



MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON
CHANNEL DRAINAGE DISTRICT
April 19, 2006
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Marsala called the meeting to order at 7:12 p.m.

1. **PLEDGE OF ALLEGIANCE**

ROLL CALL

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

City Manager Jim Robinson and City Attorney Marc Hynes were also present.

3. **PRESENTATION**

A. **Proclamation – West Nile Virus Awareness Week**

Mayor Marsala presented the Proclamation to Bob Gay, District Manager for the San Mateo County Mosquito Abatement District.

B. **Proclamation – Voter Education Month**

Mayor Marsala presented the proclamation to Kathi Hamilton, Acting City Clerk.

C. **Proclamation – Arbor Day**

Mayor Marsala presented the Proclamation to Kathy Hughes Anderson, Town Arborist.

D. Presentation – SBWMA RFP Process – Tracy Swanborn

Tracy Swanborn, Consultant, Hilton Farnkopf & Hobson, LLC., presented an overview of the SBWMA Contractor Selection Process and briefly explained the four phases of the process.

4. COUNCIL REPORTS

- Council Member Janz gave an update on HEART, the San Mateo County Housing Endowment and Regional Trust. Some of the subcommittees were exploring legislative options to help fund housing in the County. Senator Torlickson sponsored a bill that would charge an extra \$1 a page on recording fees, which would generate \$1 million in San Mateo County. He attended the Progress Seminar in Monterey. A topic of interest was the urbanization of agricultural land in the Central Valley and the concern that more and more of America's food came from overseas. The Association of Bay Area Governments (ABAG) General Assembly meeting was scheduled for the next day.
- Council Member Jerry Carlson also attended the Progress Seminar and found it a good opportunity to meet and interact with officials throughout the County. He attended the San Francisco Airport Roundtable meeting and took a tour of the Noise Abatement Center. The center received 640 phone calls, 142 from Atherton, during the month of February.
- Vice Mayor Carlson attended the April 5th General Plan Committee meeting. An update on the Historic Preservation ordinance was presented. The Transportation Committee met on April 11. The Town had \$848,000 in the P. G. & E. fund for undergrounding utilities. Staff would prepare a recommendation for expanding an existing project. An additional \$300,000 was expected over the next five years. The Buildings and Facilities Committee met that day. An assessment of facility needs would come before the Council in the future. The City Attorney, City Manager, Mayor and Vice Mayor Carlson met with representative from Menlo-Atherton High School regarding the performing arts center. The meeting was good first step.
- Council Member McKeithen had nothing to report.
- Mayor Marsala attended the New Resident's reception given by the Atherton Dames and the Atherton Civic Interest League (ACIL). The Dames were raising funds for a matching grant for the new entrance to Holbrook-Palmer Park. The Easter Egg Hunt was a huge success with approximately 500 participants. He attended a meeting of the Grand Blvd. Task Force, a committee studying how to develop El Camino Real in a coordinated manner. Mayor Marsala referred to a study done in the 1960s which indicated residents believed something should be allocated in the budget for the park. He asked the Finance Committee to review it at its upcoming meeting.

5. PUBLIC COMMENTS

There were no public comments.

6. STAFF REPORTS

- **City Manager Jim Robinson received a banner request for the May 18, 2006, ACIL meeting. Normally, banners were restricted to Town-sponsored events. Since the meeting was focused on a disaster preparedness event and the ACIL would not be identified on the banner, he approved the request.**
- **City Attorney Marc Hynes reported out of the Closed Session as follows:**
 - A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Initiation of litigation pursuant to subsection (c) of Government Code Section 54956.9:

Three (3) potential cases.

