



Item No. 11 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT CALENDAR

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

**FROM: MIKE KASHIWAGI, COMMUNITY SERVICES DIRECTOR
THERESA N. DELLASANTA, CITY CLERK**

DATE: MARCH 18, 2015

**SUBJECT: RESOLUTION 15-XX AMENDING RESOLUTION 14-27 GOVERNING
TOWN COMMITTEES**

RECOMMENDATION

Approve Resolution No. 15-xx amending Resolution 14-27 Governing Town Committees.

BACKGROUND

At the November, 2014 City Council meeting, Council confirmed priorities and accepted the Bicycle and Pedestrian Master Plan. The City Council budgeted \$500,000 for FY 2014-15, and \$530,000 over the following four years to implement projects in the Master Plan. The Town has also applied for Transportation Development Act (TDA) grants to fund design and construction of the Class III bike paths and improvements identified in the Master Plan at the Middlefield Road and Oak Grove Avenue intersection.

To continue to be eligible to apply for TDA Article 3 funds, the Town has to comply with Metropolitan Transportation Commission (MTC) Resolution #4108. The Resolution requires that the Town have a Bicycle Pedestrian Advisory Committee (BPAC) to review TDA projects to participate in the development and review of a comprehensive bike plan. The BPAC should be comprised of bicyclers and pedestrian groups and bicycle and pedestrian facility projects may be reviewed by the BPAC. The MTC Resolution requires at least 3 members who live or work in the Town and for those members to be appointed by the City Council.

For cities and towns with populations under-10,000, who have difficulty locating qualified members they may apply for an exemption. Staff will cross that bridge once recruitment is complete.

Below is the staff recommended charter outlined for the Atherton BPAC.

Bicycle and Pedestrian Advisory Committee (BPAC)

The Bicycle and Pedestrian Advisory Committee shall have the following powers and duties.

Formation of BPAC Committee

March 18, 2015

Page 2 of 3

Act in an advisory capacity to:

- a. Work with staff in providing advice and recommendations on all matters relating to bicycle and pedestrian facilities.
- b. Make recommendations to the City Council on the selection of bicycle and pedestrian projects to be submitted for state and federal funding opportunities.
- c. Promoting bicycling and walking as safe and healthy alternative modes of transportation.
- d. Assist Town staff in the planning, operations and maintenance of bicycle and pedestrian facilities in the community.

The BPAC shall have the following composition and terms:

Consists of at least five (5) members and one (1) Council Member liaison. At least three (3) members of the Committee must meet the requirements of the Metropolitan Transportation Committee and live or work in the Town of Atherton. The Committee shall be composed of both active bicyclists and pedestrians.

The term of office for BPAC members shall be four (4) years. Terms shall be staggered so that the term of office for three (3) members shall be four (4) years, and the term of office for the remaining members shall be four (4) years, starting at the mid-point of the staggered term.

The makeup of the Committee members is encouraged as follows:

- At least one member should represent public schools
- At least one member should represent an established bicycle and/or pedestrian related organization or coalition
- At least one member should have knowledge and interest in Countywide pedestrian and bicycle facility planning and operations.

The Public Works Department is assigned overall responsibility of the Bicycle and Pedestrian Advisory Committee.

POLICY ISSUES

Staff will advertise for Committee membership as part of the annual recruitment effort. In the interim, staff can serve as members of the Committee in satisfaction of the MTC requirements.

FISCAL IMPACT

None at this time.

PUBLIC NOTICE

Formation of BPAC Committee

March 18, 2015

Page 3 of 3

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically.

Information about the issue is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENT

Resolution 15-xx Governing Town Committees

RESOLUTION 15-XX
RESCINDS RESOLUTION 14-27
A Resolution of the City Council of the Town of Atherton
Establishing and Governing Town Committees
Revised November 19, 2014

The City Council of the Town of Atherton hereby resolves as follows:

Section 1. Establishment of Committees

The following committees are established for the Town of Atherton:

1. Audit/Finance Committee
2. Community Center Advisory Committee
3. Environmental Programs Committee
4. Park and Recreation Committee
5. Rail Committee
6. Transportation Committee
7. Bicycle and Pedestrian Advisory Committee

Section 2. Committee Principles and Rules of Procedure

Principles: All committees shall follow the City Council Rules of Procedure, the Atherton Municipal Code and the provisions of the California Open Public Meeting Law (Brown Act).

