

MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, OCTOBER 9, 2006

Mayor Kasten called the regular meeting to order at 6:05 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 11, 2006, City Council meeting were approved as submitted subject to wording changes by Councilmember Krolik. Paragraph 6 on Page 6 of Item 12 should read "Councilmember Krolik stated that she spoke to a developer who stated that 7,000 square feet is the minimum size needed to make a profit." Paragraph 3 on Page 7 of City Council Items should read "She reported that a new resident on Pullman Road wanted the noise monitor removed from his property, unless he could get free parking at San Francisco International Airport. Consequently, the noise monitor was removed. She requested that Public Works Director Martha DeBry research possible sites to relocate the noise monitor. Ms. DeBry stated that one of the water tank sites may work, and is working with SFO Noise Abatement staff to locate a new site."

PRESENTATION:

- Hillsborough Zoning Study Committee, Certificates of Appreciation

CONSENT CALENDAR:

On motion of Councilmember Krolik, seconded by Vice Mayor Mullooly, unanimous on voice vote, Consent Calendar Items 1 through 12 were approved.

1. MONTHLY CLAIMS: SEPTEMBER 1 THROUGH SEPTEMBER 30, 2006

The monthly claims for September 2006 in the amount of \$2,359,220.39 were approved.

2. QUARTERLY TREASURER'S REPORT

The Treasurer's Report for the quarter ending September 30, 2006 was approved.

3. QUARTERLY INTEREST RATE PRODUCTS (SWAP) REPORT

The Interest Rate Products Report for the quarter ending September 30, 2006 was accepted.

4. COMMAND VEHICLE REPLACEMENT

The resolution for the Fire Department's request to purchase a 2007 Chevrolet Yukon 1500 4WD SUV from Putnam Chevrolet for a bid amount of \$35,164.79 and the installation of the necessary electronic equipment was adopted.

5. REPLACEMENT OF POLICE COMMUNICATIONS RECORDING EQUIPMENT

The resolution authorizing the replacement of the current Dictaphone analog communication recording equipment with the purchase of the Voice Print digital recording system and support software for a total purchase price of \$16,656.43, with a 10% contingency for issues or matters that arise as part of this improvement project, was adopted.

6. RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AN EXECUTIVE RECRUITING FIRM AND AUTHORIZE AN ADDITIONAL APPROPRIATION OF FUNDS TOWARD THE RECRUITING EXPENSE

The resolution authorizing the City Manager to enter into an agreement with an executive recruiting firm and authorize an additional appropriation of \$15,000 from the budget contingency for a total expenditure not to exceed \$30,000 was adopted.

7. RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH RANA CREEK HABITAT RESTORATION, INC. FOR THE CRYSTAL SPRINGS REVEGETATION PROJECT, SS 803.07

The resolution accepting as complete the contract with Rana Creek Habitat Restoration, Inc. for the Crystal Springs Revegetation Project, SS 803.07 in the amount of \$44,696.38 was adopted.

8. RESOLUTION APPROVING THE CONTRACT WITH FERMIN SIERRA CONSTRUCTION, INC. FOR THE LA CUMBRE / LA CANADA ROAD STORM DRAIN INLET REPLACEMENT PROJECT

The resolution awarding the contract for the La Cumbre / La Canada Road Storm Drain Inlet Replacement Project to Fermin Sierra Construction, Inc. in the amount of \$33,300 with a 20% contingency in the amount of \$6,660 for a total construction budget not to exceed \$39,960, to be funded by the 2006 Water and Sewer Bond, was adopted.

9. RESOLUTION AWARDED THE BID TO MUNICIPAL MAINTENANCE EQUIPMENT (MME) FOR THE PURCHASE OF A 2007 GO-4 INTERCEPTOR III THREE-WHEELED UTILITY VEHICLE FOR WATER METER READING BY THE PUBLIC WORKS DEPARTMENT

The resolution awarding the bid for the purchase of one new 2007 GO-4 Interceptor III three-wheeled utility vehicle to Municipal Maintenance Equipment in the amount of \$26,840 was adopted.

10. RESOLUTION APPROVING THE ALLOCATION OF ONE ADDITIONAL MAINTENANCE WORKER I/II IN THE PUBLIC WORKS DEPARTMENT (SEWER)

The resolution approving the allocation of one additional Maintenance Worker I/II in the Public Works Department for up to one year was adopted.

11. RESOLUTION APPROVING WORK ORDERS FROM CSG CONSULTANTS, INC. FOR PRELIMINARY STUDIES OF CHERRY CREEK AND OAKS DRIVE PUMP STATIONS

The resolution approving the CSG work orders in the total amount of \$69,000 and allocating \$69,000 in funds from the 2006 Bond revenues was adopted.

