



**0Draft 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 2<sup>nd</sup> and 3<sup>rd</sup> false alarms before fines are imposed.

Council Member 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



**AGENDA**  
**Town of Atherton**  
**CITY COUNCIL**  
**February 21, 2018**  
**CLOSED SESSION**  
**6:30 P.M.**  
91 Ashfield Road  
**REGULAR MEETING**  
**7:00 P.M.**  
**City Council**  
94 Ashfield Road

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

**6:30 PM      CLOSED SESSION IN CONFERENCE ROOM**

**ROLL CALL          Wiest, Widmer, Lewis, DeGolia, Lempres**

**PUBLIC COMMENTS**

Public Announcement of Closed Session Items

**CLOSED SESSION**

**A. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.5**

Agency Negotiators: George Rodericks, City Manager  
Employee Organization: Unrepresented Employees, Police Chief

**7:00 REGULAR SESSION**

**1.      PLEDGE OF ALLEGIANCE**

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

**3.      PRESENTATIONS**

None.

**4.      PUBLIC COMMENTS – None.**

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

Connors reported that the City Manager received direction from the Council. No further reportable action.

6. **CITY MANAGER'S REPORT** – Nothing further to add to written report.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

**CONSENT CALENDAR** (Items 8-16)

Council Member DeGolia pulled item 13. Lewis noted she wanted to pull 13 as well.

**MOTION by Widmer, second by DeGolia to approve consent items 8 through 16 except item 13 which was pulled from consent. The motion passed unanimously.**

8. **APPROVAL OF DECEMBER 6 SPECIAL MEETING, DECEMBER 21 REGULAR MEETING AND JANUARY 10 SPECIAL MEETING MINUTES**

**Report:** City Clerk Theresa DellaSanta

**Recommendation:** Approve meeting minutes for December 6 and 21, and January 10 meeting minutes

9. **APPROVAL OF BILLS AND CLAIMS FOR JANUARY, 2018 IN THE AMOUNT OF \$1,033,774**

**Report:** Finance Director Robert Barron III

**Recommendation:** Approve Bills and Claims in the amount of \$1,033,774

10. **TREASURERS REPORT FOR THE SECOND QUARTER ENDED DECEMBER 31, 2017**

**Report:** Finance Director Robert Barron III

**Recommendation:** Accept the Treasurer's Report for the Second Quarter Ended December 31, 2017

11. **540, 560 AND 596 FLETCHER DRIVE – ZONING ORDINANCE AMENDMENT ADOPTION TO CORRECT CLERICAL ERROR**

**Report:** Lisa Costa Sanders

**Recommendation:** Waive further reading of the Zoning Ordinance Amendment introduced on January 17, 2018 and adopt the attached Zoning Ordinance Amendment correcting the Zoning Map clerical error related to properties located at 540, 560 and 596 Fletcher Drive

12. **SECOND READING AND ADOPTION 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:** Second Reading and adoption 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

14. **APPROVE REMOVAL OF PORTIONS OF WORK FROM THE SERIES CIRCUIT STREET LIGHT REPLACEMENT PROGRAM PROJECT NUMBER 56058**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Approve the removal of work on Burns Avenue from the Series Circuit Street Light Replacement Program

**15. AWARD OF CONTRACT FOR THE 2018 SPRING PATCHING PROJECT, PROJECT NUMBER 56083**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Award the construction contract for 2018 Spring Patching Project, project number 56083 to the lowest responsive bidder, G. Bortolotto & Company of San Carlos for \$134,200 and authorize change orders up to \$15,000; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town

**16. AWARD OF CONTRACT FOR THE 2018 SLURRY SEAL PROJECT, PROJECT NUMBER 56084**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Award the construction contract for 2018 Slurry Seal Project, Project Number 56084 to the lowest responsive bidder, American Asphalt of Hayward for \$156,510 and authorize change orders up to \$15,000; direct the City Attorney to prepare the contract; and authorize the City Manager to execute the contract on behalf of the Town.

Item 13 was taken up next.

