



Minutes
Town of Atherton
February 4, 2015
4:00 P.M.
City Council Chambers
94 Ashfield Ave
Atherton, California
Special Meeting

Mayor DeGolia called the meeting to order at 4:00 p.m.

ROLL CALL Widmer, Wiest, Lempres, Lewis, DeGolia

PUBLIC COMMENTS - None.

ACTION ITEM

1. ADOPTION OF A RESOLUTION OF SUPPORT FOR TWO TRANSPORTATION DEVELOPMENT ACT GRANT APPLICATIONS TO C/CAG

Report: Community Services Director Mike Kashiwagi

Recommendation: Adopt a Resolution in support of two Transportation Development Act (TDA) grant applications, totaling \$350,000 for the following projects:

- Installation of Class III Bike Routes throughout Town as identified in the Bicycle and Pedestrian Master Plan
- Complete streets bicycle and pedestrian intersection improvements on Middlefield Road at Oak Grove Avenue

Community Services Director Mike Kashiwagi indicated that this item is an action item 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).

Council concurred that there areas staff chose to focus on where a good choice.

MOTION by Lewis, second by Widmer to adopt a Resolution in support of two Transportation Development Act (TDA) grant applications, totaling \$350,000 for the projects. The motion passed unanimously.

STUDY SESSION ITEMS

2. CHARTER CITY AD-HOC COMMITTEE DISCUSSION

Report: City Manager George Rodericks

Recommendation: Review and discuss the Charter City Ad-Hoc Committee

City Manager Rodericks provided a brief background on the work done thus far by the Town's Charter City Ad Hoc Committee. Rodericks suggested that the City Council review the work of the ad-hoc committee; provide direction to the committee for future effort; and/or decide not to continue the work of the ad-hoc committee.

A summary of some of the pros and cons of becoming a charter city over a general law city was presented to Council. 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.

Council Member Widmer was supportive of a charter city because he felt it provides more flexibility and allows local government to decide what laws they may want to be exempt from. Widmer felt the process for becoming a charter city was equally as transparent.

Conners expanded on the benefits of being a charter city.

Council Member Lempres felt that becoming a charter city would be a tool to be used in addressing a problem. He felt that if indeed there are issues or problems that are driving this initiative then the Council needs to know that.

Council Member Lewis recalled that the initiative came up a few years back because certain Council Members wanted more flexibility in taxing abilities.

Council Member Wiest felt that it would be a reasonable initiative if Atherton were a larger city with commercial uses and had continuous capital improvement projects. Wiest did not see any long term benefit of becoming a charter city.

Public Comment was received by Jim Massey and Arthur Ringham.

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.

3. ENCROACHMENT PERMIT ORDINANCE AND DEVELOPMENT LICENSE PROCESS

Report: City Manager George Rodericks

Recommendation: Review and Discuss

This item was discussion of the Town's existing encroachment permit ordinance, suggested changes, and the revocable license process.

City Manager Rodericks 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 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.

ADJOURN

MOTION by Widmer, second by Wiest to adjourn. Mayor DeGolia adjourned the meeting at 5:54 p.m.

Respectfully submitted,

Theresa N. DellaSanta
City Clerk