

TOWN OF HILLSBOROUGH

San Mateo County

Alvin L. Royse, Mayor
Christine Krolik, Vice Mayor
Marie Chuang, Councilmember
Sophie Cole, Councilmember
Laurence M. May, Councilmember



1600 Floribunda Avenue
Hillsborough, CA 94010
www.hillsborough.net
Phone 650-375-7400

MINUTES MONDAY, JANUARY 11, 2021 6 pm CITY COUNCIL MEETING

On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means. Pursuant to the Shelter-in-Place Order issued by the San Mateo County Health Officer on March 16, 2020, and which was updated and extended on March 31, 2020, April 29, 2020, May 15, 2020, and May 28, 2020, the statewide Shelter-in-Place Order issued by the Governor in Executive Order N-33-20 on March 19, 2020, and the CDC's social distancing guidelines which discourage large public gatherings, the Council Chambers were not open to the public for the January 11, 2021 Hillsborough City Council meeting. The Town conducted the City Council meeting via Zoom.

CLOSED SESSION (4:30 p.m.)

Mayor Royse called the meeting to order at 4:31 p.m.

Mayor Royse stated that today's meeting will be conducted in a virtual setting using Zoom. He reported that Councilmembers and staff are participating from remote locations to practice appropriate social distancing. He stated that members of the public may view and listen to the meeting as noted on the agenda.

ROLL CALL

Present: Chuang, Cole, May, Krolik, Royse

PUBLIC COMMENT

There were no public comments.

PUBLIC ANNOUNCEMENT OF CLOSED SESSION ITEMS

Mayor Royse announced the items for Closed Session.

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4) – One potential case

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1)
Crown Castle NG West LLC v. Town of Hillsborough, et al.
United States District Court for the Northern District of California
Case No. C 18-22473 JSC

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
Hillsborough Citizens Alliance v. Town of Hillsborough
San Mateo Superior Court Case No. 20-CIV-04592

ADJOURN CLOSED SESSION

The Closed Session adjourned at 5:55 p.m.

REGULAR CITY COUNCIL MEETING (6:00 p.m.)

I. CALL TO ORDER

Mayor Royse called the regular meeting to order at 6:01 p.m.

Mayor Royse stated that today's meeting will be conducted in a virtual setting using Zoom. He reported that Councilmembers and staff are participating from remote locations to practice appropriate social distancing. He stated that members of the public may view and listen to the meeting as noted on the agenda.

II. ROLL CALL

Present: Chuang, Cole, May, Krolik, Royse

III. PLEDGE OF ALLEGIANCE

Mayor Royse led the Pledge of Allegiance.

IV. REPORT FROM CLOSED SESSION

Mayor Royse stated that there were no actions taken and there was nothing to report from the Closed Session.

V. MINUTES: December 14, 2020

Vice Mayor Krolik requested the minutes be revised to reflect Josh Becker's attendance at the meeting, and on page 6, to include working with Councilmember Cole in her comments regarding returning to the City Council.

Mayor Royse opened public comment. There were no comments.

On motion of Councilmember Chuang and seconded by Councilmember Cole, the minutes of the December 14, 2020 City Council meeting were approved unanimously as amended.

VI. RECOGNITION:

- Certificate of Appreciation for Service on the Architecture and Design Review Board: Jerry Winges

Mayor Royse read a certificate of appreciation in recognition of Jerry Winges' service on the Architecture and Design Review Board. Councilmembers provided comments in appreciation of Mr. Winges' service to the Town.

Mayor Royse opened public comment.

Lionel Foster, Architecture and Design Review Board Chair, spoke in appreciation of Mr. Winges' service to the Town.

Mayor Royse closed public comment.

Mr. Winges provided comments.

- Resolution of Appreciation: Retirement of City Clerk Miyuki Yokoyama - 18 years of service

Mayor Royse read a resolution of appreciation in recognition of retired City Clerk Miyuki Yokoyama's 18 years of service to the Town and read a certificate of appreciation from Congresswoman Jackie Speier. Councilmembers provided comments in appreciation of Ms. Yokoyama's service to the Town.

Ms. Yokoyama provided comments.

- Recognition of Carr McClellan's 75th Anniversary

Mayor Royse introduced the item. Councilmember May read a resolution in recognition of Carr McClellan's 75th Anniversary. Councilmembers provided comments in recognition of Carr McClellan. Director Ed Willig and Director Norm Book provided comments and congratulated Ms. Yokoyama on her retirement.

Mayor Royse opened public comment.

Catherine Mullooly thanked Miyuki Yokoyama and Carr McClellan for their service to the Town.

Eric Nyhus congratulated Carr McClellan on their anniversary, thanked Miyuki Yokoyama for her service to the Town, and thanked Jerry Wings for his service on the Architecture and Design Review Board.

Mayor Royse closed public comment.

VII. PRESENTATION:

- Joshua Amoroso, Board Member of Human Investment Project (HIP) Housing will provide an update on the agency

Chris Sturken, Community Outreach Specialist, Human Investment Project (HIP) Housing thanked the City Council for their support and presented their 19th Human Investment Project 2021 calendar.

Mayor Royse opened public comment. There were no public comments.

VIII. PUBLIC COMMENT I:

Mayor Royse announced that there will now be two public comment sections on each meeting agenda, one at the beginning of the meeting prior to the Consent Calendar, and one at the end of the meeting after regular business items have concluded.

Larry Friedberg wished the City Council a happy new year and expressed appreciation for the addition of a second public comment section on the agenda.

IX. CONSENT CALENDAR:

Mayor Royse opened public comment. There were no public comments.

On motion of Councilmember Chuang, seconded by Councilmember Cole and unanimous on roll call vote, Consent Calendar items 1 through 5 were approved.

1. MONTHLY CLAIMS: DECEMBER 1 THROUGH DECEMBER 31, 2020

The monthly claims for the month of December 2020 in the amount of \$4,281,604.42 were approved as submitted.

2. QUARTERLY INTEREST RATE PRODUCTS (SWAP) REPORT

The Interest Rate Products Report for the quarter ended December 31, 2020 was accepted.

3. QUARTERLY TREASURER'S REPORT FOR THE QUARTER ENDING DECEMBER 31, 2020

The Treasurer's Report for the quarter ending December 31, 2020 was approved.

4. RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF HILLSBOROUGH AND THE TEAMSTERS LOCAL NO. 350, I.B.T. – PUBLIC WORKS SUPERVISORS UNIT EMPLOYEES

The resolution approving and authorizing the City Manager to execute the Memorandum of Understanding between the Town of Hillsborough and the Teamsters Local No. 350 I.B.T. – Public Works Supervisors Unit was adopted.

5. RESOLUTION APPROVING THE SUMMARY VACATION OF AN EXISTING TWENTY-FOOT WIDE ROADWAY EASEMENT AT 50 KNIGHTWOOD LANE

The resolution approving the summary vacation of an existing twenty-foot wide roadway easement at 50 Knightwood Lane was adopted.

X. PUBLIC HEARING:

6. APPEAL OF THE JUNE 29, 2020 ARCHITECTURE AND DESIGN REVIEW BOARD APPROVAL OF A NEW 2-STORY RESIDENCE AT 118 BAYWOOD AVENUE

City Attorney Christopher Diaz announced Vice Mayor Krolik would recuse herself from participation in this item due to a common law conflict of interest.

Vice Mayor Krolik left the meeting at 7:01 p.m.

Mayor Royse outlined the process for hearing the appeal and invited Councilmembers to make any ex parte disclosures including any visits to the site, conversations with residents or the applicant, or independent information they may be using as a basis for their decision.

Councilmember Chuang stated she has driven by the property.

Councilmember Cole stated she is married to Dr. Lionel Foster, who is a member of the Architecture and Design Review Board and stated she has not spoken with her husband regarding the project or pre-judged the project in any manner. She stated she drove by the property on January 9, 2021. She stated she received an email invitation from the appellant, Martha Ryan, to view the issue in dispute from her home, however, she had already visited the site and felt that she had sufficient information to move forward.

Councilmember May stated he has driven by the property multiple times and has not had any communications with anyone involved in the matter.

Mayor Royse stated he walked around both properties on January 10th and accepted Ms. Ryan's invitation to walk in her backyard to look at the tree line, fence line and utility poles but he had no substantive conversations with her or anyone else.

