



Minutes
Town of Atherton
CITY COUNCIL
January 17, 2018
7:00 P.M.
REGULAR MEETING
City Council
94 Ashfield Road
Atherton, California

Council Member Lempres will be teleconferencing from the following location:
The Westin Washington, D.C. City Center
1400 M Street NW
Washington, District of Columbia 20005 United States
Phone: (1)(202) 429-1700

Mayor Wiest called the meeting to order at 7:00 p.m.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL Wiest, Widmer, Lewis, DeGolia, Lempres

3. PRESENTATIONS

- Presentation from Atherton Disaster and Preparedness Team (ADAPT)

Tom Prussing provided the Council with background on the ADAPT efforts over the last year. He indicated that the next disaster preparedness drill in Atherton is scheduled for September 8. Council thanked Prussing and ADAPT members for their efforts.

- Presentation by San Mateo County Library – Annual Report – Francisco Vargas

Library Manager Francisco Vargas summarized the SMCL annual report for Council.

4. PUBLIC COMMENTS

Greg Conlon, Atherton resident, suggested looking into district based elections in Atherton, and encouraged a “senior exclusion” on future parcel tax measures.

5. REPORT OUT OF CLOSED SESSION - Report out by City Attorney

6. CITY MANAGER’S REPORT –

There was a discussion on response time averages. Chief McCulley will separate out the response times by emergency going forward.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

CONSENT CALENDAR (Items 8-13)

Council Member Lewis had a comment on Item 8 – December 12 minutes. The minutes were updated to reflect her comments about emergency response.

MOTION by Widmer, second by Lewis to approved the consent calendar items 8 through 13. The motion passed unanimously.

8. APPROVAL OF DECEMBER 12 SPECIAL MEETING MINUTES

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes for December 12 special meeting minutes

9. APPROVAL OF BILLS AND CLAIMS FOR DECEMBER IN THE AMOUNT OF \$858,320

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$858,320

10. RESOLUTION AUTHORIZING THE DESTRUCTION OF RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

Report: Chief Steve McCulley

Recommendation: Adopt the attached Resolution authorizing the destruction of certain records pursuant to Government Code Section 34090

11. 540, 560 AND 596 FLETCHER DRIVE – GENERAL PLAN DIAGRAM AND ZONING MAP ERROR

Report: Town Planner Lisa Costa Sanders

Recommendation: Adopt the attached Resolution correcting the General Plan, Land Use and Circulation Diagram clerical error and introduce the attached Zoning Ordinance Amendment correcting the Zoning Map clerical error related to properties located at 540, 560 and 596 Fletcher Drive

12. ADOPT A RESOLUTION APPROVING A GREEN INFRASTRUCTURE (GI) WORKPLAN FOR STORMWATER IN ACCORDANCE WITH REQUIREMENTS OF THE SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD'S MUNICIPAL REGIONAL PERMIT (MRP) PROVISION C.3.J

Report: Acting Public Works Director David Huynh

Recommendation: It is recommended that the City Council adopt a resolution approving a Green Infrastructure (GI) Workplan for Stormwater (Plan) in accordance with requirements of the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Permit (MRP) provision C.3.J

13. COUNCIL COMMITTEE ASSIGNMENTS

Report: City Clerk Theresa DellaSanta

Recommendation: Receive and File the Mayor's City Council Committee Assignments

PUBLIC HEARING – (Item 14)

14. INTRODUCTION OF AN ORDINANCE AMENDING SECTION 13.10.070 OF THE ATHERTON MUNICIPAL CODE FOR PUBLIC, EDUCATIONAL AND ACCESS SUPPORT FEES FROM VIDEO SERVICE PROVIDERS

Report: City Manager George Rodericks

Recommendation: Introduction of ordinance amending Section 13.10.070(B)(1)(b) of the Atherton Municipal Code to reauthorize fee to be paid by video service providers for Public, Educational and Government (PEG) access support

MOTION by Lewis, second by Widmer to introduce ordinance amending Section 13.10.070(B)(1)(b) of the Atherton Municipal Code to reauthorize fee to be paid by video service providers for Public, Educational and Government (PEG) access support. The motion passed unanimously.

REGULAR AGENDA – (Items 15-21)

15. ADOPT THE RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE TOWN OF ATHERTON

Report: City Manager George Rodericks

Recommendation: Adopt the Resolution of Intention to approve an amendment to the contract between the Board of Administration California Public Employees’ Retirement System (CalPERS) and the City Council of the Town of Atherton

City Manager Rodericks summarized the report and noted that the item is to codify what has already been done.

MOTION by Widmer, second by DeGolia to adopt the Resolution of Intention to approve an amendment to the contract between the Board of Administration California Public Employees’ Retirement System (CalPERS) and the City Council of the Town of Atherton. The motion passed unanimously.

