



**MINUTES**  
**Town of Atherton**  
**JOINT MEETING OF THE**  
**CITY COUNCIL/MENLO**  
**PARK FIRE PROTECTION**  
**DISTRICT BOARD**  
**MAY 21, 2007**

**5:00 p.m.**

**Pavilion**

**Holbrook-Palmer Park, 150 Watkins Avenue  
Atherton, California**

**SPECIAL MEETING**

The meeting was called to order by Mayor Alan Carlson at 5:04 p.m.

**ROLL CALL**

**PRESENT:** City Council Members James R. Janz, Jerry Carlson, Charles E. Marsala, Alan B. Carlson, Kathy McKeithen ; MPFPD Directors John Osmer, Peter Carpenter, Ollie Brown, Bart Spencer, Rex Ianson

Also present were City Manager Jim Robinson, City Attorney Marc Hynes, MPFPD Chief Harold Shapelhouman, District Counsel Bryan Otate, and various staff members from both organizations.

**COMMENTS BY THE MAYOR/BOARD PRESIDENT**

MPFPD President Ollie Brown and Mayor Alan Carlson made opening comments, welcoming everyone to the Joint meeting.

**REGULAR AGENDA**

- 3. GENERAL POLICY OF COOPERATION BETWEEN THE TOWN COUNCIL AND THE MENLO PARK FIRE PROTECTION DISTRICT (MPFPD) BOARD**
  - A. DISCUSS AND CONSIDER THE POLICY QUESTION OF DELEGATION OF DEVELOPMENT PLAN REVIEWS BY THE TOWN TO THE MPFPD**
  - B. DISCUSS AND CONSIDER THE MPFPD'S REQUEST AND CIVIL GRAND JURY RECOMMENDATION TO REQUIRE MPFPD APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT**



suggestion was the item could be in written format scheduled on the Consent Calendar. Staff was directed to work out the details.

**5. DEVELOP PROCEDURES FOR NOTIFICATION OF NEW RISKS AND SIGNIFICANT INFRASTRUCTURE ISSUES**

- A. THE TOWN AND MPFPD JOINTLY LOOK AT A BROADER FIRE RISK ANALYSIS OF THE TOWN INVOLVING WATER SUPPLY, MAIN SIZE, HYDRANT FLOW, HYDRANT SPACING, GATE ACCESS, HOME LOCATION ON LOTS AND BASEMENT LOCATIONS**
- B. DISCUSS AND CONSIDER THE MPFPD STRATEGIC PLAN AS IT RELATED TO THE FIRE FLOW/INFRASTRUCTURE NEEDS OF THE DISTRICT**

A discussion took place regarding the roles of the MPFPD/California Water Service/Town of Atherton and water flow/infrastructure needs. Darin Duncan, Cal Water, was present for the discussion. There were many areas in the Town with tremendous water flow, while some areas had less. Eighty percent of the system provided 1000-2000 gallons per minute; however, that did not meet the need for big houses. The MPFPD and Cal Water reviewed new development. The California Public Utilities Commission required the homeowner to pay for additional fire demand water flow. Cal Water was developing a specific plan and needed to raise rates to pay for infrastructure. Cal Water already worked closely with both agencies. Further discussion ensued regarding how new issues would be resolved between the jurisdictions. Mayor Carlson asked City Manager Robinson to schedule a presentation from Cal Water at the City Council meeting of June 20, 2007.

**6. DISCUSS AND CONSIDER A VOLUNTARY PROGRAM FOR HOME OWNERS TO SUBMIT INFORMATION FOR PRE-FIRE PLANS**

The MPFPD provided free safety inspections. Mayor Carlson suggested developing a survey form that could be distributed with the Town's newsletter, the *Athertonian*, whereby residents could voluntarily send it back to the MPFPD. Chief Shapelhouman thought scheduling a meeting for the City Council showing how the MPFPD operated would be beneficial. Having fire plans was critical, tactical information for firefighters.

No. 6 & 7 could both be incorporated into the *Athertonian* to explain what an inspection would do, how pre-information would help firefighters such as whether anyone had a medical condition. Chief Shapelhouman and City Manager Robinson were to coordinate articles for the *Athertonian*.

