



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL**  
**June 20, 2018**  
**REGULAR MEETING**  
**7:00 P.M.**  
**City Council**

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

**7:00 REGULAR SESSION**

**1. PLEDGE OF ALLEGIANCE**

**Council Member Lempres is teleconferencing from the following location:**

The Landmark Hotel  
222 Marylebone Rd.  
Marylebone, London

Lempres joined the conversation for item 15 only.

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

**3. PRESENTATIONS**

**4. PUBLIC COMMENTS**

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

**CLOSED SESSION**

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

*City Manager*

City Attorney Bill Connors reported that the Council met in closed session, Councilmember Lempres was absent, to discuss the City Manager performance and no action was taken.

**6. CITY MANAGER'S REPORT**

Council Member Lewis thanked staff for expanding the report making it easier to read.

**7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

**CONSENT CALENDAR (Items 8-14)**

No items were pulled or discussed.

**MOTION by Widmer, Second by DeGolia to approve the consent calendar. The motion passed unanimously.**

- 8. APPROVAL OF MAY 2 AND MAY 16 CITY COUNCIL MEETING MINUTES**  
**Report:** City Clerk Theresa DellaSanta  
**Recommendation:** Approve meeting minutes
- 9. APPROVAL OF BILLS AND CLAIMS FOR MAY, 2018 IN THE AMOUNT OF \$1,892,293**  
**Report:** Finance Director Robert Barron III  
**Recommendation:** Approve Bills and Claims in the amount of \$1,892,293
- 10. RESOLUTION TO REJECT CLAIM OF FARMERS INSURANCE REGARDING THEIR INSURED LUIS FRIAS**  
**Report:** City Clerk Theresa DellaSanta  
**Recommendation:** Adopt Resolution 18-xx denying the claim filed by Farmers Insurance Company regarding their insured Luis Frias
- 11. SECOND READING AND ADOPTION OF ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON TO INCREASE TO GREEN WASTE RATES IN THE TOWN OF ATHERTON**  
**Report:** Finance Director Robert Barron III  
**Recommendation:** Waive further reading and adopt ordinance increasing green waste cart rates in the Town of Atherton
- 12. ADOPTION OF RESOLUTION 18-XX APPROVING UPDATE OF THE TOWN'S CONFLICT OF INTEREST CODE AND APPENDIX "A" DESIGNATING POSITIONS IN THE CONFLICT OF INTEREST CODE**  
**Report:** City Clerk Theresa DellaSanta  
**Recommendation:** Adopt a Resolution Amending Conflict of Interest Code of Non-Elected Officials and Designated employees of the Town of Atherton
- 13. AUTHORIZE THE PURCHASE OF 3 MARKED POLICE VEHICLES; AND DECLARE AS SURPLUS 3 MARKED POLICE VEHICLES AND AUTHORIZE THEIR AUCTION**  
**Report:** Police Chief Steve McCulley  
**Recommendation:** 1) Authorize the purchase of three (3) marked 2018 Ford Police Utility Explorers for a total cost of \$216,242.86 which includes sales tax, tire tax, license, emergency equipment, and installation costs; and 2) Declare the 2010 Ford Crown Victoria Decoy Vehicle, and two (2) 2011 Ford Crown Victoria as surplus and authorize their sale via auction
- 14. CONSIDER APPOINTMENTS TO TOWN COMMITTEES**  
**Report:** City Clerk Theresa DellaSanta

**Recommendation:** Staff recommends the Council make a motion to appoint as follows:

- Appoint William Grove to the Environmental Programs Committee;
- Appoint Frank Merrill (HP Foundation rep) and Alicia Bakowski (Friends of HP Park rep) to the Park & Recreation Committee; and
- Appoint Carol Collins to the Transportation Committee for the remainder of the unexpired term.

**PUBLIC HEARING** – None.

**REGULAR AGENDA** – (Items 15-18)

**15. RECEIVE THE BIDS SUBMITTED FOR THE CIVIC CENTER PROJECT AND TAKE ACTION ON NEXT STEPS WITH RESPECT TO THE BIDS**

**Report:** Robert Ovadia, Marty Hanneman

**Recommendation:** Receive the bids submitted from the two pre-qualified general contractors: Overaa Construction and Hensel Phelps Construction on June 5, 2018 and take action on next steps for the Civic Center project. While Option 1 would be an award of bid to the lowest responsive bidder, Overaa Construction at \$56,381,000, staff does not recommend this option. Recommended options for next steps include:

- 2) Reject bids and rebid the project “as is” to the open market;
- 3) Reject bids, redesign to include more VE options and either –
  - a. Repackage current project into an “optional” phases award option, and rebid to open market; or
  - b. Reduce project scope and rebid to open market;
- 4) Reject bids and repackage as a “design-build” option

Council Member Lerpres joined the teleconference through FaceTime on the City Manager’s iPad.

Marty Hanneman summarized the staff report and background on the bids received. He discussed the options for consideration.

