made.

OPEN PUBLIC COMMENT

Steve Tyler, Atherton - Public Works Superintendent, spoke in opposition to the resolution and would like the item continued to the December meeting.

Malcolm Dudley, Catalpa, spoke in opposition to the resolution and believes the employees should be treated more fairly.

Joe Lewis, Alejandra Lane, asked for the City Manager to enumerate the dollar amounts of savings for the entire proposal over the course of a year. City Manager George Rodericks answered that the total approximate savings would be \$125,000.

Kathy Janz, Wilburn Avenue, read a statement from her husband, Jim Janz, in opposition to the resolution.

Kathy Janz, Wilburn Avenue, spoke in opposition to the unfair treatment of non-represented employees. David Metzger – president of the APOA spoke in opposition of the resolution noting that it is very last minute.

Ross Koningstein, Selby Lane, thinks more time should be given to the matter before a decision is made.

Walter Sleeth, Catalpa Drive, expressed support for the City Council and the democratic process.

Herb Lechner, Virginia Lane, agrees with the City Council in their concern for the Town's financial situation but thinks the situation can be given more time.

CLOSE PUBLIC COMMENT

Vice Mayor Lewis commented that the cuts are not enough to make a big difference to the Town.

Councilmember McKeithen thinks that continuing the vote will delay the process due to a new Councilmember getting up to speed on the issue. Councilmember McKeithen doesn't think this is a new issue. It has been discussed since March and it is not a surprise. Councilmember McKeithen also remarked that this decision is a policy decision that will impact negotiations with the APOA.

Councilmember Carlson and Vice Mayor Lewis will agree to vote yes on the item so that (according to rules of procedures) they can bring it back up at the December meeting.

Mayor Widmer thinks there has been enough talk and discussion about the item.

Councilmember thinks that the real issue is the timing of the vote and that it wouldn't hurt to consider it for another month.

City Attorney Bill Conner clarified the method of reconsideration: anyone who votes in the affirmative can bring an item up for reconsideration at this meeting or the next.

MOTION Widmer, second by Dobbie to approve Resolution No. 12-xx approving salary and benefits for all unrepresented employees. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0

12. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH LAMPHER-GREGORY FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT AND REIMBURSEMENT AGREEMENT WITH MENLO SCHOOL AND MENLO COLLEGE

Report: Deputy Planner Lisa Costa Sanders

Recommendation: Approve Professional Services Agreement with Lamphier-Gregory for the preparation of an Environmental Impact Report for the Menlo School and Menlo College Cartan Field Upgrade Project; and Approve Reimbursement Agreement with Menlo School and Menlo College for reimbursement of consultant and staff costs related to environmental and land use entitlement services for the Cartan Field Upgrade Project.

Deputy Town Planner Lisa Costa Sanders presented the item.

Vice Mayor Lewis asked where the project is in the Planning process. She asked how residents can participate and asked if there will be more public outreach.

Deputy Town Planner Lisa Costa Sanders answered that as of now, there has been no formal application. The EIR is based on preliminary plans. Staff decided to do a full EIR and not a study and mitigated negative declaration since the EIR process will allow for more outreach. Lamphier Gregory will look at all impacts and not just CEQA issues.

Deputy Town Planner Lisa Costa Sanders explained that there will be a scoping meeting with the neighbors to determine the scope of the EIR. The draft EIR will be made available for comment, the final EIR will go through the Planning Commission and finally, will be sent to the City Council for certification.

Vice Mayor Lewis asked if the study will look at ingress and egress on El Camino Real. Deputy Town Planner Lisa Costa Sanders answered that El Camino Real involves CalTrans but they will look at all options. Lamphier Gregory has chosen a very good high level transportation sub-consultant as well as a good noise sub-consultant.

MOTION Carlson, second by Lewis to approve the professional services agreement with Lamphier-Gregory for preparation of an environmental impact report and reimbursement agreement with Menlo School and Menlo College. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0

13. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH URS CORPORATION FOR PREPARATION OF ENVIRONMENTAL DOCUMENTS AND REIMBURSEMENT AGREEMENT WITH SACRED HEART SCHOOLS

Report: Deputy Planner Lisa Costa Sanders

Recommendation: Approve Professional Services Agreement with URS Corporation for the preparation of a Subsequent Initial Study and Mitigated Negative Declaration for the Sacred Heart Schools Practice Gym Project; and Approve Reimbursement Agreement with Sacred Heart Schools for reimbursement of consultant and staff costs related to environmental and land use entitlement services for the Sacred Heart Schools Practice Gym Project.

