

MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, April 14, 2003

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

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

MINUTES: The minutes of the March 10, 2003 City Council meeting were approved.

PROCLAMATIONS:

- Mosquito and Vector Control and West Nile Virus Awareness Week, April 28 through May 4, 2003
- Recognizing April 22, 2003 as Earth Day

CONSENT CALENDAR:

On motion of Councilmember Mullooly and seconded by Councilmember Fannon, unanimous on voice vote, Consent Calendar items 1 - 12 were approved.

1. MONTHLY CLAIMS

The monthly claims for March 2003 were approved.

2. QUARTERLY TREASURER'S REPORT

The Quarterly Treasurer's Report ending March 31, 2003 was approved.

3. REJECTION OF CLAIM: HELEN HICKINGBOTHAM, 125 EL CERRITO AVENUE

The claim of Helen Hickingbotham at 125 El Cerrito Avenue was rejected.

4. RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL, TOWN OF HILLSBOROUGH

The resolution of intention to approve an amendment to contract between the Board of Administration California Employees' Retirement System and the Town of Hillsborough was adopted.

5. ORDINANCE AUTHORIZING AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA EMPLOYEES' RETIREMENT SYSTEM (PERS) AND THE CITY COUNCIL, TOWN OF HILLSBOROUGH - Introduction

The ordinance authorizing an amendment to contract between the Board of Administration California Employees' Retirement System (PERS) and the Town of Hillsborough was introduced, and set for public hearing at the May 12, 2003 City Council meeting.

6. RESOLUTION APPROVING EMERGENCY REPAIR OF THE FIRE STATION 32 (302 ASCOT) ROOF AND REMOVAL OF EXCESS DUCT AND PIPE EQUIPMENT

The resolution approving an emergency repair of the Fire Station 32 (302 Ascot) roof and removal of excess duct and pipe equipment was adopted.

7. ORDINANCE AMENDING SECTION 2.12.070 AND 17.56.050 (LANDSCAPING) OF THE HILLSBOROUGH MUNICIPAL CODE - Introduction

The ordinance amending Section 2.12.070 and 17.56.050 (Landscaping) of the Hillsborough Municipal Code was introduced and set for public hearing at the May 12, 2003 City Council Meeting.

8. RESOLUTION ACCEPTING AS COMPLETE, THE 2002 STREET REPAIR PROJECT, ST-403 AS COMPLETE

The resolution accepting as complete the 2002 Street Repair Project, ST-403 was adopted.

9. RESOLUTION ACCEPTING THE WATER QUALITY SAMPLING STATIONS PROJECT AS COMPLETE

The resolution accepting the Water Quality Sampling Stations Project as complete was adopted.

10. RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE STONEBRIDGE SUBDIVISION AS COMPLETE

The resolution accepting the public improvements for the Stonebridge Subdivision as complete was adopted.

11. RESOLUTION AUTHORIZING THE CONTINUED PARTICIPATION IN THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AND APPROVAL OF THE JOINT POWERS AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE JOINT POWERS AGREEMENT

The resolution authorizing the continued participation in the City/County Association of Governments of San Mateo County (C/CAG) and approval of the Joint Powers Agreement and authorizing the Mayor to execute the Joint Powers Agreement was adopted.

12. RESOLUTION APPROVING REPLACEMENT OF EARTHQUAKE ACTUATOR FOR THE DARRELL WATER TANK

The resolution approving replacement of the earthquake actuator for the Darrell Water Tank was adopted.

PUBLIC HEARINGS:

13. CONSIDERATION OF THE FINAL ARCHITECTURE AND DESIGN REVIEW OF PLANS FOR A NEW HOUSE OVER 8,000 SQ. FT. IN SIZE AT 220 TOBIN CLARK DRIVE; Mr. and Mrs. Joseph Lee, applicants

City Planner Maureen Morton explained that the new house at 220 Tobin Clark Drive exceeds 8,000 sq. ft. and requires City Council approval. Ms. Morton said that the project went through extensive design work with the Architecture and Design Review Board. There has been no neighbor concern regarding this project, and the ADRB approved the project with a 5-0 vote.

Mayor Regan asked if the pool was indoor or outdoor. Architect Dale Meyer indicated that it was an indoor lap pool with a built in wave machine.

Councilmember Mullooly raised a concern that the existing fire access road was not on the easement. Mr. Meyer explained that the property owner has graciously agreed to leave the fire access road where it is.

Councilmember Mullooly asked about the 8' retaining wall and the driveway. Mr. Meyer explained that the retaining wall was a double retaining wall, and the driveway grade was matched to the east neighbor.