**PULLED FROM CONSENT**

**13. ADOPT A RESOLUTION IN COLLABORATION WITH THE CITIES OF: REDWOOD CITY, MENLO PARK, PALO ALTO AND MOUNTAIN VIEW REGARDING THE MANAGERS MOBILITY PARTNERSHIP INITIATIVE, AND APPROVE PENINSULA BIKEWAY ROUTE AND BIKEWAY SIGN INSTALLATIONS**

**Report:** Public Works Director Robert Ovadia

**Recommendation:**

1. Adopt the attached Resolution No. 18-XX regarding the Managers Mobility Partnership Initiative, endorsing a collaborative effort with the cities of Redwood City, Menlo Park, Palo Alto and Mountain View to create a north-south bicycle route and enhance bicycle network between Atherton and these mid-Peninsula communities, and
2. Approve the proposed Peninsula Bikeway route, approve location of proposed signs consistent with signs installed in neighboring jurisdictions, and direct staff to have the bicycle signs installed by City crews.

Council Member DeGolia noted that this would add to the already installed Atherton bike signs in Town. DeGolia preferred the Peninsula Bikeway sign topper with the image of the bike added to current bikeway signs in Atherton. DeGolia suggested minimizing the number of new poles that go up in Atherton for this project.

Council Member Lewis agreed. She noted that to the extent that the topper can be placed on existing bike route signs to do so.

Vice Mayor Widmer suggested removing way finding signage (on the pavement) in areas that the toppers are installed. Staff will look into this.

Council Member Lempres recapped Transportation Committee comments and the support of the committee.

Mayor Wiest commented that the signs do not represent a “Tour De Peninsula.”

**MOTION by Lewis, second by Lempres to approve item 13 as presented and recommended. The motion passed unanimously.**

**PUBLIC HEARING – None**

**REGULAR AGENDA – (Items 17-22)**

Mayor Wiest took a poll on who, in the audience, was present for Items 17 and 18. Item 18 was taken up first.

**18. CALTRAIN ELECTRIFICATION PROJECT - DISCUSS AND PROVIDE DIRECTION REGARDING CALTRAIN RESPONSE LETTER DATED FEBRUARY 6, 2018**

**Report:** Mike Kashiwagi, Interwest Consultant

**Recommendation:** Discuss and provide direction regarding the Caltrain Response Letter dated February 6, 2018 related to the Overhead Catenary System (OCS) pole preference and project cost impacts

Vice Mayor Widmer questioned timing of the issue. Kashiwagi noted that staff was first made aware of the issue in November. There was further discussion on timing of meetings with Caltrain. Kashiwagi noted that the center poles discussion came up in June/July of 2017, but that that conversation was in the context of minimizing impacts to trees.

Public Comment was opened.

Sharon Hume, Lloyd Park Homeowners’ Association President, requested that the Council spend the \$200,000 to redesign the poles.

Nerissa Dexter, felt that mistakes were made and balls were dropped. The Town should pay.

Elizabeth Lewis, thanked the Council for the leadership. She noted that the Town voted to spend money to preserve trees impacted by the civic center project; the Council should do the same in this situation.

Frank Burke, noted that this is not just a Lloyd Park issue. It will be an eyesore for all.

Council Member Lewis felt that Caltrain should have come to the Town with the issue in a timely and cooperative manner. She felt that this was not good faith and that it appeared to be retribution from the electrification lawsuit filed by the Town. She concluded that the redesign costs should be shared between the two agencies.

Council Member Lempres was sympathetic to the Lloyd Park residents. He felt that the Town could not waive their rights to sue (a condition of Caltrain); asking the Town to do so is bordering on bad faith.

Vice Mayor Widmer did not feel that the discussion from Caltrain about the redesign was appropriate or clear. When Caltrain realized only one tree had to be removed they should have come back to Atherton for input. He felt the agencies should share in the redesign costs. The rest of the conditions from Caltrain are overly broad and inappropriate.

Council Member Lempres suggested focusing on a “path forward” and how the Town could engage Caltrain to lead to a resolution.

There was a discussion of a possible subcommittee of two Council Members to engage Caltrain in conversation and reach a consensus.

Council Member DeGolia felt that there have been a lot of discussions and some insulting letters from Caltrain. He suggested that they may be upset that the Town filed a lawsuit on the electrification issue. He noted that while the Town was focused on mitigating trees during the center pole discussion, Caltrain should have come back to the Town when they realized there were changes to the design.

Mayor Wiest felt that the Town needed to do its best to come to a reasonable resolution.

Following discussion, Mayor Wiest appointed two members of the Council (Wiest/DeGolia) to work with staff and Caltrain toward a solution and return any agreed upon solution to the Council for ratification.

