



**Minutes**  
**Town of Atherton**  
**CITY COUNCIL**  
**April 20, 2016**

**6:00 P.M. – SPECIAL MEETING - CLOSED SESSION**

**Conference Room; Town Administrative Offices**

**91 Ashfield Road, Atherton, California**

**7:00 P.M. - REGULAR MEETING**

**Council Chambers**

**94 Ashfield Road,  
Atherton, California**

Mayor Lewis called the Closed Session meeting to order at 6:00 p.m.

**6:00 PM      CLOSED SESSION IN CONFERENCE ROOM**

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

**PUBLIC COMMENTS**

Public Announcement of Closed Session Items

**CLOSED SESSION**

**A. CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations pursuant to Government Code Section 54957.6**

Agency Negotiators: George Rodericks, City Manager

Employee Organization: Unrepresented Employees, Atherton Police Officers' Association

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

City Manager

**7:00 PM      REGULAR SESSION**

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

**1.      PLEDGE OF ALLEGIANCE**

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

**3.      PRESENTATIONS**

**Proclamation -**

- National Police Week Proclamation
- Public Safety Communications Personnel Proclamation

Mayor Lewis read each proclamation for the record.

**Tree Awards Presentation – Town Arborist Sally Bentz**

Town Arborist Sally Bentz provided awards to Menlo College for “best maintained” oaks, to a homeowner on Virginia Avenue for a Sequoia sempervirens, Redwoods, and to a homeowner on Walsh Road for a Coast Live Oak.

**4. PUBLIC COMMENTS**

William Grindley, Atherton resident, provided Council with an updated on the High Speed Rail lawsuit.

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

City Attorney Bill Connors reported that the direction was given to the Mayor and Vice Mayor with respect to the City Manager’s performance evaluation.

He added that there was no reportable action for Item A.

**6. CITY MANAGER’S REPORT**

Nothing further to add to written report.

**7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

**CONSENT CALENDAR (Items 8- 17)**

Council Member Widmer noted that he had comments on Items 12 and 13.

**8. APPROVAL OF APRIL 6 SPECIAL MEETING AND MARCH 16, 2016 REGULAR MEETING MINUTES**

**Report:** City Clerk Theresa DellaSanta

**Recommendation:** Approve meeting minutes

**9. APPROVAL OF BILLS AND CLAIMS FOR MARCH IN THE AMOUNT OF \$1,098,914**

**Report:** Finance Director Robert Barron III

**Recommendation:** Approve Bills and Claims in the amount of \$1,098,914

**10. ACCEPTANCE OF TREASURER’S REPORT FOR THE THIRD QUARTER ENDED MARCH 31, 2016**

**Report:** Finance Director Robert Barron III

**Recommendation:** Accept the Treasurer’s Report for the Third Quarter Ended March 31, 2016

- 11. CONSIDER AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 6.04; ANIMAL AND FOWL**  
**Report:** Town Planner Lisa Costa Sanders  
**Recommendation:** The Planning Commission and staff recommend that the City Council adopt an Ordinance amending Atherton Municipal Code Chapter 6.04 regulating the keeping of fowl in Atherton
- 12. ACCEPT THE 2015 ANNUAL REPORT TO THE CITY COUNCIL ON THE ATHERTON GENERAL PLAN IMPLEMENTATION**  
**Report:** Town Planner Lisa Costa Sanders  
**Recommendation:** Accept the Annual Report and authorize its transmittal to the California Governor's Office of Planning and Research and the California Department of Housing and Community Development pursuant to Section 65400 of the California Government Code (CGC).
- 13. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE CLASS III BIKE ROUTE PROJECT**  
**Report:** Community Services Director Mike Kashiwagi  
**Recommendation:** Accept work and authorize recording of a Notice of Completion for the Class III Bike Route Project, Number 56072
- 14. CONSIDERATION TO APPROVE ADDITIONAL TRAFFIC ANALYSIS FOR THE EL CAMINO REAL/SELBY LANE INTERSECTION AND AMEND THE EXISTING CONSULTANT SERVICES AGREEMENT WITH MARK THOMAS AND COMPANY FOR A NOT-TO-EXCEED AMOUNT OF \$26,900**  
**Report:** Community Services Director Mike Kashiwagi  
**Recommendation:** Approve and authorize an amendment to the Mark Thomas and Company Consultant Services Agreement for a not-to-exceed amount of \$26,900 to perform additional traffic analysis for the El Camino Real/Selby Lane intersection
- 15. ACCEPTANCE OF WORK, AUTHORIZATION TO RECORD NOTICE OF COMPLETION FOR THE 2016 SPRING PATCHING PROJECT**  
**Report:** Community Services Director Mike Kashiwagi  
**Recommendation:** Accept work and authorize recording of a Notice of Completion for the 2016 Spring Patching Project, Number 56070
- 16. APPROVE 1-YEAR LEASE EXTENSION FOR KNOX PRESCHOOL**  
**Report:** Community Services Director Mike Kashiwagi  
**Recommendation:** Approve a one-year lease extension with an option for two additional one-year extensions for the Knox Preschool at Holbrook-Palmer Park
- 17. APPROVE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH BIGGS CARDOSA ASSOCIATES, INC. FOR THE MARSH ROAD RETAINING WALL REPAIR PROJECT FOR A NOT-TO-EXCEED AMOUNT OF \$53,500**  
**Report:** Community Services Director Mike Kashiwagi

