



MINUTES
Town of Atherton
CITY COUNCIL
May 20, 2020
CLOSED SESSION
5:30 P.M.
REGULAR MEETING
7:00 P.M.

5:30 PM CLOSED SESSION

ROLL CALL - Wiest, Widmer, Lempres, Vice Mayor Lewis, Mayor DeGolia – Present

PUBLIC COMMENT - None

CLOSED SESSION

- A. ***PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957***

Title: City Manager

- B. ***PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957***

Title: City Attorney

- C. ***CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9 (d)(4) (two case)***

- D. ***CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9 (Chan, et al. v. Town of Atherton et al. San Mateo County Superior Court Case No. 19CIV07567).***

ADJOURN CLOSED SESSION AND CONVENE IN REGULAR SESSION

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

Mayor DeGolia called the meeting to order at 7:02 pm

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL - Wiest, Widmer, Lempres, Vice Mayor Lewis, Mayor DeGolia – Present

3. PRESENTATIONS

Police Chief McCulley and Commander Wade made a presentation to Council on Police activity and productivity. Chief McCulley reviewed the Department goals and statistical data.

Council discussed the presentation including statistics related to traffic safety, incidents at schools and false alarm data.

4. **REPORT OUT OF CLOSED SESSION – Report out by City Attorney**

City Attorney Ebrahimi reported Council met in closed session and provided direction to staff.

5. **PUBLIC COMMENT**

Valerie Gardner provided a comment urging Council to reaffirm their commitment to clean energy.

6. **CITY MANAGER’S WRITTEN REPORT AND CERTIFICATION OF CONTINUING EMERGENCY AND RATIFICATION OF SUCH RULES AND REGULATIONS ENACTED BY THE DIRECTOR OF EMERGENCY SERVICES IN RESPONSE TO COVID-19; AND CONSIDERATION OF APPROVAL OF LEASE WAIVER FOR PLAYER CAPITAL TENNIS**

City Manager Rodericks provided an overview of the report. He noted the action items before Council as the continuance of the local emergency order, a lease waiver for Player Capital Tennis, and Council consideration of the resumption of tennis utilizing county guidelines.

Michael Jessup from Payer Capital Tennis indicated he reviewed the rules and regulations with coaches and his team is currently considering additional rules to enhance sanitation.

Council provided direction to reopen the tennis courts as per staff recommendation following all required rules and guidelines.

Motion by Lewis, Second by Wiest to continue the emergency declaration and such rules and regulations enacted by the director of emergency services in response to COVID-19.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

Motion by Lewis, Second by Widmer to approve the lease waiver for Player Capital Tennis with a condition that if Player Capital is successful in receiving financial aid or grant funding, they will repay the Town.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

CONSENT CALENDAR (Items 7-15)

7. APPROVAL OF MINUTES – April 8, April 15, April 17, April 22, April 29 and May 6
8. APPROVAL OF BILLS AND CLAIMS FOR APRIL IN THE AMOUNT OF \$2,638,942
9. RESOLUTION TO AUTHORIZE THE APPLICATION FOR, AND RECEIPT OF, FUNDS FOR THE LOCAL EARLY ACTION PLANNING (LEAP) GRANT FROM THE STATE OF CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT
10. WAIVE THE FINAL READING AND ADOPT ORDINANCE NO. 644, A PROPOSED AMENDMENT TO CHAPTER 2, AUTHORIZING THE CITY MANAGER AND OTHER DESIGNATED TOWN OFFICIALS TO EXECUTE CONTRACTS
11. APPROVAL OF CONFLICT WAIVER FOR CIVIC CENTER COPS/FINANCING
12. ACCEPTANCE OF TREASURER’S REPORT FOR THE THIRD QUARTER ENDED MARCH 31, 2020
13. CREATION OF COUNTY MEASURE W TRANSPORTATION FUND
14. AWARD OF CONTRACT FOR THE 2020 OVERLAY PROJECT, PROJECT NUMBER 56093
15. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE MIDDLEFIELD ROAD CLASS II BICYCLE LANES IMPROVEMENTS, PROJECT NUMBER 56081

Vice Mayor Lewis suggested edits to the May 6, 2020 minutes on page 3 of 4, about the purchase of equipment for the Police Department.

Motion by Lewis, Second by Lempres to approve the Consent Calendar, as amended

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

PUBLIC HEARING

16. INTRODUCTION OF A MUNICIPAL CODE ORDINANCE AMENDMENT ESTABLISHING REGULATIONS FOR DISPOSABLE FOOD SERVICE WARE UNDER CHAPTER 8.56 OF THE ATHERTON MUNICIPAL CODE.

Senior Planner Davis provided an overview of the ordinance highlighting that it includes Town facilities. Davis noted that San Mateo County will provide outreach and enforcement.

Council discussed the merits of the County performing enforcement, other jurisdictions adopting similar municipal code amendments and the application of the ordinance to Food Trucks within Town.

