



Draft Minutes
Town of Atherton
CITY COUNCIL
January 15, 2014
7:00 p.m.
94 Ashfield Road
Atherton, California
REGULAR MEETING

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Wiest, Dobbie, Widmer, DeGolia
3. **PRESENTATIONS**

OATH OF OFFICE – Officer TJ Boyle

Chief Flint introduced new Atherton Police Officer Terrance (TJ) Boyle. The Council welcomed Officer Boyle to the Department and Chief of Police Ed Flint swore him in. TJ's family was present for the ceremony and his wife "pinned" him with his new badge.

4. **PUBLIC COMMENTS**

Laura Fanucchi, HIP Housing representative passed out 2014 calendars to Council. HIP Housing is a nonprofit organization that works toward providing affordable housing opportunities in San Mateo County. The Town makes an annual contribution to HIP Housing through the Town's budget in support of local and regional affordable housing goals.

5. **REPORT OUT OF CLOSED SESSION** - Report out by City Attorney – NONE.

6. **CITY MANAGER'S REPORT**
 - a. **Community Center Advisory Committee Report**

City Manager Rodericks provided brief reports on the issue of the regional animal control services and the construction of a new Animal Shelter, the regional housing allocations, and the summary of PG&E information.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

CONSENT CALENDAR (Items 8-13)

8. **APPROVAL OF NOVEMBER 20 AND DECEMBER 18 REGULAR MEETING MINUTES**
Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes

Council Member Lewis clarified that the votes were incorrect on items 3b and 16 on the December 18 minutes. The corrections were noted and will be made accordingly.

9. APPROVAL OF BILLS AND CLAIMS FOR DECEMBER, 2013 IN THE AMOUNT OF \$838,535

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$838,535

10. FINANCIAL REPORT FOR DECEMBER 31, 2013

Report: Finance Director Robert Barron III

Recommendation: Receive the General Fund Financial Report for December 31, 2013

11. CONTRACT AMENDMENT FOR ENHANCED MAINTENANCE ITEMS

Report: Community Services Director Mike Kashiwagi

Recommendation: Approve the attached contract amendment for enhanced maintenance items directed by City Council on November 20, 2013

12. JOINT POWERS AGREEMENT APPROVAL – EMERGENCY SERVICES COUNCIL

Report: Police Chief Ed Flint

Recommendation: Approve the attached First Amendment to the Emergency Services Council (ESC) Joint Powers Agreement and authorize the Mayor to execute the Agreement on behalf of the Town

13. APPROVAL OF THE TOWN'S LONG-TERM TRASH PLAN

Report: Public Works Superintendent Steve Tyler

Recommendation: Review and accept the Long-Term Trash Load Reduction Plan and Assessment Strategy, dated January 15, 2014, and Authorize the City Manager to transmit the Long-Term Trash Load Reduction Plan and Assessment Strategy, dated January 15, 2014 to the Water Board

MOTION by Lewis, second by Widmer to approved the Consent Calendar consisting of items 8 through 13. The motion passed unanimously.

PUBLIC HEARING - None.

REGULAR AGENDA - (Items 14-18)

14. MENLO-ATHERTON LITTLE LEAGUE IMPROVEMENTS AT HOLBROOK-PALMER PARK

Report: Community Services Director Mike Kashiwagi

Recommendation: Review and approve business points with Menlo-Atherton Little League (M-ALL) which addresses requirements, conditions and constraints regarding the construction, use and responsibilities for improvements to the Little League facility and surrounding areas at Holbrook-Palmer Park; Direct the City Attorney to prepare a

Facility Agreement based upon business points approved by City Council; and Authorize the City Manager to execute the Facility Agreement between the Town of Atherton and M-ALL

Community Services Director Mike Kashiwagi presented the Report and asked the Council to approve the business points of the agreement, direct the City Attorney to prepare the Agreement, and authorize the City Manager to execute the Agreement.

Bob Hellman, M-ALL representative, listed the concessions the M-ALL has given in order to get this project moving along. He encouraged Council to come up with a donation policy to avoid setbacks in the future.

Phil Lively spoke on behalf of the Planning Commission indicating that the Commission the project plans are too large and that they counter the intended character of the park.

Vice Mayor DeGolia asked for clarification on how the maintenance will be performed. Steve Tyler indicated that Atherton emulates what the M-ALL has with Menlo Park.

