

**MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, DECEMBER 13, 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 the November 8, 2004 City Council meeting were approved as submitted.

APPRECIATION: Charles F. Adams – Resolutions and Certificates were presented to Mr. Adams by Mayor Regan and Honorable State Senator Jackie Speier, honoring Mr. Adams for his dedication to the community as a Councilmember for over 13 years.

ADMINISTRATION OF OATH OF OFFICE:
Conducted by Honorable State Senator Jackie Speier

- Councilmember Elect – Christine M. Krolik
- Councilmember Elect – Thomas M. Kasten
- Councilmember Elect – Catherine U. Mullooly

ELECTION OF MAYOR:
Nominated by Councilmember Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, Thomas M. Kasten was elected as Mayor.

ADMINISTRATION OF OATH OF OFFICE:
Conducted by Honorable Beth Labson Freeman

ELECTION OF VICE MAYOR:
Nominated by Councilmember Fannon, seconded by Councilmember Regan, unanimous on voice vote, Catherine U. Mullooly was elected as Vice Mayor

ADMINISTRATION OF OATH OF OFFICE:
Conducted by Honorable Beth Labson Freeman

- **Mayor Kasten – Conducted the remainder of the City Council meeting.**

CONSENT CALENDAR:

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

1. MONTHLY CLAIMS NOVEMBER 1 THROUGH NOVEMBER 30, 2004

The monthly claims for the month of November 2004, in the amount of \$2,193,580.49 were approved.

2. RESOLUTION AUTHORIZING COMPENSATION ADJUSTMENTS FOR UNREPRESENTED EMPLOYEES, PUBLIC WORKS / CLERICAL UNIT, IAFF FIRE UNIT AND FIRE ADMINISTRATORS

The resolution authorizing compensation adjustments for Unrepresented Employees, Public Works / Clerical Unit, IAFF Fire Unit and Fire Administrators was adopted.

3. RESOLUTION AWARDING A CONTRACT TO SHAW PIPELINE FOR THE JEWEL PLACE / SAN RAYMUNDO ROAD STORM DRAIN PROJECT

The resolution awarding the contract for the Jewel Place / San Raymundo Road Storm Drain Project to Shaw Pipeline Inc. in the amount of \$35,000, with a 15% contingency in the amount of \$5,250, for a total construction budget of \$40,250 was adopted.

4. INTRODUCE ORDINANCE AMENDING SECTION 2.12.010 AND THREE SECTIONS OF TITLE 17 (ZONING) OF THE HILLSBOROUGH MUNICIPAL CODE

The ordinance amending Section 2.12.010 and three sections of Title 17 (zoning) of the Hillsborough Municipal Code was introduced and set for public hearing at the January 10, 2005 City Council meeting.

PUBLIC HEARING:

5. ADOPT ORDINANCE AMENDING CHAPTER 15.16 OF THE HILLSBOROUGH MUNICIPAL CODE REGARDING SEWER BACKWATER PREVENTION

Public Works Director Martha DeBry indicated that this was the second reading of the ordinance that would require the installation of backwater protection to any residence requesting a plumbing permit. Ms. DeBry added that an outreach program would be set in place to coincide with the adoption of the ordinance.

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

On motion of Councilmember Krolik, seconded by Councilmember Regan, unanimous on voice vote, the ordinance amending Chapter 15.16 of the Hillsborough Municipal Code regarding sewer backwater prevention was adopted.

NEW BUSINESS:

6. SEWER RISK OUTREACH PLAN

Public Works Director Martha DeBry explained that Public Works staff has developed a plan for public outreach to coincide with the adoption of the Back Water Prevention ordinance. Ms. DeBry indicated that the key elements of the outreach program will include: research and/or physical inspection of each property, the development of printed materials such as articles for the newsletter, water bill stuffers, and outreach to plumbing contractors. Ms. DeBry added that experienced maintenance staff will be used to conduct inspections.

Ms. DeBry's presentation reviewed the goals of the outreach program, elimination of sewer overflows, staff training, and evaluation of all properties, educating residents, maintenance guidelines, staffing and provided a time schedule.

Vice Mayor Mullooly asked if when using the digital camera, can staff look into the lateral and see if the backflow device was properly installed. Ms. DeBry said only the condition of the lateral can be determined not of the backflow device.

Ms. DeBry indicated that staff might consider hiring a contract employee to run the project, depending on the amount of time this project will require.

Mayor Kasten asked that if a property doesn't require a backflow device, yet wants one installed, would they be eligible for reimbursement from the Town. Ms. DeBry said the reimbursement policy is not specific regarding the necessity of the installation of the device and the request would be reviewed for reimbursement on a case by case basis.

Councilmember Regan asked how a homeowner is to ensure the device is functioning properly. Ms. DeBry said regular inspections by plumbers would be needed.

Councilmember Regan asked about notifying property owners of the new program in addition to mailers, could we notify by email. Ms. DeBry said a homeowner would have to sign up on the Town website or the assigned inspector can ask the homeowner if they would like to be notified by email.

Councilmember Krolik asked if the communication will be in another language. Mr. DeBry said that Chinese will be possible on Hillsborough's website.

Councilmember Fannon believes this to be a good communication program. On motion of Vice Mayor Mullooly, seconded by Councilmember Regan, unanimous on voice vote, the City Council approved the sewer risk public outreach plan.