Paul Beamer, Mack5, discussed the errors in their estimations.

Council Member DeGolia indicated his support for building the library. Focused on construction environment and bid difference. It is unbelievable. We are assuming only funds we have are GF fund and the small amount raised. Take 10% of square foot out and change library to net zero won’t help the problem.

Council Member Lewis said the Council has to make a decision. Reject all bids because they are unacceptable. A lot of value engineering can be done. Supported option 3B -Reduce project scope and rebid to open market.

Vice Mayor Widmer supported Option 3a or 3b. Price per square foot difference between library and admin/PD – ½ of what library costs are. Net zero should be reassessed for cost savings. Suggested new liaisons on CCAC.

Mayor Wiest supported Option 3b. We have a better outline to work with. Do significant value engineering. Establish benchmarks. Target numbers for library and admin buildings for project management team to value engineer aggressively.

Lewis suggested reducing library cost to affordability.

Council Member Lempres said the Council should learn from the experience and be quite aggressive in setting a specific target in terms of budget. We don't want to be in the same situation again six months from now.

City Manager Rodericks noted that the \$6M library/\$8M administration figures are based on Overaa's revised estimates per square foot per building taking down to original budget of \$25M. Cutting those costs out would bring us back in line with original target.

Mayor Wiest asked if the specific targets have fluff?

Vice Mayor Widmer encouraged setting higher targets because construction costs will rise in 6-8 months. Add a couple million to the numbers. The add-ons and "nice to haves" will reduce the sq. footage.

Council Member Lewis said we have been value engineering all along. The info we have now will help us cut out what we need to.

Rodericks, original targets: \$25M Admin/PD, \$16M for library.

Mayor Wiest said the CCAC Project Management Team should meet over the next 30 days to reduce project scope to \$25M/\$16M.

Council Member Lempres said we need to make difficult but clear decisions very quickly.

Mayor Wiest said he would like to give the project team a "target" so they know where to begin.

Council Member Widmer felt it would be foolish to hit original target because the construction market continues to rise.

Council Member Lewis felt that if we hit the original target then we are better off.

Mayor Wiest said there are unknown variables including a larger pool of bidders that could work in our favor.

EL/BW motion, second to reject all bids. Passed 5-0.

EL/ML motion – Reduce project scope to \$25M/\$16M as the target and rebid to open market with 10% contingency. Approved 3-2 (Widmer no because more thought needs to go into the target numbers. DeGolia abstained because he felt we need to consider phasing (option 3a) to build at least one of the facilities)

Vice Mayor Widmer would like to see the numbers on 3a. Target for library \$15M-\$18M understanding we are 6-8 months out.

Rodericks said staff can ask WRNS to put forth a scope of work that includes the basic reduction in scope of work as well as a reduction in scope to include the "phasing" option.

Council directed staff that going forward for the reduction in scope that the PMC meets with staff biweekly at least but as often as need and on a timely basis.

Eileen Ong - There was discussion about phasing and additional infrastructure and money needed to make it work. Design effort to figure out how to do it. Cost for producing documents to split up two different bid packages and administrative costs of two construction projects.

Staff will get more information from WRNS.

Council Member Lempres left the meeting through his teleconference due to the fact that he was in a different country.

**16. ADOPT THE ATTACHED RESOLUTIONS ADOPTING THE FY 2018/19 OPERATIONS AND CAPITAL BUDGET, SALARY & BENEFIT RESOLUTION FOR UNREPRESENTED STAFF, THE 2018/19 SALARY AND CLASSIFICATION SCHEDULE, AND THE GANN LIMIT APPROPRIATIONS**

**Recommendation:** Finance Director Robert Barron III

**Report:** Adopt the accompanying Resolutions:

1. The FY 2018/19 Operating and Capital Improvement Budget;
2. The FY 2018/19 Salary and Benefit Resolution Unrepresented Staff;
3. The FY 2018/19 Salary Schedules and Classifications;
4. The FY 2018/19 Gann Limit Appropriations.

Finance Director Robert Barron III presented the report to Council. He discussed the previous meetings regarding the budget and indicated that this report and budget is a final culmination of those meetings. Barron summarized the projections for FY 18/19.

Council Member Lewis asked Barron to confirm that nothing has changed substantially since the last budget meeting. Barron confirmed that was correct.

Council thanked Barron and the rest of staff for the detailed job they do on presenting the budget.

