

**MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, MARCH 14, 2005**

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

ROLL CALL: Present: Krolik, Regan, Fannon, Mullooly, Kasten

MINUTES: The minutes of the February 14, 2005 City Council meeting were approved as submitted.

RECOGNITION:

- Vice Mayor Catherine Mullooly was selected for the "Woman of the Year" Award, by California State Assembly Member Gene Mullin and honored during a ceremony at the State Assembly Chambers, March 14, 2005

- The Town of Hillsborough Finance Department has received the following awards:

Distinguished Budget Presentation Award: Government Finance Officers Association

Outstanding Financial Reporting for 2003-2004 Award: California Society of Municipal Finance Officers

Operating Budget Excellence Award: California Society of Municipal Finance Officers

CONSENT CALENDAR:

On motion of Councilmember Fannon and seconded by Vice Mayor Mullooly, unanimous on voice vote, Consent Calendar Items 1 through 11 were approved.

1. MONTHLY CLAIMS: FEBRUARY 1 THROUGH FEBRUARY 28, 2005

The monthly claims for the month of February 2005, in the amount of \$2,062,336.34 were approved as submitted.

2. REJECTION OF CLAIM: Ricky Chen and Te-Fung Chen, 2510 Skyfarm Drive

The City Council rejected the claim from Ricky and Te-Fung Chen at 2510 Skyfarm Drive in Hillsborough.

3. REJECTION OF CLAIM: Brian Haverty, 646 Alhambra Road, San Mateo

The City Council rejected the claim from Brian Haverty at 646 Alhambra Road in San Mateo.

4. APPROVAL OF LEASE AGREEMENT WITH THE SAN MATEO COUNTY PRE-HOSPITAL EMERGENCY MEDICAL SERVICES GROUP, JPA

The City Manager was authorized to execute the Lease Agreement with the San Mateo County Pre-Hospital Emergency Medical Services Group, JPA.

5. RESOLUTION TO PURCHASE THREE REPLACEMENT POLICE VEHICLES

The resolution authorizing the Police Department to purchase three replacement black and white 2005 Crown Victoria vehicles, for the bid amount of \$70,042.35, from S&C Ford of San Francisco, from the existing funds in the vehicle replacement line item, was adopted.

6. RESOLUTION ADOPTING THE 2005 GENERAL PLAN

The resolution adopting the 2005 General Plan, including the addendum, was adopted.

7. ANNUAL UPDATE, STANDARD CONDITIONS OF APPROVAL FOR MAJOR PROJECTS

The City Council approved the March 14, 2005 Annual Update, Standard Conditions of Approval for major projects.

8. RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE 2004 WATER MAIN REPLACEMENT PROJECT, PHASE III

The resolution authorizing additional funds for the 2004 Water Main Replacement Project, Phase III, in the amount of \$181,050, from 2003 bond proceeds, was adopted.

9. APPROVAL OF SERVICE ORDER FOR ENGINEERING DESIGN OF 2005 WATER MAIN REPLACEMENT PROJECT, PHASE IV

The City Council approved CSG service order, in the amount of \$192,000, for engineering design of the 2005 Water Main Replacement Project, Phase IV.

10. RESOLUTION AND AGREEMENT AMENDMENTS TO THE PENINSULA HUMANE SOCIETY AND CITY CONTRACTS

The resolution executing an amendment to the Agreement with San Mateo County for the provision of Animal Control Services increasing the contract term from three years to five years, and amending the payment schedule, was adopted.

11. RESOLUTION APPROVING CHANGES TO ANNUAL INVESTMENT POLICY

The resolution approving changes to the Town's annual investment policy for fiscal year 2004-2005 was adopted.

