



MINUTES
Town of Atherton
CITY COUNCIL
July 15, 2020
REGULAR MEETING

Mayor DeGolia called the meeting to order at 7:01 pm

7:00PM COUNCIL MEETING – *Convene as the City Council*

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** - Wiest, Widmer, Lempres, Vice Mayor Lewis, Mayor DeGolia – Present
3. **PRESENTATIONS** - *None*
4. **PUBLIC COMMENT** - *None*
5. **CITY MANAGER'S WRITTEN REPORT**

City Manager Rodericks presented the item.

Mayor DeGolia asked about the building safety and inspections and requested a year to date revenue as compared to last year. Rodericks confirmed that it would be provided.

CONSENT CALENDAR (6-13)

6. **APPROVAL OF MINUTES – June 17, July 1, and July 8, 2020**
7. **APPROVAL OF BILLS AND CLAIMS FOR JUNE IN THE AMOUNT OF \$ 3,918,678**
8. **ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE 2019 ADA RAMP MAINTENANCE PROJECT, PROJECT NUMBER 56091**
9. **ADOPT A RESOLUTION OF PUBLIC ASSISTANCE COST RECOVERY DESIGNATION OF AUTHORITY FOR EXPENSE REIMBURSEMENT**
10. **AWARD OF CONTRACT FOR THE 2020 SLURRY SEAL PROJECT, PROJECT NUMBER 56094**
11. **CERTIFICATION OF CONTINUING EMERGENCY AND RATIFICATION OF SUCH RULES AND REGULATIONS ENACTED BY THE DIRECTOR OF EMERGENCY SERVICES IN RESPONSE TO COVID-19**

12. ADOPTION OF RESOLUTION REQUIRING CANDIDATES TO BE CHARGED A DEPOSIT TO COVER THE COST OF PUBLICATION FOR STATEMENT OF QUALIFICATIONS FOR THE NOVEMBER 3, 2020 GENERAL ELECTION

Motion by Lempres, Second by Lewis to approve the Consent Calendar items 6-12, as amended. Item 13 was pulled for discussion.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

13. AUTHORIZE THE PURCHASE OF TWO (2) MARKED POLICE VEHICLES; AND DECLARE AS SURPLUS TWO (2) MARKED POLICE VEHICLES.

Pulled by Vice Mayor Lewis.

Vice Mayor Lewis questioned if the Police Department could postpone purchasing the requested vehicles until after the Town Center was completed taking into consideration current economic conditions.

City Manager Rodericks informed Council the funding for the purchase of both vehicles is in place. He continued to note one vehicle is inoperable and the other needs substantial repairs.

Police Chief McCulley concurred with Rodericks concerning the inoperable vehicles noting safety concerns as a reason for the purchase at this time. McCully added that equipment and technology needs were also a factor in the decision to make the purchase.

Council continued to discuss the vehicle's chosen as replacements and how they accommodate the needs of the Officers.

Motion by Wiest, Second by Widmer to authorize the purchase of two (2) marked police vehicles; and declare as surplus two (2) marked police vehicles.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

REGULAR AGENDA (14-21)

14. CONSIDERATION OF AND APPOINTMENT TO TRANSPORTATION COMMITTEE

City Clerk Suber briefly presented the item and indicated the sole candidate for consideration Joseph Davis was an incumbent.

Motion by Widmer, Second by DeGolia to appoint Joseph Davis to the Transportation Committee for a term expiring June 30, 2021.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

15. ACCEPTANCE OF DONATION NAMING REQUEST CHANGE FROM A SPECIFIED DONOR; AND FOLLOW-UP AND DIRECTION ON PRIOR NAMING REQUESTS

Mayor DeGolia recused himself prior to the discussion, due to a financial interest in the item.

Vice Mayor Lewis provided a background on the item noting donor Rick DeGolia requested the opportunity to name and theme the Medium Conference Room in the Library. Lewis advised that the room would be named after Willie Mays who offered to provide memorabilia for the space.

