



MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON
CHANNEL DRAINAGE DISTRICT
November 15, 2006
7:00 p.m.
Town Council Chambers
94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Marsala called the meeting to order at 7:05 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

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

ABSENT: Kathy McKeithen (Excused)

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

3. **PRESENTATION**

A. Annual Red Ribbon Week Presentation

Police Chief Bob Brennan and Reserve Police Sergeant Bruce Potts presented awards to the Annual D.A.R.E. Red Ribbon Week poster contest winners from local elementary schools.

B. Annual Tree Awards – Atherton Tree Committee

Town Arborist Kathy Hughes Anderson and Tree Committee Chairperson Denise Kupperman presented the 2006 Annual Tree Awards to Peter Watkins and Karen Moore, Don and Alberta Delnevo, John And Penelope Murray, Tom and Rachel Croft, and Frank and Sheila Allegret.

4. COUNCIL REPORTS

- Vice Mayor Alan Carlson commended Officer Potts and his wife for their service to the Town and to the children of the community. He attended the Finance Committee meeting which was held earlier that evening.
- Council Member Jerry Carlson also attended the Finance Committee meeting and reviewed the revenue situation and discussed the proposal for the red light enforcement camera. He attended the San Francisco Airport Roundtable on November 1 and heard a presentation on the A380 Airbus that would one day fly to SFO. The Airbus held 555 passengers and cost \$300 million.
- Council Member Janz attended the City/County Association of Governments C/CAG meeting last Thursday where the Regional Housing Needs Allocation Process was discussed.
- Mayor Marsala attended a police meeting held with local schools regarding emergency procedures from disasters to drugs and gangs. A goal was for the Police Department to have blue prints and photo albums of each school in order to be informed about a campus before an emergency arose. He attended the Buildings and Facilities meeting earlier that evening where space needs were discussed. The County Library held its quarterly meeting and discussed what was working and what was not, as well as trends in usage. The Holbrook-Palmer Park Foundation met. Nearly \$3,000 was raised at the Town Barbecue. He completed CERT training along with 17 other residents. Sacred Heart also held CERT training with 26 people completing the training. He attended the Bay Area Climate meeting and the Association of Bay Area Governments (ABAG) meeting regarding energy savings.

5. PUBLIC COMMENTS

Shirley Carlson, Mt. Vernon Lane, announced the Holiday Lunch/Tea sponsored by the Atherton Dames was scheduled for December 3 and was selling out quickly. The Town Barbecue was very successful and all the funds would go toward building the new foot bridge in the Holbrook-Palmer Park.

John Sisson, Belleau Avenue, asked the City Attorney whether the City Council conducted business under *Robert's Rules of Order*.

City Attorney Marc Hynes said the Council adopted a document, "Council Rules of Procedure," which set out the manner in which meetings proceeded and how public hearings were held. *Robert's Rules of Order* was available as a reference only. The City Clerk would provide Mr. Sisson with a copy of the "Council Rules of Procedure."

6. STAFF REPORTS

- City Attorney Marc Hynes reported out of Closed Session as follows:
 - A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subsection (c) of Government Code Section 54956.9:

Six (6) potential cases

Five of the six cases were discussed and there was no reportable action. The item was continued to a Closed Session to be held after the regular meeting.

B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9

Town of Atherton vs. Sequoia Union High School District, et al.

The item was continued to a Closed Session to be held after the regular meeting.

C. LIABILITY CLAIMS – pursuant to Government Code Section 54956.95

**Claimant: Colleen Berndt
Agency Claimed Against: Town of Atherton**

**Claimant: Christopher Baldwin
Agency Claimed Against: Town of Atherton**

**Claimant: Jackie Martin
Agency Claimed Against: Town of Atherton**

The item was continued to a Closed Session to be held after the regular meeting.

