



MINUTES
Town of Atherton
CITY COUNCIL
June 17, 2020
CLOSED SESSION
REGULAR MEETING

6:30 P.M. CLOSED SESSION – *Zoom Meeting Space*

ROLL CALL - Wiest, Widmer, Lempres, Vice Mayor Lewis, Mayor DeGolia – All Present

PUBLIC COMMENTS – *None*

*A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** - Pursuant to Government Code Section 54957*

Title: City Attorney

Mayor DeGolia called the meeting to order at 7:00 pm

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

1. PLEDGE OF ALLEGIANCE

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

3. PRESENTATIONS

• **LGBTQ Pride Month Proclamation**

San Mateo LGBTQ Commission representative Lelan Anders received the proclamation from Mayor DeGolia and the Atherton City Council.

• **Presentation by Atherton Fiber**

Edwin Alfonso, Atherton Fiber provided a presentation and highlighted his company's activities and transitions.

4. PUBLIC COMMENT

Greg Conlon commented on a letter shared with Council related to the closing of the Atherton train station.

5. REPORT OUT OF CLOSED SESSION

City Attorney Ebrahimi reported that there was no reportable action.

6. CITY MANAGER'S WRITTEN REPORT

City Manager George Rodericks presented his report highlighting instructions given to the Rail Committee regarding the Atherton Train Station closure. Rodericks responded to Council inquiry informing Council that the Fire Services Subcommittee was disbanded.

Council agreed to add the Fire Services Subcommittee topic to a future agenda for discussion.

CONSENT CALENDAR (7-12)

7. CERTIFICATION OF CONTINUING EMERGENCY AND RATIFICATION OF SUCH RULES AND REGULATIONS ENACTED BY THE DIRECTOR OF EMERGENCY SERVICES IN RESPONSE TO COVID-19

8. APPROVAL OF MINUTES
May 20, 2020 and June 3, 2020

9. APPROVAL OF BILLS AND CLAIMS FOR MAY IN THE AMOUNT OF \$ 2,793,869

10. ADOPTION OF A MUNICIPAL CODE ORDINANCE AMENDMENT ESTABLISHING REGULATIONS FOR DISPOSABLE FOOD SERVICE WARE UNDER CHAPTER 8.56 OF THE ATHERTON MUNICIPAL CODE

11. ADOPT A RESOLUTION TO APPROVE JOINING EMPLOYMENT RISK MANAGEMENT AUTHORITY (ERMA) FOR LIABILITY COVERAGE

12. APPROVAL AN AMENDMENT TO THE AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND THE TOWN OF ATHERTON FOR FACILITATION AND COORDINATION OF ANIMAL CONTROL SERVICES

Motion by Lewis, Second by Lempres to approve the consent calendar.

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

PUBLIC HEARING

13. CONDITIONAL USE PERMIT, DENSITY BONUS, AND TREE PROTECTION ZONE (TPZ) EXCEPTION - 1000 EL CAMINO REAL/MENLO COLLEGE (APN 070-360-100)

Councilmember Widmer recused himself due to a financial conflict.

Town Planner Costa Sanders reviewed a PowerPoint presentation on the item. She noted the project will provide housing for students with units dedicated to low-income students qualifying for the State Density Bonus. Sanders went on to review the Tree Protection Zone and available exemptions. Sanders noted that staff supports the approval of the Conditional Use Permit. Sanders shared that all neighbors have been informed of the project, a public meeting was held, and several public comments were received, which were submitted to Council.

Council discussed the Heritage Tree component and requested on-site arborists during construction, traffic concerns during and post construction, and enrollment caps for Menlo College.

Town Arborist Bentz clarified that there will be an arborist on site during all construction activities and will be reporting out directly to her.

Steve Wiener, Menlo College President, presented his institutions position. He noted the needs of the university and development plans of the campus. He noted that the additional housing is not intended to increase the enrollment numbers. He added that Freshman are not allowed to park on campus and considering restricting Sophomores.

Council continued to discuss Menlo Colleges plans for landscaping, Transportation Demand Management Plan, and the consideration of arranging ongoing meetings with the college to monitor the project.