Council discussed how donor recognition would be handled, impacts on the Legends Conference Room, if there was consideration of naming opportunities at the lower donor tiers, and consideration of other Town Center donors.

City Manager Rodericks clarified that this naming and theming request is not intended to replace the Legends Conference room, which would also have memorabilia from other legends.

Council Member Widmer noted other donors asked for naming opportunities valued above their donation level and were not accommodated.

Council continued the discussion cautioning against the perception of favoritism.

Motion by Wiest, second by Lempres to postpone the decision until a conversation is held with Council on the Legends Conference Room and consideration of restructuring donation levels.

Mayor Rick DeGolia recused himself from the discussion.

AYES: Wiest, Lempres, Lewis

NOES: Widmer

ABSTAIN:

ABSENT:

16. AUTHORIZATION FOR THE REFUSE SERVICES SUBCOMMITTEE TO NEGOTIATE ON BEHALF OF THE TOWN FOR EXIT FROM THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY

City Manager Rodericks provided background on the item including some historical information. Rodericks noted that the Town released a request for bid for refuse and recycling services for the Town in 2019, hired R3 Consulting Group to assist the Subcommittee with negotiations with GreenWaste Recovery for refuse services beginning on January 1, 2021, and Council directed correspondence be sent to the SBWMA advising of the Town's withdrawal effective December 31, 2020. Rodericks continued that the Town disagrees with analysis provided by the SBWMA indicating that the Town would be responsible for approximately \$2,087,908 of liquidation

expenses related to the Town's exit. He noted exit from the SBWMA requires liquidation in full of any and all existing debts, obligations, and liabilities incurred, earned, or expected to be earned by the date of withdrawal. He noted that final exit negotiations with the SBWMA must proceed in order to meet timeline expectations and if unsuccessful in negotiating an exit the Town will be required to rescind its notice of exit and execute the Draft Amended and Restated 15-Year Franchise Agreement with Recology.

Council asked for clarification of the required timeline for exit from the SBWMA and financial limitations of the Town for exit costs.

Rodericks clarified that a notice of withdrawal was sent to the SBWMA, which will go to their Board. The Board of the SBWMA will need to take a vote and the Town must get a 4/5th vote to allow withdrawal. Rodericks noted there are some unknowns for the cost of the bond owed by the SBWMA, which would dictate how much is owed.

Motion by Lewis, Second by Lempres to a authorize the Refuse Services Subcommittee to negotiate an exit from the South Bayside Waste Management Authority (SBWMA) on behalf of the Town.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

17. KNOX PLAYSCHOOL RENT WAIVER FOR MAY AND JUNE; PRORATED RENT FOR JULY AND AUGUST DUE TO COVID-19 SHELTER IN PLACE ORDER AND RELATED SCHOOL CLOSURE; AND A BASELINE RENT REDUCTION FOR THE LEASE YEAR STARTING IN SEPTEMBER

Public Works Director Ovadia provided a background on the item.

Council Member Wiest asked for clarification from the memo submitted by Susan Knox as Attachment 1 and what would be the impacts to the school if classrooms are closed due to COVID-19. He later questioned what distance learning options have been made available and if the cost of care has increased.

Susan Knox, Knox Playschools owner informed Council that the numbers included in her memo were from San Mateo County and the current limit is 12 children per classroom, which for Knox Playschool is 48 children total. She added distance learning for this age group is limited and the school is charging \$1,600 for 4-week session. She noted that rates will increase during the regular school year.

Council continued to discuss rent options to assist the Knox Playschool in remaining financially viable, enrollment numbers in a typical school year, and rent based on a per student basis or revenue sharing arrangements.

Council directed staff meet with Knox Playschool to restructure a lease agreement and bring back for Council consideration at the July 27, 2020 Special Council Meeting.

18. TOWN CENTER PROJECT UPDATE AND DIRECTION ON FUTURE FOUNTAIN DESIGN OPTIONS AND LOCATIONS

Project Manager Hanneman reported there is a lot of activity on the project site. He noted the library building walls are moving along as expected, exterior walls are going up and offices are forming. He concluded direction is requested from Council on the Fountain design and location.