- **City Manager Jim Robinson noted that Council Member McKeithen was out of Town and her absence was recognized as an excused absence. A meeting was scheduled for Thursday, November 16, at 6:30 p.m. at the Menlo Park Senior Center, regarding the Dumbarton Rail Project. A public comment period would be held at the meeting and written comments would be accepted until November 30. The Town was actively recruiting for a new Building Official and had advertised in several professional publications. Staff would be returning at the December 13th meeting with a list of items included in Phase I, II, and III of the audit, as well as recommendations from Gary Binger's report as to the progress and actions taken by staff. The emergency repairs began on the Atherton Channel wall at Marsh Road that day. In response to Council Member Jerry Carlson, Mr. Robinson said staff met with representatives of BKF Engineers several weeks ago and visited some sites in Town. He expected to return to Council in January/February with a report. BKF was making contact with residents to review sites. He would provide Council with a progress report to date. Council Member Carlson thanked staff for the quarterly project report and suggested adding a follow-up on the Building Department audits and GASB 45 regarding projected health benefit costs.**

- In response to Mayor Marsala, Public Works Director Duncan Jones said he did not attend the Regional Water Quality Control Board meetings. The various cities of San Mateo County hired a representative to attend the meetings who reported to the cities at their regular monthly meetings, which would be held the next day.
- In response to Council member Jerry Carlson, Finance Director John Johns said the current data base would be “cleaned up” when a new system was implemented.
- In response to Council Member Jerry Carlson, Public Works Director Jones said the contractor had a crew committed to Selby Lane and the project should be completed within the next two to three weeks. City Manager Robinson said the paving was completed last week on Austin Avenue and the trash was picked up.
- In response to Mayor Marsala regarding an article in the *Athertonian*, Police Chief Bob Brennan said off-duty police officers would respond to the Town in an emergency. He had differing opinions than the author of the article.

7. **COMMUNITY ORGANIZATION ROUNDTABLE REPORT**

None.

CONSENT CALENDAR (Items 8 – 15)

With regard to Item No. 12, Council Member Jerry Carlson commented on the appointment process for Town committees/commissions. He requested an item be scheduled on a future agenda to discuss the Environmental Programs Committee in particular regarding its purpose, authority, and duties. Additionally, he wanted an item scheduled to discuss the processes in general. Vice Mayor Carlson concurred.

MOTION - to approve the Consent Calendar as presented

M/S J.Carlson/Janz Ayes: 4 Noes: 0 Absent: 1 (McKeithen) Abstain: 0

8. **APPROVED MINUTES OF THE REGULAR AND SPECIAL MEETINGS OF OCTOBER 18, 2006, AND THE SPECIAL MEETING OF OCTOBER 31, 2006**
9. **APPROVED BILLS AND CLAIMS FOR SEPTEMBER 2006 IN THE AMOUNT OF \$ 1,286,337**
10. **ACCEPTED MONTHLY FINANCIAL REPORT FOR OCTOBER 2006**
11. **ACCEPTED THE QUARTERLY INVESTMENT REPORTS FOR THE QUARTERS ENDED JUNE 30, 2006, AND SEPTEMBER 30, 2006**
12. **APPROVED APPOINTMENT TO THE ENVIRONMENTAL PROGRAMS COMMITTEE (Formerly the Waste Reduction and Recycling Committee)**

Accepted the recommendation of the City Council Screening Committee to appoint Valerie Gardner to the Environmental Programs Committee

13. **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING SECTION 17.08.080 and 17.36.190 OF THE ATHERTON MUNICIPAL CODE PLACING LIMITS ON BASEMENTS WITHIN THE TOWN OF ATHERTON DEFINING BUILDABLE AREA AND REGULATING BASEMENTS**

Adopted Ordinance No. 568, "An Ordinance Amending Section 17.08.080 and 17.36.190 of the Atherton Municipal Code Placing Limits on Basements within the Town of Atherton Defining Buildable Area and Regulating Basements

14. **CONSIDERATION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CSG, CONSULTANTS INC., REGARDING THE ACTING BUILDING OFFICIAL**

Approved amendment to professional services agreement with CSG Consultants, Inc., regarding the Acting Building Official

15. **EMERGENCY REPAIRS TO THE LOWER ATHERTON CHANNEL WALL**

Advised Council that Schnabel Foundation Corp. would make emergency repairs to the lower Atherton Channel wall for the cost of \$84,000.00 which included design, shoring and repairs.