The responsibility and accountability for all work necessary to efficiently and cost effectively carry out the advisory functions of each committee shall rest exclusively with the Chairman or Council Member assigned to the committee.

A Town Department is assigned to each Committee. Each Department Manager is responsible for providing the necessary staff (in the most cost effective manner) to prepare for, and attend committee meetings. This includes but is not limited to creating an agenda and agenda packet, taking minutes and conducting follow up from meetings.

Committee Agenda Preparation: The agenda shall be prepared in accordance with the following guidelines.

One of the following methods may be applied for *placing an item on a Committee agenda*:

1. Council: A majority vote of the Council may direct staff to add an item to a Committee agenda.
2. City Manager: The City Manager may receive requests for agenda items from the public, staff, a committee member or a Council Member. The City Manager will review the request with the Committee Chair. The City Manager shall have sole discretion to refer

the request to the City Council at the next available meeting, or schedule the item for the Committee agenda.

3. Staff and Committees: There may be a need for routine agenda items which may arise out of committee meeting discussions; and are requested and agreed on by a majority of the Committee; or items created from staff follow up of previous Committee and/or staff meetings. These items may be added to the agenda following an agenda preparation meeting between the Committee Chair, Council Member liaison and staff liaison.
4. Colleagues' Memorandum: If at least two committee members prepare a colleagues' memo, the staff liaison shall place the item on the Committee's agenda under a Future Agenda Items Section. A colleague's memo is a written request, no more than two pages in length, presenting an item to be added to the following Agenda. The item shall be added to the next Agenda or a specific designated Agenda by a majority vote of the Committee.

Committee Procedures for *placing items on Council agenda*:

1. Committee Action: Any formal recommendation to Council taken by a Committee shall be placed on a City Council agenda within the next two regular meetings.

The City Clerk has overall responsibility for posting committee agendas.

Advocate: Collectively, members of committees are encouraged to advocate positions to the City Council on matters under the purview of their committee. Otherwise, no committee or any of its members shall represent itself or themselves as speaking on behalf of the Town, City Council, and/or committee without prior approval of the City Council. Statements of previously approved City Council policy may be made without additional City Council approval. When there is a question a committee member shall consult the City Attorney for advice. Members of committees may attend meetings of other committees and the City Council; however, members shall not present opinions of their own committee at such meeting unless the position is previously approved by their committee. A quorum of a committee may attend such a meeting, but they may not discuss among themselves Town business, including making comments that would amount to a discussion of the matter under consideration by a quorum of their own committee.

Educational Materials: Committees may provide approved educational materials to the public regarding the functions and actions of the committee, but shall not engage in advocating to the public any particular position which is contrary to City Council policy. Any educational materials sent to the public shall be approved by the City Manager, and shall follow the Towns procurement process. It shall be the City Manager's discretion on whether or not the educational materials need Council approval beforehand.

Meetings: The Committee shall establish a regular meeting schedule on an annual basis in July. The Department assigned to the committee shall update the website to reflect the meeting schedule. Changes in the dates or time of meetings from the established schedule may be made by majority vote of the committee.

Minutes: All committees shall prepare action minutes. *Action* minutes shall be presented to the City Clerk within 7 days following the meeting or as soon as feasible if there is a reason not to produce them within that timeframe. Finalized minutes should be sent electronically to the City Clerk for posting, *after* the Committee has approved them. The City Clerk will share appropriate information received from the minutes with the City Manager and City Council.

Reports: An annual report shall be created and approved by the Committee and provided to the City Manager, City Clerk and City Council of committee activities for the preceding year.

Special Meetings: The Chair or a majority of the Committee may call a special meeting at any time in accordance with the Brown Act.

Website: Any website created for a Committee by the Town should be incorporated in the Town's website. Websites need to be developed in accordance with the "advocate" section of this resolution.

