

**MINUTES  
REGULAR CITY COUNCIL MEETING  
MONDAY, OCTOBER 10, 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 September 12, 2005 City Council meeting were approved as submitted with several corrections. Vice Mayor Mullooly corrected Item 8, second paragraph from the bottom on page 2, to Vice Mayor Mullooly asked City Attorney Norm Book if he "looked over the JPA agreement and approved it." Vice Mayor Mullooly also corrected page 8, paragraph 5 to "offered to pay for". Councilmember Fannon corrected page 7, second paragraph from the bottom from 1966 to 1996. Councilmember Krolik corrected page 5, paragraph 10 to "the Town newsletter should state more clearly the repercussions if one didn't have the protection."

**RECOGNITION:** Chief Bill Reilly of the Central County Fire Department recognized six department members who responded to New Orleans to assist with the Hurricane Katrina recovery efforts as part of the California Urban Search and Rescue Task Force 3.

**PUBLIC COMMENT:**

Mayor Kasten instructed the public to step outside the Council Chambers and choose between one and five spokespersons for public comment on the installation of cellular antennas in Hillsborough.

**CONSENT CALENDAR:**

On motion of Vice Mayor Mullooly, seconded by Councilmember Krolik, unanimous on voice vote, Consent Calendar Items 1 - 9 were approved. Vice Mayor Mullooly requested pulling item 10 for discussion.

1. MONTHLY CLAIMS: SEPTEMBER 1 THROUGH SEPTEMBER 30, 2005

The monthly claims for the month of September 2005 in the amount of \$2,062,622.53 were approved.

2. QUARTERLY TREASURER'S REPORT

The Quarterly Treasurer's Report for the quarter ending September 30, 2005 was approved.

3. RESOLUTION DECLARING THE OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF TAX EXEMPT FINANCING

The resolution declaring the official intent to reimburse expenditures from the proceeds of tax exempt financing was adopted.

4. RESOLUTION AWARDING A CONTRACT TO CORRPRO WATERWORKS FOR THE CATHODIC PROTECTION INSPECTION PROJECT

The resolution awarding Corrpro Waterworks the contract for the Cathodic Protection Inspection Project in the amount of \$11,235 with a 15% contingency in the amount of \$1,685 for a total construction budget of \$12,920 to be funded by the 2003 Water and Sewer Bond was adopted.

5. RESOLUTION AWARDING A CONTRACT TO FARALLON COMPANY FOR THE EL CERRITO HEADWALL REPLACEMENT PROJECT

The resolution awarding Farallon Company the contract for the El Cerrito Headwall Replacement Project in the amount of \$17,649 with a 15% contingency in the amount of \$2,647 for a total construction budget of \$20,296 to be funded by the 2003 Water and Sewer Bond was adopted.

6. APPROVAL OF SERVICE ORDER FOR ENGINEERING DESIGN OF THE WATER MAIN REPLACEMENT PROJECT, PHASE 5

The resolution approving the CSG Engineering work order for engineering design services for the 2005 Water Main Replacement Project, Phase 5 in the amount of \$42,960 from the 2003 Water and Sewer Bond proceeds was adopted.

7. RESOLUTION ACCEPTING AS COMPLETE THE PINEHILL/RALSTON SEWER MAIN RELOCATION PROJECT

The resolution accepting as complete the Pinehill Ralston Sewer Relocation Project, and authorizing staff to file a Notice of Completion for the project was adopted.

8. RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE REPLACEMENT AND UPGRADE OF THE MUNICIPAL SERVICE CENTER MAIN ELECTRICAL PANEL

The resolution authorizing additional funds in the amount of \$10,360 for Gardini Electric Company for the replacement and upgrade of the main electrical panel at the Municipal Service Center was adopted.

9. RESOLUTION ACCEPTING AS COMPLETE THE WATER MAIN REPLACEMENT PROJECT, PHASE 3

The resolution accepting as complete the Water Main Replacement Project, Phase 3, and authorizing staff to file a Notice of Completion for the project was adopted.