PUBLIC HEARINGS

REGULAR AGENDA (Items 16-22)

16. **CONSIDERATION OF A PROPOSAL FROM CSG CONSULTANTS FOR A CODE ENFORCEMENT OFFICER ON A 6-MONTH TRIAL BASIS**

Robert Cushing, CSG Constultants, Inc., presented the staff report. At its October 18, 2006, meeting, Council directed staff to return with a proposal from CSG Consultants Inc., for continuing code enforcement services through December 31, 2006, and to establish funding for a pilot program for six months in 2007. Additionally, Council requested a recommendation on whether the program should be proactive, complaint based, or some combination of the two. Since the October 18th meeting, an increase in the amount of code enforcement cases had occurred, approximately 10 cases per week. Additionally, he had observed 5 cases per week as he went out in the community. He believed courtesy notices worked best rather than citations in most cases. However, in some areas there were so many parking violations on construction sites occurring on a regular basis, that stronger enforcement might be needed. Residents had been actively involved, as well. If a proactive approach was implemented, Mr. Cushing estimated an additional 1/2 day per week would be needed. He suggested that the Town website include a complaint form/request for service that could be submitted anonymously. The *Athertonian* should be

used for informing residents of the “Top Ten” code enforcement issues in the community and what to do. The staff report included a table for the fiscal impact for continuing the program for the rest of 2006 and for a pilot program for the first six months of 2007.

A discussion ensued regarding the merits of a web-based complaint form, as well as community members wanting a more active pursuit.

Vice Mayor Alan Carlson said the issue for him was where to draw the line between proactive enforcement and complaint-based enforcement. He was concerned that the Town had not defined what it wanted as a community. A discussion followed regarding the Police Department’s continued monitoring of construction sites, as well as defining what the code enforcement priorities were, and what policy should be set.

Mayor Marsala asked staff to prepare a spread sheet depicting how many calls were received and how many calls were from the same person. He was in favor of continuing the program through the end of the year; however, he wanted to know whether the calls were driven by the same 10 people.

City Manager Jim Robinson said three policy decisions were needed: 1) should one individual be responsible for code enforcement; 2) what amount of resources should be applied; and 3) what code enforcement issues were priorities.

Carol Flaherty, Camino Por Los Arboles, said she lived a long time without code enforcement. She queried whether the cost was the best use of Town money when there were so many other priorities and projects that would be a greater benefit to residents.

Melinda Teves, Tallwood, was grateful for a code enforcement officer while the Building Department was being reengineered. She suggested a notice be prepared for builders outlining the new rules.

Council Member Janz thought part of the outside consultant’s scope of work was to find out what types of concerns/complaints people had. He wanted the consultant to determine whether enforcement should be proactive or complaint based. Construction parking was one of the biggest problems.

Vice Mayor Carlson would vote against the proposal. If staff wanted to return with a defined program, he might reconsider it. He did not want to see code enforcement performed by the squeaky wheel got the grease. The City Council had to define what it wanted to enforce.

Mayor Marsala wanted to see a spreadsheet at next month’s meeting and comments from staff before going further.

City Manager Robinson encouraged Council to continue the program until the end of the year in order for the consultant to prepare the evaluation and the report for the December 13th meeting. He confirmed there was a request for a spreadsheet that included the number and types of calls, as well as from where the calls came. Additionally, there was a request to define the program.

Vice Mayor Carlson said one part of the defined program would be to determine where the complaints would come in and where they would be referred. He was only willing to continue the program through the end of the year on a complaint basis only for an allocation of \$5544.

Council Member Janz wanted a report that indicated how many and what kind of violations occurred on enforcement issues pursued by Mr. Cushing, as well as those on a complaint basis to date.

MOTION – to continue the Code Enforcement Program on a complaint basis only and to allocate \$ 5,544 to continue the program from November 15 to December 31, 2006; further, direction to staff to return to Council at its December 13, 2006, meeting with a defined program.

**M/S A.Carlson/Marsala Ayes: 3 Noes: 1 (J.Carlson) Absent: 1 (McKeithen)
Abstain: 0**

Mayor Marsala, with the consensus of Council, moved Item No. 21 and Item No. 18 forward to be heard before Item No. 17.

21. CONSIDERATION AND POSSIBLE ADOPTION OF A RESOLUTION APPROVING THE U.S. MAYORS' CLIMATE PROTECTION AGREEMENT AND CONSIDERATION OF MEMBERSHIP IN ICLEI

Mayor Marsala presented the report. He attended a conference where Al Gore spoke, along with representatives from cities and counties in the Bay Area, sponsored by the Bay Area Air Quality Management District. Additionally, he attended a conference sponsored by ABAG regarding energy consumption and savings. Global warming was happening and accelerating much faster than previously thought. Air quality in the Bay Area had an impact on asthma cases, which were increasing. People were beginning to accept the scientific community's view of global warming. Different programs were being promoted to make buildings more efficient. Atherton was the largest consumer of electricity and gas in the Bay Area. The Town needed to take action to bring the numbers down. He suggested joining ICLEI, an organization that could help set standards and monitor how to reduce CO2 and green house gases. He proposed for 2007 that the Environmental Programs Committee look at presenting awards for green building, to expand Earth Day in April to include new programs, and to promote other activities.

