



Minutes
Town of Atherton
CITY COUNCIL
March 21, 2018
REGULAR MEETING
7:00 P.M.
City Council

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

7:00 REGULAR SESSION

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Wiest, Widmer, Lewis, DeGolia, Lempres
3. **PRESENTATIONS**

Proclamation in Recognition of Atherton's Public Safety Communications Personnel – Commander Wade read the proclamation for the record.

4. **PUBLIC COMMENT**

Elizabeth Dova, 5th grader at Sacred Heart Schools, urged City Council to change Columbus Day to Indigenous People Day.

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

6. **CITY MANAGER'S REPORT**

City Manager Rodericks noted that the Police Department is working on magnifying its incident maps and that staff is working on putting together a map of our emergency assembly points for disaster response.

Mayor Wiest asked what the Police Department is doing to ease anxiety on the day of Active Shooter Training at Menlo School. Commander Wade noted that there are social media notifications and there will be signs up that say "Police Training in Progress." He added that they will notify surrounding agencies in case they receive calls as well.

Commander Wade added that the Department has done Active Shooter Drills in the past but this is the first time we are doing it with Fire personnel and several role players. The training includes classroom exercises, safety briefings, and specific drills and exercises.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-13)

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

- 8. APPROVAL OF JANUARY 17 AND FEBRUARY 21 REGULAR MEETING AND FEBRUARY 28 SPECIAL MEETING MINUTES**
Report: City Clerk Theresa DellaSanta
Recommendation: Approve meeting minutes
- 9. APPROVAL OF BILLS AND CLAIMS FOR FEBRUARY, 2018 IN THE AMOUNT OF \$1,421,855**
Report: Finance Director Robert Barron III
Recommendation: Approve Bills and Claims in the amount of \$1,421,855
- 10. 2017 ANNUAL REPORT TO THE CITY COUNCIL ON THE ATHERTON GENERAL PLAN IMPLEMENTATION**
Report: Town Planner Lisa Costa Sanders
Recommendation: Accept the Annual Report and authorize its transmittal to the California Governor's Office of Planning and Research and the California Department of Housing and Community Development pursuant to Section 65400 of the California Government Code (CGC)
- 11. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE 2018 SPRING PATCHING PROJECT**
Report: Public Works Director Robert Ovadia
Recommendation: Accept work and authorize recording of a Notice of Completion for the 2018 Spring Patching Project, Number 56083
- 12. ACCEPT THE FISCAL YEAR 2016-17 AUDITED BASIC FINANCIAL STATEMENTS**
Report: Finance Director Robert Barron III
Recommendation: Accept the FY 2016-17 Audited Basic Financial Statements and the Memorandum on Internal Control and Required Communications
- 13. RESOLUTION TO REJECT CLAIM OF LOUIS FRIAS SUBMITTED ON BEHALF OF HIS DAUGHTER CHEYENNE FRIAS**
Report: City Clerk Theresa DellaSanta
Recommendation: Adopt Resolution 18-xx denying the claim filed by Louis Frias on behalf of his daughter Cheyenne Frias

PUBLIC HEARING – (Items 14-16)

- 14. ORDINANCE OF THE COUNCIL OF THE TOWN OF ATHERTON AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN OF ATHERTON AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**
Report: City Manager George Rodericks

Recommendation: Introduce an Ordinance of the City Council of the Town of Atherton authorizing an Amendment to the contract between the Town and the Board of Administration of the California Public Employees' Retirement System. Waiver further reading

MOTION by DeGolia, second by Widmer to introduce an Ordinance of the City Council of the Town of Atherton authorizing an Amendment to the contract between the Town and the Board of Administration of the California Public Employees' Retirement System. Waiver further reading. 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: Town Planner Lisa Costa Sanders

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 in the staff report

Senior Planner Stephanie Davis summarized the report.

There was discussion on timing and questions related to the merger of the Library Parcel.

MOTION by Lewis, second by Widmer to approve the Tentative Parcel Map Certificate to merge six parcels into one parcel at the Atherton Civic Center based on the findings listed in the staff report. The motion passed unanimously.

- 16. APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO DENY A HERITAGE TREE REMOVAL PERMIT AT 222 CAMINO AL LAGO**

Report: Town Planner Lisa Costa Sanders

Recommendation: It is recommended that the City Council conduct the public hearing, deny the appeal, and uphold the decision of the Planning Commission to deny the heritage tree removal permit at 222 Camino Al Lago to allow the removal of one heritage oak tree

Senior Planner Stephanie Davis summarized the report.

She reviewed the site plans and the location of the tree for removal.

Mayor Wiest asked for clarification on the depth and size of the tree and how deep the decay is. Town Arborist Sally Bentz noted that it has a four foot trunk and didn't have enough decay to be in imminent danger.

Kevin Kielty, Kielty Arborist Services, said the drill test went just slightly above the drain tube which was about a foot below the trees crotch. Kielty added that there is concern with the limbs and how they hang and flatten out.

Mayor Wiest asked for clarification on Kielty's assessment of the tree as 45/100. Kielty noted that the tree is rated by degree of hazard through three categories: part most likely to fail, likelihood of failure, and the target (what it would hit).

