



MINUTES
Town of Atherton
City Council
NOVEMBER 16, 2022
REGULAR MEETING
6:00 P.M.

Mayor DeGolia called the meeting to order at 6:00 p.m.

REGULAR MEETING

PLEDGE OF ALLEGIANCE

ROLL CALL – Polito, Hawkins-Manuelian, Lewis, Vice Mayor Widmer, Mayor DeGolia – Present

PUBLIC COMMENTS

- Lindsay Raike, Warm Water Wellness Inc.

PRESENTATIONS

- **Introduction of Rachael Londer, Management Analyst II**

City Manager Rodericks introduced Rachael Londer who briefly addressed the Council.

- **Swearing-In Sgt. Magami**

Police Chief McCulley swore in Sergeant Magami who was accompanied by his wife and son.

- **Audio Demonstration**

Mark Dubovoy shared a brief audio demonstration for the Council to demonstrate noise related disturbance he has experienced at his property.

- **Atherton Library Annual Report**

DEPARTMENTAL WRITTEN REPORTS

City Manager Rodericks introduced the departmental reports and there were no Council questions. Council Member Lewis remarked that she liked the new format.

CONSENT CALENDAR (Items 1 – 9)

- 1. BILLS AND CLAIMS REPORT FOR OCTOBER 2022**
- 2. APPROVAL OF MINUTES FROM OCTOBER 19 AND NOVEMBER 2, 2022.**
- 3. SECOND READING AND ADOPTION AN ORDINANCE TO AMEND CHAPTER 15.19 OF THE ATHERTON MUNICIPAL CODE BY ADOPTING THE 2022 CALIFORNIA GREEN BUILDING CODE AND AN EV CHARGING AND ALL ELECTRIFICATION REACH CODES, WITH EXCEPTIONS**

Pulled for discussion by Council.

Public Comments:

- Carol Flaherty
- Sean Armstrong
- Kristin
- Stacy Miles Holland, EPC Chair
- Comments were also submitted in writing in advance of the meeting and posted for public review.

Council held a discussion related to equipment that residents would have access to that comply with the ordinance and challenges of moving to all-electric standards, especially for new construction.

MOTION by Lewis, Second Hawkins-Manuelian to adopt Ordinance No. 655 amending Chapter 15.19 of the Atherton Municipal Code by adopting the 2022 California Green Building Code and an EV Charging and All Electrification Reach Codes with exceptions detailed and to direct the Building Official to file the amendments with State of California as required by law.

AYES: Polito, Hawkins-Manuelian, Lewis, DeGolia

NOES:

ABSTAIN: Widmer

ABSENT:

- 4. SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND TITLE 15 OF THE ATHERTON MUNICIPAL CODE ADOPTING BY REFERENCE THE 2022 CALIFORNIA BUILDING STANDARDS CODE, RETAINING EXISTING MODIFICATIONS.**

Adopted Ordinance No. 656

- 5. CONSIDERATION OF RESOLUTION RATIFYING PROCLAMATION OF A STATE OF EMERGENCY IN THE TOWN AND AUTHORIZING TELECONFERENCE**

**MEETINGS OF TOWN LEGISLATIVE BODIES PURSUANT TO THE BROWN ACT
GOVERNMENT CODE SECTION 54953(E)**

Continuation of Adopted Resolution No. 22-20

- 6. ACCEPTANCE OF TREASURER’S REPORT FOR THE FIRST QUARTER ENDED
SEPTEMBER 30, 2022**
- 7. ACCEPTANCE OF WORK AND AUTHORIZATION TO RECORD NOTICE OF
COMPLETION FOR THE HOLBROOK-PALMER TENNIS COURT OVERLAY
PROJECT (COURTS 1 AND 2)**

Notice of Completion Authorized for Project Number 56108.

- 8. APPROVAL OF A PREVENTATIVE MAINTENANCE AND SERVICES SUPPORT
AGREEMENT FOR THE TOWN CENTER BUILDING MANAGEMENT SYSTEM;
DIRECT THE CITY ATTORNEY TO PREPARE THE AGREEMENT AND
AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT ON
BEHALF OF THE TOWN**
- 9. APPROVAL OF A MAINTENANCE AND SUPPORT SERVICES AGREEMENT FOR
THE TOWN CENTER SECURITY SYSTEMS; DIRECT THE CITY ATTORNEY TO
PREPARE THE AGREEMENT AND AUTHORIZE THE CITY MANAGER TO
EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN**

**MOTION by Widmer, Second by Lewis to approve the Consent Calendar Items with the
exception of Item 3.**

AYES: Polito, Hawkins-Manuelian, Lewis, Widmer, DeGolia

NOES:

ABSTAIN:

ABSENT:

REGULAR AGENDA (Items 10 – 11)

- 10. AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING CHAPTER 8.16 (NOISE CONTROL) OF THE ATHERTON
MUNICIPAL CODE.**

City Manager Rodericks introduced the item noting the rules and noise level allowances and exemptions of a few neighboring cities surveyed.

City Attorney Ebrahimi added context related to the infraction language included in the Ordinance subjecting the punishment to a Misdemeanor.

Council expressed some reservations related to the penalties and fines and held a discussion about the noise levels for certain times of the week/day and modifications of the Town's Social Gathering dBA limits, enforcement and penalties.

Chief McCulley addressed a few council inquires related to the type of social gatherings that take place in Town and the severity of the noise issues. He commented that it is not a significant issue in Town.

Council provided direction to make minor revisions to penalties to allow for additional discretion during enforcement. This item will be return for a first reading and introduction at the Council December Regular Meeting.

11. RECOMMENDATION FROM THE TOWN'S AUDIT AND FINANCE COMMITTEE TO BEGIN PAYING THE RETIREE OPEB HEALTH BENEFITS FROM THE TOWN'S PARS TRUST ACCOUNT

City Manager Rodericks introduced the item and provided additional options for Council consideration in contributing to the OPEB health benefits from the Towns PARS Trust accounts.

Council Member Widmer and Polito commented the process the Town will take in making annual contributions to the Trust along with the payments.

Council discussed issues related to the rates of investment return, use of funds once payments are shifted to the OPEB Trust, identification of savings opportunities, and actuarial reporting.

Finance Director Barron III reviewed the PARS Trust Account investment strategies.

Council directed that staff account for the General Fund savings in a manner that allows for a use of the funds can be singular identified as a part of the budget process.

MOTION by Polito, Second by Lewis to approve recommendation from the Town's Audit and Finance committee to begin paying the retiree OPEB health benefits from the Town's PARS Trust account as soon as reasonably possible

AYES: Polito, Hawkins-Manuelian, Lewis, Widmer, DeGolia

NOES:

ABSTAIN:

ABSENT:

COUNCIL REPORTS/COMMENTS

Council Member Lewis congratulated and thanked all City Council Candidates from the November 8, 2022, Election.

Council Member Hawkins-Manuelian commented on a meeting she attended with Menlo Park and Palo Alto related to building a regional community based organization similar to A.D.A.P.T.

ADJOURN

Mayor DeGolia adjourned the meeting at 7:51 p.m.

Anthony Suber

City Clerk