10. ORDINANCE AMENDING CHAPTERS 12.04, 12.12, AND 15.16 OF THE HILLSBOROUGH MUNICIPAL CODE AND UPDATING REFERENCES

Vice Mayor Mullooly asked for clarification as to whether this ordinance was being introduced. City Planner Maureen Morton replied yes. The Ordinance amending Chapters 12.04, 12.12, and 15.16 of the Hillsborough Municipal Code and updating references was introduced. November 14, 2005 was set as the public hearing date to consider adoption of the ordinance.

**DISCUSSION:**

11. ORDINANCE AMENDING CHAPTER 8.32 (NOISE REGULATIONS) OF THE HILLSBOROUGH MUNICIPAL CODE FOR CLARITY AND SIMPLIFICATION

Assistant City Attorney Penny Greenberg stated that Chapter 8.32 sets forth the noise regulations for the Town. The ordinance was originally drafted and adopted in 1987 and patterned after the ordinance then in effect in the City of Palo Alto. Minor amendments to Chapter 8.32 were made in 1994, 1997, and 1998. Assistant City Attorney Penny Greenberg explained that there was some confusion about the specifics of the Town's noise regulations. She wanted to clarify the ordinance and rewrote it to make it easier to understand and enforce without changing the substance of the regulations. The ordinance also incorporates a few additional administrative and general plan clarifications.

Ms. Greenberg explained that there are two kinds of noise, normal noise and discretionary noise. Normal noise consists of traffic, household appliances, voices, pets, wildlife, weather and other forces of nature, and the other inevitable and ordinary noises of living. Normal noise is allowed at any time.

Discretionary noise consists of the noises of construction, heavy machinery, gas and electric powered gardening devices, residential power equipment, other powered outdoor equipment, and the noises of other activities and devices not included in normal noise.

Discretionary noise not exceeding one hundred dBA measured twenty-five feet outside the property line (the property plane) is allowed Monday through Friday (except for Town holidays) between 8 a.m. and 5 p.m. by anyone performing

construction, alteration, demolition, or repair, and the use of residential power equipment, between 5 p.m. and 8 p.m. by property owners and residents operating residential power equipment, and between 9 a.m. and 5 p.m. by anyone operating gas or electric powered gardening devices with a total combined noise level under seventy dBA when measured 25 feet from the property line. Ms. Greenberg explained that gardening devices have a one-hour delay because leaf blowers tend to be more annoying than construction equipment as they are constant and are used up to the property line.

Ms. Greenberg said that on Saturdays leaf blowers are not allowed at any time. On Saturdays between 10 a.m. and 5 p.m. owners and residents may operate devices, equipment, and machines, other than leaf blowers, that do not produce, singly or in combination, a total combined noise level of more than seventy dBA outside of the property plane. Anyone may perform construction, alteration, demolition, or repair pursuant to a valid building or other applicable permit issued by the Town so long as the activities do not produce a total combined noise level of more than seventy dBA outside of the property plane and follows any permit restrictions.

On Sundays and weekday holidays no discretionary noise of any kind is allowed.

Councilmember Fannon reported that he detected a lot of leaf blowing on Saturdays and asked if there was any enforcement. Police Chief Matt O'Connor said that the police department responds to noise complaints from residents.

Councilmember Regan asked if a barking dog exceeds the seventy dBA. Police Chief O'Connor responded no, but stated that it is a tone that carries a long distance. Assistant City Attorney Greenberg added that there is also a nuisance ordinance that deals with dog barking. Police Chief O'Connor added that homeowners can call police dispatch regarding barking dogs.

Staff was directed to place the ordinance amending Chapter 8.32 (Noise Regulations) of the Hillsborough Municipal Code for introduction at the November 14, 2005 City Council Meeting.

#### **PUBLIC COMMENT:**

Mayor Kasten announced that the Public Comment was moved up to accommodate the group in the Council Chambers to comment on the installation of cellular antennas in Hillsborough. He asked City Attorney Norm Book to make an introductory statement. Mr. Book reported that T-Mobile installed a cellular antenna in front of the property at 870 Longview Road. He had not yet received a response from T-Mobile as to whether or not the cellular antenna had been activated. The Town received a third party report from Jonathan Kramer, a consultant, who did a review of T-Mobile's plans and design, and the report concluded that the RF emissions level will be below FCC regulations. Mr. Book stated that T-Mobile is working in good faith with Public Works Director Martha DeBry. Mr. Book added that T-Mobile is reviewing existing literature on studies conducted on immune deficiency diseases, but Mr. Book stated that he had not received the survey results yet.