No reportable action.
 - B. LIABILITY CLAIM – pursuant to Government Code Section 54956.95**

Claimant: Quincy Sanders
Agency Claimed Against: Town of Atherton Police Department

Direction was given to the City Attorney.
- **Public Works Director Duncan Jones met that morning with other public works officials from cities in the County, the County, representatives from the Sheriff’s office, as well as members of the Menlo Park Fire Protection District. The group was preparing a draft of the Public Works Mutual Aide Annex to the Emergency Operations Plan of the County.**

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Menlo Park Fire Protection District

Harold Schapelhouman, Deputy Chief, Menlo Park Fire Protection District, explained procedures regarding how the District would interface with the Town’s Emergency Operation Center (EOC) during an emergency. Advanced planning, establishing thresholds/triggers for events, stockpiling supplies, and training the public were “best practices” in case of an emergency. All agencies needed to work together with more collaboration.

CONSENT CALENDAR (Items 8 - 11)

The Council had questions and concerns regarding Item No. 11 Council Member McKeithen expressed concern that nothing was in the contract that provided for a cost reassessment. She queried whether anyone verified that the utility lines were as

represented. She believed she did not have enough facts to approve the adjustments and needed to know more about the legal ramifications.

In response to Council Member Jerry Carlson, City Attorney Marc Hynes said if the utility lines were not put in deep enough, the Town could file a claim against P. G. & E. if the Town could prove the lines were improperly done. Council Member Carlson requested that the next Finance Committee agenda include an item on Road Impact Fees.

Public Works Director Duncan Jones said he met with the utility companies once a year to discuss upcoming projects. P. G. & E. had verbally approved the location of the lines on Selby Lane.

Vice Mayor Carlson stated if P. G. & E. misrepresented to the Town that the lines were deep enough, the Town needed to file a claim. In the future, staff needed to get information/representations in writing.

Discussion continued regarding whether the Town should pursue a claim against P. G. & E. and/or approve the adjustments to the contract so the project could go forward. The price of asphalt, whether it would go up or down, was taken into consideration in contemplating delaying the project.

John Rugeiro, Atherton, said signage for the project had been posted last year.

Council decided to remove the item from the Consent Agenda and place it at the end of the Regular Agenda for further discussion.

MOTION – to approve the Consent Calendar as presented with the exception of Item No. 11, which was removed and placed at the end of the Regular Agenda for further discussion.

M/S Janz/J.Carlson

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

8. APPROVED MINUTES OF THE SPECIAL CLOSED SESSION AND REGULAR MEETING OF MARCH 15, 2006 AND THE SPECIAL CLOSED SESSION MEETING OF MARCH 30, 2006
9. APPROVED BILLS AND CLAIMS FOR MARCH 2006 IN THE AMOUNT OF \$ 1,069,460
10. ACCEPTED OF MONTHLY FINANCIAL REPORT FOR MARCH 2006
11. ~~APPROVAL OF AN INCREASE IN THE CONTRACT WITH INTERSTATE GRADING AND PAVING, INC, FOR SELBY LANE RECONSTRUCTION, PROJECT NO. 04-004 (Removed and placed at the end of the Regular Agenda.)~~

PUBLIC HEARINGS NONE

REGULAR AGENDA (Items 12 - 23)

12. PARK LANE COMMUNITY POLICING REPORT

Recommendation: Continue proactive enforcement and educational efforts using S.A.R.A. problem-solving model directed at maintaining compliance in relation to municipal code ordinances involving construction parking and related activities.

Police Chief Bob Brennan presented the staff report. Officer Tony Dennis had done a combination of education and enforcement in the Park Lane area. He also visited construction sites on Broadacres Road and Tallwood Court after receiving complaints from some of the neighbors, and those sites were brought into compliance. Staff would report to Council on a periodic basis in the future.

In response to Council Member McKeithen, City Manager Jim Robinson said 13 written citations were issued for speed, 1 of which was for 50 MPH. There were 63 written warnings issued for speed at 30 MPH, but less than 40 MPH. Only two contractors were issued warnings.

Police Chief Brennan said the standard in police work was that officers did not issue tickets unless the driver was going at least 10 miles over the speed limit. Officer Dennis issued tickets at 15 miles over the speed limit.

Council Member McKeithen noted that the encroachment issue on Broadacres Road and Tallwood Court resulted in a fine and spoke to the need for a code enforcement officer.

