



MINUTES
Town of Atherton
CITY COUNCIL/ATHERTON
CHANNEL DRAINAGE DISTRICT
October 19, 2005
7:00 p.m.
TOWN COUNCIL CHAMBERS
94 Ashfield Road
Atherton, California

REGULAR MEETING

Mayor Conwell called the meeting to order at 7:11 p.m.

1. PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

3. PRESENTATIONS

4. COUNCIL REPORTS

- Council Member Janz attended the Caltrain Corridor Subcommittee meeting on October 4, 2005. Additionally, he attended the October 6th Transportation Authority meeting where plans for correcting the “hold-out” conditions for the Atherton Train Station were 85% completed. Caltrain was trying to slow down the construction by using the Dumbarton rail extension issue to delay the project. The Transportation Authority scheduled the issue for the next meeting.
- Vice Mayor Marsala announced that the Holbrook-Palmer Park Foundation and Atherton Dames were holding their annual Town BBQ on October 23, 2005, starting at 4 p.m. Bob Francheschini was heading the event. The Arts Committee had a great turnout for its Artists Reception with 18 artists’ work. He attended a fundraiser for Katrina victims along with Council Member Janz. The Menlo Park Fire Protection District firefighters who helped in New Orleans were in attendance and had many good suggestions, one of which was the use of satellite phones when power went out. The Governor signed SB 203 that dedicated funds for Holbrook-

Palmer Park. City Manager Robinson negotiated \$200,000 a year for Atherton if the measure passed next November. The League of California Cities endorsed Proposition 76 that prevented the state from spending more in good years than it could not continue in lean years. Vice Mayor Marsala met with the Beverly Hills Planning Commission and staff and learned about construction and financing infrastructure in small cities and attended disaster planning and grant writing sessions. The Waste Reduction Committee met. In the fall, the committee would advise residents on ways to stay in compliance with state law. He attended a dedication for Coach Parks at Menlo-Atherton High School. He and Council Member McKeithen met with Sequoia School District officials regarding plans/issues for the school. Selby Lane School test scores hit 709, up from 575 over the past four years.

- **Council Member Carlson** attended the General Plan Committee meeting on October 5, 2005, where the Noise Ordinance discussion was continued pending the outcome of the Special Events School Guidelines on that evening's agenda. On October 11, the Transportation Committee met, and two items were on the Consent Calendar dealing with "No Parking" signs and crosswalks. The Finance Committee met that morning and discussed road impact fees, excavation fees, possible business license fees, and a community survey regarding the Police Department. That afternoon, the Buildings and Facilities Committee met with an update on the Holbrook-Palmer Park Foundation.
- **Council Member McKeithen** reported that the Atherton Channel work was almost completed for a cost of \$415,000. Phase 2 was scheduled to begin in a couple years and then work would begin on the Marsh Road walls. The Office of Emergency Services met on September 22, 2005, and discussed disaster preparedness. Atherton was working on its disaster preparedness mitigation. A Golden Guardian exercise (potential bio-nuclear-terrorism attack) was scheduled in Northern California; one in the Oakland/Alameda area, and the other in the Roseville/Sacramento area on November 15, 2005. The Finance Committee was looking into an independent company to perform the Police Department survey. The Audit Committee reviewed the financial statements for 2004/05, and the Town received an unqualified audit for the 5th year in a row. Discussion regarding a Town Fraud Policy also took place. She believed any fraud investigation within the Town should be conducted by an outside source. Scott Morrow, the health officer for San Mateo County, reported that fluoridation for Bear Creek Reservoir water was delayed because of a nationwide shortage of fluoride. Council Member McKeithen met with Menlo-Atherton High School representatives regarding special events school guidelines and a tentative solution was reached.
- **Mayor Conwell** spoke regarding a letter received from Upp Geo-Technology regarding drainage which was scheduled for discussion on that evening's agenda. Construction parking issues were an ongoing concern. He held a meeting attended by City Manager Jim Robinson, City Attorney Marc Hynes, and Vice Mayor Marsala. The item was scheduled for discussion later in the meeting. Regarding undergrounding of utilities, Vice Mayor Marsala noted that Palo Alto's program included the use of city funds which were repaid when the homes were sold. Atherton did not have enough reserves to fund such a program. City Manager Jim Robinson said the Town had received some communication from P.G.& E. on what

projects would or would not qualify for Program 20A funds and the item would be scheduled for a future agenda.

