

MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, AUGUST 8, 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, Fannon, Mullooly, Kasten
 Absent: Regan

MINUTES: The minutes of the July 11, 2005 City Council meeting were approved as submitted.

PROCLAMATION: Mayor Kasten announced that September 2005 was proclaimed National Alcohol and Drug Addiction Recovery Month in the Town of Hillsborough

CONSENT CALENDAR:

On motion of Vice Mayor Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, Consent Calendar Items 1 – 6 were approved.

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

The monthly claims for the month of July 2005 in the amount of \$2,659,894.48 were approved as submitted.

2. RESOLUTION AWARDING A CONTRACT TO TEMPLETON ENGINEERING CONTRACTORS, FOR THE SHADY CREEK RETAINING WALL / EROSION REPAIR PROJECT

The resolution awarding the contract for the Shady Creek Retaining Wall / Erosion Repair Project to Templeton Engineering Contractors in the amount of \$358,110 with a contingency in the amount of \$71,622 for a total construction budget of \$429,732 was adopted.

3. RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO WAIVE THE WATER CAPITAL CONSTRUCTION DEVELOPMENT FEE FOR 893 CRYSTAL SPRINGS ROAD

The resolution authorizing the Director of Public Works to waive the Water Capital Construction Development Fee in an amount of \$10,876 for 893 Crystal Springs Road was adopted.

4. RESOLUTION AUTHORIZING UTILIZATION OF FUNDS FROM THE RALSTON / PINEHILL SEWER RELOCATION PROJECT BUDGET

The resolution authorizing utilization of funds from the Ralston / Pinehill project budget to resurface segments of streets impacted by construction of the sewer main in the amount of \$19,500 was adopted.

5. RESOLUTION AWARDING A CONTRACT TO JMB CONSTRUCTION FOR THE WATER MAIN REPLACEMENT PHASE IV – 2005 PROJECT

The resolution awarding a contract for the Water Main Replacement Phase IV – 2005 Project to JMB Construction in the amount of \$2,154,770 with a contingency in the amount of \$323,230 for a total construction budget of \$2,478,000 was adopted.

6. RESOLUTION APPROVING SERVICE ORDERS FOR ENGINEERING DESIGN OF THE 2005 SANITARY SEWER LINING PHASE III, CONSTRUCTION MANAGEMENT FOR SHADY CREEK RETAINING WALL / EROSION REPAIR PROJECT, AND THE 2005 WATER MAIN REPLACEMENT PHASE IV

The resolution approving CSG service orders in the total amount of \$122,600 and allocating the funds from the 2003 Bond was adopted.

PUBLIC HEARING:

7. GRADING PERMIT APPLICATION AND NEGATIVE DECLARATION; 25 MOUNTAIN WOOD COURT; Mr. Mike Ping, applicant

City Planner Maureen Morton stated that this agenda item included two related matters: the environmental assessment, which is a Mitigated Negative Declaration, and a Grading Permit application. The original house and landscape plans prepared by the developers of the Stonebridge Subdivision were approved by the Architecture and Design Review Board (ADRB) in August of 2002. The amount of grading associated with that application totaled approximately 1,000 cubic yards of grading, and did not require City Council approval. The revised plans were approved by the ADRB in December of 2004. The amount of grading associated with the revised landscape plan exceeds 1,500 cubic yards and requires approval by the City Council. Ms. Morton said she met with the applicant and his representatives to discuss possible alternatives to reduce the amount of grading; however, the applicant had specific reasons as to why he wanted to continue with this grading application for the property. Ms. Morton said the applicant understands that if the project is not approved, he would have to revise the landscape plan so that the total off-haul is less than 1,500 cubic yards.

City Engineer Cyrus Kianpour stated that the total amount of grading proposed for the project is 4,879 cubic yards, including 3,830 cubic yards to be exported from the site. Mr. Kianpour said that City Council approval is required for anything over 1,500 cubic yards.

Councilmember Fannon said that this seems like a significant amount of grading for a landscape plan especially compared to the total amount of grading required for the initial subdivision.

City Planner Maureen Morton said there was approximately 9,000 cubic yards associated with the Stonebridge Subdivision.

Councilmember Krolik said originally it was estimated that grading would include 1,000 cubic yards per lot. A total of 4,870 cubic yards for this one lot appears to be excessive.

Mayor Kasten opened the public hearing.

Mr. Mike Ping, applicant and homeowner of 25 Mount Wood Court stated that his main reason for the revised landscape plan was to create a level backyard surface for his children. Mr. Ping said his idea was to create a level playing area that would be as non-allergenic as possible for his 5 year old son.

