



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL/ATHERTON CHANNEL**  
**DRAINAGE DISTRICT**  
**September 20, 2006**  
**5:30 P.M.**  
**Meeting Room**  
**Town Administrative Offices**  
91 Ashfield Road  
Atherton, California  
**Special Meeting**

The meeting was called to order at 5:45 p.m.

**ROLL CALL**

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

**PUBLIC COMMENTS**

There were no public comments.

**CLOSED SESSION**

**A. LIABILITY CLAIMS – pursuant to Government Code Section 54956.95**

**Claimant: Pasquale Exposito**  
**Agency Claimed Against: Town of Atherton**

**Claimant: Giselle McKeller**  
**Agency Claimed Against: Town of Atherton**

**Claimant: Min Katrina Lieskovsky**  
**Agency Claimed Against: Town of Atherton**

**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**

- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
**Initiation of litigation pursuant to subsection (c) of Government Code Section 54956.9:**

**Three (3) potential cases**

- D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
**Pursuant to subsection (b) of Government Code Section 54956.8:**

**Property: 49 McCormick Lane**  
**Agency Negotiator: James H. Robinson, City Manager**

**RECONVENE TO OPEN SESSION**

**Report of action taken.**

**City Attorney Marc Hynes reported out of Closed Session as follows:**

**Item A, Liability Claims, no reportable action regarding claimants Pasquale Exposito and Giselle McKeller. The claim brought forth by Min Katrina Liekovsky was denied.**

**Item B, Significant Exposure to Litigation, there was no reportable action. The City Council discussed the matter with legal counsel and directed preparation of a draft Resolution that the Council would consider during the regular meeting. The Resolution immediately rescinded, revoked and terminated the excavation surcharge (off-haul fee) enacted by Resolution 05-34. The Resolution also provided for refunding excavation surcharges received by the Town.**

**Item C, Initiation of Litigation, the City Attorney was authorized to commence litigation in two matters. Upon filing of the complaints, information regarding the names of the defendants and/or addresses of the [property would be made available.**

**Item D, Property Negotiations, direction was given to the Agency Negotiator, James H. Robinson, relative to acquisition rights for pedestrian and vehicular access regarding the property at 49 McCormick Lane.**

**ADJOURN**

**The Special Meeting adjourned at 6:30 p.m.**

**Respectfully submitted,**

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**Charles E. Marsala**  
**Mayor**

**Minutes Prepared by:**

**Kathi Hamilton**