



MINUTES
Town of Atherton
CITY COUNCIL
December 18, 2019
CLOSED SESSION
REGULAR MEETING

City Council opened in Closed Session at 6:00 p.m.

6:00 PM CLOSED SESSION AGENDA – *Convene as the City Council*

A. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b)(1)

City Attorney

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b)(1)

City Manager

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

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

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL - Lempres, Lewis, Wiest, Vice Mayor DeGolia, Mayor Widmer**
- 3. PRESENTATION**
 - Gatepath Presentation by CEO, Bryan Neider

Bryan Neider, CEO of Gatepath, presented their mission and services to City Council. Mr. Neider also introduced one of their program participants, Jenna Yee. Ms. Yee addressed Council sharing her success story.

- Recognition of City Attorney and Assistant City Attorney

Mayor Widmer presented a Proclamation to City Attorney Bill Connors and Assistant City Attorney Jennifer Larson for their service and commitment to the Town of Atherton. Mayor Widmer presented them both with a gift from the Town.

- **CITY COUNCIL REORGANIZATION**

Mayor Widmer delivered his year in review remarks specifically noting accomplishments for the year.

Mayor Widmer nominated Rick DeGolia to serve as Mayor for 2020, which was approved by the Council.

Mayor DeGolia nominated Elizabeth Lewis to serve as Vice Mayor for 2020, approved by the Council.

City Clerk Suber administered the Oath of Office to Mayor DeGolia and Vice Mayor Lewis as they assumed their offices for 2020.

Mayor DeGolia delivered his assuming office remarks noting his priorities for the year.

Mayor DeGolia motioned for a brief recess for a reception.

Following the reception, the Council reconvened at 7:35 pm.

4. **PUBLIC COMMENTS** - None

5. **REPORT OUT OF CLOSED SESSION – City Manager Rodericks**

City Manager Rodericks presented a brief review of the Closed Session items, noted that Council provided direction to staff but that there was no reportable action taken.

6. **CITY MANAGER’S WRITTEN REPORT AND VARIOUS DEPARTMENT ORAL REPORTS**

City Manager Rodericks provided his report that included reports from the Police Department, Public Works, and Community Services.

Vice Mayor Lewis commented that she has received request from residents for more visual access to the Town Center project and asked clarifying questions related to the Environmental Programs Committee.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** - None

CONSENT CALENDAR (Items 8-11)

8. **APPROVAL OF BILLS AND CLAIMS FOR NOVEMBER IN THE AMOUNT OF \$ 2,414,573**

9. **WAIVE FINAL READING AND ADOPT BY TITLE ONLY AN ORDINANCE REPEALING AND REPLACING CHAPTER 15.48 OF THE ATHERTON MUNICIPAL CODE ESTABLISHING WATER-EFFICIENT LANDSCAPING STANDARDS**

10. **APPOINTMENT OF REPRESENTATIVE TO THE SAN MATEO COUNTY MOSQUITO & VECTOR CONTROL DISTRICT**

11. ACCEPTANCE OF TREASURER’S REPORT FOR THE FIRST QUARTER ENDED SEPTEMBER 30, 2019

MOTION by Wiest, second by Widmer to approve the Consent Calendar. The motion passed unanimously.

PUBLIC HEARING (12)

12. INTRODUCTION OF AMENDMENTS TO ATHERTON MUNICIPAL CODE CHAPTER 8.10 “REMOVAL OF AND DAMAGE TO HERITAGE TREES”, INCLUDING AMENDING THE HERITAGE TREE PRESERVATION GUIDELINES, STANDARDS AND SPECIFICATIONS

Senior Planner Davis introduced the staff report to Council for their consideration of amendments the Town’s Heritage Tree Ordinance and amendments to the Heritage Tree Preservation Standards and Specifications guide. Davis noted that several public meetings have been conducted leading up to the changes being presented including a public hearing held by the Planning Commission. Davis presented various proposed amendments to Council for deliberation and approval.

Davis added that the three topics raised at the December Study Session have been addressed in the latest revisions. Those included the requirement for maintenance bond or security deposit for Heritage Tree removals associated with Planning Commission applications, Heritage Trees on neighboring properties, and Heritage Tree relocations.

Councilmember Lempres asked clarifying questions as to whether the standards document was enforceable on its own or is the ordinance only enforceable with the standards guide serving as a guide.

City Attorney Connors responded to Councilmember Lempres and indicated that the standards fill in details related to the ordinance and supplements the ordinance. He noted the standards guide offers staff and Council greater flexibility with making changes or updates without going through the process of amending an ordinance.