Council Member Lempres asked for details about timing and costs related to the topic.

Hanneman stated that the project is currently on schedule although due to COVID-19 and other impacts completion is expected by October 2021. City Manager Rodericks noted the project is within the budget.

Council held a brief discussion about the design and placement of the fountain.

Mayor DeGolia asked the Council to move the discussion of fountain feature location to the Project Management Subcommittee and have a proposal brought back to Council with recommendations for location and design.

Council consensus was received to refer the item to the Project Management Subcommittee for recommendations to be brought back to Council in September.

19. COUNCIL REPORTS/COMMENTS

Council Member Widmer noted that the COVID-19 positive tests rate is going up adding that if it increases further restrictions may be ordered the State. He encouraged the continued use of personal protective equipment to avoid being added to the watch list.

Mayor DeGolia noted that intensive care unit beds within the County are being utilized by cases from outside of San Mateo County.

20. PUBLIC COMMENTS - *None*

21. ADJOURN

Mayor DeGolia adjourned the meeting at 9:20 p.m.

Anthony Suber
City Clerk



MINUTES
Town of Atherton
City Council
July 27, 2020
SPECIAL MEETING

Mayor DeGolia called the meeting to order at 2:30 pm

2:30 PM REGULAR AGENDA

1. **ROLL CALL** - Wiest, Widmer, Lempres, Vice Mayor Lewis, Mayor DeGolia – Present
2. **PUBLIC COMMENTS** – *None*
3. **CONSIDERATION OF AWARD OF A 20-YEAR FRANCHISE FOR SOLID WASTE COLLECTION AND POST COLLECTION SERVICES TO GREENWASTE RECOVERY; AND AUTHORIZATION FOR THE CITY ATTORNEY, CITY MANAGER AND SUBCOMMITTEE TO FINALIZE NEGOTIATIONS WITH GREENWASTE RECOVERY SUBJECT TO THE SPECIFIED TERMS, PREPARE THE FRANCHISE AGREEMENT; AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN**

City Manager Rodericks presented the item providing a background on the steps leading up to the current discussion. He noted the proposed franchise agreement with GreenWaste Recovery (GWR) is a 20-year franchise and the Subcommittee compared compensation requirements of Recology/SBWMA against it at the 15-year mark, which is the term of the Recology/SBWMA franchise. He stated that over that period the total compensation due to Recology/SBWMA is projected to be \$4.2 million higher than that of GWR.

Council discussed the prominent components of the topic and franchise agreement including the term sheet for the GWR franchise.

Council Member Wiest stated that he supports moving forward with negotiating with GWR and that future concerns over rate targets and state compliance are primary factors.

Council Member Widmer noted several items of concern with SBWMA including disposal locations and shifts in the direction of the SBWMA. He did note that the service received by Recology has been good and is not at issue.

Rodericks confirmed for Council that if the Town is unable to negotiate an exit from the SBWMA that the agreement with GWR would be voided.

Council continued to discuss advantages or disadvantages of authorizing the City Manager to execute the agreement as presented.

Rodericks noted for clarification that the pricing and compensation numbers in the GWR agreement are final in the current agreement.

Motion by Widmer, Second by Wiest to award a 20-year franchise for solid waste collection and post collection services to Greenwaste Recovery (GWR); and authorize the City Attorney, City Manager and Subcommittee to finalize negotiations with GWR, subject to specified terms, prepare the franchise agreement, and authorize the City Manager to execute the agreement on behalf of the Town of Atherton.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

4. ACCEPTANCE OF DONATION NAMING REQUEST CHANGE FROM A SPECIFIED DONOR

Mayor Rick DeGolia recused himself due to a financial interest in the item.

Vice Mayor Lewis introduced the item

Council collectively shared their comfort and approval of the request.

Motion by Lempres, Second by Widmer to accept the request from donor Rick DeGolia to name and theme a Small Conference room in the Library to be named after Willie Mays adorned with Willie Mays memorabilia.