Council discussion centered on what obligations would be imposed upon the Town by endorsing the U.S. Mayor's Agreement for Climate Protection. There

was concern about what the practical application was. Atherton was one of the highest recyclers of green waste and was the first city in California to enact a demolition recycling program. The Town had a tradition not to focus on broader world issues outside of Atherton. There were legitimate issues for the Town to address and on which committees could work.

Jill Boone, San Mateo County and C/CAG, said San Mateo County passed a resolution to reduce CO2 emissions in November 2005. Before engaging in any activity on a countywide basis, the County made a commitment to reduce CO2 emissions within its county-owned facilities and fleets. Ms. Boone chaired an ad hoc committee, the Utilities and Sustainability Task Force, which was given the responsibility of developing an energy strategy for the County. The committee was made up of six elected officials from six jurisdictions and six others. At the County level, a goal was set for a 10 percent reduction of CO2 emissions by 2010 in three areas: 1) raising the miles per gallon of its fleet by 5 miles per gallon; 2) reducing electricity use by 20 percent in County facilities; and 3) keeping natural gas usage at an even level. In terms of household energy use, Atherton consumed three to four times the amount per household as other homes in the County. Big houses consumed more energy and she encouraged the use of solar because it did not have an impact on the grid or infrastructure. The Mayoral agreement was being considered by many cities in the County, which was an initial step toward reducing CO2.

Gary Bailey, a volunteer leader with the global warming education and outreach campaign of the Sierra Club, represented 160 Sierra Club members in Atherton, and represented all those who would inherit the world that was left to them, urged Council to support the agreement.

Carol Flaherty, Camino Por Los Arboles, participated in a luncheon with over 200 business leaders, “Palo Alto Goes Green.” The speaker was Dr. Stephen Snyder, one of the world’s foremost climatologists. He reinforced the concern that there were not hundreds of years to address global warming. Ms. Flaherty was involved in the certification of her company going “green.” She suggested that Atherton use what others had developed in the way of handouts/guidelines for residents.

Jeff Wise, Linden Avenue, agreed with focusing on what Atherton could do rather than supporting an idea of providing direction to the U.S. Congress. The Council should focus on making a difference in Atherton.

Valerie Gardner, McCormick Lane, encouraged everyone to see “An Inconvenient Truth,” Al Gore’s movie. She noted that CO2 actually impacted trees, which were an important part of Atherton. Nothing was more important than focusing attention on the issue of global warming. She urged Council to support the agreement.

Jill Boone, noted that the Energy Watch Program was funded by P.G.&E. (through ABAG) and was free to any city that signed up for it. P.G.&E. would

work with staff on analyzing and prioritizing facilities regarding electricity and natural gas, etc.

MOTION -- to adopt the Resolution endorsing the U.S. Mayors' Climate Protection Agreement, Attachment A

Vice Mayor Alan Carlson said before he made a commitment, he needed to be able to say in good faith that he would strive to honor the commitment. He did not believe the Council would be able to do that. He also had a fundamental problem in becoming involved in the national arena.

Mayor Marsala believed the agreement would allow the Town to begin doing something: planning for Earth Day, working with other cities in the County to reduce energy consumption, and leaving an imprint in other parts of the state.

Council Member Jerry Carlson believed every Council Member was concerned about the environment; however, if the Council passed something, it should embrace the fact that Atherton was concerned about the globe and would strive to contribute to the betterment of mankind in the long term. He agreed with not getting involved in the national arena or taking positions on a global scale.

Council Member Janz said he understood the Council's policy of not getting involved in national issues; however, whenever the Council endorsed things such as National Mosquito Abatement Month, it made policy statements affecting the world. He did not believe Council would be setting a precedent by endorsing the Mayors' agreement. The League of California Cities should sign on at a statewide level. He suggested the issue be referred to the Environmental Programs Committee to make recommendations. He also asked staff to pursue the Energy Watch Program through ABAG.

The Mayor called for a vote on the motion.

M/S Marsala/Janz Ayes: 2 Noes: 2 (A.Carlson, J.Carlson)
Absent: 1 (McKeithen) Abstain: 0

The motion failed by a 2/2 vote.