PUBLIC HEARING:

12. APPEAL OF THE ARCHITECTURE AND DESIGN REVIEW BOARD'S APPROVAL OF THE DESIGN OF A NEW HOUSE AT 2768 RALSTON AVENUE; William Stein and Patricia Hsiu Stein, et al, appellants; Richard Dwyer, applicant

City Planner Maureen Morton stated that an appeal of the Architecture and Design Review Board for a new house at 2768 Ralston Avenue has been submitted. Ms. Morton stated that the first design submitted by the applicant Mr. Dwyer was a two-story home. As a result of neighbor comment, the house was revised to a one-story above ground and a partial (544 sq. ft.) basement level. The ADRB approved the (3-1-1; Benoit dissented and Jewett abstained) the design. There were no negative public comments made at the February 7, 2005 ADRB meeting about the new design; however, there was concern with the fact that story poles were not erected. Ms. Morton stated that story poles are not required for single story projects. As currently proposed, the house would be 5,788 square feet with a 19.4% FAR on the 0.69-acre lot. Compared to the previously proposed project, the current project has reduced the total square footage by 704 square feet, reduced the FAR by 2.3% and reduced the maximum ridge height of the project by ten feet. Ms. Morton added that the proposed project complies with the standards in the Municipal Code and Design Guidelines. Ms. Morton said several appellants signed the letter of appeal citing Chapters 1, 2, 4 and 5 of the Design Guidelines as the basis for the appeal. Staff explained that driveway safety is not a valid basis for appeal, since it is not within the purview of the ADRB. Ms. Morton added that the City Council may accept or reject, wholly or in part, or may modify, the recommendation of the ADRB.

Mayor Kasten opened the public hearing.

Mrs. Patricia Hsiu said she signed the appeal letter for 2768 Ralston Avenue due to the controversial issues surrounding the subdivision. Mrs. Hsiu indicated that there were negative comments received about the project regarding safety issues and drive way concerns. Mrs. Hsiu said the ADRB commented that was not within their purview.

Mrs. Hsiu said she appreciated the fact that Mr. Dwyer reduced the size of the home; however, the current house design is at the maximum set back requirements. The Residential Design Guidelines ask that new buildings reinforce Hillsborough's image. Mrs. Hsiu believes that the plans prepared by the developer are inconsistent with Town requirements. Mrs. Hsiu said she feels the ADRB discriminates against homeowners, and not developers. Mrs. Hsiu believes the house plans, along with the landscape plans, should be discussed as a whole. Mrs. Hsiu said the lot has topography concerns with the effect the new house will have on neighbors. Mrs. Hsiu is happy the developer proposed a single story house, but still feels the house is built to the maximum capacity of the lot, and does not conform to the homes in the area. Mrs. Hsiu said there are many concerns with regards to safety and the City Council should deny this proposal and send it back to the ADRB.

Mr. Kaiser said this area is a very prominent location across from Crocker School and on a ridgeline. He stated that he believes that story poles and a landscape plan need to be provided to protect the ambiance of the Town. Mr. Kaiser said the proposed properties on Ralston Avenue do not meet the Town sight lines for driveways and urged the City Council to support the appeal and proceed for providing a safe solution.

Mrs. Bailey Meyer said she just received notice of the public hearing, because she was out of town, and was pleased to see the house reduced to a single story. However, she said she felt the house still does not comply with the Town Guidelines, is in excess of the square footage, and will loom onto the neighbor's property. Mrs. Meyer said there is also an issue with the driveway location. Mrs. Meyer added that the subdivision should be reconsidered and divided into two lots instead of three. These small lots do not seem to be in keeping within the character of the Town.

Mayor Kasten closed the public hearing.

Councilmember Fannon asked what was happening with the landscape plan, and why a plan was not submitted. City Planner Maureen Morton said the landscape application will appear on the next ADRB agenda. It is better to not invest in a landscape plan until the house plans are approved.

Mayor Kasten reopened the public hearing.