Bob Hellman said the shared maintenance has been in service for over 2 years and works quite well.

Public Comment:

Julie Quinlan, Atherton resident, was concerned with the size of the structure especially given that the park is a safe route to school.

Walter Sleeth, Atherton resident, noted that he was bothered with the lack of attention to the Planning Commission recommendations.

Denise Kupperman, Atherton resident, said that she voted in favor of the project but is very concerned about its size.

Council Member Lewis felt that the verbiage “stadium” seems to indicate that the size will be much bigger than what is proposed by the project applicants.

Council Member Widmer was concerned with the size and felt the park needs to be preserved for all to enjoy. Widmer indicated that M-ALL indicated that they would be open to alternatives with respect to the sizing and scoreboard, however when he recently met with M-ALL they concluded otherwise.

Council Member Dobbie said he has attended many little league games for his grandkids over the years and never saw more than approximately 30 people in attendance. Dobbie was concerned with the proposal for 200 seats.

Council Member Lewis felt it was because the M-ALL is a much more robust organization than it was 15 years ago.

Vice Mayor DeGolia felt that a majority of residents voted in November of 2012 to move forward with improvements and it is now the Council responsibility to make sure that happens.

Mayor Wiest felt that 75% of voters approved the project and while change may be hard to accept he is supportive of moving forward with the majority. Wiest suggested an annual status check on the project and the relationship between Town staff and M-ALL.

Further comments and discussion by the Council included the need for outfield fencing, the provisions of Measure M, the architectural design of the seating area, the need for storage, safety concerns in the area, staff requirements for removal of the temporary facilities, screening, and clear definition of maintenance responsibilities and expectations.

A motion was made by Widmer and seconded by Dobbie to designate the stadium seating at 24” per seat. The motion failed 2-3 with Lewis, DeGolia and Wiest opposed because they supported staff recommendation of 36”.

MOTION by Lewis, second by DeGolia to approve staff recommendation, with the caveat that there be a “post-season” check-in on how things worked and what needs to change each year and that the facility be constructed in a manner that is consistent with the historic character of facilities in the Park. The motion passed 3-2 with Dobbie and Widmer opposed.

Some of the detailed business points are articulated within the Staff Report, but in broad brush, the details of the improvements include:

- Renovation and improvements to the existing field areas.
- Contribution of funds toward the resurfacing of the Town’s Tennis Courts.
- Contribution of funds toward Park beautification.
- New backstop and dugouts.
- Modifications and improvements to existing path and walkways.
- Permanent covered seating for up to 200 spectators.
- Removable outfield fencing and removable baseline fencing from the edge of the bullpens outward.
- Removable left-field foul pole.
- Permanent right-field foul pole that will be installed as a flagpole that will include a marker for the Town’s military veterans.
- New restroom facilities.
- Permanent electronic scoreboard.
- A detailed maintenance agreement.

15. AWARD OF CONTRACT FOR EVENT SERVICES

Report: Community Services Director Mike Kashiwagi

Recommendation: Award the contract for Holbrook-Palmer Park Event Management Services, the low bidder, for 50% of 1st \$100,000 revenue and 40% of the revenue following that

Community Services Director Mike Kashiwagi noted that the Council authorized staff to solicit bids through a Request for Bids. Following solicitation, the Town received a qualified bid from Catering by Dana & The Absolute Barbecue Company, LLC.

Catering by Dana proposed a revenue sharing stream of 50% of the 1st \$100,000 in generated revenue and 40% of the remainder.

Catering by Dana would provide “turn-key” event services at the Park managing all rental activity that occurs at the Park. All existing Park rules for events would apply as well as specific rules and requirements for larger events when using the venues available for rent. Additional rules and requirements continue to be defined and some will be event specific. Example of requirements include: limitations on the size and number of events per day, coordinating impacts when there are multiple events at multiple venues (such as a party rental at the same time as a Little League game), requirements for valet parking or shuttle services, requirements for insurance coverage, and requirements for event security. Catering by Dana can provide outside services such as catering services, flowers, or other services, but they would not have exclusivity.

Town-sponsored events, such as the Annual Easter Egg Hunt, Art Show, Holiday Tea and Jazz Festival, and others would be considered black-out dates within the calendar during which other events would be restricted.

