

**MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, JUNE 13, 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 May 9, 2005 City Council meeting were approved as submitted.

RECOGNITION:

- Mayor Kasten announced that the Town of Hillsborough Finance Department was awarded the: Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada for a comprehensive annual financial report
- Mayor Kasten and City Planner Maureen Morton recognized the General Plan Steering Committee with Certificates of Appreciation to the following: John Carver, Martin Harband, Larry May, Corinne McDonald, Beverly Lee Stern, Arthur Stromberg, Roger Trinkner, Bob Walker, and Charlene Hsu-Winges. Ms. Morton reported that it was a particular honor that Mayor Kasten and Councilmember Regan also participated on the committee
- City Planner Maureen Morton presented to the City Council the Award of Merit for "Outstanding Planning-Focused Issue Planning" by the Northern Section, California Chapter of the American Planning Association, for the Residential Design Guidelines. Mayor Kasten stated that this award also recognizes the leadership and support provided by Maureen Morton who did an outstanding job in keeping the Town focused and moving forward. It was through Maureen's guidance that the steering committee was able to develop a set of guidelines which should help our residents, their architects and contractors by providing clear expectations.

CONSENT CALENDAR:

The City Attorney's office has advised that Item 2 on the Consent Calendar required a roll call vote. The Consent Calendar Items 1 – 9 were unanimously approved on the following roll call vote. On motion of Vice Mayor Mullooly, seconded by Councilmember Regan:

AYES: Councilmember: Krolik, Regan, Fannon, Mullooly, Kasten

1. MONTHLY CLAIMS: MAY 1 THROUGH MAY 31, 2005

The monthly claims for the month of May 2005 in the amount of \$1,866,512.07 were approved as submitted.

2. RESOLUTION ADJUSTING APPROPRIATIONS LIMIT FOR FISCAL YEAR 98/99 AND INTERVENING YEARS, AND ESTABLISHING THE TOWN OF HILLSBOROUGH'S APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2005/2006

The resolution adjusting the appropriations limit for FY 98/99, intervening years, and establishing the appropriations limit for FY 05/06 was adopted.

3. RESOLUTION PROVIDING FOR INTERIM MODIFICATIONS TO BUSINESS LICENSE TAX

The resolution providing for interim modifications to the business license tax was adopted.

4. RESOLUTION AMENDING THE JOINT POWERS AGREEMENT ESTABLISHING THE SAN MATEO PRE-HOSPITAL EMERGENCY SERVICES PROVIDERS GROUP

The resolution amending two sections of the original JPA Agreement was adopted.

5. RESOLUTION AWARDED A CONTRACT TO GELCO SERVICES (DIVISION OF MICHELS CORPORATION) FOR THE 2005 SANITARY SEWER MAINS LINING PROJECT, PHASE II

The resolution awarding the contract for the 2005 Sanitary Sewer Mains Lining Project, Phase II, to Gelco Services (Division of Michels Corporation) in the amount of \$543,404, with a contingency in the amount of \$135,851, for a total construction budget of \$679,255, was adopted.

6. 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 \$138,495, from the 2003 bond proceeds was adopted.

7. RESOLUTION AWARDED A CONTRACT TO J F PACIFIC LINERS, INC., FOR THE 2005 SANITARY SEWER MAIN, CLEANING AND VIDEO INSPECTION, PHASE IV

The resolution awarding the contract for the 2005 Sanitary Sewer Mains Cleaning and Inspection, Phase IV, to Pacific Liners, Inc. in the amount of \$354,551, with a contingency in the amount of \$88,600, for a total construction budget of \$443,151, was adopted.

8. RESOLUTION ACCEPTING AS COMPLETE, THE CONTRACT WITH D'ARCY & HARTY CONSTRUCTION, INC. FOR PIPE BURSTING ON HAYNE ROAD

The resolution accepting as complete the contract with D'arcy & Harty Construction, Inc., for replacement of a sanitary sewer main on Hayne Road in the amount of \$28,545, was adopted.

