



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL**  
**November 20, 2019**  
**REGULAR MEETING**

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

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

**1. PLEDGE OF ALLEGIANCE**

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

**3. PRESENTATIONS**

- **Annual Report from Park and Recreation Committee presented by Chair, John Davey**

John Davey presented the Annual Report from the Park and Recreation Committee.

- **Annual Report from Atherton Library**

Tomika Price, San Mateo County Library representative, presented the Annual Report from Atherton Library.

Councilmember Lempres asked how the Atherton Library has adjusted to the temporary location. Tomika informed the Council that the Atherton Library rents out the Carriage House located at Holbrook Palmer Park to assist in alleviating large group weekly events and parking spaces.

**4. PUBLIC COMMENTS**

Greg Conlon, Atherton resident shared underground utilities information with Council and encouraged Council to consider undergrounding utilities as a future Atherton priority.

**5. REPORT OUT OF CLOSED SESSION** – None

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

City Manager Rodericks presented the report and addressed a few specific items such as 41 Snowden, Flock Cameras, and Police activity taking place at the Park

Mayor Widmer commented that motorized scooters have been an issue throughout Atherton and citation enforcement must be implemented.

Vice Mayor DeGolia questioned response times to calls, Chief McCulley responded that he will provide Council with additional information, reasons and factors.

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

### **CONSENT CALENDAR (Items 8-9)**

## **8. APPROVAL OF BILLS AND CLAIMS FOR SEPTEMBER IN THE AMOUNT OF \$ 4,609,302**

## **9. ADOPTION OF AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADOPTING BY REFERENCE THE 2019 CALIFORNIA BUILDING STANDARDS CODE, RETAINING EXISTING MODIFICATIONS**

**MOTION by Lewis, Second by Lempres to approve the Consent Calendar. Motion passed unanimously.**

### **REGULAR AGENDA - (Items 10-18)**

## **10. REVIEW AND AFFIRM THE TOWN'S CURRENT AUTOMATED LICENSE PLATE READER (ALPR) POLICY; OR, IF DEEMED APPROPRIATE, MAKE REVISIONS TO THE POLICY AND APPROVE IT**

Chief Steve McCulley presented the item and informed Council he reached out to neighboring jurisdictions regarding their policies.

City Attorney Connors noted that an ordinance would need to be presented to the Council.

Councilmember Lempres questioned the records destruction period of one year. Connors commented that records destruction should occur after a minimum of two years or what would fall under the statutes of limitations and would still need to go to Council for approval. He noted that keeping the storage policy at two years would reduce storage cost but to also purge records immediately when the records have expired. McCulley added that they gathered data from other police agencies when considering the policy. Lempres asked if the records would be immediately destroyed upon approval, or retention time to which McCulley confirmed records would be destroyed in the proper time

Mayor Widmer noted that auditing of the records would need to be considered in order to effectively purge records safely. McCulley noted that an outside audit can be considered. Connors noted that ALPR Systems mandates auditing of the records annually but would need to specify the methods or organization that would be used within the policy.

Vice Mayor DeGolia noted that Menlo Park and Redwood City transfer their data to an outside source as a policy. McCulley informed the Council that the Atherton Police Department currently stores their data in-house.

Kristine Curry, Atherton resident commented that in a recent meeting she attended raised concerns about the ALPR and opposes the policy. She believes that the surveillance criteria is a privacy concern. She noted to not add the meters at this time, change the route, and to consider an outside auditing of the records.

Lauren Cory, chair of the Mid-Peninsula ACLU opposes the ALPR Policy due to privacy concerns.

Walter Sleeth, Atherton resident, opposes the ALPR Policy because there is no need for the ALPR at the moment.

Councilmember Lempres noted that his concerns are for the residents' privacy but recognizes the need to reduce crime, the data record storage and management, and would like the policy would provide more security.

Vice Mayor DeGolia commented that the existence of the ALPR has been an important tool in the increase in public safety but to evaluate possible improvements to the existing policy. He noted that his concerns are focused the privacy of Atherton residents.

Councilmember Lewis noted that the current data management procedure is secured but had concerns about the privacy of Atherton residents, review of the current ALPR policy, and costs.

Councilmember Wiest recognized the efficiency of the ALPR and the need for an updated policy.

Mayor Widmer raised concerns about the agreement such as data selling and data retention schedule.

Connors noted that though the policy can be updated but state laws must be followed. He informed Council there are pending legislations that are making changes to the retention schedule. Additionally, he noted that the Town currently uses ALPR and that changing the policy is acceptable but to take note on the current state laws.

Council directed staff to review the current ALPR Policy along with additional information on the operations of the National Regional Intelligence Center and present it at a future meeting.

**11. CONSIDER ACCEPTANCE OF A DONATION OF A SCULPTURE; CONSIDER USE OF THE EVANS CREATIVE ARTS FUND TOWARD THE PURCHASE THE SCULPTURE OR OTHER SPECIFIED USE; AND REVIEW AND CONFIRM THE STATUS OF THE ATHERTON ARTS FOUNDATION AS A DESIGNATED GROUP**

Public Works Director Ovadia presented the item and reviewed the options before the Council for consideration. He described the process of evaluation of the sculpture, the placement of the sculpture and the discussion held by the Park and Recreation Committee.

Councilmember Lewis questioned if the available funds that the Atherton Arts Foundation has is from their fundraisers and donations. Ovadia noted that the funds presented is the allocated funds from the Town.

Mayor Widmer noted that the Garden Room of the Main House needs improvement and asked if staff evaluated the costs. Ovadia noted that the evaluation would depend on the Council's decision on what aspect must be prioritized. Additionally, he noted that there is a strong need for floor renovations.

Vice Mayor DeGolia noted that any work done must be managed by the Town.

Councilmember Lewis questioned if the space is rented out to the Atherton Arts Foundation. Ovadia stated that the Atherton Arts Foundation is a designated group and is exempt from paying rent and that the location does not generate income.

Atherton Resident, Walter Sleeth, requested a picture of the statue and Ovadia provided a copy.

Dorothy Hunter, President of the Atherton Arts Foundation, informed Council that they do not charge artists and all income consists of donations. She informed Council that classes are held in the Garden Room and that several improvements need to be made.

Ted Ullman, member of the Atherton Arts Foundation, noted that in the past request for funds had been denied and delayed the process of approval of the statue. He expressed that the funds should be focused on the installation of the statue instead of the improvements to the Garden Room.

Malcolm Dudley, Atherton Resident, commented that the importance of the improvements of the Garden Room is for community multi-purpose use, needed to maintain historical value, and to provide the space for artists in the community.

Joan Sanders, Atherton resident and member of the Arts Committee spoke in support of the committee and encouraged the Council to continue its support.

Mayor Widmer noted that there needs to be a representative from the Holbrook-Palmer Park Foundation to provide additional information.

Council directed staff to connect with the designated groups, Atherton Arts Foundation and the Holbrook-Palmer Park Foundation, conduct some additional research on costs and present the results at a future meeting.

**12. RECEIVE A REPORT, DISCUSS AND PROVIDE DIRECTION REGARDING A PARK AND RECREATION COMMITTEE RECOMMENDATION TO CONSIDER CREATION OF AN OFF-LEASH DOG AREA IN HOLBROOK PALMER PARK; AND CONFIRM OR REMOVE THE INCLUSION OF AN OFF-LEASH DOG AREA IN THE PARK MASTER PLAN**

Public Works Director Ovadia introduced the item and provided background information.

Robert Roeser, Atherton resident, commented that the implementation of an off-leash dog park would mean consistent maintenance and to consider the cost in it.

John Davey, Atherton resident and chair of the Parks and Recreation Committee, expressed his full support for the implementation of an off-leash dog park. He shared his perspective on the benefits for

the park visitors.