Comments and discussion by the Council included concerns for the impact of events and the desire to have those impacts mitigated, discussion around limitations on the size and number of events, audit controls, exclusivity, concerns about marketing the Park for revenue purposes, and the setting of black-out dates for Town events and for community use.

Council Member Widmer felt that moving ahead with the contract would potentially result in unintended consequences because the overall structure does not appear ensure the park will be available for residents. Widmer was also concerned with a revenue sharing arrangement with this contract.

MOTION by Lewis, second by Wiest to award the contract to Catering by Dana and direct the City Attorney to work with the City Manager to implement and revise the contract, as necessary, based on comments from the Council. Through the contract, the City Manager has the discretion to set conditions and standards for events as they are approved subject to the expressed concerns of the Council. The motion passed 3-2, Dobbie and Widmer opposed.

The City Manager advised the Council that he would return for the Council’s information and comment a set of “conditions and criteria” that he will be using in concert with Catering by Dana to review events and set requirements to mitigate their impact.

16. AWARD OF CONTRACT FOR TENNIS CLINICS AND ADOPTION OF TENNIS KEY POLICY

Report: Community Services Director Mike Kashiwagi

Recommendation: Approve contract for services of Tennis Professional Alan Margot to hold tennis camps at Holbrook-Palmer Park. Discuss and adopt a policy to govern the issuance of tennis keys

Community Service Director Mike Kashiwagi provided an overview of the report. In a prior meeting, the Council discussed options for the Town’s tennis courts in an effort to encourage expanded use of the courts by the community. In addition, the Council wanted to clarify the contract

with the Town's Tennis Professional Alan Margot to address private lessons and public tennis clinics.

Naomi Ramsdenn, representative of the Parks and Recreation Commission, discussed the P&R recommendation for the pricing of tennis keys. The Commission expressed that they supported the Council's direction of encouraging more use of the courts, but were wary of significant reductions in the cost of keys as the revenue from key rental provided revenue to maintenance of the courts. The Council expressed their desire to encourage use of the courts and debated about changes to the cost of the keys.

MOTION by DeGolia, second by Widmer to approve key costs at \$50 for residents and leaving the non-resident cost, as is, at \$200. The motion passed unanimously.

MOTION by Wiest, second by Lewis to approve a contract with Alan Margot to continue to operate the Town's Public Tennis Clinics through June 30, 2014. Private lessons may be provided by Mr. Margot outside the scope of the contract with the Town provided that Mr. Margot obtains a Tennis Key, as required. The motion passed unanimously.

City Manager Rodericks expressed that as part of the Town's review of competitive contracts, operation of the Town's tennis courts (camps and service as the Town's tennis professional) would be considered by the Council for competitive bid near the end of the Fiscal Year.

17. DISCUSS AND RECOMMEND PROPOSAL OF INCREASE TO GREEN WASTE RATES IN THE TOWN OF ATHERTON

Report: Finance Director Robert Barron III

Recommendation: Discuss and Recommend a green waste rate increase and direct staff to issue the Notice of Public Hearing pursuant to requirements of Proposition 218

Finance Director Robert Barron III provided an overview of the report to Council. Barron noted that the actual cost to collect and recycle the contents for each green waste cart is \$19.31. The current rate is set at \$10 each for carts 3 and 4 and \$15 each for carts 5 and above. These rates do not allow for full-cost recovery. The Council debated the merits of setting the rates higher to develop a fairer cost model for green waste collection.

MOTION by DeGolia, second by Dobbie to set the rates at \$11 each for carts 3 and 4 and \$18 each for cart 5 and above. The motion passed unanimously.

Residents will receive a Notice of Public Hearing set for March 19 pursuant to the requirements of Proposition 218.

18. COUNCIL COMMITTEE ASSIGNMENTS

Report: City Clerk Theresa DellaSanta

Recommendation: Approve Committee Assignments

City Manager Rodericks noted that each year the Mayor has the opportunity to assign members of the City Council to various liaison and board positions on various commissions and/or committees.