Mayor DeGolia added that part of goals of the process was to bring the two documents more in line with each other.

Davis included context to the standards guidelines by adding that they offer a greater degree of specificity.

Vice Mayor Lewis asked clarifying questions regarding how the amount of the bond is determined and that a certain period of time is required after a tree has been relocated to determine if the tree will survive.

Town Arborist Sally Bentz provided responses indicating that the bond will be based on a formula administered by a worksheet for clarity and that there is a period of 1-3 years established to monitor the tree. After that period Town staff will contact the applicant regarding their deposit.

Council continued discussion related to the administration and management of how bonds and deposits will be tracked to which Bentz outlined the administrative process in place.

MOTION by Lewis, second by Wiest to waive the first reading by substitution of the title and introduce an ordinance amending Atherton Municipal Code Chapter 8.10 “Removal of and Damage to Heritage Trees” and adoption of Resolution No. 2019-16 amending the Town’s Heritage Tree Preservation Standards and Specifications. The motion passed unanimously.

REGULAR AGENDA (13 – 19)

13. AWARD OF CONTRACT – CITY ATTORNEY SERVICES

City Manager Rodericks presented an overview of the next steps for Council for a professional services agreement and authorizing the Mayor to execute.

Councilmember Wiest and Vice Mayor Lewis thanked the subcommittee and City Attorney Conners for their efforts in completing this process.

Mayor DeGolia commented that he felt all four of the respondents were qualified and could have served the Town well.

MOTION by Lewis, second by Wiest to appoint Mona Ebrahimi of Kronick Moskowitz Tiedemann & Girard as City Attorney and authorize the Mayor to execute a professional services agreement. The motion passed unanimously.

14. DISCUSSION ON THE SAN MATEO COUNTY’S OFFICE OF SUSTAINABILITY PROPOSED DISPOSABLE FOOD SERVICE WARE ORDINANCE AND POSSIBLE RESTRICTIONS ON THEIR USE IN TOWN

Senior Planner Davis presented a staff report to Council sharing county-wide efforts to establish a food service ware ordinance and the Environmental Programs Committee unanimous recommendation to Council for the consideration of adoption of such an ordinance with the amendment that the ordinance be applicable to all Town facilities.

Councilmember Widmer asked if the ordinance will apply to food trucks that operate with the Town to which Davis responded that her expectation is that if those food trucks obtain permits from the County and the County adopts the ordinance that it will likely include those trucks. Davis noted that with the exception of the City of Half Moon Bay no other city within the County has moved forward with an ordinance of this type to date.

Widmer clarified that if the Town wanted to make additional amendments to the ordinance that option was available to the Council. City Attorney Conners added that the Town has an ordinance related to mobile food vendors and that we have the option to make amendments at a later date.

Council discussion continued relating to who would be impacted by this ordinance, how enforcement would be managed and any associated costs with that.

Davis indicated that at this point we do not have an estimate on costs and City Manager Rodericks affirmed that Code Enforcement is complaint based within the Town.

Conners provided context that if a public school opted not to comply with the ordinance should the Town adopt one then the Town has no course of action to pursue. If it is a private school the Town can utilize code enforcement procedures.

Vice Mayor Lewis noted her support in moving forward with such an ordinance.

Councilmember Wiest agrees with the concept and noted his displeasure with being regulated by outside agencies. He added that we need to consider including language to ensure Food Truck vendors comply with an ordinance of this type should the Town move forward.

Mayor DeGolia agreed that Food Truck vendors and Town facilities should be included in any future ordinance of this nature.

Wider clarified that if the Town moved forward with such an ordinance then enforcement would be the responsibility of the Towns. He recommends that Council could prepare a letter to be sent to the County in support of the ordinance with the provision Food Truck vendors be included allowing all enforcement to be the sole responsibility of the County.

Conners and City Manager Rodericks clarified that a County ordinance would only apply to County territory within the Town, it would not apply to Private Schools.

Councilmember Lempres noted he agrees with the intent and added that any ordinance should also apply to Town facilities. He recommended the Town contact the Public Schools within Town to learn of their waste reduction plans and commented that when the time comes to discuss penalties thoughtful consideration be taken.

Council discussion ensued related to initiating a dialogue with the local schools within Town, consideration of penalties for an ordinance, and timelines for compliance. Conners clarified for Council that there are standard penalties outlined by the Municipal Code.

Council directed that staff continue work on a Town food ware ordinance and return it for consideration.

15. RESIDENTIAL ALARM ORDINANCE REVIEW

City Manager Rodericks introduced the item and clarified the ordinance that was adopted in relation to residential alarms. Rodericks shared several options for Council consideration for next steps in communicating with residents.