MOTION – to refer the item to the next meeting of the Environmental Programs Committee to consider the Resolution and recommend how to make it more germane to the Town of Atherton

M/S J.Carlson/A.Carlson Ayes: 4 Noes: 0 Absent: 1 (McKeithen) Abstain: 0

18. DISCUSSION OF COUNTYWIDE AND C/CAG GREEN BUILDING GUIDELINES, ENERGY USAGE, VOLUNTARY GUIDELINES AND HOW TO INCORPORATE GREEN BUILDING INTO ATHERTON GUIDELINES

Jill Boone, Recycle Works, gave a brief presentation on “green” building. She invited Council and staff to attend an energy strategy meeting the next day from 3 to 5 p.m. The County began its program in 2001 for County buildings. The new Youth Services Center was a “green” building. A countywide process developed “green” building guidelines, many cities and towns participated in the development, and some of the cities and towns had used the guidelines. The County provided the booklets and checklists for the asking. She encouraged the Town to hire a new building official who understood “green” building.

A short discussion took place regarding the unincorporated areas of the County. A great deal of education had been done, but there was not any requirement at the current time in terms of “green” building. Additionally, Council was interested in the Energy Watch Program.

MOTION – to direct staff to investigate the Energy Watch Program sponsored through the Association of Bay Area Governments (ABAG)

Ms Boone distributed invitations to the Coyote Point Museum, which had a “green” dollhouse exhibit. The dollhouses would be auctioned on November 29th, and the proceeds would support Sustainable San Mateo County and the Coyote Point Museum.

Deputy Town Planner Lisa Costa Sanders said the item was scheduled for future discussion at the General Plan Committee. Another workshop would be held and possibly a joint meeting with the Environmental Programs Committee on the topic and could be required of builders.

M/S Janz/Marsala Ayes: 4 Noes: 0 Absent: 1 (McKeithen) Abstain: 0

17. PURCHASE OF STREET SWEEPER FOR ATHERTON PUBLIC WORKS DEPARTMENT (Continued from the City Council Meeting of October 18, 2006)

Public Works Director Duncan Jones presented the staff report. The report answered questions posed by the Council at its last meeting, which were summarized in the Fiscal Impact section and compared each with a contract sweeper or a Town-owned sweeper, the assumption being one winter storm cleanup. If there were more storms, the contract street sweeper would cost approximately \$6,000 more per cleanup than a Town-owned sweeper.

Council Member Jerry Carlson said since the last meeting, he did his own research focusing on the California Regional Water Quality Control Board’s proposed rules, including the draft of the Municipal Regional Urban Runoff NPDES Permit Provisions. The new regulations said street-sweeping capability would be required. The Town would have six months to react once the regulations were adopted. He did not see any reason to approve a street sweeper that night in order to meet a pending deadline. The best course of action would be for staff to prepare a set of specifications to meet the intent of

the proposed regulations, undertake a comprehensive effort to contact potential third-party sweeper services, including other governmental agencies to see if they would be interested in bidding on such services.

A short discussion ensued regarding periodic washing of the sweeper and contacting other jurisdictions. West Bay Sanitary District would charge \$2500 a year to service a sweeper. Both Redwood City and Menlo Park did not have an interest in contracting services especially as it related to storm cleanup.

Mayor Marsala was in favor of moving forward in order to provide needed services to the residents during winter storms.

MOTION – to approve the expenditure of \$140,000 to purchase a street sweeper

M/S Marsala/Janz

Public Works Director Jones noted demonstration street sweepers that were used for three months were available for purchase at a discount. The retail price of the demonstration sweeper was approximately \$5,000 less than the other model and had all of the good features with the addition of a vacuum tube, which could retrieve leaves from storm drains. It also had an articulated arm on the front that could clean driveways, etc.

Mayor Marsala amended the motion to include direction to staff to pursue the most economical street sweeper for the expenditure.

Carol Flaherty, Camino Por Los Arboles, believed there were more critical priorities in the Town. She did not want parcel tax money to be used for a street sweeper.

Council Member Jerry Carlson reiterated that street sweeping would be required by the new regulations. A discussion ensued regarding the pros and cons of the financial aspects of contract services vs. a Town-owned sweeper.

Vice Mayor Alan Carlson noted he would not vote in favor of the motion. If the motion failed, he suggested referring the item to the Finance Committee for review.