Mr. Book stated that Portola Valley and Woodside have conditional use permits. Portola Valley requires the consent of the property owner for installing cellular antennas. Woodside allows installation of cellular antennas on school properties, churches, utility poles, and right of ways. Mr. Book stated that the Town is constrained from what we can do because of the 1996 Telecom Act, which states that we cannot regulate the location of a cellular antenna as long as it complies with FCC rules and regulations. Mr. Book added that unlike other jurisdictions, the Town of Hillsborough is residential and has no commercial areas.

Ms. Audrey Sullivan Jacob, an attorney representing Larry Friedberg and Phyllis Tinkel of 870 Longview Road, stated that she usually handles cases involving land use law and not telecommunications. Ms. Jacob said her clients came to her in desperation. She stated her clients want the Town to remove the cellular antenna equipment from in front of their property and for the Town to develop a policy to

regulate the installation of cellular antenna equipment. She reviewed the laws and feels they are ambiguous. Ms. Jacob stated she wants the Town to invalidate the permit for 870 Longview, and to develop a transparent and clear policy within residential zones. Ms. Jacob stated that her clients wanted to be part of the solution, but are looking into litigation options.

Mr. Larry Friedberg of 870 Longview Road, a Hillsborough resident for ten years, stated that although he received a two-week courtesy notice of T-Mobile's permit, no other neighbors were notified. He said that he does not oppose cellular sites and that technology could be a good thing, but that the installed T-Mobile site is 35-40 feet from his kitchen. He stated that one of his neighbors almost hit her head on one of the boxes. Mr. Friedberg stated that he is not concerned about just their interests, but also that of the community and he is asking for a moratorium until a policy is created with input from residents. He wants the policy to provide adequate communication for all residents, preserve the neighborhood quality, meet aesthetic criteria, and preserve the health, welfare and safety of the residents of Hillsborough.

Ms. Lindsay King of 70 Inverness Way stated that she was concerned about the aesthetics of the cellular equipment. She stated that Hawaii requires the use of stealth antennas. Ms. King said the cost for stealth equipment is 50% more than conventional cellular equipment, and feels that T-Mobile expected the Town of Hillsborough to require the use of stealth equipment for the installation of the cellular antenna on Longview.

Ms. Suzy Cantor of 1245 Lakeview Drive stated that she was concerned about the passage of the permit because the community didn't have a chance to weigh in with their opinions. She stated that she felt it was offensive that there was no open forum. Ms. Cantor said that the Town should weigh all concerns and repercussions regarding health and aesthetics, and that the ADRB would have never passed this permit if it was on somebody's property.

Mr. Chris Johns of 850 Longview Road, a resident for twelve years, stated that the Town was requiring utilities to be underground. He stated that in the twelve years he lived here, undergrounding hasn't happened, but there has been interest. Mr. Johns stated that instead of burying the lines, towers are allowed above ground, which is very unsightly. He stated that he is not sure if the radiation level is safe or unsafe, and that we probably won't know for twenty years.

Ms. Phyllis Tankel of 870 Longview Road stated that on September 12, 2005 she brought her health concerns about her autoimmune disorder to Council. She stated that this has become a very important personal concern of hers; it now has become a broader concern. Ms. Tankel said that she felt that the installation should not take place until further studies on the effects on autoimmune diseases and alternative sites were located. Ms. Tankel stated that there was no public notice process required, no community input, no comments from ADRB regarding design review guidelines, no conformity with the Town's General Plan, and no consultation with the Hillsborough Beautification Foundation. Ms. Tankel stated that the actions of T-Mobile and the Town have awakened a sleeping giant. She told her friends, neighbors, and other community members of this situation. Ms. Tankel stated that people are out of town due to the three-day weekend, but people are very concerned and have signed an endorsement list requesting that the Town and T-Mobile remove the cellular equipment, and that the Town develop legislation with input from the community to create an acceptable policy for cellular equipment installation in the Town.

