



**MINUTES**  
**Town of Atherton**  
**CITY COUNCIL STUDY SESSION/  
CITY COUNCIL SPECIAL MEETING**  
**JANUARY 30, 2009**  
**8:00 a.m. Friday**  
**MAIN HOUSE**  
**Holbrook-Palmer Park**  
150 Watkins Avenue  
Atherton, California  
**Special Meeting**

Mayor Carlson called the meeting to order at 8:10 a.m.

**PLEDGE OF ALLEGIANCE**

**1. ROLL CALL**

**PRESENT:** Elizabeth Lewis  
Jim Dobbie  
Charles E. Marsala  
Jerry Carlson  
Kathy McKeithen

**STUDY SESSION**

**2. INVESTIGATE LONG-TERM FINANCING MECHANISMS WELL IN ADVANCE OF THE PARCEL TAX SUNSET DATE OF JUNE 30, 2010**

**Discuss hiring a consulting firm to conduct an Atherton resident survey regarding the upcoming Parcel Tax and/or Utility User Tax. The consulting firm could coordinate public outreach and educational information regarding the proposed ballot measure.**

**3. DETERMINE THE FEASIBILITY POLITICALLY, ECONOMICALLY, AND OPERATIONALLY OF A NEW OR REMODELED TOWN CENTER AND CONSIDER IMPLEMENTATION OF THE RECOMMENDATIONS FROM THE FACILITY STUDY**

**4. PRESENTATION BY JESUS NAVA, FINANCE DIRECTOR FOR THE CITY OF BURLINGAME, REGARDING SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY (SBWMA), THE NORCAL CONTRACT, BOND FINANCING, AND THE SAN CARLOS AGREEMENT**

5. DETERMINE THE FEASIBILITY OF ANNEXATION, COMMERCIAL AND RESIDENTIAL, AND IF FEASIBLE, CONSIDER PURSUING ANNEXATION OF DESIGNATED AREAS
6. WORKING LUNCH – PURSUE OPTIONS OF OBTAINING TOWN OF ATHERTON HOUSING ELEMENT STATE CERTIFICATION
7. DISCUSS FUNDING AND BUILDING QUAD GATES AT TRAIN CROSSINGS, IMPLEMENTATION OF QUIET ZONES, AND PERSUADING CALTRAIN (CALIFORNIA HIGH-SPEED RAIL AUTHORITY CHSRA) TO ACCOMMODATE ATHERTON'S CONCERNS REGARDING HIGH-SPEED RAIL
8. DISCUSS IMPLEMENTATION OF PERFORMANCE BASED MEASURES FOR EACH DEPARTMENT FOR THE TOWN OF ATHERTON
9. DISCUSS HOW TO BETTER COMMUNICATE WITH RESIDENTS
10. CONCLUSION OF STUDY SESSION AND CLOSING COMMENTS

Mayor Carlson adjourned the Study Session at 1:50 p.m.

#### ADJOURNMENT TO A SPECIAL CITY COUNCIL MEETING

Mayor Carlson called the meeting to order at 2:10 p.m.

#### 1. ROLL CALL

**PRESENT:** Elizabeth Lewis  
Jim Dobbie  
Charles E. Marsala  
Jerry Carlson  
Kathy McKeithen

#### 2. DISCUSSION AND POSSIBLE ACTION REGARDING THE CITY COUNCIL SCREENING COMMITTEE

Mayor Jerry Carlson said the issue was whether the Council wanted to maintain a Screening Committee or have the entire Council interview potential candidates for committees and commissions.

Council Member Marsala noted former Mayor Alan Carlson suggested having the whole Council interview potential candidates three years prior; however, Council decided not to institute it at that time. Council Member Marsala wanted to revisit the issue because some committees/commissions were steppingstones to being elected to Council. Those who were selected to serve on committees/commissions would have an advantage, and he believed the full Council should be involved in the process.



**Mayor Carlson said the next item for approval was the Council Committee assignments.**

**Council Member Marsala thought some of the committees needed a fresh set of eyes and Council Members should rotate committee assignments.**

**Council Member Lewis said she was not assigned to committees she requested. She would like to be considered as the representative rather than the alternate on several committees, e.g., Finance, Town Center, or General Plan Committee.**

**Council Member Dobbie thought choosing people who had the experience and knowledge for a particular committee was the most helpful. He believed Mayor Carlson and Vice Mayor McKeithen were very effective on the Finance Committee.**

**Council Member Marsala said some cities did not have a Finance Committee or the only role was to bring the audit to the residents, which enabled the full breadth of the Council to review financial matters. He thought all members of the Council should be rotated on the Finance Committee in order for all members to become knowledgeable, which would ultimately benefit the Town.**

**MOTION – to approve Council Committee Assignments as appointed by the Mayor**

**Council Member Lewis said the Finance Committee had no term limit, no rotation, and no ability for other members to serve on it. She believed there was evidence of the need to have new eyes on the committee. She also suggested expanding it to include a member of the community who would have more expertise either with a financial background or a legal background. Additionally, she suggested the Finance Committee meet on a scheduled basis, not on an as-needed basis, in order for the community to attend.**