5. **PUBLIC COMMENTS**

Jerry Carlson, Atherton, spoke regarding the Selby Lane School and distributed a brochure and fact sheet to the Council. The Caltrain Corridor Subcommittee passed a resolution endorsing the four-quadrant gate concept. With regard to the evening's agenda, he expressed concern for agenda items scheduled after 11:00 p.m.

Gertrude Blue, Flood Circle, urged the Council to review and revisit the Building Code and spoke regarding construction at 77 Flood Circle and the effects/impacts to her property.

Janis Ross, Greenoaks, asked the Council to address/revisit the regulations governing groundwater use in Lindenwood and Atherton. An enormous amount of groundwater was being pumped from a neighbor's home into the storm drain.

Council Member McKeithen had observed the site and viewed the water pouring out of the pipe; however, the City Manager had taken a picture the day before and the water was a mere drip. Approximately, one million gallons of water had been pumped into the drain that went into the Atherton Channel. A Redwood City study indicated the aquifer was a slowly rechargeable aquifer that was possibly being depleted.

John Sisson, Atherton, spoke regarding potable water at the Holbrook-Palmer Park well. Additionally, he remarked 20 years ago, the Council at the time was asked to make a donation for a particular disaster, the Town made no policy issue or decision, but the outcome was that charity was a very personal thing and, as individuals, there were many opportunities to make contributions.

6. **STAFF REPORTS**

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

A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code Section 54957.6 (f)

City Manager

Direction was given to the City Attorney to prepare an agreement to be placed on the City Council agenda of November 16, 2005.

B. **CONFERENCE WITH LABOR NEGOTIATOR – Labor negotiations**
pursuant to Government Code Section 54957.6

Agency Negotiators: James H. Robinson, City Manager; Craig Jory,
Jory HR

Employee Organization: Atherton Police Officers Association (APOA)

Agency Negotiator: James H. Robinson, City Manager; Craig Jory, Jory HR

**Employee Organization: Teamsters Local Union 856
Non-management Miscellaneous Employees**

**Agency Negotiator: James H. Robinson, City Manager
Employee Organization: Management Employees**

Conference with the labor negotiator was conducted and no reportable action was taken.

- **City Manager Jim Robinson received a 30-day notice from BFI/Allied advising a change in service delivery days that affected approximately, 70 to 80% of Atherton residents. The changes were being made in response to customer complaints and to better accommodate the needs of the Town.**
- **In response to Council Member McKeithen, Deputy Town Planner Lisa Costa Sanders said a consultant had begun work on the Town's disaster preparedness mitigation plan and would take approximately two months to complete.**

7. COMMUNITY ORGANIZATION ROUNDTABLE REPORT

Crime Prevention Task Force

Sandy Levison from the Crime Prevention Task Force reported the Task Force was started in 1978 in response to budget cuts brought about by the passage of Proposition 13. The Task Force was made up of a group of volunteers who supported the Police Department on an as-needed basis.

CONSENT CALENDAR (Items 8 - 15)

Regarding Item No. 15, after discussion, the temporary "No Parking" sign for Victoria Drive remained on the Consent Calendar and the item was scheduled for the City Council Meeting of November 16, 2005. In response to Council Member McKeithen, staff responded as follows:

Item No. 10, expenditures were greater than the same period last year due to three paydays in September rather than October.

Item No. 11, the condition of the bicycles would not bring in much revenue; therefore, the recommendation was to donate them.

Item No. 13, the City Attorney had approved the agreement as to form.

MOTION - to approve the Consent Calendar as presented with the understanding that parking issue on Victoria Drive would be reviewed next month.