#### **17. 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”), take public comment and provide feedback to staff and direction on next steps

City Manager Rodericks summarized his report.

Public Comment Opened.

Malcolm Dudley, felt that the fiscal review is necessary but that the top priority should be protection of lives and property. He felt that the fire study had some good information but that it is also seriously flawed.

Jim Massey, felt that it is the responsibility of the Council as fiduciaries of the taxpayers for this Town to look into this issue. He thanked Council for doing so. Massey supported a contract model.

Bob Polito, felt that the money the District spends is staggering. He noted that they budget \$1.7M in overtime alone and have a dozen employees making over \$300,000 per year. He supported exploring other options.

Alan Epstein, explained that this has come about because there have been no property tax allocation changes from the state since Proposition 13.

Council Member Lewis said she does not support Atherton forming its own fire department. She said the District provides excellent levels of services to the Town and she does not prefer Atherton leave the

District. She felt that Atherton's contribution to the District has grown over the years and the California Legislature needs to change percentage formulas of property tax dollars for better alignment. She suggested discussions with state representatives on how to reset the percentages so the District doesn't have such excess.

Vice Mayor Widmer felt that the district provides the best services out there. 1<sup>st</sup> rate. He noted that he was appalled at some of the scare-mongering and rhetoric by certain individuals. He felt that there needs to be some work together to make sure that taxpayers' dollars are being spent appropriately.

Council Member DeGolia said that he has heard from some residents that they feared lesser service if they expressed a desire to leave the District. He said that is not the case. The District is extremely professional and would not alter their service. He agreed that comments in the press from Board members are unprofessional. He concluded that at no time has the Town expressed desire to actually leave the Fire District.

Council Member Lempres said that the Council has a fiduciary duty to look into this. He noted that the Town has no intention of doing anything that would put the safety of its residents at risk. This is simply to learn options and have an open discussion about next steps.

Mayor Wiest noted that the Town's service and growth have been consistent over the last twenty years. He noted that the Town requested through the District a small medical unit be designed into the new civic center. Consolidation of costs is cheaper. That is not what is happening here. We are not interested in our own fire department but we need to give taxpayers the best benefit for their dollar.

Following discussion, staff had support from at least three members of the Council to direct staff to work with the consultant to move forward with Task No. 4 and provide the Council with a range of options to understand and consider.

**19. REVIEW, PROVIDE COMMENT AND APPROVE A 2018 EARTH DAY EVENT WORK PLAN AND BUDGET AS RECOMMENDED BY THE ENVIRONMENTAL PROGRAMS COMMITTEE (EPC)**

**Report:** City Manager George Rodericks

**Recommendation:** It is recommended that the City Council review, provide comment and approve a final 2018 Earth Day event and budget as recommended by the Environmental Programs Committee (EPC)

City Manager Rodericks summarized the report.

The Council discussed the proposed Earth Day activities. The Council expressed support for the selected movie and the event. The Council also expressed a desire for a clear mechanism to allow the Council to direct committee or commission review of a particular issue without broad language within a committee charter. Staff will return with some options for consideration by the Council.

**20. PROVIDE FEEDBACK ON THE MIDDLEFIELD ROAD CLASS II BICYCLE LANES IMPROVEMENTS PROJECT SIXTY-FIVE PERCENT PLANS**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Review and provide feedback on the 65% plans (Attachment 1) for the Middlefield Road Class II Bicycle Lanes Improvements Project

Marty Hanneman summarized the report. The Council provided feedback on intersection striping, crosswalk at Middlefield and Fair Oaks, and signage. The Council will be provided with a 65% plan set and will have an opportunity to review the final plans before bid in March.

This item was pushed to the March 18 City Council meeting.

**21. REVIEW, DISCUSS, AND, IF APPROPRIATE, AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSAL FOR CONSULTANT FIRMS TO ASSIST WITH THE UPDATES TO THE TOWN'S BUSINESS LICENSE ORDINANCE TAX MEASURE AND OTHER POTENTIAL REVENUE ALTERNATIVES**

**Report:** Finance Director Robert Barron III

**Recommendation:** Review, discuss and authorize issuance of attached Request for Proposal (RFP) for consultant firms to assist with updates to the Town's business license ordinance tax measure and other revenue alternatives

Following a staff report and public comment, the Council discussed the need for the Request for Proposal, the timing of a business license tax modification, the need for a transient occupancy tax on short-term rentals given that short-term rentals are not permitted, and the possibility of a situs sales tax. Following discussion, the Council directed staff to engage an existing consultant to assist with defining the possibilities of a situs sales tax; table the business license tax at this time, and eliminate any consideration of a transient occupancy tax.