16. REVIEW, DISCUSS AND PROVIDE DIRECTION REGARDING ENGINEERING ALTERNATIVES AND STAKEHOLDER FEEDBACK TO IMPROVE SAFETY AND OPERATIONS OF THE EL CAMINO REAL/SELBY LANE INTERSECTION

Report: Mike Kashiwagi, Interwest Consulting

Recommendation: Review, discuss, and provide direction regarding the results of engineering review and stakeholder feedback to improve safety and operations of the El Camino Real/Selby Lane intersection

Mike Kashiwagi summarized the report. The Council heard the staff report, took public comment and discussed the findings of the study and public outreach. The Council queried staff regarding traffic counts, impact of changes, street levels of service, potential solutions, support, funding, and outcomes. The Council discussed challenges with the intersection, concerns of over-designing the intersection, the possibility of a hybrid HAWK Beacon solution, potential nearby County development and low-cost signage solutions. Following discussion, the Council directed that staff investigate low-cost restricted movement options with stakeholders, investigate the status of nearby County development projects,

involve the Transportation Committee in any further updates and discussion to obtain their recommendation to the Council. Further, the Council directed that staff add a N/S crosswalk on Selby Lane to assist pedestrians with crossing Selby Lane.

17. CALTRAIN ELECTRIFICATION PROJECT - DISCUSS AND PROVIDE DIRECTION REGARDING OVERHEAD CONTACT SYSTEM (OCS) POLE OPTIONS AND COLOR PREFERENCE FOR POLES WITHIN ATHERTON STATION

Report: Mike Kashiwagi, Interwest Consulting

Recommendation: Discuss and provide direction regarding options for OCS poles within the Town of Atherton and color preference for poles within Atherton Station

Mike Kashiwagi noted that Caltrain representatives are in the audience and will present color options for poles. Following some questions, the Council discussed the possible color options and with the help of the public, selected a Marine Green as the consistent pole color throughout Atherton.

Public Comment Opened

Sharon Hume, President Lloyd Homeowners Association, reiterated the HA's unanimous opposition to the 45-foot poles.

Nerissa Dexter, discussed Caltrain's business plan and the size of poles.

Atherton resident, requested that Council insist that Caltrain live up to their business plan.

The Council thanked Caltrain for returning to the conversation, encouraged the public to attend the public meeting by Caltrain scheduled for January 18, supported a collaborative effort to solve the pole height issue and committed to working with Caltrain toward a solution by the February 21 Council Meeting.

18. RESIDENTIAL FALSE ALARM RESPONSES – CONSIDERATION OF A SERVICE CHARGE FOR FALSE ALARMS AND AN ANNUAL PERMIT RENEWAL FEE

Report: Police Chief Steve McCulley

Recommendation: Review and discuss; and, if appropriate, direct staff to incorporate a false alarm service charge process and return with amendments to the Town's Alarm Ordinance to require an annual permit renewal fee following an inspection report

Chief McCulley summarized his report to Council. He discussed the nature of false alarms, causes, and the value of being connected to the Police Department.

Vice Mayor Widmer sought clarification on the hours spent in responding to the false alarms.

Council Member Lempres asked how staff came up with the \$200 fine. What is the goal? McCulley responded that the goal is compliance. Staff reviewed what other jurisdictions are doing with respect to fees. There was further discussion on one-time and annual fees.

Council Member Lewis noted that the service of providing free alarm monitoring to Atherton resident has been going on for at least fifty years. McCulley noted that this is a wonderful service and is not the norm for police department's throughout the country. It's a great chance to interact with residents but it does come with a cost and an impact to our limited police resources.

Mayor Wiest asked what efforts have been done to change behaviors. McCulley said there will be plenty of education and outreach leading up to the fees taking affect. He noted that officers and dispatchers are educating residents now when they are called out for a false alarm. Wiest felt there needed to be more outreach to homeowners who do not live at their properties and to employees and staff who work on the property. McCulley said the whole intent of the fee is to help change the behaviors.

Jim Massey, Atherton resident, felt that \$500 per false alarm call was most appropriate.

Vice Mayor Widmer said the timing is bad and he has been contacted by residents who feel this is a “nickel and dime” over the loss of the parcel tax. He felt this is needed but it still needs a lot of work. He suggested raising the latitude for 2nd and 3rd false alarms before fines are imposed.

Council Member Lempres thanked the Chief for bringing the issue up. He wanted to make sure we are reasonable with warnings and consider smaller annual fees.

Council Member DeGolia doesn't favor an annual registration and prefers a fee imposed after at least two false alarms.

Council Member Lewis felt that having your house key at the police department is a secure feeling. An annual fee might help trigger maintenance and even refreshers on use of the system.

There was discussion on the need to get repeat false alarm calls under control, the need to educate the community about the impact false alarms have on the Police Department personnel, public safety and operations.

Following discussion the Council directed that staff return with an ordinance and process for consideration that sets a small annual fee, eliminates an inspection requirement, incorporates an escalating fine after the 2nd or 3rd false alarm (without charge) in a 12-month period, enhanced education - to include the impact on public safety operations, eliminate the provision in the ordinance that the Police Department no longer respond to excessive false alarms, educate the Council about the process for collection of delinquent fines, and incorporate a fine waiver process for seniors.