Councilmember Lempres asked clarifying questions regarding the statistics of triggered false alarms. Police Chief McCulley responded that the statistics cited in the report are accurate.

Council discussion ensued regarding the validity of false alarms, the initial intent of the \$50 fee being associated with the administrative costs of updating resident information, and recommendations on how to contact the entire community regarding alarm monitoring.

Mayor DeGolia recommended that the Town prepare a town-wide mailer stating that we have changed the Town ordinance regarding alarm monitoring and going forward any new registration of an alarm will require a \$100 registration fee with an annual fee of \$50 that will be applicable to all alarms to enable us to monitor and update the information on an annual basis and that false alarm fees have changed. He went on to propose that if residents currently have an alarm there will be no registration fee as long as they respond, the \$50 fee will apply annually, and if there is no response to register their alarm within 6 months then a registration fee will be imposed. DeGolia proposed we grandfather any resident with an unregistered alarm waiving the initial registration fee.

Rodericks noted that only residents with unregistered alarms were subject to the \$100 registration fee in the most recent round of letters and that some residents paid their annual fee on a multi-year basis.

Councilmember Widmer noted that the annual renewal should be a set date across the board for the entire community and not triggered by the date the fee was paid.

Wiest agreed that updates should be set on a regular annual date and allow residents to send any information updates to the Police Department via the Town website at any time.

DeGolia added that for the residents that paid annual fees during the first round of letters could be extended some form of a prorated fee in consideration of pending changes to the ordinance. DeGolia raised the point that in the event a resident is unwilling to pay the fee the Town can opt not to monitor their home alarm system and seek out private alarm monitoring services.

Rodericks commented that Mayor DeGolia's comments were in fact included in the ordinance presently.

DeGolia questioned as to what course of action the Town could take if a resident that has an alarm that we don't monitor refuses to pay the \$50 fee.

City Attorney Connors commented that if the ordinance is adopted it would be a bill like any other and left unpaid the Town could issue an administrative citation. He also noted that there are self-monitoring alarm systems that don't require any outside monitoring which may exempt a resident from compliance with the ordinance.

All Council agree that the fee renewal needs to take place at the same time each year.

Rodericks indicated that staff would make required modifications to the ordinance and prepare a letter to residents.

16. ACCEPTANCE OF DONATION NAMING REQUESTS AND REPORT, DISCUSSION AND FURTHER DIRECTION ON CONTACT WITH ATHERTON NOW REGARDING DONOR

City Manager Rodericks introduced the item indicating it has three potential components and recommended Council take them in order. First, evaluating the naming requests listed in the report and provide direction. Second, an update from Councilmember Widmer regarding his

conversation with Atherton Now. Third, formal acceptance of the naming request listed in the report.

Vice Mayor Lewis requested that Mayor DeGolia authorize the creation of an ad hoc committee to expand on the naming opportunities available to donors in a more detailed manner. Councilmember Wiest added his support in having a more comprehensive review.

Mayor DeGolia indicated his desire to establish an ad hoc committee and charged that committee with revising and revamping the naming opportunities plan presently in place. Mayor DeGolia appointed Vice Mayor Lewis and Councilmember Widmer to serve on the Ad Hoc Subcommittee.

Councilmember Widmer reported out on his conversation with Didi Fisher of Atherton Now. He informed Council that Ms. Fisher indicated that of the three \$1 million dollar donors, she recommends that the Council consider naming of the new council chambers, the old council chambers, and the civic court. He added that in reviewing the list, those locations are all at different levels of donation. Widmer discussed locations that are available for naming opportunities.

City Manager Rodericks added that in the development of naming opportunities Council indicated they did not want the new council chambers to have any naming rights associated with it.

The Ad Hoc Subcommittee will meet and report back to the Council.

MOTION by Lewis, second by Widmer to accept donation naming requests for the K-9 Corner and Cafe Terrace. The motion passed unanimously.

17. AUTHORIZE RELEASE OF A REQUEST FOR PROPOSAL FOR PROCUREMENT ASSISTANCE FOR A SOLAR AND MICRO-GRID POWER SERVICES PROVIDER

Public Works Director Ovidia introduced the item providing detailed background information for a solar infrastructure and micro-grid backup system. Ovidia noted that during the Town Center process, one of the things removed from the project in an effort to find cost savings was the installation of solar and battery backup systems. He noted that Council provided further direction to staff to evaluate the possibility of a power purchasing agreement for solar systems.

Council discussion ensued which included options available to the Town regarding solar panels, generator support, cost savings options.

