

MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, JULY 12, 2004

Mayor Regan called the regular meeting to order at 6:00 p.m. at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough California.

ROLL CALL: Present: Mullooly, Fannon, Regan
 Absent: Adams, Kasten

MINUTES: The minutes of the June 14, 2004 City Council meeting were approved as submitted.

RECOGNITION:

Dr. Lionel Foster received a Certificate of Appreciation from the City Council. Dr. Foster resident of the Town of Hillsborough received the 2004 Hero for Health Award from Mills-Peninsula's African-American Community Health Advisory Committee. This award recognized Dr. Foster for creating a national network of non-medical professionals who educated the public on the need for early diagnosis and early treatment of prostate cancer.

Ms. Betsy Pace received a Certificate of Appreciation from the City Council for her service as a member of the Citizens Communications Advisory Committee.

CONSENT CALENDAR:

On motion of Councilmember Fannon and seconded by Councilmember Mullooly, unanimous on voice vote, Consent Calendar items 1 – 4 and 6 – 9 were approved. Item 5 was removed for discussion.

1. MONTHLY CLAIMS JUNE 1 THROUGH JUNE 30, 2004

The monthly claims for the month of June 2004 in the amount of \$2,214,066.38 were approved.

2. QUARTERLY TREASURER'S REPORT

The Treasurer's Report for the quarter ending June 30, 2004 was approved.

3. AWARD OF CONTRACT – RECORDS MANAGEMENT / RETENTION SCHEDULE

The City Manager was authorized to execute the contract in the amount of \$10,021.75 with Records Control Services to provide professional services for the creation of a comprehensive records management retention policy and guidelines, subject to final review by the City Attorney's office.

4. RESOLUTION AUTHORIZING COMPENSATION ADJUSTMENT FOR THE POSITION OF PUBLIC WORKS INSPECTOR

The resolution approving a compensation adjustment for the position of Public Works Inspector was adopted.

5. AMENDMENT TO THE AGREEMENT WITH THE CITY OF BURLINGAME TO PROVIDE HUMAN RESOURCE SERVICE

Assistant to the City Manager Kathy Leroux explained that the agreement with the City of Burlingame and Town of Hillsborough currently has a 1 year time limit and has expired. The new amendment to the agreement allows for a long-term contract that would continue the current arrangement and either party can cancel the agreement with at least 30 days written notice.

Councilmember Mullooly asked what services Burlingame provides for Hillsborough. Mrs. Leroux said the City of Burlingame provides recruitment and other personnel services to the Town.

City Attorney Norm Book asked that the wording “as of” be added to the agreement on the first line.

On motion of Councilmember Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, the City Manager was authorized to enter into an agreement with the City of Burlingame to provide Human Resource Services.

6. RESOLUTION CONFIRMING REPORT OF WEED ABATEMENT CHARGES AND ORDERING COLLECTION

The resolution confirming report of weed abatement charges and ordering collection was adopted.

7. RESOLUTION CALLING THE GENERAL MUNICIPAL ELECTION OF THE TOWN OF HILLSBOROUGH AND DIRECTING THE CITY CLERK TO PERFORM ALL ACTIONS REQUIRED OF THE CITY ELECTIONS OFFICIAL OTHER THAN THOSE TO BE PERFORMED BY THE COUNTY

The resolution calling the general municipal election of the Town of Hillsborough and directing the City Clerk to perform all actions required of the City Elections Official other than those to be performed by the County was adopted.

8. RESOLUTION REQUESTING THE CONSOLIDATION OF THE CITY ELECTION WITH THE STATEWIDE GENERAL ELECTION

The resolution requesting the consolidation of the City election with the statewide election was adopted.

9. THE RESOLUTION REQUESTING THE COUNTY TO CANVASS THE RETURNS OF THE TOWN OF HILLSBOROUGH GENERAL MUNICIPAL ELECTION AND AUTHORIZE THE EXECUTION OF THE NECESSARY SERVICE AGREEMENT WITH THE COUNTY

The resolution requesting the County to canvass the returns of the Town of Hillsborough regular municipal election and authorizing the execution of the necessary service agreement with the County was adopted.