M/S McKeithen/Carlson

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

8. **APPROVED MINUTES OF REGULAR AND SPECIAL MEETINGS OF SEPTEMBER 21, 2005**
9. **APPROVED BILLS AND CLAIMS FOR SEPTEMBER 2005 IN THE AMOUNT OF \$ 963,723**
10. **ACCEPTED MONTHLY FINANCIAL REPORT FOR SEPTEMBER 2005**
11. **DECLARATION OF SURPLUS BICYCLES**

Declared specific Town property as surplus and authorized the City Manager, or his designee, to dispose of identified property.

12. **APPROVED CONCEPT PLAN FOR EXTENDING AND RESURFACING THE WALKING PATH AT HOLBROOK-PALMER PARK; AND APPROVED USE OF STATE ROBERTI-Z'BERG-HARRIS FUNDS**

Approved the attached concept plan for extending the walking path at Holbrook-Palmer Park behind the Playschool, Carriage House and Corporation Yard and approved application for State Department of Parks Roberti-Z'Berg-Harris grant funds for the project.

13. **APPROVED AN ENCROACHMENT AGREEMENT WITH MENLO SCHOOL FOR IN-STREET LIGHTED CROSSWALKS ON ALEJANDRA AVENUE**

Approved an encroachment agreement with Menlo School to install in-street lighted crosswalks on Alejandra Avenue between the school campus and playing fields.

14. **APPROVED FOUR CROSSWALK SIGNS ON WATKINS AVENUE**

Approved installation of crosswalk signs on Watkins Avenue at McCormick Lane and Burns Avenue.

15. **APPROVED A TEMPORARY NO PARKING SIGN ON VICTORIA DRIVE NEAR MENLO COLLEGE**

Approved installation of a temporary No Parking sign on Victoria Drive near Menlo College.

PUBLIC HEARINGS (Items 16, 17)

16. **REQUEST FOR RECONSIDERATION OF CITY COUNCIL DECISION TO GRANT AN APPEAL REGARDING 40, 50 AND 60 ASHFIELD ROAD (ASSESSOR'S PARCEL NUMBERS 060-323-290, 060-323-210, AND 060-323-220)**

Recommendation: Conduct the public hearing and approve the reconsideration request, thereby approving the Exception Review for three proposed new residences at 40, 50 and 60 Ashfield Road in Atherton.

Deputy Town Planner Lisa Costa Sanders presented the staff report. Per Council direction from the last meeting, the developer had made significant changes to 40 Ashfield Road, a Spanish style house with stucco finish and tile roof. He made smaller changes to 50 and 60 Ashfield Road. The developer had met with adjacent neighbors who gave positive responses to the improved designs. Staff recommended that Council reconsider its decision and approve the Exception Request for the three homes based on the conditions contained in the Exception Certificate.

Council Member McKeithen thanked the developer for making the changes and meeting with the neighbors who were delighted with the changes.

Mayor Conwell opened the public hearing. No one came forward to speak and the Mayor closed the public hearing.

Vice Mayor Marsala also thanked the developers and the Building Department for solving the issues.

Council Member McKeithen said sometimes letting the community work things out was the best approach and should happen more often.

MOTION - to find that the proposed homes are compatible with the surrounding homes' visual character and that the proposed landscaping will not substantially decrease the privacy of the neighbors; that the approval for the Exception Review would not be contrary to the purpose and intent of the General Plan and Zoning title; further to move that the City Council reconsider its decision to grant the appeal and approve the Exception for the reasons outlined in the staff report with conditions stated in the draft Exception Review Certificate.

M/S Marsala/McKeithen

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

17. CONTINUANCE OF HERITAGE ARTIFACT PRESERVATION URGENCY ORDINANCE

Recommendation: Conduct a public hearing to consider adopting the proposed interim ordinance extending the urgency measures adopted by the City Council on April 20, 2005, requiring a Conditional Use Permit to alter historical artifacts in the Town. Interim regulations will require a Conditional Use Permit to remove, alter, or demolish any historical item.

