



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

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

7:00 REGULAR SESSION

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

Oath of Office – Sergeant Jeff Rickel – **Acting Chief Joe Wade**

Wade administered the oath of office for Rickel. Rickel was pinned by Wade.

4. **PUBLIC COMMENTS** – None.
5. **REPORT OUT OF CLOSED SESSION** – Nothing to report.
6. **CITY MANAGER’S REPORT**

Council Member Lewis noted that the police report within the City Manager’s written report is very informative and detailed. She was appreciative of the report.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-14)

8. **APPROVAL OF JANUARY 18 SPECIAL AND REGULAR MEETING AND FEBRUARY 1 SPECIAL MEETING MINUTES**
Report: City Clerk Theresa DellaSanta
Recommendation: Approve meeting minutes
9. **APPROVAL OF BILLS AND CLAIMS FOR JANUARY IN THE AMOUNT OF \$1,557,165**
Report: Finance Director Robert Barron III
Recommendation: Approve Bills and Claims in the amount of \$1,557,165

10. **ADOPT PAY SCHEDULES FOR COMPLIANCE WITH CALIFORNIA CODE OF REGULATIONS SECTION 570.5 AS REQUIRED BY CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)**
Report: Finance Director Robert Barron III
Recommendation: Adopt resolution approving revised pay schedules for FY 2013/14 through FY 2015/16 for compliance with California Code of Regulations Section 570.5 as required by CalPERS

11. **APPROVE RESOLUTION ADDING A VEHICLE REPOSESSION FEE TO THE POLICE DEPARTMENT SECTION OF THE MASTER FEE SCHEDULE**
Report: Chief of Police Joe Wade
Recommendation: Approve Resolution adding a vehicle repossession fee to the Police Department section of the Master Fee Schedule

12. **AUTHORIZATION FOR USE OF RATE STABILIZATION FUNDS**
Report: City Manager George Rodericks
Recommendation: Authorize the City Manager to use the Refuse Rate Stabilization Fund to engage professional services, as needed, to assist with the franchise renewal process

13. **AWARD OF CONTRACT FOR THE 2017 SPRING PATCHING PROJECT, PROJECT NUMBER 56076**
Report: City Engineer Marty Hanneman
Recommendation: Award the construction contract for 2017 Spring Patching Project, project number 56076 to the lowest responsive bidder, G. Bortolotto & Company of San Carlos for \$170,250; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town

14. **AWARD OF CONTRACT FOR THE 2017 CAPE SEAL PROJECT, PROJECT NUMBER 56077**
Report: City Engineer Marty Hanneman
Recommendation: Award the construction contract for 2017 Cape Seal Seal Project, Project Number 56077 to the lowest responsive bidder, Graham Contractors of San Jose for \$157,460; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town

MOTION by Lewis, second by Widmer to approve consent calendar items 8 through 14. The motion passed unanimously.

PUBLIC HEARING

15. **ORDINANCE TO ADD CHAPTER 9.06 OF THE ATHERTON MUNICIPAL CODE REGULATING OPERATION OF UNMANNED AIRCRAFT SYSTEMS (AKA DRONES, MODEL AIRCRAFT)**
Report: City Attorney Bill Connors
Recommendation: Conduct a Public Hearing and consider an ordinance regulating operation of unmanned aircraft systems within the Town

Assistant City Attorney Larson provided the Council with a summary of her report. Larson noted that she attended the Park & Recreation Committee meeting to seek feedback. The committee was not in favor of model aircraft use in the park at all. They were ok with civil use provided that there would be a permit.

There was discussion about whether the park is within 5 miles of an airport. Larsen noted that the park is within 5 miles of both the San Carlos and Palo Alto airports. Because of this, an individual is required to notify the airport before flying a drone in the park.

Larsen explained the difference between a model operator and a civil operator. Civil operators must adhere to FAA rules including having training and flying hours.

Council Member Widmer, in reference to Section 9.06.040- section 7, asked to reconsider putting additional restrictions that allows privacy to neighbors since these drones are equipped with cameras. He added that both civil and model aircraft use should be banned in the park because of the noise it creates.

Council Member DeGolia felt that the civil process can be managed by the City Manager's office and if it isn't working out the Council can revisit it. Vice Mayor Wiest agreed.