Discussion continued on the types and occurrences of Vehicle Code violations in the area, construction-related violations, continued enforcement, and the number of construction projects nearing completion or starting.

Direction was given to staff to continue proactive enforcement and to return to Council in 60 days with a progress report. Additionally, staff was requested to report citations by the various construction sites.

13. ADOPTION OF A RESOLUTION TO APPROVE REVISIONS TO GUIDELINES: CONSTRUCTION, OPERATIONS AND PARKING PLANS (COP Plans)

Recommendation: Consider revised Guidelines for Construction, Operation and Parking Plans and, if desired, rescind Resolution No. 03-28 and adopting revised guidelines.

City Attorney Marc Hynes presented the staff report. He met with City Manager Jim Robinson, Building Official Mike Hood, Police Chief Bob Brennan, Council Member Jerry Carlson, and Herman Christensen to review the Guidelines. Subsequently, Mr. Christensen submitted a letter with further observations/suggestions. City Attorney

Hynes reviewed the revisions which were highlighted in bold in the revised Guidelines. Strikeouts were eliminated. Discussion ensued regarding the elimination of Item No. 12, which designated the Chief of Police as the enforcement official. The discussion centered on reinstating Item No. 12 with the City Manager (or his designee) as the enforcement official and implementing a reporting procedure.

Vice Mayor Carlson suggested using a report format similar to the reports received by the Transportation Committee. He further suggested the Police Department and City Manager needed to return at the next meeting with the format for a report with a reasonable approach that satisfied the concerns of the Council.

Council Member Janz stated the language in Item 1a needed to be expanded to say, “offsite parking, with regard to a flag lot, would need to be on the road that the lot connected to, on either side of the driveway.”

In response to Council Member Janz, City Attorney Hynes said a building permit could not be delayed based upon too many construction sites. However, No. 11 of the Guidelines gave the Building Official the ability, based upon overly impacted roads, to impose other parking remedies, e.g., shuttles.

Council Member McKeithen said a statement should be added that said, “To the extent that there was not sufficient area onsite or legal area offsite to park, the responsibility of finding alternative legal locations to park vehicles was the responsibility of the construction contractor.” The statement could be incorporated into Item 11.

In response to Council Member McKeithen regarding Item 1e, City Manager Robinson said the best solution was to have compliance without having to impose penalties, and the Building Department had the responsibility to ensure the area was rocked.

Building Official Hood said the Construction Operation and Parking Plans (COP Plans) would be more formal than in the past and a pre-inspection would take place. A checklist could be included.

A discussion ensued regarding Item 2 and what type of construction signs should be posted. The pros and cons of requiring the posting of COP Plans and the Guidelines were debated.

Council Member Janz suggested the last sentence in Item 10 should read, “The contractor shall be responsible for ensuring parking areas used for the construction site are maintained and kept clean and clear of litter.”

Loren Gruner, Walnut Avenue, understood that the Guidelines were intended to inform every one of the rules; however, there were parts of the Town where things worked well.

Amanda Miller, Walnut Avenue, appreciated Mr. Christensen's modifications. She was concerned that the increased enforcement created an unfair higher standard for subsequent construction. She thought the community should be considerate of getting things done in a reasonable manner rather than formalizing everything.

Jeff Wise, Linden Avenue, said from a construction perspective, parking availability constantly fluctuated; there were times when very little space was available, and other times parking was sufficient. He believed posting a generalized sign was better than posting the COP Plans. Additionally, you only here when things went wrong, not when they were going right.

Direction was given to staff to incorporate the suggested revisions/additions into the Guidelines and return the item to the May 17, 2006, Council meeting for adoption. Additionally, Council requested a provision be added that staff report to Council on how the Guidelines were working six months after implementation of the new guidelines.

14. GENERAL PLAN RECOMMENDATION - INTRODUCTION OF AN ORDINANCE REGARDING TIME LIMITS FOR COMPLETION OF CONSTRUCTION

Recommendation: After consideration, introduce for adoption an ordinance establishing time limits for completion of construction projects.