Mayor Kasten stated that during Public Comment Councilmembers could not take action. He added that another Public Comment session would be held at the end of the meeting, and that the public should remain should they wish to speak at that later time.

**DISCUSSION (CONTINUED):**

**12. UPDATE ON STATUS OF BOND PROCEEDS AND THE WATER AND SEWER CAPITAL IMPROVEMENT PROGRAM AND ITS EFFECT ON PUBLIC WORKS OPERATIONS**

Public Works Director Martha DeBry stated that she has been working with the Financial Advisory Committee (FAC) to review the status of bond funding. Since 1996, the Town has issued four bonds generating approximately \$30,000,000 in funding for water and sewer capital projects. The Finance Director summarized the disposition of the proceeds as of June 30, 2005 in a document prepared for the FAC.

As of June 30, 2005 a total of \$7,149,915 in funds were available. Since June, Council has allocated an additional \$3,923,194 towards projects, design and engineering services. In the coming months several large projects are expected to be awarded, including the El Arroyo Tank Site (\$2,100,000) and Phase 5 Water Main Improvements (\$1,900,000). Thus the Town will spend the full amount of the bond proceeds well in advance of the August 2006 deadline.

The FAC requested that Public Works evaluate the Capital Program and determine the need for funding over the next 3-4 years. Approximately \$14,000,000 in priorities were identified by staff, paring the capital program down from \$20,000,000 in projects. The FAC is working with staff to develop a recommendation regarding a future bond issue that is appropriate to meet priorities and minimizes rate impacts.

Staff also discussed with the FAC the need to fund inspection services and properly staff the Public Works Department in order to sustain a continuously active capital program. The FAC was supportive of funding temporary inspection positions with bond proceeds if Council approves an additional bond issue.

Public Works Director Martha DeBry provided an update on the Capital Improvement Program with an overview of the major projects, current projects, operations, three-year project outlook and future bonds. The Town of Hillsborough has issued four bonds to fund water and sewer improvements, including \$5 million in 1995, \$5 million in 1997, \$15 million (retired previous bonds) in 2000, and \$15 million in 2003, which made available more than \$30 million for the projects.

The major water projects included four seismic improvements; water main improvements in 1995 (Black Mountain), 1996, 2000 (Cherry Creek), 2003 (Water Main Replacement Phase 2), and 2004 (Water Main Replacement Phase 3); SCADA; and security improvements. \$11.5 million was spent by June 30, 2005.

The major sewer projects included the Crystal Springs Sewer Trunk, Shady Creek, sewer main projects (Mini Basin #7, Hayne/Black Mountain, Roblar/El Cerrito, Upper City Hall, and Pinehill), Video Inspection and Cleaning Phase 1 and 2, and Sewer Lining Phase 1. \$15.6 million was spent by June 30, 2005.

Current major water projects which have been awarded include the Water Main Replacement Phase 4, and current major sewer projects which have been awarded include the Inflow and Infiltration (Smoke Testing), Video Inspection and Cleaning Phase 3 and 4, Sewer Lining Phase 2, Shady Creek Repair, and Easton (with Burlingame as the lead agency).

Major projects in the design/bid process include the following water projects: Water Main Replacement Phase 5, El Cerrito Tank Replacements (2), Tournament Pressure System, and Skyfarm Pressure System. The major sewer projects in design/bid process include the following: Manhole Rehabilitation, Storm Drain Repairs, and Crystal Springs Trunk Phase 2 (El Cerrito to Gramercy).

Regarding the effect on operations, three maintenance workers have been assigned to inspections to assist the sole Public Works Construction Inspector.

Subsequently, all crews are short one maintenance worker, but by using our maintenance workers the cost of inspections is reduced, and the department retains the institutional knowledge.

The Assistant Superintendent is greatly impacted by the design and construction of water projects. Currently, Public Works has no working supervisors in the water department. New government regulations require more training and certification in the water department, and water quality management has become more time consuming with chloramines.