Section 3: Appointment of Voting Members to Committees

Appointment: Members other than City Council Members shall be appointed following recruitment process set forth by the City Clerk and approved by the City Council. All appointed members shall be registered voters in the Town. Members shall serve at the pleasure of the City Council, or until the expiration of their terms set out below. Vacancies in any committee arising from any reason, including expiration of term, shall be filled by temporary appointment of the City Council, or by annual recruitment. The Committee Chairperson or staff assigned shall notify the City Clerk of resignations and vacancies. Each Committee which cannot fill at least 50% of its seats shall be postponed until the Town can recruit at least a quorum (50%+1). During that time, Council shall continually recruit qualified individuals and town staff shall continue to advertise periodically.

Term expiration dates shall end on June 30th. Appointed committee members shall serve no more than two full consecutive terms on the committee to which they are appointed. A member may be reappointed to the committee following a minimum two (2) year hiatus. However, if a seat is vacant and no one applies, City Council may grant an exemption.

City Council representatives and any alternates on committees are selected by the Mayor and approved by the City Council to serve a one (1) year term. Appointed City Council Members and City Council Member Alternates shall serve as liaisons to Committees; but shall not serve as voting members to Committees. Alternates participate on committees in the absence of the appointed Council Members. For each Committee, unless otherwise directed by the City Council, one City Council member shall be appointed as a primary liaison and one as an alternate. Members shall coordinate attendance to ensure appropriate representation.

Members who intend to be absent from a meeting shall alert the chairperson and/or staff person assigned. The Chairperson shall state during the meeting, under roll call whether the member is excused (notification was given) or absent (no notification was given). Unexcused absences of members, other than City Council Members, from two or more consecutively scheduled

meetings shall result in the automatic vacation of the member's office. The staff person assigned to the Committee shall work with the Chairperson to alert the City Clerk of consecutive absences. The City Clerk shall alert the City Manager who shall decide how to inform City Council. City Council has the authority to override this rule based on the information received.

Chairperson and Staff: Each committee shall have a Chairperson. The Committee shall select its Chair on an annual basis in July. Council Members shall not serve as Chair or Vice Chair of Committees. The Department assigned to the committee shall have the authority to appoint staff member(s) to serve Town committees. Any requests by a committee for staff work, information, or assistance from Town staff shall be made to the City Manager.

Section 4: Funding for Committees

In the event funding for committees is desired, a budget shall be prepared and presented to the City Council for review and approval as part of the Town's regular budget process. The committee shall follow the guidelines set forth by the purchasing policy approved by City Council through Ordinance 595 and any expenditure policies developed and approved by the City Council. No Committee member shall use his or her own personal credit card. For items under \$150 a committee member may request a cash advance and then come back to the Town with itemized receipts. For items over \$150, a committee member shall complete a check request from the Town or have the Town purchase the goods/services.

Section 5: Committee Composition, Powers and Duties

1. Audit/Finance Committee

The Audit/Finance Committee shall have the following powers and duties.

Act in an advisory capacity to:

- a. Make recommendations to the City Council upon request in all matters pertaining to Town finances;
- b. Consult with the City Manager on matters pertaining to the budget, capital spending plan and the long range financial plan for the Town;
- c. Act in an advisory capacity and make recommendations to the City Council upon request in all matters pertaining to the Town's annual audit;
- d. Provide oversight of the annual audit and present and explain the audit to the City Council with recommendations as to acceptance;
- e. Advise City Council regarding appointment of outside auditors for annual audit;
- f. Review proposed audit scope with outside auditors prior to commencement of annual audit.

The Audit/Finance Committee shall have the following composition and terms:

Consists of two (2) Council Members and five (5) appointed, qualified resident members. Two terms shall be for one year and three terms shall be for two (2) years. Thereafter

terms shall be for two (2) years ending on June 30th. The committee meets in the Council Chambers or the Town Administrative Conference room.

The Finance Department is assigned overall responsibility of the Audit/Finance Committee.

2. Civic Center Advisory Committee (CCAC)

The Civic Center Advisory Committee (CCAC) shall have the following powers and duties.