Mayor Lempres noted that he is sympathetic to those that use a drone for checking their gutters and other similar activities but he felt that the privacy of neighbors outweighed that.

MOTION by Lewis, second by Wiest to approve the first reading an ordinance regulating operation of unmanned aircraft systems within the Town. The motion passed unanimously.

REGULAR AGENDA – (Items 16-22)

16. AMEND THE BIKE AND PEDESTRIAN MASTER PLAN TO INCLUDE CLASS I AND CLASS II BIKE LANES AS IDENTIFIED; AMEND THE CIP TO ADDITIONAL DESIGN; AND AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR ADDITIONAL DESIGN

Report: Community Services Director Mike Kashiwagi

Recommendation:

1. Amend the Bike and Pedestrian Master Plan to include Class I bike lanes on the south side and Class II bike lanes on the north side of Oak Grove Avenue between Rebecca Lane and Middlefield Road;
2. Amend the FY 2016/17 Capital Improvement Program to include the reallocation of \$65,400 design and construction funds from the Bike and Pedestrian Master Plan Implementation Program to the Middlefield Road/Oak Grove Avenue Complete Streets Capital Improvement Project for the Oak Grove Avenue Bike Lane Design; and
3. Authorize the City Attorney to draft and the City Manager to execute an amendment to the Professional Services Agreement with Hatch Mott MacDonald (HMM) for design services for Class I and Class II bike lanes along Oak Grove Avenue for a not to exceed fee of \$15,400.

Council Member Widmer noted that this is a big project. It is especially important for children riding their bikes to school and for making the connection for Safe Routes to School and that it is important to not only maintain safe access and use by those on bicycles but pedestrians as well.

Council Member Lewis sought clarification on the costs. She added that it is important to continue to work with Menlo Park on implementing the Safe Routes to School.

It was noted that staff will be preparing a preliminary design and advising the adjacent/affected property owners of the project prior to implementation. The preliminary design will be provided to the City Council for comment as well.

MOTION by Widmer, second by Lewis to approve all three recommendations made in the report. The motion passed unanimously.

17. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA, CALLING FOR THE HOLDING OF AN ALL MAIL BALLOT SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 6, 2017, FOR THE SUBMISSION OF A PROPOSED ADVISORY MEASURE AND REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO CONSOLIDATE SAID SPECIAL ELECTION WITH ANY OTHER ELECTION TO BE HELD ON TUESDAY, JUNE 6, 2017

Report: City Manager George Rodericks

Recommendation: Direct staff to provide language for Resolution 17-xx ordering the submission to qualified electors of the Town of Atherton a measure relating to the Civic Center Project funding at an all-mail ballot special Municipal Election to be held on Tuesday, June 6, 2017

City Manager Roderick s summarized the report. Council reviewed the language prepared by ad-hoc committee members Wiest and DeGolia. Minor changes were made to include adding the word “advisory” to the first sentence in between “an” and “measure,” and adding the following sentence right after the first sentence in paragraph two: Other funding sources include funds derived from building fees and grants.

MOTION by DeGolia, second by Lewis to approve resolution 17-xx ordering the submission to qualified electors of the Town of Atherton a measure relating to the Civic Center Project funding at an all-mail ballot special Municipal Election to be held on Tuesday, June 6, 2017. The motion passed unanimously.

18. A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA, (1) SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND (2) PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT THE ALL-MAIL SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 6, 2017

Report: City Manager George Rodericks

Recommendation: Adopt a resolution setting priorities for filing written primary argument(s) regarding the measure and directing the City Attorney to prepare an impartial

analysis to be printed in the sample ballot; and for providing for the filing of rebuttal arguments (if rebuttals are accepted by Council).

MOTION by Wiest, second by DeGolia to adopt a resolution setting priorities for filing written primary argument(s) regarding the measure and directing the City Attorney to prepare an impartial analysis to be printed in the sample ballot; and for providing for the filing of rebuttal arguments. The motion passed unanimously.