Mr. Richard Dwyer applicant and developer of 2768 Ralston Avenue stated that he grew up in Hillsborough and has a lot of pride in what goes into this community. Mr. Dwyer indicated that he has listened to everyone's concerns and he believes he has built this house according to the Design Guidelines and feels a shared driveway does not seem reasonable. Mr. Dwyer asked the City Council to uphold the decision of the ADRB and approve the design of the new house at 2768 Ralston Avenue.

Mayor Kasten closed the public hearing.

Councilmember Fannon commented that the right side of the house is the only area which is pushing the setback to the limit. However, the design of the project is well within the code restrictions. Councilmember Fannon said that the ADRB said it was a beautiful home.

Councilmember Regan asked if this was a typical process with regards to the landscape plan being submitted at a future time. City Planner Maureen Morton said yes, this often happens with new homes. The Code also requires the installation of the landscape plan within 6 months of issuance of a certificate of occupancy.

Councilmember Regan asked about the unsettled issue with the driveway, and if it is typically reviewed by the City Engineer. City Engineer Cyrus Kianpour said on an existing lot, the driveway is looked at during the time the home is developed, in conjunction with the placement of the house.

Councilmember Regan said it seems the City Engineer could provide the best and safest location for a driveway. This could be made a provision to the approval of the project.

Mr. Kianpour said the traffic is significantly heavier on Chateau than Ralston, which is why Ralston is a better place for a driveway location.

Councilmember Krolik asked if the joint meeting with the City Council and ADRB has been decided. City Manager Anthony Constantouros said there are some dates in mind; one possibility is prior to the April City Council meeting.

Vice Mayor Mullooly stated that she looked at each lot individually and she asked that the developer keep the shared driveway option open. Vice Mayor Mullooly said we have a hilly Town with houses above and below. We need to look at this house and how it was designed for this specific lot. The ADRB thought it was a beautiful looking home and that it would fit well in Hillsborough. Vice Mayor Mullooly said single story homes do not require story poles, and traffic is always a problem when new homes are being built anywhere in Town. Vice Mayor Mullooly said you can't stop construction on a property, but you can address issues that will help move construction along.

Councilmember Krolik asked about the reference to house sizes in the Mitigated Negative Declaration. Ms. Morton explained that the project description included a reference for house sizes that reflected what was generally being built at that time. However, there are no mitigation measures or conditions of approval which limit the house sizes at this location. It is stated that all houses will comply with Hillsborough regulations and guidelines, and this house does that.

Mayor Kasten stated that Mr. Dwyer has gone from a two-story home, to a single-story home, to help mitigate some of the neighborhood objections. Mayor Kasten referred to the new construction management ordinance which would help ensure that construction is mandated in a safe manner with the least amount of disruption. Mayor Kasten asked that some of the street signs on Ralston Avenue be cleaned and one of the trees be trimmed.

City Attorney Norm Book asked if the approval would include the possibility of a shared driveway. Councilmember Regan said yes, subject to Engineering and Police approving a shared driveway.

On motion of Councilmember Regan, seconded by Vice Mayor Mullooly, unanimous on voice vote, the City Council denied the appeal and upheld the decision of the ADRB to approve the design of the new house at 2768 Ralston Avenue, subject to:

- (a) Installing the driveway in what the City Engineer and Police Chief determine to be the safest and most appropriate location on Ralston Avenue (which may require a shared entryway), the design of which is subject to the approval of the City Engineer and Police Chief;
- (b) An approved landscape plan; and
- (c) Compliance with the construction management ordinance to address construction impacts.

NEW BUSINESS:

13. RESOLUTION AUTHORIZING PURCHASE WITH GRANT FUNDS OF 11 DUAL-BAND POLICE VEHICLE RADIOS TO REPLACE THIS EXISTING SINGLE-BAND UNITS

Captain Mark O'Connor stated that the Police Department is requesting to replace the single-band vehicle radios with dual-band units. The Hillsborough Police Department will be the only agency in San Mateo County with dual-band radios in each of the marked and unmarked patrol cars. Captain O'Connor indicated that the new radios will enhance communication ability and allow an officer to communicate with the Public Works Department more effectively.