MOTION by McKeithen, second by Carlson to approve a professional services agreement with URS Corporation for preparation of environmental documents and reimbursement agreement with Sacred Heart Schools. The motion passed.

Ayes: 5 Nays: 0 Recused: 1 (Lewis – lives within 500' of subject property)

14. ADOPT RESOLUTION 12-XX APPROVING A BUDGET AMENDMENT OF AN AMOUNT NOT TO EXCEED \$6,000 FOR THE 2012 VOLUNTEER AND EMPLOYEE RECEPTION

Report: City Manager George Rodericks

Recommendation: Adopt resolution 12-xx approving a budget amendment for an amount not to exceed \$6,000 for the 2012 volunteer and employee reception.

MOTION by Carlson, second by Dobbie NOT TO ADOPT a resolution 12-XX approving a budget amendment of an amount not to exceed \$6,000 for the 2012 volunteer and employee reception. The

motion passed.

Ayes: 5 Nays: 0 Abstain: 0

16. ADOPT RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON EXPRESSING SUPPORT OF COMPLETE STREETS

Report: Deputy Planner Lisa Costa Sanders

Recommendation: Adopt resolution expressing support of Complete Streets

Vice Mayor Lewis commented that in Clause B, Item 1 she thinks the word “approval” might be better if it said “explanation.”

Mayor Widmer would like section 1A and/or 1B consistent with the General Plan. Mayor Widmer also would like to take out the word “stakeholders.” He would like the emphasis to be on residents while stakeholders will also have input.

City Attorney Bill Connors reminded the Council that this is a statewide plan. The words are in there to make sure that cities listen to stakeholders. The City Attorney thinks we might get into trouble if we take that out.

Councilmember Dobbie reminded the Council that while they might not like all of the wording, the resolution is required if the Town wants to apply for certain grants.

MOTION by Lewis, second by Carlson to adopt a resolution of the City Council of the Town of Atherton expressing support of Complete Streets. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0

PUBLIC HEARINGS – None

REGULAR AGENDA – (Items 18-19)

18. CALTRANS - POTENTIAL TRAFFIC SIGNAL AT SELBY AND EL CAMINO REAL

Report: Public Works Director Mike Kashiwagi

Recommendation: For information only. This item is presented to the City Council for review and comment per the request of the Atherton Transportation Committee.

The representative from CalTrans gave a presentation on the item.

Councilmember McKeithen asked about other intersections in Atherton along El Camino Real and if CalTrans was aware of the number of pedestrian accidents. The representative from CalTrans answered that they have some data but local law enforcement need to make sure accidents are reported in the correct way, i.e. checking a box that indicates the accident was on a CalTrans highway.

The representative from CalTrans commented that he will be meeting with Public Works Director Mike Kashiwagi and the City Manager to put together a long range plan for El Camino Real.

The Councilmembers were in agreement that El Camino Real is a dangerous stretch of road in Atherton and they would like to see more pedestrian and bicycle safety measures installed.

OPEN PUBLIC COMMENT

Zack Whitman, 26 Selby Lane, posed some questions that may create some foundation for future conversation about a stop light at this intersection. Whitman raised these questions because he personally has a number of concerns about a stop light at that intersection

CLOSE PUBLIC COMMENT

It was determined that the Council would like more data to be provided, both from CalTrans and also input from residents to address the traffic, pedestrian and bicycle safety issues on El Camino Real.

19. SAN MATEO COUNTY LIBRARY JOINT POWERS AGREEMENT REPORT

Report: City Manager George Rodericks

Recommendation: Review and Discuss Report

City Manager George Rodericks presented the item to the Council.

Councilmember McKeithen expressed a desire to see a more thorough analysis of the JPA and what it would mean to the Town if Atherton withdrew.

OPEN PUBLIC COMMENT

Roger Schwab, Atherton Avenue, wants the Council to consider where the funds would go if Atherton withdraws from the Library JPA.

Walter Sleeth, Catalpa, gave his interpretation of where the funds will go if Atherton withdraws.

20. COUNCIL REPORTS/COMMENTS

21. FUTURE AGENDA ITEMS

A. BROWN ACT COMPLIANCE – Vice Mayor Lewis /Council Member

MOTION Carlson, second by Lewis to put the Brown Act Compliance item on a future agenda. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0

22. PUBLIC COMMENTS

23. ADJOURN

MOTION Dobbie, second Lewis to adjourn the meeting of November 28, 2012. The motion passed.

Ayes: 5 Nays: 0 Abstain: 0