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

On motion of Councilmember Fannon, seconded by Councilmember Mullooly, unanimous of voice vote, the final Architecture and Design Review of plans for a new house over 8,000 sq. ft. in size at 220 Tobin Clark Drive was approved as submitted, subject to compliance with the Standard Conditions.

14. ORDINANCE AMENDING HILLSBOROUGH MUNICIPAL CODE CHAPTERS 15.04; 15.05; 15.08; 15.12 AND 15.16 TO REFLECT ADOPTION OF THE UPDATED UNIFORM BUILDING CODES

Public Works Director Michael Meloni explained that the intent of this ordinance is to adopt the updated versions of the Uniform Building Codes. The Codes are generally adopted on a three-year basis and will become effective thirty days from adoption of the ordinance.

Vice Mayor Kasten asked if the definition of “carport” was consistent between Title 15 and Title 17. City Planner Maureen Morton explained that the zoning code definition of carports is different from that in the Building Code.

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

On motion of Councilmember Mullooly, seconded by Councilmember Adams, unanimous on voice vote the ordinance amending Hillsborough Code Chapters 15.04; 15.05; 15.08; 15.12 and 15.16 to reflect adoption of the updated Uniform Building Codes was adopted.

15. ORDINANCE AMENDING CHAPTER 13.20 (WATER CHARGES) OF THE HILLSBOROUGH MUNICIPAL CODE

Finance Director Edna Masbad explained that the water ordinance changes allow the Town to utilize legal remedies to ensure timely collection of the water billings.

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

On motion of Councilmember Fannon, seconded by Vice Mayor Kasten, unanimous on voice vote, the ordinance amending Chapter 13.20 (Water Charges) of the Hillsborough Municipal Code was adopted.

16. ORDINANCE AMENDING CHAPTER 1.04 OF THE HILLSBOROUGH MUNICIPAL CODE

City Attorney Norm Book explained that this ordinance was introduced at the March 10, 2003 Council meeting. This ordinance adds a new section to the Hillsborough Municipal Code requiring that if an officer other than the Mayor is authorized to sign certain instruments that authority be set out by ordinance.

Vice Mayor Kasten asked if it matters if the position of the person signing is an employee or contract employee. Mr. Book responded in the negative.

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

On motion of Councilmember Kasten, seconded by Councilmember Fannon, unanimous on voice vote, the ordinance amending Chapter 1.02 of the Hillsborough Municipal Code was adopted.

NEW BUSINESS:

17. RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH AUTHORIZING THE CITY MANAGER TO ENTER IN AN AGREEMENT WITH THE CITY OF SOUTH SAN FRANCISCO TO PROVIDE INFORMATION TECHNOLOGY SERVICES

Finance Director Edna Masbad explained to Council that the Town has been contracting with a private vendor to provide information technology services consisting mainly of desktop support and network administration. However, the contract ceased to be cost effective when the vendor raised its fees. Staff talked to several vendors and explored partnerships with other peninsula cities. Ms. Masbad indicated that the City of South San Francisco has offered the best combination of services and cost effective fees. The new contract will save the Town approximately \$39,500 annually. A copy of the agreement, that has been reviewed by the City Attorney, was included in the Council's agenda packet.

Vice Mayor Kasten asked if South San Francisco would provide service twenty-four hours a day, seven days a week. Ms. Masbad said yes, and that South San Francisco offers the best service and prices compared to other vendors.

On motion of Councilmember Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, the resolution authorizing the City Manager to enter in an agreement with the City of South San Francisco to provide information services was adopted.

18. RESOLUTION APPROVING CONTRACT WITH CSG CONSULTANTS, INC. FOR CITY ENGINEER SERVICES

Public Works Director Michael Meloni explained that the Town has contracted with CSG Consultants, Inc. to provide engineering services. The resolution established a more formal contractual relationship between the Town and CSG. Mr. Meloni indicated that the contract would designate Cyrus Kianpour, P.E. as the City Engineer, and Dave Bishop as the Assistant City Engineer. Mr. Meloni explained that CSG has already done a majority of the Town's capital improvement design work.

Councilmember Fannon asked if the cost and quality of a contract engineer is better than a city engineer employed by the Town. Mr. Meloni indicated that hiring an engineer would cost approximately \$200,000 a year. The amount of work is too much for one engineer to handle, and CSG can provide a wide variety experience and personnel to the Town's many projects.

Vice Mayor Kasten asked about the 30-day termination clause. Mr. Meloni said that a 30-day termination clause is typical for this type of contract.

