



**Town of Atherton
CITY COUNCIL
October 16, 2013
7:00 p.m.
94 Ashfield Road
Atherton, California
REGULAR MEETING**

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

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Wiest, Dobbie, Widmer
3. **PRESENTATIONS**
4. **PUBLIC COMMENTS**

The Council heard comments from the community on the BACE/Lehigh Lawsuit, Surf Air Operations, and the public notification efforts surrounding the recent incident on Middlefield Road.

5. **REPORT OUT OF CLOSED SESSION** - Report out by City Attorney
6. **CITY MANAGER'S REPORT**
 - a. **Community Center Advisory Committee Report**

City Manager Rodericks reminded Council and the public that Civic Center neighborhood outreach meetings begin in late October. The public is free to attend a meeting in their neighborhood or any of the other listed meetings.

Council provided comments on the Police Department activity, events at the park, and park revenues.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**
CONSENT CALENDAR (Items 8-16)
8. **APPROVAL OF SEPTEMBER 4 AND OCTOBER 2 STUDY SESSION AND SEPTEMBER 18 REGULAR MEETING MINUTES**
Report: City Clerk Theresa DellaSanta
Recommendation: Approve meeting minutes
9. **APPROVAL OF BILLS AND CLAIMS FOR AUGUST, 2013 IN THE AMOUNT OF \$826,259**

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$826,259

10. FINANCE REPORT FOR SEPTEMBER 30, 2013

Report: Finance Director Robert Barron III

Recommendation: Receive and file the financial report

11. REVIEW AND DISCUSS REQUEST FOR PROPOSAL FOR PROFESSIONAL AUDITING SERVICES

Report: Finance Director Robert Barron III

Recommendation: Review and discuss the attached Request for Proposal (RFP) for Professional Auditing Services and make recommendations to the proposal. The RFP was presented to the Finance Committee at its September 11, 2013 meeting. The committee recommends the Council proceed with an RFP for Auditing Services

12. ESTABLISH SPEED LIMITS – ATHERTON AVE, ELENA AVE, FREDRICK AVE, GLENWOOD AVE, GREENOAKS AVE, OAK GROVE AVE, POLHEMUS AVE, SELBY LANE, STOCKBRIDGE AVE

Report: Community Service Director Mike Kashiwagi

Recommendation: Approve resolution declaring speed limits based upon the engineering and speed studies and other related information

14. ADOPTION OF RESOLUTION ACCEPTING EXPEDITURES FOR BALANCE OF FISCAL YEAR 2012/13 SUPPLEMENTAL LAW ENFORCMENT SERVICES FUND (SLESF), CITIZEN’S OPTION FOR PUBLIC SAFETY (COPS) GRANT

Report: Chief of Police Ed Flint

Recommendation: Staff recommends that Council Adopt a resolution accepting the recommended expenditures of the remaining balance of FY 2013-14 Supplemental Law Enforcement Services Fund (SLESF), Citizen’s Option for Public Safety (COPS) Grant in the amount of \$100,000.00 in accordance with state requirements. The funds must be expended by June 30, 2014

MOTION by Widmer, second by Dobbie to approve the consent calendar excluding items 13, 15, and 16. The motion passed unanimously.

PUBLIC HEARING - (Item 17-18)

17. INTRODUCTION OF AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADOPTING BY REFERENCE THE 2013 CALIFORNIA BUILDING STANDARDS CODE, RETAINING EXISTING MODIFICATIONS AND RATIFYING THE FIRE REGULATIONS AS ADOPTED BY THE MENLO PARK FIRE PROTECTION DISTRICT

Report: Community Services Director Mike Kashiwagi

Recommendation: Introduce the ordinance by Title amending Title 15 of the Atherton Municipal Code and ratifying the fire regulations as adopted by the Menlo Park Fire Protection District, and Direct the City Clerk to file any notice required by law and schedule

a public hearing at its next regular Council meeting on November 20th, 2013 and consider adoption of the ordinance

Building Official Brett Hale introduced the ordinance to amend Title 15 relating to the California Building Codes and ratification of Menlo Park Fire Protection District Fire Regulations. Representatives from the Menlo Park Fire District spoke on the details. The

Council Member Widmer was concerned with the requirement to install fire sprinklers with a remodel constituting 50% of the home's square footage. While the requirement has been a part of the regulations since 2007, Widmer expressed concern over its disparate impact on smaller homes in Town.

MOTION by Dobbie, second by Wiest to introduce the Ordinance and set the Public Hearing for November 20, 2013. The motion passed 3-1, Widmer Opposed.

