

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, OCTOBER 11, 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, Adams, Kasten, Regan

**MINUTES:** The minutes of September 13, 2004, will be set for approval at the November 8, 2004, City Council meeting.

**PRESENTATIONS:**

The Architecture and Design Review Board (ADRB) Commissioner John Fannon presented a Certificate of Appreciation to David Luebke for four-years of dedicated service to the ADRB.

Kathleen Benoit was appointed as a regular member to the Architecture and Design Review Board.

Mayor Regan presented the Mayor's Athletic Achievement Award to twelve players of the Hillsborough Little League All-Star Team, District 52.

**CONSENT CALENDAR:**

On motion of Councilmember Fannon and seconded by Councilmember Mullooly, unanimous on voice vote, Consent Calendar items 1 – 4 were approved.

1. MONTHLY CLAIMS SEPTEMBER 1 THROUGH SEPTEMBER 30, 2004

The monthly claims for the month of September 2004, in the amount of \$2,226,086.01 were approved.

2. QUARTERLY TREASURER'S REPORT

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

3. RESOLUTION ACCEPTING AS COMPLETE THE EL CERRITO / CRYSTAL SPRINGS POTHOLING PROJECT (boring holes to accurately determine depth)

The resolution accepting as complete the El Cerrito / Crystal Springs Potholing Project and authorizing staff to file a notice of completion was approved.

4. RESOLUTION APPROVING PURCHASE OF AND ALLOCATING FUNDS FOR A RODDING MACHINE IN LIEU OF REPLACEMENT OF TRUCK 21

The resolution approving purchase of and allocating funds for a rodding machine in lieu of replacing truck 21 was adopted.

**PUBLIC HEARING:**

5. REQUEST TO ENLARGE A NONCONFORMING STRUCTURE BY ADDING A GARAGE, 321 WEST SANTA INEZ AVENUE; Mr. and Mrs. Dennis O'Rourke, applicants

City Planner Maureen Morton indicated that the applicants are proposing to add a one-story, two-car garage in front of their existing substandard-sized garage. The new garage would be within the required sideyard setback area, approximately eight feet from the side property line. Ms. Morton clarified that this is not a variance request; rather, the revised zoning ordinance requires that the City Council approve extensions to structures built within setback areas, unless the adjoining neighboring property owners sign-off on the plans. She reported that, because most of this neighborhood was constructed when required sideyard setbacks were smaller, there are many properties within structures located within required setback areas.

The City Planner stated that staff recommends approval of this request, since it is consistent with provisions of the Municipal Code encouraging replacement of nonconforming garages when it is a logical extension of the existing structure, has a low level of visual impact, and is consistent with other structures in the neighborhood.

Mayor Regan opened the public hearing.

Mr. Dennise O'Rourke, homeowner at 321 W. Santa Inez Avenue, said he appreciated the fact that the City Council performed a site visit prior to the City Council meeting. Mr. O'Rourke indicated that the proposed garage is according to code and does not require a variance. Mr. O'Rourke said the new garage would be consistent with the existing house and he plans to keep his cars parked in the garage. Mr. O'Rourke said he is willing to install new landscaping and a property line fence to help improve the view of his home.

Mayor Regan closed the public hearing.

Councilmember Mullooly said that the new garage makes sense and does not appear intrusive. Councilmember Mullooly believes a new fence and landscape would improve the site, and the garage would keep the cars parked out of sight.

Councilmember Adams indicated that many lots in the neighborhood are narrow and have structures within current setback areas.

Vice Mayor Kasten believes the applicants' willingness to help plant screening around the property is very accommodating.

Councilmember Fannon believes this new structure would improve the entire house, including the neighbors' view.

On motion of Councilmember Fannon, seconded by Councilmember Adams, unanimous on voice vote, the request to add a two-car garage as an extension to a nonconforming structure, as per plans in the City Council's agenda packet, was approved, subject to administrative design review approval of the final architectural plans.

6. **ORDINANCE AUTHORIZING AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) AND THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH**

Assistant to the City Manager Kathy Leroux indicated that this ordinance was introduced at the September 13, 2004, City Council meeting in order to implement a 3% @ 50 retirement plan for sworn police officers. Mrs. Leroux added that the resolution was adopted at the September 2004 City Council meeting.

Mayor Regan opened the public hearing. There being no comment, the public hearing was closed.

On motion of Councilmember Adams, seconded by Vice Mayor Kasten, unanimous on voice vote, the ordinance amending a contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the Town of Hillsborough was adopted.

**DISCUSSION:**

7. DRAFT ORDINANCE AMENDING CHAPTER 15.16 OF THE HILLSBOROUGH MUNICIPAL CODE REGARDING SEWER BACKWATER PREVENTION

Public Works Director Martha DeBry discussed a draft ordinance requiring the installation of backwater protection valves, more commonly known as back flow devices. Currently when a resident wants to apply for a plumbing permit, he or she must first complete the certification that protection is already in place, arrange for an adequate back water protection be installed or receive an exemption from the requirement. Mrs. DeBry indicated that many residents in Hillsborough already have clean outs and back flow devices installed on their properties, and this ordinance will not slow down the permit process for those residents.

