



Minutes
Town of Atherton
CITY COUNCIL/ATHERTON CHANNEL DRAINAGE
DISTRICT
August 2, 2010
9:00 A.M.
Town Council Chambers
94 Ashfield Road
Atherton, California
Special Meeting

ROLL CALL Lewis, Dobbie, Marsala, McKeithen, Carlson

Carlson was excused.

PUBLIC COMMENTS

None.

REGULAR

- 1. ADOPTION OF RESOLUTION REJECTING CLAIM SUBMITTED BY MCNEILL LAW OFFICES ON BEHALF OF PACIFIC PENINSULA GROUP**
Report: Assistant City Manager Eileen Wilkerson
Recommendation: Adopt Resolution No. 10-42 rejecting claim of Pacifica Peninsula Group

Council Member Marsala recused himself due to personal preference.

Rose Hau, Atherton resident, questioned if this is the standard procedure for rejecting claims with the Town.

Council Member Lewis said the road impact fee is illegal and should be refunded to those who paid it. Lewis said the Town has been talking about its legality for three years.

Vice Mayor Dobbie said Council made a mistake by rescinding the road impact fee. Dobbie felt the large construction trucks do more damage on the roads than any other vehicles.

Council Member Lewis said the Town did not follow appropriate legal procedures by completing a nexus study and therefore these fees are illegal.

Mayor McKeithen said the Town has received several different legal opinions on the legality of the fee and the Town is unsure as to whether the fee is illegal. McKeithen said the 40% increase was definitely illegal because the Town did not complete a nexus study as required by law.

MOTION by Dobbie, second by McKeithen to Adopt Resolution No. 10-42 rejecting claim of Pacific Peninsula Group. The motion failed.

Ayes: 2 Nays: 1 (Lewis) Abstain: 0 Absent: 2 (Carlson, Marsala)

2. REVIEW AND GIVE DIRECTION TO STAFF IN REGARD TO THE CITY ATTORNEY SERVICES AND ESTABLISH: 1) A POTENTIAL REQUEST FOR PROPOSAL (RFP) PROCESS AND; 2) A POTENTIAL AD-HOC COMMITTEE TO ASSIST IN THE RFP PROCESS

Report: Verbal from City Manager Gruber

Recommendation: To Be Determined

City Manager Gruber said there is a draft agreement from Burke Williams & Sorensen included in the packet.

Council Member Lewis believed Council could not discuss the draft agreement because it is not on the Agenda. Council agreed.

Mayor McKeithen brought recent RFP documents from the Village of Marvin, North Carolina and the City of Orange Cove, California for review by Council as a reference.

City Manager Gruber said staff has extensive documents from Management Partners, Incorporated who was in charge of the last City Attorney RFP process.

Mayor McKeithen said a citizens committee is very important in this process because Council does not have all of the professional capability to evaluate attorneys, a dismal job has been done in the past and the attorney's fees are too high.

Council Member Lewis said the Town did an excellent job in selecting the current City Attorney. Lewis said the evaluations for the current law firm were stellar both from Council and staff. Lewis volunteered to be on the ad-hoc committee.

Vice Mayor Dobbie said he was not impressed by the pool of applicants during the last RFP process.

Council Member Marsala said he is comfortable with citizen review of the RFP process.

Peter Carpenter, Atherton resident, handed out a handbook for municipal lawyers from the League of California Cities. Carpenter said Council should make sure to select a firm who understands the concepts and values in the handbook.

William Grindley, Atherton resident, said although he was not on the best terms with Wynne Furth when she was first hired she has done a remarkable job. Grindley said Furth's effort and her character got the Town a much better zoning code document.

Rose Hau, Atherton resident, said an RFP takes time and money and she is puzzled as to why Council is supporting it. Hau asked what claims, issues and concerns Council actually has with the current attorney.

Council member Lewis suggested making copies of the documents Mayor McKeithen had and documents staff has from the previous RFP process for review. Lewis said an ad-hoc committee should be selected by the full Council.

Council Member Lewis and Vice Mayor Dobbie both volunteered to be on the ad-hoc committee.

Council agreed to have staff copy the two proposals brought by Mayor McKeithen, the Management Partners information and the municipal lawyer's handbook for review and discussion at the next regular council meeting. Council will select the members of the ad-hoc committee and discuss the composition at the next regularly scheduled meeting.

11:00 A.M. ADJOURN

MOTION by Lewis, second by Dobbie to adjourn the meeting. The motion passed unanimously.

Mayor McKeithen adjourned the meeting at 9:47 a.m.

Respectfully submitted,

Theresa DellaSanta
Deputy City Clerk