Councilmember Fannon asked, what is the difference between the original landscape plan and the new plan? Mr. Ping said his son is highly allergic to grass and oak trees and the flat land would allow for a new level playing area better suitable for his children.

Councilmember Fannon asked why he bought this particular property. Mr. Ping said he loves the house and land, and didn't realize that City Council approval would be required for the grading permit. Mr. Ping said he would like to preserve the trees and nature of the property as much as possible.

Michael Callan, Landscape Architect, stated that he worked on the original landscape plan. Since he knew the site well, Mr. Ping hired him to design a revised landscape plan. Mr. Callan said the new project would include retaining walls, a sports court area, and pool. Mr. Callan said the project would preserve many of the oak trees, and existing nature of the lot and the retaining walls would be terraced to make the yard look as natural as possible.

Vice Mayor Mullooly asked if there would be a 14-foot cut at the southern end of the lot at the base of the hill. Mr. Callan said yes.

Linda San Felipe of San Mateo stated that if this project was approved, she wants the developer to honor the original agreement with the residents of Vernon Terrace and Yew Street that all heavy trucks would continue to go down Clydesdale Drive and not Vernon Terrace or Yew Street. Ms. San Felipe added that those streets have just been repaved by the City of San Mateo.

Richard Eigenbrod of San Mateo stated that the grading for this project went from 1,500 cubic yards to 4,870 cubic yards. Mr. Eigenbrod asked the City Council to postpone a decision on approving the grading for 25 Mountain Wood Court until a more rigorous mitigation, monitoring, and enforcement program can be developed with input from the Foothill Terrace residents. Mr. Eigenbrod's concerns were dust being adequately controlled and destruction or removal of heritage trees. Mr. Eigenbrod also inquired about future liability for water runoff and possible bonds to protect homeowners above or below the project. Mr. Eigenbrod believes 4,350 cubic yards is too much earth movement for a child's play area, and this is not in the best interest for all parties involved.

Richard Schwartz of San Mateo stated that he is affected the most by this project. Mr. Schwartz said he is fine with the new house being built, even though he lost most of his view. Mr. Schwartz's main concern is dust mitigation. He also asked if a civil engineer would guarantee that his house and yard will stay in place. Mr. Schwartz added that he is unsure how strong these retaining walls are, and how one would maintain a livable situation through this lengthy construction.

Mayor Kasten closed the public hearing.

Councilmember Fannon said he can understand Mr. Ping's concern for his children, however feels that this is a substantial amount of grading for a playground. Councilmember Fannon said he remembers the original grading project for the subdivision, and the inconvenience it caused to the residents.

Vice Mayor Mullooly said when she visited the site, she saw a beautiful hillside, and feels it would be a shame to flatten it. Vice Mayor Mullooly said this grading project would not make good use of the existing land. She empathizes with his concern for his children, but believes this particular landscape project would better fit a property that is already flat.

Councilmember Krolik said she shares the concerns related to the dust mitigation, and said it would be very difficult for the Town to monitor. Councilmember Krolik agreed that some grading to lower the house would be acceptable, but understands the concern about the future stability of the hillside and she believes that it's a chance not worth taking.

Mayor Kasten thanked everyone for all their hard work and patience. Mayor Kasten said he visited the site and had two concerns. The City Council initially approved the subdivision with an understanding that there would be approximately 1,000 cubic yards of grading per site. Mayor Kasten felt it was a beautiful site, and the amount of grading would lessen the stability of the hillside on that particular property. He is sympathetic to the children's needs, but believes this is too much grading.

On motion of Councilmember Fannon, seconded by Vice Mayor Mullooly, unanimous on voice vote, the City Council did not approve the Mitigated Negative Declaration.

On motion of Vice Mayor Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, the City Council denied the grading permit application, based on the fact that the amount of grading was excessive, especially since it was proposed to create a flat yard on a sloping site, and that there were potentially significant impacts.

NEW BUSINESS:

8. RESOLUTION AWARDING A CONTRACT TO ROBERT A. BOTHMAN, INC. IN THE AMOUNT OF \$1,119,000 FOR VISTA PARK IMPROVEMENTS AND APPROVING CHANGE ORDER NUMBER ONE REDUCING THE SCOPE OF THE PROJECT TO AN AMOUNT NOT TO EXCEED \$890,000

Public Works Director Martha DeBry gave a presentation reviewing Vista Park's history and new design. Ms. DeBry stated that the Hillsborough Beautification Foundation (HBF) considered Vista Park as a project after the 2003 School District Study of playfields identified the needed renovation. A conceptual design was created to include accessibility to public facilities and removal of barriers around the playground structures. Ms. DeBry added that the new design included safer play surfaces, renovated play field, new play equipment, walkways, picnic tables, trellis, and rebuilding of failed retaining walls.