**Recommendation:** Approve an amendment to the professional services agreement with Biggs Cardosa Associates, Inc. for an additional not to exceed fee of \$53,500 to perform construction engineering support services necessary for the Marsh Road Retaining Wall Repair Project

**MOTION by Widmer, second by DeGolia to approved the consent calendar consisting of Items 8 through 17. The motion passed unanimously.**

**PUBLIC HEARING – (Item 18)**

**18. ADOPTION OF FEE RESOLUTION AMENDING FEES AND CHARGES RELATED TO RENTAL FEES AT HOLBROOK PALMER PARK**

**Report:** Community Services Director Mike Kashiwagi

**Recommendation:** Review and approve the attached Fee Resolution amending Fees and Charges related to rental fees at Holbrook Palmer Park

The Council discussed changes to rental fees at the Carriage House, Main House, and Day Use generally noting that there needs to be a balance between the fees charged and impact of the use(s) at the Park such that the Park is not overly fiscalized and is protected for use by Atherton residents. Concerns expressed related to overuse of the facilities, parking impacts, requirements for off-site parking or shuttling, oversight and overall management of the Park events and venues. The Council directed that staff reduce the threshold for parking shuttle or valet requirements when evaluating and approving events at the Park and keep a close watch on the impacts. The Council directed that permits for commercial photographers be established, well-defined and set to a base daily and monthly permit schedule.

**MOTION by DeGolia, second by Wiest to adopt the Fee Resolution with a request that staff return in 6 months with an analysis of the overall Park rental operations and fee structure. The motion passed unanimously.**

**REGULAR AGENDA – (Items 19-22)**

**19. CIVIC CENTER STATUS UPDATE**

**Report:** Community Services Director Mike Kashiwagi

**Recommendation:** Receive and File

Following a brief staff report, the Council heard a presentation from representatives of Atherton Now. The representatives outlined the progress of the fundraising efforts, next steps, and fundraising targets.

The Council expressed continued support for the fundraising efforts and commitment to the project. The Council asked that the final naming rights schedule be presented to the Council as quickly as possible in order to provide Atherton Now with some surety in their fundraising.

**20. APPROVE A CONSTRUCTION MANAGEMENT PROFESSIONAL SERVICES AGREEMENT WITH GHIRARDELLI ASSOCIATES FOR THE MARSH ROAD RETAINING WALL REPAIR PROJECT**

**Report:** Community Services Director Mike Kashiwagi

**Recommendation:** Direct the City Attorney to prepare and the City Manager to execute a professional services agreement with Ghirardelli Associates for a not to exceed fee of \$332,729.84 to perform construction inspection and management services necessary for the Marsh Road Retaining Wall Repair Project

Following a brief staff report, the Council discussed the role of the Construction Management Firm and how the various consultants and contractors worked together for the project.

Kashiwagi explained that this particular contract will oversee that the very detailed plans and specifications are being adhered to and the project is being built in accordance with the plans and specs.

**MOTION by Lempres, second by DeGolia to direct the City Attorney to prepare and the City Manager to execute a professional services agreement with Ghirardelli Associates for a not to exceed fee of \$332,729.84 to perform construction inspection and management services necessary for the Marsh Road Retaining Wall Repair Project. The motion passed unanimously.**

**21. AWARD OF CONSTRUCTION CONTRACT FOR MARSH ROAD CHANNEL REPAIR, PROJECT NUMBER 56005 AND AMEND THE EXISTING CAPITAL IMPROVEMENT BUDGET FOR THE MARSH ROAD CHANNEL REPAIR PROJECT BY ADDING AN ADDITIONAL \$811,168**

**Report:** Community Services Director Mike Kashiwagi

**Recommendation:** Award the construction contract for Marsh Road Channel Repair, Project Number 56005 to the low bidder, Granite Construction Company of Santa Clara for \$3,144,080, authorize issuance of change orders up to \$300,000; authorize the City Manager to execute the contract and change orders as required on behalf of the Town and direct contract to proceed on critical submittals immediately

Staff presented the staff report and the Council discussed various issues related the project. Issues discussed included project timing, public outreach efforts both in and around the project, coordination with emergency services agencies and local hospitals, and the project detour plans.