Deputy Town Planner Lisa Costa Sanders presented the staff report. The General Plan Committee discussed the item. Staff researched ordinances from other communities: Hillsborough, Belvedere, and Tiburon. Using these as a guide, Atherton's ordinance established timelines based upon the size of the construction project. Penalties were established which needed to be significant to get attention but contained a maximum. The General Plan Committee was concerned about collecting a bond or deposit upfront for every single project; therefore, the point at which a deposit was required was at the point of nearing completion and the timeline was about to expire and equaled the penalty amount. The appeal process began with the Planning Commission and contained very specific grounds.

Mayor Marsala thought a provision for weather delays needed to be taken into consideration, perhaps in the area of grounds for appeal.

City Attorney Marc Hynes said that Section 15.40.210 B appeared to be written as to what "can" be included as grounds for appeal; however, the language really said what "cannot" be used. After a brief discussion, a decision to strike the entire section was made, leaving the grounds for appeal up to the Planning Commission.

Council Member Carlson wanted a provision added that prohibited someone from getting a second building permit (when time was running out to finish a project) to add another three years to complete the project. Additionally, he did not want additional

permits (for a second structure) to be added to the end of the original permit, which would effectively extend the original timeline.

City Attorney Hynes said language could be added to Section 15.40.180 that said the time runs 12 months from the issuance of the “original” building permit and “cannot be subsequently increased for a building permit on the same project.”

A discussion took place regarding various scenarios. Building Official Mike Hood noted that 90% of projects were completed within the timelines.

Council Member Janz noted language in Section 15.40.210 C needed to be changed in the second to the last sentence to say, “the documentary and other evidence shall demonstrate that construction delays resulted....”

Council Member McKeithen said in Section 15.40.180, the first time limit should read, “2000 square feet or less.”

Amanda Miller, Walnut Avenue, was building a house to the point of gaining a temporary occupancy permit and then intended to finish the house over the next several years. She was concerned with the possibility of a \$250,000 penalty.

Herman Christensen, Park Lane, believed the time limit for the top category should be reduced from 36 to 30 months. The penalty of a \$250,000 maximum for a \$4million house was a small amount comparatively. He worried that some people would find it easier to pay the penalty to get the extra time. A penalty as a percentage, i.e., a ¼ % a day, would significantly increase the “pain” of not completing a project on time.

John Ruggeiro, Atherton, spoke regarding a nearby home where construction had been abandoned on an accessory structure.

Mayor Marsala said the situation could be handled as a nuisance.

Council Member McKeithen asked whether consideration was given to making the timelines rolling timelines. She was concerned that with just adding one square foot to a 2,000 square foot structure, an additional year was gained to complete the project. Additionally, she noted that the square footage was never verified after construction.

Deputy Town Planner Costa Sanders said the General Plan Committee wanted to simplify the categories for ease of enforcement. A rolling timeline would be more difficult to tract.

MOTION – to introduce an ordinance, as modified, for first reading, “AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ESTABLISHING TIME LIMITS FOR COMPLETION OF CONSTRUCTION AND AMENDING CIVIL PENALTY PROVISIONS AND RENUMBERING CODE SECTION PERTAINING TO VIOLATIONS OF CHAPTER 15.40 PERTAINING TO CONSTRUCTION REGULATIONS

15. UPDATE FROM THE GENERAL PLAN COMMITTEE REGARDING FLOOR AREA RATIO (FAR) OF UNDERGROUND GARAGES WHEN CALCULATING THE TOTAL FAR OF THE HOME

Recommendation: Discuss options as provided by the General Plan Committee to modify allowed basement area and provide direction to staff.

Deputy Town Planner Lisa Costa Sanders presented the staff report. The General Plan Committee recommended that below grade garages be calculated in total floor area. Currently, the entire basement area was exempt from floor area ratio (FAR). The Committee was concerned with the visual impact of the retaining wall and large, sweeping driveways. The Committee also recommended a depth limit for basements of 14' below the average natural grade. The Committee did not reach consensus on limiting area for basements: should part be included in the floor area, should all of it be included in the floor area, and the size of light wells. Staff was looking for direction from Council and whether the basement area should be further limited.