12. RESOLUTION PROCLAIMING NOVEMBER 2006 AS "BE SEWER SMART – BACKUP PREVENTION MONTH"

The resolution proclaiming November 2006 as "Be Sewer Smart – Backup Prevention Month" was adopted.

NEW BUSINESS:

13. RESOLUTION SUPPORTING PROPOSITIONS 1A, 1B, 1C, 1D, 1E AND PROPOSITION 84 ON THE NOVEMBER 2006 BALLOT

Public Works Director Martha DeBry stated that the League of California Cities has requested that member agencies express their support of Propositions 1A, 1B, 1C, 1D, 1E and Proposition 84 which have been placed on the November 2006 statewide ballot. This series of propositions are bond funding measures for infrastructure programs to improve road, parks, housing, schools, and water and sewer systems. Funding is guaranteed to all cities under several of these initiatives; most notably Proposition 1B has minimum funding for all cities for road improvements.

Mayor Kasten thanked Ms. DeBry. Councilmember Krolik asked Ms. DeBry if Proposition 84 will fund the improvements to Hetch Hetchy. Ms. DeBry replied that Hetch Hetchy improvements will cost more than the Proposition 84 measure, and the costs are managed through Bay Area Water Supply & Conservation Agency (BAWSCA).

On motion of Councilmember Fannon, seconded by Councilmember Regan, and unanimous on voice vote, the resolution supporting Propositions 1A, 1B, 1C, 1D, 1E and Proposition 84 on the November 2006 ballot was adopted.

14. RESOLUTION OPPOSING PROPOSITION 90 ON THE NOVEMBER 2006 BALLOT

Public Works Director Martha DeBry stated that the League of California Cities has requested that member agencies oppose Proposition 90. She explained that the proposition is framed as a measure to prohibit use of eminent domain unless the property acquired is owned and occupied by a governmental agency. She stated that while some reform of eminent domain may be appropriate, Proposition 90 goes beyond reform and could prevent construction of new schools, transit systems, infrastructure and parks.

Ms. DeBry stated that it authorizes new lawsuits that will severely and negatively impact state and local governments' ability to enact and enforce environmental, land use, consumer protection and housing laws and regulations. She stated that Proposition 90 authorizes lawsuits for any government action that someone claims will result in economic loss to property; no matter how unreasonable that claim. She explained that this would result in frivolous lawsuits and increased administrative costs at the taxpayers' expense. She added that changes in the definition of just compensation would also inhibit cities' ability to acquire land for public works. Ms. DeBry stated that Proposition 90 is opposed by a broad coalition of cities, counties, unions, environmental groups and professional organizations.

Mayor Kasten thanked Ms. DeBry. On motion of Vice Mayor Mullooly, seconded by Councilmember Krolik, and unanimous on voice vote, the resolution opposing Proposition 90 on the November 2006 ballot was adopted.

15. RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE THE MEMORANDUM OF UNDERSTANDING (MOU) WITH CALIFORNIA WATER SERVICE

Public Works Director Martha DeBry stated that the Town of Hillsborough received a request from California Water Service Company (Calwater) to allow connections to the Town's water system in anticipation of the San Francisco Public Utilities Commission's (SFPUC's) shut down of a major water transmission line in November 2006. She explained that the request is for the physical installation of two connections between Calwater's and the Town's water mains. This will enable Calwater to provide water without disruption once the SFPUC transmission line has been closed. It is an urgent matter as Calwater needs to ensure adequate water pressures for fire protection.

Ms. DeBry added that Calwater is a private company that provides water to 500,000 customers including residents in San Mateo and other California communities. They are regulated in the same manner as the Town's water system for health and quality standards. The company is subject to California Public Utility Commission regulation for price setting.

Ms. DeBry explained that the water will be transferred by means of an intertie, which is a physical connection between Calwater's and Hillsborough's water mains. The water flow will be metered in both directions and the intertie will require a manual opening and closing. Ms. DeBry stated that she anticipates a few days for construction of the intertie, which would be desirable as an alternative source of water in emergencies.

Ms. DeBry stated that Calwater has been advised that the Town needs to execute an interim agreement with Calwater prior to allowing the connections. Since Calwater did not make its request until late September 2006, a draft agreement is not yet available. The conditions for an agreement will include the requirement that all connections to the Town's system will be metered, the Town will be reimbursed at the wholesale rate plus 15% for water used, Calwater must agree to enter into an agreement within 90 days of execution of an agreement to address all issues associated with long-term connection between the two systems, all work must be performed in accordance with American Water Works Association standards and applicable health and safety regulations, Calwater must allow an additional connection near the Tournament Water Tank to provide the Town with an alternative water supply in the event of an emergency within 60 days with the cost to be shared by Calwater and the Town (estimated at \$40,000 for the Town's share), and Calwater must provide a plan to transfer water services on Edgewood Road and Las Sombras Court where water pressures are inadequate for household use and fire suppression within 30 days. A long term agreement will include the terms for transfer of water, compensation, notifications, maintenance of interties, and approval by the City Council.