18. INTRODUCTON OF AN ORDINANCE ADDING NEW SECTION 10.16.050 PROHIBITING OVERNIGHT CAMPING OR SLEEPING IN MOTOR VEHICLES OR TRAILERS

Report: City Manager George Rodericks

Recommendation: Introduce an ordinance that prohibits overnight camping within the Town limits and Direct City Clerk to file notice and schedule a public hearing at Council's next regular meeting

City Manager Rodericks introduced an ordinance to address overnight camping or sleeping in motor vehicles or trailers in Town on public or private property. Rodericks cited an example in which a homeless woman tried to camp on private property, saying that person, on three separate occasions, was parked in front of a resident's house, and found on the resident's front porch.

The ordinance would ban sleeping or camping in vehicles on public property and on private property when the owner isn't present. The ban would cover the hours between 10 p.m. and 6 p.m

The Council heard public comment asking the Council to carefully consider the impact of the proposed Ordinance on the homeless before adoption.

Aram James, a retired Santa Clara County public defender, urged council to reject the ban. The town already has plenty of tools to address potential problems that might arise with homeless people camping on its streets, but penalizing someone for their economic status violates the Constitution.

Council Member Widmer supported the ordinance but suggested town staff look into other ways to support homeless programs. Mayor Lewis agreed.

Rodericks responded that staff will come up with ideas in the next budget cycle.

MOTION by Wiest, second by Lewis to introduce the ordinance that prohibits overnight camping within the Town limits; add "when the occupant is not present" to the prohibition of overnight camping on public property; look at ways to assist in solutions for homeless in

future budgets; and schedule a public hearing for November 20, 2013. The motion passed unanimously.

CONSENT ITEMS, PULLED

15. SBWMA REFUSE & RECYCLING RATES DISCUSSION

Report: Finance Director Robert Barron III

Recommendation: Receive and File

Council discussed the status of the Town's 10-year exclusive franchise with Recology for the collection, recycling and disposal of materials within the Town limits. The franchise expires in 2019 at which time the SBWMA and member agencies will rebid the franchise (actual rebidding will take place prior to the expiration of the contract). The current franchise agreement has indexed cost caps set for the contractor to control cost escalation. The City Council sets local collection rates based on revenue requirements for contractor compensation set by the SBWMA Board of Directors. A member of the City Council sits on the SBWMA Board of Directors and the City Manager sits on the SBWMA Technical Advisory Committee.

The Town's Atherton Solid Waste Committee met over the last couple of months to discuss the refuse rate setting process. The Committee reviewed data provided by the South Bay Waste Management Authority (SBWMA) and discussed:

- Refuse Service Contractor Revenue Requirements
- Rate Stabilization Fund Balance
- Rate Projections
- Franchise Term and Contract Discussions

It was determined that when the Town set rates for 2012, they were set with the expectation that the Rate Stabilization Fund would smooth out the need for any future rate increases over a period of years. After reviewing the contractor revenue requirements for 2014, revenue projections for the remainder of the franchise term, and the fluctuations in the rate stabilization fund, the Committee agreed that a rate adjustment for refuse and recycling collection was not needed at this time. However, the Committee does recommend that the Council address the cost-alignment for green cart collections. The Town's rate structure allows a resident to obtain a 3rd and 4th green cart at a monthly rate of \$10 each and for the 5th cart or above the rate is \$15 each per month. Actual collection costs for each cart is approximately \$19. The Committee recommended that the cost model be moved closer to a true-cost recovery model by raising the cost for carts to \$11 and \$17, respectively.

The Committee will monitor the Town's rate structure against the costs of collection and continue to implement a strategy to use the Rate Stabilization Fund to mitigate future rate adjustments. It is anticipated, that at some point in the next few years, there will need to be a rate adjustment to keep pace with cost increases as the balance in the Rate Stabilization Fund decreases. The Committee anticipates that there will be a "true-up" of costs at the conclusion of the franchise term (with or without a different contractor) that will require an adjustment of rates. The proposed increase in the green cart rate will require a public process under Proposition 218. Staff will coordinate the necessary public process to adjust the green cart rates in the coming months.

Staff also reported that there are ongoing labor negotiations between Recology and Teamsters Local 350 for Recology's drivers, mechanics and clerical workers. The current labor agreements are set to expire at midnight on October 23, 2013.

The Town will actively monitor collection and facility operations to ensure full compliance with the terms and conditions of the franchise agreements and Shoreway operations agreement, respectively. Staff encouraged residents to report any service disruptions to the Town and/or Recology immediately.

No action taken.

REGULAR AGENDA - (Items 19-20)

19. RATIFY THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF ATHERTON AND THE ATHERTON POLICE OFFICERS ASSOCIATION

Report: City Manager George Rodericks

Recommendation: Adopt the attached Resolution ratifying the 2013-2016 Memorandum of Understanding (MOU) between the Town of Atherton and the Atherton Police Officers Association (APOA) establishing salaries and benefits for those personnel effective October 1, 2013 through September 30, 2016; and Adopt the attached Resolution establishing salaries for covered positions within the APOA Memorandum of Understanding

City Manager Rodericks presented the staff report articulating the changes to the MOU and the savings the Town would experience as a result of its adoption.

