



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**October 7, 2020**  
**SPECIAL MEETING**

Mayor DeGolia called the meeting to order at 3:00 pm

**3:00PM REGULAR AGENDA – *Convene as the City Council***

1. **ROLL CALL** - Wiest, Widmer, Lempres, Mayor DeGolia, Vice Mayor Lewis – Present
2. **PUBLIC COMMENT** - *None*
3. **CONSIDERATION OF AND APPOINTMENT TO THE AUDIT AND FINANCE COMMITTEE**

City Clerk Suber presented the item noting that the Audit and Finance Committee had one vacancy due to a mid-term resignation. reviewed the Audit and Finance Committee which has one vacancy, which once appointed the appointment would expiring on June 30, 2022

**MOTION by Lewis, Second by Widmer to appoint Bob Polito to the Audit and Finance for a term expiring on June 30, 2022. Committee.**

**AYES: Wiest, Widmer, Lempres, Vice Mayor Lewis, Mayor DeGolia.**

**NOES:**

**ABSTAIN:**

**ABSENT:**

4. **REVIEW, DISCUSSION AND DIRECTION REGARDING THE LEAGUE OF CALIFORNIA CITIES VOTING RESOLUTION**

City Manager Rodericks reviewed the report. He outlined the Resolution which urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Council discussed the merits and benefits of the Resolution noting monitoring this type of activity and enforcement will be a challenge.

There was consensus amongst the Council to support the League of California Cities Resolution.

## **STUDY SESSION**

### **5. MEMORANDUM OF UNDERSTANDING WITH THE JOINT POWERS BOARD (JPB) REGARDING CLOSURE OF THE ATHERTON CALTRAIN STATION AND ASSOCIATED MAINTENANCE AND USE AGREEMENT FOR THE ATHERTON CALTRAIN STATION PROPERTY**

Public Works Director Ovidia presented an overview noting the difficult financial challenges faced by Caltrain due to the COVID-19 pandemic. He added that Caltrain has initiated its process to potentially close the Atherton Station, including environmental review, Title VI Equity Analysis, a public outreach meeting and, most recently, a public hearing on September 3, 2020, to receive input on the potential closure of the station. Ovidia added that the measure on the November 3, 2020 ballot will assist with operations conceding that if it does not pass Caltrain may have issues maintaining operations.

Council questioned if improvements noted in the agreement would be completed regardless of if the Atherton Station is closed or not.

Sabastian Petty, Deputy Chief of Planning with Caltrain responded to Council inquires indicating what Caltrain budget is for improvements.

Council discussed safety improvements because of the closure, the potential for a reduction in noise, and the possibility of removing the station platform.

City Attorney Ebrahimi commented on the relationship established by the MOU between the Town and Caltrain and noted some ambiguity with certain terminology still being addressed by both parties.

Council collectively requested that the MOU language be refined and clarified and requested some additional terms be included. Council found consensus in moving forward with the closure and the MOU.

### **PUBLIC COMMENTS**

Roger Mehrtens shared his opposition for the closure of the Atherton Train Station.

Nerissa Dexter spoke in support of the closure and commented on the great work the Council had done.

Roland Lebrun commented on safety concerns related to the station and ridership.

Frank Burke spoke in support of the closure and his pleasure with the work done by Council and staff.

Bijal Vakil spoke in support of the station closure.

**This item will return to Council on the October 21, 2020 agenda for further action.**

**6. PROVIDE DIRECTION TO STAFF REGARDING EVENT MANAGEMENT SERVICES AT HOLBROOK-PALMER PARK**

Public Works Director Ovadia briefly reviewed the staff report. He noted these facilities have been closed because of COVID-19. Ovadia noted that in order to maintain the availability of rental facilities and services at Holbrook-Palmer Park the Town requires the services of an event manager. He noted the temporary arrangement with Karina Harianto to provide event management services to continue operations.

City Manager Rodericks added that staff is recommending the extension of this temporary arrangement with the current event manager to allow time to craft an RFP designed to account for the current climate.

Council Member Widmer noted that there should be an option for vendors at the Library Café to also potential provide these services within the RFP.

City Manager Rodericks stated that staff can provide this as an option. Council provided direction to revise the RFP to include the specific vendors.

**MOTION by Wiest, Second by Lewis to authorize an assignment agreement with Karunia Harianto with a Town option for an additional 6 months and prepare a Request for Proposal for Council consideration.**

**AYES: Widmer, Wiest, Lempres, Lewis, DeGolia**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**7. BAYFRONT CANAL / ATHERTON CHANNEL FLOOD PROTECTION AND RESTORATION PROJECT MEMORANDUM OF UNDERSTANDING AND ASSOCIATED FUNDING AGREEMENT**

Public Works Director Ovadia provide an update on the project. He noted project design is near completion and the project will be ready for public bid soon. He noted that a new agreement is needed to begin construction and funding arrangements. Ovadia noted key areas being worked out between the participating cities, which include short- and long-term ownership of the facility and long-term maintenance responsibility.

Council asked for clarification about the County Loan, the reserve requirements, and additional grant opportunities.

Ovadia clarified what the Town require contributions would be at \$1.35 MIL through the first 5-years of construction. He added that the County project funding would be provided by a lease-lease back provision that would be able to go into effect in December 2021 after Town Center construction is completed and the collateral properties are available .

Len Materman, CEO of the San Mateo County Flood and Sea Level Rise Resiliency District noted that his belief is the 15% is not needed and the entire funding could be done with the County funding. The entirety of the contribution can come in December 2021. Len Materman

clarified that time sensitive part is the mandate by the State for flood protection features, which should be concluded by December 2021.

Vice Mayor Lewis asked about the life expectancy of this improvement.

Ovadia clarified that it would be operational indefinitely, but there are components that need maintenance and replacement at various intervals.

Council continued to discuss the items including details about the easements and permits, clarification of ongoing maintenance costs,

Council collectively agreed with the MOU however is not in support of being responsible for ongoing maintenance and operations expenses beyond the 5-year agreement. Council provided direction and feedback requesting that it be incorporated into the MOU and come back to Council for approval.

## **PUBLIC COMMENTS**

Public Comments were received in writing and posted for public review.

Gita Dev, Sierra Club noted that flooding is an environmental concern and will worsen unless action is taken.

Dave Pine, San Mateo County Board of Supervisor spoke in support of the Town of Atherton's participation in the project and the need for regional collaboration.

## **8. ADJOURN**

Mayor DeGolia adjourned the meeting at 5:36 p.m.



**Anthony Suber**  
**City Clerk**