Mayor Kasten thanked Ms. DeBry. Councilmember Fannon asked Ms. DeBry if the agreement with Calwater would have any affect on the Town's relationship with the SFPUC. Ms. DeBry replied that the agreement with Calwater will have no direct affect on the Town's relationship with the SFPUC as both California Water Company and Hillsborough are members of BAWSCA. Councilmember Fannon asked Ms. DeBry if the Town would require the same amount of water from the SFPUC once the intertie is in operation. Ms. DeBry replied that the Town would demand more water from the SFPUC once the intertie is operating.

Mayor Kasten asked if residents would have the same amount of water available. Ms. DeBry replied that all residents would have the same amount of water available. The shut down is proposed for the winter which normally has a lower water usage.

Vice Mayor Mullooly asked how the Town will make Calwater sign the long-term agreement. Ms. DeBry responded that the Town can liquidate damages for each day that Calwater does not sign the long-term agreement, but noted that Calwater had not yet agreed to liquidated damages.

Councilmember Regan asked Ms. DeBry to check with Finance Director Edna Masbad about the rate of reimbursement from Calwater to ensure that the Town is not out of pocket for Calwater's water usage. Ms. DeBry replied that she will check with Ms. Masbad.

Vice Mayor Mullooly asked if the cost of water to Calwater will be tiered. Ms. DeBry replied that it will not be tiered.

City Attorney Norm Book asked if Calwater will be billed monthly. Ms. DeBry replied that Calwater will be billed monthly and reimbursement would be required within 30 days. Councilmember Regan stated that Calwater should reimburse the Town quickly so that the Town can reimburse the SFPUC. Mayor Kasten asked Ms. DeBry if the terms for Calwater would be Net 30. Ms. DeBry replied that the terms would be Net 30.

Councilmember Krolik asked if the interties are manually opened and closed and what ensures that they are not reopened. Ms. DeBry replied that the interties would be checked periodically.

Mayor Kasten asked under what circumstance the Town will take water from Calwater. Ms. DeBry responded that Calwater will be a back up water source for Town emergencies.

Councilmember Regan asked what would be the cost of the interties. Ms. DeBry responded that based on footages the cost would be \$40,000 for the Town for the interties.

Mayor Kasten thanked Ms. DeBry. On motion of Councilmember Krolik, seconded by Councilmember Regan, and unanimous on voice vote, the resolution authorizing the Director of Public Works to execute an agreement with California Water Service Company subject to the review of the Finance Director and City Attorney was adopted.

16. RESOLUTION ALLOCATING FUNDS FOR REPAIRS TO SPENCER LAKE FOR STORM WATER MANAGEMENT PURPOSES

Public Works Director Martha DeBry stated that Spencer Lake is located in an open space area near Macadamia Drive. Originally constructed in 1895, the dam created a lake that served as a water source for a cattle ranch. The footprint of the lake is now 20% of its original size, and a recent survey of the lake indicated the average depth is 4-6 feet in the summertime. This study also concluded that the lake has no inhabitant fish and is so oxygen depleted that mosquitoes cannot breed in the lake's waters.

Ms. DeBry reported that a chronic maintenance problem at the lake is the growth of tule weeds, which prevent storm water from entering the outflow siphon structure that transfers water across the street into a drainage creek. Aquatic Environments recently prepared a proposal to remove the tule weeds and other emergent growth and dig an area around the siphon that would prevent new growth in coming years. The equipment used by Aquatic Environments is unique and no other company in the state provides a similar service, so no other bids were solicited. In the past the Town has manually removed the tops of the weeds, only to perform the same work the following year. That process requires about a week of arduous work for the street crew annually.

Ms. DeBry stated that Aquatic Environments proposed a budget of \$22,250 for the removal of the tule weeds. A contingency of \$3,000 is requested for a total budget of \$25,250.

Ms. DeBry added that Aquatic Environments also proposed options for reducing the amount of silt in Spencer Lake and for dredging the lake over a five-year period. If such actions are not taken, the lake will gradually become a marsh within three to five years and eventually dry ground. This is a natural process. Because Spencer Lake is in such poor health anything short of a complete rehabilitation of the lake will be a lost investment within a few years. Thus staff is not recommending any work beyond that needed for storm water management as interim measures have no lasting impact, the waters cannot support aquatic life, and access to the lake is difficult.