Deputy Town Planner Lisa Costa Sanders presented the staff report. The next step in the process was to hold a Town-wide meeting to get input from the community as to what types of preservation measures would be appropriate for the Town. Staff was

requesting the Council to extend the moratorium to protect the artifacts while the community outreach continued.

Mayor Conwell opened the public hearing. No one came forward to speak and the Mayor closed the public hearing.

MOTION - to adopt the interim ordinance, Ordinance No. 05-560 "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON EXTENDING REGULATIONS ON THE ALTERATION OF HISTORIC ARTIFACTS PENDING CONTEMPLATED GENERAL PLAN AND ZONING AMENDMENTS RELATING TO SAID ARTIFACTS," extending the urgency measures adopted by the City Council on April 20, 2005, for the period of one year and requiring a Conditional Use Permit to alter historical artifacts in the Town

Council Member Janz noted Council received a letter from Jan and Neil Rasmussen concerning the issue. He clarified the item before the Council that evening was a temporary measure to protect the artifacts until an appropriate ordinance was created.

M/S McKeithen/Janz

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

REGULAR AGENDA (Items 18 - 28)

18. **DISCUSSION AND POSSIBLE DIRECTION TO STAFF RELATED TO MENLO COLLEGE FIELD USE ISSUES (Continued from the City Council Meeting of September 21, 2005)**

Recommendation: Continue discussion to the November 16, 2005, City Council meeting.

MOTION -- to continue the discussion to the City Council meeting of November 16, 2005.

M/S Carlson/Janz

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

19. **CONSIDERATION OF VOTING STATUS OF RESIDENT MEMBERS OF TOWN COMMITTEES AND CONFORMANCE OF COMMITTEE NAMES (Continued from the City Council Meeting of September 21, 2005)**

Recommendation: Consider approving revisions relating to City Council Rules of Procedure.

Council Member Carlson stated there was no clear policy as to when resident advisors should or should not vote on matters before certain committees. The measure would codify that resident advisors may vote on committees of which they are members.

Council Member McKeithen agreed and stated other issues to be reviewed, were: 1) time limits on construction; 2) abandoned construction buildings; 3) interim plantings; 4) effect on trees; and 5) basement depth/basement size. All of the issues had been outlined in letters from residents and should be addressed by the General Plan Committee.

Council Member Janz also raised the issue of house size and that perhaps the time had come to revisit limitations on size.

Vice Mayor Marsala suggested using the Atherton Train Station parking lot for construction parking and shuttling workers to construction sites. In Beverly Hills, construction hours were extending from 5 to 6 p.m., and construction time was shortened by 12 to 17%. Additionally, he suggested encouraging contractors to recess the fences allowing more room for cars to park perpendicular to the site.

Council Member Carlson said there were many stages of construction. Once the outside of the structure was completed, noise went away but parking remained an issue. He suggested extending the hours of construction when activity moved inside the site. Parking enforcement was the main issue.

Council Member McKeithen wanted enforcement of existing regulations and the water discharge issue dealt with that evening. On the south side of Camino al Lago, there was a water discharge of 100 yards from Linda Vista down to Monte Vista and one-half the length of Monte Vista on the west side. Town policy did not permit concentrated runoff to be directed off the property to either the street right-of-way or an abutting property. Another discharge occurred on Park Lane.

Building Official Mike Hood stated the general policy was to keep drainage on site during construction. Any discharge offsite was handled with an Encroachment Permit.

MOTION – to refer the review of the Construction Regulations and Parking Ordinance to the the General Plan Committee meeting of November 2, 2005, and to direct staff to prepare a referral staff report that includes all the issues raised by Council Members.

John Ruggiero, Atherton, spoke regarding construction parking. Additionally, he asked whether lunch wagons had Town business licenses.

Building Official Hood said all new construction sites were required to file a parking and operation plan. Each site was handled individually to find the best alternative.

Council Member McKeithen said, as much as possible, license numbers were reported to the Town to determine whether a business license was issued.