**22. 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 WEST BAY SANITARY DISTRICT; AND AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE: AN AGREEMENT FOR TEMPORARY LIBRARY SITE IMPROVEMENTS WITH REDGWICK CONSTRUCTION, A LEASE AGREEMENT WITH MOBILE MODULAR MANAGEMENT CORPORATION, AN AGREEMENT WITH SILVERADO VALLEY ELECTRIC, AN AGREEMENT WITH PIEDMONT MOVING SYSTEMS, AND AN AGREEMENT WITH AN AUCTION HOUSE FOR SURPLUS PROPERTY**

**Report:** Public Works Director Robert Ovadia

**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 West Bay Sanitary District; and
- 3) Authorize the City Attorney to prepare and the City Manager to execute a construction contract for the Temporary Library Site Improvements with Redgwick Construction in the amount not to exceed \$93,200 and authorize a 20% contingency in the amount of \$18,000 for any unforeseen conditions; and
- 4) Authorize the City Attorney to prepare and the City Manager to execute a Lease Agreement with Mobile Modular Management Corporation in the amount not to exceed \$295,797.36 and authorize a 20% contingency in the amount of \$60,000 for the City Manager to execute any needed changes to the lease or required unforeseen work or equipment; and

**MOTION by Widmer, second by Lewis to approve recommendation #4. The motion passed unanimously.**

- 5) Authorize the City Attorney to prepare and the City Manager to execute an Agreement with Silverado Valley Electric in the amount not to exceed \$19,826.50 and authorize a 20% contingency in the amount of \$4,000 for any unforeseen conditions; and

**MOTION by Lempres, second by Lewis to approve recommendation #5. The motion passed unanimously.**

- 6) Authorize the City Attorney to prepare and the City Manager to execute an Agreement with Piedmont Moving Systems in the amount not to exceed \$55,539.59 and authorize a 20% contingency in the amount of \$10,000 for any unforeseen issues for on call moving services; and

**MOTION by Lempres, second by DeGolia to approve recommendation #6. The motion passed unanimously.**

- 7) Authorize the City Attorney to prepare and the City Manager to execute an Agreement with an Auction House selected through informal bids to dispose of Town owned surplus property no longer deemed necessary.

**MOTION by DeGolia, second by Lewis to approve recommendation #7. The motion passed unanimously.**

**23. COUNCIL REPORTS/COMMENTS**

**24. FUTURE AGENDA ITEMS**

**25. PUBLIC COMMENTS**

Greg Conlon, in light of the recent Parkland school shooting he felt that one police officer for 8,000 students is not enough.

**26. ADJOURN**

Mayor Wiest adjourned the meeting at 10:27 p.m.

Respectfully submitted,

Theresa N. DellaSanta  
City Clerk



**MINUTES**  
**Town of Atherton**  
**February 27, 2018**  
**8:00 A.M.**  
**Council Chambers**  
94 Ashfield Road  
Atherton, California  
**Special Meeting**

**Mayor Wiest called the meeting to order at 8:00 a.m.**

**Councilmember DeGolia was excused.**

**ROLL CALL** Council Members: Lewis, DeGolia, Lempres, Vice Mayor Widmer, Mayor Wiest

**PUBLIC COMMENT** – *For items on the agenda.*

Resident Sharon Hume thanked Council for listening to the concerns from the residents, especially from the Lloyd Park neighborhood.

Resident Frank Burke made four comments: First was regarding the proposed height of the poles not being conducive to the rural look and feel of Atherton. Second, he believes the height of the poles was retribution from Caltrain. Third, he stated that Town Staff should have been aware of the beam in August 2017. Finally, the 45' crossbeams would be visible to many residents. He concluded by expressing support for the expenditures to lower the pole height.

**STUDY SESSION AGENDA**

- 1. REVIEW AND APPROVE A FINANCIAL CONTRIBUTION AND DEAL POINTS WITH CALTRAIN FOR THE CHANGE OF DOUBLE-CANTILEVER POLES TO SINGLE-CANTILEVER POLES ALONG A SECTION OF RAIL CORRIDOR IN ATHERTON**  
**Report:** City Manager George Rodericks

City Manager Rodericks distributed the most current Caltrain agreement received before the start of this meeting. Rodericks summarized the agreement and noted the new indemnification inclusion.