Davis noted that food trucks are permitted through the County Environmental Health Department and would fall under these same rules.

Motion by Widmer, Second by Lewis to introduce a municipal code ordinance amendment establishing regulations for disposable food service ware under chapter 8.56 of the Atherton Municipal Code.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

REGULAR AGENDA

17. PARK AND RECREATION COMMITTEE APPOINTMENT(S)

City Clerk Suber introduced the item and reviewed the appointment process.

Mayor DeGolia advised that Council appoint one member to the Park and Recreation Committee continuing the recruitment set to end June 5, 2020. Council agreed to appoint one member and revisit the appointment for the term expiring on June 30, 2020.

Matt Baker spoke in reference to his application and his interest in serving on the Park and Recreation Committee.

Motion by Wiest, Second by Widmer to appoint Alicia Bakowski to the Park and Recreation Committee for a term expiring on June 30, 2022.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

Motion by Widmer, Second by Lewis to appoint Kathryn Klaus to the Park and Recreation Committee – Foundation Appointee for a term expiring on June 30, 2021.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

Council encouraged Mr. Baker to reapply for the Park and Recreation Committee in June.

18. REVIEW AND DISCUSS THE CASH FLOW FOR THE TOWN CENTER PROJECT

Finance Director Barron provided an overview noting a few specifics related to the financing and updates to ERAF forecasted projections. Barron highlighted the Town Center drawdown schedule included in the staff report and stated that staff recommends a minimum of \$7.5MIL in cash flow funding.

Mayor DeGolia provided his support in moving forward with the COP and the staff recommendation. There was Council consensus on the staff recommendation.

19. ACCEPTANCE OF DONATION NAMING REQUESTS

City Manager Rodericks introduced the item and noted that some Councilmembers will need to be recused during certain discussions.

Vice Mayor Lewis recused herself from this discussion due to an economic interest in the Heritage Display Area naming opportunity item.

Mayor DeGolia clarified that naming requests tied to donations received in installments would be formally awarded once the donation was completed. He added that the language and location for the donor plaques are still under consideration by the subcommittee.

Sandy Levison of Atherton Now, noted that her understanding was that donor Bonnie Ugytengsu would choose between the Redwood Grove or a conference room.

Motion by Lempres, Second by Widmer to accept the naming request from the Orchard Charitable Foundation, for the Heritage Display Area.

AYES: Widmer, Wiest, Lempres, DeGolia

NOES:

ABSTAIN:

ABSENT:

RECUSED: Lewis

Mayor DeGolia moved to the next naming request for consideration from Bonnie Ugytengsu. It was noted that Ms. Uytengsu was open to considering a small conference room or the Redwood Grove. It was noted that this decision should be made within 30 days.

Motion by DeGolia, Second by Wiest to accept the naming request by Bonnie Ugytengsu for either the Redwood Grove or a small library conference room.

AYES: Widmer, Wiest, Lempres, DeGolia

NOES:

ABSTAIN:

ABSENT: Lewis (Technical difficulties rejoining)

Mayor DeGolia moved to the next naming request for consideration from Jessie and Mindy Rogers for the Native Species Garden.

Motion by Widmer, Second by Lempres to accept the naming request from Jessie and Mindy Rogers for the Native Species Garden.

AYES: Widmer, Wiest, Lempres, DeGolia

NOES:

ABSTAIN:

ABSENT: Lewis (Technical difficulties rejoining)

Mayor DeGolia presented the item and stated that Atherton Now indicated there is a \$250,000 donor interested in the naming opportunity for the Water Feature at Fair Oaks Court that wishes to be anonymous at this point.

Motion by Wiest, Second by Lempres to accept the naming request for an Atherton Now anonymous donor for the Water Feature at Fair Oaks Court.

AYES: Widmer, Wiest, Lempres, DeGolia

NOES:

ABSTAIN:

ABSENT: Lewis (Technical difficulties rejoining)

Vice Mayor Lewis rejoined the discussion.

Mayor DeGolia moved to the next naming request for consideration from Steve Dostart for the Water Feature at the Library.

Motion by Lempres, Second by Widmer to accept the naming request from Steve Dostart for the Water Feature at the Library.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

Mayor DeGolia moved to the next naming request for consideration from Mark and Mary Stevens for the Adult Reading Deck at the Library.

Motion by Widmer, Second by Lempres to accept the naming request from Mark and Mary Stevens for the Adult Reading Deck at the Library.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

Mayor DeGolia introduced the item and outlined the donation level and request from the Lisa and Douglas Goldman fund for the Heritage Room in the Historic Town Hall. Mayor DeGolia clarified that the naming request will be installed once the donation has been fulfilled.

Motion by Wiest, Second by Lempres to accept the naming request from the Lisa and Douglas Goldman Fund for the Heritage Room in Historic Town Hall.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

Mayor DeGolia recused himself for this vote and discussion due to an economic interest in the item and Vice Mayor took over chair duties.