PUBLIC COMMENTS

Paul Getty commented on the item and inquired about enrollment caps.

Stuart Rosenberg commented on issues with traffic, parking, and noise concerns.

Greg Conlon commented the item and pending orders from health officials.

Motion by Lewis, Second by Lempres to approve the staff recommended action and approve all of the entitlements including the Conditional Use Permit, Density Bonus and Tree Protection Zone Exception, with the conditions that the applicant agrees to abide by all state and local laws, indemnify, defend and hold harmless the Town of Atherton from any claims, a condition to monitor the tree during and post-construction completion with review by the Town Arborist and a Transportation Demand Management Plan.

Council Member Widmer was recused.

AYES: Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

REGULAR AGENDA ITEMS (14-18)

14. CONSIDERATION OF AND APPOINTMENTS TO VARIOUS TOWN COMMITTEES AND PLANNING COMMISSION

City Clerk Suber presented the staff report noting the open seats before Council for appointment consideration. He also and an reviewed a process for assigning terms.

Suber drew Kate Scolnick’s name by random drawing to be assigned to the Audit and Finance the 4-year term expiring June 30, 2024.

Eric Lang, Planning Commission incumbent stated that he would be interested to serve on the Planning Commission for a 2-year term.

David Jones, spoke to his interest and experience in serving on the Bike and Pedestrian Committee.

Motion by Widmer, Second by DeGolia to appoint David Jones to the Bicycle and Pedestrian Committee for a term expiring June 30, 2024.

AYES: Wiest, Widmer Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

Motion by Lempres, Second by Widmer to appoint;

- **Walter Sleeth to the Audit and Finance Committee for a term expiring June 30, 2023;**
- **Kate Scolnick to the Audit and Finance Committee for a term expiring June 30, 2024;**
- **Frank Merrill to the Park and Recreation Committee Foundation appointment for a term expiring on June 30, 2022;**
- **Nancy Lerner to the Planning Commission for a term expiring June 30, 2024;**
- **Eric Lane to the Planning Commission for a term expiring on June 30, 2022;**
- **Jim Janz to the Rail Committee for a term expiring on June 30, 2024;**
- **Jack Ringham to the Rail Committee for a term expiring June 20, 2024; and**
- **Sriram Iyer to the Transportation Committee for a term expiring on June 30, 2024.**
- **Tom Owen to the Transportation Committee for a term expiring on June 30, 2024.**

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

Motion by Widmer, Second by Wiest to Matt Baker to the Park and Recreation Committee for a term expiring June 30, 2024;

AYES: Wiest, Widmer Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

15. ADOPT THE ATTACHED RESOLUTIONS ADOPTING THE FY 2020/21 OPERATIONS AND CAPITAL BUDGET, SALARY & BENEFIT RESOLUTION FOR UNREPRESENTED STAFF, 2020/21 SALARY AND CLASSIFICATION SCHEDULE, AND THE GANN LIMIT APPROPRIATIONS

Finance Director Barron III provided a brief overview and noted that three study sessions were held prior to this evenings meeting.

Council Member Lempres asked about ERAF expectations to which Barron noted staff has continued to discuss possible changes in ERAF for FY 2021-22 and intend to monitor property taxes.

Motion by Lempres, Second by Lewis to a adopt the accompanying Resolutions:

- **Resolution No. 20-12 Adopting the Fiscal Year 2020-2021 Operating and Capital Improvement Program Budget;**
- **Resolution No. 20-13 Adopting Salaries and Benefits for Unrepresented Staff;**
- **Resolution No. 20-14 Approving Fiscal Year 2020-2021 Salary Schedules and Classifications; and**
- **Resolution No. 20-15 Establishing the Appropriations Limit for Fiscal Year 2020-2021 Pursuant to Article XIII B of the California Constitution.**

AYES: Widmer, Wiest, Lempres, Lewis, DeGolia

NOES:

ABSTAIN:

ABSENT:

16. COUNCIL REPORTS/COMMENTS – *None*

17. PUBLIC COMMENTS

Greg Conlon commented on the fire that destroyed 418 homes.

18. ADJOURN

Mayor DeGolia adjourned the meeting at 9:57 p.m.