Ms. DeBry asked the City Council if they had any questions. Councilmember Regan asked Ms. DeBry if clearing the tule weeds will allow the water to drain. Ms. DeBry replied that removing the tule weeds will allow the water to drain properly. Councilmember Regan asked what would happen if the Town did nothing. Ms. DeBry replied that Spencer Lake area would flood in the winter.

Mayor Kasten asked if the tule weeds would be removed near the inlet only. Ms. DeBry replied that the tule weeds will be primarily removed around the inlet. Mayor Kasten asked Fire Chief Bill Reilly if there were any fire issues around Spencer Lake. Chief Reilly responded that the Spencer Lake area is nothing different than the other similar areas of Hillsborough.

Councilmember Regan asked what would happen if the Town did not have Aquatic Environments remove the tule weeds from Spencer Lake. Ms. DeBry responded that the Street Department would have to remove the tule weeds or there would be a flooding problem in the winter.

Mayor Kasten thanked Ms. DeBry. On motion of Councilmember Fannon, seconded by Vice Mayor Mullooly, and unanimous on voice vote, the resolution allocating funds for repairs to Spencer Lake for storm water management purposes was adopted.

PUBLIC HEARING:

17. APPEAL OF THE ARCHITECTURE AND DESIGN REVIEW BOARD'S DECISION NOT TO ALLOW ADDITIONAL SQUARE FOOTAGE AS PART OF THE PROPOSED REVISIONS TO PREVIOUSLY APPROVED PLANS FOR A REMODEL OF THE 6,324 SQ. FT. HOUSE AT 20 PEAR COURT; Mr. & Mrs. Craig Harris Collins, 1196 Tournament Drive, Appellants/Applicants

Associate Planner Gina Tynan identified the appellant, Mr. Craig Collins, as the property owner and noted that he and his architect, Mr. Dom Passanisi, were present. She stated that, as proposed, the house would be 7,687 sq. ft. on a 1.08-acre lot, resulting in 16.3% FAR and noted that the project would not require any variances or other special approvals under the Municipal Code.

Ms. Tynan stated that the original project plans for the home were reviewed on March 1, 2004. At that time, the ADRB approved an application for remodel of the house and the addition of 2,118 square feet as well as a landscape plan for the lot; the approved project resulted in a house size of approximately 6,324 sq. ft. Ms. Tynan noted that the approval occurred several months before the City Council's adoption of the Town's Residential Design Guidelines, which the ADRB currently uses to assist them with making design review decisions, and prior to the City Council's adoption of ordinances now in place which address construction management issues such as parking, noise, hours of construction and time allowed for completion of construction projects. Ms. Tynan stated that construction of the project is currently underway.

Ms. Tynan added that in June 2006, the applicant, Mr. Collins, submitted revised plans which would add more square footage to the house and alter some of the architectural elements at its exterior. The application to make these changes was reviewed by the ADRB on July 17, 2006. Ms. Tynan stated that several neighbors expressed concern for the size of the house as well as the length of time for project construction at that meeting. Ms. Tynan stated that the application was continued by the ADRB to the August 21, 2006 meeting to allow the applicant to revise the project to make fundamental changes to the project design. Specifically, the ADRB requested modifications to further refine some of the exterior features and a reduction in the size of the proposed additions to better address neighborhood context.

Ms. Tynan stated that the applicant returned to the ADRB on August 21, 2006 with a revised application that reduced the proposed floor area of the additions from an additional 1,059 sq. ft. to the house to an additional 765 sq. ft. to be developed at the basement level and second floor. The ADRB voted 5-0 to approve refinements to exterior finishes but identified that the approval of additional square footage to this property would be inconsistent with the neighborhood context relative to site planning and massing per the Town's Residential Design Guidelines because of the existing house size, street setback and height of the structure.

Ms. Tynan stated that the letter of appeal submitted by Mr. Craig Harris Collins cites the ADRB's failure to approve the proposal to add square footage to the home at 20 Pear Court, which would not be visible from the street, despite the proposal's compliance with Municipal Code regulations as the basis for the appeal.

Ms. Tynan introduced Chief Building Official John Mullins. Mr. Mullins reviewed the history of work at 20 Pear Court, including a pool demolition in 2002, a stop work order in 2003 for excessive grading, and continuation of the grading project in July of 2003 where 600 cubic yards of soil were removed without a permit. He stated that work has been going on at 20 Pear Court for five years. Mr. Mullins reported that upon the site visit this afternoon he was surprised to find that the owners recently bumped out three areas of the house and the framing was already completed in the new areas. The proposed one-car garage was already framed for a two-car garage. Mr. Mullins stated that he would issue a stop work order tomorrow morning.

