

MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 10, 2008

Mayor Mullooly called the regular meeting to order at 6:04 p.m. at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

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

MINUTES: The minutes of the October 13, 2008 City Council meeting were approved as submitted.

CONSENT CALENDAR:

Item 1 was removed for discussion. On motion of Councilmember Fannon, seconded by Councilmember Kasten, and unanimous on voice vote, Consent Calendar items 2 through 11 were approved.

1. **MONTHLY CLAIMS: OCTOBER 1 THROUGH OCTOBER 31, 2008**

Mayor Mullooly stated that in the monthly claims for October 2008, check #36251 for \$17,816.17 showed payment to the City of San Mateo Council of Cities Dinner/Meeting and check #36489 for \$81,151.28 showed payment to the City of Burlingame Council of Cities Dinner/Meeting. Assistant Finance Director Marie Bernardo explained that check #36251 paid to the City of San Mateo was mostly for library service charges and that the cost of the Council of Cities payment was actually only \$45.00. She explained that check #36489 paid to the City of Burlingame was mostly for sewer service charges and that the cost of the Council of Cities payment was only \$110.00.

Vice Mayor Krolik stated that in the monthly claims for October 2008, check #36318 for \$3,414.77 showed payment to Roberts & Brune for cleaning rags. Ms. Bernardo explained that the payment was also for parts and other supplies for the Water Department.

On motion of Councilmember Fannon, seconded by Councilmember Kasten, and unanimous on voice vote, the monthly claims for the month of October 2008, in the amount of \$3,578,771.18 were approved as submitted.

2. **RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE LEASE AGREEMENT WITH THE SAN MATEO COUNTY PRE-HOSPITAL EMERGENCY MEDICAL SERVICES GROUP JPA FOR THE RENTAL OF OFFICE SPACE**

The resolution authorizing the City Manager to enter into an amendment to the lease agreement with the San Mateo County Pre-Hospital Emergency Medical Services Group JPA for the rental of office space was adopted.

3. **RESOLUTION ESTABLISHING THE LOCAL APPOINTMENTS LIST FOR CALENDAR YEAR 2009**

The resolution establishing the local appointments list for calendar year 2009 was adopted.

4. **RESOLUTION SETTING RATES FOR CITY ENGINEER SERVICES AND APPROVING AN EXTENSION OF AGREEMENT FOR ONE YEAR**

The resolution setting rates for City Engineer services and approving the one-year extension of the agreement was adopted.

5. RESOLUTION APPROVING THE PURCHASE OF TEN GAS / AIR MONITORS FOR PUBLIC WORKS

The resolution allocating \$17,997 for the purchase of gas / air monitoring equipment from WECO Industries, with \$10,000 from ABAG Plan, \$1,600 from the Water Enterprise Fund, \$4,800 from the Sewer Enterprise Fund, and \$1,600 from the General Fund, was adopted.

6. RESOLUTION APPROVING CSG WORK ORDERS FOR ENGINEERING SERVICES FOR THE RESTORATION OF THE CAROLANDS GATEHOUSE, 60 LOOKOUT ROAD SLOPE MITIGATION, SCADA SYSTEM UPGRADE PROJECT, AND 2009 EL CERRITO / CRYSTAL SPRINGS SEWER IMPROVEMENTS (1) PROJECT MANAGEMENT, (2) STATE REVOLVING FUND (SRF) FUNDING, AND (3) AGENCY COLLABORATION

The resolution approving CSG work orders for engineering services for the Restoration of the Carolands Gatehouse, 60 Lookout Road Slope Mitigation, SCADA System Upgrade Project, and 2009 El Cerrito / Crystal Springs Sewer Improvements in the total amount of \$223,370, and allocating \$26,040 from the General Fund, \$5,000 from Measure A and gas tax, \$11,700 from the Water Fund, and \$180,630 from the Sewer Fund, was adopted.