Vice Mayor Alan Carlson said the rationale for including underground garages in the FAR was to limit the size/mass of the building seen on the lot. The Committee had difficulty reaching consensus due to the variety of policy issues.

Council Member McKeithen did not think the Council had the right to limit the FAR unless there was a viable goal.

Discussion centered on whether underground garages should be allowed at all, the visual impacts of retaining walls and driveways, the impacts of the walls interfering with the tree root systems, and/or counting the underground garage in the FAR.

Amanda Miller, Walnut Avenue, suggested phasing in the changes over time. She said some people design carports missing one side, which did not count in the FAR, and then build on top of them.

Paul Wythes, Park Lane, suggested not allowing underground garages at all.

Loren Gruner, Walnut Avenue, said basements were part of the house in most other areas of the country. She presented pictures of a home to show how light wells worked in basements. Consideration needed to be given to those who might use underground garages for their car collections, etc.

John Thomas, Sabella Lane, spoke regarding drainage issues with basements and underground garages.

Jeff Wise, Atherton, spoke regarding screening retaining walls. He did not think Council needed to prohibit underground garages altogether. There was a need to

address the issue esthetically. Increasing the setback for the retaining wall for the underground driveway would discourage but not prohibit one.

Paul Wythes, Park Lane, thought people with car collections should find places outside of Atherton to “garage” them or build garages above ground.

Marian Oster, Flood Circle, said years ago, the FAR was lowered to 18% and basements would not count in the FAR because they were below ground. One way to solve the issue was to eliminate underground garages.

City Manger Jim Robinson said Silicon Valley Association of Realtors submitted a letter, which was placed before the Council. Their opinion was that basements should not be treated as living space for the purpose of FAR calculations.

Council Member McKeithen thought the best solution was to eliminate underground garages based upon ecology as well as the visual impacts.

MOTION – to refer to the Planning Commission Meeting of May 24, 2006, to consider eliminating underground garages in basements and restricting the height of basements to 14 feet

Vice Mayor Carlson clarified the item was being referred to the Planning Commission to develop an ordinance and the item would be returned to Council. He was undecided on the issue but was in favor of referring the item to the Planning Commission.

Council Member Janz agreed. He was not totally sure he was against garages in basements but was in favor of referring the item. He thought there should be an exemption for slopes because it did not create the same effect.

M/S McKeithen/J.Carlson

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

16. DISCUSSION AND POSSIBLE ACTION – CREATION OF CODE ENFORCEMENT OFFICER POSITION

Recommendation: Provide direction to staff regarding the creation of a Code Enforcement Officer position or other alternatives to provide code enforcement services.

City Manager Jim Robinson presented the staff report. Five options were outlined in the report. As part of looking at the cost, staff looked at two firms that provided services on a contract basis. Each alternative had advantages and disadvantages. There were a variety of issues that current staff was involved in with code enforcement, e.g., the Town Arborist, Building Inspectors, Public Works street issues, etc. The cost estimates outlined for each alternative represented no greater than a half-time person. The option of using a consultant firm gave the Town an opportunity to explore what the needs were and perhaps develop a process to identify those needs. City Manager Robinson said regardless of whether enforcement was provided through an employee or a contract, the service could be provided by no more than a half-time

person. He suggested an experimental process whereby a contractor could assess what the needs were and provide code enforcement training.

Council Member McKeithen wanted more information in order to make a more informed decision. She thought the work of the code enforcement person would be that of an ombudsman, an intake person, who then followed up. She wanted to know whether any adjoining communities wanted to partner with the Town and what the cost would be. She also suggested that the contracting company CSG make a presentation to the Council.

City Manager Robinson said CSG provided a program for a six-month trial period in three phases: organizing, implementing and over the long-term did the code enforcement. Another proposal was received from Neil Martin and Associates who could also evaluate the need and recommend the best approach.