Mayor Kasten asked Mr. Mullins if the proposed additional square footage has already been completed. Mr. Mullins confirmed that the work proposed has already been completed or is in progress.

Councilmember Fannon asked Mr. Mullins if plans for a three-car garage were approved by the ADRB. Mr. Mullins confirmed that a three-car garage was originally approved and added that an additional single car garage was proposed in the revised plan. City Planner Maureen Morton added that a total of four garage spaces were shown on the proposed plan, but now there are five garage spaces built at the site. Mr. Mullins replied that one additional garage space was included in the proposed plans, but was not approved by the ADRB. A new two-car garage area was built without the ADRB's approval at that area.

Councilmember Fannon asked Mr. Mullins to explain exactly what has been done on the property. Mr. Mullins replied that all the work on the proposed plans has already been built or framed. Councilmember Fannon confirmed with Mr. Mullins that the work proposed and rejected by the ADRB has already been built.

Mayor Kasten stated that the original house was 6,324 sq. ft. and the homeowners requested to add an additional 660 sq. ft. He asked if the changes made include the 660 sq. ft. Mr. Mullins replied "yes." Mayor Kasten thanked Mr. Mullins.

Mr. Craig Collins stated that he and his wife are the owners of 20 Pear Court. He has been a Hillsborough resident since 1975. Mr. Collins stated that he takes complete responsibility for the work completed per the comments made by Mr. Mullins. He stated that the first architect started the remodel project for him in 2001. He stated that the plans took a long time to materialize, but he trusted the architect was following protocol. He stated that he had not reviewed the final plans that were submitted by his architect. Mr. Collins stated that he was at the job site with the contractor when the two of them elected to add an additional bedroom. The revision would require tearing down much of the original plan. The family room would be downstairs and a bedroom would be added above it with an additional bathroom. Mr. Collins stated that the first architect became very difficult to get in contact with. He terminated that relationship in January 2006.

Mr. Collins stated that the second designer took time to get started on the plans for a project revision. At the July 2006 ADRB meeting he requested that the additional bedroom and bathroom be permitted, but two neighbors, Mr. Beckheyer and Mr. Dollinger, felt that the addition was too large for the street and that it was out of character for the neighborhood. Mr. Collins took their comments to heart and met with his architect and Ms. Tynan to revise the plans. He felt he met the concerns of his neighbors. He eliminated the fourth bedroom upstairs so that if the house was approached from the street, the house would look the same as previously approved by the ADRB. He stated that the proposed bedroom cannot be seen from the street as the bedroom has been moved back five feet. He stated that the extension is only visible from the back of the house.

Mr. Collins stated that he requested to extend the garage to allow for five garage spaces. He decided to put the garage in a larger space to allow a large pickup truck to be garaged. He added that the fourth car garage is not visible from the street.

Mr. Collins stated that he returned to the ADRB for an approval to build over the rear family room. He stated that Mr. Beckheyer felt that the house was too big and claimed that his pool was visible from the proposed extension. Mr. Collins stated that he disagreed and he felt that Mr. Beckheyer's pool was not visible from the proposed extension. Mr. Collins added that he was concerned that he did not receive a reason for the denial by the ADRB. He took the view that the site was approved for an FAR of 7,600 sq. ft. The additions cannot be seen. He asked who the ADRB is protecting and who is being offended if he is doing something to the rear of the home. He stated

that the original contractor left him in a lurch. He stated that he will shut down the project now until he receives the necessary approval. He stated that it has been a long time coming to this point. He felt that the ADRB was not concerned with the interior rooms, particularly the constructed bedroom.

Mr. Collins stated that he was not trying to pass the buck. The architect and contractor were trying to save him money. Mr. Collins stated that he was not sure what they were going to do, not to say that he did not take any responsibility. He stated that he wants to make sure he is in compliance now. He stated that he wrote to all his neighbors, but they have not responded although they are present at the City Council meeting. He stated that he does not get the impression that the neighbors understand that what is seen from the street is identical to what was approved.

Mayor Kasten asked Mr. Collins if anything was proposed towards the back of the house and added that when facing the home, a part to the left is visible. Mr. Collins stated that there is no change in the roof line. Councilmember Krolik asked if he was talking about the bedroom in the back. Mr. Collins replied that he was talking about the bedroom, bathroom, and closet on the original plan. Ms. Morton stated that the bedroom, bathroom and closet were not on the original plan.

Councilmember Regan stated that Mr. Collins' neighbors see the addition from different angles. The previous plans had a lower roof line than proposed. Councilmember Regan stated he could see the addition from other parts of Mr. Collins' property.