7. RESTORATION OF THE 1936 LaFRANCE FIRE ENGINE

Fire Chief Bill Reilly explained that the 1936 LaFrance Fire Engine was acquired by the Town in July of 1994 with the help of 108 residents who donated over \$38,000 for the acquisition and restoration. Chief Reilly said since that time the fire engine has gone through numerous repairs. Chief Reilly indicated that the body of the 1936 LaFrance has been restored and is in excellent shape. However, the current problems are with the engine overheating due to leaks in the head gasket. Chief Reilly said the Central County Fire Department mechanics found that the head has been machined too many times causing the compression to increase, resulting in the head gasket leaking. Chief Reilly said along with care and approximately \$7,000 in engine work the LaFrance would remain authentic and would be fully operational including the ability to pump water along with retaining its optimum value. Chief Reilly said to rebuild the LaFrance would involve a new motor and transmission. Chief Reilly explained that the downside would be this is not the original engine and would reduce the value of the engine and cost approximately \$25,000 to \$30,000.

Chief Reilly added that the 1936 LaFrance is an original Hillsborough Fire Engine, and could be used for major Town events such as the Concours, Light Up the Town, and special school functions.

On motion of Vice Mayor Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, the City Council authorized \$7,000 from the General Fund Contingency Account to repair the 1936 LaFrance Fire Engine.

DISCUSSION:

8. ORDINANCE LIMITING TIME FOR CONSTRUCTION PROJECTS, REQUIRING A QUALIFIED SUPERINTENDENT, AND REQUIRING PRE-CONSTRUCTION MEETINGS

Chief Building Official John Milke indicated that this ordinance would address impacts related to construction projects in Town exceeding \$750,000. Mr. Milke explained that pre-construction meetings and on-site qualified job superintendents would discuss key management issues, such as construction parking, erosion control, recycling, work hours, keeping a clean and neat site, and responding to neighbor concerns. Mr. Milke explained that a qualified superintendent would act as the liaison between the Building Department and homeowner. Mr. Milke also discussed time limits for construction projects, based on job value with monetary penalties for noncompliance. Mr. Milke added that a hearing panel would consider appeals of the penalties and would have the authority to modify or cancel them if there were appropriate grounds, based on provisions of the ordinance.

Councilmember Fannon asked about parking plan requirements and possible off site parking. Mr. Milke said staff has discussed the possibility of off site parking and using the open space area at Black Mountain Road. Mr. Milke said staff will have to be creative to find ways to deal with parking issues. Councilmember Fannon said during the pre-construction meetings, the Town should enforce a policy regarding parking on a construction site.

Councilmember Regan said that construction sites should be surveyed to see how many cars may fit based on the size of the construction project and lot. Councilmember Regan believes neighbors have been burdened enough with the large amount of vehicles per site.

Councilmember Fannon asked that staff come back to the City Council with some suggestions on how to resolve this issue.

Mayor Kasten said that during pre-construction meetings staff must resolve concerns such as parking, street closure, and the flow of traffic in Town. Councilmember Regan asked if the Town has made a determination with regards to the Town owing interest on cash/bond deposits. City Attorney Norm Book said the bond money should be put into an interest bearing account.

Mayor Kasten asked whether in regard to acceptable reasons for an appeal, such as a natural disaster, terrorist attack, etc., the Town would require documentation. Mr. Milke said yes, the Town would require all documentation for terms of appeal.

Councilmember Regan suggested adding on page four of the ordinance first sentence of the ordinance the phrase “to the satisfaction of the Chief Building Official.”

Mayor Kasten said the homeowners can have wording in the contract regarding delays. Mr. Milke said that shifts the burden to contractors.

Councilmember Fannon said the time limits on these large projects is a very positive plan, and is very confident with the projected time limits.

City Manager Anthony Constantouros said the City Council might want to require parking issues be accomplished by administrative review rather than adding that language to the ordinance.

Councilmember Regan suggested adding wording to Section 15.26.010 the phrase “and its parking.”

Councilmember Krolik said this could create an enforcement issue and needs to be reviewed site by site. Police Chief Matt O'Connor added that each site is unique and may need review by a team of staff members.

City Manager Anthony Constantouros said staff will add Council's language and then decide if additional wording should be added.

The Council also agreed that during the pre construction meetings, parking and traffic plans must be submitted. The Council asked for clarification regarding cash/bond deposits. The ordinance was set for introduction at the January 10, 2005 City Council meeting.

PUBLIC COMMENT:

Mrs. Beverly Fleming of Forest View explained that her new neighbors have two unfriendly dogs. Mrs. Fleming said that her neighbor indicated that they would construct a new dog pen for the dogs use during the hours the owners are at work. Mrs. Fleming said the new structure is less than 20ft from her property line. Mrs. Fleming believes the Building / Planning Department should include restrictions regarding dog pens in the Hillsborough Municipal Code.

CITY COUNCIL ITEMS:

Vice Mayor Mullooly announced that the Central County Fire Department was awarded grant money totaling \$6,500 for a community smoke alarm installation program.

Vice Mayor Mullooly announced that the Central County Fire Department Joint Powers Fire Board met for the second time since the department was formed. Everything is going well, and the Department is in the process of working on its policies and procedures.

Vice Mayor Mullooly indicated that the San Mateo County Pre Hospital Medical Group Services is refining the current agreement to include oversight of non-medical fire services. The County-wide JPA is penalized for each call that is not responded to within the agreed-upon time allotment. The fire units are now meeting the requirement 99% of the time.

Vice Mayor Mullooly added that the Central County Fire Department has six ALS units in the County system, and the reimbursement will continue to be base on that number.

Councilmember Regan said he attended a 100th Anniversary Party for a home in Hillsborough on Stonehedge Road. The new owners remodeled the home to its original condition, and the Town presented a special proclamation in its honor.

Councilmember Krolik thanked the City Council and Town Staff for their support and hard work.

ADJOURN:

Mayor Kasten adjourned the meeting at 8:15 p.m.