Currently, we have one secretary to support the Director of Public Works, two to three engineers, three supervisors, and a water quality technician. The clerical support work volume has significantly increased with the introduction of the purchase order system, and the call volume has significantly increased due to the sewer backflow program.

Ms. DeBry has been discussing the new bond issue with the FAC, reevaluating priorities, and planning for impacts on operations for the next three years.

The proposed bond issue will include \$7,900,000 for water projects, \$7,324,000 for sewer projects, and \$800,000 for project inspection, which includes three maintenance workers for four years, and a provisional promotion of the Construction Inspector to Supervisor.

If the bond issue is approved, staff recommends reorganizing the water crew, dedicating the Assistant Superintendent to Capital Project planning and management, reclassifying two maintenance workers to supervisors (\$50,000 annually), and allocating an additional clerical position for a four year appointment (\$90,000 over four years).

Councilmember Fannon asked Ms. DeBry if all the major projects would be completed after the four years, and would we move on to just the maintenance of the system at that time. Ms. DeBry responded that there might be more problem areas in our system, which will be revealed by the video inspections. The cost for Capital Improvement Projects will drop as we find fewer problems, but there will always be a need for a Capital Improvement Program with a budget of \$3-4 million per year.

Councilmember Regan directed Ms. DeBry to determine the needs for Public Works, as Finance Director Edna Masbad can provide the \$15 million in needed funds by borrowing on terms the Town's comfortable with.

Councilmember Krolik asked how many miles of sewer and water lines the Town has. Ms. DeBry responded 94 miles of sewer lines and 95 miles of water lines. Councilmember Krolik asked how many phases we foresee for water and sewer projects. Ms. DeBry replied that a lot of the pipes are more than fifty years old, and our records are not clear, but video inspection will show whether the pipes are deteriorated or not. Ms. DeBry stated that we rely on our crews to let us know about problem areas. We have seven phases scheduled, and will need more phases to get it all done, but the cost per unit will go down. Phase 3 of the Water Main Replacement Project had several change orders, and was more than anticipated. Ms. DeBry expects ten to twelve phases for the video inspections.

Councilmember Krolik asked if the bond money would be used for personnel. Ms. DeBry responded that a portion of overhead is charged to the bond funds for engineering and inspections, but the clerical personnel expense is charged to operations.

Councilmember Regan stated that the Tournament and Skyfarm tanksites are relatively new, but are creating the largest problems.

Mayor Kasten stated that we should identify the Town's needs and match those financial and personnel needs to get the Capital Improvement Program done. Mayor Kasten asked Ms. DeBry to let Council know if the Public Works Department

was taking on too many projects, and to ensure that employees promoted to supervisors have the appropriate skills. Ms. DeBry stated that she is just reclassifying leadworkers to supervisors.

Councilmember Krolik asked if the bond proceeds would be used for road and street repairs. Ms. DeBry replied that Measure A and the Gas Tax Revenue cover street repairs.

Mayor Kasten commented that Public Works will get the funds needed for the Capital Improvement Program.

### 13. UPDATE ON HILLSBOROUGH CITY SCHOOL DISTRICT MASTER PLAN

Assistant Superintendent Larry Raffo of the Hillsborough City School District (HCSD) updated Council on the School District's Master Plan construction process. In November 2002, the Measure B Facilities Bond was passed authorizing the funding to the HCSD to pay for the construction of new school facilities and renovation of aging facilities. A Facilities Program Implementation Plan has been prepared by HCSD providing for the planning, design and construction of the master-planned improvement projects and renovation projects under the Measure B Facilities Program. Mr. Raffo stated the proposed new construction would include the following projects:

#### Crocker Middle School

- Center of Performing Arts Education (two buildings; one single story building containing a 350-seat theater, band room, and related support space; and one three-story building containing a drama classroom, choral room, and dance studio)
- Lecture Hall and Technology Center (two-story building)
- Campus Administration Building (one-story building)
- Transportation and access improvements including creation of a new entrance with signalized intersection and turn lanes on Ralston Avenue (Improvement would require the removal of approximately forty Eucalyptus trees located along the north side of Ralston Avenue adjacent to the school)