Mayor Marsala said the Town needed to determine what to enforce. He thought the best approach was to use a contract person to keep pension costs down.

Vice Mayor Alan Carlson said the fundamental question was what kind of Town was desired. Enforcement, currently, was on a complaint basis. He wanted to know how many complaints the Town received on a monthly basis. If the Town switched from a complaint basis to a proactive approach, guidance for a code enforcement officer was needed on what he/she needed to enforce. He did not think staff should be added lightly.

Council Member Jerry Carlson believed enforcement needed more focus, there was a need for a data base for complaints, and the need to adopt the concept of intelligent enforcement. He favored the idea of an outside expert assessing what needed to be done. He agreed with Council Member McKeithen that more information was needed. Additionally, a sum of money should be allocated in the budget that was entitled, "Enforcement," and would be available for whatever type of solution was decided.

Council Member Janz did not believe a decision had to be made that evening on what style of enforcement was needed. Having someone come in to explain how other communities handled enforcement issues and to assess the Town's issues was preferred.

City Manager Robinson said staff could return with a couple of proposals and address the issues of what the Town's policy would be, what the cost would be, and what the needs were. The advantage of a contract person, initially, was an opportunity to evaluate the situation.

Council Member McKeithen said the consensus from last meeting resulted in two main issues that pointed to the need for a code enforcement officer: quality of life and safety.

Mayor Marsala said Council needed to determine the level of enforcement. Areas, such as Lindenwood, with a great deal of vegetation in the right-of-way, could be changed dramatically.

Direction was given to staff to invite a company with code compliance expertise for a presentation at the City Council Meeting of May 17, 2006. Further, staff would return with an estimate of the number of code enforcement issues handled in a month.

Mayor Marsala called for a recess at 11:45 p.m. The meeting was reconvened at 11:55 p.m.

17. ADOPTION OF A RESOLUTION TO APPROVE EXPENSE REIMBURSEMENT POLICY (AB 1234)

Recommendation: Review and adopt a resolution approving a policy governing reimbursable expenses for City officials in compliance with state law.

MOTION – to adopt Resolution No. 06-02, A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON SPECIFYING OFFICIAL FUNCTIONS FOR WHICH REIMBURSEMENT OF COSTS OF ATTENDANCE IS AUTHORIZED AND APPROVING A REIMBURSEMENT POLICY FOR REASONABLE AND NECESSARY EXPENSES

M/S McKeithen/Janz

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

18. APPOINTMENT OF COMMISSION / COMMITTEE MEMBERS

Recommendation: Accept the recommendation of the City Council Screening Committee to appoint members to Town commissions and committees, and consider changing the term of office for the General Plan Committee to a four-year term.

Mayor Marsala presented the City Council Screening Committee's recommendations for appointments to the General Plan Committee.

MOTION – to accept the recommendation of the City Council Screening Committee to appoint Elizabeth Lewis and Randy Lamb to the General Plan Committee; Further, to extend the term of the General Plan Committee from the current two-year term to a four-year term and to direct staff to ask the new appointees whether they agreed to accept the longer term.

M/S McKeithen/Jan

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

19. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR DRAINAGE STUDY

Recommendation: Consider approval of a professional services agreement for review of the Town's drainage policy.

replacement tree make sure the replacement tree survives. City Attorney Hynes outlined the existing code Section 8.10.060.

After a brief discussion, Council requested the item be returned to the Council Meeting of May 17, 2006.

By consensus of the Council, the item was continued to the Council Meeting of May 17, 2006.

21. CONSIDERATION OF SETTING A DATE FOR A SPECIAL STUDY SESSION REGARDING THE DEVELOPMENT OF GOALS AND OBJECTIVES FOR THE TOWN

Recommendation: Select a date for a special meeting of the City Council to consider goals and objectives.

Council set June 14, 2006, at 6:00 p.m. as a Special Meeting to consider goals and objectives for the Town.