Councilmember Fannon asked Mr. Collins if he said he takes full responsibility for the project and asked how he could let something like this happen. Mr. Collins stated that he believed the revision of the plans would be a fast procedure and then right at that critical juncture his architect left. He did not know how long the revision period would be for the approval. Councilmember Fannon stated that Mr. Collins must have known what was going on.

Councilmember Regan asked Mr. Collins why the grading project was not in compliance twice. Mr. Collins replied that he had a permit for the grading project for the removal of the pool. He was under the assumption that the permit from the Building Department gave him permission to do the work that was completed. Councilmember Fannon stated that the permit issued in August 2002 was for the pool remodel and demolition and that grading was not approved.

Mayor Kasten opened the public hearing. Mr. Michael Dollinger of 40 Pear Court and a 60-year resident of Hillsborough stated that the house at 20 Pear Court is already too large and is too close to the street. He stated that much of what Mr. Collins proposed at the ADRB meeting has already been built. He questioned if the side landscaping close to the side setback was legal. He urged the City Council to uphold the ADRB's denial of the plans. He stated that he received a letter from Mr. Collins which stated that Mr. Collins feels he did not get a fair hearing and will file a lawsuit against the Town. Mr. Dollinger stated that he felt that Mr. Collins is attempting to get around the rules of the Town. He stated that Mr. Collins was in gross violation and asked the City Council if they could revoke the original permit.

Mr. Craig Beckheyer of 721 Jacaranda Circle stated that he lives to the right of 20 Pear Court. He stated that he saw Mr. Collins in town, but Mr. Collins refused to speak to him. Mr. Beckheyer stated that he agrees with Mr. Dollinger that the property is too big. Mr. Beckheyer stated that he is highly concerned that the property at 20 Pear Court is neglected as it has flooded four times in the past. The drainage system has been neglected and clogs up in the winter. He wants to see the project finished. He stated that the property is an embarrassment to the Town and an egregious eyesore in Hillsborough.

Mr. Walter Heyman, Chair of the ADRB, stated that he did not know how this project was originally approved a few years ago as the house is massive and overpowering and is not compatible with the neighborhood. He stated that nothing can be done about what was approved in the past, but the Town can prevent it from becoming even larger. He explained that that was the consensus of the ADRB at the July 2006 meeting that no addition in size is to be permitted on this house. The application was continued to the August 2006 meeting to allow the ADRB to review the changed details of the façade and upgraded choices of materials.

Mr. Heyman stated that at the August 2006 meeting the applicant requested approval of not only changes to the façade, but also, as if nothing was ever said, approval to expand the size of the house on three levels. The changes to the façade and material choices were approved while expansion in size was denied. He added that the changes that Mr. Collins has already made on the garage and upper extension are indeed visible.

Mayor Kasten closed the public hearing. Councilmember Fannon stated that the ADRB at the July 17, 2006 meeting spent a lot of time reviewing the plans for 20 Pear Court. All five members of the ADRB felt that Mr. Collins already pushed the envelope and the ADRB decided that no expansion would be approved. Councilmember Fannon stated that Mr. Collins had the audacity to confront them with an expansion project at the August 21, 2006 ADRB meeting. Councilmember Fannon stated that Mr. Collins was not listening to the comments of the ADRB and Ms. Tynan's letter.

Councilmember Regan stated that he agreed with Councilmember Fannon's comments. He stated that during a five-year period nothing beyond framing has happened at 20 Pear Court which is an outrage on the community. He expressed his perspective that the owner should be committed to building what was approved by the ADRB. If a timetable is not followed, liquidated damages should be collected. Mr. Collins' threat of a lawsuit is not going to change the ADRB decision. The ADRB did what they were supposed to do. Mr. Collins must move forward and get the project completed.

Councilmember Krolik explained that the ADRB process is a long process and does not move at lightning speed. She stated that she found it difficult to believe that Mr. Collins could not stop the construction project. With the Town's new Residential Guidelines, Mr. Collins' project may not have been approved. Mr. Collins must work with what has been already approved by the ADRB.

Mayor Kasten stated that this project needs to be completed. It has already been five years. He stated that the revision to the plans is visible from the street and that the house was already too large for the neighborhood. With proper construction management, the house should have been completed with minimum impact on the neighbors. The neighbors should not have to be impacted by the flooding problem with mud and silt due to inadequate drainage. The neighbors should not have to bear the brunt of Mr. Collins' project. He stated that he appreciates the fact that Mr. Collins accepts responsibility and that it was time to move on. He stated that Mr. Collins needs to finish what was originally approved by the ADRB.