**MOTION by second by Widmer to approve all four resolutions. The motion passed unanimously. Council Member DeGolia read the required statement regarding the City Manager salary for the record:**

*With the adoption of the Salary and Benefit Resolution, after 6 years of service to the Town, the City Manager will receive \$217,589 per year, a \$400 per month auto allowance, a \$3,000 per year technology benefit allowance (forfeited if not used), a \$481 per month contribution to an approved 457 deferred compensation plan, and the potential for a \$15,000 annual performance bonus. The City Manager receives retirement, health, and leave benefits consistent with all other management staff. The City Manager pays the employee share of retirement – 7% of pay and 1% of the employer share of retirement costs. Total annual pay, excluding benefits, to the City Manager is \$222,389. Total annual cost, with benefits, including assumed full receipt of the technology allowance and the current CalPERS employer pension rate (9.635%) is \$266,055. This amount does not include the potential non-pensionable annual performance bonus or the accrual of 2-weeks of vacation per year.*

**17. 3-YEAR CONTRACT EXTENSION PLUS WITH A 2-YEAR OPTION WITH MCE CORPORATION TO PROVIDE PUBLIC WORKS MAINTENANCE AND MAINTENANCE MANAGEMENT SERVICES**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Authorize a 3-year contract extension with a 2-year option with MCE Corporation for the continuation of Public Works Maintenance and Maintenance Management Services with not-to-exceed amount of \$574,565.85 for Fiscal Year 2018-19; direct the City Attorney to prepare the extension; and authorize the City Manager to execute the extension on behalf of the Town

Public Works Director Robert Ovadia presented the report. Ovadia indicated that MCE has worked for the Town since 2011. They provide excellent service and staff supports extending the contract.

Some of the changes to the contract include expanding staff for two full time bodies at the park and three on streets. MCE will also adjust wages including a CPI adjustment going forward on an annual basis with a CAP of 2.5%. MCE will increase their annual gift from ½ percent of their annual contract to 1 percent.

Mayor Wiest asked Ovadia to explain the gift. Ovadia noted that MCE performs tasks that are beyond regular maintenance that benefits the Town such as hanging Christmas lights and donating time to community events.

Vice Mayor Widmer noted that, with the addition of the events garden, that the additional body in the park is someone who is knowledgeable about tree and flower maintenance. He wanted to be sure the Town gets the “value add” it needs for the park. MCE representative Dean MacDonald confirmed that they are pleased to have found someone who fits that description.

Council Member Lewis asked for clarification of maintenance in the right-of-ways.

Mayor Wiest asked David Huynh about the transition of him managing the contract. Huynh said he is comfortable.

**MOTION by Widmer, second by DeGolia to authorize a 3-year contract extension with a 2-year option with MCE Corporation for the continuation of Public Works Maintenance and Maintenance Management Services with not-to-exceed amount of \$574,565.85 for Fiscal Year 2018-19; direct the City Attorney to prepare the extension; and authorize the City Manager to execute the extension on behalf of the Town. The Motion passed unanimously.**

**18. CONSIDERATION OF FORMING AN UNDERGROUND UTILITY DISTRICT WITHIN THE CIVIC CENTER AREA USING RULE 20A FUNDS AND PROVIDE STAFF WITH DIRECTION**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** (1) Confirm the desire to formulate an underground utility district(s) in the Civic Center Area; (2) confirm preliminary boundaries of the proposed district(s); (3) Direct staff to conduct outreach to the property owners in the areas affected regarding their interest in the formulation of the underground utility district(s) in the Civic Center Area

Public Works Director Ovadia summarized his report.

Following questions and the opportunity for public comment, the Council opted not to form a District at this time. The Council asked that staff connect with residents in the community that might be interested in the formation of undergrounding districts and work with them on the process, if desired.

19. **COUNCIL REPORTS/COMMENTS** – None.

20. **FUTURE AGENDA ITEMS** – None.

21. **PUBLIC COMMENTS** – None.

22. **ADJOURN**

Mayor Wiest adjourned the meeting at 9:18 p.m.

Respectfully submitted,  
Theresa N. DellaSanta  
City Clerk



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**ATHERTON CHANNEL DRAINAGE DISTRICT**  
**July 18, 2018**  
**4:00 P.M.**  
**Council Chambers**  
94 Ashfield Road  
Atherton, California  
**Special Meeting**

**Mayor Wiest called the meeting to order at 4:00 p.m.**

**ROLL CALL**

Council Members: Lewis, DeGolia, Lempres, Vice Mayor Widmer, Mayor Wiest

DeGolia joined the meeting at 4:05 p.m.

Lempres was excused.

**PUBLIC COMMENT** – *None.*

**STUDY SESSION AGENDA**

**1. REVIEW, DISCUSS AND PROVIDE FEEDBACK ON AN UPDATE ON THE RECOLOGY FRANCHISE DISCUSSIONS FROM THE CITY MANAGER AND CITY COUNCIL SUBCOMMITTEE**

The Council heard updates from staff and the Subcommittee on recent discussions and negotiations with Recology. A representative from the South Bayside Waste Management Authority also spoke to answer questions from the Council. The Council discussed the various issues of consideration to include, but not limited to, special events, data reporting, education programs, weekend service, rate stabilization, future cost expectations, and facility upgrades. Following public comment, no decisions were made as the item was review and discuss only.