PUBLIC HEARING:

10. APPEAL OF THE ARCHITECTURE AND DESIGN REVIEW BOARD’S APPROVAL OF A NEW HOUSE AND RELATED LANDSCAPE PLAN AT 15 MOUNTAIN WOOD COURT

City Planner Maureen Morton indicated at its meeting of April 19, 2004 the Architecture and Design Review Board (ADRB) recommended (5-0) approval of a new house at 15 Mountain Wood Court. Ms. Morton stated that an appeal has been filed by Mr. and Mrs. David Blanz of San Mateo who live immediately behind the subject property. Ms. Morton explained that the proposed new house includes a total of 6,151 actual square feet on the 1 acre lot, resulting in an FAR of 13.4%. The project is consistent with the Stonebridge Subdivision EIR and complies with the standards in the Municipal Code.

Ms. Morton added that there was no public testimony at the ADRB’s April 19, 2004 public hearing, but letters were submitted by Mr. and Mrs. Blanz and Dr. Wong of San Mateo. The letters asked that the applicants lower the driveway grade, alter the siting of the house on the lot, and retain oak trees. Mrs. Morton said the ADRB considered the letters and reviewed the site plan and the tree removal plan. The revised landscape plan was recommended for approval (4-0) at the May 17, 2004 ADRB meeting.

Councilmember Fannon asked if one wanted to remove a 24” oak tree from their yard would a permit be necessary. Ms. Morton answered no; a permit would not need to be required.

Councilmember Fannon asked what design issues the ADRB had with the project. Ms. Morton said they had none, the board thought highly of the project.

Mayor Regan opened the public hearing.

Attorney Janet Fogarty representing Mr. and Mrs. Blanz submitted a packet to the City Council consisting of a letter and photos of the proposed site. The first issue was the siting of the house square across the back of the lot at the exact set back line. She believed that the neighbors would be looking into each other's bathroom and bedroom windows. The second issue was the preservation of an oak tree which is located at the rear of the property, oak #224 on the plans. Mrs. Fogarty indicated that the oak tree appears to be in much better condition than what has been expressed in the arborist report. Mrs. Fogarty submitted a series of exhibits to the City Council labeled "A" through "F". A reduced version of the large plans prepared by the developer with certain markings highlighted for clarity, and a computer generated photo using another house to give an impression of the impact of the project were submitted.

Dave Blanz of San Mateo submitted a packet of photos to the City Council. Mr. Blanz explained that the issues included the windows from the bedroom and bathroom and the proposed removal of oak tree #224 that appears to be in good health. Mr. Blanz indicated that he is trying to cooperate with Pinn Brothers Construction on this project.

Karen Blanz of San Mateo submitted a packet of photos to the City Council. Mrs. Blanz discussed her issue with the story poles showing what she believed to be only a portion of the house being built. Mrs. Blanz added that oak tree #224 provided screening to their property. Mrs. Blanz stated that the new house would be intrusive and take away their privacy.

Dr. Wong of San Mateo indicated that when the ranch was first purchased the developer told the neighbors the trees would not be removed along the property line.

John Stewart, architect for the project indicated that he worked with the neighbors and provided them with plans and all revisions. Mr. Stewart said the Blanz property is much higher than the site of the proposed house. There are no trees or landscaping on their property to help with the screening. Mr. Stewart explained that the house was placed in a specific area so there would not be a direct view of the backyards, bathrooms, and bedrooms. Mr. Stewart indicated that the more healthy trees with a larger diameter were preserved, and 31 new trees would be planted, 7 trees along the property line were still in place, and there are a total of 21 existing trees being saved. The ADRB approved the project 5-0 vote and privacy was never brought up as an issue in the neighborhood meeting, or at the ADRB meeting. Mr. Stewart commented that the appellants did not have a 2nd arborist evaluate the condition of the tree. Mr. Stewart mentioned that working drawings have already been completed since the appeal period for the project expired.

Richard Huntington of Mayne Tree stated that the oak tree in question was unhealthy. Mr. Huntington commented on the fact that the valley oak tree loses its leaves 3-4 months out of the year. The tree was given a low rating due to the lean of the tree and possible rot. Mr. Huntington indicated that the developer worked with him to try and keep as many trees as possible when designing this project.

