



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**SEPTEMBER 19, 2007**  
**7:00 p.m.**  
**TOWN COUNCIL CHAMBERS**  
94 Ashfield Road  
Atherton, California

**REGULAR MEETING**

**Mayor Alan Carlson called the meeting to order at 7:27 p.m.**

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**

**PRESENT:** James R. Janz  
Jerry Carlson  
Charles E. Marsala  
Alan B. Carlson  
Kathy McKeithen

**Interim City Manager Wendé Protzman and City Attorney Marc Hynes were also present.**

**3. PRESENTATIONS**

- A. Certificates of Appreciation for Outgoing Members of the Park and Recreation Commission**

**Mayor Alan Carlson presented Certificates of Appreciation to outgoing Park and Recreation Commissioners Mike McPherson, Etta Mae Bauer, Jim Massey, and Paul Tonelli (not present) and thanked them for their service to the Town.**

- B. SBWMA –Presentation by Kevin McCarthy – Draft Request for Proposals for Collection Services**

**Mayor Alan Carlson anticipated that the SBWMA item on the Consent Calendar would be passed by Council and dispensed with the presentation. Mr. McCarthy answered Council Members' questions.**

#### 4. PUBLIC COMMENTS

**Philip Lively, Atherton, spoke regarding the Special Events Permit process, the Lindenwood Homes' Association, and the Pop Warner Football League.**

**Dr. Sam Goodman, Atherton, asked for clarification as to whether Item Nos. 31 and 35 would be heard that evening. Mayor Carlson noted that Item No. 31 would be continued to the October City Council meeting and Item No. 35 would be heard.**

**Peter Carpenter, Atherton, distributed to Council a Citizens' Guide regarding the potential threat of a pandemic. Additionally, he noted he emailed a report to Council (not yet available to the public) regarding the fire storms in Southern California in 2003. He believed the information was pertinent to areas of Atherton.**

**Bob Jenkins, Atherton, gave a brief update regarding the Disaster Preparedness Committee.**

**John Sisson, Atherton, spoke regarding disaster preparedness in Lloyd Park.**

#### 5. STAFF REPORTS

- **City Attorney Marc Hynes reported out of Closed Session as follows:**
  - A. **CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9**  
**Lamb vs. Town of Atherton, et al.**  
**Superior Court of California, San Mateo County, CIV 461630**  
  
**Direction was given to Council.**  
  
**Town of Atherton vs. Sequoia Union High School District, et al.**  
**Superior Court of California, San Mateo County, CIV 458899**  
  
**There was no reportable action.**  
  
**Charles W. King III and Leslie King v. Town of Atherton, et al.**  
**Superior Court of California, San Mateo County, CIV 461513**  
  
**Direction was given to Council**
  - B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
**Significant exposure to litigation pursuant to subsection (b) of Government Code Section 54956.9:**  
  
**One (1) potential case**

The matter was under discussion and the item was continued to the end of the Regular meeting.

City Attorney Hynes discussed a Zoning Code issue regarding the Mayor's house. The Town Code of Conduct and Procedures provided that if the attorney performed a service giving a legal opinion that required more than 30 minutes of his time, a majority vote of the Council was needed. City Attorney Hynes provided an opinion as a follow-up to a previous discussion at the City Council meeting of June 20, 2007, which took approximately 45 minutes to prepare. He notified the Mayor that in the future, Council action would be necessary. The Mayor paid Mr. Hynes for his time.

- Public Works Director Duncan Jones noted the new audience chairs in the Council Chambers. The old chairs were dispersed throughout the Town. The Valparaiso project was delayed for one week for utility corrections and corrections to the asphalt. The Atherton Channel remediation in the red-legged frog pond was completed in three days. Three red-legged frogs were found in the pond and relocated. He announced that Assistant Engineer Jenny Nair was leaving for a new position in the San Jose.
- City Attorney Marc Hynes responded to Council Member McKeithen, regarding a potential claim against P.G.& E., that he had no report at the present time. He would go forward with filing a suit.