Councilmember Wiest commented on challenges in beginning a large project within the park. He noted that the location is not ideal and raised concerns that it would interfere with the atmosphere of the park, especially the maintenance. Wiest continued to raise concerns that allowing dogs to be off leash could pose a risk to park goers along with their own dog.

Councilmember Lempres commented that the off-leash dog park provides community value and noted that it is within the Master Plan. He expressed concerns about the priority of other projects but, supports keeping the park in the Master Plan.

Councilmember Lewis stated that there are other higher priority projects that need Staff and Council attention and that the off-leash dog park was intended to be reviewed in the future. She raised concerns about the safety of others with dogs off their leash.

Vice Mayor DeGolia commented that promoting an off-leash dog area would increase the attendance of park goers who will bring their dogs. He raised concerns about the Tennis Courts and their attendees, the Baseball Field, and the Pre-School that surrounds the suggested location. Additionally, he stated the current entrances to parts of the park and trails would pose a safety risk.

Mayor Widmer stated that the location was not ideal and the timing for the project is off, concluding it is not a priority. He raised concerns about the noise, funding, and daily maintenance. He noted that existing dog parks in neighboring cities have reported health issues due to the lack of inconsistency sanitation and maintenance.

Council acknowledged the tremendous efforts that the Parks and Recreation committee has made in creating the plan and thanked them for their service to residents.

**Motion by Lewis, Second by Wiest to remove the Off-Leash Dog Park from the Park Master Plan and advised that once priority projects and improvements are complete that the Off-Leash Dog Park can be reconsidered.**

**AYES: Widmer, Wiest, Wiest**

**NOES: Lempres**

**ABSTAIN: DeGolia**

**ABSENT:**

### **13. DISCUSSION ON THE TOWN'S MUNICIPAL CODE REGULATIONS REGARDING LEAF BLOWERS AND POSSIBLE RESTRICTIONS ON THEIR USE IN TOWN**

Senior Planner Davis introduced the item.

Vice Mayor DeGolia questioned the costs from switching to gas to battery-operated leaf blowers. Public Works Director Ovidia informed the Council that the battery-operated leaf blowers require chargers as well and the labor hours it would take before providing an exact amount.

Mayor Widmer commented that the implementation of an ordinance should come as a recommendation. Davis noted that additional public outreach and community education can be provided

Jerry Leugers, Atherton resident, commented that leaf blowers are used excessively throughout Atherton and contributes to the air pollution along with creating noise issues.

Robert Roeser, Atherton resident, expressed support in the implementation of switching to an environmental-friendly leaf blower.

Councilmember Lewis commented that gas powered leaf blowers pose more of an issue in terms of noise, the environment, and the practices of the how it is being used.

Councilmember Wiest noted that the regulations for the use of gas blowers is constantly changing. He raised concerns about the gardening and landscaping services who have to work a full-day and the efficiency of using only batteries.

Vice Mayor DeGolia noted that other cities are responding quickly to climate issues and would like to see the Town transition to more environmental-friendly methods to promote sustainability.

Councilmember Lempres noted concerns for costs, noise, and air quality.

Mayor Widmer commented that the use of the batteries is also an environmental risk and also contributes to the cause of fires. He noted that the item does not present a budget and requests to move the item to a future meeting.

**MOTION by Wiest, Second by Widmer to include the transition to electrical powered leaf blowers in the FY 19/20 Budget Plan with additional information and return at a future Meeting. AMENDED by Lewis, Second by Lempres to review the item in February 2020. 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**

**MOTION by Widmer, Second by DeGolia to continue the item to December 18, 2020 meeting. Motion passed unanimously.**

#### **15. PROVIDE DIRECTION ON THE TOWN WIDE LOCAL TRAFFIC FLOW/LONG RANGE PLANNING SOLUTIONS STUDY; AND IF DIRECTED, AUTHORIZE A CONTRACT AMENDMENT WITH TJKM FOR ADDITIONAL RELATED SERVICES**

Public Works Director Ovadia presented the item and discussed the work done to revise the contract parameters.

Councilmember Lewis questioned if this would impact other projects. City Manager Rodericks replied that the Town has fund balance in Measure A and Measure M for street projects and this would qualify as a street project.

Finance Director Barron informed Council that Parcel Tax Funds can be used for local funding.

**MOTION by Lempres, Second by Lewis Council to approve the contract amendment with TJKM for additional related services. Motion passed unanimously.**

**16. CONDUCT THE PUBLIC HEARING AND INTRODUCE FOR FIRST READING, BY TITLE ONLY, AN ORDINANCE REPEALING AND REPLACING CHAPTER 15.48 OF THE ATHERTON MUNICIPAL CODE ESTABLISHING WATER-EFFICIENT LANDSCAPING STANDARDS**

Public Works Director Ovadia introduced the item and indicated the Town has been operated with this practice. The plans are reviewed with building requirements. We did not update our own, if you didn't, then you would follow the State Law requirements. Updating our code to match our practices, we had some minor changes suggested by our Green Infrastructure Consultant.

City Attorney Connors noted that law requires this is filed with the State.

Greg Conlin, Atherton resident asked if this impacts how the Town operates presently to which Ovadia already addressed.

**MOTION by Lewis, Second by Wiest introducing the first reading, by title only, an Ordinance repealing and replacing Title 15, Chapter 15.48 "Water-Efficient Landscaping" standards. Motion passed unanimously.**

**17. REVIEW, DISCUSS, AND PROVIDE FURTHER DIRECTION ON ISSUES RELATED TO THE TOWN CENTER FINANCING: 1) RECEIVE A PRESENTATION FROM URBAN FUTURES AND DISCUSS THE CASH FLOW AND FINANCE PLAN FOR THE TOWN CENTER; 2) REVIEW AND PROVIDE FEEDBACK REGARDING A DRAFT DEBT POLICY RELATED TO THE ISSUANCE OF DEBT; 3) PROVIDE DIRECTION REGARDING THE POTENTIAL ENGAGEMENT OF A FUNDRAISING CONSULTANT; AND 4) PROVIDE DIRECTION, AND POSSIBLE ACCEPTANCE OF A DONATION TOWARD THE TOWN CENTER IN EXCHANGE FOR A SPECIFIED NAMING OPPORTUNITY**

Finance Director Barron III introduced the item.

Wing-See Fox, Urban Futures presented details about the financing options to Council.

Council discussed the steps involved with issuing a Certificate of Participation (COP) and the Town Debt Policy, the merits of hiring a fundraising consultant, and the acceptance of donations for certain naming opportunities.

Councilmember Lewis asked if the list of donors were contacted with the naming level of donations that they provided. Staff responded that they have not reached out.

Vice Mayor DeGolia noted that there is a donor wall designated for the donors who have contributed over \$100,000 in donated funds.

Councilmember Lempres commented that donations and funding should be fair and made available for anyone interested in naming opportunities.

Greg Conlin, Atherton resident asked about costs associated with the Town Center project, the needs of the COP, and about donations received by the Town.

**MOTION by Wiest, Second by Lewis to authorize the Staff to move forward with financing options with the expectation of borrowing up to \$7 MIL and engaging Bond Council with a Certificate of Participation with a condition to reevaluate strategies based on receiving additional donations. Motion passed unanimously.**

**MOTION by DeGolia, Second by Lewis to offer naming rights to the Road in the amount of \$5MIL. Motion passed unanimously.**

## **18. CIVIC CENTER PROJECT UPDATE**

This was an informational item only.

City Manager Rodericks informed the Council that the project was going well and briefly reviewed Change Orders.