The City Council has 5 Standing Committees, 4 Ad Hoc Committees, and 14 Regional Governmental Committee assignments. A complete list of the current committee assignments is listed below:

City Council Regional and Other Governmental Committee Assignments (January 2014)

Agency	Member	Alternate
Association of Bay Area Governments (ABAG)	Rick DeGolia	Elizabeth Lewis
City/County Association of Governments (C CAG)	Elizabeth Lewis	Cary Wiest
Holbrook-Palmer Park Foundation	Bill Widmer	Jim Dobbie
League of California Cities	Elizabeth Lewis	Rick DeGolia
Library JPA Governing Board (San Mateo County)	Rick DeGolia	Elizabeth Lewis
Peninsula Traffic Congestion Relief Alliance	Elizabeth Lewis	Rick DeGolia
San Francisco Airport/Community Roundtable	Elizabeth Lewis	Rick DeGolia
San Mateo County Emergency Services Council	Cary Wiest	Jim Dobbie
San Mateo County Sub-Regional Housing Policy Advisory	Elizabeth Lewis	Cary Wiest
Grand Boulevard Task Force	Elizabeth Lewis	Bill Widmer
Menlo Park Fire Protection District	Bill Widmer	Cary Wiest
Peninsula Cities Consortium	Cary Wiest	Rick DeGolia
Cal/Mod Local Agency Policy Maker Group	Cary Wiest	Rick DeGolia
Atherton Charter City Discussion (Ad-Hoc)	Bill Widmer/ Elizabeth Lewis	
Atherton Bike Coalition (Ad-Hoc)	Bill Widmer	Rick DeGolia
Atherton Refuse & Recycling Rate Committee (Ad-Hoc)	Bill Widmer	Cary Wiest
SBWMA Board of Directors	Bill Widmer	Cary Wiest
Surf Air Aircraft Noise (Ad-Hoc)	Rick Degolia/ Jim Dobbie	

Standing Committee Assignments (Listed on Committee Sites)

Audit/Finance	Cary Wiest/ Rick DeGolia	Bill Widmer
Environmental Programs	Jim Dobbie	Rick DeGolia
Rail	Cary Wiest	Rick DeGolia
Transportation	Jim Dobbie	Cary Wiest
Civic Center Advisory Committee	Rick DeGolia/ Elizabeth Lewis	

19. COUNCIL REPORTS/COMMENTS

Nothing further to add to written reports.

20. FUTURE AGENDA ITEMS – None.

21. PUBLIC COMMENTS – None.

22. ADJOURN

Mayor Wiest adjourned the meeting.

Respectfully submitted,

**Theresa DellaSanta
City Clerk**



Draft Minutes
Town of Atherton
CITY COUNCIL
February 19, 2014
7:00 p.m.
94 Ashfield Road
Atherton, California
REGULAR MEETING

Written minutes constitute the official record of the Council's activities. The minutes record action only, including the motions made and the vote thereon. Reasons for making a motion, Council debate and audience reactions are not included. In addition, all meetings are also videotaped and archived and can be accessed on the Town's website under the *meeting videos* tab.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL** Lewis, Wiest, Dobbie (absent), Widmer, DeGolia
3. **PRESENTATIONS**

Midpeninsula Regional Open Space District Vision Plan Update/Potential Bond Measure Information – Board Member Yoriko Kishimoto

Board Member Yoriko Kishimoto spoke about the District, which was originally formed in Santa Clara County. It now includes 26 preserves totaling 62,000 acres in San Mateo, Santa Clara and Santa Cruz Counties. It is open to the public 365 days per year, free of charge. The District is in the process of creating a focus for the future which after speaking with thousands of residents over the last year has translated into more than 54 major projects across the entire District. To accomplish this, the Board is considering going to the voters in June with a \$300M General Obligation Bond. The tax rate would not exceed \$3.18 per \$100,000 of assessed property value. (For example, increase on a home assessed at \$1 million would be \$31.80 per year). The ballot measure would include specific requirements for citizen oversight and annual reporting of the money collected and spent. While the District will not make a formal decision until next month, the size of the capital program and resources it will take to implement this regional vision were discussed.

4. **PUBLIC COMMENTS**

Philip Lively stressed the importance of revenue enhancement discussions and alternatives to the parcel tax before the next parcel election.

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

No reportable action.

6. CITY MANAGER'S REPORT
a. Community Center Advisory Committee Report

The City Council commented that the Council should, at a future meeting, discuss the rationale for allocating funds when using contract staff for the building of the civic center; and requested that the City Manager consider a joint meeting with Parks & Recreation to review the draft Park Master Plan.

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT– None.

CONSENT CALENDAR (Items 8-16)

Items 10, 11, 12, and 16 were removed from consent for further discussion.