## 6. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

### A. Holbrook-Palmer Park Foundation

Etta Mae Bauer, President Holbrook-Palmer Park Foundation (Foundation), gave an update on the Foundation. The purpose of the Foundation was to receive, administer, and expend funds for charitable, scientific, educational and literary purposes. The park was to be a public, recreational park. Resources depended upon membership, fundraising, and capital improvements for the park. She gave an update of the Foundation's ongoing plans to beautify the park.

### B. Atherton Dames (The Atherton Dames requested continuance of their report to the December City Council meeting.)

## CONSENT CALENDAR (Items 7–25)

Council Member McKeithen requested that Item Nos. 9 and 10 be continued to the City Council meeting of October 17, 2007. Regarding Item No. 14, she asked the City Attorney to produce an abbreviated document. Regarding Item No. 15, she did not agree, in part, to the response. Regarding Item No. 17, the date should be changed to September. Regarding Item No. 19, she noted minor language changes to the resolution. Regarding Item No. 21, she asked for clarification on asphalt failures.



**PREVENTION CODE PERTAINING TO AUTOMATIC FIRE SPRINKLER SYSTEM REQUIREMENTS IN THE TOWN OF ATHERTON.”**

- 13. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MARK THOMAS & COMPANY, INC. FOR SURVEYING SERVICES FOR THE STREET RECONSTRUCTION PHASE 4 PROJECT**

Accepted the proposal and authorized the Mayor to sign a Professional Services Agreement with Mark Thomas & Company, Inc. to provide Surveying services for the Street Reconstruction Phase 4 Project in an amount not exceed \$28,880, plus a 10% contingency of \$2,888, for a total authorization of \$31,768.

- 14. RESPONSE TO THE GRAND JURY RE: ELECTRONIC COMMUNICATION AMONG CITY OFFICIALS**

Received response to Grand Jury report on the subject of electronic mail.

- 15. RESPONSE TO THE GRAND JURY RE: REFORMS IN THE ATHERTON BUILDING DEPARTMENT**

Approved response to Grand Jury report.

- 16. APPROVAL TO EXTEND THE TENTATIVE PARCEL MAP FOR 64 MOULTON DRIVE**

Approved extending the time for filing the Final Parcel Map for the division of one parcel into two parcels at 64 Moulton Avenue.

- 17. APPROVAL OF THE FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF ATHERTON AND MARC G. HYNES**

Approved Fourth Amendment to City Attorney's Agreement between the Town of Atherton and Marc G. Hynes of Atkinson-Farasyn, LLP.

- 18. ~~ADOPTION OF A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF ATHERTON AND WENDÉ PROTZMAN, INTERIM CITY MANAGER~~ (Removed and placed at the end of the Regular agenda for discussion.**

~~Recommendation: Adopt the resolution approving Employee Agreement and authorizing the Mayor to execute the employment agreement between the town and Wendé Protzman, Interim City Manager.~~

- 19. ADOPTION OF A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF ATHERTON AND JAMES H. ROBINSON, CONSULTANT**

**Adopted Resolution No. 07-21, "A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING THE FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF ATHERTON AND JAMES H. ROBINSON."**

- 20. ADOPTION OF A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER AND THE MAYOR TO INITIATE TRANSACTIONS WITH THE STATE OF CALIFORNIA LOCAL AGENCY INVESTMENT FUND**

**Adopted Resolution No. 07-22, A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AUTHORIZING INVESTMENT OF FUNDS WITH THE STATE TREASURER."**

- 21. AWARD OF CONTRACT TO G. BORTOLOTTO & CO. FOR THE STREET PATCHING CONTRACT PROJECT, PROJECT NO. 07-005**

**Awarded the contract for the Street Patching Project, Project No. 07-005, to G. Bortolotto & Co., the low bidder on the 12<sup>th</sup> of September, 2007 bids, for \$53,154.55, with a 10% construction contingency of \$5,315.45, for a total authorization of \$58,470.00, and to authorize the Mayor to execute the contract on behalf of the Town.**