#### North Elementary School

- Multi-Purpose/Campus Administrative Office Building (one-story building containing a multi-purpose room, music and choral rooms; administrative offices; and related support space)
- Conversion/Expansion of the existing cafeteria building

#### South Elementary School

- Multi-Purpose Building (one-story building containing a multi-purpose room, music and choral rooms, offices, and related support space)

#### West Elementary School

- Classroom Building (one story building containing four classrooms)
- Exploratorium/Office Building (one-story building containing a group learning room, offices, conference rooms, and related support space)

HCSD has recently completed a draft Negative Declaration required by the California Environmental Quality Act (CEQA) and is prepared to begin some of the larger on-site and off-site improvements. Among the improvements studied and planned for 2006 are the removal of the Eucalyptus trees along Ralston Avenue, and the construction of a westbound right turn lane and traffic signal near Crocker School to facilitate traffic during school drop off and pick up times.

Mr. Raffo stated the new buildings in comparison to the rest of the buildings on the campuses would not protrude too high. One of the issues he will be facing includes the entrance on the black top at Crocker Middle School, which will not be available when the work begins. There will be a new entrance on the east side of the gym. He stated that we will need to create a left and right turn lane on Ralston for cars coming into Crocker.

Mr. Raffo stated that the Eucalyptus trees along Ralston are posing a safety issue by dropping limbs onto the cross-country pathway and onto cars in the parking lot. He said the School District plans on removing the Eucalyptus trees in the School District's property and along the Town's property line. Mr. Raffo stated he plans on removing the trees to the culvert on the west side and leaving four trees near the gatehouse and all foliage on the other side near the culvert. He proposes to remove the Eucalyptus trees from the tennis courts and widen Ralston near the flagpoles for a left turn lane to allow for access to Crocker.

Mr. Raffo stated the big issue is to start removal of the trees in December 2005. He can't remove trees when the nesting season starts in February 2006. Mr. Raffo said that all the trees will need to be removed for the turn lanes, which will create a very stark landscape with the gymnasium very visible. The landscape plan includes a row of oak trees in front of a row of redwood trees, and possibly a row of birch trees. The new trees will not be seedlings, but 24" box trees. Mr. Raffo stated that the path used by the public would be repaired, widened, and cleaned up. Oak trees will be planted along the gymnasium area, and the driveway will be reconfigured for more parking and oak trees.

Mr. Raffo stated the timeline includes starting the tree removal during the winter school break. He will be in discussions with Ms. DeBry of Public Works, the police department, and fire department. Mr. Raffo said that after Concours the actual road widening begins so that it is completed before the start of school in September. During the following summer, the entryway to the blacktop will be done.

Mr. Raffo stated that when the trees are removed in the winter, they will be cut below ground level and the stump removal will be done in the summer when the new lane is paved.

Vice Mayor Mullooly asked Mr. Raffo if the replanting will begin after the stumps are removed. Mr. Raffo replied that the replanting would start next summer during May 2006 or June 2006. Councilmember Regan asked how long it would take to remove the Eucalyptus trees. Mr. Raffo replied four to six weeks during winter break.

Mayor Kasten asked if the road would be closed. Jan O'Flaherty of BKF Consulting replied the road would be closed during the day, but open at night, and one lane will be always open for emergency vehicles. Mr. Raffo stated he was hoping to have less impact on traffic during the winter and that school resumes January 9, 2006.

Councilmember Regan asked if there would be a detour. Ms. O'Flaherty replied that they're working on a traffic management plan now and she is hoping to meet with staff next week. Councilmember Regan stated that we need to communicate the traffic detours to the residents. Mayor Kasten asked for traffic data on Ralston. Police Chief Matt O'Connor stated that 4,000 to 6,000 cars a day drive past the school on Ralston, and that 5,000 cars a day was the high for last week. Mayor Kasten asked for the traffic count during the December holiday time. Police Chief O'Connor responded 4,000 to 4,500 cars a day.