8. APPROVAL OF JANUARY 15 REGULAR MEETING AND FEBRUARY 5 SPECIAL MEETING MINUTES

Report: City Clerk Theresa DellaSanta

Recommendation: Approve meeting minutes

9. APPROVAL OF BILLS AND CLAIMS FOR JANUARY, 2014 IN THE AMOUNT OF \$1,019,460

Report: Finance Director Robert Barron III

Recommendation: Approve Bills and Claims in the amount of \$1,019,460

13. RESOLUTION ESTABLISHING THE EMPLOYER'S CONTRIBUTION FOR EMPLOYEES AND ANNUITANTS UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT (PEMCHA) FOR CURRENTLY RETIRED MANAGEMENT EMPLOYEES

Report: City Manager George Rodericks

Recommendation: Approve the attached Resolutions fixing the employer's contribution for employees and annuitants at the minimum required PEMCHA contribution for current retired annuitants in the management category

14. RESOLUTION AUTHORIZING THE DESTRUCTION OF RECORDS PURSUANT TO GOVERNMENT CODE SECTION 34090

Report: Police Chief Ed Flint

Recommendation: Adopt the attached Resolution authorizing the destruction of certain records pursuant to Government Code Section 34090

15. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR THE 2014 MICRO-SURFACE SEAL PROJECT

Report: Community Services Director Mike Kashiwagi

Recommendation: Approve the plans and specifications and authorize advertisement for bids for the 2014 Micro-Surface Seal Project, Project No. 56058

MOTION by Lewis, second by DeGolia to approve Items 8 (excluding the January 19 minutes, continued to the next meeting for Council comment clarification), 9 and 13 through 15. The motion passed unanimously.

PUBLIC HEARING - None.

REGULAR AGENDA - (Items 17-21)

17. APPOINTMENTS: CIVIC CENTER ADVISORY COMMITTEE | PLANNING COMMISSION

Report: City Clerk Theresa DellaSanta

Recommendation: Consider appointments to the Community Center Advisory Committee (CCAC) and the Planning Commission

Staff presented the item and notified Council that subsequent to posting of the agenda it was discovered that the only applicant for the CCAC has a conflict of interest under the Political Reform Act as her property lies within 500 feet of the project. Voters enacted the Political Reform Act in 1974 which defines a conflict of interest with regard to a particular government decision as “sufficiently likely that the outcome of the decision will have an important impact on members’ economic interests.”

MOTION by Lewis, second by DeGolia to appoint applicant Christine David as a non-voting member and direct the City Attorney to work with the applicant to submit an inquiry to the Fair Political Practices Commission (FPPC) as to whether a conflict truly exists. The non-voting status would be converted into a voting/participatory position contingent upon the FPPC written ruling. The motion passed unanimously.

Council discussed the applications for Planning Commission. Comments and discussion by the Council included the need to get new residents involved with Town Committees; however there was sentiment of confliction because of one applicant who previously served the Commission and has a wealth of knowledge regarding Town matters.

Philip Lively expressed the need for experience on the Planning Commission is a necessity.

Each Council Member was provided with a ballot to choose one of two applicants. Council approved with a 4-0 vote appointment of William Grindley to fill the Planning Commission vacancy expiring in June of 2015.

18. MID-YEAR BUDGET REPORT FOR FY 2013-2014 AND BUDGET AMENDMENT FOR ADJUSTMENTS

Report: Finance Director Robert Barron III

Recommendation: Receive and file the Mid-Year Budget Review for the General Fund for FY 2013-2014 and adopt the attached Resolution authorizing a Budget Amendment for Adjustments

Staff presented the report and pointed out that The Mid-Year Report is an elevated look at the Town’s revenues and expenditures at mid-year and does not involve a line-item level discussion. Staff comments focused on operating expenses which are anticipated to be within budgeted expenditures, with the exception of Building and Police Departments.

Building services are provided via contract through Interwest Consulting Services who receives 58% of the first million in revenue and 55% for additional building revenues over \$1 million. Due

to projected growth in building revenue projections, the line-item budget for expenditure requires adjustment from \$1,226,295 to \$1,529,001 to keep pace.

Additionally, the Council previously authorized funding for two additional positions to allow the Police Department to recruit and fill at minimum staffing levels while processing vacancies. However, while the Department has been very diligent and has had active and ongoing recruitments, the Department has not been able to fill the vacancies with permanent personnel at this time. As a result, there is an increased need for overtime, temporary dispatch help through the use of per diem personnel, and ongoing recruitment and processing costs. There is also a minor need for an expense adjustment related to vehicle maintenance and repairs.