- 22. ADOPTION OF A RESOLUTION FOR ACCEPTANCE OF ASSIGNMENT OF DRAINAGE EASEMENT FOR ORCHARD HILLS SUBDIVISION**

**Adopted Resolution No. 07-23, "A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON RATIFYING ACCEPTANCE OF DEDICATION OF DRAINAGE EASEMENT FOR THE ORCHARD HILLS SUBDIVISION."**

- 23. ~~REQUEST FROM THE GENERAL PLAN COMMITTEE~~ (Removed and placed at the end of the Regular agenda for discussion.)**

**~~Recommendation: Authorize the General Plan Committee to act as the lead Committee to review and provide recommendations relating to Green Building.~~**

- 24. ADOPTION OF RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING SBWMA AGREEMENTS AND REQUESTS FOR PROPOSALS REGARDING SOLID WASTE MANAGEMENT**

**Adopted Resolution No. 07-24, "A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING THE SOUTH BAYSIDE WATER MANAGEMENT AUTHORITY COLLECTION AND OPERATIONS REQUESTS FOR PROPOSALS AND AGREEMENTS."**

**25. ADOPTION OF A RESOLUTION REGARDING AMERICA SUPPORTING AMERICANS**

**Adopted Resolution No. 07-25, "A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON SUPPORTING THE ADOPT-A-UNIT PROGRAM CREATED BY AMERICANS SUPPORTING AMERICANS."**

**PUBLIC HEARINGS (Items 26-29)**

**26. APPEAL REGARDING 55 BELBROOK WAY**

**The item was resolved and not heard.**

**27. A. APPEAL OF THE PLANNING COMMISSION DECISION DENYING A CONDITIONAL USE PERMIT FOR 94 TALLWOOD**

**MOTION – to continue the item (by mutual agreement between the property owner and the City Council) to the City Council meeting of October 17, 2007**

**M/S McKeithen/Janz      Ayes: 5    Noes: 0    Absent: 0    Abstain: 0**

**B. APPEAL REGARDING 94 TALLWOOD**

**MOTION – to continue the item (by mutual agreement between the property owner and the City Council) to the City Council meeting of October 17, 2007**

**M/S McKeithen/Janz      Ayes: 5    Noes: 0    Absent: 0    Abstain: 0**

**28. APPEAL OF THE PLANNING COMMISSION DECISION DENYING APPLICATION FOR HERITAGE TREE REMOVAL AT 44 TUSCALOOSA**

**MOTION – to continue the item (by request of the property owner) to the City Council meeting of October 17, 2007**

**M/S Janz/J.Carlson      Ayes: 5    Noes: 0    Absent: 0    Abstain: 0**

**29. INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 8 OF THE ATHERTON MUNICIPAL CODE REGULATING DRAINAGE**

**Public Works Director Duncan Jones gave a brief staff report and clarified that the ordinance adopting the Drainage Criteria (Criteria) would allow the Criteria to be updated by resolution in the future. The documents before the Council were**

**adopting the latest NPDES criteria, e.g., the design criterion for a house to be subject to drainage design was 5,000 square feet. Currently, the Building Department was using 1,000 square feet; however, the grading ordinance required ¼ acre. Staff was making them all consistent at 5,000 square feet, which was what the Municipal Regional Permit would require in the future. One key provision being retained was the detention requirement in the Town, which was to prevent flooding in the downstream properties in the City of Menlo Park, unincorporated San Mateo County, and Redwood City.**

**Mayor Alan Carlson suggested highlighting what would be required in the future that was not presently required and whether anything presently required would not be required in the future.**

**Council Member McKeithen also wanted to know how difficult the Criteria would be to comply with for the property owner, what were the additional costs, what were the advantages for the Town, and were the Criteria relatively standard for the conditions found in the Town.**

**Ed Boscacci, BKF Engineers, said the major area where the Criteria were stricter than other cities/towns was in the interpretation of new Municipal Regional Permit that would probably go into effect in January 2008 which said the Town was responsible for any dirt leaving a construction site. Outside of the detention criteria, everything else included in the packet was standard material. One other exception related to storm water runoff. Because the Town maintained a rural quality, much of the runoff went through the Town following natural historic paths which resulted in houses being subject to water going through them on a periodic basis. Annual reporting for water quality measures would be required in January. Mr. Boscacci responded to Council questions.**