Vice Mayor Mullooly asked if the patrol vehicles have more than one radio in a car, and if so, would the officer be able to hear Hillsborough dispatch. Captain O'Connor said the Hillsborough primary frequency will automatically switch over without delay.

Councilmember Regan asked about the difference between the single-band radios and dual-band radios. Captain O'Connor said presently, we have single band radios which allow communication with anyone (law enforcement agencies) with similar 400 megahertz radio frequency equipment. Dual-band radios afford the capability of communicating on both the 400 as well as the 150 megahertz radio frequencies, thus allowing direct communication with all Fire service which operates on the 150 megahertz frequency. With this capability, our patrol units can serve as mobile command posts and our officers will be capable of monitoring the radio traffic, thus being more informed as to situational developments of various calls for service. Captain O'Connor added that the Fire Department and many other entities operate on the 150 megahertz range such as CHP helicopter, Caltrans, Weather Channel, etc.

Mayor Kasten asked if Police would be able to contact any Fire Department command post. Captain O'Connor said yes.

Vice Mayor Mullooly commented that radio communication was a concern during 9/11. Would the dual-band radios address those issues. Captain O'Connor said radio communications between responding public safety agencies was critical during emergency rescue efforts following the September 11 attack in New York. Even though all agencies responded, communication could have been greatly improved, if the various entities were capable of direct contact, using various frequency ranges. By having this option available to the Hillsborough officers, we can insure a greater degree of direct communication should the need arise.

On motion of Vice Mayor Mullooly, seconded by Councilmember Regan, unanimous on voice vote, the resolution authorizing the Police Department to purchase with grant funds, 11 dual-band Kenwood police vehicle radios, in an amount not to exceed \$21,483.50, from Metro Mobile Communication of Menlo Park, along with installation not to exceed \$2,640, by Priority One, Belmont, for a total amount of \$24,123.50, was adopted.

14. **RESOLUTION AWARDING A CONTRACT TO J. FLORES CONSTRUCTION, INC. FOR THE RALSTON / PINEHILL SEWER RELOCATION PROJECT**

City Engineer Cyrus Kianpour stated that staff is requesting the award of the Ralston/Pinehill Sewer Relocation Project to J. Flores Construction, Inc. the low bidder with a proposal of \$874,070. Mr. Kianpour indicated that the project will intercept the existing flow from sewer mains on Ralston easements and Pinehill / Robin easements, where sewer backups have caused claims to be filed against the Town. This project will dramatically decrease the flow in these lines, improve access and increase the reliability of the overall system. Mr. Kianpour said the new sanitary sewer mains will be located in the street and provide easy access for maintenance crews. The project is scheduled to begin on April 18, 2005 and should be completed by July 2005.

Councilmember Fannon asked the reason for the bid prices being so different. Mr. Kianpour said due to the price of concrete materials being much higher. Councilmember Fannon said it seems like a short amount of time to complete this project and asked what if they go over schedule. Mr. Kianpour said the schedule is tight because staff would like to minimize the impact on residents. Mr. Kianpour said should they go over schedule; penalties are built into the contract.

The City Council and the City Engineer discussed a variety of issues such as: construction materials, impact, schedules, bonds and insurance, pavement restoration, and other subjects relating to this contract.

On motion of Councilmember Fannon, seconded by Councilmember Krolik, unanimous on voice vote, the resolution awarding J. Flores Construction, Inc. the contract for the Ralston / Pinehill Sewer Relocation Project, in the amount of \$874,070, with a 15% contingency in the amount of \$131,111, for a total construction budget of \$1,005,181, was adopted.

