

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, April 12, 2004**

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 8, 2004 City Council meeting were approved as submitted.

**PROCLAMATIONS:**

Earth Day Proclamation – April 22, 2004

Mosquito and Vector Control and West Nile Virus Awareness Week

Declare April 2004 – Financial Literacy Month

**PRESENTATION:**

The California Integrated Waste Management Board has presented an award to the Town of Hillsborough for achieving a 50% diversion rate in 2000. Jack Nixon, Hillsborough Recycling Specialist was offered the award.

**CONSENT CALENDAR:**

On motion of Councilmember Adams and seconded by Vice Mayor Kasten, unanimous on voice vote, Consent Calendar items 1, 2 and 4 - 9 were approved. Item 3 was removed for discussion.

1. MONTHLY CLAIMS MARCH 1 THROUGH MARCH 31, 2004

The monthly claims for the month of March 2004 in the amount of \$2,147,415.66 were approved.

2. QUARTERLY TREASURER'S REPORT

The Treasurer's Report for the quarter ending March 31, 2004 was approved.

3. REJECTION OF CLAIM: ANDREW SOSS, 5 SANDRA ROAD

Dr. Soss said the Hillsborough Water Department indicated that the water in his house was due to the water pressure release valve regulator not operating properly. Dr. Soss indicated that the head of the Water Department said this was a city error. Dr. Soss asked that the amount owed for his insurance deductible and damaged art pieces be reimbursed to him. Dr. Soss added that Lindstrom Company had installed the water heater and said the water heater did not cause this problem.

Mayor Regan explained that anticipated litigation for this property was discussed in closed session. The ABAG representative for the Town of Hillsborough indicated that the water heater pressure relief drain system was improperly installed, and the pressure regulator valve servicing the dwelling malfunctioned. Mayor Regan said based on the two reasons from ABAG the Town's direction is to reject the claim. Mayor Regan added that a letter would be sent explaining the recourse needed to be taken.

On motion of Councilmember Adams, seconded on Councilmember Mullooly, unanimous on voice vote, the claim for Andrew Soss at 5 Sandra Road was rejected.

4. RESOLUTION APPROVING THE TENTATIVE AGREEMENT BETWEEN THE TOWN OF HILLSBOROUGH AND CITY OF BURLINGAME AND THE FIRE ADMINISTRATORS EMPLOYEES

The resolution approving the Tentative Agreement between the Town of Hillsborough, City of Burlingame and the Fire Administrators and authorizing the City Manager to execute the Memorandum of Understanding on behalf of the Town subject to approval of the Joint Powers Authority Agreement was adopted.

5. RESOLUTION ACCEPTING AS COMPLETE THE FIRE STATION #32 ROOF REPLACEMENT PROJECT, 330 ASCOT ROAD

The resolution accepting as complete the Fire Station #32 Roof Replacement Project, and authorizing staff to file a notice of completion for the project was adopted.

6. RESOLUTION AMENDING PROFESSIONAL SERVICES CONTRACT WITH ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) FOR LONG-TERM BIOLOGICAL MONITORING OF THE CRYSTAL SPRINGS REVEGETATION PROJECT, AND APPROPRIATING \$89,100 FROM THE SEWER FUND

The resolution approving a contract amendment with Environmental Science Associates for supplemental biological services, and appropriating \$89,100 from the Sewer Fund was adopted.

7. RESOLUTION AWARDING A CONTRACT TO D'ARCY AND HARTY CONSTRUCTION INC. FOR THE MELROSE EASEMENT SANITARY SEWER REPLACEMENT (SLIP LINING AND OPEN TRENCH) PROJECT

The resolution awarding the contract from the Melrose Easement Sanitary Sewer Replacement Project to D'Arcy and Harty Construction Inc. in the amount of \$29,210, with a 15% contingency in the amount of \$4,380, for a total construction budget of \$33,590 was adopted.

8. RESOLUTION TO ABANDON A SANITARY SEWER EASEMENT AT 640 PULLMAN ROAD

The resolution of abandonment for the sanitary sewer easement crossing through the property at 640 Pullman Road, as indicated in Exhibit A, was adopted.

9. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONCURRENCE FORM WITH THE CITY AND COUNTY OF SAN FRANCISCO PUBLIC UTILITIES COMMISSION (SFPUC) IN REGARDS TO WATER DEMAND PROJECTION

The resolution authorizing the City Manager to execute the concurrence form in regards to water demand projects for incorporation into the PEIR was adopted.

**NEW BUSINESS:**

10. RESOLUTION AUTHORIZING PURCHASE OF REPLACEMENT PORTABLE POLICE RADIOS

Captain Mark O'Connor explained that the Police Department purchased several Motorola radios in the past averaging a 13 year service life. The Motorola Radio Companies have discontinued making replacement parts for these specific radios. Captain O'Connor contacted several agencies in San Mateo County and found the Kenwood radio to be the most used and had the best rating available. Metro Mobile Communications in Menlo Park submitted the most economical bid and also drew attention to a Kenwood factory rebate program, which would refund \$50 per radio representing an additional savings of \$1,850.

On motion of Vice Mayor Kasten, seconded by Councilmember Fannon, unanimous on voice vote, the resolution authorizing the Police Department to purchase 37 replacement portable radios and related equipment for the bid price not to exceed \$34,146.38 from Metro Mobile Communication of Menlo Park with a 10% contingency in the amount of \$3,400 for any unexpected operational expense was adopted.

11. RESOLUTION AWARDDING A CONTRACT TO NATIONAL PLAN SERVICES, INC. FOR 2004 SANITARY SEWER MAINS CLEANING AND INSPECTION PHASE II PROJECT

City Engineer Cyrus Kianpour explained that the sanitary sewer mains cleaning and inspection project would clean, remove roots, and videotape approximately 15,000 feet of sanitary sewer mains identified as high priority for rehabilitation by the Town's maintenance staff. A list of the streets and a map showing the location of the project area were submitted to the City Council.

Mayor Regan asked how many miles of sewer lines were in Town. Mr. Kianpour indicated that there is approximately 100 miles of sewer running through Town, and about 13 miles of those lines have been rehabilitated.

Vice Mayor Kasten asked how often is it recommended to clean and view these types of pipes. Mr. