

# MINUTES

## REGULAR CITY COUNCIL MEETING

### TUESDAY, NOVEMBER 13, 2007

Mayor Mullooly called the regular meeting to order at 6:10 p.m. at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

**ROLL CALL:** Present: Fannon, Kasten, Regan, Krolik, Mullooly

**MINUTES:** The minutes of the October 8, 2007 City Council meeting were approved as submitted.

#### **PRESENTATIONS:**

- Fire Chief Don Dornell recognized the Central County Fire Department firefighters who assisted in fighting the Southern California wildfires of October 2007.
- Fire Inspector Christine Reed announced the winners of the Central County Fire Department's Fourth Annual Fire Safety Poster Contest.
- Councilmember Regan announced the Government Finance Officers Association's Distinguished Budget Presentation Award to Finance Director Edna Masbad and the Town of Hillsborough.
- Theresa Rommel of the Metropolitan Transportation Commission presented Public Works Director Martha DeBry with the MTC's "Movin' On Up the PCI Scale" award recognizing significant improvement in Hillsborough's overall street improvement index rating.

#### **CONSENT CALENDAR:**

On motion of Councilmember Fannon, seconded by Councilmember Kasten, and unanimous on voice vote, Consent Calendar items 1 through 8 were adopted with a roll call vote.

1. MONTHLY CLAIMS: OCTOBER 1 THROUGH OCTOBER 31, 2007

The monthly claims for the month of October 2007 in the amount of \$2,865,867.94 were approved as submitted.

2. RESOLUTION APPROVING THE AWARD OF CONTRACT TO R3 CONSULTING TO STUDY RESIDENTIAL BACKYARD AND CURBSIDE SOLID WASTE RATES

The resolution awarding a contract to R3 Consulting to study residential backyard and curbside solid waste rates and authorizing the cost of \$17,500 to be paid through future refuse rates, was adopted.

3. RESOLUTION AWARDING THE IRRIGATION REPAIR FOR TOWN HALL TO MJ NEWELL LANDSCAPING

The resolution awarding the irrigation repair for Town Hall to MJ Newell Landscaping in the amount of \$10,982 and increasing the plant replacement contingency to \$9,600 was adopted.

4. RESOLUTION SETTING FIRE HYDRANT TESTING (SPRINKLER SYSTEMS) FEES

The resolution setting fire hydrant testing (sprinkler systems) fees was adopted.

5. RESOLUTION APPROPRIATING UP TO \$16,100 FOR THE EMERGENCY REPAIR OF THE DRAINAGE ALONG CRYSTAL SPRINGS ROAD

The resolution appropriating up to \$16,100 for the emergency repair of the drainage system along Crystal Springs Road was adopted with a roll call vote.

6. RESOLUTION APPROVING CSG WORK ORDERS FOR CONSTRUCTION MANAGEMENT SERVICES FOR 1) CROCKER LAKE EASEMENT ROAD REPAIR PROJECT, 2) 2007 STREET REHABILITATION PROJECT, 3) 2007 WATER MAIN REPLACEMENT PHASE V PROJECT, 4) WATER MAINS & PRESSURE REDUCING VALVES – VISTA & FOREST VIEW ZONE PROJECT, 5) PUMP STATION UPGRADES AT SKYFARM 3 AND TOURNAMENT TANK SITES PROJECT, AND 6) CRYSTAL SPRINGS ROAD IMPROVEMENTS PROJECT

The resolution approving the CSG work orders in the total amount of \$353,400 and allocating \$6,500 in Sewer Fund revenues, \$10,400 from Measure A and Gas Tax revenues, and \$336,500 from the 2006 Bond revenues was adopted.

7. RESOLUTION APPROVING CSG WORK ORDERS FOR DESIGN SERVICES FOR 1) VISTA WATER TANK IMPROVEMENTS PROJECT, 2) WATER TANK CLEANING AND INSPECTION PROJECT, 3) HILLSBOROUGH BOULEVARD/SAN RAYMUNDO INTERSECTION IMPROVEMENTS PROJECT, AND 4) GIS UPGRADE OF THE TOWN UTILITY SYSTEMS PROJECT

The resolution approving the CSG work orders in the total amount of \$247,100 and allocating \$3,500 from Measure A, Gas Tax and General Fund revenues, and \$243,600 from the 2006 Bond revenues and the Water Fund was adopted.

8. RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH FARALLON COMPANY FOR THE CROCKER LAKE EASEMENT ROAD REPAIR PROJECT

The resolution accepting as complete the contract with Farallon Company for the Crocker Lake Easement Road Repair Project in the amount of \$132,164.50 was adopted.

#### **OLD BUSINESS:**

9. UPDATE REGARDING RECONSTRUCTION OF THE CAROLANDS GATEHOUSE

Hillsborough resident Sally Meakin reported that \$360,000 has been raised for the reconstruction of the Carolands Gatehouse and that she expects another \$50,000 soon. She thanked George and Anna Hsu for their wonderful contribution of \$300,000 for the Gatehouse.

Mayor Mullooly thanked Mr. and Mrs. Meakin for all the work they did to raise funds for the reconstruction of the Carolands Gatehouse.

Councilmember Kasten asked Ms. Meakin if additional funds would need to be raised. Ms. Meakin replied that sufficient funds have been raised for the Gatehouse. Councilmember Kasten and Councilmember Regan thanked Ms. Meakin.

Public Works Director Martha DeBry provided a Power Point presentation on the Carolands Gatehouse which is located at the corner of Ralston Avenue and Eucalyptus Avenue and has been owned by the Town since the late 1950's. She stated that the Gatehouse was used as a home for Town employees until the early 1980's when the building was boarded and left vacant. She added that 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. Ms. DeBry stated that in 2005 the Town posted the Carolands Gatehouse as an "Unsafe Building" due to its decayed and hazardous state and that studies have confirmed that the Gatehouse cannot be restored due to the structural decay. She reported that one of the Eucalyptus trees on Ralston Avenue would need to be removed due to its close proximity to the Gatehouse. Ms. DeBry stated that the Gatehouse would be used as a Police substation. Ms. DeBry stated that with City Council approval the project would start in fall 2007.

Councilmember Regan asked how many parking spaces were planned for at the restored Carolands Gatehouse. Ms. DeBry replied that there would only be one parking space at the new Carolands Gatehouse.

Mayor Mullooly thanked Mr. and Mrs. Meakin and Ms. DeBry. Staff was authorized to proceed with the Carolands Gatehouse reconstruction project and was directed to finalize plans for presentation to the City Council.

## **NEW BUSINESS:**

### **10. FIRE HAZARD SEVERITY ZONE**

Fire Chief Don Dornell stated that the 1991 Oakland-Berkeley Hills fire prompted the Hillsborough City Council to adopt wildland-urban interface building codes specific to roofs, wood siding, and wood decks. In 1995, the State of California designated the Tobin Clark Open Space as a Very High Fire Hazard Severity Zone (VHFHSZ). In 2004 a Wildland Urban Interface Threat database was developed and Hillsborough Municipal Code requirements were actively enforced.

Chief Dornell reported that in October 2007, the State of California sent out a new draft map of Fire Severity Zones for Hillsborough. He stated that most of the Town has been designated as either Moderate, High, or Very High Fire Hazard. He added that new State regulations (CBC 7A) have been adopted to address building construction in Very High Fire Hazard Severity Zones effective July 1, 2008.

Chief Dornell stated that the new maps and regulations could increase building costs due to materials for home siding, doors, windows, and decks utilized to meet the new standards. He added that the new regulations would only impact new construction and major remodels within the VHFHSZ's. Chief Dornell stated that this would be a relatively low number of projects due to the "built-out" status of the areas identified on the draft map.

Chief Dornell recommended that the City Council direct staff to make a formal request for more time to review the maps distributed by the State of California, direct staff to provide information to the State to ensure the validity and consistency of the proposed maps as they relate to the Town of Hillsborough, and apply CBC 7A to all Very High Fire Hazard Severity Zones and areas contiguous to Open Space (without changing zone classification).

Vice Mayor Krolik asked if a wood-sided house could be treated for fire protection. Fire Marshal Rocque Yballa replied that currently there is no application available to treat the wood-sided houses from fire.

Councilmember Kasten asked how much construction costs would increase to meet the new requirements. Chief Building Official John Mullins replied that there would be a 10-20% increase in building material costs.

Councilmember Regan asked if the Town would be required to enforce the code in the red areas of the map only. Fire Chief Dornell replied that with the new regulations the Town would be required to enforce the code only in the red areas shown on the map. He stated that he would discuss with the State why the red areas cover such a large area. He added that once the maps are adopted the Town must enforce the code and there would be no other options.

Vice Mayor Krolik asked if the mapping would affect homeowner's insurance availability. Fire Chief Dornell replied that homeowners may need to disclose when selling their home that their property is in a higher risk area.

Mayor Mullooly thanked Fire Chief Dornell and Fire Marshal Yballa.

On motion of Councilmember Kasten, seconded by Councilmember Regan, and unanimous on voice vote, staff was directed to make a formal request for more time to review the maps distributed by the State of California and to provide information to the State to ensure the validity and consistency of the proposed LRA maps as they relate to the Town of Hillsborough.

11. ORDINANCE ADOPTING THE 2007 CALIFORNIA FIRE CODE AND AMENDING CHAPTER 15.20 OF THE HILLSBOROUGH MUNICIPAL CODE – INTRODUCTION

Fire Chief Don Dornell stated that for the first time in nearly ten years, California would have a complete set of building codes based on the latest national and international model building codes, making use of the most current technologies and methods of construction. He added that included in this process is the adoption of the building standards provisions of the International Fire Code (2006 Edition) as the official California Fire Code, with some amendments made by the State, and the non-building standards of the 2006 International Building Code of the International Fire Code with all Appendices.

Fire Chief Dornell added that the new California Fire Code would become effective statewide on January 1, 2008. He added that at the local level, the new State code would be enforced as adopted at the State level unless a city or county adopts more stringent modifications to it.

Fire Chief Dornell stated that the enforcing authority for the new Fire Code would be the Central County Fire Department (CCFD). He stated that consequently, efforts have been made to standardize the adoption of the California Fire Code and local modifications for both Burlingame and Hillsborough, so that CCFD can have a uniform set of standards to enforce. He added that any modifications adopted by Hillsborough or Burlingame would become effective when the amending ordinance takes effect; until then, the general provisions of the new California Fire Code would apply.

Mayor Mullooly thanked Fire Chief Dornell.

On motion of Councilmember Fannon, seconded by Councilmember Kasten, and unanimous on voice vote, the ordinance adopting the 2007 California Fire Code and amending Chapter 15.20 of the Hillsborough Municipal Code was introduced and the first reading of the ordinance was waived, and December 10, 2007, was set as the public hearing date to consider adoption of the ordinance.

12. ORDINANCE AMENDING TITLE 15 OF THE HILLSBOROUGH MUNICIPAL CODE REGULATING BUILDING AND CONSTRUCTION – INTRODUCTION

Chief Building Official John Mullins stated that Construction Codes are required by the State Legislature to be adopted every three years in conjunction with the most current codes being published. He added that staff has also taken this opportunity to modernize the building and construction codes as were last done one and a half years ago. He stated that staff is proposing adoption of the California Code of Regulations Title 24, 2007 Edition, Parts 1-6, Parts 8-10 and Part 12. Some of these new chapters would give the Building Department more flexibility in permitting and enforcement of the codes. He also proposed reformatting chapters to make them consistent with one another and removing sections of the code that are less restrictive than the proposed model codes, e.g., hot mop installations and wood retaining wall requirements.