**2. FIRE SERVICES FISCAL REVIEW – REVIEW TASK 4 RESULTS; PROVIDE STAFF WITH FEEDBACK AND DIRECTION ON NEXT STEPS**

**Report:** City Manager George Rodericks

**Recommendation:** Review Task 4 results and provide staff with feedback and direction on next steps

Council heard the staff presentation and a presentation from Matrix Consulting. Following public comment, the Council discussed the Report and issues such as the need for a joint meeting with the Fire District, compensation from Atherton residents to the District for services, growth of the District and anticipated growth of Atherton, the process other agencies have encountered under similar circumstances, public education and the affluence of the region.

Following discussion, the Council directed staff to work with the City Council Subcommittee of the Mayor and Vice Mayor to meet with the District Subcommittee in the coming month and to schedule a discussion of the issue for a joint meeting with the Fire District at the end of the year.

**3. DISCUSSION AND DIRECTION ON THE DISPOSITION OF THE DIANA STATUE**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Discuss and provide direction on the disposition of the Diana Statue

Following a staff report and presentation from representatives from the Lindenwood Homeowners Association (LHA), the Council discussed acceptance of the offer from the LHA to restore the statue and place the statue in a center island at Flood Circle, within the Town's right of way. The Council discussed issues related to maintenance, liability, and long-term obligations. Following discussion, the Council directed that staff work with the LHA on a maintenance agreement that would include repair, as needed of the statue and placement of the statue at Flood Circle.

**ADJOURN MEETING TO THE ATHERTON CHANNEL DISTRICT**

**REGULAR AGENDA**

**4. ATHERTON CHANNEL DISTRICT OVERVIEW AND FINANCES – DISCUSSION AND DIRECTION**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Discuss and provide direction regarding district financing options

Staff made a presentation on the history of the Atherton Channel District, its organization, size, funding and projects. Following public comment, the Council discussed issues related to expansion of the District, funding sources and options, contributors to the Atherton Channel, legal definition of a "subsidiary district" and options for next steps. Following discussion, the Council asked that staff research further options for expanding or redistricting, provide a report on legal issues related to being a "subsidiary district", options to address new construction impacts from outside of Town, and provide a summary of the impact of the County's proposed overlay JPA for Stormwater.

**ADJOURN**

Mayor Wiest adjourned the meeting at 5:56 p.m.

Respectfully submitted,

Theresa N. DellaSanta  
Deputy City Manager/City Clerk



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL**  
**July 18, 2018**  
**SPECIAL MEETING**  
**6:00 P.M.**  
**REGULAR MEETING**  
**7:00 P.M.**  
**City Council**

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

**7:00 REGULAR SESSION**

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

Lori Krutcher, 70 Strong, it is a free service designed for Atherton and other nearby communities which provides free guidance for people 60 and older to stay active and live healthy including volunteer opportunities. It's all about keeping people active and aging well.

5. **REPORT OUT OF CLOSED SESSION - Report out by City Attorney**
  - A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b)**

*City Manager*

City Attorney Bill Conners reported that Council met in closed session at a publicly noticed 6pm special meeting to review the City Manager performance evaluation. There was no reportable action.

6. **CITY MANAGER'S REPORT**

Nothing further to discuss outside of the written report.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

**CONSENT CALENDAR** (Items 8-10)

8. **APPROVAL OF BILLS AND CLAIMS FOR JUNE, 2018 IN THE AMOUNT OF \$1,050,259**

**Report:** Finance Director Robert Barron III

**Recommendation:** Approve Bills and Claims in the amount of \$ 1,050,259

**9. ADOPTION OF A RESOLUTION APPROVING THE APPOINTMENT OF DIRECTORS TO REPRESENT THE TOWN OF ATHERTON TO THE POOLED LIABILITY ASSURANCE NETWORK “PLAN” JOINT EXERCISE OF POWERS**

**Report:** City Clerk Theresa DellaSanta

**Recommendation:** Adopt Resolution Approving the Appointment of Directors to represent the Town of Atherton to PLAN JPA

**10. ADOPT RESOLUTION 18-XX DESIGNATING A VOTING DELEGATE AND UP TO TWO ALTERNATES TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – SEPTEMBER 14-16, 2017 – LONG BEACH**

**Report:** City Clerk Theresa DellaSanta

**Recommendation:** Adopt Resolution 18-XX designating a voting delegate and up to two alternates to the League of California Cities Annual Conference, September 14-16, 2018 – Long Beach

**MOTION by Lewis, second by Widmer to approve consent items 8-10. The motion passed unanimously.**

Mayor Wiest noted that a majority of people in the audience were here for item 18 and he would like to move that up next.