City Manager Rodericks provided background information related to the naming opportunity request and information received from Atherton Now. He noted that ultimately there may not be an Environmental Dashboard at the Town Center and Mayor DeGolia has asked for consideration for the Environmental Dashboard or another naming opportunity.

Motion by Lempres, Second by Widmer to accept the naming request from Rick DeGolia for the Environmental Dashboard in New Library or another naming opportunity.

AYES: Widmer, Wiest, Lempres, Lewis

NOES:

ABSTAIN:

ABSENT:

RECUSED: DeGolia

Mayor DeGolia rejoined after the vote and introduced the Founders request through Atherton Now for naming opportunities for the Historic Town Hall, New Council Chambers, and the Civic Court. He clarified that each donor wanted an individual naming opportunity and did not want to be grouped into one.

Mayor DeGolia added that Atherton Now requested Council develop three separate, \$1 MIL naming opportunities for the Founders to consider. Mayor DeGolia suggested Council refer the topic to the subcommittee for further evaluation to be returned to Council.

Councilmember Widmer indicated that he had a conversation with Atherton Now and that one of the \$1 MIL donors would accept the Lobby if that was an available option. He added that he was informed that none of the \$1 MIL donors were interested in the Children's Naming area.

Council and staff discussed previous conversations and challenges with naming the Town Center Lobby including potential confusion with the planned wall of donors at the entrance.

Vice Mayor Lewis suggested Council consider the Civic Court area suggesting that it could be designated as two separate areas to allow for two naming opportunities.

Councilmember Lempres stated he would be comfortable moving away from the \$3 MIL target donations assigned to the Historic Town Hall and Civic Court and give consideration for naming opportunities to the \$1 MIL donations. Councilmember Wiest supported this position.

Council referred the topic to the subcommittee for additional consideration to be brought back to Council.

20. AUTHORIZATION OF THE EXECUTION, DELIVERY OF A LEASE AGREEMENT AND SITE LEASE TO FINANCE THE TOWN CENTER PROJECT, APPROVAL OF RELATED DOCUMENTS AND ACTIONS, AND APPROVAL OF PROFESSIONAL SERVICES WITH JONES HALL

Finance Director Barron introduced the item and provided an overview on the background and process moving forward. Barron added that Stifel, Nicolaus & Company solicited bids from 25 banks for a private placement transaction and received three bids. Barron stated that staff recommends the adoption of a Resolution authorizing the required steps, approving the related documents and professional services agreement with Jones Hall.

City Attorney Ebrahimi stated she reviewed the conditions of the Park's dedication documents and was comfortable moving forward with the terms acknowledging compliance included in the agreement.

Motion by Widmer, Second by Wiest to adopt Resolution 20-10 of the City Council of the Town of Atherton authorizing the execution, delivery of a Lease Agreement and Site Lease to finance the Town Center Project, approving related documents and actions, and approving a professional services with Jones Hall.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

21. RECEIVE A REPORT, DISCUSS AND PROVIDE DIRECTION REGARDING THE PROPOSED PHOTOVOLTAIC AND MICRO-GRID SYSTEM FOR THE NEW ATHERTON TOWN CENTER

Public Works Director Ovadia presented the item providing background information and noting staff was seeking Council direction related to the proposed photovoltaic (PV) and micro-grid systems. He added that staff was directed to evaluate a Power Purchase Agreement with Sage Energy serving as an advisor to the Town and presented options for Council consideration.

Council held an extensive discussion on the costs for redesign, heating components, impacts on heritage trees, project delay impacts of postponing a decision, and financial considerations.

Pauline Souza, Architect WRNS, shared some historical context related to the topic and design elements that might be impacted.

Tom Willard, Sage Energy, commented on the analysis provided and pricing.

Council discussion continued related to costs associated with redesigns and the analysis provided by Sage Energy.

Jennifer Erskine, Amoroso Construction, shared an update on the project with respect to materials and possible project impacts on delaying any decisions.

Council continued to discuss the merits of moving forward with PV and what options the Town has with adding PV later.

Council directed staff continue with the Library roofing plan as designed to accommodate the future installation of solar; but to replace the solar-planned roofing on the City Hall and Police Building with clay tile.

Valerie Gardner commented on the good work done by Council and encouraged their continued effort in utilizing clean energy options.

22. CIVIC CENTER PROJECT UPDATE

Project Manager Hanneman provided a brief update and encouraged Council to visit the Town Center construction site.

Councilmember Widmer commented that he had observed the site noting social distancing rules were being followed.

Councilmember Lempres asked about the construction schedule and Hanneman noted the schedule was impacted by COVID-19.

23. COUNCIL REPORTS/COMMENTS - *None*

24. PUBLIC COMMENTS

Thomas Chalberg submitted a written public comment that was read into the record by City Clerk Suber.

25. ADJOURN

Mayor DeGolia adjourned the meeting at 11:28 p.m.



Anthony Suber
City Clerk