Mr. Mullins also proposed that staff be more restrictive on three local components to the Hillsborough Municipal Code relating to wood retaining walls, site drainage, and construction management to protect the quality of life within neighborhoods. He proposed adding code Section 15.04.160, which would establish minimum standards for retaining walls based on use and expected life span; Section 15.04.130, which would no longer allow storm water to drain from any lot, building, or paved area onto an adjacent property except for natural runoff; and Section 15.04.190, which would

require construction sites and construction activities to be well managed, maintained and kept in a safe manner. The section would help with the quality of life around construction sites.

Mr. Mullins stated that a new section was added in case of a disaster. He explained that Section 15.04.210 would establish regulations for the repair of existing damaged structures. He stated that this section would also assist with assessment, reconstruction and, ultimately, cost recovery in the event of a natural disaster.

Mr. Mullins stated that should the City Council introduce the draft ordinance, staff proposes to bring forward an amendment to the Uniform Fee Schedule for future consideration. He stated that staff sees the need for changes to the Building Permit fees. He explained that existing Building Permit fees are based on national valuation standards and are not reflective of the local costs and resources involved in permit processing. Mr. Mullins stated that the existing plumbing, mechanical and electrical fees are not covering the total costs of permitting activities by Town staff and the difference is being subsidized by the larger projects.

Mayor Mullooly thanked Mr. Mullins. She requested that the capitalization of “City Council” and “Chief Building Official” and the term “Chief Building Official” and “Building Official” be consistent throughout the ordinance.

On motion of Councilmember Kasten, seconded by Councilmember Regan, and unanimous on voice vote, the ordinance amending Title 15 of the Hillsborough Municipal Code regulating building and construction was introduced and the first reading of the ordinance was waived, and December 10, 2007, was set as the public hearing date to consider adoption of the ordinance.

#### **DISCUSSION ITEM:**

#### **13. SUSTAINABLE HILLSBOROUGH PLAN**

Assistant City Manager Kathy Leroux stated that the City Council had suggested that staff consider adding a citizens committee that would focus on environmental awareness. She stated that the Town currently has some environmental programs in place and would explore additional programs with the City Council.

Ms. Leroux introduced Kathleen Gallagher, Environmental and Sustainable Programs Manager with CSG, who focuses on implementing sustainable programs in San Mateo County and Alameda County. She added that Ms. Gallagher is very familiar with Hillsborough because she served as Recycling Programs Manager for the South Bayside Waste Management Authority (SBWMA) for over ten years, and as their Recycling Manager she was successful in doubling the tonnage of recycled materials with new programs with a minimal rate impact to rate payers. She stated that Ms. Gallagher is a Certified Green Building Professional and currently assists Hillsborough in developing practical and cost-effective sustainable programs. Ms. Leroux added that Ms. Gallagher has been in the recycling industry for over eighteen years.

Ms. Gallagher provided an overview on sustainability and what defines sustainable communities, the benefits of a sustainable plan, best practices, current environmental programs, the focus on climate protection and green building, and recommendations for the City Council’s consideration. Her recommendations for the City Council’s consideration included a Sustainable Hillsborough Task Force formation to develop a Sustainable Hillsborough Plan, Sustainable Hillsborough Plan principles, a focus plan on climate protection and green building, appropriation of funds, and approval of green building promotion and an education plan.

Councilmember Fannon asked what the Sustainable Hillsborough Plan would cost the Town. Ms. Gallagher estimated the cost to the Town would be approximately \$30,000. Ms. Leroux added that a grant proposal has been submitted to the Bay Area Air Quality Management District and could potentially cover most of the cost.

Councilmember Regan asked if the Sustainable Hillsborough Plan would include outreach to the schools. Ms. Gallagher replied that there would absolutely be outreach to the schools and that she would work with the schools. Councilmember Fannon added that the water conservation program with the fifth graders has been very successful because the children bring the message home.

Ms. Leroux introduced Tina King, Director of Education & Outreach for Sustainable San Mateo County. Ms. King provided background information about Sustainable San Mateo County and their new “Pathways to Sustainable Cities” Program. She stated that “sustainability” is the relationship between today’s actions and their effect on the future. She explained that living sustainably meant meeting today’s needs without compromising the ability of future generations to meet their needs. She added that a sustainable plan recognizes the interconnections between the environment, economy, and social equity. She stated that a disruption in any one area affects the health of the other two.