19. RECEIVE THE CIVIC CENTER AND LIBRARY SITE PLAN DESIGNS; APPROVE AN AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH WRNS STUDIO; APPROVE AN AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MACK5; PROVIDE DIRECTION ON PV PANELS FOR ADMIN/PD BUILDING; RECEIVE AND ACCEPT 100 PERCENT DESIGN DEVELOPMENT PLANS, COST ESTIMATE AND SCHEDULE; AND AUTHORIZE STAFF TO BEGIN CONSTRUCTION DOCUMENTS

Report: City Engineer Marty Hanneman

Recommendation:

1. Receive update on Landscaping Plans and Site Plans presented on the February 6, 2017 Civic Center Advisory Committee meeting and provide feedback and direction; and
2. Authorize the City Manager to execute an amendment to the consulting services agreement with WRNS Studio to perform additional design services for the Civic Center Project for a fee not to exceed \$242,960; and
3. Authorize the City Manager to execute an amendment to the consulting services agreement with Mack5 to perform additional services for the Civic Center Project for a fee not to exceed \$57,775; and
4. Provide direction on photovoltaic (PV) panels to be included as Add Alternate bid for Admin/PD Building; and
5. Receive and accept the 100% Design Development Plans, Cost Estimate and Project Schedule and provide feedback; and
6. Authorize staff to begin construction documents (CD)

City Manager Rodericks explained that this item required Council approval of a couple of changes to the Design and Project Management Scopes of Work, Feedback on the Project landscaping and signage plan, decisions related to photovoltaic arrays as add-alternates, acceptance of the 100% Design Development Plans and Cost Estimate and authorization to move forward to Construction Documents. Ultimately, the Council moved forward on all of the recommended items to include moving forward with Construction Drawings, but discussed in detail, project landscape and signage, future role of the Civic Center Advisory Committee, and photovoltaic arrays as add-alternates.

The Council provided key feedback on project design related to civic court bench design, Library fountain, Library decking, locations of flag poles, design and materials for monument signage, and the new address for Town Hall (80 Fair Oaks).

The Council placed the Civic Center Advisory Committee on hiatus while staff continues work with the Project Management Subcommittee moving forward with key involvement by the Council at critical decision points. The Council also discussed the placement of possible photovoltaic arrays as a project add-alternate and discussed ways that the arrays could be funded via a power purchase agreement and made more efficient in design.

2. Authorize the City Manager to execute an amendment to the consulting services agreement with WRNS Studio to perform additional design services for the Civic Center Project for a fee not to exceed \$242,960;

MOTION by DeGolia, second by Widmer to approve recommendation 2. Motion passed unanimously.

3. Authorize the City Manager to execute an amendment to the consulting services agreement with Mack5 to perform additional services for the Civic Center Project for a fee not to exceed \$57,775; and

MOTION by DeGolia, second by Widmer to approve recommendation 3. Motion passed unanimously.

4. Provide direction on photovoltaic (PV) panels to be included as Add Alternate bid for Admin/PD Building;

MOTION by Lewis, second by DeGolia to select Option 2 for the add-alternate photovoltaic arrays, without the additional carport along the western border of the project site. Motion passed unanimously.

Council direction was to design the proposed panels to be as efficient as possible and look for ways to enhance their efficiencies within the constraints of the project site. Add-alternates are not automatically included within the project and are decided upon at the time of project construction award based on available funding.

5. Receive and accept the 100% Design Development Plans, Cost Estimate and Project Schedule and provide feedback;

MOTION by Wiest, second by Lewis to approve recommendation 5. Motion passed unanimously.

6. Authorize staff to begin construction documents (CD).

MOTION by Wiest, second by Widmer to approve recommendation 6. Motion passed unanimously.

20. 2017 EARTH DAY EVENT WORK PLAN AND BUDGET AS RECOMMENDED BY STAFF AND THE ENVIRONMENTAL PROGRAMS COMMITTEE (EPC)

Report: Senior Planner Stephanie Davis

Recommendation: It is recommended that the City Council review, provide comment and approve a final 2017 Earth Day event and budget as recommended by staff and the Environmental Programs Committee (EPC).

Senior Planner Davis provided a summary of her report.

Vice Mayor Wiest noted that the plan sounds good. He was pleased to see that the Recology event was included in the plan for Earth Day.

Council Member Widmer suggested a town-wide postcard to advertise the event.

There was discussion on the award amounts.

MOTION by Wiest, second by DeGolia to approve a final 2017 Earth Day event and budget as recommended by staff and the Environmental Programs Committee (EPC) with the following revisions to the work plan:

- **Add in a Town wide mailing as another mode of advertising**
- **Look to reduce or remove monetary prizes for student challenge to accommodate a Town wide mailing within budget. Suggestion to limit monetary awards to top 3 winners at \$300/each.**

The motion passed unanimously.