9. RESOLUTION APPROVING THE SERVICE ORDER FOR ENGINEERING DESIGN OF 2005 CRYSTAL SPRINGS ROAD IMPROVEMENTS AND SHADY CREEK SLOPE REPAIR AND DRAINAGE IMPROVEMENT, AND CONSTRUCTION MANAGEMENT OF SANITARY SEWER MAIN CLEANING AND VIDEO INSPECTION, PHASE IV AND SANITARY SEWER MAIN LINING PHASE II

The resolution approving the CSG service orders in the total amount of \$126,700, was adopted.

PUBLIC HEARINGS:

10. CONCEPTUAL PLAN FOR SUBDIVISION, MEADOWOOD ESTATES, LOCATED ON THE NORTHWESTERLY SIDE OF CRYSTAL SPRINGS ROAD, IMMEDIATELY NORTH OF TARTAN TRAIL ROAD; Mr. and Mrs. Thomas Callan, Jr., applicants

City Planner Maureen Morton stated that the proposed conceptual plan does not require the City Council to take action. The proposed conceptual plan and public hearing is intended to provide a forum for citizens and the City Council to provide preliminary feedback to the applicant and staff on issues relating to the subdivision's design and environmental issues. Ms. Morton stated that the ADRB has expressed an interest in reviewing subdivisions, and Section 16.16.050C of the Municipal Code provides that the City Council may continue the public hearing and direct the conceptual plan be referred by the City Planner and to the ADRB for review and comment.

Ms. Morton added that the City Council may continue this hearing to the July 11, 2005 meeting to allow for the ADRB to review and comment on the plan at its meeting of June 20, 2005. Ms. Morton indicated that the previous approval in 1997 of this subdivision at this location has expired. The new proposal includes subdividing the 20.8 acre property into eight (8) lots, ranging in size from 1.3 acres to 3.54 acres, for the future construction of individual homes.

City Engineer Cyrus Kianpour gave a presentation showing the subdivision process and its details. The presentation included information on the conceptual plan review, guidelines and state requirements, the subdivision process, existing conditions, grading and retaining walls, the possibility of private streets, and CEQA analysis of the site.

Councilmember Regan asked about the “out of compliance” condition on lots 4 and 5. Mr. Kianpour said there are actually three lots out of compliance that need to address the shape of the lots and minimum requirement of 100 foot wide width for all lots.

Vice Mayor Mullooly asked what the difference was between an exception and a variance. Ms. Morton said a variance is a zoning matter and state law requires specific findings, and exceptions are contained in various provisions of the Municipal Code and are subject to less rigorous standards and not regulated by state law.

Mayor Kasten asked if there would need to be an exception for the driveway or cul-de-sac. Mr. Kianpour said the length of the cul-de-sac exceeds Town standards and the fire department could work with the owners with regards to this standard.

Fire Chief Bill Reilly said currently the fire access to these parcels is limited due to the steep terrain. Chief Reilly said he is uncomfortable with being lenient due to the width and depth of the area. Chief Reilly said he would work with the developer to find a reasonable and safe solution. Chief Reilly said there were too many variables at this conceptual point, and he needs to be provided with more detail to ensure fire protection, access to water, etc., before making a final recommendation.

Vice Mayor Mullooly said the Town’s ordinance relating to the length of cul-de-sacs changed in the 90’s due to the Oakland Hills fire.

Councilmember Regan asked if there would be an option to shorten the street. Chief Reilly said he does not want to significantly impact the development of the project, but does want to ensure fire safety in the area.

Vice Mayor Mullooly asked if it would be possible to put a through street. Mr. Kianpour said it would require many more retaining walls and a significant amount of earth movement.

Mayor Kasten asked about the distance between the fire hydrants. Chief Reilly said that would be worked out when the final proposal is submitted.

Councilmember Krolak asked about the land along the creek owned by the City and City of San Francisco. Mr. Kianpour said this easement is part of the Hetch Hetchy water system.

Vice Mayor Mullooly asked what could be the maximum number of parcels. Mr. Kianpour said it could be more than eight lots. A total of eleven lots were previously proposed.