**18. RECEIVE CIVIC CENTER PROJECT UPDATE; REVIEW, DISCUSS AND PROVIDE DIRECTION ON DESIGN CHANGES AND VALUE ENGINEERING OPTIONS FOR THE LIBRARY; AND REVIEW, DISCUSS AND PROVIDE DIRECTION ON FUNDING ISSUES RELATED TO THE OVERALL PROJECT**

**Report:** Marty Hanneman

**Recommendation:** Receive the Civic Center Project Update; review, discuss and provide direction on design changes and value engineering options for the Library; and review, discuss and provide direction on funding issues related to the overall project

Marty Hanneman summarized the staff report. Hanneman noted that in addition to the recommendations in the report that staff was looking for feedback on whether the Council wants to see a bid package for demolition of the library at a future meeting. City Manager Rodericks noted that following the value engineering discussions, staff is looking for feedback on the overall funding component of the project.

WRNS consultants began a presentation articulating the differences between bid options 3a and 3b as well as outlining the various value engineering options that were being considered for the Library.

There was discussion about the library, donor funds, and how the revenue can be used to retain the original design features. Council Members wanted to understand the dollar figure the Town will have when it comes time to build the library. Discussion inquired into the funds available via the Library JPA excess funds provision and the expectation that the Town would be able to have additional funds advanced as part of those excess funds.

The Council discussed the various value engineering options as they were presented but focused on the need for the Library to retain some of its design features that were considered important spaces - such as the main deck, renovation of Town Hall, and specific program spaces and the importance of designing the facility to meet Cal-Green/Title 24 requirements and identifying where the design would exceed those requirements and the rationale behind those deviations.

Following this discussion, the Council expressed a desire to be able to quantify the value engineering options - staff advised that this would be made available at a future meeting once the analysis was completed. The Council then moved on to the funding elements for the Library and the overall project. The Council first focused on the Library and the budget for the Library based on funds available.

There was discussion about the bid package for demolishing the current library once everything is moved into the trailers.

#### *Public Comment*

Walter Sleeth, Lindenwood area resident, said the vote from the Council meeting in June was not clear on the next steps for building the library. Sleeth encouraged moving on and getting the library built.

After discussing the Library funding options, the Council discussed funding options and alternatives for the Administration/Police Building. The Council discussed fund raising options, a bond measure, certificates of participation, value engineering, and the use of Operational Reserves.

No action was taken on this item as it was feedback only and it would be returning to the Council at a future meeting for further conversation.

Mayor Wiest moved on with the Regular Agenda.

#### **REGULAR AGENDA – (Items 13-18)**

**13. APPROVAL OF THE AMENDED BYLAWS FOR THE SAN MATEO COUNTY LIBRARY JOINT POWERS AUTHORITY AND SECOND AMENDED JOINT POWERS AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND THE CITIES OF ATHERTON, BELMONT, BRISBANE, EAST PALO ALTO, FOSTER CITY, HALF MOON BAY, MILLBRAE, PACIFICA, PORTOLA VALLEY, SAN CARLOS, AND WOODSIDE RELATING TO LIBRARY SERVICES**

**Report:** City Manager George Rodericks

**Recommendation:** Approve the attached amended bylaws for the San Mateo County Library Joint Powers Authority; Adopt the Second Amended Joint Powers Agreement; and Authorize the Mayor to Execute the Agreement on behalf of the Town

City Manager Rodericks summarized his report.

The Council discussed issues related to the excess tax funds - formerly called "donor funds", timing of the use of 100% of those funds for the Library Project, amendments to JPA Subcommittees, and commitment from the Library JPA for use of 100% of the excess funds for the Library Project.

Council asked that the Library JPA clarify the Town's use of 100% of those funds, in writing, in relation to the Library Project.

**MOTION by Lewis, second by DeGolia to approve the attached amended bylaws for the San Mateo County Library Joint Powers Authority; Adopt the Second Amended Joint Powers Agreement; and Authorize the Mayor to Execute the Agreement on behalf of the Town. The motion passed unanimously.**

**14. AUTHORIZE THE CITY ATTORNEY TO PREPARE AND THE CITY MANAGER TO EXECUTE AN AGREEMENT AMENDMENT WITH TETRA TECH INC. TO PROVIDE AN ALTERNATIVE STORMWATER CAPTURE FACILITY SITES ASSESSMENT**

**Report:** Public Works Director Robert Ovidia

**Recommendation:** Authorize the City Attorney to prepare and the City Manager to execute an agreement amendment with Tetra Tech, Inc. to provide an alternative stormwater capture facility sites assessment

Public Works Director Robert Ovidia summarized his report. The Council discussed funding of the assessment and clarified that the Town would be reimbursed by Caltrans for the work.

**MOTION by Widmer, second by Lewis to authorize the City Attorney to prepare and the City Manager to execute an agreement amendment with Tetra Tech, Inc. to provide an alternative stormwater capture facility sites assessment. The motion passed 4-1 (DeGolia stepped out and was absent for this vote).**

**15. DISCUSSION AND DIRECTION ON AMENDMENTS TO ATHERTON MUNICIPAL CODE CHAPTER 8.10 “REMOVAL OF AND DAMAGE TO HERITAGE TREES”, INCLUDING AMENDING THE TREE PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS**

**Report:** Senior Planner Stephanie Davis / Arborist Sally Bentz

**Recommendation:** It is recommended that the City Council receive a report from staff on amendments to the Town’s Municipal Code Chapter 8.10 “Removal of and Damage to Heritage Trees”, including amendments to the Town’s *Tree Preservation Guidelines, Standards, and Specifications* and provide direction to staff

Senior Town Planner provided a brief background and a recommendation that the Council and the Planning Commission host a joint meeting in September to discuss the proposed revisions.