7. RESOLUTION AUTHORIZING TOWN REPRESENTATIVE FOR STATE REVOLVING FUND (SRF) FINANCING AND CONFORMING TAX-EXEMPT REIMBURSEMENT OBLIGATION

The resolution authorizing the Director of Public Works to act as the Town's representative, and confirming tax-exempt reimbursement obligations and timing for State Revolving Fund financing of the El Cerrito / Crystal Springs Phase II Sewer Improvements, was adopted.

8. RESOLUTION APPROVING THE INSTALLATION OF A MONUMENT COMMEMORATING A STAGE COACH ROBBERY ON CRYSTAL SPRINGS ROAD NEAR WOODRIDGE ROAD

The resolution approving the installation of a monument commemorating a stage coach robbery on Crystal Springs Road near Woodridge Road was adopted.

9. RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE PUMP STATION UPGRADES AT SKYFARM III AND TOURNAMENT TANK SITES

The resolution authorizing additional funds for the pump station upgrades at the Skyfarm III and Tournament tank sites in the amount of \$40,000, for a total project allocation of \$2,011,926 from the 2006 Water and Sewer Bond issue, was adopted.

10. RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH WEST VALLEY CONSTRUCTION FOR THE 2007 WATER MAIN REPLACEMENT PHASE V PROJECT

The resolution accepting as complete the contract with West Valley Construction for the 2007 Water Main Replacement Phase V Project in the amount of \$1,465,819 was adopted.

11. RESOLUTION ACCEPTING AS COMPLETE THE SHADY CREEK REHABILITATION PROJECT – RANGER PIPELINE, INC.

The resolution accepting as complete the Shady Creek Rehabilitation Project by Ranger Pipeline, Inc. was adopted.

OLD BUSINESS:

12. UPDATE REGARDING THE INTERSECTION OF BLACK MOUNTAIN ROAD AND SKYLINE BOULEVARD

Public Works Director Martha DeBry stated that the City Council approved the annexation of the Black Mountain Road and Skyline Boulevard intersection approximately one year ago. She added that the annexation was approved by the San Mateo County Local Agency Formation Commission (LAFCo) in October 2008. She explained that the Town now owns the Skyline Boulevard right-of-way from Summit Boulevard to Black Mountain Road and Golf Course Road from the I-280 ramp to Skyline Boulevard.

Ms. DeBry stated that CSG Consultants completed a traffic survey and started design of the intersection. She explained that there will be a right turn lane off Golf Course Road east to Black Mountain Road south, a right turn lane off Skyline Boulevard south onto Golf Course Road west, and that there is a CalTrans easement under discussion. She stated that CSG should have the intersection design completed by early 2009.

Ms. DeBry stated that the Hillsborough Beautification Foundation (HBF) developed plans to improve the appearance of the sole entrance directly into Town from I-280. She provided PowerPoint slides with the proposed landscape plan and explained that the landscape plan uses native species that are low maintenance. She stated that funding is available now to begin the project. She added that if the City Council approves the HBF landscape plan concept, the HBF proposal will be incorporated into the public bid package and that construction can begin in early 2009.

Ms. DeBry introduced Landscape Architect John Roberts, who briefly explained the landscape plan in the area from the Highway 280 ramp to the intersection, which includes planting native species of oaks and olive trees, as well as native grasses, to create a low maintenance and attractive entrance into Town.

Vice Mayor Krolik stated that the landscape plans looked beautiful and thanked HBF.

Councilmember Fannon stated that the landscaping would be a big improvement in the Black Mountain Road / Skyline Boulevard intersection.

Councilmember Kasten asked if a Town of Hillsborough sign will be installed at the entrance into Town. Ms. DeBry replied that she will discuss placement of a Town sign with HBF.

Ms. DeBry stated that she would return to the City Council for final approval of HBF's proposed landscape improvements at the intersection of Black Mountain Road and Skyline Boulevard.

Councilmember Kasten commended HBF and their volunteers for their outstanding work.

Mayor Mullooly stated that she also really appreciated the work done by HBF.