On motion of Vice Mayor Mullooly, seconded by Councilmember Fannon, and unanimous on voice vote, the City Council denied the appeal, upheld the ADRB's decision not to allow additional square footage as part of the proposed revisions to previously approved plans for a remodel of the 6,324 sq. ft. house at 20 Pear Court and made the following findings:

1. The proposed additions are not consistent with the Town's Design Guidelines (page 28) in that they result in a house with massing that is not consistent with other houses on this cul-de-sac which, according to the Town's Architecture and Design Review Board, contains "significantly understated" homes.

2. Although the Floor Area Ratio for the proposed project is 16.3% on the 47,108 square foot (1.08 acre) lot, much of the site has a slope in excess of 35% and is not available for development. The result is that the massing of the house is pushed to the front portion of the lot. In addition, the site is approximately six feet higher than the road. Both of these factors result in a high level of visual impact of this project from the street and the proposed new additions would contribute further to the impact.
3. The proposal is not consistent with the Town's Design Guidelines (page 22) in that it does not generally reflect the established development conditions of neighboring properties. Given the constraints of the site and the fact that the full two-story elements are at the front of the house, the additions/remodel which were approved in February of 2004, reflected the outside limit of what the Town believed could reasonably be accommodated on this site with regard to massing and bulk. Increasing the massing and bulk beyond the previously approved level, even by a small amount, is inconsistent with the character of the neighborhood, would contribute to the visual impact of the house, and would not be consistent with the Guidelines.
4. Neighboring property owners have opposed the proposed changes to the project, have indicated concerns about visual impacts from their properties, and are also concerned about the additional construction time necessary to implement the proposed changes (grading/construction has been occurring at this location since 2003).

DISCUSSION:

18. UPDATE DISCUSSION OF THE PROPOSAL TO RENOVATE THE CAROLANDS GATEHOUSE AND RELATED FUNDRAISING EFFORT

Public Works Director Martha DeBry stated that the Carolands Gatehouse is located at the corner of Ralston and Eucalyptus Avenues and has been owned by the Town since the late 1950's. It was used as a home for Town employees until the early 1980's when the building was boarded and left vacant. As discussed with the City Council in December 2005, lack of maintenance has resulted in the failure of the roof system over the main house and garage. Since the Gatehouse is of local historical significance and a known landmark within the Town, a group of residents have expressed an interest in raising funds to renovate the site.

Ms. DeBry introduced Police Chief Matt O'Connor and Hillsborough resident Sally Meakin. Ms. Meakin stated that the Carolands Gatehouse, a 76-year old landmark, is one of Hillsborough's most notable icons. She stated that today's real estate agents acknowledge the Gatehouse and its unique association with the Town. She added that the Gatehouse is in danger of disappearing forever and should not be forgotten.

Ms. Meakin stated that when Harriet Pullman Carolan was embroiled in financial difficulty in the 1920's, she formed a joint venture with Lang Real Estate. Ralston Avenue was extended onto the property. In 1926 massive gates were built at Ralston and Eucalyptus. The Gatehouse was constructed in 1930 as a tract office. Lang's Carolands brochure emphasized privacy and exclusivity. During the 1940's and 1950's those seeking access to the Carolands tract were required to present identification at the Gatehouse prior to entry. In the 1960's a Town employee lived in the building which included a bedroom, living room, kitchen and garage. Since the 1970's, maintenance has been sparse. In 1997, Hillsborough resident Earl Zwingle was instrumental in saving the grand entrance to the Carolands.

Police Chief O'Connor stated that the Town has posted the Carolands Gatehouse as an "Unsafe Building" due to its decayed and hazardous state. Studies have confirmed that the Gatehouse cannot be restored due to the structural decay. One of the Eucalyptus trees on Ralston Avenue will need to be removed due to its close proximity to the Gatehouse.

Chief O'Connor stated that the Gatehouse could be used as a Police substation with a lobby, office, work room, restroom, and garage. He stated that another suggestion by Ms. Morton would be to convert the Gatehouse to meeting place with a large room rather than several smaller rooms. He stated that during the first week of school, over 41,000 cars pass the Gatehouse.

Ms. Meakin stated that a group of concerned citizens asked architect Bob Blunk if he would like to get involved in the project. He readily agreed to donate his personal time pro bono. Mr. Blunk stated that he would like to maintain the exterior walls as they are now, but upon speaking to a contractor and engineer there would be no way to preserve the structure due to the dry rot and termites in the ceiling beams.

Councilmember Regan asked if the Town owns the Gatehouse. Mayor Kasten replied that the Town does own the Gatehouse. Ms. Meakin stated that she would like to put up a banner on the Gatehouse for people to go to the website, www.carolandsgatehouse.com, for donations for the restoration of the Gatehouse.