The motion was withdrawn by the maker with the consent of the seconder.

MOTION – to refer the item to the Finance Committee for review, to define the new federal requirements, and to make a recommendation to the Council regarding the purchase of a street sweeper

M/S A.Carlson/J.Carlson Ayes: 4 Noes: 0 Absent: 1 (McKeithen) Abstain: 0

19. EMERGENCY RESPONSE AND PREPAREDNESS PROGRAM – BUDGET PURCHASES: LAP TOPS, DISASTER TRAILER, AND A GENERATOR FOR THE CORPORATION YARD

Police Chief Bob Brennan presented the staff report. Several months prior, Council authorized an augmentation to the budget for disaster preparedness in the amount of \$140,000. The philosophy was to purchase items that would be used on a daily or weekly basis and if and when a disaster occurred, the items would be used for that purpose. One priority was a disaster trailer that could also be used for a command post for any other type of event: a DUI trailer, crime scene trailer, or any other localized emergency. The trailers were found to cost anywhere from \$40 to \$90 thousand. A resident had expressed an interest in contributing to the purchase or purchasing the trailer; therefore, staff was recommending continuing that item. He also suggested that the Emergency Occupation Center (EOC), which was housed in the Council Chamber, be temporarily moved to the new corporation yard building. A new generator was estimated to cost \$60 thousand. Staff recommended deferring the purchase until more information was obtained on what was needed from a generator to run the facility. The other item was a request for Mobile Data Computers (MDCs) for the patrol cars. Technology had improved and each patrol car could become a command post; however, they could be used on a daily basis in the meantime and would receive all the information that was received in the communications center. Atherton's Police Department was the only department in San Mateo County that did not have some type of computer in patrol cars. Staff was asking Council to approve the MDCs, radios that could be distributed during a disaster, the Emergency Response Resource Guide, and the relocation of the EOC.

City Manager Jim Robinson suggested providing and installing phones in the proposed EOC out of the existing budget. Additionally, he suggested going out to bid for a generator and what options existed.

A discussion ensued on the Town's generators' capacities in an emergency and whether the Town should hire an expert engineer to do an analysis and provide specification requirements for a new generator. Additionally, the discussion continued regarding MDCs and whether a trailer would be necessary if all the patrol cars had MDCs that would have the capability to do everything a home computer could do. Officers would have the ability to share information with other jurisdictions, as well as receive pictures, etc.

City Manager Robinson clarified that the Police Department budget included \$40 thousand in 2006/07 for a disaster trailer. Money to improve the well in Holbrook-Palmer Park was allocated in the Capital Improvement Program. Following the \$40 thousand approval, a list was brought to Council that identified over \$100 thousand of emergency preparedness expenses. Council appropriated \$110 thousand into the budget to be used for that purpose.

Council Member Jerry Carlson was under the impression that the Emergency Preparedness Committee would return with a recommended priority list that equaled the \$110 thousand.

City Manager Robinson said the Council's Emergency Preparedness Committee, comprised of Vice Mayor Carlson and Council Member McKeithen, met and reviewed the list to determine priorities. One of the priorities was the generator. Other priorities included the purchase of the MDCs and moving the EOC.

Council Member Jerry Carlson was reluctant to go forward without knowing whether the committee had endorsed the plan.

Vice Mayor Carlson noted that discussion was taking place as to where the Emergency Preparedness Committee belonged in an organizational sense. The question was whether it belonged in the Town or with the Menlo Park Fire Protection District. The majority opinion was the committee was more a function of the Fire District than that of the Town. The idea of the committee to develop various teams within designated boundaries of the Town in case of an emergency was actually a Fire District function as opposed to a Town function. Vice Mayor Carlson's understanding was that the Town was funding what the Town would need to function in terms of an emergency, such as communications among members of the Police Department which would also communicate with the Fire District.

Police Chief Brennan clarified that the Fire District was legally responsible to do disaster preparedness not the Police Department. His requests were for things the Police Department needed in terms of operating in an emergency.

City Manager Robinson said when the Council committee of Carlson and McKeithen met, they discussed priorities such as moving the EOC and the need for a generator. The MDCs were also discussed and determined to be a priority to be used instead of a trailer.

Council Member Janz suggested cooperating with the City of Menlo Park and request to use its trailer in a localized emergency. Police Chief Brennan affirmed the possibility.