Discussion continued regarding the home on the corner of Park Lane/Santiago. Because the project was in litigation, the 180 days between inspections would lapse and

the permit could then be declared expired. A new permit would require a parking and operation plan. However, there were several projects that were “grandfathered” and did not have to file a plan.

M/S Carlson/Janz

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

Council Member Carlson stated one purpose of the General Plan Committee was to seek the input of the public through a public hearing. He suggested staff develop an agenda to be reviewed by the two City Council Members who sat on the General Plan Committee for comment, place an ad in *The Almanac* announcing the meeting, and notify the Contractors’ network.

21. CONSIDERATION AND APPROVAL OF GUIDELINES FOR NON-SCHOOL RELATED SPECIAL EVENTS HELD AT PRIVATE AND PUBLIC SCHOOLS WITHIN THE TOWN OF ATHERTON

Recommendation: Consider and, if appropriate, approve School Event Guidelines for special events held at private and public schools within the Town of Atherton.

City Manager Jim Robinson presented the staff report. A meeting was held with Menlo-Atherton High School (M-A) and attended by Vice Mayor Marsala, Council Member McKeithen, Police Chief Bob Brennan, Phil Lively, Superintendent Pat Gemma, and Principal Norm Estrada. Strengthening the Guidelines for non-school related outdoor events regarding hours and noise was resolved by changing the hours to 9 a.m. until 6 p.m. on Saturdays and 10 a.m. until 5 p.m. on Sundays. The school district had a concern regarding the 9 p.m. cutoff for indoor activities. The purpose that evening was to review the guidelines and, if appropriate, make any necessary changes.

Council Member McKeithen said that M-A was requesting an exclusion letter from the Town for swim meets that began before 9 a.m. on Saturdays because lighting was used but not amplified sound. Regarding Item 4, neighbors did not want any lighting, shielded or not. Another consideration was when the new performing arts building was completed, there would be an additional 200 parking spaces on campus.

Deputy Town Planner Lisa Costa Sanders clarified that in general, no lighting was allowed for outdoor events; however, ancillary lighting was sometimes used for special night fundraising walks, etc.

Discussion continued regarding the change in hours and whether 9 a.m./10 a.m. start times would include setup time.

Henry Ilg, Atherton, spoke regarding picnics held at Menlo College and his concern for the noise, smells from the barbeques, and lack of supervision for the events.

Joe O’Brien, Menlo College, noted the picnics started at 11 a. m. or noon and ended at 4 p.m. A possible solution would be to move the barbeques to the center of campus.

He agreed to meet with Mr. Ilg to discuss the issues. He expressed concern for the 9 a.m. start time for field activities because there was not enough time for field prep etc. Additionally, he was concerned with the 9 p.m. ending time for indoor activities. Discussion continued. Any exceptions would be considered on a case-by-case basis.

David McAdoo, Menlo School, said in trying to be sensitive to neighbors' concerns for noise, the school decided not to have any coach/player interaction on the field before the opening time, whatever time that was. Additionally, many of the theatre productions did not end until 9:30 p.m. or later, and he was concerned about requesting too many exceptions.

Council discussion continued. The guidelines were not meant to be too restrictive; however, the intent was to provide guidance and ability to control noise.

City Attorney Marc Hynes clarified the City Manager prepared the guidelines that were then approved by the Council.

MOTION – to approve the Guidelines for Non-School Related Events with the addition that field use and outdoor functions shall be limited to 9 a.m. - 6 p.m. on Saturdays and 10 a.m. - 5 p.m. on Sundays with the exception of non-coach/player interactions.

M/S McKeithen/Carlson

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

22. FIRST READING AND INTRODUCTION OF ANIMAL CONTROL ORDINANCE REVISION

Recommendation: Introduce for first reading revisions to Chapter 6.04 of the Atherton Municipal Code (Section 6.04.010 and following) to conform with recent amendments to the San Mateo County Animal Control Ordinance.