Act in an advisory capacity to:

- a. Work with staff in finalizing the master planning process by identifying key issues that need to be addressed.
- b. Work with staff to solicit feedback through tools such as surveys, community gatherings, and workshops to disseminate information regarding the key issues and questions involved in the new Civic Center.
- c. Engage in public outreach to solicit substantive feedback and opinions on the Civic Center project. Support staff with updates for the Town website and periodic updates for residents.
- d. The CCAC may form Ad Hoc Subcommittees and/or host community workshops to involve a broader base of residents for the purposes of information gathering on specific issues, thus creating more community involvement and more in-depth visioning.
- e. Once the Council adopts a Master Plan, the CCAC will continue to work with staff through the design phase, to include coordination of public outreach, collection of resident input, and providing feedback on the design.
- f. Assist staff, as appropriate, in the review and recommendation of project professionals, to include, but not limited to environmental consultants, design professionals, project management professionals, and project contractor.
- g. Once the Civic Center Project is underway, the CCAC will continue to work with staff, as appropriate, to provide feedback on project priorities and direction.
- h. Assist staff and the City Council with the identification and development of donor recognition opportunities throughout the project.
- i. Assist in discussion about the short-term improvements needed for the Library and Town Center facilities.

The Civic Center Advisory Committee consists of up to seven (7) members plus two liaison City Council members. The Committee is setup for specific purposes listed above and when the purposes are accomplished the Committee will disband. The Civic Center Project consists of the Town's Administrative Offices, Police Department, Public Works, Building and Planning Departments, Council Chambers, Library, community meeting rooms and associated outdoor facilities. The Committee meets in the Council Chambers or the Town Administrative Conference Room.

3. Environmental Programs Committee.

The Environmental Programs Committee shall have the following powers and duties.

Act in an advisory capacity to:

- a. Make recommendations (programmatic and legislative) to the City Council upon request on all matters pertaining to the Town's natural and built environment and the Town's regional role and responsibilities as one of the communities on the San Francisco Bay Peninsula.
- b. Create pro-active community engagement programs for residents, commercial and public enterprises active within the Town's jurisdiction for presentation to and consideration and approval by, the City Council.

The Environmental Programs Committee consists of a minimum of six (6) members including one (1) Council Member liaison and five (5) residents of the Town. The term of office shall be as follows: Appointed members shall be appointed to four-year terms. Thereafter, each term of office shall be four (4) years. The committee meets in the Conference Room of the Town Administrative Offices.

The Planning Department is assigned overall responsibility of the Environmental Programs Committee.

4. Park and Recreation Committee.

The Park and Recreation Committee shall have the following powers and duties.

Act in an advisory capacity to:

- a. Make recommendations to the City Council upon request in all matters pertaining to parks and public recreation and to cooperate with other governmental agencies and public and private groups in the advancement of park and recreation planning and programming;
- b. Develop and maintain a master plan for parks within the Town and, annually, in the month of April, present a report to the City Council;
- c. Review the annual budget for parks and recreation during the process of its preparation and make recommendations with respect thereto to the City Council. This includes recommendations regarding the setting of fees. The budget should contain estimates and recommendations for such long-term capital outlay projects as may be necessary to provide for orderly development of park and recreation areas, buildings and facilities;
- d. Study and make recommendations on the acquisition and development of recreation areas, activities and facilities such as playgrounds, buildings, parks, open space and other centers of recreation;
- e. Assist Town staff in the planning of recreation programs for the community.

The Park and Recreation Committee consists of seven (7) appointed members and one (1) Council Member liaison. Of the appointed members, one member shall be a representative of the Holbrook-Palmer Park Foundation and one member shall be a representative of the Atherton Dames. Each of the foregoing representatives shall serve a term of two (2) years. Terms shall be staggered so that the term of office for two (2) members shall be four (4) years, and the term of office for the remaining members shall be four (4) years. Thereafter, each term of office shall be four (4) years. The Park and Recreation Committee meets in Holbrook-Palmer Park.

The Public Works Department is assigned overall responsibility of the Park & Recreation Committee.

5. Rail Committee.

The Atherton Rail Committee shall have the following powers and duties.