Vice Mayor Kasten asked if the City Attorney had looked over this contract. Mr. Meloni indicated that the City Attorney has reviewed and approved the contract as to form.

On motion of Councilmember Mullooly, seconded by Vice Mayor Kasten, unanimous on voice vote, the resolution approving the contract with CSG Consultants, Inc. for City Engineer services was adopted.

19. RESOLUTION AWARDING CONTRACT TO KENNEDY/JENKS CONSULTANTS FOR CORROSION CONTROL STUDY AND APPROPRIATING \$40,113 FROM THE WATER FUND FOR THIS STUDY

City Engineer Cyrus Kianpour explained that the Town is required to conduct a corrosion control study of the Town's water system as it relates to lead and copper, since the Town had slightly exceeded the Lead and Copper Rule. The Town submitted proposals to eight qualified firms, and only one had responded. Mr. Kianpour stated that the study would evaluate and identify the quality of the water delivered to the Town by the San Francisco Public Utilities Commission and identifies the most appropriate methods of reducing lead and copper concentrations. The responding firm Kennedy/Jenks, has performed similar studies for many communities who receive water from SFPUC such as San Francisco, Foster City, Redwood City, and Mountain View. Staff has reviewed the consultants' qualifications and recommends proceeding with this contract.

Council held a detailed discussion about the incoming water from San Francisco.

On motion of Councilmember Kasten, seconded by Councilmember Adams, unanimous on voice vote, the resolution awarding contract to Kennedy/Jenks Consultants for corrosion control study and appropriating \$40,113 from the water fund for this study was adopted.

20. RESOLUTION RATIFYING THE AWARD OF THE 2003 EMERGENCY SANITARY SEWER CLEANING AND LINING PROJECT (BELLA VISTA DRIVE) TO JF PACIFIC LINERS AND APPROPRIATING \$17,000 FROM THE SEWER FUND

City Engineer Cyrus Kianpour explained that this project was designed as an emergency repair due to the increasing liability potential. This project located on the 100 block of Bella Vista Drive and consists of repairing approximately 180 linear feet of six-inch sanitary sewer pipe. Due to excessive root intrusion in this section of pipe, regular maintenance has proved to be unsuccessful. Mr. Kianpour indicated that the repair process includes cleaning and clearing the piping of roots and coating the pipe's interior with heat reacted epoxy lining. The repair results in a stronger and smoother pipe system without trenching.

On motion Councilmember Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, the resolution ratifying the award of the 2003 Emergency Sanitary Sewer Cleaning and Lining contract (Bella Vista Drive) to JF Pacific Liners and appropriating \$17,000 from the sewer fund was adopted.

21. RESOLUTION RATIFYING THE AWARD OF THE 2003 EMERGENCY SANITARY SEWER UPGRADE BY PIPE BURSTING PROJECT (1505 BLACK MOUNTAIN ROAD) D'ARCY AND HARTY CONSTRUCTION, INC., AND APPROPRIATING \$18,000 FROM THE SEWER FUND

City Engineer Cyrus Kianpour explained that this project was designed as an emergency repair due to the increasing liability potential. This project located at 1505 Black Mountain Road consists of replacing approximately 175 linear feet of six-inch sanitary sewer pipe. Due to excessive root intrusion and offsets in the pipes, regular maintenance has proven unsuccessful. Mr. Kianpour indicated that the pipes will be replaced using a method called "pipe bursting," which breaks the existing pipe while dragging in a new polyethylene pipe in its place.

On motion Councilmember Fannon, seconded by Councilmember Adams, unanimous on voice vote, the resolution ratifying the award of the 2003 Emergency Sanitary Sewer Upgrade by Pipe Bursting contract (1505 Black Mountain Road) to D'arcy and Harty Construction, Inc., and appropriating \$18,000 from the sewer fund was adopted.

22. SETTING OF ALARM-MONITORING FEE

Finance Director Edna Masbad explained to Council that the budget committee report submitted to Council at the November 12, 2002 meeting recommended setting a fee for the alarm monitoring service that is currently offered by our police department at no charge. Ms. Masbad indicated that Council directed staff to present this recommendation to the Financial Advisory Committee for deliberation. The recommendation was presented to the Committee at the March 24, 2003 meeting. The Committee was informed that this additional revenue source is one of many strategies staff is exploring to address the long-term structural gap between the Town's revenues and operating expenditures. The Committee members expressed their interest to know the other areas being considered to address this gap before they are requested to act on this recommendation. Ms. Masbad indicated that after a lengthy discussion, the Committee approved for recommendation to Council, the charging of the alarm monitoring fee not to exceed \$24 per month. Staff would begin notifying residents of this proposed change through informational letters and the newsletter.