Council Member DeGolia asked for clarity on why feedback from the June Council meeting wasn’t incorporated into the ordinance. Davis noted that changes haven’t been made to the draft ordinance. The thought is to take direction cumulatively then revise the ordinance.

Vice Mayor Widmer asked that staff consider improvements within the Tree Preservation Zone, and neighboring property trees should be considered/addressed in the TPZ.

The Council directed that staff put together a joint meeting with the Planning Commission for some time in September.

**16. REVIEW NOTIFICATION LETTERS TO PROPERTY OWNERS ALONG THE HOLBROOK-PALMER PARK FENCE LINES**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Review and provide direction regarding notification letters to property owners along the Holbrook-Palmer Park fence line

Public Works Director Robert Ovadia summarized his report.

Council Member Lempres asked what action will be taken if property owners ignore the letters. Ovadia said they are encouraging owners to come in now to avoid charges. For those that ignore the letter a follow up letter will be sent and then follow up with formal code enforcement as necessary.

Council Member Lewis suggested some minor revisions to the letters to address relocation of the fences.

There was discussion and clarification that Encroachment Permits may be revoked as deemed necessary by the Town. Further discussion ensued about code enforcement follow up for those property owners who do not respond to the initial letter.

Following these additions, the Council directed that staff proceed with release of the letters.

**17. CONSIDER SETTING A PUBLIC HEARING TO ADOPT A FEE RESOLUTION AMENDING FEES AND CHARGES RELATED TO RENTAL FEES FOR THE PAVILION AT HOLBROOK PALMER PARK**

**Report:** Public Works Director Robert Ovadia

**Recommendation:** Consider setting a Public Hearing to adopt a fee resolution amending fee and charges related to rental fees for the Pavilion at Holbrook Palmer Park

Park Manager Sally Bentz reported to Council.

The Council discussed issues related to costs and rental fees at other venues, total revenue received for park events, number of Atherton residents versus non-residents using the facilities, clarification of Friday, Saturday and Sunday use, and condition of the Town's facilities in comparison to other venues.

Following discussion, the Council directed that staff return the item at a Public Hearing.

Public Hearing items were taken up next.

**PUBLIC HEARING – (11-12)**

**11. CONDUCT A PUBLIC HEARING; AND, IF APPROPRIATE, INTRODUCE FOR 1<sup>ST</sup> READING ORDINANCE NO. XX, AN ORDINANCE OF THE TOWN OF ATHERTON RELATED TO FALSE ALARM SYSTEMS**

**Report:** Police Chief Steve McCulley

**Recommendation:** Conduct a Public Hearing; and, if appropriate, introduce for 1<sup>st</sup> Reading, Ordinance No. XX, an Ordinance of the Town of Atherton related to False Alarm Systems

Police Chief McCulley reported out. McCulley noted that the goal is not revenue generation as much as it is to reinforce that false alarm responses will divert resources from other priorities. It's to assist in changing behaviors.

Mayor Wiest opened the public hearing.

Council Member Lewis questioned whether the charges are for calendar year or a 12-month period. McCulley noted that it's a 12-month period starting from the first violation.

Council discussed issues related to the number of false alarms processed by the Police Department, applicability of the false alarm fee to alarms not directly monitored by the Town, cost of the system, impact to police operations, warning letters, and the cost of registration and annual fees.

Council Member Lempres asked if there was a process for appeals. McCulley confirmed there was.

Council Member DeGolia asked if the false alarm fees apply to alarms that are not monitored by the Police. McCulley said yes.

Vice Mayor Widmer felt that a grace period for disconnects should be given.

City Manager Rodericks noted that the \$100 setup fee is nominal. The \$100 annual fee reinforces the need to check the system on an annual basis and helps pay for any needed upgrades in the Town's alarm monitoring equipment. The annual cost for the system is budgeted at \$1,400; The Town monitors approximately 1,500 alarms directly. The \$100 annual fee will recover at a minimum the hardware/software costs with a little cushion for upgrades over time; but does not cover the actual dispatch costs for monitoring.

Greg Conlon, questioned the goal of this item. Mayor Wiest clarified it is to deter the number of false alarms the PD responds to.

There was further discussion on the annual fee. Council agreed that it should be \$50.