## **19. COUNCIL REPORTS/COMMENTS**

### **20. FUTURE AGENDA ITEMS**

### **21. PUBLIC COMMENTS**

Greg Conlin, Atherton resident commented on the Town Center donors on Roads and Has donors to recommend

Walter Sleeth, Atherton resident commented that because other cities are considering leaf blower ordinances it may be easier to introduce to the community.

### **22. ADJOURN**

Mayor Widmer adjourned the meeting at 11:42 p.m.

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



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**February 5, 2020**  
**SPECIAL MEETING**

Mayor DeGolia called the meeting to order at 4:00 pm

**4:00 PM SPECIAL SESSION** – *Convene as the City Council*

1. **ROLL CALL** - Wiest, Widmer, Lempres, Mayor DeGolia Vice Mayor Lewis – Present
2. **PUBLIC COMMENT** – None

**CONSENT CALENDAR**

3. **AUTHORIZATION FOR THE CITY MANAGER TO APPLY TO THE PLANNING COMMISSION FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT RECOMMENDATION FOR A PROPOSED STORMWATER CAPTURE FACILITY PROJECT AT CARTAN FIELD**

**Motion by Wiest, second by Lewis to approve the Consent Calendar. The motion passed with Councilmember Widmer recusing himself.**

**REGULAR AGENDA**

4. **REPORT FROM AD HOC SUBCOMMITTEE ON NAMING OPPORTUNITIES, OUTREACH AND DONOR PROGRAMS; PROVIDE DIRECTION TO AD HOC SUBCOMMITTEE ON NEXT STEPS**

Finance Director Barron reviewed the report from the Committee and requested that the Council discuss the creation of a policy related to the acceptance of donations and gifts.

Mayor DeGolia provided a concise review and discussed the subject matter, reviewing plaque options and donation amounts. He noted that the recommendation for the plaque, would be to provide a plaque approximately the size of a piece of paper (8.5” x 11”) for each approved donation of \$500,000 or more, and half that size of a piece of paper for each approved donation of less than \$500,000.

Councilmember Widmer commented that the goal would be to put any dedicated materials in a specific room, such as conference room, if a donor wanted to dedicate/donate an item specific to that room. However, any naming or customization would still come to Council for approval.

Councilmember Lempres raised questions as to what the goal is in pursuing additional donations considering the timing of the COP. He suggested the timing may be problematic from a public perception point of view.

Councilmember Widmer stated his support to continue receiving donations at any time indicating the Town can always use donations to offset expenses relate to the Town Center, including designating donations to pay down the COP.

Vice Mayor Lewis is in support of Councilmember Widmer's comment on accepting donations.

Mayor DeGolia commented that at this point it's a dual track with donations and the COP separate issues. He supports seeking donations and suggested identifying naming opportunities available.

Council came to consensus on the point, that once donations have been received as been decisions about what language will appear on the plaque can be determined. Council concluded they can determine the precise wording at a later date.

Mayor DeGolia notified the rest of the Council that the three \$ 1,000,000 donors have made a proposal, to which the Council should respond to. The proposal indicated that donors be provided a credit for specific areas, such as the historic Council chambers, even if the donation amount isn't at the current asking level.

The Council came to consensus on the naming opportunities and directed staff draft a letter for subcommittee review. Council agreed to craft a response to Atherton Now regarding their requests from the January 15<sup>th</sup> Council Meeting asking for alternative naming options. The letter will respond about the three \$1,000,000 donors.

Consensus was reached to send out a community wide letter to all residents with naming opportunities and a separate letter to Atherton Now.

Council discussed the donation policy provided by staff and it was determined that it would be referred to the subcommittee for further review. Council requested the policy be brought back to Council at a future meeting.

**5. REPORT FROM VICE MAYOR LEWIS ON MARKETING MATERIALS; PROVIDE DIRECTION ON NEXT STEPS**

Vice Mayor Lewis introduced and reviewed this item for council. She noted that direction is being sought on images and verbiage of the letter. Additionally, she reviewed the material available in the staff report, outlined the process she envisions for communicating with potential donors, and reviewed the images that were used from WRNS.

Councilmember Widmer provided feedback regarding the language used in the descriptions in that materials provided. Specifically, he noted that the heritage room should say "area."

Mayor DeGolia also provided feedback on the entrance road to specifically say, “you have the opportunity to name the road, which will appear in each of the applicable street signs.” Additionally, he would like a sentence added clarifying donors that they have an opportunity to donate to receive a plaque on the “renovated” town hall.

Councilmember Lempres asked about the address and received confirmation that the address will still be Fair Oaks and that official address is not up for sale.

The Council did arrive at consensus supporting the images presented by Vice Mayor Lewis with revised associated text.

Council directed staff to prepare material for town-wide distribution seeking donations with naming opportunities and the subcommittee will work with staff to finalize the language. Council directed that suggestions from staff or residents are welcomed but would need approval from the Council.

**6. 2020 EARTH DAY EVENT WORK PLAN AND BUDGET AS RECOMMENDED BY THE ENVIRONMENTAL PROGRAMS COMMITTEE (EPC)**

Finance Director Barron introduced the item and an update was provided by Senior Planner Davis. Councilmember Widmer asked and received confirmation that reservations have been at facilities for the event.

Davis shared the Environmental Program Committee (EPC) workplan with a draft budget. The EPC advises that the event focus on climate change with associated educational materials. The EPC also proposed a featured video be shown and provide the Council four featured video options to choose from. The film Ice on Fire, which focuses on solutions to climate change is preferred by the EPC and Councilmember Widmer. Mayor DeGolia preferred Ice on Fire. Councilmember Wiest preferred the films Ice on Fire and Anthropocene: The Human Epoch.

Council came to a consensus and chose film #1: Ice on Fire and film #4: Anthropocene: The Human Epoch for screening. Additionally, there was consensus that short clip #5: Cutting-Edge Meat Alternatives for Carnivores, should not be showed.

**Motion by Lewis, second by Widmer to approve the workplan and budget as proposed by the EPC, along with the agreed upon films and short clips for showing during the event. Motion passed unanimously.**

**STUDY SESSION AGENDA**

**7. RECEIVE AND FILE THE MID-YEAR BUDGET REPORT FOR FY 2019/20**

Finance Director Barron provided presented the item to Council. Barron noted the ERAF is higher than usual, there are several areas that necessitate adjustments and require Council level approval. These adjustments total \$204,310 across the departments of City Attorney, Inter-departmental, and Public Works. Because this needs Council level approval it will appear on the next Council Meeting. He noted revenues are expected to exceed projections for the fiscal year by approximately \$398,649 and there will also be an increase to Police revenue of \$24,000, due

to the alarm permit fees. Considering the updated adjustments, revenues are projected to be \$18,233,372, which is inclusive of ERAF. This provides a net positive change in the General fund balance of \$3,413,027 and an anticipated ending fund balance of \$25,876,094, which also includes mandatory reserves.

Councilmember Lempres asked about property taxes and asked for an overview. Barron provided a brief overview and noted, the \$230,856 reduction in VLF fees, which is a County wide issue not just a town issue.

Mayor DeGolia asked what Barron's experience has been with County's projections versus Town figures. Barron indicated that historically they have been in line with Town numbers, however last year the projection was off, and the Town received about \$140,000 more than projected. At this time, it seems the County is again underestimating by approximately \$115,000 for this year on property taxes based on HDL estimates.

This report was received and filed.

## **ADJOURN**

Mayor DeGolia adjourned the meeting at 5:39 p.m.