NEW BUSINESS:

13. HILLSBOROUGH COMMUNITY SOLAR DISCOUNT PROGRAM

Assistant City Manager Kathy Leroux stated that the Sustainable Hillsborough Task Force identified strategies to reduce the Town's carbon footprint. She reported that the Town received a grant from the Bay Area Air Quality Management District to reduce greenhouse gas emissions in the community and that the Town sent the first progress report and has received its first reimbursement in the amount of \$23,000. She explained that the Task Force has focused on energy efficiency and expanding

renewable/solar energy because of the feasibility, cost-effectiveness and expeditious methods for reducing greenhouse gas emissions. She stated that the grant program involves solar permit fee reductions, which have already been approved by the City Council, and the implementation of a Community Solar Discount Program.

Ms. Leroux reported that a solar subcommittee was formed to study a solar discount program that would be effective in expanding solar installations in Town. She explained that the objectives were to select a vendor to encourage residents to consider solar, offer financial incentives to the residents, and to provide a solar education and promotion program. She added that letters of request were sent to five solar vendors regarding participation in a community discount program, and three vendors responded to the request. She stated that interviews of the vendors were conducted by the Solar Subcommittee. Ms. Leroux stated that the Task Force recommended SolarCity of Foster City as the vendor to provide the Town with its first Community Solar Discount Program, as SolarCity offers a superior lease program and has extensive experience with community solar programs.

Ms. Leroux introduced CSG Consultant Kathleen Gallagher and Rick Grisel of SolarCity.

Ms. Gallagher stated that the Sustainable Hillsborough Task Force is developing a climate action plan to reduce greenhouse gas emissions in the community and to meet Assembly Bill 32 (AB32), the Global Warming Solutions Act. She explained that the Town must reduce greenhouse gases 20% by the year 2020 and achieve a 50% reduction by the year 2050, with the baseline being the year 2005. She gave a brief description of the objectives of the solar discount program, the rationale for choosing SolarCity as the Town's recommended solar vendor for the Community Solar Discount Program, and the benefits of a solar lease program.

Ms. Gallagher introduced Rick Grisel of SolarCity. Mr. Grisel provided a PowerPoint presentation on SolarCity, the Community Solar Discount Program objectives and details, and the potential savings on residents' electric bills by installing solar panels on their homes.

Ms. Leroux stated that should the City Council approve the recommendation of the Task Force, the program will be added to the Sustainable Hillsborough website, outreach will begin immediately, and solar workshops will be scheduled for January 2009.

Councilmember Kasten directed staff to provide as much information as possible to the residents about the solar lease program, so that residents can decide on their own as to what vendor to use and whether leasing or purchasing a solar system is more beneficial to them.

Mayor Mullooly thanked Ms. Leroux, Ms. Gallagher, Mr. Grisel, and the Sustainable Hillsborough Task Force.

On motion of Councilmember Kasten, seconded by Vice Mayor Krolik, and unanimous on voice vote, the Sustainable Hillsborough Task Force's recommendation to approve SolarCity as the solar vendor for Hillsborough's Community Solar Discount Program was approved.

DISCUSSION:

14. REPORT ON DRAFT 2009 HOUSING ELEMENT: SECOND UNITS AS AFFORDABLE HOUSING, EMERGENCY SHELTER FOR THE HOMELESS, AND TRANSITIONAL AND SUPPORTIVE HOUSING

Director of Building and Planning Liz Cullinan thanked the fourteen members of the Housing Element Steering Committee for their time, talent, and seven months of hard work.

Ms. Cullinan stated that the Draft 2009 Housing Element builds on the current Housing Element, most of which remains as adopted in 2002, but key changes included documenting second units as affordable housing, allowing emergency shelter for the homeless, and allowing transitional and supportive housing (assisted living for lower income persons to improve their health status and long-term self-sufficiency).

Ms. Cullinan stated that a key part of every Housing Element is the development of the Regional Housing Needs Allocation (RHNA), which is the number and affordability levels of housing units to be provided by each jurisdiction. She added that the Town's housing allocation requires that the Town plan for 86 new units between 2007 and 2014, and, of these units, 34 units would need to be affordable to lower income households. She reported that the Town's allocation for the prior Housing Element required planning for 84 new housing units. She stated that from 1999 through 2006, Hillsborough planned for 138 new units, and issued permits for 98 new units. She explained that the success was due to the relaxation of second unit regulations, vacant land opportunities and the Town's dedication to housing programs.