**MOTION by Widmer second by Lewis to introduce the ordinance, as amended, with an initial registration fee of \$100, an annual fee of \$50, and a 30-day grace period before disconnection of an alarm being monitored by the Town. Warning letters will be sent for the 1st, 2nd, and 3rd false alarms. Fines will be imposed for the 4th false alarm at \$200, the 5th at \$300, and \$400 for each additional false alarm - in a 12-month period. The motion passed unanimously.**

**12. CONSIDER INTRODUCTION OF A ZONING ORDINANCE AMENDMENT ESTABLISHING THE DEVELOPMENT AGREEMENT ADOPTION PROCEDURE UNDER CHAPTER 17.07 OF THE ATHERTON MUNICIPAL CODE**

**Report:** Town Planner Lisa Costa Sanders

**Recommendation:** Introduce a Zoning Ordinance amendment establishing the Development Agreement Adoption Procedure under Chapter 17.07 of the Atherton Municipal Code

Town Planner Lisa Costa Sanders summarized her report.

The Council discussed issues related to process and applicability of a development agreement and potential uses in the Town. The Council discussed how the development agreement ordinance and process related to the Town's General Plan.

**MOTION by Lewis, second by DeGolia to introduce the zoning ordinance amendment establishing the Development Agreement Adoption Procedure under Chapter 17.07 of the Atherton Municipal Code. The motion passed unanimously.**

19. **COUNCIL REPORTS/COMMENTS** – None.

20. **FUTURE AGENDA ITEMS** – None.

21. **PUBLIC COMMENTS**

Greg Conlon, discussed his concern of safety including the hold out station and quad gate at the tracks and safety in our schools.

22. **ADJOURN**

Mayor Wiest adjourned the meeting at 10:18 p.m.

Respectfully submitted,  
Theresa N. DellaSanta  
City Clerk



**MINUTES**  
**Town of Atherton**  
**City Council**  
**August 17, 2018**  
**8:00 A.M.**  
**Admin Conference Room**  
91 Ashfield Road  
**Council Chambers**  
94 Ashfield Road  
Atherton, California  
**Special Meeting**

**8:00 AM      CLOSED SESSION IN ADMIN CONFERENCE ROOM**

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

**PUBLIC COMMENTS**

Public Announcement of Closed Session Items

**CLOSED SESSION**

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

*City Manager*

Mayor Wiest called the meeting to order at 8:35 a.m.

City Attorney Connors reported that the City Council unanimously approved a \$5000 bonus for the City Manager effective immediately.

**PUBLIC COMMENT –**

Christine David, said that she is speaking on behalf of many residents and the cost savings and value engineering has already been completed by the CCAC and there is concern for changing the character of the project; residents are frustrated; bite the bullet and build it.

Walter Sleeth, Friend of the Library, wants the Council to be fair to the library and go forth and build it. He questioned the amount of funds taken from the library for the civic center landscaping.

**REGULAR SESSION AGENDA**

- 1.      RECEIVE CIVIC CENTER PROJECT UPDATE; REVIEW, DISCUSS AND PROVIDE DIRECTION ON DESIGN CHANGES AND VALUE ENGINEERING OPTIONS FOR THE LIBRARY; DIRECT STAFF TO REQUEST A RE-DESIGN PROPOSAL FROM WRNS STUDIOS; RECEIVE UPDATE ON PROGRESS OF**

**VALUE ENGINEERING OPTIONS FOR THE ADMINISTRATIVE/POLICE BUILDING; RECEIVE, DISCUSS AND PROVIDE DIRECTION ON FUNDING ISSUES RELATED TO THE OVERALL PROJECT; AND PROVIDE DIRECTION ON POTENTIAL DEMOLITION OF LIBRARY BUILDING**

**Report:** Marty Hanneman

*Description: This item will involve a discussion by the Council on the various possible design changes and value-engineering options for the Library as well as an overview of the same issues for the Admin/CDD/PD Building. These options include a review of discrete systems within the plans and recommendations for changes, as well as, other project specific areas where costs can be cut. Council discussion, will include, but not be limited to, plumbing systems, mechanical systems, landscaping, square footage, phasing and staging options, LEED certification and requirements, furniture, fixtures, and finishes, windows, and other items reasonably related to the issue. The Council will also discuss funding options related to the overall project which will include, but not be limited to, fundraising, cash available for the project, certificates of participation, bonds, and other items reasonably related to funding. Ultimately, staff is recommending that the Council provide specific direction and feedback on each of the possible areas where costs can be cut or changes can be made to the library and have an in-depth discussion and provide feedback on funding for the overall project. Staff is also asking the Council to provide direction on whether to issue a bid package to demolish the existing library prior to the award of construction for a new library. Lastly, staff is asking the Council provide authorization to request a redesign proposal from the project architect to specifically address the value-engineering options recommended by the Council for the Library.*

**Recommendation:** Receive the Civic Center Project Update; review, discuss and provide direction on design changes and value engineering options for the Library; direct staff to request a re-design proposal from WRNS Studios; receive update on progress of value engineering (VE) options for the Admin/PD building; review, discuss and provide direction on funding issues related to the overall project and provide direction on potential demolition of library building

Council agreed that a funding discussion about the library would be helpful in making decisions on some of the recommendations for redesign.