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



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**February 19, 2020**  
**REGULAR MEETING**

Mayor DeGolia called the meeting to order at 7:15 pm

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

1. **ROLL CALL** - Wiest, Widmer, Lempres, Mayor DeGolia Vice Mayor Lewis – Present, with Councilmember Michael Lempres teleconferencing in from the following location:  
180 Lake Parkway  
Stateline, NV 89449

2. **PLEDGE OF ALLEGIANCE**

3. **PRESENTATIONS**

Presentation was provided by Chief Steve McCulley for a Swearing in and Oath of Office for Officer Nik Torres

4. **PUBLIC COMMENT**

Alex Key spoke on Item 20 in favor of extending the work hours, and finishing the project sooner, rather than later.

5. **CLOSED SESSION**

City Attorney Ebrahimi indicated no reportable action

6. **CITY MANAGERS WRITTEN REPORT**

City Manager Rodericks provided a report on the Town's various Departments noting Police Department hiring items.

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

## **CONSENT CALENDAR**

- 8. APPROVAL OF MINUTES OF JANUARY 15, 2020 COUNCIL MEETING**
- 9. APPROVAL OF BILLS AND CLAIMS FOR JANUARY 2020 IN THE AMOUNT OF \$ 1,701,590**
- 10. APPROVAL OF BILLS AND CLAIMS FOR JANUARY 2020 IN THE AMOUNT OF \$ 1,701,590**
- 11. ACCEPTANCE OF TREASURER'S REPORT FOR THE SECOND QUARTER ENDED DECEMBER 31, 2019**
- 12. ADOPT THE ATTACHED BUDGET AMENDMENT RESOLUTION FOR THE FY 2019/20 BUDGET**
- 13. AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LAMPHIER GREGORY FOR THE PREPARATION OF AN ENVIRONMENTAL DOCUMENTATION FOR A PROPOSED MENLO COLLEGE RESIDENCE HALL PROJECT AT 1000 EL CAMINO REAL**

**MOTION by Wiest, second by Lewis to approve the Consent Calendar. The motion passed with Councilmember Widmer recusing himself from Item 12.**

## **PUBLIC HEARINGS**

- 14. WAIVE THE FIRST READING AND INTRODUCE BY TITLE ONLY, AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 8.04.050 MAKING MINOR AMENDMENTS TO THE PERMITTING REQUIREMENTS APPLICABLE TO NEWLY INSTALLED ALARM SYSTEMS; REVIEW AND APPROVE THE DRAFT LETTER TO THE COMMUNITY UPDATING THE COMMUNITY ON THE ALARM MONITORING PROGRAM**

This item was introduced by City Attorney Ebrahim. Ms. Ebrahim highlighted changes to the original alarm ordinance, which was adopted in 2018. Changes included the term of installation and having the Police Department be the lead Department instead of the Building Department.

Mayor DeGolia asked about the letter attached, and the City Attorney provided a brief review of the letter. Councilmember Widmer noted some residents have already paid their fee and questioned how the Town would address that. Chief McCulley responded indicating that those residents were mailed a letter to address that.

Council provided additional suggestions as to what information should be communicated with residents to ensure clarity.

**MOTION by Wiest, second by Lewis to approve waiving the first reading and introduce modifications by title only. The motion passed unanimously**

**15. WAIVE THE FIRST READING AND INTRODUCE BY TITLE ONLY, AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE TO UPDATE HOLIDAYS DURING WHICH CERTAIN CONSTRUCTION AND CONSTRUCTION-RELATED ACTIVITY IS PROHIBITED**

This item was introduced by City Attorney Ebrahim. Ms. Ebrahim highlighted these are minor amendments and includes a definition of what constitutes a holiday, which is consistent with the government code.

Councilmember Lewis asked a clarifying question and requested that Friday after Thanksgiving be included. City Attorney Ebrahimi noted that the Town could add to or remove dates from the lists as Council wishes. There was consensus on Council to add the Friday after Thanksgiving.

**MOTION by Wiest, second by Lewis to approve waiving the first reading and introduce modifications by title only, as amended by Councilmember Lempres. The motion passed unanimously.**

**REGULAR AGENDA**

**16. COMMISSIONS AND COMMITTEE APPOINTMENTS**

This item was introduced by the Finance Director, Robert Barron III with City Clerk Anthony Suber adding additional information. They noted that there were sufficient applications for all committees, with the exception of Parks and Recreation.

The following candidates spoke on behalf of themselves:

- Matt Baker
- Jim Massey
- Cate Levey

Finance Director Barron recommended to Council that they appoint the Bicycle and Pedestrian and Rail Committee in one motion.

Vice Mayor Lewis, asked Cate Levey which term she wanted to which she stated she would like the term expiring 6/30/2020

Councilmember Widmer suggested that Timpson be moved to the term expiring on 6/30/2021.

**MOTION Widmer / Lewis to approve all applicants – Levey – term expiring in 2020, Timpson term expiring in 2021 and to open the Park and Recreation recruitment. Motion Passed unanimously.**

**17. CONSIDER ACCEPTANCE OF A SCULPTURE DONATION; CONSIDER USE OF THE EVANS CREATIVE ARTS FUND TOWARD THE INSTALLATION OF THE SCULPTURE, TOWARDS IMPROVEMENT OF THE MAIN HOUSE GARDEN ROOM, OR OTHER SPECIFIED USE**

This item was introduced by Town Arborist Bentz who presented a history of accounts. It was noted that the Park Foundation would like to place the statue at the event location. Additionally, the Art Foundation made a request by letter submitted to Town Staff that asked that funds from the Evans Creative Arts fund be used for equipment and classrooms.

Mayor DeGolia structured the conversations, suggesting that there are a few ways to handle the Evans Funds, for improvements to garden room or support classes. He framed the discussion to review by listing the decision before Council as whether to provide the funds to the foundation, address the issue of the sculpture, and address the issue of the remaining fund.

Councilmember Widmer commented that there is currently a need for improvements in the arts room. He highlighted that the staff report recommended using the funds to pay for those improvements and use the remaining funds for the sculpture.

Vice Mayor Lewis added that both groups provided honorable services to the Town. Her recommendation split the money down the middle, giving an equal share to each organization. Councilmember Lempres stated he supported Vice Mayor Lewis' position to split the funds. Councilmember Wiest supported also supported Lewis recommendation.

Mayor DeGolia commented that both organizations are very valuable in the Town. The management of the buildings is needed, and the revenue generated by the Park will help fund a significant portion.

Councilmember Widmer asked that they take \$3,685 to provide to Public Works Director Ovadia for room improvements and provide the remainder to the HP Park Foundation.

### **PUBLIC COMMENT**

Catey Potts, member from HP Park Foundation commented the Evans Funds are more in line with the Foundation project and needs. These funds would help bridge the gap with the remaining balance in the Friends of Holbrook Palmer park foundation.

Swati Farmi, member of the Atherton Arts Foundation, shared a public commented that all the funds from the Evans Funds have previously been dispersed for Art's needs.

Tedd Ulman commented that he supports the use of the funds by the Arts Foundation.

**MOTION by Lewis / Widmer - Evans Fund to be terminated and the remaining money in the fund to be spent for improvements to the Garden Room and the remainder to be provided to the Park Foundation, Motion passed unanimously.**

Catty Potts, HP Park Foundation member spoke to the recommendation of the location of the sculpture.

Tedd Ulman presented to Council images of the sculpture in certain locations that were recommended.

**MOTION by Widmer / DeGolia to accept the sculpture and install it in the location recommended by the Foundation and Authorize the foundation. Motion passed unanimously.**

**18. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH SAGE ENERGY CONSULTING FOR PROCUREMENT ASSISTANCE FOR A SOLAR AND MICRO-GRID POWER SERVICES PROVIDER**

Project Manager Hanneman introduced this item. Councilmember Lempres asked the City Attorney, if there are any issues with him participating in the discussion and vote on the item. The City Attorney clarified that there is no conflict of interest. Hanneman continued and discussed the RFP Process and that three bids have been received. He noted it is the recommendation of staff to approve a Professional Services Agreement with Sage Energy.