Ms. Cullinan stated that in order for the Town to meet the requirements for low and very low income units, the proposed solution would be to include 42 second units, and 14 units on school and County Club properties, for a total of 56 low income units.

Ms. Cullinan explained that in order for the Town to meet the issue of emergency shelters for the homeless, the Town must identify a zoning district adequate to meet the need and zone within one year, or to have an agreement with no more than two adjacent jurisdictions to meet the entire need for emergency shelter through a new or expanded facility, pay all respective operating and capital costs and zone a district for emergency shelters where permitted with a use permit. She added that the Police Department's recent study did not find any homeless persons in Town. She stated that providers no longer want to expand shelters for the homeless, but prefer to provide supportive housing opportunities. She explained that the Housing Element Steering Committee proposes to allow the former Fire Station located at 1600 Floribunda Avenue to be used as an emergency shelter for the homeless for up to three homeless individuals and subject to standards, should an operator apply.

Ms. Cullinan defined transitional and supportive housing and stated that a solution could be to retain an existing zoning provision permitting any use, if required by State law, but clarify that such uses shall meet all other standards normally required for single-family homes.

Ms. Cullinan reviewed the public outreach efforts, which included publication of three articles in the Town newsletter in February, June and November of 2008, development of and updates to the Housing Element website, outreach to over fifteen housing advocacy groups, participation in the Grand Boulevard Initiative, participation in and link to the 21 Elements Countywide Efforts and website, and the community workshop on October 16, 2008.

Ms. Cullinan explained that the next steps were the publication of an article in the Town's November 14, 2008 newsletter featuring the emphasis on the requirements to allow emergency shelter and transitional and supportive housing, a December 16, 2008 Steering Committee Meeting, and the January 2009 distribution of the Draft 2009 Housing Element to the State.

Ms. Cullinan introduced Naphtali Knox, consultant for the Town's 2009 Housing Element. Mr. Knox stated that he received good information from the Steering Committee. He stated that a recent study showed that second units are providing housing opportunities to lower income families. He elaborated that Table 4 of the Draft 2009 Housing Element shows rent affordability for a family of four, and gave several other examples of updates to the document compared with the 2002 Housing Element. He stated that changes are continuing to be made to the Draft Housing Element, including information on the Town's solar lease program before submittal to

the State. He added that the State usually requires changes to the draft Housing Element.

Mayor Mullooly thanked Councilmember Kasten for serving as Chair of the Housing Element Steering Committee, and Councilmember Fannon, Mr. Knox, and Ms. Cullinan for their outstanding job on the Draft 2009 Housing Element.

15. UPDATE ON THE STATUS OF THE TOWN OF HILLSBOROUGH'S REQUEST TO HAVE TRAFFIC IMPROVEMENTS INSTALLED BY CALTRANS AT THE INTERSECTION OF FLORIBUNDA AVENUE AND EL CAMINO REAL

Ms. DeBry stated that CalTrans introduced a plan for the intersection of Floribunda Avenue and El Camino, which includes adding two left hand turn lanes. She stated that the cost for the improvements would be \$1.1 million and would be shared by CalTrans (50%), the Town (25%), and the City of Burlingame (25%). Ms. DeBry added that she was seeking a contribution from the City / County Association of Governments (C/CAG). She stated that the City of Burlingame has been questioning plans for tree removal at the intersection. She explained that Town staff does not share the same consideration as Burlingame, and that it is more of a safety issue than a tree issue. She added that she has been working with the staff in the City of Burlingame about the safety issue.

Councilmember Fannon stated that he approved the plans presented by CalTrans and that staff should proceed.

Vice Mayor Krolik also expressed her approval for CalTrans' plans for the Floribunda Avenue / El Camino Real intersection.

Mayor Mullooly thanked Ms. DeBry, Police Captain Matt O'Connor, and City Engineer Cyrus Kianpour for all their work.