Mayor Rick DeGolia was recused

AYES: Widmer, Wiest, Lempres, Lewis

NOES:

ABSTAIN:

ABSENT:

5. KNOX PLAYSCHOOL AMENDMENT TO LEASE TO ADDRESS COVID-19 RELATED RENT REDUCTIONS FOR THE SEPTEMBER 1, 2020 THROUGH AUGUST 30, 2021 PERIOD

Public Works Director Ovadia presented the item and noted City Manager Rodericks and Susan Knox of the Knox Playschool met to discuss rent reduction options that included a 50% reduction and a payment based on student enrollment.

City Manager Rodericks provided clarity regarding the per student enrollment figures.

Council discussed online learning options, the Knox Playschool expectations of continuing to provide services into the school year, and if there are other contractual obligations within the agreement for consideration.

Susan Knox clarified that the Knox Playschool is tied to the Department of Social Services as a community care licensed childcare provider. Knox informed Council that during the regular school year she anticipates being able to enroll 36 students.

City Attorney Ebrahimi clarified that the agreement presented is to serve as a 1-year temporary arrangement due to impacts of the COVID-19 pandemic.

Motion by Lewis, Second by Lempres to amend the current lease with Knox Playschools, Inc., reducing the payable rent amount for the September 1, 2020 through August 31, 2021 in response to enrollment reductions attributable to the COVID-19 pandemic for option 2, rent payments based on a per student enrollment figure.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

6. **COUNCIL REPORTS/COMMENTS** – *None*
7. **PUBLIC COMMENTS** – *None*
8. **ADJOURN**

Mayor DeGolia adjourned the meeting at 3:51 p.m.

Anthony Suber
City Clerk



MINUTES
Town of Atherton
CITY COUNCIL
September 2, 2020
SPECIAL MEETING / STUDY SESSION

Mayor DeGolia called the meeting to order at 4:00 pm

4:00PM SESSION MEETING

1. **ROLL CALL** - Wiest, Widmer, Lempres, Mayor DeGolia, Vice Mayor Lewis – Present
2. **PUBLIC COMMENT** – *None*
3. **PROJECT UPDATE ON NEIGHBORHOOD TRAFFIC MANAGEMENT ACTION PLAN; AND AUTHORIZATION FOR EXTENSION OF PUBLIC COMMENT PERIOD**

Public Works Director Ovadia provided an overview of the completed outreach activity and meetings. update on this study. Ovadia provided data on the survey and interactive map results. He added that if the public comment period is extended staff will intends to prepare communications to inform residents.

Vice Mayor Lewis encouraged the Council share the extended comment period with their own networks.

Council inquired what steps are needed in gathering data and reviewing public comments, if the origin of public comments provide through the online survey can be determined and discussed traffic calming solutions.

City Manager Rodericks and Ovadia added to the discussion by sharing plans for continuing the community conversation and public discourse after the initial data is gathered. Ovadia added that all public comments gathered will be aggregated and next steps include pulling that data together and a presentation by the consultant.

The survey will also be extended through September and the town will send out a post card mailer.

Motion by Lewis, Second by Widmer to authorize the extension of the public comment period for the Traffic Management Action Plan through the end September and the mailing of a postcard to residents.

AYES: Wiest, Widmer, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

4. AUTHORIZE MAYOR TO TRANSMIT A COMMENT LETTER TO THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY ON THE DRAFT ENVIRONMENTAL IMPACT REPORT / ENVIRONMENTAL IMPACT STATEMENT FOR THE SAN FRANCISCO TO SAN JOSE PROJECT SEGMENT

Public Works Director Ovadia provide an overview of the proposed letter. He added that staff identified impacts to Transportation, Safety and Security, Noise and Vibration, and Parks, Recreation and Open Space. Ovadia noted that the Rail Committee reviewed the notice and indicated that down times at various locations will increase causing significant traffic impacts. Ovadia stated staff believes it is appropriate to send a letter outlining the need for mitigation and the letter specifically requests that California High-Speed Rail Authority (CHSRA) consider mitigation as outlined in the letter the Atherton letter.