**Mayor Carlson opened the public hearing.**

**Jeff Wise, Atherton, said his civil engineer was dismayed by the amount of paperwork required by the new Drainage Criteria. His civil engineering costs would be doubled. BKF said \$20,000 was a typical fee for civil engineering drawings in Atherton. He queried what was being accomplished when most of the Town was flat.**

**Carol Flaherty, Atherton, was very concerned about the additional costs that would be incurred by the property owner to comply with the Criteria. She was particularly concerned over the Monitoring and Maintenance Program that would be recorded in the County property rolls, which would show up on the Title Insurance. She believed the Town needed additional opinions as whether these requirements were absolutely essential.**

**Mayor Carlson closed the public hearing.**



**Mayor Alan Carlson explained that one of the conditions approving the backstop installation was that it would be taken down at the end of the season. Little League was requesting to leave the backstop in place.**

**A short discussion ensued regarding the types of comments/concerns that were raised with respect to other sports using the area, as well as leaving it as open space.**

**Bob Crowe, President of M-A Little League, said there was a cost to the Little League to take down and put up the backstop, as well as the useful life was reduced by taking it down and storing it. A more important point was the benefit to children to play in the off season. He urged Council to reconsider and allow the backstop to be left in place year round.**

**The following Atherton residents spoke in support of leaving the backstop in place.**

**Jeff Morris**

**John Davey, Chair, Park and Recreation Commission**

**Jonathan Tiemann**

**Michelle Dollinger**

**David Wright**

**Nicki Papadakis**

**Pamela Silvaroli**

**Jim Lemmons, Triple A Coach for M-A Little League, a Menlo Park resident, submitted 94 e-mails to Council, with only two in opposition to leaving the backstop in place.**

**Shirley Carlson, Park and Recreation Commission, spoke in opposition to leaving the backstop in place. She noted that no one from the Little League attended the Park and Recreation Commission meeting when the item was being discussed. Additionally, she raised the possibility of a liability issue if left in place.**

**The following Atherton residents spoke in opposition to leaving the backstop in place.**

**Mike McPherson, former Park and Recreation Commission Member**

**Sandy Crittenden, Hollbrook-Palmer Park Foundation Member**

**Bill Awbrey, Park and Recreation Commission Member**

**Jean Schaaf**

**Council Member Marsala said throughout history things changed, policies changed, etc. He suggested that perhaps the Little League should have a seat on the Park and Recreation Commission. There were pluses and minuses to the issue. He also believed those who used the field could become benefactors of the park. He saw it as an evolution of the Town and was in favor of allowing the backstop to stay in place.**

**Council Member McKeithen said Council referred the item to the Park and Recreation Commission as the people who were given the job of looking after the park. The Commission's recommendation was to deny the request. She thought anyone who had an interest in the park, the Little League included, should come forward to become a member of the Commission. The community's interests needed to be balanced and other uses needed to be considered. She was concerned that there was no representative from Little League at the Commission meeting. She supported continuing with the terms of the contract.**

**Mayor Carlson was on the Council when the contract was negotiated and gave a brief history of how the baseball field came to be. Some of the same arguments being heard that evening were said originally. There was a great resistance to having the backstop and field. Throughout the years, there had never been a problem. The park Master Plan actually incorporated the baseball field. He saw no rational reason for the backstop to be taken down. He believed Little League made a mistake by not attending the Park and Recreation Commission meeting. He supported leaving the backstop in place.**

**Vice Mayor Janz clarified that the contract stated that the insurance coverage was for Little League authorized activities and events and did not cover third party activities and events.**

**Council Member Jerry Carlson said the basic question was whether a portion of the park should be dedicated for a single use. He expressed his concern for the fact that Little League did not participate in the process at the Park and Recreation Commission. He believed the contract should stand as it was and be reviewed when at the time of renewal. The liability issued needed to be addressed.**