Council Member Lempres asked what standard is applied to decide if a heritage tree should be removed.

Bentz noted that the tree has a moderate risk but no imminent danger. Lempres asked what standard the Planning Commission applies in deciding to approve or deny a removal.

Davis noted that the Commission considers removals in the context of the general plan. She noted that the municipal code reads that an Oak tree within the buildable area cannot be removed unless it is determined to be dead or dangerous.

The applicant's son spoke. Provided history on his family. The applicant would like the tree removed in order to avoid any issues with it potentially falling over while there are people visiting the applicants home – in particular the young grandchildren. He urged Council to vote on the side of caution and safety.

Kevin Kielty spoke about his background in Atherton and provided history and talking points of this particular tree. He urged the Council to support removal of the tree so the applicant can build a home.

Council Member DeGolia felt that the trees can recover but he is sympathetic to the applicant.

Mayor Wiest had considerable concern on the shape and the u-component of the tree. He leaned on the side of safety in terms that it might pose an issue in the future.

Vice Mayor Widmer felt that both reports pose some risk and he was against putting life and property in jeopardy.

Council Member Lempres heard that there was risk but no imminent danger. He suggested sending it back to Planning Commission to review the additional information. Lempres wanted clarification on the mitigation efforts for replacing the tree if it were removed.

Council Member Lewis supported removal of this particular tree but with a specific plan for planting the additional six oaks.

MOTION by Lewis, second by DeGolia to grant the appeal with the condition that the applicant mitigate removal of the tree with 6 new 48" box trees as per the application. The motion passed unanimously.

REGULAR AGENDA -

17. PROVIDE FEEDBACK ON THE RECENT VISIT TO THE STORMWATER CAPTURE FACILITY PROJECTS IN LAKEWOOD; AND PROVIDE DIRECTION TO STAFF ON NEXT STEPS FOR PUBLIC OUTREACH FOR THE ATHERTON WATER CAPTURE FACILITY PROJECT

Report: Public Works Director Robert Ovadia

Recommendation: Discuss and provide feedback on the Special Meeting held on February 28, 2018, in Lakewood California, and provide direction on public outreach for the Atherton Water Capture Facility Project

Public Works Director Robert Ovadia summarized the report.

Council Member DeGolia asked what additional information of value will come forth at the 20% design level that we don't already have.

Ovadia said that the 20% level will help the staff understand and answer questions related to the conditions of the facility. Marty Hanneman added that we would get additional data on ongoing operation and maintenance costs, what equipment will be needed and what kind of infrastructure will be there. He felt that at the 20% level the Council will have a good understanding to either go forward or not.

Daniel Walker, Maple Ave spoke against the project.

Julie Quinlan, Atherton resident, spoke against the project. Benefits don't overcome the burdens.

Mike McPherson, Watkins Ave, spoke against the project. It doesn't belong in the park.

Grant Bowers, Atherton resident, spoke against the project. Disruption to the neighborhood would be unacceptable.

Art, Atherton resident, spoke against the project. He and his family use the park daily.

Betsy Colby, Atherton resident, spoke about potential for pesticides and fertilizer.

Paul Quinlan, spoke against the project. Questioned the will and whether this would fit that.

Sandy Crittenden, Atherton resident, spoke against the project. Too expensive and not for the park.

Council Member Lewis pointed out that the postcard that went out to the residents regarding the project was misleading. It noted that construction will start and that's not the case. She added that the trip to Lakewood showed her that they have more toxins and the capture facility is necessary for them.

Vice Mayor Widmer said the trip to Lakewood was worthwhile to see. The projects were different than what Atherton would be looking at.

Council Member DeGolia said the Mayor of Lakewood was very enthusiastic about the projects. He noted how big the hole in the ground was. It was an "eye opener." DeGolia felt that there did not need to be any more outreach. But that there is value to get the 20% engineering study to get the additional information about the channel.

Vice Mayor Widmer felt there was misunderstandings about what the project will do and why it is needed and we need to do a better job at getting that information out.

Council Member Lewis agreed that no further outreach is needed at this time.

Council Member Lempres mentioned that the projects in Lakewood were very disruptive to the community. Their situations and projects were much different than what Atherton is looking at. He added that the Town needs to rethink its outreach efforts.

Mayor Wiest felt the Lakewood trip was a good opportunity to understand how the projects might work in Atherton.

- 18. FIRE SERVICES FISCAL REVIEW – REVIEW TASK 4 PROPOSAL; DISCUSS MOVING FORWARD WITH TASK 4; AND, IF APPROPRIATE, APPROVE THE SCOPE OF WORK AND AUTHORIZE STAFF TO MOVE FORWARD WITH TASK 4**
Report: City Manager George Rodericks

Recommendation: Review the Task 4 Proposal from Matrix Consulting; discuss moving forward with Task 4; and, if appropriate, approve the Scope of Work and authorize staff to move forward with Task 4

City Manager Rodericks summarized the report.

Mayor Wiest asked what would happen once task 4 was completed. Rodericks explained that the report would come back to Council for review, discussion and decision on next steps.