19. CIVIC CENTER UPDATE: RECEIVE AND FILE THE COST MODEL MANAGER, PROJECT SCHEDULE AND CONSTRUCTION COST ESTIMATE; AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE AN AGREEMENT AMENDMENT WITH MURRAY ENGINEERS INC. FOR: GEOTECHNICAL DESIGN REVIEW & CONSTRUCTION OBSERVATION SERVICES; AND PROVIDE DIRECTION ON IMPACTED HERITAGE TREES AND, IF APPROPRIATE, DIRECT THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH WRNS STUDIO FOR REDESIGN OPTIONS

Report: Marty Hanneman, Interwest Consulting

Recommendation:

- 1) Receive and file the Cost Model Manager (CMM), Project Schedule and Construction Cost Estimate; and

- 2) Authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with Murray Engineers Inc., to provide Geotechnical design review and Construction observation services for a not to exceed fee of \$66,500; and
- 3) Provide direction on Heritage Trees impacted by the Civic Center Project; and, if appropriate, direct the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with WRNS Studio for any redesign options selected

Following a staff report, presentation and public comment, the Council discussed the issues.

The Council discussed the Cost Model Manager, Contractor Overhead, Profit, and Contingency amounts, and approved a Geotechnical Contract with Murray Consulting. MOTION by Lewis, second by Widmer to authorize the City Attorney to prepare and the City Manager to execute an amendment to the consulting services agreement with Murray Engineers Inc., to provide Geotechnical design review and Construction observation services for a not to exceed fee of \$66,500. The motion passed unanimously.

Marty Hanneman summarized the report on heritage tree impacted by the civic center project. The Council discussed the draft redesign proposals provided by the project architect to save Trees #55, #67, #119, and #120.

Public Comment Opened on Tree #55.

Denise Kupperman, Atherton resident, suggested an independent arborist assessment on whether it would make sense to move it.

Following discussion, the Council agreed that staff attempt to transplant Tree #55 provided an arborist advises that it can be transplanted without harming existing Tree #52. If that cannot be accomplished, Council authorized removal of the tree. Tree #55 is within the Library Project Funding.

Hanneman discussed trees #66 and #67 which are in the entry way of the Police Department and have a redesign cost of approximately \$69,000.

Denise Kupperman felt that there was some oversight on the design process for the heritage trees. She encouraged spending the money to save these trees.

Betsy Colby, thanked the Town for reconsidering.

Council Member DeGolia supported saving the trees. Lempres agreed but had concerns on the costs of the civic center. He would give higher priority to saving trees then to some of the add alternates.

Vice Mayor Widmer was in favor of saving the trees but felt the costs were too high.

Council Member Lewis felt that the Town should not bear the entire cost of redesign.

With respect to Trees #66/#67, the Council authorized the redesign of the Police Department Secure Parking lot to save these trees. The Council then discussed saving Trees #119/#120 and the realignment of the Maple Street entry. Following discussion, the Council authorized staff to proceed with a redesign to save Trees #119/#120 provided that the redesign maintains a less than

70 degree turn along Station Lane to Maple Street and improves the intersection visibility and safety. The Motion on trees #66, #67, #119 and #120 was made by Lewis and seconded by DeGolia. The motion passed unanimously.

The City Council Subcommittee will be involved in reviewing the redesign; however, given the timing of the work needed the impending public bid process, none of the redesigns will return to the Council for final approval before incorporation into the plans.

20. REVIEW, DISCUSS, AND, IF APPROPRIATE, AUTHORIZE STAFF TO SEEK PROPOSALS FROM CONSULTANT FIRMS TO ASSIST WITH THE UPDATES TO THE TOWN'S BUSINESS LICENSE ORDINANCE AND PROPOSED TAX MEASURE

Report: Finance Director Robert Barron III

Recommendation: Review, Discuss, and, if appropriate, authorize staff to seek proposals from consultant firms to assist with the updates to the Town's business license ordinance and proposed tax measure

Following a staff report and Q&A, the Council discussed the need for a consultant and the scope of work. After discussion, the Council directed that staff prepare a formal Request for Proposal to be seen and approved by the Council prior to release, to have a consultant assist the Town and Council with development of an appropriate Business License Tax Model as well as engage the community and stakeholders.

21. FIRE SERVICES FISCAL REVIEW – PROVIDE REVIEW, FEEDBACK AND DIRECTION ON NEXT STEPS

Report: City Manager George Rodericks

Recommendation: Review the Fire Services Fiscal Review ("Study") and provide feedback to staff and direction on next steps

Following a staff report and public presentation by Matrix Consulting, the Council asked detailed questions regarding the study and took public comment. Following public comment, the Council discussed the Study and next steps. The Council directed that staff send a letter to the community with a 2-page executive summary of the Report inviting the public to come to the February 21 Council Meeting for further discussion.

22. COUNCIL REPORTS/COMMENTS

23. FUTURE AGENDA ITEMS

24. PUBLIC COMMENTS

25. ADJOURN

Mayor Wiest adjourned the meeting at 11:31 p.m.

Respectfully submitted,

Theresa N. DellaSanta
City Clerk