Councilmember Wiest asked about what a Power Purchase Agreement time frame would look like to which Hanneman clarified that the that provider we choose will conduct that type of analysis and help the town determine what the agreement structure would look like. Mayor DeGolia asked for clarification on what work Sage Energy would complete, including if they would review all the PPA responses and help the Town structure the RFP. Hanneman affirmed that Sage would be available through the entire process, including preparing the RFP and review and evaluation the respondents.

Vice Mayor Lewis asked about State requirements for green energy. Project Manager Hanneman clarified that this is not part of the state requirement. Lewis asked if this was the same firm that assisted in conducting the previous analysis and evaluation, Hanneman confirmed it was.

Council asked questions about available options including battery backups/generators, Hanneman addressed the inquiries and clarified what options are available. He informed Council that they will the ability to make choices after the RFP has been released.

Mayor DeGolia shared information about the RFP released by Peninsula Clean Energy. He added a projected timeline to release the Town RFP by June 2020. DeGolia noted other factors to consider are the available tax credits.

Walter Sleth, Atherton resident suggested the Town use existing staff to develop the RFP. Project Manager Hanneman responded citing the work to be done requires a specialized skill set.

Mayor DeGolia stated that his position is that The Town should enter into the contract including the options with and without micro-grid.

**MOTION by Lewis, Second by Widmer to authorize the City Attorney to prepare and City Manager to sign the agreement for a total not to exceed \$134,700 with an administrative contingency of \$13,500. Motion passed unanimously.**

**19. REVIEW AND APPROVAL OF THE FIRE SERVICES SPECIAL EDITION ATHERTONIAN**

This item was introduced by Finance Director Baron who provided an overview of the staff report.

Mayor DeGolia commented that he attended a Menlo Park Fire Protection District (MPFD) meeting where detailed information was shared about the services provided to the Town. DeGolia suggested the Town invite the Chief of MPFD to present the report to Council.

Councilmember Wiest noted he attended the same meeting and that much of the information shared had already been presented to Council.

Council discussed the the topic in detail including previous requests to the MPFD for information related to service levels and costs and challenges with obtaining Atherton specific information.

Councilmember Lempres stated he supported the idea to invite MPFD leadership to a public meeting to discuss the topic.

Vice Mayor Lewis stated that she is not in favor of detachment, that the services received are of great value and that the Town should not distribute the communication as it is written. Lewis suggested that the subcommittee reconvene to modify the article.

Council continued to discuss the town-wide mailer making edits to include adding information about costs projections, elaborating on the Town's plans in the executive summary, the options/plans for providing fire services if detachment is pursued, and adding information on how detachment may enhance or improve services.

City Attorney Ebrahimi recommended that any future subcommittee meetings be attended by the same members and advised that Council could direct staff to communicate with MPFD in advance of the community meetings and that it needs to be determined if the meetings will be publicly noticed for all Council to attend.

Council agreed that the community meetings would be a publicly noticed setting meeting dates of March 24<sup>th</sup> and April 1<sup>st</sup>.

John Wurdinger, San Mateo County Fire Fighters Union President commented that the Town Council and Staff didn't fully understand how Fire Suppression within Atherton worked. He added that there are 5 response districts that respond to the Town and if the Town built out its own department it would have 2 stations at most. Wurdinger continued that the Towns Matrix report was incomplete and not comprehensive.

Greg Conlon, Atherton resident asked what Legal advice the Council received on taking the topic to the voters and that option was considered.

The City Attorney Ebrahimi stated that this is the first step for Council prior to filing an application for detachment. She added that the Town could still take an advisory measure to the public on a future ballot.

Walter Sleeth, Atherton resident stated he supported the Council's wish to invite MPFD to a meeting to have further information sharing.

Vice Mayor Lewis noted her expectation that the fire services communication come back to Council at the March 4th study session before Town-wide distribution.

There was consensus amongst the Council to Vice Mayor Lewis' suggestion.

**20. REVIEW, DISCUSS AND PROVIDE DIRECTION ON NEXT STEPS FOR SOLID WASTE COLLECTION AND POST-COLLECTION SERVICES**

Finance Director Barron introduced the item and walked Council through the analysis that R3 assisted the Town with.

The subcommittee recommended that the Council give permission to Staff and Subcommittee to pursue services with Green Waste. Additionally, that the notice of intent be sent to SBWMA for withdrawal. Which is to be presented to the Council at their March 18th meeting.

Mayor DeGolia commented that between now and June Council needs to discuss this issue. To which, the City Attorney clarified, that in order to preserve the Town options, they must first serve notice to SBWMA and then negotiate the exit from the SBWMA.

Emily Ginsburg, R3 Consulting Group presented the analysis to Council. She specifically highlighted what Post Collection means for the Council. Councilmember Lewis commented that the cost of withdrawal from the SBMA is large. Ginsberg noted that the Town would need to take on some administrative and reporting functions in order to maintain compliance should it move to GreenWaste. Ginsburg reviewed the collection programs that the Town would use and detailed some changes to current services that the Town may encounter.

Staff discussed what was included in the bid, and that the agreement with the SBWMA was used to carved out what was being offered to Atherton versus what is provided to the JPA overall.

Council noted that if a change was made a comprehensive marketing and educational plan would need to take place including detailing lists of acceptable recyclable materials and items for each bin.

Councilmember Widmer commented on the issue with carts, specifically he mentioned that those that own their carts, need to be replaced by Green Waste.

Barron noted that Council can provide direction to continue to negotiate with GreenWaste and again Staff can continue to work with SBWMA and opt in with Recology by December 2020.

City Attorney Ebrahimi commented there are many factors to consider should Council choose to withdraw from the SBWMA, further analysis will be needed to determine accurate costs. She added that the Town had not yet received any calculation to justify the \$2 million cost listed for withdrawal in prior communications.

Councilmember Wiest stated that as a Council we have been open and trying to tailor services to Atherton. He proposed growing concerns over Senate Bill 1383 and his excitement about services available through GreenWaste.

Councilmember Widmer added that the Town is in a better position presently then in 2010.

Council did not provide Staff direction to execute an agreement with GreenWaste.

Trish Suzuki, Recology representative asked that Council take the employees into consideration when making their decision. She urged the Council to maintain their agreement with the SBWMA and Recology.

Ginsburg from R3 added that Green Waste has indicated they would take certain staff that experiences job loss due to a change in servicer, but that staff member would need to currently be servicing Atherton.

**21. CIVIC CENTER PROJECT UPDATE: AUTHORIZE THE CITY MANAGER TO APPROVE CERTAIN WORKWEEK AND WEEKEND CONTRUCTION ALLOWED VARIANCES**

Council Lempres recused himself.

Project Manager Hanneman presented the item and advised that it is in the best interest of the Town to allow the contractors to extended working hours. He added that they have been fined a few times for working to early and there has been support from residents to get the project done with expediency.

Council shared accounts of resident interaction in support moving the project along as quick as possible and that any work variance would need to be handle with sensitivity and monitored.

**MOTION by Lewis, Second by Widmer to authorize the City Manager to approve certain workweek and weekend construction variances. . Motion passed with one (1) abstention.**

**Councilmember Lempres recused himself.**

John Malbach, Atherton resident commented the work being done has not been noisy or intrusive.

**22. COUNCIL REPORTS/COMMENTS - None**

**22. PUBLIC COMMENTS - None**

**23. ADJOURN**

Mayor DeGolia adjourned the meeting at 10:45 p.m.