City Manager Jim Robinson agreed to provide Council with a list of suggested goals/objectives with the understanding that Council could add any other items for consideration before the meeting of June 14.

22. CONSIDER SETTING A DATE FOR A POSSIBLE SPECIAL MEETING TO CONSIDER THE DRAFT FISCAL YEAR 2006-2007 OPERATING AND CAPITAL BUDGET

Recommendation: Select a date for a Special Meeting for a Study Session and consideration of the Draft FY 2006-07 Operating and Capital Budget.

Council set June 14, 2006, at 6:00 p.m. as a Special Meeting to consider the Draft Fiscal Year 2006-2007 Operating and Capital Budget.

23. CONSIDERATION AND DIRECTION TO STAFF REGARDING RESIDENT AWARENESS AND EMERGENCY PREPAREDNESS

Recommendation: It has been requested that the City Council hold a study session to review the Town's emergency plan and efforts for resident awareness.

Vice Mayor Alan Carlson said the Town's emergency action plan was drafted in March of 1999 and was reactive as opposed to proactive. Council's role in an emergency had never been defined. There were a host of issues the Council had never considered, e.g., legal liabilities. He suggested appointing a Council subcommittee for disaster preparedness to develop a plan.

City Manager Robinson said the plan created in 1999 was in the process of being revised. The revisions would make the plan in conformance with SIMS, which contained the federal regulations and was scheduled to be completed in July.

Council Member McKeithen said Peter Carpenter and group were working on an inter-jurisdictional approach to handle an emergency. Also, a committee of residents was formed, under the auspices of Bob Jenkins and the ACIL, to form a community/grass root approach and would ultimately work closely with the fire district. The Police Department wanted some oversight; a hands-on approach for what was happening at the grassroots level, whom to contact, what jurisdictions had resource officers, what supplies were necessary, etc. Sgt. Grimm had been invited to attend the meetings. Council should also be given regular reports.

Mayor Marsala thought Council needed to know what Council's role was in order not to be a hindrance to staff.

Vice Mayor Alan Carlson believed that Council needed to fundamentally examine its role in an emergency and should not abdicate its responsibilities. Council should have a leadership role because public safety was at the heart of what Council was elected to do.

City Manager Robinson noted the spring *Athertonian* included information on upcoming CERT classes to encourage residents to participate. The important thing was to make people aware of what they could do to be prepared.

Richard Moore, ACIL, invited Council to attend the upcoming ACIL annual meeting, being held in conjunction with the Atherton Disaster Preparedness Committee on May 18. The meeting was planned to develop community awareness, neighbor helping neighbor, in the event of a disaster/emergency.

By consensus, the Council continued the item to the meeting of May 17, 2006.

11. **APPROVAL OF AN INCREASE IN THE CONTRACT WITH INTERSTATE GRADING AND PAVING, INC, FOR SELBY LANE RECONSTRUCTION, PROJECT NO. 04-004 (Removed from the Consent Agenda and placed at the end of the Regular Agenda for discussion.)**

Recommendation: Approve an increase in the contract with Interstate Grading and Paving, Inc. for the Selby Lane Reconstruction Project No. 04-004 in the amount of \$320,808.51, with a contingency amount of \$32,080.85, for a total authorization of \$352,889.36.

Council Member McKeithen thought the Town needed to go forward and approve the increase in the contract and direct staff, particularly the City Attorney, to pursue any rights the Town might have to recover the costs either from P. G. & E. or the contractor.

MOTION – to approve an increase in the contract with Interstate Grading and Paving, Inc. Further, direction was given to staff to pursue recovering the increased costs from P. G.& E. and/or any other responsible party.

M/S McKeithen/J.Carlson

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Public Works Director Duncan Jones responded to Mayor Marsala that staff would be checking the elevations to ensure utility lines were not in the way, or request written confirmation of such, on all future projects.

24. PUBLIC COMMENTS

There were no public comments.

25. ADJOURNMENT

Mayor Marsala adjourned the meeting at 12:44 a.m.

Respectfully submitted,

**Kathi Hamilton
Acting City Clerk**