**7. DISCUSS AND CONSIDER AN INSPECTION PROGRAM FOR EXISTING STRUCTURES**

**Director Carpenter suggested a citywide inspection program should be developed to inspect basements built years ago and designated as unoccupied space. In his opinion, a number of basements had been converted to livable space without permits, were nonconforming, without secondary exists, etc. A discussion ensued regarding the danger and life-safety issues, as well as the legality/merits of an annual Town-wide inspection program. Some participants believed the issue was one of education, i.e., informing residents to think about the consequences/risks to firefighters. Another suggestion was to provide a visual display, a demonstration where residents could see how fast fire spread. Another alternative was suggested that the Town consider imposing a selling requirement with respect to basements. The basement was to be inspected and brought up to code before a sale was completed ensuring that whatever was done in the basement was done with a permit.**

**Adam Montgomery, representative of the Silicon Valley Association of Realtors, spoke regarding the point of sale requirement and believed it would be ineffective and was not supportive. He supported full disclosure.**

**After further discussion, the consensus was to use the *Athertonian* as a forum to educate residents to the risks of nonconforming basements and ask for voluntary inspection/compliance.**

**8. DISCUSS AND CONSIDER INSPECTING DEED RESTRICTIONS FOR NEW BASEMENTS**

**This item was not discussed.**

**9. DISCUSS THE REVIEW OF “SUBSTANTIAL” OPEN BUILDING PERMITS BY THE MPFPD; THE GRAND JURY RECOMMENDED THE CITY MANAGER REQUEST THE MPFPD EXAMINE ALL OPEN SUBSTANTIAL CONSTRUCTION PROJECTS**

**The discussion centered on whether the Building Department and Fire Prevention Office should work together to review open construction projects as they related to fire apparatus access and water flow. Acting Senior Building Official Mike Cully estimated there were 226 open permits and thought 200 man hours (100 for each jurisdiction) would be needed to review the files. The MPFPD wanted to review the open permits for Article 9 and life safety issues to let homeowners know if there was a problem. The MPFPD wanted to formalize a process to apply to open permits. New construction permits were already being reviewed by the MPFPD. Remodels needed to be defined as to what percentage (50% or other %) alteration or addition would be the threshold. The MPFPD wanted to go back and review all open permits that were new/and or 50% or more alteration or addition for site access and water flow. The Town would pull the plans for the MPFPD and the MPFPD would negotiate between**

the MPFPD and the resident for a resolution. Mayor Carlson was agreeable except when/if the MPFPD and the resident could not come to an agreement for a remedy. He did not want it to fall back to the Town for resolution. He suggested the MPFPD develop a policy when/if a homeowner did not agree.

Director Peter Carpenter made a motion for staff to review open permits regarding Article 9 issues, working with the Building Department to resolve issues to the maximum degree possible.

Following further discussion and the inability to agree on additional language regarding the remedy for a failure to come to agreement between the resident and the MPFPD, the motion was withdrawn.

Mayor Carlson believed the City Council needed to discuss the issue further and asked for the item to be placed on the City Council agenda of June 20, 2007. Additionally, he believed there was a third category to discuss regarding already occupied residences.

**10. DISCUSS AND CONSIDER REVIEWING THE EXISTING TOWN SPRINKLER ORDINANCE THAT WAS ADOPTED IN NOVEMBER 2004**

**A. THE CITY COUNCIL AND MPFPD BOARD DISCUSS AND AGREE UPON POTENTIAL REVISIONS TO THE ATHERTON SPRINKLER ORDINANCE, SPECIFICALLY FOR ALL BASEMENT SUBMITTALS AND 50% THRESHOLDS FOR REMODELED RESIDENTIAL STRUCTURES**

A short discussion ensued regarding the requirements for sprinklers, specifically in basements and 50% or more alterations/additions in remodels. The City Council was agreeable to discussing an amendment and asked that the item be put on the City Council agenda for June 20, 2007.

**11. PUBLIC COMMENTS**

Council Member Marsala asked for the record to be changed regarding a Council vote on an issue in a previous Closed Session. The record indicated a unanimous vote of the Council, and Council Member Marsala had actually voted “no.” The City Clerk would amend the record.

**12. DISCUSSION AND CONSIDERATION TO SCHEDULE A SPECIAL MEETING TO DISCUSS THE FISCAL YEAR 2007/2008 BUDGET**

The City Council agreed to set Monday, June 18, 2007, as the date for a Special Meeting to consider the Draft FY 2007-2008 Operating and Capital Budget.

**13. ADJOURNMENT**

**The meeting was adjourned at 9:28 p.m.**

**Respectfully submitted,**

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**Kathi Hamilton**  
**Acting City Clerk**