Mayor Kasten asked why the trees were being removed in December if the road was not being widened until May. Mr. Raffo replied that the nesting season runs through August, and that there is less traffic in December.

Councilmember Fannon asked what was going to be done for the area below the tennis courts. Mr. Raffo replied that the Eucalyptus trees were going to be removed and drains installed. Councilmember Fannon asked if PG&E was going to underground the utility lines when the trees are removed. Mr. Raffo replied that the timing is uncertain with PG&E, but he was trying to coordinate efforts with PG&E to lay the conduit at that time.

Councilmember Regan asked if the police department was involved in the detour plan. Mr. Raffo replied that he would involve the police in the plans. Ms. DeBry stated that she is working with the School District with posting a sign a month or so before the project starts. Mayor Kasten asked if we could do more for notification.

Superintendent Marilyn Miller stated that a mailing will be sent to every household in Town, signs will be posted for those who don't live in Town, and also information will be posted on their website.

Mayor Kasten asked if the trees could be removed at any other time. Mr. Raffo replied that he could push it back to January, but felt that December was a less busy time.

City Attorney Norm Book asked if it was possible to top the trees now to have the birds nest elsewhere, and cut the trees to the ground later. Mr. Raffo replied that they were looking into that idea with contractors, and exploring other options.

Mayor Kasten stated to Fire Chief Bill Reilly that the fire department would need to stay on top of the road closure for emergency vehicles, and to communicate and coordinate with the other cities on a day-to-day basis. Mr. Raffo stated that the contractors would be using a walkie-talkie system so that every emergency vehicle could pass.

City Manager Tony Constantouros asked if the trees are in the public right-of-way. Ms. O'Flaherty replied that almost all are in the right-of-way. Mr. Constantouros asked about the Town requirements for the removal of the trees. Ms. O'Flaherty stated that on October 24, 2005 she would have a traffic management plan, tree removal permit, and an encroachment permit.

City Attorney Book stated that the School District is the lead agency for CEQA purposes, and the Town is the responsible agency. However, the Town has the discretionary authority regarding issuance of the encroachment permit. He recommended a public hearing because of the aesthetics and traffic issues. Mr. Book stated that the Town is responsible for considering the environmental effects of the project and imposing our own mitigation measures.

City Manager Constantouros asked when the work would commence. Mr. Raffo stated that the winter break begins on December 22, 2005 and the contractors plan on starting work on December 23, 2005. Mr. Constantouros asked what the public notification requirements were. City Attorney Book replied that a 500' radius was required, but the Town may wish to expand it. City Planner Maureen Morton added that public notification must be sent fifteen days before the November City Council Meeting. Ms. DeBry stated that October 28, 2005 is the cut off date for the fifteen day notice for November's City Council Meeting.

City Manager Constantouros asked if CEQA gives the option of a Negative Declaration. Mr. Raffo replied that Environmental Science Associates' draft of the initial study proposed a Negative Declaration for the whole building project. He stated that Tuesday night the School Board will make a decision on whether to move forward with the Negative Declaration. Mr. Raffo stated that the Mitigated Negative Declaration requires notifying residents 500' away. He said that there is a thirty-day review period (twenty days required) and a public hearing is required on November 16, 2005 at Crocker Middle School.

City Manager Constantouros asked if the project fell within the Town's right-of-way requirements for a public hearing. City Attorney Book replied that it could be a Public Hearing item at the City Council Meeting on November 14, 2005, but it is going to be difficult to meet the deadline. Ms. DeBry added that October 28, 2005 is the fifteen-day notice if a plan is prepared.

Mayor Kasten asked if there was a separate CEQA process. Ms. Morton replied that we might need a special meeting. City Attorney Book stated that we are required to use the School District's environmental document.

City Attorney Book asked if the road must be closed if we just top the trees. Ms. O'Flaherty replied yes. Councilmember Regan asked if the road was going to be closed from nine to five. Ms. O'Flaherty responded that the hours needed to be discussed. The contractors would like to start at 7:00 a.m. with cutting hours from

8:00 a.m. – 5:00 p.m., and reopen the road by 6:00 p.m. or 7:00 p.m. The contractor can set up in the dark. Vice Mayor Mullooly asked if it was necessary to close the road for twelve hours. Ms. O’Flaherty answered yes.