Councilmember Regan asked why the driveway was so long on one of the parcels. City Planner Maureen Morton said it was due to the grade and the need to meet Town standards for driveway slope.

Vice Mayor Mullooly said the cut and fill totals almost 25,000 cubic yards. Mr. Kianpour said that is correct and there would be a significant amount grading if this project was approved. Vice Mayor Mullooly commented on the number of trucks this project would require to haul material from the site.

Mayor Kasten opened the public hearing.

Mr. Thomas Callan, applicant of the conceptual plan for the Meadowood Estates subdivision, commended the Town staff on their assistance. Mr. Callan provided the Council with his background and history, saying that he began working on this project over 10 years ago, and has owned the 20 acre property for over 40 years. Mr. Callan said the staff raised a concern with regards to the flag lot. Mr. Callan said there are two flag lots located on Floribunda Avenue, and they are beautiful. Mr. Callan said that New Place Road has a private road with an easement serving four residences. Mr. Callan believes a flag lot should not be disqualified. Mr. Callan said that the tentative map was approved 10 years ago, and has since expired. Mr. Callan said his original idea was to have his family build on these lots. Mr. Callan said after the plan is approved, he plans to make the lots highly landscaped.

Mr. Lou Arata, Civil Engineer, said that the two narrow portions of the lots at the extreme right and the extreme left of the project could be incorporated into the street areas, as proposed by the City Engineer. He also said that San Francisco water has a deed for the area along Crystal Springs Road, but it allows crossing their right-of-way with roads. Mr. Arata stated that some of the retaining walls shown indicate the worst case scenario. Mr. Arata discussed the lots shown, and shared the advantages and disadvantages of them.

Dr. Lionel Foster of Rizal Drive appreciates that Mr. Callan and the Town provided this information. Dr. Foster said he and his family were veterans of the 1991 fire that took place in Oakland Hills. Dr. Foster is particularly concerned with the plans for lots 6 and 7, located at the peak of the cul-de-sac. Dr. Foster said that his concern is that there would be no fire department access to the back of those homes. Dr. Foster sees there might be a possibility to put a road between the properties on the hill. Dr. Foster is curious to see what the final map will look like.

Mrs. Mary Mines of Rizal Drive said she enjoys her peaceful neighborhood with many trees. Mrs. Mines said she is worried about the stability of the hillside in this area if trees are removed. Mrs. Mines stated that the noise amplifies in the canyon, and the traffic will increase. Mrs. Mines said she is also worried about the possibility of fires and flooding, since she is already having a difficult time getting insurance on her property.

Mayor Kasten closed the public hearing. Mayor Kasten reopened the public hearing.

Mrs. Mines invited the City Council and staff to visit her property to see the issues that the potential development would be facing.

Mayor Kasten closed the public hearing.

Councilmember Fannon asked about extending the public notices up to Lakeview, Southdown, and Black Mountain Road. Ms. Morton said she could prepare a new mailing for the July City Council meeting to notify a larger area.

Councilmember Krolik said she visited the property and believes it is difficult not to think of the possibility of fire danger. Councilmember Krolik said she would like to see the fire department feel really comfortable with the access to the homes.

Councilmember Fannon said the fire department should be aggressive when analyzing this area for access.

Councilmember Regan asked if there were fire access roads in the area now. Chief Reilly said no there are not. The only way fires could be accessed in that area would be by using a flanking method or accessing the fire from the street above.

Councilmember Fannon asked what the ADRB will do with the project at this time since there are no plans for houses. Ms. Morton said they would provide feed back on possible house size, driveway, slope and other details for the architect to keep in mind when designing the lots.

Councilmember Krolik said the shape of the lots does not seem ideal and the retaining walls along the street need to be looked into, and the potential flooding issues should be addressed.

Vice Mayor Mullooly said lot 4 is an unusually shaped property. Vice Mayor Mullooly asked Mr. Callan if proposing 7 lots would be a possibility. Mr. Callan said he already downscaled from 11 lots to 8 lots.