Ms. DeBry stated that the available funds for the project consist of the HBF budget of \$600,000, three park bond grants of \$283,000 and Department of Conservation grants of \$12,000. Ms. DeBry said staff is recommending reducing the scope of work to complete the project in phases to match the available funds.

Councilmember Fannon asked what the time line was for construction. Ms. DeBry said the park should reopen in approximately four to six months. Councilmember Krolik asked about an opening date for the park. Ms. DeBry said June 2006.

Councilmember Krolik asked about a 1 year maintenance guarantee, and if sod would be included. Ms. DeBry said the cost includes a 1 year maintenance guarantee, and sod is included.

Councilmember Krolik asked where the additional \$59,000 would come from for the construction management and inspection. Ms. DeBry said it would come from the general fund reserve.

Vice Mayor Mullooly asked after the first year will the Town be responsible for the maintenance. Ms. DeBry said that has not been settled with HBF. Traditionally the Town has maintained Vista Park and HBF has maintained their projects.

Mayor Kasten asked if the 1 year maintenance agreement was included in the estimated cost, and asked who currently maintains Crossroads Park. Ms. DeBry said the maintenance cost is about \$16,000 and was included in the bid, and HBF maintains Crossroads Park.

Mayor Kasten asked Lenny Gotcher of the Hillsborough Beautification Foundation, if HBF would contribute 600,000 towards the cost of improving Vista Park. Mrs. Gotcher said yes.

Councilmember Krolik thanked the Hillsborough Beautification Foundation for the positive effect this will have on the Town.

Mayor Kasten commended the Hillsborough Beautification Foundation for everything they've done in Town; the streets signs, newly landscaped islands and Crossroads Park.

On motion of Vice Mayor Mullooly, seconded by Councilmember Fannon, the resolution awarding Robert A. Bothman, Inc. the contract for the Vista Park Improvement Project and Change Order Number One in the amount not to exceed \$886,010 was adopted.

On motion of Vice Mayor Mullooly, seconded by Councilmember Fannon, the resolution awarding a service order to CSG Engineering in an amount not to exceed \$59,000 for the construction management and inspection of the project was adopted.

DISCUSSION:

9. DISCUSSION OF PARKING STRIP REQUIREMENTS WITHIN THE PUBLIC RIGHT-OF-WAYS

City Engineer Cyrus Kianpour gave a presentation regarding parking strip requirements in the public right-of-ways. Mr. Kianpour said approximately 50% of streets have parking strips in Town, and said the purpose of parking strips is to ensure adequate and safe parking, maintain good traffic flow and emergency access. Mr. Kianpour discussed the exceptions, considerations, and alternatives to current requirements of the ordinance.

Councilmember Fannon said the Town should look into this, and feels that some of the existing parking strips do not bring any value to the Town.

Vice Mayor Mullooly said this should be looked into. Vice Mayor Mullooly added that they are nice to walk on but proper location is important and not all locations have an appropriate area.

Councilmember Krolik said that the parking strips are extremely valuable to the safety of the pedestrians, but with the mismatch of the strips it is not aesthetically pleasing.

Mayor Kasten said staff should look into this and frame what the objective are that the Town is working towards. Mayor Kasten suggested a list of primary issues the Town is dealing with should be provided.

City Manager Anthony Constantouros said years ago funds were set aside for a study and the Town could consider budgeting for this again.

There was a consensus that a Council/Citizens Committee to re-evaluate Town parking strip requirements and alternatives be formed.

PUBLIC COMMENT:

None

CITY COUNCIL ITEMS:

Mayor Kasten announced that Ward Carey has been appointed to the Architecture and Design Review Board for the alternate position, and Mark Heine will fill the alternate position when Mr. Carey becomes a member filling an upcoming vacancy.

Vice Mayor Mullooly asked if anyone would be attending the League of California Cities 2005 Annual Conference in October.

Mayor Kasten indicated that he received a letter from a resident complimenting the outstanding work of the Building Department.

ADJOURN:

Mayor Kasten adjourned the meeting at 7:45 p.m.