OLD BUSINESS:

15. TOWN OF HILLSBOROUGH OFFICE SPACE: OFFICE RELOCATION CONCEPTS

Captain Mark O'Connor indicated that over a year ago, a Facility Assessment Committee was formed to look at the needs, ideas, and options for office space. Mary Wang, an architect of CSG, was hired to look at the Town's needs to relieve office over crowding and consider conference room improvements. Mrs. Wang prepared a very comprehensive report to retain the current offices at Town Hall and minimize any relocation. This effort yielded some creative ideas, but did not alleviate the overcrowding at Town Hall. Captain O'Connor stated that there may be a possibility of centralizing Fire operation in Burlingame. This would allow consideration of such options as moving engineering back to Town Hall, moving finance to former Fire Administration and improving the space available to the Building and Planning Department. Both office areas would require improvements in the form of physical layout and new furniture.

Councilmember Krolik asked when the Fire Department would make this decision. Captain O'Connor said possibly August 2005.

Councilmember Regan asked if in August Chief Reilly decides to move fire administration would there be more room at Town Hall for staff or another department. Captain O'Connor said there is a possibility of moving the Engineering Department or Public Works Director to Town Hall.

On motion of Vice Mayor Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, the City Council allocated \$10,000 to hire a consultant from CSG to design office space and furniture layout.

DISCUSSION:

16. DISCUSSION OF SLOPE CALCULATIONS

City Engineer Cyrus Kianpour stated that the question of slope density was brought up at the February 2005 City Council meeting. Mr. Kianpour presented examples on how the "slope density" formula in the Subdivision Ordinance is used to determine minimum lot size in proposed subdivisions. Mr. Kianpour also discussed the way in which slope is considered when houses are designed for individual sites and how the slope of property is generally calculated. Mr. Kianpour's presentation included: the definition of slope, design guidelines, slope density calculation, sample calculations, slope density computation, and Chapter 16.12 of the Hillsborough Municipal Code.

Mr. Dennis Mangano asked if the ordinance applied to the entire lot or just the pad of where the house is going to be built. Mr. Kianpour said the ordinance as it relates to slope density is for the entire lot.

Mr. David Kaiser asked if the guidelines related to sloped property is for only a portion of the site why is FAR calculated for the entire site? City Planner Maureen Morton said that the Town encourages development on the flattest part of a lot and the area of the entire lot is used to calculate FAR. Mr. Kianpour also stated the slope is computed where improvements are placed.

Mr. Kaiser asked if it was an arbitrary process to allow a builder to choose where to place a building. Mr. Kianpour replied that the Town encourages placement of builders to minimize grading.

Mr. Mangano asked what the ordinance ruling for building on slopes is. Ms. Morton said there is no ordinance.

Councilmember Krolik read a portion of the design guidelines to help clarify some of the residents concerns.

Staff's presentation ended with examples of how the "slope density" formula in the Subdivision Ordinance is used to determine minimum lot size in proposed subdivisions and the way in which slope is considered when houses are designated for individual lots.

17. SHADY CREEK RETAINING WALL REPAIR PROJECT UPDATE

City Engineer Cyrus Kianpour discussed the project history of the Shady Creek retaining wall failure. Mr. Kianpour indicated that staff is recommending to proceed with bidding the project, stabilizing the area, and continuously monitoring the area. Mr. Kianpour discussed three alternatives to the City Council with regards to proceeding with the project. Alternative #1 continue current measures, would increase regular maintenance, and is a high risk for sewer overflows, continued landslides and retaining wall failure, still costing \$20K - \$50K per year on-going. Alternative #2 repair slope failures add additional retaining walls and improve surface drainage. Alternative #3 repair slope failures, and add additional walls along creek side of sewer trail for the entire section from Hayne Rd. to Marlborough Rd. and improve surface drainage.

Vice Mayor Mullooly asked if the portion of the retaining wall that failed was a result of poor design or the excessive amount of water itself. Mr. Kianpour said staff can't determine if it was poor design at this time; however, as a part of the new construction the Town will investigate both design and construction of the existing wall system in compliance with the approved plans and specifications.