Councilmember Regan asked what the traffic study peak hours were. Police Chief O’Connor answered 7:00 a.m. – 8:00 a.m., 11:30 a.m. – 1:00 p.m., and 4:30 p.m. – 6:00 p.m., and he added that there is no good time of year to close the road.

Councilmember Krolik asked if we could keep one lane open. Ms. DeBry answered that some of the sections of the trees weigh a ton and will be lifted by cranes onto big trucks making it difficult and a safety issue. Ms. O’Flaherty added that the trees will be loaded onto 30-40 foot long trucks and hauled away.

City Attorney Book stated that if there were torrential rains the contractors wouldn’t be able to work. Mr. Raffo replied that if the road is closed during school it would be between 9:00 a.m. – 2:00 p.m. City Attorney Book added that you could lose one-third of the time due to bad weather. Vice Mayor Mullooly asked if the contractors could work every day how long would the project take. Mr. Raffo replied that he was talking to the contractors about that. Vice Mayor Mullooly asked when school reopens. Mr. Raffo replied January 9, 2006. City Attorney Book asked if the contractors were going to work weekends. Ms. O’Flaherty replied Saturdays from 10:00 a.m. – 4:00 p.m.

City Manager Constantouros stated that the School District needs the trees removed, the project may require street closure, and the Town wants to work with the School District. Councilmember Regan suggested moving this to November’s City Council Meeting or have a special meeting. Councilmember Krolik suggested having a billboard or picture of what is to come. Mr. Raffo replied that a sign would be prepared.

Mayor Kasten asked how the entrance road would look. Mr. Raffo replied that it would be a four-lane road. Mayor Kasten added that we must have realistic expectations, as oaks are slow growing trees. Councilmember Krolik stated that she was most concerned about the traffic detours in the dark.

Mr. Raffo stated that the tentative public meeting was scheduled for Wednesday, November 16, 2005. Mayor Kasten asked Mr. Raffo if he was working with the police department. Mr. Raffo replied yes. Mayor Kasten added that we should have several alternate routes available for the residents when the tree removal begins.

### **PUBLIC COMMENT (CONTINUED)**

None.

### **CITY COUNCIL ITEMS:**

Councilmember Krolik will attend the San Mateo County’s Office of Emergency Services Disaster Preparedness Day on Saturday, November 12, 2005 at the San Mateo Expo Center. The event will assist the community in getting disaster kits ready.

Councilmember Regan attended the League of California Cities on Saturday, October 8, 2005 and voted on the recommendation for cities to pursue wireless technology. Municipalities are urged to provide their citizens with wireless technology.

Vice Mayor Mullooly will attend the Central County Fire Department’s High Rise Exercise at the Hyatt Regency in Burlingame. It will be a good opportunity for the fire department to practice on a large building.

Councilmember Regan announced that he attended along with Mayor Kasten and Vice Mayor Mullooly the San Mateo County Historical Association's History Makers 2005 Dinner for Mrs. Ann Johnson on September 22, 2005. Mrs. Johnson was honored for restoring the Carolands Mansion.

Mayor Kasten brought up calendar items. Councilmember Krolik, Councilmember Regan, and Mayor Kasten will try to attend the Council of Cities Meeting on the Criminal Justice Award Program on Friday, October 28, 2005.

Mayor Kasten read a letter from a San Mateo resident who expressed appreciation to Council for listening to her concerns regarding grading. Mrs. Sally Rumsey and Mr. Ramon Yniguez in the Building Department were complimented for their service. Mr. Tony Gerald in the Public Works Department received sincere thanks from a resident for the prompt response to a sewer back up.

Mayor Kasten announced that Mrs. Maryellie Johnson would proceed with a study regarding the size of homes relative to the size of the lot. She will hire a consultant with Dyett & Bacchia and will do a comparative city review and will present her findings to the Town.

There were no comments regarding the monthly reports.

**ADJOURN:**

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