**MOTION by DeGolia, second by Lempres to award the construction contract for Marsh Road Channel Repair, Project Number 56005 to the low bidder, Granite Construction Company of Santa Clara for \$3,144,080, authorize issuance of change orders up to \$300,000; authorize the City Manager to execute the contract and change orders as required on behalf of the Town and direct contract to proceed on critical submittals immediately. The motion passed unanimously.**

**22. DISCUSSION OF A PROPOSED MODIFICATION TO THE MUNICIPAL CODE, SECTION 12.24.085 TO ALLOW BICYCLE ACCESS TO A SECTION OF WALKING PATH AT HOLBROOK-PALMER PARK**

**Report:** Community Services Director Mike Kashiwagi

**Recommendation:** If deemed appropriate, authorize staff to pursue modifications to Atherton Municipal Code Section 12.24.085 to allow bicycle access to a section of the walking path at Holbrook-Palmer Park

Following a brief staff report outlining the proposal from the Park and Recreation Committee, the Council directed staff to move forward with an ordinance amendment to allow bicycles on a portion of the Park path from the pedestrian bridge to the Felton Gables Gate. The Council also directed that staff include a modification to the pathway as part of an upcoming capital project to widen and stripe the path and Park areas, as appropriate.

**MOTION by Wiest, second by Lewis to authorize staff to pursue modifications to Atherton Municipal Code Section 12.24.085 to allow bicycle access to a section of the walking path at Holbrook-Palmer Park. The motion passed unanimously.**

**23. COUNCIL REPORTS/COMMENTS**

None.

**24. FUTURE AGENDA ITEMS**

None.

**25. PUBLIC COMMENTS**

None.

**26. ADJOURN**

Mayor Lewis adjourned the meeting at 9:27 p.m.

Respectfully Submitted,  
Theresa N. DellaSanta



**Minutes**  
**Town of Atherton**  
**May 4, 2016**  
**3:00 P.M.**

**Council Chambers**  
94 Ashfield Road  
Atherton, California

**Special Meeting**  
**Joint Meeting of the Audit/Finance Committee & City Council**

Vice Mayor Lempres called the meeting to order at 3:00 p.m.

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

Mayor Lewis was excused.

**PUBLIC COMMENTS** - None.

**1. CIVIC CENTER PROJECT – NAMING OPPORTUNITIES**

**Report:** City Manager George Rodericks

**Recommendation:** Review Report from Atherton Now regarding potential Naming Opportunities for the Civic Center Project, provide feedback; and, if appropriate, accept the Report

Staff presented the staff report and the Council reviewed the information presented by Atherton Now. A representative from Atherton Now was present to assist the Council in the discussion. Following public comment, the Council discussed various issues related to the proposed naming opportunities. These included the look and number of recognition plaques, bricks or other forms of recognition, the threshold for recognition before it should return to the Council for acceptance/approval, the donor level requirements for rooms and spaces, and the matching of the rooms and spaces with the current schematic design. Following discussion and given the clarity of the Council's discussion, a Council subcommittee was identified to work with Atherton Now and staff to fine tune the list, add the Town logo to the list and authorize Atherton Now to move forward with donor contributions.

**2. FY 2016/17 GENERAL FUND/OPERATIONS BUDGET**

**Report:** Finance Director Robert Barron III

**Recommendation:** Review and Discuss

Staff presented the staff report and PowerPoint presentation walking through the proposed FY 2016/17 Revenues and Expenditures. Following public comment and questions, the Council discussed issues related to allocation of the FY 2015/16 Educational Revenue Augmentation Fund (ERAF), the level and detail of contributions to the Town's Capital Improvement Program, status of property and sales tax growth, revenue activities at the Park, profit/loss for the Park, and equipment replacement.

The Council directed that staff use ERAF to establish the minimum equity reserve for Workers' Compensation and to remit the FY 2016/17 Unfunded Liability Payment to CalPERS. The remainder of the FY 2015/16 ERAF was to be allocated toward the Town's Capital Improvement Fund. The Council supported continued addition of funds to the Capital Replacement Facility Reserve as well as maintaining a minimum unallocated reserve level as identified in the staff report.

### **3. REVIEW AND DISCUSSION OF POTENTIAL UPDATES TO THE BUSINESS LICENSE ORDINANCE**

**Report:** Finance Director Robert Barron III

**Recommendation:** Discuss potential updates to the Town's business license ordinance and provide direction for any changes to the business license ordinance

Staff provided a staff report and PowerPoint presentation reviewing the current business license ordinance and tax. Following public comment and questions, the Council discussed issues related to the quantity of business licenses issued, the types of licenses issues, the categories defined within the Town's ordinance, expanding the Town's ordinance to include additional categories, comparative community ordinances, specific exemptions, home occupations, and process. The Council provided direction to staff to return with a proposed amendment to the ordinance to change the tax to a gross receipts basis with a \$250 minimum tax for Category I and II businesses and a \$0.25 per \$100 of gross receipts for all businesses. Further, the Council directed that staff review other ordinances from other communities and return with a more up to date category list within the business license ordinance as well as an updated Home Occupation Ordinance. The Council would further discuss the possible exemption of specific types of businesses. The Council advised that this should return in a timely manner to allow the tax measure to be placed on the November 2016 ballot.

### **ADJOURN**

Vice Mayor Lempres adjourned the meeting at 5:04 p.m.

Respectfully Submitted,  
Theresa N. DellaSanta