Act in an advisory capacity to:

- a. Advise the City Council on all matters pertaining to High Speed Rail (HSR), the Rail Corridor and Caltrain.
- b. With the assistance of appropriate Town staff, research and address specific impacts HSR and other rail infrastructure and services may have on the Rail Corridor and the Town.
- c. Perform active outreach and cooperative efforts with groups and organizations opposing HSR.
- d. Rail Committee members are authorized to act as spokespersons to articulate and advocate the Town's Rail Related Policy Positions as they pertain to Rail Committee matters to legislatures, HSR and Caltrain board of directors, regional organizations, press and other interested parties.

The Atherton Rail Committee shall have the following composition and terms:

Consists of eleven (11) members including one (1) Council Member liaison and up to ten (10) appointed members. There are no term expirations for Rail Committee members. The committee meets in the Council Chambers.

Additionally, by action of approval of this Resolution the City Council approves Exhibit A titled, "Rail Related Policy Positions."

The Public Works Department is assigned overall authority of the Rail Committee.

6. Transportation Committee.

The Transportation Committee shall have the following powers and duties.

Act in an advisory capacity to:

- a. Make recommendations to the City Council upon request in all matters pertaining to transportation within the Town.

The Transportation Committee consists of six (6) members including one (1) Council Member liaison and five (5) appointed members. The term of office shall be four (4) years.

The committee meets in the Council Chambers.

The Police Department shall have overall responsibility of the Transportation Committee. The Chief of Police will coordinate with the Public Works Department when public works staff is needed.

7. Bicycle and Pedestrian Advisory Committee (BPAC).

The Bicycle and Pedestrian Advisory Committee shall have the following powers and duties.

Act in an advisory capacity to:

- a. Work with staff in providing advice and recommendations on all matters relating to bicycle and pedestrian facilities.
- b. Make recommendations to the City Council on the selection of bicycle and pedestrian projects to be submitted for state and federal funding opportunities.
- c. Promoting bicycling and walking as safe and healthy alternative modes of transportation.
- d. Assist Town staff in the planning, operations and maintenance of bicycle and pedestrian facilities in the community.

The BPAC shall have the following composition and terms:

Consists of at least five (5) members and one (1) Council Member liaison. At least three (3) members of the Committee must meet the requirements of the Metropolitan Transportation Committee and live or work in the Town of Atherton. The Committee shall be composed of both active bicyclists and pedestrians.

The term of office for BPAC members shall be four (4) years. Terms shall be staggered so that the term of office for three (3) members shall be four (4) years, and the term of office for the remaining members shall be four (4) years, starting at the mid-point of the staggered term.

The makeup of the Committee members is encouraged as follows:

- At least one member should represent public schools
- At least one member should represent an established bicycle and/or pedestrian related organization or coalition
- At least one member should have knowledge and interest in Countywide pedestrian and bicycle facility planning and operations.

The Public Works Department is assigned overall responsibility of the Bicycle and Pedestrian Advisory Committee.

Section 6: Advice.

Appointed members of committees are encouraged to seek advice from Town staff when they are uncertain of the foregoing rules.

This Resolution shall be effective immediately upon adoption. All previous resolutions governing Town committees and commissions including Resolution No. 14-26 are hereby superseded and rescinded on November 19, 2014.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 19th day of November, 2014, by the following vote.

AYES: 3 Council Members: Wiest, DeGolia, Lewis
NOES: Council Members:
ABSENT: 1 Council Members: Widmer
ABSTAIN: Council Members:

Cary Wiest, Mayor
Town of Atherton

ATTEST:

Theresa DellaSanta, City Clerk

APPROVED AS TO FORM:

William B. Conners, City Attorney

RAIL RELATED POLICY POSITIONS ADOPTED BY THE TOWN OF ATHERTON

A. HIGH-SPEED RAIL (HSR)

Legislative

- In 2008, the Town voters decided against Prop. 1A which authorized the HSR project
 - Town Resolutions, passed unanimously by the Council, oppose the HSR project, including the Program Environmental Impact Report (EIR), Business Plan and use of the rail corridor by HSR
 - The Town has joined with other Peninsula cities as a member of the Peninsula Cities Consortium (PCC) to promote a unified response to HSR and other rail matters
 - Conditions that must be met, if the HSR project continues, before the Legislature approves the use of Prop 1A bond funds to implement the project:
 - a. Independent Ridership Survey reporting directing to the Legislature
 - b. Independent Verification of Sources claiming HSR projects have resulted in profitable operations
 - c. Business Plan deemed “investment grade and acceptable,” by the following:
 - State Auditor, Legislative Analyst Office and Peer Review Group
 - d. Completion of the environmental studies and reporting process for Certifying the Program and Project EIRs, without resorting to “streamlining” or shortcutting the process, in any manner
 - Support legislation to delay, hinder or halt the implementation of Prop 1A which town residents and Council voted to oppose (examples-AB 1455 (Harkey) and SB 985 (LaMalfa))

Litigation

- Town of Atherton has taken the position to use all legal means to delay, hinder or halt the implementation of Prop 1A which town residents and Council voted to oppose
- Atherton joined other agencies in litigation against HSR’s Program EIR recognizing certain legal environmental requirements were not being met and faulty information used in the environmental analysis led to incorrect conclusions (example – Ridership study forecasts)

Lobbying

- The Council has engaged a professional lobbyist, in conjunction with other cities, to represent the city’s position on HSR matters
- The Council encourages the efforts of rail committee members to advocate on behalf of Atherton within approved Rail Policies

B. RAIL CORRIDOR AND CALTRAIN

Rail Service

- Atherton was one of the earliest train stops on the rail corridor between San Francisco and San Jose. Families, and later commuters, used the Atherton station for rail service to and from ‘The City’ for over 100 years. Lloyd Park was developed for residents desiring easy access to public transportation provided by the train
- Atherton residents were very instrumental in the formation of the Joint Powers Board (JPB) and the purchase of the Southern Pacific right-of-way (ROW) by San Francisco, San Mateo and Santa Clara counties
- Up to (year?) Atherton received weekday and weekend rail service from Caltrain until it declared its first “fiscal emergency”
- Citing fiscal emergency reasons for reducing costs, including station stops, the number of weekday rail stops in Atherton were reduced to zero while weekend service is still being provided
- Atherton is the only city on the Caltrain line that receives no weekday train service
- The Town deserves the restoration of train service on the basis of “geographical fairness” and being treated equitably in being provided with weekday rail service
- Caltrain must complete the capitol project to remove the “hold-out station” designation for Atherton, including the engineering and construction to allow a passing train to pass a stationary train at the station

Electrification

- The current Caltrain electrification Draft EIR is out of date and must be updated and re-circulated
- The Town is opposed to the Memorandum of Understanding (MOU) between Caltrain, HSR, Metropolitan Transportation Commission (MTC) and other transit agencies which provides funding for electrification of Caltrain in exchange for allowing HSR to eventually use the rail corridor
- In the event that the HSR project is not implemented, Caltrain will have to seek other means to upgrade its system
- Caltrain should investigate alternatives to electrification, such as DMU’s, which could be implemented at much less capital costs while providing equal environmental and operational benefits, or better

Caltrain and JPB

- Correct capital and operational funding formula to reflect current user information and for a more equitable sharing between San Francisco, San Mateo and Santa Clara Counties
- Initiate study to consolidate Caltrain with Capitol Corridor system to create a more efficient system through the reduction of duplicate overhead and achieving greater economy of scale in operations and capital usage; also

provide permanent funding mechanism for Caltrain through direct state funding

- Creation of an Advisory Council composed of city representatives to create a more effective planning and working environment for Caltrain's future

Town Priorities Regarding Caltrain Line

- Restoration of weekday service
- Delay, hinder or halt the eventual use of the rail corridor by HSR, including undoing the MOU's between Caltrain and HSR
- Ensure any long term corridor rail plan limits two tracks through Atherton
- Modernization of rail system must minimize and fully mitigate any environmental impact on the Town
- Implementation of a Quiet Zone within and on the Town's border areas
- The addition of Quad Gates at the Watkins Avenue crossing facilitates qualifying for meeting Quiet Zone regulations
- Monitor Dumbarton Corridor developments
- Monitor Union Pacific service and relationship with Caltrain