PUBLIC HEARING:

16. APPEAL OF DR. GERALD PREINER AND MR. JAMES YAMAS OF THE OCTOBER 6, 2008 ARCHITECTURE AND DESIGN REVIEW BOARD (ADRB) APPROVAL OF THE TEARDOWN AND CONSTRUCTION OF A NEW ONE STORY HOUSE OF APPROXIMATELY 6,548 SQUARE FEET (OR 5,056 SQUARE FEET / 23.2% FLOOR AREA RATIO) AND ASSOCIATED LANDSCAPE PLAN AT 930 HILLSBOROUGH BOULEVARD

Councilmember Kasten recused himself because he serves on the applicant's charitable foundation.

Director of Building and Planning Liz Cullinan provided a PowerPoint presentation on information on the recent background for the appeal of the ADRB October 6, 2008, approval of a new one story residence at 930 Hillsborough Boulevard. She stated that on August 11, 2008, the City Council denied an appeal of the applicants, Mr. and Mrs. Klein and upheld the denial of the ADRB for construction of a new two story modern home of approximately 6,159 square feet. She explained that the decision was based on incompatibility of the proposed large modern home within an established neighborhood of small California ranch style residences, and, therefore, lack of compliance with the Town's Design Guidelines.

Ms. Cullinan stated that on September 22, 2008, the applicants submitted a revised proposal, including key changes from the original proposal, which included removal of the second floor, enlargement of the basement, reduction of the visible square footage by approximately 1,000 square feet, reduction in overall height by approximately three feet, replacement of the flat roof with a low sloped roof, incorporation of a second unit, and enhancement to the landscaping proposal.

Ms. Cullinan reported that on October 6, 2008, the ADRB approved the revised project with the conditions that the roof shall be wood shake, the garage doors shall be revised to be mahogany, and that a front yard fence or gate shall be prohibited.

Ms. Cullinan reviewed the basis for the ADRB's approval and also reviewed Dr. Gerald Preiner's and Mr. James Yamas' appeal to the ADRB approval. She also stated that the applicant submitted materials to staff requesting ADRB guidance on a potential future amendment to the roofing materials (from wood shake to pre-aged copper shingle) and a front yard fence and gate plan.

Ms. Cullinan stated that since an appeal is a "hearing de novo", all aspects of the October 6, 2008 ADRB decision may be reconsidered. She explained that the City Council may accept, reject, or modify the recommendation of the ADRB, and the City Council may also remand the application to the ADRB or the City Planner. She stated that in order to uphold the recommendation of the ADRB and deny the appeal, the City Council would need to find that the proposal is consistent with the Town's Design Guidelines, the Zoning Code and General Plan. She stated that in order to grant the appeal and reverse the determination of the ADRB, the City Council would need to find that the proposal is not consistent with the Town's Design Guidelines, Zoning Code and General Plan. She stated that if the City Council is inclined to grant approval of an alternate roofing material, the City Council should direct a revision to the draft resolution.

Ms. Cullinan reviewed the proposed findings related to Hillsborough's General Plan, the Zoning Code, Design Guidelines, and Municipal Code.

Ms. Cullinan recommended that the City Council uphold the determination of the ADRB since the proposal is consistent with the Town's General Plan Policy LU-1.1, the Zoning Code Sections 2.12.020 and 17.04.010(D) and Design Guidelines pages 10, 11, 12 and 28, as outlined in the presentation and the resolution.

Gerald Preiner, a Hillsborough resident, stated that the proposed home is a modern design and is not compatible with Country Club Manor's ranch style homes, is nearly double the size of neighboring homes and is inconsistent with the neighborhood with respect to the architectural features, fencing and gates, and lack of residential feel. He added that the upper windows are unprecedented in the neighborhood, the driveway is straight unlike others in the neighborhood, the ADRB did not follow the Design Guidelines or its purpose, and the second unit is unprecedented in the neighborhood. Dr. Preiner stated that the proposed home should have been rejected by the ADRB as it is incompatible with Country Club Manor. He urged the City Council to reject the ADRB decision.