Council inquired whether the unused salary from the authorized funding for the two extra positions should be applied rather than approving a budget amendment. Discussions included that if the funds were moved to cover the amendment, there is a chance that it may delay the Town in filling vacancies in the event that the remaining funds were exhausted. If exhausted, it would require the Department to return to Council and request more funding for the ability to recruit and process any potential hires.

That said, when the Town's parcel tax which generates \$1,116,000 million in revenue toward public safety services is added to the revenue projections, revenues are shown at \$13,268,730. This provides a net positive change in fund balance of \$287,754 at year-end and an anticipated ending fund balance of \$8,650,210. This includes the amendments of \$2,293,264 from the unallocated general fund reserve for the Building and Police Department noted above.

In summary, the FY 2013-2014 started with a General Fund Balance of \$8.3 million. Revenues and expenditures for the operating year remained at current levels. Even with the appropriation of \$2.5 million dollars to pay down some long-term liabilities and fund other budget priorities, the Town's General Fund Balance grew to \$8.6 million.

MOTION by Lewis, second by Wiest to receive and file the Mid-Year Budget Review for the General Fund for FY 2013-2014 and adopt the attached Resolution authorizing a Budget Amendment for Adjustments. The motion passed 3-1, Widmer opposing the authorization for the Police Departments additional recruitment funding.

19. PARK MAINTENANCE OVERSIGHT AT HOLBROOK-PALMER PARK

Report: Public Works Superintendent Steve Tyler

Recommendation: Provide feedback and if appropriate, concur with the recommendation of staff and the Parks and Recreation Commission to allow for additional park maintenance oversight via the current MCE maintenance contract

The Council heard a report from staff which recapped to Council that following the approval of a budget amendment in December, staff began implementation of a number of park enhancements. At that time, due to the potential cost of the "master gardener" proposal, staff advised the Council that the issue would return at a future meeting for disposition of the project through a Request for Proposal.

Subsequently, the use of the "master gardener" concept evolved from discussions with the Parks & Recreation Commission and the Commission recommended that staff look into finding someone to assist staff at the Park while determining disposition. Staff is recommending use of an employee

from the Town's current Public Works Contract Firm MCE who has extensive expertise in Parks and Landscape.

Council discussed whether the additional 50 hours is sufficient for the purpose. A discussion followed regarding how the oversight and coordination would be led. Staff explained that the position would be hands on and the individual will effectively arrange and direct professional staff, provide park oversight and develop and manage needed projects at the park by way of a comprehensive punch list.

Council requested that the recommended individual work on a project plan or assessment that necessitates hours, days, and tasks required for implementing and maintaining park enhancements. Council requested that when the time comes that staff consider bidding this position separately from the Public Works contract.

20. APPROVAL OF A DESIGN CONTRACT WITH BIGGS CARDOSA ASSOCIATES FOR THE MARSH ROAD RETAINING WALL REPAIR

Report: Community Services Director Mike Kashiwagi

Recommendation: Authorize the City Manager to execute an agreement with Biggs Cardosa Associates, Inc. (BCA) for design of Option 2A, Cast-In-Place Concrete U Channel allowing for possible cover and including a traffic barrier, at a cost not to exceed \$137,089 and authorize a 5% contingency for unanticipated additional work

Staff recapped that Council, recognizing the need to repair the failing portions of the channel, previously approved a cast-in-place concrete U-channel to repair the portion of Atherton Channel adjacent to Marsh Road. The U-channel will allow for the installation of a cover to facilitate a path at some point in the future.

Council discussion surrounded whether it was appropriate to re-evaluate a portion of the channel to potentially reduce the scope and possibly lessen the cost.

MOTION by Lewis, second by Wiest to authorize the City Manager to execute an agreement with Biggs Cardosa Associates, Inc. (BCA) for design of Option 2A, Cast-In-Place Concrete U Channel allowing for possible cover and including a traffic barrier, at a cost not to exceed \$137,089 and authorize a 5% contingency for unanticipated additional work. Motion passed 3-1; Widmer opposed requesting the reevaluation of a portion of the channel to reduce the cost.