**Anthony Suber
City Clerk**



MINUTES
Town of Atherton
City Council
July 1, 2020
STUDY SESSION

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

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

1. **ROLL CALL** - Wiest, Widmer, Lempres, Vice Mayor Lewis, Mayor DeGolia – All Present
2. **PUBLIC COMMENTS** – *None*
3. **DISCUSSION AND FEEDBACK REGARDING THE FIRE SERVICES SUBCOMMITTEE**

City Manager Rodericks presented the item and delivered a brief background.

Council held a discussion on the authority granted to the Mayor by the Council Handbook and Rules of Procedure,

City Attorney Ebrahimi provided interpretations of the handbook for Council.

Mayor DeGolia clarified the status on the Fire Services Subcommittee noting that Council Member Wiest will remain as the primary liaison to the Fire District with Council Member Widmer serving as the alternate.

Bob Polito, Atherton Resident, encouraged the Council to continue to pursue the Fire Services Subcommittee purpose.

Council requested that the Council Handbook and Rules of Procedure return for discussion at a future meeting. Council directed a letter of support for the State-wide database of misconduct be drafted and submitted by the Mayor and City Manager.

4. **DISCUSSION OF POLICING REFORMS AND INITIATIVES**

Police Chief McCulley presented an overview of the Atherton Police Department (APD) programs, policies, and initiatives. McCulley shared the tools used by the APD, local statistics, and opportunities for improvement. McCulley shared his support for Transparency within his department.

Council held a comprehensive discussion including training authorities in California, types of training, service calls in Atherton, and the use of lethal force.

Council Member Lempres asked Chief McCulley to explain the APD's hiring practices, body camera policies, policies on mutual aide, and the process of removing bad actors within the department.

McCulley highlighted the rigorous process including the psychological evaluation, medical / physical exams, polygraphs, and background investigations. He added that recruits are interviewed by both the Chief and Commander and complete ride-a-longs with Officers. McCulley noted that APD has banned all uses of the carotid restraint or choke hold. He informed Council that the last audit of body camera usage resulted in a 90% rate.

City Attorney Ebrahimi noted for Council that Police Officers are protected by the Police Officer Bill of Rights which includes a series of appeal. She added that the process of removing an Officer does not happen instantly.

Greg Conlon, Atherton resident, commented on the item. – Spoke under the item and talked about the state of the nation

Norma Fogelberg, ADAPT member, spoke in support of the APD and Chief McCulley. - Spoke in support of the Chief and Atherton PD and thanked the Town for the work that has been done.

Council Member Wiest noted his disappointed with changes to the School Resource Officer program nationwide.

Council requested that McCulley share APD service calls and other statistics, body camera and ALPR audit results regularly.

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

6. **PUBLIC COMMENTS** – *None*

7. **ADJOURN**

Mayor DeGolia adorned the meeting at 5:38 PM

Anthony Suber
City Clerk



MINUTES
Town of Atherton
City Council
July 8, 2020
SPECIAL MEETING

Vice Mayor Lewis called the meeting to order at 4:04 pm

4:00 PM REGULAR AGENDA *Convene as the City Council*

1. **ROLL CALL** - Wiest, Widmer, Lempres, Vice Mayor Lewis, Mayor DeGolia (Absent)
2. **PUBLIC COMMENTS** – *None*
3. **ADOPTION OF A RESOLUTION TO CONSOLIDATE AND CALL THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION AND CONTRACT WITH THE CHIEF ELECTIONS OFFICE FOR ELECTION SERVICES**

City Clerk Suber briefly presented the item.

Motion by Wiest, Second by Widmer to adopt Resolution 20-16 Calling the November 3, 2020 General Municipal Election and Resolution 20-17 Requesting the San Mateo County Board of Supervisors consolidate the Municipal Election with the Statewide General Election.

AYES: Widmer, Wiest, Lempres, Lewis

NOES:

ABSTAIN:

ABSENT: DeGolia

4. **COUNCIL REPORTS/COMMENTS** – *None*
5. **PUBLIC COMMENTS** – *None*
6. **ADJOURN**

Vice Mayor Lewis Adjourned the meeting at 4:07

Anthony Suber
City Clerk