James Yamas, a Hillsborough resident, stated that the proposed home would be 73% larger than any home in the neighborhood. He added that the project is centrally located, and not on the edge of the neighborhood. He stated that he felt that a home of a different style should be on the edge of the neighborhood. He stated that one of his main objections is the fifteen windows that stretch across the top of the home, which is not compatible or consistent with the ranch style homes in the neighborhood. He stated that he also objected to the straight-in driveway, and that the architect should have been able to locate the garage on the side of the house. He stated that there was not enough planning done to review a home of this complexity, and that there was inadequate review of the Design Guidelines, as the proposed home does not conform to the neighborhood. He stated that the proposed home is a modern home disguised with a wood roof and is not compatible with the neighborhood of ranch style homes. He thanked the City Council for considering the appeal.

Architect Yossi Zinger provided a PowerPoint presentation on the proposed new residence, showing how the project included a reduced overall height, removal of the front gates, enhancement of the landscaping, as well as revisions to window locations and finishes to address privacy concerns from neighbors. He explained

that the second story bedrooms that were included in the original design have been moved to the basement to reduce the height of the modified design. He stated he would like the City Council to consider approval of the copper roofing material. He added that copper roofing is more expensive, but more environmentally friendly and longer lasting, as a wood shake roof needs to be replaced sooner. He stated that the copper shingles would have a low visible impact on the neighborhood.

Michael Callan, landscape architect, stated that he revised the landscape plans according to the comments in the ADRB's approval of 930 Hillsborough Boulevard. He stated that fast-growing screening, box trees, thirty new evergreen Strawberry trees, English laurel, and Euonymus hedges are included in the landscaping plans. He added that the owners are concerned about privacy and adequate security, and have requested fencing and gates along the front yard.

Ray Alexander, attorney on behalf of Jack and Elisa Klein, stated that the ADRB never questioned the location of the garage on the proposed plan. He added that the ADRB voted unanimously to approve the new single story residence. He stated that the copper roof proposal can be sent for administrative review and that the hedges will grow higher than the proposed low fencing along the front yard.

Mayor Mullooly opened the public hearing.

Bob Miller, a Hillsborough resident, stated that he would like to see the house built, as most of the existing homes in the area are 50 years old. He stated that there was another house in the neighborhood that had a garage that faced the street. He expressed his hope that the City Council will accept this proposed new home.

Ted Dobos, a Hillsborough resident, stated that he thought the new home used good quality materials, but that the height issue should be looked at. He stated that he appreciated the style of the home, but hoped that the City Council would be cognizant of the roof line.

Mayor Mullooly closed the public hearing.

Councilmember Fannon stated that this project has been before the ADRB for an unprecedented six times in almost a year's time. He added that the ADRB listened to and was responsive to the neighbors concerns. He stated that the ADRB did an excellent job working through many issues. He stated that ultimately at the October 6, 2008 ADRB meeting, after much scrutiny, the ADRB voted 5:0 (with certain conditions) for the approval of the application for the new single story residence. Councilmember Fannon stated that the ADRB made the right decision.

Vice Mayor Krolik stated that she has spent several hours studying the project, reviewing the ADRB minutes, and visiting the site. She stated that the revised plan shows that a great effort has been made, including the reduction of the visible mass, a change in the roof line, the removal of the second story, significant landscape improvements, and more compatibility with the streetscape.

Mayor Mullooly stated that she has also put in a lot of time on this project and attended the ADRB meetings. She expressed disappointment with neighborhood relations related to this application. She explained that the Design Guidelines are guidelines and not rules, and, therefore, are subjective. She added that not all the homes in Country Club Manor are alike, as there are various roofing materials and exterior finishes. She stated that the proposed project is a modern home in an area in transition. She stated that there are properties that cannot be seen from the street because of hedge screening, and consequently it cannot be determined if any fencing exists. She added that she recommends that the copper roofing material and fencing and gates be further reviewed and not prohibited.

On motion of Vice Mayor Krolik, seconded by Mayor Mullooly, and opposed by Councilmember Fannon on voice vote, the resolution upholding the recommendation

of the ADRB and denying the appeal for the teardown and construction of a new one story house at 930 Hillsborough Boulevard was adopted, with the provision that staff and no more than two ADRB members as appointed by the ADRB Chair review the details of the approved alternate roofing material and fence and gate plan.

