



Meeting Type

City Council Meeting

Date:

February 4, 2015



On February 4 the City Council met for their February City Council Study Session Meeting. The Agenda included one item for Council action and two items for Council discussion.

Item No. 1 was an action item before the City Council to adopt a Resolution in support of two Transportation Development Act grant applications. The projects involved the installation of Class III Bike Routes and bicycle and pedestrian improvements on Middlefield Road at Oak Grove

Avenue. The project's total \$350,000 and the Council authorized a match of 50% (\$175,000). After brief discussion, the Council adopted the Resolution in support of the application for the grant.

Item No. 2 was a discussion of the work thus far by the Town's Charter City Ad Hoc Committee. Via the staff report, staff presented a summary of some of the pros and cons of becoming a charter city over a general law city (presently). The Council discussed issues that revolved around taxation ability, prevailing wage requirements for public projects, applicability of the public contracts code, elections, procurement, and structure. Following discussion and public comment, the Council opted to place the Charter City Ad Hoc Committee on hiatus while staff researches further details on the ability of the Town to consider a Real Property Transfer Tax as a General Law City as part of the 2014/15 Budget Review.

Item No. 3 was discussion of the Town's existing encroachment permit ordinance, suggested changes, and the revocable license process. Staff presented an outline to the Council to solicit feedback on the process and philosophy of revocable licenses from the Council before further development of the ordinance and process. The proposed ordinance would encompass the same level of detail and requirement of the existing ordinance; however, residents would also be required to complete a revocable license to clarify development, maintenance, and liability issues within the Town's rights-of-way.

Section 12.06.040 of the Town's current ordinance makes it unlawful to store any materials (of any kind) or vehicles upon any easement, right-of-way (which includes the road) for any purpose. The Town has an encroachment permit process designed to address temporary encroachments for development (sewer lines, water lines, driveway installation, etc.) but lacks sufficient detail in the ordinance to address more transient (but quasi-permanent) improvements such as landscaping, irrigation lines, rocks, fences, poles, trees, etc. There are exceptions to the requirements for

"That's A Wrap" reflects the outcome of items on the Agenda and a general list of issues. For specific detail of motions, individual member voting and discussion, please review the minutes of the meeting and/or video recording.



Meeting Type
City Council Meeting

Date:

February 4, 2015



compliant mailboxes, de minimus improvements, keypads and intercoms (with building permits), etc. but more substantial improvements are not addressed in a manner that clarified issues related to development, maintenance, and liability. Staff advised that it was important to remember that any private improvement placed within the Town's rights-of-way need the approval of the Town before being placed and that the adjacent property owner takes on all liability associated with that improvement.

The goal is to educate the community, make it safer for vehicles and pedestrians and solve the Town's liability issue through risk transfer. The Town has allowed encroachments to occur over time and has allowed liability issues to build up. The core issue is that many of the improvements placed by property owners and many of the types of improvements they actually want are not clearly permissible under the current standards. Staff is looking for a more cooperative approach that allows property owners to make more significant improvements within the rights-of-way, where feasible, with review, and clear risk transfer.

Following the staff report, the Council discussed issues such as education, recordation of the revocable license, public outreach, priorities for implementation, exclusions from the requirements for de minimus improvement, fees, amortization (grace) periods, and the establishment of a Town Council Subcommittee to work on further development and outreach. It was noted that it could be several months before a workable ordinance and process is developed before the Town begins extensive education and outreach.

And at 5:54 pm, the Council wrapped.

Sincerely,

George Rodericks
City Manager
Town of Atherton
grodericks@ci.atherton.ca.us