City Attorney Marc Hynes presented the staff report. San Mateo County and its contract agents provided animal control services for the Town. When the County revised its regulations, all the agencies that were using its services needed to revise their regulations. Some revisions were small; however, substantive changes related to ongoing experience with dangerous/vicious animals. Most of the changes were good ones. The intent of that evening's action was to introduce the ordinance for a first reading.

Council Member McKeithen said page 16, section 13, stated the owner could request a hearing under section 6.04.095 subsections (a) – (g) and queried why subsection (h) was not included.

City Attorney Hynes said that subsection (a) – (g) talked about how the hearing would be conducted and what the hearing officer could do within 5 working days, etc. Subsection (h) discussed what the hearing officer was able to do once the animal was determined to be dangerous or vicious. There would not be a problem with the County by adding subsection (h) to Atherton's ordinance.

MOTION - to introduce for first reading, “AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON AMENDING CHAPTER 6.04 – OF THE ATHERTON MUNICIPAL CODE TO CONFORM WITH AMENDMENTS TO SAN MATEO COUNTY ORDINANCE REVISIONS”

M/S McKeithen/Carlson

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

23. CONSIDERATION AND POSSIBLE DIRECTION TO STAFF REGARDING THE REPORT ON WATER WELL IN HOLBROOK-PALMER PARK

Building Official Mike Hood presented the staff report. At its last meeting, the Council directed staff to look into the viability of the Holbrook-Palmer Park well providing an emergency source of water. The water, at the depth to which the well was drilled, was acceptably potable. Generally throughout the Town, there were three levels of aquifer, and the top level had a very high percentage of dissolved solids. The deeper one went the cleaner more potable the water became. The well had been tested at 125 gallons a minute and was determined to be an adequate well. The well was exclusively used for irrigation at the present time; however, in an emergency, the well could be used for potable water. In the circumstance of no electricity, the Town had one generator mounted on a trailer to supply power.

Staff was directed to retest the water before the next meeting relative to its “drinkability” and whether there were any adverse effects of drinking the well water.

Council accepted the report and no further action was taken.

24. CONSIDERATION AND POSSIBLE DIRECTION TO STAFF REGARDING TOWN OF ATHERTON DRAINAGE POLICY

Building Official Mike Hood presented the staff report. The main issue regarding disposal of drainage waters was twofold: 1) to take the rainwater and return it to the ground, which generally recharged the aquifer; and 2) to drastically slow down the time for the rainwater to flow to the Atherton Channel. In the past, the Town was primarily one-acre parcels with moderately sized homes. In the last 10 years, development was for considerably larger homes and considerably larger impervious area. If nothing were done, the Atherton Channel could not handle the flow. The Town required the design of detention facilities for a storm event that had the frequency occurrence of 1 in 25 years, or 2 inches of rainfall in a 24-hour period. The main criterion was to slow the water down. The flow into the Atherton Channel during a rainfall event was actually less than it had historically been. Rainwater went into storage tanks, French drains, or percolation beds; and as it flowed off the property, it followed the historic drainage paths. County and state guidelines also limited the quality of the water mainly dealing with siltation.

Council Member McKeithen read a letter into the record from Mrs. McClure. She had lived on her property for 40 years and never had a problem; however, after

French drains were installed above her property, she had a large amount of water under her home. She hired a specialist and must use large sump pumps continuously to drain the water. Council Member McKeithen noted Portola Valley had its own geotechnical engineer and required a drainage bond. When a particular construction site presented issues to surrounding properties, an independent person did an assessment that was charged against the bond. She believed the Town needed the involvement of experts and should not rely upon the developers.

In response to Council Member Carlson, City Attorney Marc Hynes said Chapter 8.54 of the Atherton Municipal Code contained the regulations that governed grading, erosion, and sediment control and provided recourse for the Town if drainage plans turned out to be faulty. Provisions in the nuisance/abatement ordinance also provided recourse.