Director of Building & Planning Sarah Fleming provided the staff presentation and responded to City Council questions. Mr. Diaz provided additional information.

Mayor Royse opened the Public Hearing at 7:31 p.m.

Appellant representative Christian Huebner, on behalf of Martha and Greg Ryan, provided a presentation and information regarding the appeal. Matt Fournier, ISA Board Certified Master Arborist, provided information regarding the arborist evaluation.

Mayor Royse opened public comment at 7:55 p.m.

Property Owner Victor Lo provided information regarding the project.

Peggy McLaughlin, former Chair, Hillsborough Beautification Foundation, spoke in support of the appeal from the perspective of the importance of trees to the Town.

David Beckham, KIELTY Arborist Services, stated they have worked with the landscape architect regarding the construction of the driveway to lessen the impact on the oak tree as much as possible, and provided information regarding the construction of the driveway. Mr. Beckham provided comments regarding the Town of Atherton tree ordinance.

Nga Do, 119 Baywood, spoke in support of the project.

Dustin Moore, landscape architect for the project, Strata Landscape Architecture, spoke regarding the landscape plan and the construction plans for the driveway, and expressed concern regarding potential damage to the tree from the drainage and appellant's lawn uphill from the tree.

Lisa Braun, 117 Baywood, spoke in support of the project.

Nancy Scheinholtz, project architect, provided information regarding the project and stated the oak tree spans the property line and belongs to both the Ryans and the Los.

Mayor Royse closed public comment at 8:14 p.m. and invited the appellant to provide any comments in rebuttal.

Appellant representative Christian Huebner provided comments in rebuttal.

Mr. Tyler, Mr. Fournier, Ms. Scheinholtz, Mr. Huebner, Ms. Fleming and Mr. Beckham responded to City Council questions.

Member of the public Khristine Holterman spoke in support of the project as proposed.

Member of the public April Filer spoke in support of the appeal.

Property Owner Victor Lo confirmed that the property will be his permanent home.

Mayor Royse closed the Public Hearing at 8:50 p.m.

Following discussion, Mayor Royse reopened the Public Hearing at 8:52 p.m.

Mr. Huebner, Ms. Fleming, Mr. Tyler and Mr. Fournier responded to City Council questions.

Mayor Royse closed the Public Hearing at 8:58 p.m.

Ms. Fleming and Mr. Diaz responded to City Council questions.

MOTION: Councilmember May moved to adopt a resolution denying the appeal and upholding and approving the June 29, 2020 Architecture and Design Review Board approval of new 2-Story modern transitional style residence with a total floor area of approximately 8,622 square feet (22.4% FAR) on a 38,537 square foot lot located at 118 Baywood Avenue (APN 032-421-1200).

Councilmember Chuang suggested an amendment to the motion to add a condition regarding tree protection measures in the administrative review.

Following discussion, Councilmember May revised his motion to include encouraging the Architecture and Design Review Board, in its review of the landscape plan, to use significant efforts to mitigate the effects of construction of the driveway.

Councilmember May summarized that his motion is to deny the appeal, which means that the Architecture and Design Review Board approval of the house stands; the Architecture and Design Review Board still has to review the landscape plan and staff has to administratively review the driveway design, and both the administrative review and the Architecture and Design Review Board review have to make a conscious effort to address tree security.

Councilmember Chuang seconded the revised motion.

Following discussion, Mr. Diaz summarized the motion on the floor: denial of the appeal with additional direction that both staff and the Architecture and Design Review Board be conscientious about including tree protection measures to address the oak tree, retaining all of the standard conditions of the ADRB approval.

The motion carried by the following roll call vote:

Ayes: 3 (Chuang, May, Royse)

Noes: 1 (Cole)

Recused: 1 (Krolik)

7. RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE SANDRA HAYNE STORM DRAIN REPLACEMENT AND CREEK DAYLIGHTING PROJECT

Vice Mayor Krolik returned to the meeting at 9:34 p.m.

Associate Engineer Natalie Gribben provided the staff presentation. Project Environmental Consultant John Baas, WRA, Inc., provided additional information.

Mayor Royse opened public comment. There were no public comments.