Councilmember Regan asked the City Engineer to address the concerns about flooding. Mr. Kianpour said this is not in the FEMA flood plain area for the 100 year flood zone, but he will look into the possibilities of addressing the concern of the Crystal Springs dam. Councilmember Regan asked if it was okay for the Council to walk the property. Mr. Callan responded yes anytime.

Mayor Kasten said that it seems there are several concerns that should be studied, such as fire hazard, fire access, traffic, noise, flood zone etc.

On motion of Vice Mayor Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, the conceptual plan for the subdivision was continued to the July 11, 2005 City Council meeting to allow the ADRB to review the project and provide comments, and to allow for completion of the third party review of the EIR and to extend the public noticing.

11. RESOLUTION SETTING AND CONFIRMING THE FEES AND CHARGES FOR FISCAL YEAR 2005/2006

Finance Director Edna Masbad stated that the City Council is required to adopt by resolution the fees and charges for the following fiscal year. The schedule presented represented the Town's master schedule that includes all the fees and charges such as the sewer and water connection, service charges, and the public safety special tax. Ms. Masbad indicated that changes to existing fees, as well as new fees, being proposed this year, are outlined in the master Schedule of Fees and Charges and are included in the City Council's agenda packet. Ms. Masbad added that a separate schedule serving as the master fee schedule for the Central County Fire Department, which allows both cities to work with the same fees, has been made part of the Town's master fee schedule. Also, the Cost Allocation Plan reflects the hourly rates used in the development of the fees. The new fees will take effect 30 or 60 days after approval depending upon the type of fees.

Councilmember Krolik asked about the water turn off fee. Ms. Masbad said the fee was increased due to the over time rate for Maintenance Workers to come out after hours and assist residents. Ms. Masbad added that if there was a certain type of hardship, the Town would work with the resident in adjusting the fees.

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

On motion of Councilmember Fannon, seconded by Vice Mayor Mullooly, unanimous on voice vote, the resolution setting and confirming of the fees and charges for fiscal year 2005/2006 was adopted.

12. ORDINANCE AMENDING SECTIONS 13.32.105 AND 13.34.030 OF THE HILLSBOROUGH MUNICIPAL CODE TO MODIFY SEWER CONNECTION FEES AND SERVICE CHARGES EFFECTIVE JULY 1, 2005

Finance Director Edna Masbad stated that the ordinance to modify the sewer rates was introduced at the May 9, 2005 City Council meeting. The 2005/2006 budget includes a 4% rate increase in sewer connection fees and service charges.

Ms. Masbad explained that this increase helps provide for operating expenses and debt service for the outstanding Town bond, which funds the sewer capital improvement program.

Councilmember Regan asked if the water improvement debt service could be put on the property tax bill. Ms. Masbad said she talked with the Assistant City Attorney, and she indicated that there may be an issue with prop 218 with regards to taxes v. fees. Ms. Masbad said she would ask the City Attorney's office to provide something in writing to pass on to the Council.

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

On motion of Councilmember Krolik, seconded by Vice Mayor Mullooly, unanimous on voice vote, the ordinance amending Sections 13.32.105 and 13.34.030 of the Hillsborough Municipal Code to modify sewer connection fees and service charges effective July 1, 2005 was adopted.

13. RESOLUTION ADOPTING VACATION OF PUBLIC STREET RIGHT-OF-WAY IN THE CUL-DE-SAC LOCATED NEXT TO 2335 OAKDALE ROAD

Councilmember Krolik stated that her residence was within 500 feet of the Oakdale right-of-way, Item 13, and for that reason the Political Reform Act requires that she not participate in the discussion or in the vote, and further requires that she step down and leave the council chambers until the agenda item is finished.

Public Works Director Martha DeBry stated that this was a follow up to the notice of intent agreement with Mr. Thorenfeld who requested abandonment of the right-of-way. The owner is obligated to provide a 15-ft maintenance easement over the sanitary sewer main to allow the Town access and provided approximately 600 feet of sanitary sewer line.