Building Official Hood said the area from Atherton Avenue to Stockbridge, from Alameda De Las Pulgas west, had an extremely high groundwater level. The historic groundwater level was rising in that area. The water had to follow its historic drainage path. The water was typically coming from the larger impervious area developments. Historic rainfall was 15 to 20 inches a year. When people irrigate their lawns, the annual rainfall was raised for that property to 150 inches a year. The goal was to keep the water from flooding the channel.

Council discussion took place regarding: 1) whether the Town had the authority to require a bond that paid the cost of a consultant that the Town retained to make an assessment; 2) whether the Town should have its own soil engineer and drainage planner develop the plan for the site; or 3) whether the property owner should develop the plan and submit it to the Town.

Craig Johnson, Walsh Road, spoke regarding his family's property and the new development above his, the King property.

Rexford Upp, consultant, held several degrees and licenses in soil and engineering geology. He was retained by the uphill property owner from Mrs. McClure to resolve the drainage issue. The bedrock in that part of Atherton, the Whiskey Hill formation, was very tight sandstone/clay stone and was impermeable to water percolating down into it; therefore, water soaked out laterally and ended up on Mrs. McClure's property. Mr. Johnson was experiencing the same type of problem from the King property above his. Mr. Upp reviewed the soil reports for both problem properties and neither addressed the issue of percolating the water down into the ground. He believed the areas where the potential problem existed could be delineated on a map and a soil engineer could be required to address the issue of water retention. A system was designed for the property above Mrs. McClure to ensure water from it would not end up on her property.

After discussion, Council determined two issues needed immediate attention: 1) Mr. Johnson's issue, an adjoining property with a system that was not going to work; and 2) authorizing a consultant to work with the Building Department to define the areas

needing special studies and systems. A third issue, how to deal with water draining from properties with basements, could be taken up at a later time. A plan was needed on how to proceed and whether the Town could require percolation studies in the interim. A discussion with the City Attorney concluded existing authority provided the ability to do so.

Direction was given to staff to retain appropriate experts to identify the high-risk areas and to recommend what measures should be required in those areas in terms of inspection, planning, and installing the appropriate system for water retention.

City Manager Jim Robinson said staff could solicit Request for Proposals (RFPs) and make a recommendation to the Council.

Mr. Upp said the challenge for creating an RFP would be the development of the scope of work. He was willing to work with staff to develop the RFP to hire a consultant to perform a peer review.

Council discussion ensued regarding the pumping of water from a site when constructing a basement. An alternative to pumping the water down the street was to pump water out of one well and inject it elsewhere on the property. Another alternative might be to pump the water into a truck and haul it away.

Mayor Conwell called for a recess at 11:05 p.m. The meeting was reconvened at 11:15 p.m.

A discussion took place regarding 222 Greenoaks where water was being pumped down the street. Staff was asked to monitor the site to ensure the pumping did not continue beyond another week and report to Council when it stopped. Additionally, staff was asked for an analysis of the pros and cons for the various alternatives of pumping water for basement construction.

Staff was directed to report back to the Council at its next meeting how many instances occurred within the past two years of pumping water down the street, where the locations were, what alternatives were available, and what costs were associated with the alternatives. Staff was requested to prepare a map of the area west of the Alameda to depict how much land was affected by rising groundwater.

24. DISCUSSION AND CONSIDERATION OF PROPOSAL TO DEVELOP SENIOR HOUSING WITHIN THE TOWN ATHERTON

MOTION – to continue the item to a date uncertain

M/S Carlson/Janz

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

26. CITY COUNCIL AUTHORIZATION FOR DONATION TO HURRICANE KATRINA DISASTER RELIEF

Recommendation: Discuss and consider providing assistance to the hurricane Katrina disaster relief effort.

Mayor Conwell talked with citizens of Atherton and their general attitude was not in favor of spending Town funds for disaster relief effort.

Vice Mayor Marsala read a letter into record from Margaret Winters requesting the Town help a community in Louisiana. The Cities of San Carlos and Palo Alto had adopted towns. Another letter suggested supporting the Katrina relief effort. Vice Mayor Marsala suggested making a Town donation equivalent to \$2 per household would be a goodwill gesture.