21. CONSIDERATION OF COUNCIL APPROVAL FOR PREPARATION OF AN RFP TO ANALYZE A ROUNDABOUT AT ATHERTON AVENUE AND ALAMEDA DE LAS PULGAS

Report: Community Services Director Mike Kashiwagi

Recommendation: Direct the City Manager to prepare a Request for Proposal (RFP) to analyze feasibility, impacts and costs for installation of a roundabout at Alameda de las Pulgas and Atherton Avenue, at a cost not to exceed \$2,500

Staff reported that this item has come before Council previously and that the Council expressed a number of concerns about impacts, breadth of any study, potential cost of improvements and Town priorities. The Transportation Committee, at its January meeting, recommended that Council reconsider this item.

Current Council sentiment was conflicted. There was support for going forward with the RFP to decide whether a roundabout was warranted for this section of Alameda de las Pulgas. Conversely there was also concern for spending funds on this RFP when it is likely the Council will have other projects and priorities to fund.

MOTION by DeGolia, second by Lewis to direct the City Manager to prepare a Request for Proposal (RFP) to analyze feasibility, impacts and costs for installation of a roundabout at Alameda de las Pulgas and Atherton Avenue, at a cost not to exceed \$2,500. Motion tabled 2-2 and continued the item to the March meeting when a full Council could be present. (Council Member Dobbie was excused).

10. ACCEPTANCE OF FISCAL YEAR 2012-2013 BASIC FINANCIAL STATEMENTS, REPORT ON COMPLIANCE WITH THE AGREEMENT FOR DISTRIBUTION OF SAN MATEO COUNTY MEASURE A FUNDS FOR LOCAL TRANSPORTATION PURPOSE, AGREED UPON PROCEDURES REPORT ON COMPLIANCE WITH THE PROPOSITION 111 APPROPRIATIONS LIMIT, AND MEMORANDUM ON INTERNAL CONTROL AND REQUIRED COMMUNICATIONS

Report: Finance Director Robert Barron III

Recommendation: Accept FY 2012-2013 Basic Financial Statements, Report on Compliance with the Agreement for Distribution of San Mateo County Measure A Funds, Agreed Upon Procedures Report on Compliance with the Proposition 111 Appropriations Limit, and the Memorandum on Internal Control and Required Communications

Council comments were in regards to the Auditors' findings and the suggestion to provide a buffer on the Town's investment policy since the Town exceeded the 50% investment threshold. Additionally, there were comments in regards to making sure staff has the proper checks and balances and separation of duties when using the Town's financial software.

MOTION by Widmer, second by Lewis to accept FY 2012-2013 Basic Financial Statements, Report on Compliance with the Agreement for Distribution of San Mateo County Measure A Funds, Agreed Upon Procedures Report on Compliance with the Proposition 111 Appropriations Limit, and the Memorandum on Internal Control and Required Communications. Motion passed unanimously.

11. APPROVAL OF THE ANIMAL CARE SHELTER FUNDING AGREEMENT

Report: City Manager George Rodericks

Recommendation: Approve the attached Memorandum of Agreement for Funding Construction of an Animal Care Shelter as part of the Animal Control Services Agreement and authorize the Mayor to execute the Agreement on behalf of the Town

Council comments surrounded clarification of whether the additional fee is monthly or annually. Staff clarified that Atherton is not being asked to pay \$50,000 toward the new shelter, plus an additional \$4,297 to \$5,749 annually. The Town presently pays \$52,000 for basic animal control services through the County's contract with the Peninsula Humane Society. The Town is only being asked to pay an additional \$4,297 to \$5,749 annually as part of a zero-interest payment over 30-years toward the cost of building the new shelter. Council requested that staff look into where the peninsula Humane Society will house the animals while they are reconstructing the building.

MOTION by Lewis, second by Wiest to approve the attached Memorandum of Agreement for Funding Construction of an Animal Care Shelter as part of the Animal Control Services Agreement and authorize the Mayor to execute the Agreement on behalf of the Town. Motion passed unanimously.

12. TWO-YEAR LEASE EXTENSION FOR KNOX PLAYSCHOOL

Report: Community Services Director Mike Kashiwagi

Recommendation: Approve a two-year lease extension for Knox Playschool in Holbrook-Palmer Park

Staff reported that it is essential for the Council to review the Master Plan Update before the making financial decisions regarding repair, improvement or replacement of the Playschool facilities. Since it is unlikely any major changes to program locations will take place immediately, staff recommends Knox Playschool be granted a two year lease extension.