Council discussed the letter and proposed revisions.

Motion by Wiest, Second by Lewis to authorize the Mayor to transmit a letter to the California High-Speed Rail Authority on the draft Environmental Impact Report/Statement for the San Francisco to San Jose Project segment, as amended.

AYES: Wiest, Widmer, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

5. DIRECTION TO STAFF REGARDING NEXT STEPS ON WITHDRAWAL FROM THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY (SBWMA)

City Manager Rodericks highlighted that it will take approximately \$2.2 Million to withdraw from SBWMA and noted that staff received feedback from Greenwaste Recovery (GWR) with their offer to the Town of \$300,000 to assist with the cost of exit. He noted this offer was made without remuneration within the current negotiated proposal. Rodericks continued that GWR was willing to offer an additional \$100,000 to assist with the exit costs but would request remuneration in year eight of the proposal. Rodericks added that the Town would still be in the positive through the 15-year period of the contract.

Council Member Widmer pointed out additional key figures for Council consideration noting the Town Rate Stabilization Fund would not fully support rate increases from the Recology/SBWMA contract as stated in prior correspondence.

Council discussed the 15-year cost savings projections clarifying if it includes the costs of exiting the SBWMA and impacts of depleting the Rate Stabilization Fund to exit the SBWMA.

Rodericks noted the cost to exit the SBWMA was not factored into the total savings projections providing in contracting with GWR. He later added that the exit costs from the SBWMA are final with no appeal options.

Council discussion continued evaluating a variety of considerations including immediate compliance with SB1383 under the GWR agreement.

PUBLIC COMMENTS:

A resident asked if there where difference in the services provided by the vendors and if there were differences with how material was handled by each. They continued to ask if the value of the service was an element for consideration or only price.

Tammy DelBene, Recology commented on the good relationship the company has with the Town and clarified overage costs charged to residents and noted lid closure concerns are related to Storm water regulations.

Motion by Wiest, Second by Lewis for a continuance of this item to the September 16 meeting.

AYES: Wiest, Widmer, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

6. DISCUSSION AND DIRECTION ON THE PURCHASE OF ADDITIONAL FLOCK AUTOMATED LICENSE PLATE READERS (ALPRs)

Chief McCulley promptly presented the item outlining the proposed locations of the FLOCK Automated License Plate Reader (ALPR) cameras and signage. McCulley shared Atherton residents have shown interest in paying for additional cameras under the Town's agreement that would be managed by the Police Department.

Council discussed how the data and cameras will assist in crime prevention and investigative matters, what methods where used in selecting camera locations and establishing a date certain for system audits.

Council Member Lempres asked clarifying questions about how the data would be managed with the devices payed for by private residents.

McCulley noted that if an arrangement were made with residents for additional cameras the data would not be accessible to private residents.

Council Member Lempres noted his concerns of impacting residents privacy and freedoms with the installation these cameras.

Chief McCulley added that an independent audit of the existing systems and FLOCK systems will be conducted before the end of the calendar year.

Motion by Widmer, Second by Lewis to purchase the signage and FLOCK cameras plus an additional three cameras with an audit of the data to be done by December 31, 2020.

AYES: Wiest, Widmer, Lewis, DeGolia

NOES: Lempres

ABSTAIN:

ABSENT:

7. COUNCIL REPORTS/COMMENTS

Mayor DeGolia commented on the HEROES Project citing the City of Menlo Park example to recognize local residents that have been heroes during the COVID-19 pandemic. He requested Council support to promote this project via the Towns public communication channels.

Council agreed to postpone the topic until the September 16, 2020 meeting and consider establishing a subcommittee or similar meeting body to establish such a program.

8. PUBLIC COMMENTS – *None*

9. ADJOURN

Mayor DeGolia adjourned the meeting at 6:36 p.m.

Anthony Suber
City Clerk