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



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**March 4, 2020**  
**SPECIAL MEETING**

Mayor DeGolia called the meeting to order at 4:00 pm

**4:00 PM REGULAR SESSION** – *Convene as the City Council*

**1. ROLL CALL** - Wiest, Widmer, Lempres, Mayor DeGolia – Present

Vice Mayor Lewis - Absent

**2. PUBLIC COMMENT**

Woody Shakelton, Atherton resident commented on MPFD detachment. He spoke in opposition of detaching from the MPFPD, which he believes would leave residents at risk and encouraged Council to reconsider their course.

**REGULAR AGENDA**

**3. REVIEW AND APPROVAL OF THE FIRE SERVICES SPECIAL EDITION**  
**ATHERTONIAN**

City Manager Rodericks introduced the item, and provided his report, which included confirmation that information pertaining to this item was included in the Athertonian newsletter. He noted feedback was received from council and the subcommittee on the draft newsletter and edits were implemented.

Council discussed the information presented in the newsletter and the overall goal of the town-wide communication.

Councilmember Widmer and Lempres both agreed that understanding the costs of providing fire services to Atherton is beneficial to Town staff and residents. Widmer added that while the Town does not want to set up its own fire department understanding the process is valuable.

Mayor DeGolia noted, for the record, that the goal of the newsletter should be to provide information to residents and solicit feedback, which should be stated outright in the newsletter.

Peter Carpenter, Menlo Park resident addressed the Council in opposition of detachment of the MPFPD and encourage the Council not to proceed. It is his belief that the analysis is faulty.

Sean Ballard, Menlo Park resident and volunteer with Atherton Disaster and Preparedness Team (A.D.A.P.T) spoke in opposition of the MPFPD detachment and commented that newsletter clear that the city approach is just not to set-up their own fire department, which is highlighted in the newsletter.

**MOTION by Wiest second Widmer to approve, as modified the Special Edition Athertonian. The motion passed with DeGolia opposed.**

**4. REVIEW AND CONSIDERATION OF INITIAL STAFF WORK TOWARD PREPARATION OF A LAFCO APPLICATION FOR DETACHMENT FROM THE MENLO PARK FIRE PROTECTION DISTRICT; AND RECEIPT OF A PRESENTATION AND DISCUSSION BY REPRESENTATIVES OF THE FIRE DISTRICT**

City Manager Rodericks introduced this item. Rodericks introduced Martha Payatos, Executive Officer at LAFCO who addressed Council and provided insight into to the process.

Payatos responded to Council inquiries regarding the process including steps that including tax negotiations. She noted that if an agreement is not reached then the application process would stop. Payatos recommended pre-application steps for Council to consider that included having a willing service provider lined up, providing all the required information to LAFCo, and include detailed property tax payment information from the Town to the district. Payatos included that a Property Tax Resolution can be denied by the Board of Supervisors, which would effectively stop the application process. However, once an application is brought to LAFCo it is then referred to the County Assessor's office for calculations, as well as, the County Controllers Officer, and Elections Office, which all contribute to the evaluation of the application. Ms. Payatos continued to explain the process involved before and after an application is submitted to LAFCo.

Ms. Payatos further clarified the negotiations would include a Town and County representative. If an agreement is made, then resolutions would go before the Board of Supervisors and City Council for approval.

Councilmember Wiest asked clarifying questions about the process. Specifically, whether the City should already be reaching out for fire services and obtaining a letter of commitment, and if this is consistent with the municipal service review on consolidation. Ms. Payatos clarified that having assurances for services prior to submitting an application for detachment, would help avoid a major issue down the line should the Town come to learn they cannot obtain such assurances, while the application is going through the review process.

Councilmember Wiest noted that he is concerned that a service provider has not been identified and believes it to be prudent to have exploratory conversations with other service providers before we pursue the application.

Councilmember Lempres asked that the Council direct staff to spend time to identify, if there is a clear formal process already in place the Town should be following. Councilmember Lempres asked further questions of Ms. Payatos and she clarified that there isn't a flow chart of a formal process that exists. Payatos noted that detachment from a district is not typical. She added that the City Manager report did provide ample information about the steps to take, but there remain unknowns, because this is a new process.

Mayor DeGolia commented that base on the staff report the Town needs to prepare a plan for providing service to include a five-year projected operational and capital budget.

Councilmember Widmer suggested staff have exploratory conversations with neighboring fire districts about providing services and the associated costs.

City Manager Rodericks commented we must confirm whether the Town should follow a formal bid process for service. He further clarified that direction to staff at this stage is to send out the newsletter but not to engage a consultant at this time.

City Attorney, Ebrahimi did provide additional information on the Town bidding process. She stated that an RFP process may not be needed, if we seek potential letters of interest and only receive one.

Mayor DeGolia stated the importance the Town share the information about public meetings, as soon as possible and via electronic distribution even before the newsletter mailing. He further added that the is not in favor of detachment from the MPFPD. City Manager Rodericks noted that staff would make sure to communicate to residents electronically, as soon as possible.

Woody Shackleton, Atherton resident stated he has concerns concerned about the basic process and indicated that the Fire District has provided information, and anyone can simply go to a Fire Board meeting to ask questions.

Peter Carpenter stated his discontent for the process the Town has started.

Steve Nachtsheim, Atherton Resident encouraged the Council to ensure that service levels are not degraded.

City Manager Rodericks stated options for Council consideration, including sending out the newsletters and postponing an application until community feedback can be received at a public meeting.

## **STUDY SESSION AGENDA**

### **5. REVIEW AND DISCUSS THE CASH FLOW FOR THE TOWN CENTER PROJECT**

Finance Director Barron introduced the item and provided the staff presentation, which highlighted the variances and the ERAF Revenue Projections numbers. He also provided an overview of the draw down schedule for the project, which reflects the current construction activity. Barron stated that the impact to the General Fund remains unchanged. Additionally, staff highly recommended that the Town reserve be maintained to ensure maintenance of debt service payments in an emergency. Barron noted the 10% contingency is not included in the Cash Flow Analysis.

City Manager Rodericks noted that the \$500,000 Laurie contribution is not included. Which is broken up in installments of \$250,000, one in December 2020 and at the other at the conclusion of the project. He clarified that there is a calendar, which notes anticipated dates that council will consider various resolutions as it pertains to this project.

Mayor DeGolia noted a concern with the timeline and indicated the Town needs to provide ample time to residents to consider naming opportunities.

Rodericks noted the drop-dead date for solicitations would be two weeks before the end of June.

Barron indicated that the Trustee and Bank of NY Mellon have indicated they would provide the COP funding.

There was consensus from the Council to have the Mayor and Vice Mayor convene the Finance Subcommittee, along with adding Bob Polito from the Audit and Finance committee.

## **6. FY 2020/21 BUDGET KICK-OFF AND OVERVIEW**

Finance Director, Robert Barron III introduced the item and reviewed the staff report. He noted that the report provides a recap of the current fiscal year with preliminary budget assumptions and 5-year forecast. He noted, that for the 5-year forecast, staff projected a property tax revenue at a 5% increase in year one, a 4% increase in years two through four, and 3.5% in year five. these are conservative projections. Mr. Barron III highlighted pension costs will increase to 11 % in FY 2020/21. The contribution rate set by CalPERS for Public Safety Employees is 23% in FY 2019/20, and likely will remain the same and not increase to 25%. Additionally, the budget assumptions for the General Operations expenditure budgets are 3% to 4% year to year. However, actual budget requirements may change throughout the process.

Mr. Barron III noted for the Council that the Capital Projects budget will be presented at the May 6<sup>th</sup> study session.

Councilmember Widmer asked if staff will check with HDL on projects for growth. Mr. Barron III affirmed that staff will go to HDL and get a recap on 19/20 numbers and projections over the next few years.