Mayor Kasten asked if Mr. Thorenfeld would own the cul-de-sac. Ms. DeBry said Mr. Thorenfeld would own the cul-de-sac and would be responsible for any maintenance.

City Attorney Norm Book said the new buyer will be responsible for the easement.

Mayor Kasten asked if whoever owns the house would agree to keep the area maintained. Ms. DeBry said yes. The owners of the property may not barricade or block the easement for any reason, and the Town will have a 15' wide sewer easement access.

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

On motion of Vice Mayor Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, the resolution of vacation of public street right-of-way in the cul-de-sac located next to 2335 Oakdale Road was adopted.

PUBLIC COMMENT:

Fire Chief Bill Reilly stated that there was a quarterly training field exercise held this month for wild land response. Chief Reilly said it was encouraging to see so many Chief Officers brain storming together.

City Engineer Cyrus Kianpour gave a brief status update on the Floribunda/EI Camino Real intersection. Mr. Kianpour provided information to CalTrans and the latest report from MTC. Mr. Kianpour said he anticipates a meeting with CalTrans soon and hopes to expedite funding to help improve the intersection. Chief Matthew O'Connor said the City of San Mateo has installed a red light camera about 4 -5 months ago. This has reported to be quite successful for San Mateo.

Public Works Director Martha DeBry stated that the Jefferson Martin Project is currently in progress in front of Nueva School. Ms. DeBry said PG&E was doing a good job with clean up and the project was moving along quickly, with minimal disruption.

Public Works Director Martha DeBry stated that Vista Park is closed, and the renovation of the park is underway.

Mayor Kasten asked about sewer back flow devices and an instrument determining if a resident needs one. Ms. DeBry stated that the instrument does not determine if a property needs a device, but helps to locate the back flow on the property. Ms. DeBry said staff has contacted high risk properties and will have completed 25% of the home by September 2005. Ms. DeBry said when the GIS handheld is operating, it will help record where a device is located on the property. Ms. DeBry said a second round of mailers will be delivered in October/November. Ms. DeBry said requests for grants seem to come in waves, and the goal is to get the back flow devices in place.

CITY COUNCIL ITEMS:

Mayor Kasten stated that in Closed Session, the City Council reached a settlement agreement in the Francis Day case, in the amount of \$25,000.

Mayor Kasten announced that there is a Council of Cities Dinner in the City of San Mateo, Friday, June 24, 2005

Councilmember Krolik stated that the Town of Hillsborough hosted the Leadership meeting at Town Hall this month. She said it was a great program, and Deputy Chief Dornell from the Central County Fire Department put together a special fire presentation with Chiefs from Burlingame and San Mateo. Councilmember Krolik said Mayor Kasten also spoke at the meeting and gave a very inspiring speech.

Councilmember Krolik stated that she attended a meeting in Sacramento where they discussed environmentally friendly municipal vehicles.

Councilmember Krolik discussed one of the goals of the General Plan is to encourage public and private development within the Town to use green building methods and practices. The City Council indicated that this implementation could be placed on a future agenda for discussion.

Mayor Kasten indicated that the Town received a thank you letter from Adrienne Tissier from the Board of Supervisors of San Mateo County. Ms. Tissier thanked the Town of Hillsborough for participating in the San Mateo County Environmental Health Department's Earth Week Celebration.

Mayor Kasten indicated that the Town received a letter from a resident complimenting Jean Osaki, in the Building Department and recognizing her for her professionalism.

Mayor Kasten stated that Mr. Paul Saffo asked him to brief the Council on a research project he has been working on to re-enact the last stage coach robbery in the Town of Hillsborough. The City Council said that the Town would like to support this event, and Mr. Saffo should talk with the Police Department on the location details.

Mayor Kasten said at the Housing Investment Project (HIP) meeting, the possibility of postponing the requirement to prepare the Housing Element was discussed.

Vice Mayor Mullooly indicated that at the last Council of Cities dinner/meeting, Chief Bill Reilly of Central County Fire was one of the speakers.

ADJOURN: Mayor Kasten adjourned the meeting at 8:30 p.m.