Council was concerned that a two-year extension to the lease would prohibit the Town from being able to relocate the playschool premises. Council deliberated on potential language to include in the lease that would allow for flexibility to relocate the playschool before the two-year lease terminates.

Council opted to continue this item to the March meeting when the City Manager returns and is able to report on the negotiations that took place between he and the playschool operator.

16. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR THE 2014 SPRING PATCHING PROJECT

Report: Community Service Director Mike Kashiwagi

Recommendation: Approve the plans and specifications and authorize advertisement for bids for the 2014 Spring Patching Project, Project No.56057

This project consists of grinding and replacing approximately 16,500 square feet of asphalt to a six-inch depth to remediate local pavement failures. This is an annual project where various different streets are done on a scheduled basis.

Council requested that when patching the walking path at Holbrook-Palmer Park the contractor extend patching on the safe routes to school section, particularly behind the tennis courts.

MOTION by Widmer, second by Wiest to approve the plans and specifications and authorize advertisement for bids for the 2014 Spring Patching Project, Project No.56057. Motion passed unanimously.

22. COUNCIL REPORTS/COMMENTS

23. FUTURE AGENDA ITEMS

24. PUBLIC COMMENTS

25. ADJOURN

Mayor Wiest adjourned meeting at 9:53 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Judi Herren', with a long horizontal flourish extending to the right.

**Judi Herren
Office Specialist**



Draft Minutes
Town of Atherton
March 5, 2014
4:00 P.M.

City Council Chambers
94 Ashfield Ave
Atherton, California

**Joint Study Session of the City Council &
Audit/Finance Committee**

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

ROLL CALL

City Council: Wiest, DeGolia, Lewis, Widmer

Audit/Finance: Greg Conlon, Jim Massey, Alain Enthoven, Bob Polito, Diane Sandhu

Mayor Wiest announced that the Town had accepted the resignation of Council Member Jim Dobbie. Mr. Dobbie submitted his resignation for personal reasons. The Mayor advised that the Council would be discussing options for the vacancy at the March 19 Regular Meeting.

PUBLIC COMMENTS – None.

STUDY SESSION

1. REVIEW AND DISCUSS PROPOSED ANNUAL BUDGET RESERVE POLICY

Report: Finance Director Robert Barron III

Recommendation: Review and discuss the Town's Reserve Policy

City Manager Rodericks presented the Town's current Reserve Policy. Each year, as part of the Budget, the City Manager makes a recommendation on how to expend funds beyond the Town's minimum 35% required reserve. For FY 2013/14, the City Manager recommended that the City Council consider three (3) buckets for these funds. The first, an increase in the Town's required reserve; the second, a contribution toward the Town's long-term pension or other postemployment benefits (OPEB) liabilities; and the third, a contribution toward capital projects.

Council generally supported the efforts of the Finance Committee and staff will incorporate the proposal as part of the framework discussion for the Council during the annual budget process.

2. REVENUE ENHANCEMENT ALTERNATIVES I

Report: City Manager George Rodericks

Recommendation: Review and discuss; assist staff with narrowing the focus of the list

City Manager Rodericks presented Council with a summary list of the various revenue options for local government.

The list included revenue alternatives such as:

- Property Taxes
- Sales & Use Taxes
- Transient Occupancy Taxes
- Fines
- Rents
- Business License Taxes
- Utility Users Taxes
- Benefit Assessment Districts
- Development Fees
- Regulatory Fees
- False Alarm Fees
- Road Impact Fees
- Real Property Transfer Taxes
- Franchise Fees
- Parcel Taxes
- Alarm Permits
- Commercial Fees
- Gifts
- Transaction and Use Taxes

Taxes require a vote – with a distinction between a general tax and a special tax. Some of the alternatives required changes to the Town’s governance and/or land use law. Other revenue alternatives, such as fees, require a public hearing and a vote by the Council.

In the end, staff recommended narrowing the list to focus on the utility users tax, modifications to the business license tax, evaluating rents and use fees, determining the viability and application of a road impact fee, investigating the possibility of changes to the documentary transfer tax rate, and looking at the possibility of benefit assessment districts where appropriate.

ADJOURN

Mayor Wiest adjourned the meeting at 5:35 p.m..

Respectfully submitted,

Theresa DellaSanta
City Clerk