21. SELECTION OF STREET LIGHT FOR THE SERIES STREETLIGHT PROJECT

Report: Community Services Director Mike Kashiwagi

Recommendation: Provide direction to staff on streetlight choices for the series streetlight replacement project.

City Engineer Marty Hanneman provided background. He was seeking clarification from council on selection of the type of light for a pendant and post top style. The new lights go in portions of Lloyd Park and Lindenwood to replace the Series Street Lights.

Hanneman shared the results of a town wide survey. Council selected the top rated light in each category - Pendant and Post-Top.

MOTION by DeGolia, second by Lewis to approve the top rated light in each category given by the survey. The motion passed unanimously.

22. RECEIVE AND FILE THE MID-YEAR BUDGET REPORT FOR FY 2016/17; 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 2016/17; and adopt the attached Resolution authorizing a Budget Amendment for Necessary Adjustments

Finance Director Robert Barron III noted the changes in revenues and expenditures at Mid-Year.

The Council discussed various issues related to capital projects, project timing, revenues, and anticipated General Fund savings.

Council Member Widmer requested setting the mid-year budget item earlier on the agenda.

Mayor Lempres sought clarification on the beginning/ending fund balance.

MOTION by Widmer, second by Lewis to approve the Mid-Year Budget Review for the General Fund for FY 2016/17; and adopt the attached Resolution authorizing a Budget Amendment for Necessary Adjustments. The motion passed unanimously.

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

24. **FUTURE AGENDA ITEMS** – None.

25. **PUBLIC COMMENTS** – None.

26. **ADJOURN**

MOTION by DeGolia, second by Lewis to adjourn the meeting. Mayor Lempres adjourned the meeting at 10:51 p.m.

Respectfully Submitted,

Theresa N. DellaSanta
City Clerk



Minutes
Town of Atherton
March 1, 2017
4:00 P.M.

Jennings Pavilion
150 Watkins Ave
Atherton, California

Special Meeting
Joint Study Session

City Council and Park & Recreation Committee

Mayor Lempres called the meeting to order at 4:00 p.m.

ROLL CALL

Council Members: Lempres, Wiest, Lewis, Widmer, DeGolia

Park & Recreation Members: Roeser, Hoy, Gardner, Kupperman, Timpson, Davey, Narancic

Hoy & Gardner were excused.

PUBLIC COMMENTS – None.

JOINT STUDY SESSION ITEMS

1. REVIEW AND PROVIDE DIRECTION TO STAFF ON THE SCOPE AND BUDGET REGARDING THE PARK CIRCULATION PLAN PROJECTS

Report: Public Works Superintendent Steve Tyler

Recommendation: Review and provide direction to staff on the scope and budget regarding the Park Circulation Plan Projects

The Council and Committee walked the Park to view various improvements that have been made over the last year. Recent capital improvements in the Park include renovations to the turf, completion of the Event Garden, renovations and widening of the west path from the pedestrian bridge to the rear gate, and the installation of new Par Course equipment.

Verde Design provided the Council and Committee with history of the park master plan and approvals. The Design Group then reviewed each design plan with members.

The group discussed the various elements of the plans including pedestrian access ways, turf, parking spaces, and entry elements. The group also discussed the conversion of existing asphalt pathways in the Park (non-bicycle pathways) to decomposed granite pathways.

It was the consensus of the group that staff should include the cost of converting these pathways areas into the Town's Park Maintenance Budget each year section by section instead of the Town's overall Capital Improvement Project budget. Verde Design will incorporate the feedback from the meeting as much as possible in the plans and return for final review by the Park & Recreation Committee for a recommendation to the Council. It is anticipated that a portion of the

improvements will be underway at the beginning of FY 2017/18 as part of the 5-Year Capital Improvement Project Budget.

Park & Rec Chair Bob Roeser explained the committee's recommendations for implementation of the park master plan. Public Works Superintendent Steve Tyler noted that the budget numbers will return to Council during the FY 17/18 Budget cycle this spring.

Adjourn to Study Session of City Council (Only) – 5:34 p.m.