**Vice Mayor Janz was particularly bothered by the fact that the Little League did not go to the Park and Recreation Commission meeting. As a first choice, he suggested referring the item back to the Park and Recreation Commission to give Little League the opportunity to provide information and to pay due respect to the Commission. His second choice would be to grant a one year waiver on the condition that the liability insurance be increased to \$2 million and that the insurance applied to anything that occurred as a consequence of the backstop.**

**Discussion regarding referral to the Park and Recreation Commission and the issue of liability ensued.**

**MOTION – to grant a one-year waiver on removal of the backstop; to require liability insurance increased to \$2 million and to insure any accident/injuries resulting from use of the backstop; the Interim City Manager and City Attorney are directed to meet with Little League to negotiate an agreement within these parameters; at the end of the one-year waiver, the Park and Recreation Commission is directed to evaluate the one-year waiver and make a recommendation to the Council in conjunction with Little League; additionally, the maintenance obligation needs to be reviewed to cover the one-year waiver**

**31.    AUDIT COMMITTEE DISCUSSION REGARDING ITS CHARTER**

Mayor Alan Carlson continued the item to the City Council meeting of October 17, 2007.

**32.    APPROVAL TO EXTEND THE LEASE FOR CINGULAR’S USE OF POLICE COMMUNICATION TOWER**

City Attorney Marc Hynes gave a brief staff report. Cingular Wireless requested an extension of its lease of the Police Communication Tower. The original lease was amended shortly after its approval and continued with an annual “built-in” increase in rent. Cingular was requesting a second amendment to extend its lease for an initial 5-year term with five 5-year options for a total of 30 years. He informed Cingular that the liability insurance would be increased to \$2 million and if the extension was granted it would be with the understanding that a Conditional Use Permit would be required. Cingular was agreeable to the conditions.

Discussion ensued regarding the elimination of the 30-day right to terminate, reducing the terms, and clarifying the expansion of permitted use and the Conditional Use Permit.

John Fennel, Atherton, gave a background of the initial lease and various studies that had been performed. He asked that any public hearing notice for a Conditional Use Permit specify that the terms and conditions terminate with the new lease.

**MOTION – to approve the amendment to the lease with the terms changed to a 5-year term with two 5-year options; that paragraph 2: Termination, be stricken; that paragraph 3: Expansion of Permitted Use, be clarified that it is subject to a Conditional Use Permit and any modifications are subject to the CUP regardless of the lease; Further, that the public notice for the CUP hearing specify that the terms and conditions of the existing CUP, as written, would be extended to remain coterminous with the term of the lease**

**33.    CITIZEN REQUEST TO MODIFY TRAFFIC PROGRAM TO ALLOW SPEED HUMPS**

Mayor Alan Carlson continued the item to the City Council meeting of October 17, 2007.

**34.    COMMENTS ON DRAFT PROGRAM EIR/EIS BAY AREA TO CENTRAL VALLEY HIGH-SPEED TRAIN PROGRAM**

Vice Mayor Janz gave a brief presentation regarding the Draft Program EIR/EIS Bay Area to Central Valley High-Speed Train. The initial plan was to bring the train from the south through Henry Miller State Park, Gilroy, Morgan Hill, to San Jose, continuing up the Caltrain corridor to San Francisco. There was opposition to this proposal, and the Sierra Club proposed the Altamont route. A separate study was conducted which was the Draft EIR/EIS Bay Area to Central Valley High-Speed Train Program. Comments regarding the draft EIR/EIS were due by September 28. He requested Council approve the resolution and authorize the Town to prepare a letter along the comments included in the resolution and signed by the Mayor.

**MOTION – to adopt Resolution No. 07-26, “A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON REGARDING THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR BAY AREA TO CENTRAL VALLEY HIGH SPEED TRAIN,” and to authorize the Mayor to sign a letter on behalf of the Council conveying comments regarding the draft EIR/EIS**

**M/S McKeithen/J.Carlson                      Ayes: 5    Noes: 0    Absent: 0    Abstain: 0**

**35.    DISCUSSION ON SIGNATURE FOR THE 2007 FINANCIAL AUDIT MANAGEMENT LETTER**

Interim City Manager Wendé Protzman explained the need to authorize the Mayor to sign the Financial Audit Management Letter due to the absence of the former City Manager and the Finance Director. The auditor stated that the Mayor could sign the letter. Additionally, he suggested the Chairs of the Audit and Finance Committees, along with the Mayor, could sign the letter.