Councilmember Fannon stated that he opposed the motion because the project should not have to be sent back to yet another committee regarding fencing and roofing as the ADRB has already made their decision.

Councilmember Kasten returned to the City Council meeting at 9:02 p.m.

17. **ORDINANCE MODIFYING HILLSBOROUGH MUNICIPAL CODE SECTION 13.32.110 REGARDING “PROPERTY OWNER RESPONSIBILITY – SEWER LATERALS” – ADOPTION**

Public Works Director Martha DeBry stated this item was introduced at the October 13, 2008 City Council meeting. She explained that the proposed modification of Hillsborough Municipal Code Section 13.32.110 requires that a lateral be inspected by video at the time of sale, which is consistent with current practice. She added that the modification gives broader discretion to the City Engineer to demand the repair or replacement of the property owner’s private sewer lateral at the property owner’s expense when any video inspection shows damage or defects. She explained that video inspection of laterals would occur at the time of sale of the property, subsequent to a sanitary sewer overflow, or when a scheduled inspection is completed by a Town contractor, either in the course of a capital project or Sewer System Master Plan inspection. She added that the Town’s current ordinance does not provide the City Engineer with the ability to order repairs or replacement except at the time of sale or when a nuisance is found.

Mayor Mullooly opened the public hearing. There were no comments. Mayor Mullooly closed the public hearing.

On motion of Councilmember Kasten, seconded by Vice Mayor Krolik, and unanimous on voice vote, the ordinance modifying Hillsborough Municipal Code Section 13.32.110 regarding “Property Owner Responsibility – Sewer Laterals” was adopted.

18. **RESOLUTION APPROVING A REVOCABLE ENCROACHMENT PERMIT APPLICATION FOR 1055 BLACK MOUNTAIN ROAD**

City Engineer Cyrus Kianpour stated that the owners of 1055 Black Mountain Road have submitted a revocable encroachment permit application to the Town. He explained that in the permit application, the owners propose to build a six-foot high iron fence with entry gate and driveway gates, a stairway, and six-foot high columns, approximately 15 feet into the 80-foot public right-of-way along Black Mountain Road. He explained that encroachment permits related to “outdoor fixtures” over 18 inches tall are reviewed by the City Engineer and approved by the City Council. He further explained that the property owners are responsible for maintaining the public right-of-way up to the edge of the pavement and that Black Mountain Road in this area has an extra wide right-of-way width of 80 feet.

Mr. Kianpour stated that the owners of 1055 Black Mountain Road wish to improve the appearance of the public right-of-way with the outdoor fixtures and new landscape renovations. He explained that all of the proposed outdoor fixture improvements are to be placed outside of what would be a standard 50-foot wide public right-of-way. He added that the proposed outdoor fixtures will be in compliance with the requirements for a standard 50-foot public right-of way, if the Town decides to standardize the public right-of-way in this area of Black Mountain Road. Mr. Kianpour added that notices for the public hearing have been sent to adjoining neighbors as required by the Hillsborough Municipal Code and at that no comments have been received.

Mayor Mullooly opened the public hearing. There were no comments. Mayor Mullooly closed the public hearing.

On motion of Mayor Mullooly, seconded by Councilmember Fannon, and unanimous on voice vote, the resolution approving the revocable encroachment permit application for 1055 Black Mountain Road was adopted.

PUBLIC COMMENT:

There were no public comments.

CITY COUNCIL ITEMS:

Mayor Mullooly announced that she attended the San Mateo Public Library Foundation 2008 Wall of Fame event on the evening of Saturday, October 19, 2008.

Mayor Mullooly announced that the Council of Cities Dinner / Meeting will be held in the City of Portola Valley on Friday, November 21, 2008. Mayor Mullooly, Vice Mayor Krolik, Councilmember Fannon and Councilmember Kasten announced that they would not be able to attend.

ADJOURN:

Mayor Mullooly adjourned the meeting at 9:19 p.m.