Chief O'Connor summarized the things that need to be done, including finalizing the plans with an architect based on the ultimate use, establishing fiscal goals, finalizing the project with the Building and Planning Departments, presenting the project to donors, establishing a website, beginning a fundraising drive, presenting approved plans to the City Council for final project approval, and proceeding with the demolition and construction.

Chief O'Connor asked if there were any questions. Ms. Ada Regan, a Hillsborough resident, asked if the Hillsborough Beautification Foundation (HBF) was involved in this project. Ms. Meakin replied that the HBF was not involved. Councilmember Regan asked if there was an estimate of the cost of the restoration project. Mr. Blunk replied that the project would cost about \$250,000. Mr. Blunk would request approval for a preliminary structural design, build a retaining wall as soon as the design is approved, and have a complete set of plans before the fund drive.

Councilmember Krolik asked if the Public Works Department would be involved in the Gatehouse project. Mayor Kasten replied that the Hillsborough Public Works Department would not be involved. City Manager Tony Constantouros stated that there should be concurrence with the City Council about the sign.

Mayor Kasten thanked Ms. Meakin, Mr. Blunk and Chief O'Connor for their time. Councilmember Regan stated that if the Town does not do this project we will miss the Gatehouse.

19. PRESENTATION ON THE TOWN'S RESPONSE TO THE GRAND JURY REPORTS ON DISASTER PREPAREDNESS TRAINING AND FCC-MANDATED CHANGES IN COUNTY LAW ENFORCEMENT RADIO NETWORKS

Police Chief Matt O'Connor stated that the Town received a request for comments on the Grand Jury reports on "Disaster Preparedness Training for the Residents of Cities in San Mateo County" and "Preparing for FCC-Mandated Changes in County Law Enforcement Radio Networks." As President of the San Mateo County Police Chiefs & Sheriff Association, Chief O'Connor wrote a letter to his fellow Police Chiefs regarding the response to the Grand Jury. He stated that Central County Fire Chief Bill Reilly did the same to the Fire Chiefs. Chief O'Connor added that the Police Chief's letter stated that San Mateo County agencies have been positioning themselves to budget and acquire base station, mobile and portable radio units that would meet or exceed the inevitability of the FCC narrow band migration requirements in 2013. Those agencies that do not have all the radio equipment have budgeted capital replacement radio plans that will ensure that they do by 2013.

Fire Chief Bill Reilly stated that the Grand Jury questioned whether the cities of San Mateo County have adequately prepared their residents to deal with major disasters. The Grand Jury suggested that Community Emergency Response Teams (CERT) are

a critical means of training individuals for an immediate response in a disaster. He stated that the Grand Jury recommends that every city in San Mateo County establish an active and ongoing CERT training program. The CERT curriculum requires 20 hours of training.

Chief Reilly recommended that the Town offer 2-3 hour Emergency Preparedness classes to provide residents with the basic information needed to deal with an emergency or disaster and encourage them to attend CERT training. He recommended that the Town market these classes to encourage as many residents as possible to attend. He recommended that CERT training be standardized and administered through the San Mateo Office of Emergency Services (OES) in cooperation with local jurisdictions. He recommended that neighborhood leaders be identified to participate in the training and recruit neighbors to join them. He recommended that training and exercises should be ongoing to keep skills and knowledge current and to maintain interest. He recommended that the City Council consider attending CERT training.

Vice Mayor Mullooly stated that the City Council needs to set the example for the residents. She asked Chief Reilly what the CERT program requires. Chief Reilly replied that the CERT program includes attending two Saturday classes and one night class. The first CERT program is currently ongoing.

Councilmember Krolik asked where Councilmembers would report in an emergency. Chief Reilly replied that Councilmembers would report to Fire Station 36. He added that if the 20 cities in San Mateo County were to have their own EOC's, that could be problematic. The regional cities should cooperate together in an emergency and share resources immediately.

Mayor Kasten stated that the City Council should lead by example and participate in the CERT program.

CITY COUNCIL ITEMS:

Vice Mayor Mullooly asked the City Council if they would be attending the Council of Cities Dinner/Meeting at the Carolands on October 27, 2006. All Councilmembers announced that they would be attending.

Mayor Kasten acknowledged Louisiana State University's comment that Sergeant Doug Davis of the Hillsborough Police Department is one of the finest Police Officers in the United States.

Public Works Director Martha DeBry announced that the manager of the park grant programs stated that Vista Park is one of the most well done parks he had seen.

Vice Mayor Mullooly announced that Central County Fire Inspector Christine Reed will be appearing in public service spots on Tuesdays and Thursdays in October 2006.

Assistant City Manager Kathy Leroux introduced Ms. Kristin Blondino, the new Human Resources Specialist.

ADJOURN:

Mayor Kasten adjourned the meeting at 8:31 p.m.