This successor MOU provides the Town with cost savings that represent a minimum of 7.6% of salaries and future cost savings through the meeting of major policy objectives. There are six (6) major areas of change within the MOU:

- 1) format of the MOU;
- 2) compliance with AB 340;
- 3) cafeteria health plan at Kaiser Rates w/cost-sharing and caps;
- 4) elimination of Town-paid retiree healthcare;
- 5) elimination of employer-paid member contributions; and
- 6) elimination of required 70th percentile matching.

In addition to the above, Rodericks articulated other areas that represent fiscal changes within the MOU. There are no Cost of Living Adjustments contemplated over the life of the 3-Year MOU; the existing uniform allowances were increased to cover the cost of maintaining the required uniforms and equipment; and POST certifications for sworn and civilian employees were adjusted to meet the industry average.

In addition to the 7.6% of salary direct savings articulated above, with future actuarial analysis and time, the Town will realize significant savings in the following areas:

- Reduced Pension Obligations through the creation of a 2nd Tier Pension System;
- Reduced OPEB Obligations through the elimination of Retiree Healthcare Premium Costs;
- Reduced Active Employee Healthcare Costs through a reduced formulary and cost sharing; and
- Reduced Salary Escalation through controlled salary adjustments.

Council thanked Rodericks and the POA for their work in getting through contract negotiations.

MOTION by Dobbie, second by Widmer to adopt the attached Resolution ratifying the 2013-2016 Memorandum of Understanding (MOU) between the Town of Atherton and the Atherton Police Officers Association (APOA) establishing salaries and benefits for those personnel effective October 1, 2013 through September 30, 2016; and adopt the attached Resolution establishing salaries for covered positions within the APOA Memorandum of Understanding. The motion passed unanimously.

20. APPROVAL OF PARK EVENTS MANAGEMENT SERVICES REQUEST FOR BID (RFB)

Report: Community Services Director Mike Kashiwagi

Recommendation: Approve the Request for Bids (RFB) to solicit an Events Management Services contractor at Holbrook-Palmer Park; and Authorize staff to advertise and distribute the Events Services RFB

Community Services Director Mike Kashiwagi presented the report. Kashiwagi detailed the Request for Bid and articulated the expectations for response.

The Council provided feedback on the Bid document and suggested changes to reflect a shorter revenue guarantee window, the inclusion of performance indicators, adding audit controls, and the clarification of service delivery items.

MOTION by Widmer, second by Wiest to Approve the Request for Bids (RFB) to solicit an Events Management Services contractor at Holbrook-Palmer Park with slight Council modifications; and authorize staff to advertise and distribute the Events Services RFB. The motion passed unanimously.

CONSENT ITEMS, PULLED

13. APPROVAL OF AGREEMENT WITH CAL-WEST LIGHTING AND SIGNAL MAINTENANCE FOR TRAFFIC SIGNAL & STREET LIGHT MAINTENANCE

Report: Community Services Director Mike Kashiwagi

Recommendation: Authorize the City Manager to execute an agreement for traffic signal and street light services with Cal-West Lighting and Signal Maintenance in the amount of \$24,890 for annual maintenance in FY 2013-14, and authorize the City Manager to execute up to two annual renewals of the agreement, through June 30, 2016

Council Member Widmer provided input to clarify issues within the proposed agreement to ensure that the multi-year agreement met the proposed services and promises by the contractor.

MOTION by Widmer, second by Wiest to Authorize the City Manager to execute an agreement for traffic signal and street light services with Cal-West Lighting and Signal Maintenance in the amount of \$24,890 for annual maintenance in FY 2013-14, WITH SLIGHT Council modifications and authorize the City Manager to execute up to two annual renewals of the agreement, through June 30, 2016. The motion passed unanimously.

16. ADOPT RESOLUTION APPROVING DESTRUCTION OF RECORDS RETAINED BY THE TOWN OF ATHERTON

Report: City Clerk Theresa DellaSanta

Recommendation: Adopt resolution authorizing the destruction of certain records retained by the Town of Atherton

Council Member Widmer asked details of some of the records. Staff clarified that the records are being destroyed pursuant to Town policy.

MOTION by Widmer, second by Wiest to adopt resolution authorizing the destruction of certain records retained by the Town of Atherton. The motion passed unanimously.

21. COUNCIL REPORTS/COMMENTS -

Mayor Lewis reminded staff that C/CAG will go out for proposals this month for STP funding which includes funds for biking and pedestrian improvements.

22. FUTURE AGENDA ITEMS – None.

23. PUBLIC COMMENTS – None.

24. ADJOURN

Mayor Lewis adjourned the meeting at 9:21 p.m.

Respectfully submitted,

Theresa N. DellaSanta
City Clerk