Mayor Marsala stated that the Junior League donated a trailer to the City of Menlo Park. If someone wanted to donate a trailer to the Town, the Town should accept it. A discussion took place on the merits of having a trailer that could be used as a tactical command post in conjunction with the incident command post.

Vice Mayor Carlson said the next step for the Council's Emergency Preparedness Committee was to meet with the Fire District and the citizens group to define areas of responsibility. Police Chief Brennan described the process of working with the County EOC in terms of an emergency. A

continued discussion centered on the Police Department's role in a disaster and what tools were needed. Fire Departments were mandated to be responsible for disaster preparedness. Because Atherton did not have its own Fire Department, coordination became more difficult. The Police Department was responsible for life and property.

Bob Jenkins, Atherton, spoke regarding citizens who were CERT trained and neighborhood teams/divisions. Confusion existed as to which department the groups should report to in case of a disaster/emergency: fire or police. The chain of command needed to be clarified.

Carol Flaherty, Camino Por Los Arboles, believed the \$130 thousand would be better spent on water/drainage issues within the Town than on an emergency that might or might not happen. She also noted there could be far more devastating effects from pandemic flu than an earthquake. Additionally, she said she would help the Town get the money for a trailer if one was not donated.

Discussion ensued regarding which items should be approved that evening and whether items should be paid out of the Police Department budget or another fund.

MOTION – to approve Item No. 2, Moving existing phone lines from the current Emergency Operations Center to the proposed EOC; Item No. 4, purchase of the Emergency Response Directory; and Item No. 5, 17 Motorola XTN Series radios

M/S A. Carlson/Marsala Ayes: 4 Noes: 0 Absent: 1 (McKeithen) Abstain: 0

MOTION – to authorize staff to retain a consultant at a cost not to exceed \$2,500 to determine the size and type of generator to supply power needs to the EOC

M/S Marsala/Janz Ayes: 4 Noes: 0 Absent: 1 (McKeithen) Abstain: 0

MOTION – to approve the purchase of one wireless, Mobile Digital Computer for the supervisor's patrol car and to authorize the \$6,700 expense from the contingency fund

M/S Marsala/Janz Ayes: 4 Noes: 0 Absent: 1 (McKeithen) Abstain: 0

Mayor Marsala, with the consensus of Council, moved Item No. 22 forward to be heard before Item No. 20.

22. CONSIDER APPROVAL OF A JOINT MEETING OF THE ATHERTON PARKS AND RECREATION COMMISSION WITH THE CITY OF MENLO PARK PARK AND RECREATION COMMISSION

John Davey, Vice Chair, Park and Recreation Commission, proposed a joint meeting with the Park and Recreation Commission of the City of Menlo Park. He prepared a short agenda regarding issues facing each jurisdiction, how to address a solution to the mutual shortage of sports playing fields, parity on charges for recreational programs, and comparison of Master Plans for parks. The Commission was asking Council's approval to schedule a joint meeting.

Council discussion centered on concerns with the timing of a joint meeting due to pending legal issues with the City of Menlo Park. Additionally, Council discussed the issue of playing fields and suggested developing a schedule of availability for the fields that could be used at a later date.

The City Council advised Mr. Davey that the Park and Recreation Commission not schedule a joint meeting at the current time.

20. GENERAL PLAN HOUSING ELEMENT UPDATE 2009: STATUS REPORT ON SAN MATEO COUNTY SUBREGIONAL HOUSING NEEDS ALLOCATION

MOTION – to accept the report

M/S Janz/A.Carlson Ayes: 4 Noes: 0 Absent: 1 (McKeithen) Abstain: 0

23. PUBLIC COMMENTS

24. ADJOURNMENT

Mayor Marsala adjourned the meeting to a *Continued* Closed Session at 12:15 a.m.

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subsection (c) of Government Code Section 54956.9:

Six (6) potential cases

B. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9

Town of Atherton vs. Sequoia Union High School District, et al.

C. LIABILITY CLAIMS – pursuant to Government Code Section 54956.95

**Claimant: Colleen Berndt
Agency Claimed Against: Town of Atherton**

**Claimant: Christopher Baldwin
Agency Claimed Against: Town of Atherton**

Claimant: Jackie Martin
Agency Claimed Against: Town of Atherton

There was no reportable action taken on Items A. B. & C.

Mayor Marsala adjourned the *Continued* Closed Session at 12: 40 a.m.

Respectfully submitted,

Kathi Hamilton
Acting City Clerk