Mrs. DeBry said that she is in the practice of organizing a program to educate residents about this new ordinance and hopes to complete this program by the end of 2006.

Councilmember Fannon asked how the Town would identify which residents need these fixtures. Mrs. DeBry said the resident would need to install the fixture only if he or her property falls in a specific category.

Councilmember Fannon asked how the Town would communicate this to the residents. Mrs. DeBry said she plans on sending out a series of notices, placing the information of the Town website, and HTV.

Mayor Regan added that somehow the Town must identify which lots require the installation of this fixture. Mrs. DeBry said that after a two year period staff will begin evaluating properties and allow residents adequate amount of time to comply.

Councilmember Adams asked how an average homeowner would know their sewer system layout. Mrs. DeBry indicated that the owner could contact the Public Works Department, or any plumbing company.

Vice Mayor Kasten believes the Town should be very clear about using the word “fixture”, and as to what that might mean to some. Vice Mayor Kasten indicated that it might be more efficient to check properties first and then send out letters to the properties that require a fixture. Mrs. DeBry said staff time is an issue which is why she suggested starting with the noticing.

Councilmember Mullooly added that if the Public Works Department personally noticed the property owner indicating this is a requirement of the Town, the impact might be higher.

Councilmember Mullooly asked how many of the 3,800 homes in Hillsborough need this fixture. Mrs. DeBry estimated about 30% of properties would require this device be installed. Mrs. DeBry also indicated that the reimbursement program is still in place.

Councilmember Adams asked what the estimated cost of the device was. Mrs. DeBry said about \$1,500 for a single story home and possibly a little more for a two story home.

Mayor Regan asked if any plumber could do this or if there is a specialized list of plumbers. Mrs. DeBry said that any plumber could install this fixture; however it is the homeowner’s responsibility to make sure that the fixture is continuously working.

Mayor Regan asked how long a certificate for these devices was good for. Chief Building Official John Milke explained that only one certificate is issued; after that it is the homeowner’s responsibility to maintain the device.

Mayor Regan asked if the Town would be in a position to reject a claim if the fixture was installed and failed at a future date. Mrs. DeBry said yes, the liability of maintenance will be transferred to the property owner.

Vice Mayor Kasten stated that this is a way to help homeowners avoid an overflow occurrence.

Mrs. DeBry said the Town of Belvedere and Stege Sanitary District (El Cerrito/Richmond) have implemented a similar ordinance and have seen a reduction in the severity and occurrence of claims.

Councilmember Adams believes that homeowners should receive a personal letter from the Town indicating to them that a backwater protection system is a requirement by the Town to be installed at their property.

Assistant City Attorney Penny Greenberg discussed a few working changes to the draft ordinance.

8. FLORIBUNDA AVENUE AND EL CAMINO REAL SIGNAL LIGHT UPGRADE

Police Chief Matthew O'Connor and City Engineer Cyrus Kianpour presented an update on the Floribunda Avenue and El Camino Real signal light upgrade. Mr. Kianpour approached the City of Burlingame and CalTrans for the purposes of collectively seeking grant funding to make corrective changes and/or improvements at the intersection to reduce the existing collision rate. The cost of the implemented corrective suggestion totals \$35,873 leaving the Town of Hillsborough to pay \$8,968, Cal Trans \$17,937, and the City of Burlingame \$8,968.

Mr. Kianpour indicated that this is not a significant amount of money when using Measure A Funds, Gas Tax Funds, and possibly the General Fund. However, the Measure A Fund should cover the cost, if the other two agencies are in agreement.

Councilmember Mullooly thanked Chief O'Connor and Mr. Kianpour for all the work put into this intersection.

Mayor Regan said the \$9,000 cost is feasible and it looks like this might help eliminate some accidents.

9. DEMONSTRATION OF GEOGRAPHIC INFORMATION SYSTEM

Assistant City Engineer Dave Bishop demonstrated how the Geographic Information System (GIS) operates.

**PUBLIC COMMENT:**

None

**CITY COUNCIL ITEMS:**

Mayor Regan announced that "Light-Up the Town" will be held Thursday, December 2, 2004.

Councilmember Mullooly asked if anyone would be attending the Council of Cities Dinner, Friday, October 22, 2004 hosted by the City of Pacifica. Mayor Regan, Vice Mayor Kasten and Councilmember Mullooly will attend.

Councilmember Mullooly asked if Vice Mayor Kasten would attend the Round Table meeting November 3, 2004.

Councilmember Mullooly asked if anyone was going to attend the Housing Leadership Day 2004. Vice Mayor Kasten indicated that he would attend.

Finance Director Edna Masbad distributed a preliminary report to the City Council with a Town Budget update. Mrs. Masbad indicated that due to the combination of factors, the Town has realized revenues in excess of \$1 million over expenditures.

Mayor Regan indicated that the Floribunda house was rented.

Public Works Director Martha DeBry explained to the City Council that the water project on Hillsborough Blvd. and West Santa Inez is nearing completion, and the road will be repaved shortly.

**ADJOURN:**

Mayor Regan adjourned the meeting at 7:55 p.m.