Council Member DeGolia sought clarification on the LAFCO process and the legislative process.

There was further discussion on the proposed scope of work, process and potential outcomes, need for more information related to possible legislative options, ability of the consultant to get to that information, and timing of the task given other issues on the horizon.

Vice Mayor Widmer noted that the Town would be under no further obligation to do anything after task 4 is completed.

Greg Conlon, Atherton resident, commended council for pursuing this as far as they have. He supported task 4.

Council Member Lewis had concerns about the proposal and the possibility of getting boilerplate analysis of the LAFCO process.

MOTION by DeGolia, second by Lewis to table the discussion. The Motion failed 2-3 (Lempres, Widmer, Wiest opposed).

Council Member DeGolia felt that the largest project (civic center) in the history of this town is upon us and we need to execute it properly. He felt that looking at detachment would use up too many resources and time. He added that we pay a lot of taxes for the service but that it appears to be a result of Prop 13.

Council Member Lewis felt that the fire fiscal services review has provided a lot of good information but that phase 4 will only provide specific information on how to detach. She didn't feel it was necessary.

Council Member Lempres felt it is important to get the information and find out what the opportunity costs and options might be.

Mayor Wiest noted that there is a large surplus on the table. The process has taken some time but it is important to do and to continue. We have a fiduciary responsibility to look into the options and make an informed decision.

Vice Mayor Widmer agreed that we need to understand what the options are.

MOTION by Widmer, second by Wiest to approve the Scope of Work and authorize staff to move forward with Task 4. The motion passed 4-1 (DeGolia opposed).

19. PROVIDE FEEDBACK ON THE MIDDLEFIELD ROAD CLASS II BICYCLE LANES IMPROVEMENTS PROJECT NINETY-FIVE PERCENT PLANS

Report: Public Works Director Robert Ovadia

Recommendation: Review and provide feedback on 95% plans for the Middlefield Road Class II Bicycle Lanes Improvements Project

Public Works Director Ovadia summarized the report. A presentation was made to Council.

Following Public Comment, the Council provided feedback on intersection striping, signage, use of thermoplastic versus paint for approach markings, ADA approaches, bicycle boxes, and coordination with outside agencies. The Council will inspect the intersection of Middlefield and Oak Grove for installation of thermoplastic approach markings and provide feedback for the 100% Design to follow in April.

20. RECEIVE AND FILE THE MID-YEAR BUDGET REPORT FOR FY 2017/18; AND ADOPT THE BUDGET AMENDMENT RESOLUTION FOR NECESSARY ADJUSTMENTS

Report: Finance Director Robert Barron III

Recommendation: Receive and file the Mid-Year Budget Review for the General Fund for FY 2017/18; and adopt the attached Resolution authorizing a Budget Amendment for Necessary Adjustments

MOTION by Lewis, second by Lempres to receive and file the Mid-Year Budget Review for the General Fund for FY 2017/18; and adopt the attached Resolution authorizing a Budget Amendment for Necessary Adjustments. The motion passed unanimously.

21. CIVIC CENTER UPDATE: RECEIVE AND FILE THE COST MODEL MANAGER, PROJECT SCHEDULE; AUTHORIZE THE CITY ATTORNEY TO REVIEW AND THE CITY MANAGER TO EXECUTE A COST SHARING AGREEMENT WITH THE CALIFORNIA WATER SERVICE COMPANY; AND APPROVE THE CIVIC CENTER PLANS, SPECIFICATIONS AND ESTIMATE BID DOCUMENTS; AND AUTHORIZE ADVERTISEMENT FOR PUBLIC BIDS TO THE PRE-QUALIFIED GENERAL CONTRACTORS

Report: Marty Hanneman

Recommendation:

- 1) Receive and file the Cost Model Manager (CMM) and Project Schedule; and
- 2) Authorize the City Attorney to review and the City Manager to execute a cost sharing Agreement with The California Water Service Company; and
- 3) Approve the Civic Center Plans, Specifications and Estimate (PS&E) Bid Documents, and
- 4) Authorize advertisement for public bids to the pre-qualified General Contractors

Project Manager Marty Hanneman summarized the report. He noted that one of the firms who were approved through the RFQ process has dropped out due to workload. There are four remaining firms the Town wills end the bid to.

The Council discussed the proposed contract with CalWater for project improvements, approved the contract, and authorized the release of Bids for the Civic Center Project to begin the Public Bid process.

MOTION by Widmer, second by Wiest to authorize a cost sharing Agreement with The California Water Service Company; and Approve the Civic Center Plans, Specifications and Estimate

(PS&E) Bid Documents, and Authorize advertisement for public bids to the pre-qualified General Contractors. The motion passed unanimously.

22. **COUNCIL REPORTS/COMMENTS** – None.

23. **FUTURE AGENDA ITEMS** – None.

24. **PUBLIC COMMENTS**

Greg Conlon, Atherton resident, discussed the most recent school shootings.

25. **ADJOURN**

Mayor Wiest adjourned the meeting at 10:48 p.m.

Respectfully Submitted,

**Theresa N. DellaSanta
City Clerk**