CONSENT (ACTION) ITEMS

2. AUTHORIZATION FOR THE CITY ATTORNEY TO DRAFT AND THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WRNS STUDIO TO MOVE FORWARD INTO THE CONSTRUCTION DOCUMENTS PHASE OF THE PROJECT

Report: City Engineer Marty Hanneman

Recommendation: Authorize the City Attorney to draft and the City Manager to execute an amendment to the professional services agreement with WRNS Studio (WRNS) to prepare construction documents (CD) for the Civic Center Project for a fee not to exceed \$1,182,615

MOTION by Widmer, second by Lewis to authorize the City Attorney to draft and the City Manager to execute an amendment to the professional services agreement with WRNS Studio (WRNS) to prepare construction documents (CD) for the Civic Center Project for a fee not to exceed \$1,182,615. The motion passed unanimously.

STUDY SESSION ITEMS

3. DISCUSSION OF USE OF PUBLIC FUNDS FOR WORK WITHIN THE TOWN'S RIGHT-OF-WAY

Report: City Manager George Rodericks

Recommendation: Review and discuss and provide staff with feedback

Assistant City Attorney Larsen explained that the Town's current Municipal Code Section 8.20.050 for Public Nuisances, defines the following as a Public Nuisance: "...overgrown, dead, decayed, diseased or hazardous trees or other vegetation...weeds and other vegetation likely to harbor rats, vermin or nuisances, that constitute a fire hazard, or vegetation that creates a vehicular, bicycle or pedestrian hazard or otherwise interferes with public circulation or which impedes drainage within the public right-of-way or watercourse..." It was further noted that that same ordinance provides that abatement of such nuisance by the Town (with notice or without due to emergent circumstances) can be done by Town personnel or contractors. The Code is also explicit in that the costs of abatement are the responsibility of the property owner - not the Town.

Staff advised that past practice had been that the Town clears the right-of-way as needed without assessing the cost of abatement to the property owner; but, given the City Attorney's advice on the Town's ordinance, doing so may constitute a gift of public funds unless the Council finds that such work is a public, municipal purpose. Normal issues of negligence apply and damage caused by any tree felling would be the responsibility of the property owner. The issue discussed is the cost of clearing the path of travel in the Town's right-of-way.

The Council discussed the various elements and past practice and took public comment. The Council asked what was done by neighboring agencies in these circumstances. After discussion, the Council asked that staff do additional research on the topic, in particular, what changes can be made to the Town's municipal code to address this issue, if desired; and, how is the issue handled by adjacent jurisdictions.

4. REVIEW AND DISCUSS SHORT-TERM RENTALS, ENFORCEMENT AND FUTURE POLICY ISSUES IN ATHERTON; AND PROVIDE STAFF WITH DIRECTION

Report: Acting Chief of Police Joe Wade

Recommendation: Review and discuss short-term rentals, enforcement and future policy issues in Atherton; and provide staff with direction

City Manager Rodericks noted that the Council had asked for an update on how short term rentals were addressed in Atherton and what the experience has been on the issue. Staff advised as to issues related to recent code enforcement activity as well as potential options for Council consideration if there was a desire to change current law. Staff noted that current law does not allow for rental periods less than 30 days (short-term).

One member of the audience spoke about how she hosts many guests from many beneficial organizations and guests such as families of people sick or dying at Stanford. She charges \$129-\$149/ night. She is willing to continue to operate on a trial basis with permit for one year with percentage going to town.

John Davey – suggested discussing this as a revenue opportunity.

The Council discussed the various issues related to noise, traffic, and other issues in residential neighborhoods.

Vice Mayor Wiest suggested a trial basis that includes a very clearly defined ordinance.

Council Member Widmer was not in favor as he felt that some individuals/companies are buying properties in Atherton just to rent the whole property out.

Council Member Lewis was not in favor because she felt it would change the character of the Town's General Plan.

Council Member DeGolia suggested putting a survey on Open Town Hall to get more feedback from the community.

Mayor Lempres was in favor of looking at a more tailored way to do this that would be effective and logical and can be made to work out for all.

Following discussion and public comment, the Council asked that staff do some additional research on impacts of short-term rentals in residential neighborhoods and opportunities to change the Town's municipal code to address the ability of property owners to engage in short-term rentals.

ADJOURN

MOTION by Lewis, second by DeGolia to adjourn the meeting. Mayor Lempres adjourned the meeting at 6:26 p.m.

Respectfully Submitted,

Theresa N. DellaSanta
City Clerk