On motion by Vice Mayor Krolik, seconded by Councilmember Chuang and unanimous on roll call vote, the resolution adopting the mitigated negative declaration and the mitigation monitoring and reporting program (MMRP) for the Sandra Hayne Storm Drain Replacement and Creek Daylighting Project was adopted.

XI. OLD BUSINESS:

8. LEAF BLOWERS IN THE TOWN OF HILLSBOROUGH

City Manager Ann Ritzma and Senior Management Analyst Mandy Brown provided the staff presentation.

Mayor Royse opened public comment.

Benoit Delaveau provided information regarding a group he created in Burlingame with Jerry Winges called the Citizens Environmental Council in which the topic of leaf blowers was discussed 10 years ago and provided information regarding respiratory health dangers to gardeners.

Jim Curry stated he purchased a battery-operated leaf blower for his gardener and suggested residents provide their gardeners with battery-operated leaf blowers.

Mayor Royse closed public comment.

On motion by Vice Mayor Krolik, seconded by Councilmember Chuang and unanimous on roll call vote, the City Council directed staff to move forward with the proposed work plan in order to begin public education efforts on existing ordinance and track enforcement to inform a future evaluation of ordinance alternatives, as summarized in the staff report.

XII. NEW BUSINESS:

9. RESOLUTION APPOINTING A MEMBER AND ALTERNATE TO THE ARCHITECTURE AND DESIGN REVIEW BOARD

Director of Building & Planning Sarah Fleming provided the staff presentation.

Mayor Royse opened public comment. There were no public comments.

On motion by Councilmember Chuang, seconded by Councilmember Cole and unanimous on roll call vote, the resolution appointing April Filer as a member and Benoit Delaveau as an alternate to the Architecture and Design Review Board was adopted.

10. RESOLUTION ADOPTING THE 2021 SALARY SCHEDULE FOR THE TOWN OF HILLSBOROUGH

Human Resources Manager Kristen Armbuster provided the staff presentation.

Mayor Royse opened public comment. There were no public comments.

On motion by Councilmember May, seconded by Councilmember Chuang and unanimous on roll call vote, the resolution adopting the 2021 Salary Schedule for the Town of Hillsborough was adopted.

XIII. DISCUSSION:

11. CITY COUNCIL COMMITTEE AND COMMISSION ASSIGNMENTS

Mayor Royse provided an overview of the City Council committee and commission assignments and stated a revised list of assignments has been provided. There were no proposed changes to the assignments.

Mayor Royse opened public comment.

Larry Friedberg provided information regarding the history of the Wireless Communications Advisory Committee (WCAC) and stated the WCAC needs to be granted status to report to the Town Council with publicly noticed meetings and minutes taken. Mr. Friedberg urged the City Council to appoint a new chair and vice chair, to look to new leadership independent of telecommunications companies, and stated the WCAC should be composed of a balance of people.

Mayor Royse closed public comment.

XIV. INFORMATIONAL:

12. SAN MATEO COUNTY HEALTH DEPARTMENT'S UPDATE ON COVID-19

City Manager Ann Ritzma provided a presentation on the San Mateo County Health Department's update on COVID-19.

Mayor Royse opened public comment. There were no public comments.

XV. PUBLIC COMMENT II:

There were no public comments.

XVI. CITY COUNCIL ITEMS:

Councilmember Cole spoke regarding environmental toxins such as herbicides, pesticides and sprays in landscaping and requested an item be placed on the City Council agenda. Mayor Royse stated he has spoken with the City Manager and it is on the work plan.

Councilmember May congratulated Councilmember Cole and Vice Mayor Krolik on the completion of their first full City Council meeting as new City Councilmembers, and also congratulated Mayor Royse.

Vice Mayor Krolik thanked Councilmember May for his comments, expressed appreciation to staff for the Design, Permitting and Construction forum held in December, and encouraged participation in the upcoming "Hillsborough Helping" Food Drive.

Mayor Royse reported he cast the votes on behalf of the City Council at the San Mateo County City Selection Committee meeting and congratulated Vice Mayor Krolik for her appointment as the alternate on the San Mateo County Domestic Violence Council.

XVII. ADJOURNMENT

Mayor Royse adjourned the meeting at 11:08 p.m.