Councilmember Lempres requested that staff provide a project plan for the proposed activity.

Ovidia indicated that staff's goal is to have solar infrastructure established when the Town Center building is complete. He added that in order to do that staff is asking for Council authorization to release the request for assistance and have that contractor back before council early next year for the request for proposal for a Power Purchase Agreement.

MOTION by Lempres, second by Lewis to authorize the release of an RFP for procurement assistance for a solar and micro-grid power services provider. The motion passed unanimously.

18. REVIEW AND DISCUSS THE STATUS OF THE FIRE SERVICES FISCAL REVIEW AND PROVIDE DIRECTION ON NEXT STEPS

City Manager Rodericks introduced the item and provided a brief review of the subcommittee activity and the results of its meeting with San Mateo County LAFCo staff. Rodericks noted that LAFCo staff favor consolidation versus detachment. Rodericks listed six (6) policy options for Council consideration and noted there may be other combinations available to Council.

Councilmember Wiest reported on his takeaways from the meeting and preference of LAFCo staff for consolidation.

Councilmember Widmer reported that LAFCo staff made it clear that the Town would have additional steps to take in order to proceed with a detachment and additional study would be needed. Widmer stated that LAFCo staff indicated they had been in conversations with members of the Menlo Park Fire District and that LAFCo has been considering a municipal services review from a countywide perspective.

John Wurdinger, President IAFF, San Mateo County Fire Fighters made public comments sharing his service background and shared the mission of the members he represents. Mr. Wurdinger indicated he would be interested in arranging in person meetings with Councilmembers.

Vice Mayor Lewis shared the written public comment from resident Bob Polito with Council and the audience.

Councilmember Widmer noted that Council is not suggesting that this is a service issue and that the Menlo Park Fire District (MPFD) provides a great service.

Councilmember Lempres raised the question about the level of service the Town receives in relation to the cost the Town pays. Lempres indicated that it is his understanding that the Town had one structure fire in the last year and compared that one service fire against the \$13 million in cost paid by the Town's residents. He noted he recognizes it is a structural issue and in no way calls into question qualified staff providing the service or quality of that service; however, \$13 million a year for one structure fire is a service delivery issue.

Vice Mayor Lewis indicated her support for further conversation with State Legislatures, and County to pursue legislative action or options. Vice Mayor Lewis commented on her desire to continue conversations with MPFD about collaboration on projects. Vice Mayor Lewis agreed that the Town needs further public education and community engagement at this time. Vice Mayor Lewis stated she would support advanced public education and community outreach, interest in continuing the conversation and is not in support of complete detachment at this point.

Councilmember Widmer noted his support for additional public education and community engagement as course of action. He noted that a detachment does not mean the Town would not work with the Fire District and indicated it may allow for a different arrangement.

Councilmember Widmer stated his recommendation is to pursue options 1, 2, and 3 and option 4 would always be an option if the opportunity is available.

Councilmember Wiest agreed with the options listed by Councilmember Widmer. He identified various challenges facing the Town related to growth within the district. Councilmember Wiest stated his support in pursuing options that give residents alternatives to consider.

Councilmember Lempres added that the remaining question is can we do anything about the position that we are in. He voiced his frustration regarding the limits imposed on the Town and indicated he is in favor of pursuing all and any options open to available to the Town.

Mayor DeGolia stated that this is an unequitable situation and that we have not received any favorable response because the MPFD does not have an obligation to respond to us. He stated that the Council's governing issue is to represent the residents of Atherton and it is appropriate to advocate on behalf of the residents for an issue of equity. DeGolia suggested the Town consider an advisory vote to poll the residents. DeGolia articulated his reservations with continued investment of time on this item when considering other Town priorities.

Council discussion continued regarding the challenges faced by the Town and the options available to Council for consideration.

Rodericks provided an overview of the direction provided by Council that included the development of a community outreach and education plan with costs, development of a plan for the LAFCo process, arranging contact with the County and State, and remain open to continued conversations with MPFD.

19. CIVIC CENTER PROJECT UPDATE

City Manager Rodericks noted that this is an information only report. No action is required

PUBLIC COMMENT

Walter Sleeth made a public comment stating the letter from resident Bob Polito should be in the public record and added his perspective on Proposition 13.

COUNCIL REPORTS/COMMENTS

Vice Mayor Lewis shared a congressional report related to legislative recommendations for aviation. She also reported on her City/County Association of Governments activity, current and upcoming legislation related to Housing.

ADJOURN

Mayor DeGolia adjourned the meeting at 10:31 p.m.

Anthony Suber
City Clerk