Mayor Mullooly thanked Ms. Leroux, Ms. Gallagher, and Ms. King and requested that Ms. Leroux return to the City Council in December 2007, with a resolution for the Sustainable Hillsborough Plan.

14. PRESENTATION ON AIRPORT NOISE MONITORS

Public Works Director Martha DeBry introduced Bert Ganoung of the San Francisco International Airport’s Aircraft Noise Abatement Office. Mr. Ganoung presented information regarding the quarterly noise monitoring survey for the Town of Hillsborough to determine the noise level within the community from aircraft operations at San Francisco International Airport. He stated that the noise monitor was installed at the water tanks located at 8 Fir Court and the noise level recorded was 0-50 decibels.

Councilmember Fannon asked what the noise level from aircraft was for the cities of San Bruno and Foster City. Mr. Ganoung responded that the noise level recorded in San Bruno was 66-67 decibels and Foster City was 60-63 decibels. Councilmember Fannon asked if Hillsborough’s aircraft noise level was low or average. Mr. Ganoung replied that Hillsborough aircraft noise level was low.

Mayor Mullooly thanked Ms. DeBry and Mr. Ganoung.

15. OPTIONS FOR ANNEXATION OF THE BLACK MOUNTAIN ROAD AND HAYNE ROAD INTERSECTION

Public Works Director Martha DeBry stated that she would present options for the City Council to consider for the annexation of the Black Mountain Road and Hayne Road intersection. She explained that this annexation is proposed to be consistent with General Plan Policy C-2.6, which states “Coordinate with adjacent jurisdictions and regional planning agencies to promote safe and efficient roadway design at Town entrances, as well as to support overall traffic congestion.” She added that Action C-2.1 states that “The Town would work with San Mateo County, the SFPUC and CalTrans to implement feasible improvements at the intersection of Black Mountain Road/Hayne Road/Skyline Boulevard to improve traffic flow or limit the amount of regional cut-through traffic into the Town. Such improvements might include adding a separate eastbound left-turn lane and separate shared through/right-turn lane...”

Ms. DeBry explained that the Public Works Department requested that the County consider the addition of a left-turn lane and was advised no changes would be made per the County’s street maintenance criteria. She further explained that following that discussion, the Town asked if annexation of the intersection was possible, in order to give the Town the authority to make such traffic control changes. She stated that the County was receptive to the annexation and requested the Town consider alternatives to assume responsibilities for portions of Black Mountain Road (past Denise) and

Skyline Boulevard (the intersection to Chateau), which are not contiguous to other County roads. The County also offered to improve the street to a Pavement Condition Index (PCI) of 70.

Ms. DeBry added that if an application is made to the Local Agency Formation Commission (LAFCO) for annexation, staff is also recommending that the Town's jurisdictional boundary be aligned to coincide with roads within Town, and not cross Highway 280 as it presently does.

Ms. DeBry asked for feedback from the City Council regarding the annexation of the intersection, Black Mountain Road, and Skyline Boulevard; and adjusting the Town's boundaries.

Councilmember Kasten commented that adding turn lanes would be a good idea and would reduce the traffic queues. Councilmember Regan agreed with Councilmember Kasten.

Mayor Mullooly thanked Ms. DeBry.

#### **PUBLIC HEARING:**

16. ORDINANCE AMENDING CHAPTER 1.20.015 OF THE HILLSBOROUGH MUNICIPAL CODE REGARDING BULLETIN BOARDS

City Engineer Cyrus Kianpour stated that the amendment to Chapter 1.20.015 of the Hillsborough Municipal Code regarding the need to move the bulletin boards from their present locations at Brentwood Drive and West Santa Inez Avenue, and Baileyana Road at Jackling Drive to Fire Stations 32 and 33 was discussed with the City Council on July 9, 2007. He added that if adopted, the ordinance would designate Fire Stations 32 and 33 as the official posting locations effective in January 2008.