Barron replied to Council inquires stating property taxes are received in early-mid December and January and residual payments in April, May and June. Barron noted the unfunded accrued liability payments and variances over the last year and explained that the Town receives

projections annually. Baron included that the plan is to have CalPERS representatives present to Council in May present.

## **7. ADJOURN**

Mayor DeGolia adjourned the meeting at 5:42 p.m.

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



**MINUTES**  
**Town of Atherton**  
**City Council**  
**March 18, 2020**  
**REGULAR MEETING**

Mayor DeGolia called the meeting to order at 7:03 pm

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

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** - Widmer, Wiest, Lempres, Vice Mayor Lewis, Mayor DeGolia
3. **PRESENTATIONS** - *None*
4. **PUBLIC COMMENTS**

City Clerk Suber read a public comment from William Grant alerting Council to prohibited activities within Town under the Shelter-in-Place order and requested Council continue to enforce conformance with these regulations.

Suber read a public comment from Jeanne Jenson requesting that Council take the health and safety of residents into consideration when considering the allowance of construction activity within Town.

Suber read a public comment from Nancy Brandon encouraging Council to prohibit construction activity within Atherton during the Shelter-in-Place orders.

John Primes, Atherton resident requested that Council pay special attention to burglaries in Town and consider adding license plate readers at additional locations throughout Town.

5. **REPORT OUT OF CLOSED SESSION** - *None*
6. **CITY MANAGER'S WRITTEN REPORT**

City Manager Rodericks briefly introduced the staff report and noted the Town's declaration of local emergency.

**CONSENT CALENDAR (Items 7 - 14)**

- 7. APPROVAL OF BILLS AND CLAIMS FOR FEBRUARY IN THE AMOUNT OF \$ 1,544,915**
- 8. WAIVE THE FINAL READING AND ADOPT ORDINANCE NO. 642, AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 8.04.050 MAKING MINOR AMENDMENTS TO THE PERMITTING REQUIREMENTS APPLICABLE TO NEWLY INSTALLED ALARM SYSTEM**
- 9. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON FOR A DEBT POLICY RELATED TO THE ISSUANCE OF DEBT**  
  
Removed from the agenda for consideration.
- 10. 2019 ANNUAL REPORT TO THE CITY COUNCIL ON THE ATHERTON GENERAL PLAN IMPLEMENTATION**
- 11. WAIVE THE FINAL READING AND ADOPT ORDINANCE NO. 643, AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE TO UPDATE HOLIDAYS DURING WHICH CERTAIN CONTSTRUCTION AND CONSTRUCTION-RELATED ACTIVITY IS PROHIBITED**
- 12. REVIEW AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE CABLE JOINT POWERS MEMBER AGENCIES FOR THE USE OF PUBLIC, EDUCATION, AND GOVERNMENT (PEG) FUNDS.**
- 13. APPROVAL OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH R3 CONSULTING GROUP FOR SOLID WASTE NEGOTIATIONS AND CONTRACTING SERVICES ASSISTANCE**
- 14. AWARD OF CONTRACT FOR THE STREET PATCHING PROJECT, PROJECT NUMBER 56092**

**MOTION by Wiest, Second by Widmer approve the Consent Calendar omitting item number 9.**

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

**NOES:**

**ABSTAIN:**

**ABSENT:**

## **REGULAR AGENDA (Items 15-16)**

### **15. RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON CONFIRMING THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY**

City Manager Rodericks introduced the item and noted that on March 13, 2020 the Town declared a local emergency and Council will need to ratify that declaration. He added that the item will appear on future agendas for Council to ratify the continuance of the declaration.

Council held a discussion related to permissible activities under the current County orders including what guidelines or rules could be implemented to increase the health and safety of workers and staff.

City Manager Rodericks provided context related to the order, noting the changes and how neighboring jurisdictions have approached allowing or restricting construction, landscaping, building, and planning services and activities during the SIP order.

Building Official Greenlee indicated that the Town has approximately 25 full site developments and approximately 1100 open permits that are not yet finalized. He noted that the number of workers on each site is based on the type of activity being done.

Council continued to discuss the merits of prohibiting or allowing construction activity within Town and any applicable rules or guidelines the Town might require.

Council provided direction to Staff to suspend all residential construction activity in Town temporarily with the allowance of projects to properly secure and scale down work sites, including recommendations for the use of appropriate security measures. Council included authorization to allow work on Saturday, March 21<sup>st</sup> during this transition period and allowance of the building official to issue emergency permits. Council provided additional direction to include suspension of construction activity on the Town Center project.

City Manager Rodericks noted that this item will reappear at future Council meetings for Council consideration.

City Manager Rodericks noted that the County Health order provided an exception to housekeeping services defining those as essential services for safety and sanitation. He added that within the order landscaping services was not addressed within the order and that the Town has taken the position that it is not an essential service unless related to an emergency for health and safety.

City Attorney Ebrahimi noted that essential activities identified in the health order included safety and sanitation services and that landscaping services were not included as an essential service.

Council provided direction to Staff to prepare a communication to residents on various applicable rules under the current County health orders including information provided on the Town website.

**MOTION by Widmer, Second by Wiest approving Resolution 20-04 confirming the City Manager / Director of Emergency Services proclamation of a local emergency with direction provided to the City Manager.**

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

**NOES:**

**ABSTAIN:**

**ABSENT:**

**16. APPROVAL OF AND AUTHORIZATION TO EXECUTE A NOTICE OF INTENT TO WITHDRAW FROM THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY (SBWMA)**

City Manager Rodericks introduced and provided a brief background on the item. He noted that in order to exit the South Bayside Waste Management Authority (SBWMA) the Town must issue a notice of intent to withdraw. He noted that the current agreement with Recology terminates in December 2020 and the Town would need to have a finalized agreement with GreenWaste prior to that time.

Councilmember Widmer added that by sending the notice this initiates a discussion with SBWMA and indicates to GreenWaste that the Town is negotiating with earnest intent.

City Attorney Ebrahimi advised that the purpose of the notice is to ensure the Town preserves all available options. She noted one purpose is to obtain cost information related to an exit from the JPA and the Town reserves the option of withdrawing the notice.

**MOTION by Wiest, Second by Lempres to approve and authorize the notice of intent to withdraw from the SBWMA.**

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

**NOES:**

**ABSTAIN:**

**ABSENT: Lewis**

**17. COUNCIL REPORTS/COMMENTS**

**18. PUBLIC COMMENTS**

**19. ADJOURN**

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

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



**MINUTES**  
**Town of Atherton**  
**City Council**  
**March 25, 2020**  
**SPECIAL MEETING**  
*This meeting is being held virtually*

Mayor DeGolia called the meeting to order at 4:00 pm

**4:00 PM SPECIAL SESSION** – *Convene as the City Council*

1. **ROLL CALL** - Widmer, Wiest, Lempres, Vice Mayor Lewis, Mayor DeGolia
2. **PRESENTATIONS** - *None*
3. **PUBLIC COMMENTS** - *None*
4. **REPORT OUT OF CLOSED SESSION** – *None*
5. **CITY MANAGER'S WRITTEN REPORT**

City Manager Rodericks introduced the item and provided a brief history of actions taken by San Mateo County and the State in response to COVID-19 including the issuance of a State of Emergency. He reviewed actions taken by Atherton including the March 13, 2020 declaration of a local emergency and ratification by Council on March 18, 2020. Rodericks noted direction given by Council to cease all construction activity within the Town. He reviewed the initiation of a Builders Roundtable Subcommittee to assist the Town in identifying ways and best practices of allowing construction activity should that be direction given by Council.