**Council Member Marsala agreed. The Finance Committee should have a set schedule like most of the committees/commission. Additionally, he said some committees had more prestige or power than others, and members should be assigned on a more rotational basis.**

**Mayor Carlson agreed with setting regularly scheduled meetings for the Finance Committee.**

**M/S McKeithen/Dobbie Ayes: 3 Noes: 2 (Marsala,Lewis) Absent: 0 Abstain: 0**

**4. DISCUSSION AND POSSIBLE ACTION REGARDING A PROCEDURE FOR COUNCIL MEMBERS TO REQUEST AN ITEM BE PLACED ON THE CITY COUNCIL AGENDA**

**City Attorney Marc Hynes presented the staff report. Currently, the City Manager controlled the preparation of the agenda. Should the City Council desire to put into place a procedure whereby one or more Council Members could request items be**

placed on an agenda, paragraph 5.2 should be amended accordingly. To avoid an arguable violation of the Brown Act involving three or more Council Members agreeing on an item of business outside a regularly noticed meeting, paragraph 5.2 could be revised to include language authorizing one or two Council Members to request placement of an item on an agenda

Council Member Marsala had researched other cities. He proposed: 1) if one Council Member wanted to add an item to the agenda, the City Manager would put it on the end of the next Council agenda, and if the item received a second, it would be scheduled for the next Council meeting; 2) If two Council Members wanted an item on the agenda, the item would be put on the next agenda for discussion; and 3) if a committee/commission wanted to bring something to the Council for discussion, a motion at the committee level would be sufficient to schedule the item on a Council agenda.

Council Member Lewis said if an individual Council Member wanted an item on the agenda, he/she should compose a one paragraph description to be included in the agenda packet.

A short discussion ensued regarding the public's ability to put items on the agenda.

Council Member Dobbie was concerned if two members were able to put an item on the agenda, two members would be able to take something off the agenda, causing difficulties.

Vice Mayor McKeithen was not in favor of allowing two Council Members to put items on the agenda. The City Manager was hired to do the job for the best interest of the Town. The City Manager, in conjunction with the Mayor, should determine if the item was appropriate for Council discussion. If Council Members were allowed to put items on the agenda, the process would become politicized.

A lengthy discussion centered on the pros and cons of allowing two Council Members to put items on the agenda, how other cities handled the process, and what types of discussions would be appropriate or inappropriate and/or legal or illegal. Additionally, discussion ensued regarding information needed in the description and/or staff report forwarded to the Council.

**MOTION** – should a Council Member want an item on the agenda, he/she should request the City Manager to place the item on the next agenda to determine Council support to discuss the item on the subsequent month's agenda; Further, the Council Member should include a summary of the item

**M/S Marsala/McKeithen**

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

A discussion ensued regarding placing items on the agenda coming out of committee and commissions. Some concerns were raised regarding items being presented that might not be appropriate. The pros and cons were discussed. City Attorney Hynes clarified an item could be tabled without holding discussion.

Mayor Carlson believed Council had an obligation to discuss what came out of committees/commissions. He would like committees/commissions to have more responsibility.

**MOTION – if a committee/commission passed a motion for Council to consider a proposal, the item will be placed on the Council’s agenda within two meetings**

Discussion ensued with the City Manager regarding the logistics of placing items on the agenda, etc.

M/S Marsala/Lewis            Ayes: 3   Noes: 2 (McKeithen/Dobbie)   Absent: 0   Abstain: 0

Council Member Marsala made a motion to allow two Council Members to place an item on the Council’s agenda for discussion.

Discussion centered on the possible need for more information in order to take action, whether staff time was needed, Council’s ability to table the discussion or direct staff to pursue items further, and possibly elongating and politicizing meetings. After a back and forth dialogue, the following motion was finalized:

**MOTION – should two council members want an item on the agenda, the item will be placed on the Council’s agenda for discussion within two meetings, limited to one item per meeting, placed at the end of the agenda, not to consume more than 30 minutes of staff time, for an up or down vote at the meeting**

M/S Marsala/Lewis            Ayes: 5   Noes: 0   Absent: 0   Abstain: 0

Before adjournment, City Attorney Marc Hynes said Council should consider adding an item to the agenda to be discussed in Closed Session regarding Pilar Ortiz-Buckley. The issue arose after the agenda was posted and would take a 4/5 vote of the Council.

**MOTION – to add a Closed Session item to the agenda regarding Pilar Ortiz-Buckley**

M/S Carlson/Dobbie            Ayes: 5   Noes: 0   Absent: 0   Abstain: 0

**5. ADJOURN TO CLOSED SESSION**

Mayor Carlson adjourned the Special City Council meeting to a Closed Session at 3:38 p.m.

**RECONVENE TO OPEN SESSION**

Report of action taken.

City Attorney Marc Hynes reported out of Closed Session that no action was taken.

**FINAL ADJOURNMENT**

**The meeting was adjourned by Mayor Carlson at 4:15 p.m.**

**Respectfully submitted,**

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**Jerry Carlson**  
**Mayor**

**Minutes Prepared by:**  
**Kathi Hamilton**