Council Member McKeithen did not think it was appropriate for the Town to donate Town funds. Individuals should make their own contributions.

Council Member Janz noted that Palo Alto and San Carlos were not using city money. People were encouraged to send money to a relief fund or participate with groups who were sending goods. He did not have a problem selecting a Town and encouraging residents to donate to that effort.

Council Member Carlson said every cause was a worthy cause. Historically, the City Council had taken the position not to make a judgment and had left the decision up to individuals. He concurred.

MOTION – to name a Town in Louisiana and encourage residents to support relief efforts in this emergency

The motion died for lack of a second.

Council Member Janz encouraged individuals to help the earthquake victims in Pakistan.

27. CONSIDERATION OF SPECIAL MEETING FOR SELECTION OF MAYOR AND VICE MAYOR

Recommendation: Discuss and consider holding a Special Meeting for the purpose of selecting the Mayor and Vice Mayor.

Vice Mayor Marsala read a letter into the record from Betty Ogawa, Holbrook-Palmer Park Foundation Board of Directors. She believed a Special meeting for selecting the Mayor and Vice Mayor would provide an opportunity to honor the outgoing mayor and bring together those who worked on behalf of the Town on committees, commissions, and organizations. Vice Mayor Marsala thought a separate meeting would provide an opportunity for the Council to interact with residents and get to know committee/commission members. Other cities typically held special meetings for this event.

Council Member Carlson noted Atherton's practice had not been to have receptions for the outgoing/incoming mayors. If the goal were to have more interaction between the Council and members of committee/commissions, perhaps a roundtable meeting in the spring would be more appropriate.

The Mayor and other Council Members concurred with Council Member Carlson's comments and suggested a reception could be held after a roundtable meeting.

No action taken.

28. TOWN EMERGENCY PREPAREDNESS PLAN

Recommendation: Receive oral report from Town Police Department regarding the Town's Emergency Preparedness Plan

Police Sergeant Eric Grimm, provided materials for Council's review. He said 12 residents participated and were certified in Community Emergency Response Training (CERT). If Council and staff were interested in training, a half-day session would provide a good understanding of how the State Emergency Management System worked.

Staff was directed to schedule a half-day session for disaster/emergency training on a Saturday in mid-January in the Pavilion at Holbrook-Palmer Park. Additionally, committees/commissions, ACIL members, and residents were to be invited.

Discussion ensued regarding the different training opportunities for schools and businesses, as well.

Police Chief Bob Brennan said Sergeant Grimm had been involved with disaster preparedness for the past five years. High interest occurred when emergencies happened but faded quickly once the immediate emergency/disaster passed.

Sergeant Grimm said by the Corporation Yard, a building contained disaster supplies set aside for first responders until federal help arrived. A limited amount of supplies existed for residents. Residents were asked to store food and water for a period of time in the event they were cut off from supplies.

Council Member McKeithen asked whether training addressed the issue that so many police officers did not live locally and the issue of people hurting their own people, i.e., looting, etc.

Sergeant Grimm said the issue was worrisome. Typically, most of the Town's crime problems occurred with outsiders coming inside. The Town worked well with its neighbors and participated in mutual aid regularly. In the event of a disaster, those police officers living across bridges would not be available and one of the reasons CERT training was critical. The first step was to call the County and then the region

for assistance. Prioritization became critical and the Standardized Emergency Management System was followed.

In response to Vice Mayor Marsala, Sergeant Grimm said the best form of communication was the radio system. Cell phones might or might not work. Ham radio operators were called upon when communications became an issue. Additionally, OASIS was a satellite communications system to talk with county and state emergency centers. A microwave system also was available in the remote event the radios were not operational.

29. PUBLIC COMMENTS

30. ADJOURNMENT

Mayor Conwell adjourned the meeting at 12:10 a.m.

Respectfully submitted by:

Linda Kelly, Acting City Clerk

**Minutes Prepared by:
Kathi Hamilton**