Councilmember Fannon asked if this was the issue with Ranger Pipelines in the past. Mr. Kianpour said yes, there was a settlement.

Councilmember Krolik asked if it would be better to put this sewer line underground. Mr. Kianpour said no, due to land movement and expense.

The City Council and staff discussed Alternate #1 & 2 with regard to drainage and cost. The City Council authorized staff to proceed with Alternate #2 that includes construction of the retaining walls to protect the sewer main along with improving drainage.

18. JEFFERSON MARTIN 230 kV LINE CONSTRUCTION

City Engineer Cyrus Kianpour explained that the County of San Mateo issued an encroachment permit to PG&E. However, the Town of Hillsborough has not issued any permits. Staff is currently working with Nueva School and dealing with Town boundaries to make sure there is minimal impact in Town, along with coordinating work with school activities.

Mayor Kasten asked if the Town would have specific dates of construction, due to the high impact it would have on the intersection. Mr. Kianpour said yes.

PUBLIC COMMENT:

Ms. Betty Koppl requested the City Council to handle the ongoing issue with regards to the fire hydrant location on Roehampton Road. Ms. Koppl said that the poorly designed cul-de-sac does not allow for a fire hydrant to be placed in the public right-of-way.

Mr. Gregory Klingsporn, Esq. Attorney for the Hollingsworth's at 541 Roehampton Road. Mr. Klingsporn said the Hollingsworths feel very strongly about the impact of the fire hydrant location, and the possibility of losing a parking space.

Mr. Klingsporn said his clients should not have to endure the negative aesthetic consequences created by this situation. The hydrant should be located to best serve the entire neighborhood with the least amount of negative impact to the nearby properties.

Mr. Carl Goldstone requested that the Public Works Department put the fire hydrant back to its original location.

Mr. Stanford Green said that the hole is already dug for the hydrant, and the issue of aesthetics is between the neighbors. Mr. Green said this should be on the City Council agenda for discussion.

Mr. August Benz explained that the fire hydrant is about 4-5 feet on his property edge and he has a minimal visual impact. Mr. Benz said the hydrant was originally placed 16 inches from the property line. Mr. Benz said the proposed location of the hydrant is not visible to the Hollingsworths. Mr. Benz feels the hydrant is necessary in the cul-de-sac for safety issues and doesn't believe parking would be an issue. Mr. Benz asks that the City Council support the current location of the fire hydrant on his property.

Mayor Kasten stated that he has been working on this issue for several months, and hoped to find a win-win situation for everyone involved. Mayor Kasten said the important thing is to provide proper safety to supply fire protection in that cul-de-sac. Mayor Kasten said he and the Public Works Director Martha DeBry have been extensively involved in the issue and will continue to try and formulate a fair decision.

Mayor Kasten closed public comment.

CITY COUNCIL ITEMS:

Councilmember Fannon announced that there will be a Council of Cities dinner on Friday, March 25, 2005 in Pacifica.

Vice Mayor Mullooly said that she and Councilmember Krolik attended the Weapons of Mass Destruction County-Wide Training in Foster City and felt it to be a very worth while experience.

Mayor Kasten said that the School District meeting is tentatively set up for April 23, 2005 at 9:30 a.m. at Town Hall.

City Engineer Cyrus Kianpour said the San Francisco Public Utility Communications Committee decreased wholesale water rates by 10% for the next 2 years as of April 1, 2005.

Councilmember Fannon asked if there was any new information with the Floribunda/El Camino Real intersection. Mr. Kianpour said he is in the process of submitting information to CalTrans.

Mayor Kasten said that he received a very nice card from Mrs. Ham.

ADJOURN:

Mayor Kasten adjourned the meeting at 8:10 p.m. – In Memory of Eleanor Giorgi, employed by the Town of Hillsborough for 17 years, and served as City Clerk for nine years, until her retirement in 1994.