Mayor Alan Carlson indicated he was willing to sign the letter.

**MOTION – to authorize Mayor Alan Carlson to sign the 2007 Financial Audit Management Letter**

**M/S J.Carlson/Marsala                      Ayes: 5    Noes: 0    Absent: 0    Abstain: 0**

**36.    REVIEW OF CALENDAR OF CITY COUNCIL MEETINGS FOR THE REMAINDER OF 2007**

**MOTION – to cancel the Regular City Council meeting of November 21, 2007, and schedule a Special City Council meeting for November 14, 2007**

**M/S    McKeithen/Marsala                      Ayes: 5    Noes: 0    Absent: 0    Abstain: 0**

**18.    ADOPTION OF A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF ATHERTON AND WENDÉ PROTZMAN, INTERIM CITY MANAGER**

City Council Member McKeithen clarified that all the benefits remained the same as the existing terms of Ms. Protzman’s agreement as Assistant to the City Manager with the exception of compensation and responsibilities.

**MOTION—to adopt Resolution No. 07-27, “A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING THE EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF ATHERTON AND WENDÉ PROTZMAN”**

**M/S McKeithen/Marsala                      Ayes: 5    Noes: 0    Absent: 0    Abstain: 0**

**23.    REQUEST FROM THE GENERAL PLAN COMMITTEE**

Council Member Marsala suggested that the Environmental Programs Committee (EPC) have a joint meeting with the General Plan Committee before the Green Building item was returned to Council to allow the EPC input.

Deputy Town Planner Lisa Costa Sanders suggested that once the General Plan Committee made a recommendation the item go to the EPC as a next step.

Council Member McKeithen suggested if the EPC recommended changes to the General Plan Committee’s recommendations, the item would go back to the General Plan Committee before going to Council.

**MOTION – to authorize the General Plan Committee to act as the lead committee to review and provide recommendations relating to Green Building; the recommendations would be reviewed by the Environmental Programs Committee and returned to the General Plan Committee before going to the City Council**

**M/S Marsala/McKeithen                      Ayes: 5    Noes: 0    Absent: 0    Abstain: 0**

**37.    COUNCIL REPORTS**

- Council Member Jerry Carlson asked the status of the City Manager search and suggested that someone from Council be appointed to interface with William Avery. Council Member McKeithen was so appointed. Additionally, he suggested that the Buildings/Facilities Committee should play an active role in how funds were spent to update the Town home. He was concerned about the disaster preparedness area. Mayor Carlson said the Council should have a link between the Menlo Park Fire Protection District and the neighborhood groups.
- Vice Mayor Janz gave an update on the CETS Committee. The last time CETS met with Caltrain, the committee asked that one more stop be added to the 96 trains each day. On August 29, a meeting was held which ultimately resulted in no additional local service at the present time. CETS was reconvening via a conference call next Tuesday to discuss next steps.

- **Council Member Marsala said in May 2007, Interim Building Official Mike Culley informed him of possible overcharging for building permits due to the fee tables. He has researched the issue and asked for an item to be placed on the October City Council agenda for Council to consider investigating the issue.**
- **Council Member McKeithen spoke with Bill Avery who indicated the process for the City Manager recruitment was moving forward. Mr. Avery wished to extend the period of accepting resumes one or two weeks. Council concurred.**

**38. PUBLIC COMMENTS**

**There were no public comments.**

**39. ADJOURNMENT**

**Mayor Alan Carlson adjourned the meeting to a *Continued* Closed Session at 11:19 p.m.**

**The Continued Closed Session was reconvened at 11:25 p.m. City Attorney Marc Hynes indicated there was no reportable action taken. The Continued Closed Session was adjourned at 12:25 a.m.**

**Respectfully submitted,**

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**Kathi Hamilton  
Acting City Clerk**