Council and staff held a detailed discussion regarding the fee schedule.

Council deferred approving the alarm fee until it can be considered in conjunction with the budget.

23. ORDINANCE AMENDING TITLE 17 (ZONING) AND OTHER RELATED CHANGES TO THE HILLSBOROUGH MUNICIPAL CODE TO IMPLEMENT THE POLICIES AND PROGRAMS IN THE HOUSING ELEMENT OF THE GENERAL PLAN

City Planner Maureen Morton explained that this draft ordinance implements many of the policies and programs contained in the Housing Element of the General Plan, which was adopted in June 2002. Ms. Morton indicated that in many cases to some extent, the ordinance reflects existing requirements and provisions of state law, but where it is possible, the law has been crafted to relate specifically to the Town. Ms. Morton stated the ordinance provides standards for second units (which may be rented); multi-family housing for employees on institutional sites; flexibility in the development and remodeling of housing for persons with disabilities; density bonuses (consistent with requirements of state law) for housing developments which allocate units for low-income and senior housing, and for lot splits which meet the density requirements, but which may not meet the lot frontage requirements, of the subdivision ordinance. Incentives for developing new, and converting existing living area into, second units are provided by waiving fees.

Mayor Regan asked about the density bonus provisions. Ms. Morton stated that she doesn't believe anyone would request a density bonus, which could restrict the property for 30 years. To qualify for a density bonus, a housing development would need to be limited to low income or senior housing.

Councilmember Adams asked for clarification on the 5 housing unit development aspects of the law. City Attorney Norm Book indicated that he believed the law referred to one integrated 5-unit development, rather than 5 single unit developments in separate locations.

Councilmember Fannon asked how many other cities have certified Housing Elements. Ms. Morton answered that, in San Mateo County, less than half.

City Attorney Norm Book suggested that, when the Design Guidelines are revised, it might be appropriate to include specific guidelines for second units.

Council discussed the draft ordinance amending Title 17 (Zoning) and other related changes to the Hillsborough Municipal Code to implement the policies and programs in the Housing Element of the General Plan and set May 12, 2003 City Council meeting for introduction.

24. CONVERSION OF OVER HEAD POWER FACILITIES TO UNDERGROUND

Public Works Director Michael Meloni explained to Council the proposed project, which is sponsored by the Hillsborough Beautification Foundation (HBF), to underground existing overhead electrical telephone and cable lines. The area in which this project is proposed is approximately 2,300 ft. from the intersection of Eucalyptus and Ralston Avenue, in a westward direction to the intersection of Eucalyptus and New Place Road, and in a southerly direction to the intersection of Eucalyptus and Ralston. In order for the Town to use the Rule 20 A funds which are specifically intended to be used for undergrounding projects the following requirements need to be met:

- Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electrical facilities.
- Street or Road or Right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic.
- Street or Road or Right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.

Mr. Meloni said that one aspect of this project that differs from most undergrounding projects, and makes this project simpler to deal with is the fact that there are no private electrical, telephone or cable services that serve individual residents coming off these overhead facilities. The amount available is \$473,976. Mr. Meloni indicated that PG&E would design, trench, and contract for this project.

Maryellie Johnson explained that the Hillsborough Beautification Committee believed that the school sites for this project would be ideal for safety issues, and due to the fact that no homeowners would be affected. Mrs. Johnson added that the intersection of Eucalyptus and Ralston Avenue is a heavily traveled area and the Town should be happy to see these existing lines put underground. She explained that if this ordinance was passed, the undergrounding project could be included in the PG&E 2004 budget.

Council held a detailed discussion on the available Rule 20A Funds and the possible neighbor concerns in the proposed area.

Council directed staff to proceed with the proposed PG&E Undergrounding project and prepare a draft ordinance and resolution for discussion at the May 12, 2003 City Council meeting.

PUBLIC COMMENT:

Sonya Knudsen commented on the fact that PG&E undergrounding is not always good, and homeowners should be informed of possible costs.

COUNCIL ITEMS:

Police Chief Matt O'Connor updated Council on the noise issue at 1810 Elmwood. Chief O'Connor explained that the heating system installed was a commercial system that was purchased to help preserve the homeowner's art. Linda Clark and Mark O'Connor are in the process of working with the contractor and heating company on a design to help muffle the sound of this system.

Vice Mayor Kasten commended the Finance Department on their latest award.

ADJOURN:

Mayor Regan adjourned the meeting at 8:35 p.m.