Councilmember Lewis recommended that the open-ended cost of \$200,000 should be revised to an amount not to exceed \$200,000. Lewis received confirmation that no one from Jennings Lane was in attendance and the three properties referenced on the landscape screening have been contacted by Caltrain regarding the pruning and/or removing of trees. Lewis made a couple of comments regarding the proposed Caltrain agreement. One, the indemnification clause was too broad and could potentially cost the Town an immeasurable amount of funds. Second, the Town is unable to compel residents to comply with Caltrain requests. Also, the timeline set by Caltrain is impossible to adhere to. She followed up with noting that the current design has five taller poles and the proposed change would shorten them but also double the amount to 10. Lewis also

commented that Town staff should not be blamed for the higher poles, as this was a collaborative effort. She expressed concern about paying \$200,000 for a small percentage of the Atherton population and the possibility of backlash for not expending the same funding for other neighborhood issues. Lewis offered an option to revise the proposed agreement that the Town would be comfortable with and present it as a “best and final” offer. She received confirmation that no other jurisdiction along the Caltrain corridor has indemnified.

Councilmember Widmer echoed Lewis’ edit to add the not to exceed \$200,000 language. He received clarification that no discussions had taken place since the February 21 Council meeting. Widmer suggested modifying the agreement to support the tree pruning and/or removal of trees on Jennings Lane but noting the Town could not guarantee the consent of the properties on Jennings with Caltrain requests and also conceded that indemnification would not be granted. He thanked City Manager Rodericks for suggesting the use of the \$200,000 as a deposit opposed to a flat fee. Widmer also expressed concern for the indemnification and did not support it. He stated that if after the Town made changes to the agreement and if Caltrain decides not to approve, then contact the Caltrains Board of Directors to discuss the inappropriate conditions set before Council.

Councilmember Lempres received clarification that no negotiations have transpired between the Council or Town staff with Caltrains Board of Directors. He agreed with Councilmembers Widmer and Lewis on the indemnification and stated the Town has no legal authority to force residents to sign Caltrain agreements. Lempres stressed the need to make sure residents on Jennings were informed.

Mayor Wiest confirmed that the properties on Jennings Lane had been kept in the loop. He also stated that one residents in particular was having issues with track noise and Caltrain did confirm they would repair the track but no date for that work had been set. Wiest commented that how the Town got to this point is not important, but finding a solution was. He concurred with the other Council Members about limiting the \$200,000, the lack of authority to force residents into signing Caltrains agreements, and the indemnification clause as unreasonable. Wiest suggested a compromise regarding the indemnification by limiting it to just the Atherton residents along the High-Speed Rail corridor.

### **Mayor Wiest Re-Opened Public Comment**

Frank Burke commented that no push would come from Lloyd Park and would support and assist the Town in obtaining signatures from Lloyd Park residents. He also stated that one of the Caltrain proposed eucalyptus trees marked for removal on a private Jennings Lane property was a fire hazard.

Resident Robert Roeser concurred with the Council that the indemnification required by Caltrain is unreasonable and something the Town cannot agree to. He also commented that projects are consistently delayed, and Caltrain’s price tag of \$50,000 per day of delay, in conjunction with the proposed shorter poles, is too broad. Roeser also questioned if Caltrain had done sufficient studies to ensure the safety of the poles.

Nerissa Dexter commented that according to the letter from Caltrain and the included map, the eucalyptus in question is not set for removal. Dexter stated that the shorter poles increase the pruning margins along Jennings Lane.

Resident Jim Janz commented that the indemnification required by Caltrain is a result of concerns over being sued because of the new poles. However, he believes the Town would be liable.

Resident John Maulbetsch commented that Caltrain included the indemnification as a tactic to not proceed with the redesign of the poles.

The Council agreed to allow the subcommittee, which meets at 12:00 p.m. today, to adjust the proposed agreement received from Caltrain. One, write language so, the \$200,000 is a not to exceed amount. Two, change language to require resident's compliance to supporting Caltrain in obtaining those resident signatures. Three, remove indemnification.

### **ADJOURN**

Mayor Wiest adjourned the meeting at 9:11 a.m.

**Respectfully submitted,**

**Judi Herren  
Deputy City Clerk**