Vice Mayor Krolik asked if there was a 500' public notice regarding moving the bulletin board on Baileyana Road at Jackling Drive to Fire Station 33. Ms. DeBry replied that there was no public notice regarding moving the bulletin boards. Vice Mayor Krolik requested that the hearing for the adoption of the bulletin board ordinance be deferred until December 10, 2007, for more notice to the neighbors regarding moving the bulletin boards. Mr. Kianpour replied that he would request adoption of the ordinance amending Chapter 1.20.015 at the December 10, 2007 City Council meeting.

On motion of Vice Mayor Krolik, seconded by Councilmember Fannon, and unanimous on voice vote, the public hearing date to consider adoption of the ordinance amending Chapter 1.20.015 of the Hillsborough Municipal Code regarding bulletin boards was moved to the December 10, 2007 City Council meeting.

#### **PUBLIC COMMENT:**

Mayor Mullooly asked if there was any public comment.

Kent Shepherd stated that he is concerned about the proposed elder care facility at 515 Darrell Road. He stated that the proposed senior living facility is a "commercial enterprise" and that he felt that his property rights had been infringed upon. He stated that he was outraged at the situation. He stated that he received no notification of the proposed elder care facility. He asked if there were any CCRs for public health and safety to prevent the approval of the elder care facility. He stated that he was prepared to take legal action and felt his property rights had been stomped on. He thanked the City Council for their public service to the Town.

Dennis Faoro stated that he was not provided with notification of the proposed facility at 515 Darrell Road. He felt that there was a lack of consistency with the Town in regards to noticing neighbors. He stated that the facility would house six patients with

three full-time workers. He felt that was unfair to the neighbors and the Town. He added that a handicapped access ramp would be installed at the property. He stated that he felt that his property rights had been taken away, if not just for aesthetic reasons.

Pearl Wu stated that neighbors should have been notified in a timely manner regarding the elder care facility proposed for 515 Darrell Road. She stated that she feels that the facility would increase congestion and traffic, and warrants consideration of the location and safety of the proposed site. She suggested that the elder care facility be located in a more commercial area, for example, near El Camino Real. She thanked the City Council for their consideration.

Jennifer Shepherd felt that the proposed nursing home on Darrell Road was disconcerting. She stated that she had been meeting with her neighbors and that they do not want the facility in their neighborhood. She felt that the nursing home would set a precedent in the Town. She stated that she moved to Hillsborough to get away from congestion and traffic. She asked the City Council if there was any possibility for not allowing the proposed facility in her neighborhood.

Jay Quetnick stated that Hillsborough is a wonderful community, but the Town has a few problems. He stated that he moved to Hillsborough because it was a unique residential community without commercial enterprises. He stated that he was here to protest any permit for the proposed care facility at 515 Darrell Road. He added that there were many reasons why the residents are against it. He stated that he had been informed that it is not a Town problem, but a neighbor-to-neighbor problem. He stated that 150 letters were sent to the Town protesting the facility, which should not be allowed at 515 Darrell Road as it is out of place and is a commercial venture. He asked the City Council not to hide in the sand. He asked that the City Council to consider the covenants of Hillsborough and that he hoped that the City Council would not permit the elder care facility.

Mayor Mullooly asked if there were any further public comments. There were no further comments. Mayor Mullooly stated that the Director of Planning and Building has received all the letters mentioned regarding 515 Darrell Road.

#### **CITY COUNCIL ITEMS:**

Mayor Mullooly announced that she attended Central County Fire Department's R U Ready Disaster Preparedness Class and encouraged everyone to attend. She also announced that she attended the Housing Leadership Day on October 26, 2007, and accepted an award from the Housing Leadership Council of San Mateo County.

Councilmember Kasten announced that City Manager Tony Constantouros was one of the recipients of the Program Excellence Award for Community Partnership at the International City Management Association's Annual Conference in Pittsburgh, Pennsylvania in October 2007.

#### **ADJOURN:**

Mayor Mullooly adjourned the meeting at 9:01 p.m.