Councilmember Fannon stated that if the house was rotated there would still be windows looking at windows. Mrs. Fogarty said the point was to try and keep the windows from having a direct view.

Councilmember Mullooly commented on the one single oak tree not giving much privacy compared to the 7 new trees that are being planted. Mrs. Fogarty said the new landscape will need time to develop, and the existing oak tree is already developed.

Councilmember Mullooly said there is a 20' setback in Hillsborough but didn't know what the setback was in San Mateo. Mrs. Fogarty thought San Mateo had a 10' setback.

Councilmember Regan asked about what appeared to be foundations in the photos of the Blanz's deck. Mrs. Fogarty indicated that was the start of a new deck and trellis being constructed at the Blanz property.

John Stewart said he looked at the rotated plan submitted by Mrs. Fogarty and the proposed plan would not meet the Town's garage back-up requirements or change the window issue.

Mr. Blanz stated that another option would be to excavate the property, lower the house and save the oak tree.

Mr. Stewart said lowering the house would kill two healthy trees in the front of the property.

Mayor Regan closed the public hearing.

Councilmember Mullooly said she does not agree with lowering the house, adding retaining walls, and taking out more trees to save an unhealthy tree. Mrs. Mullooly felt the architect has addressed the issues with landscape to help benefit both properties.

Mayor Regan stated that the ADRB approved the house with a 5-0 vote and a 4-0 vote for the landscaping. A total of 21 trees are being saved and 2 removed. Mayor Regan feels the architect has accommodated the loss of one tree with several others, and meets the design guidelines.

Councilmember Fannon said this process has been on going and didn't understand why all the information submitted tonight was being presented for the first time.

On motion of Councilmember Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, the City Council denied the appeal and accepted the ADRB's recommendation to approve the project at 15 Mountain Wood Court.

NEW BUSINESS:

11. RESOLUTION RENEWING CONTRACT WITH JOAN EDWARDS AND ASSOCIATES TO PROVIDE RECYCLING CONSULTATION SERVICES

Public Works Director Martha DeBry explained that the firm Joan Edwards and Associates has provided recycling consulting service to the Town of Hillsborough, which are billed on a time-and-material basis. Mrs. DeBry said a new contract is proposed for \$100,000, averaging 24 months of services and is approximately equivalent to the current contract.

On motion of Councilmember Fannon, seconded by Councilmember Mullooly, unanimous on voice vote, the resolution renewing the contract with the firm Joan Edwards and Associates to provide recycling consultation service was adopted.

12. RESOLUTION AWARDING A CONTRACT TO SHAW PIPELINE, INC FOR THE 2004 WATER MAIN REPLACEMENT PHASE III PROJECT

Acting City Engineer Gordon Siebert indicated that this project would replace approximately 3 miles of water main lines. Mr. Siebert indicated that Shaw Pipeline was the low bidder for the project.

On motion of Councilmember Mullooly, seconded by Councilmember Fannon, unanimous on voice vote the resolution awarding Shaw Pipeline, Inc. for the 2004 Water Main Replacement Phase III Project, in the amount of \$1,900,596, with a 10% contingency in the amount of \$190,060, for a total construction budget of \$2,090,656 was adopted.

13. RESOLUTION APPROVING CONTRACTS FOR CAPITAL IMPROVEMENT
ENGINEERING DESIGN AND CONSTRUCTION MANAGEMENT SERVICES
PROVIDED BY CSG ENGINEERING

Public Works Director Martha DeBry explained the new process for designing and managing capital improvement projects in Town. All contracts in excess of \$10,000 shall be presented to the City Council for approval, and will appear on the consent calendar.

On motion of Councilmember Fannon, seconded by Councilmember Mullooly, unanimous on voice vote, the resolution approving contracts for capital improvement engineering design and construction management services provided by CSG Engineering was adopted.

PUBLIC COMMENT:

None

CITY COUNCIL ITEMS:

Martha DeBry distributed a flyer showing the specifications for the rental of 1640 Floribunda Avenue.

Martha DeBry indicated that the meeting with the neighbors regarding Vista Park went well. One last meeting will be held before the final project is presented to the City Council.

Maureen Morton introduced the Planning Departments new Assistant Planner Gina Tynan.

ADJOURN:

Mayor Regan adjourned the meeting at 7:16 p.m.