City Manager Rodericks discussed the available library funding including the SMCL offer to front future donor funds to fund things that they specifically want for the library in terms of design and space.

Council Member DeGolia said the ‘advance’ of funds is going to the JPA for approval in September. The County has proposed that on the bay canal they would advance the Town those funds and the Town would pay it back over time. The County would in turn take the excess tax funds each year until it is paid off.

Council Member Lewis discussed the increasing market prices and felt that the SMCL proposal is reasonable.

Vice Mayor Widmer sought clarification on how the funding would work.

Didi Fisher, questioned redesign costs and whether they are included in the bottom line of the value engineering. She also asked if a contingency was included.

John Schluter, WRNS, walked the Council through the value engineering recommendations. The Council made the following value engineering deducts from the spreadsheet provided by WRNS.

1. Eliminate Rammed Earth Wall
2. Metal Panels & Flashings
3. VE Curtain Walls, Windows
4. Heat Pump for Library Only/Retain Underfloor Sys.
5. Toilet Partitions/Walls
6. VE Lights
7. Delete Microgrid, Retain Infrastructure
8. Delete PVs/Retain Infra/Stations
9. Eliminate Deck @ Southwest
10. Reduce Size of North Deck
11. Hydroseed & Irrigation
12. Cedar Fencing/Elim. S. Fencing/Furnishing
13. Wall Panels
14. Interior Window Systems
15. Remove Shelving and add to FFE
16. Defer Historic Renovation of Town Hall
17. Eliminate Adult Reading Room (750sf)
18. Demolition of Library
19. Eliminate Small Meeting Rooms (350sf)
20. Eliminate Additional SF (150sf)

**MOTION by DeGolia, second by Widmer to approve the value engineering recommendations as they have been adjusted above by Council. The motion passed unanimously.**

Council agreed that demolition of the library should be done before the end of the year. Staff will come back to Council for approval of going out to bid.

Alex Keh, asked if the Maple/Station Lane intersection still in plan? Council confirmed yes.

City Manager Rodericks noted that the recommended listed items above results in a VE savings of approximately \$3,140,816.

Council directed staff to receive a proposal from WRNS to do the redesign costs of the library.

Vice Mayor Widmer suggested waiting until the SMCL JPA makes their decision before WRNS begins their redesign. Council Member Lewis noted that this would push the clock and delay the project. Council Member Lempres said that some risk is accepted in going out now but felt it was appropriate given timing. Mayor Wiest agreed.

## **ADJOURN**

Mayor Wiest adjourned the meeting at 10:28 a.m.

Respectfully submitted,  
Theresa N. DellaSanta  
City Clerk



**Minutes**  
**Town of Atherton**  
**City Council**  
**August 21, 2018**  
**8:00 A.M.**  
**Council Chambers**  
94 Ashfield Road  
Atherton, California  
**Special Meeting**

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

**ROLL CALL**      **Wiest, Widmer, Lewis, DeGolia, Lempres**  
**Council Member DeGolia teleconferenced from:** 1427 Riata Road, Pebble Beach, CA

**PUBLIC COMMENTS – None.**

**REGULAR SESSION AGENDA**

**1.      CONSIDER AND TAKE ACTION ON OPTIONS IN ELECTIONS CODE 10229 REGARDING THE PROVISION IF NO ONE OR ONLY CANDIDATE FILES; APPOINTMENT TO OFFICE**

**Report:** City Manager George Rodericks

*Description: This item will involve a discussion by the Council on whether or not to cancel the called election scheduled for November 6, 2018 for electing three members to Council. The law allows Council to make appointments if there were not more nominees than seats available. If the appointments are made the election is considered cancelled.*

**Recommendation:** That Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person who has been nominated.
2. Appoint to the office any eligible voter if no one has been nominated.
3. Hold the election if either no one or only one person has been nominated.

*No. 2 is not applicable because three individuals have been nominated.*

*A resolution is included in the packet if the Council chooses option 1*

City Manager Rodericks presented the report.

Assistant City Attorney Jennifer Larson noted that the FPPC has ruled that it is appropriate for Council Members to vote on their own appointment because Election Code 10229 clearly allows for it.

Council Member Lempres questioned whether there should be three separate votes that allow for recusal by each nominated member in order to avoid any perceived conflict. Widmer agreed. DeGolia was fine with it.

Lewis encouraged the simple route which was also legal and commonly used which was for everyone to vote.

**MOTION by Lewis, second by Wiest to appoint to the office the person(s) who were nominated and approve resolution appointing Bill Widmer, Mike Lempres and Rick DeGolia to the offices to which they were nominated, and the election scheduled to be held on Tuesday, November 6, 2018, is now cancelled. The motion passed unanimously.**

**ADJOURN**

The Mayor adjourned the meeting at 8:10 a.m.

Respectfully submitted,

Theresa N. DellaSanta  
Deputy City Manager/City Clerk