Rodericks responded to Council inquiry as to what construction activity is being allowed in neighboring jurisdictions and San Mateo County. He noted that all construction activity has been stopped on the Town Center project and that Council has the option to allow activity to resume adhering to social distancing rules.

Council discussed ensued related to construction activity, landscaping services, and other allowable activities with the consideration of health and safety items within Town during the Shelter-in-Place order.

Councilmember Wiest and Mayor DeGolia outlined the focus and topics discussed during the Builders Roundtable Subcommittee. Wiest continued to share that the group is looking to establish guidelines and rules in the event that construction activity is allowed within Town.

DeGolia acknowledged that two issues are at hand in the consideration of allowing construction activity, including spreading the virus, and minimizing risks for staff that work with building and construction services.

City Attorney Ebrahimi noted that the work stoppage and costs associated with mobilizing and demobilizing the workforce for the Town Center project could result in the Town incurring delay costs. She continued to advise that Council reserved the option to direct the City Manager to establish guidelines with the Builders Roundtable for allowing certain construction activity and violations of those guidelines resulting in misdemeanor offenses for Owners and Employees.

Council provided direction to Staff to continue to work with the Builders Roundtable Subcommittee to establish guidelines and best practices for consideration of future construction activity during the Shelter-in-Place by Council.

Ebrahimi advised Council of specific language and stipulations within the contract with Town Center project general contractor SJ Amoroso, including termination based on work stoppage.

Council directed that Staff engage in conversations with SJ Amoroso regarding the Town Center contract, work stoppage issues and other items related to the current halt on construction activity.

Ebrahimi clarified that operation of library services has deemed a non-essential operation. The construction of the Town Center library is considered a public works project and all public works projects are permitted.

Rodericks indicated that the Town is in receipt of a letter from SJ Amoroso and is currently working on a response addressing issues resulting from work stoppage on the Town Center project.

Lempres requested that during the conversations with SJ Amoroso Staff initiate conversations to prevent any future legal issues and continue to establish guidelines for construction activity that would apply to residential construction.

**MOTION by Widmer, Second by Wiest to certify the continuing emergency, and ratify 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:**

6. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT** – *None*
7. **COUNCIL REPORTS/COMMENTS** – *None*
8. **PUBLIC COMMENTS** – *None*
9. **ADJOURN**

Mayor DeGolia adjourned the meeting at 5:16 p.m.

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



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL**  
**April 1, 2020**  
**SPECIAL MEETING**  
*This meeting is being held virtually*

Mayor DeGolia called the meeting to order at 4:00 pm

**4:00 PM SPECIAL SESSION** – *Convene as the City Council*

1. **ROLL CALL** - Wiest, Widmer, Lempres, Vice Mayor Lewis (absent), Mayor DeGolia
2. **PUBLIC COMMENTS**

City Clerk Suber read a public comment from Karlene Elder thanking Council and Town staff for their support and assistance during the completion of her residential construction project allowing for ADA improvements.

3. **ATHERTON COVID-19 RESPONSE UPDATES**

City Manager Rodericks presented a general overview to Council of the County extended Shelter-in-Place order and the actions taken in response. Rodericks discussed the creation of the Builders Roundtable Subcommittee and work performed by that group. Rodericks continued to explain the impact of the March 31, 2020, County order prohibiting residential construction except for cases of emergency. He further expanded on the option for public infrastructure projects that support essential governmental functions and essential infrastructure projects as being allowed to continue.

Council discussed continuing construction activity on the Town Center project during the Shelter-in-Place (SIP) order and defining that as essential activity supporting essential governmental services.

Eric Harrison, resident asked clarifying details about the current Shelter-in-Place order and when residential construction would be allowed.

Bob Erskine, President SJ Amoroso, shared processes that have implemented on job sites to increase and improve safety in response to COVID-19 that would apply to the Town Center Project.

City Clerk Suber received public comments via text message, identified here by the last four (4) digits of their number:

- XXX-XXX-6867 asked clarifying questions about when local residential construction could continue.

Dennis Woodside, resident, thanked Council and Staff on the work done by the Council and staff.

Mayor DeGolia provided details regarding the work performed by the Builders Roundtable Subcommittee, the rules and regulations established and the proposed form. He also framed the next steps of the conversation for allowing any Town related construction activity.

Suber received public comments via text message, identified here by the last four (4) digits of their number:

- XXX-XXX-0448 suggested that the Town refer to the San Mateo County order as the governing rules.
- XXX-XXX-1226 asked clarifying questions why other jurisdictions are allowing construction activity and Atherton is not.

Council discussion ensued related to the work done by the Builders Roundtable Subcommittee. forms and

Rodericks added that the Town can allow construction activity to continue by direction of the Council deeming it an essential governmental function. He noted the project would be subject to following the rules and regulations related to social distancing and outlined by the Builders Roundtable Subcommittee. He added that library services have already been deemed a non-essential service.

City Attorney Ebrahimi responded to Council questions clarifying what constitutes an essential governmental service. She noted that is defined locally by each affected agency. Ebrahimi provided guidance for Council to consider evaluating what work needs to be done now as a necessary project and what work can be deferred. She added Council can evaluate the risk of the activity in question as it relates to the spread of the virus.

Council continued discussion considering the various points related to allowing Town Center construction activity to continue during the SIP order.

Building Official Greenlee responded to council questions related to safety measures that building officials and inspectors are will take during any onsite inspections. He added that remote inspections will be performed when possible. He noted several precautionary measures included PPE equipment for staff.

Councilmember Lempres requested that a specific plan for how to proceed with construction activity be brought back for Council review at the next Special Meeting.

Councilmember Wiest commented that he supports the idea of developing a detailed plan for continuing construction on the Town Center in coordination with SJ Amoroso and bringing that back to Council for consideration.

Bob Erskine noted that SJ Amoroso will provide a site-specific action plan to staff no later than Monday, April 6, 2020.

**MOTION by Wiest, Second by Widmer to certify the continuing emergency, and ratify**

such rules and regulations enacted by the Director of Emergency Services in response to COVID-19.

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

**NOES:**

**ABSTAIN:**

**ABSENT:** Lewis

**4. KNOX PLAYSCHOOL RENT DEFERRAL OR REFUND DUE TO COVID-19 SHELTER IN PLACE ORDER AND RELATED SCHOOL CLOSURE**

City Manager Rodericks introduced the item, provided details about Knox Playschool services, the request made by Susan Knox and their business operations plans. He also introduced Susan Knox, owner and operator of the school.

Councilmember Widmer asked clarifying questions about the request and services offered by Knox Playschool. He noted the extension of the order through May 4, 2020. He also suggested financial relief resources to Susan Knox.

Susan Knox, owner and operator of Knox Playschool responded to Council inquires and provided details about her plans for operations. She noted that she will likely be closed through the school year, which is June 11, 2020. She noted that she would bill for May or June and intends to offer refunds if she is unable to provide services for her Summer sessions. She amended her request to have a rent reduction until she is able to reopen.

Lempres recommended that Council consider waiving the full month rent for April and evaluate other options moving forward.

Public Works Director Ovadia indicated that based on Council commentary he had no objections to waiving the full rent for April and continuing the rent relief until the school can reopen.

**MOTION by Wiest, Second by Widmer to waive the April rent for the Knox Playschool as it is in the public good allowing a necessary service to continue operations once the COVID-19 Shelter-in-Place order is lifted. Rent relief will be reevaluated in May for further consideration by Council and Staff will coordinate other financial supportive options with the Knox Playschool.**

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

**NOES:**

**ABSTAIN:**

**ABSENT:** Lewis

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

**6. PUBLIC COMMENTS – None**

7. **ADJOURN**

Mayor DeGolia adjourned the meeting at 5:27 p.m.

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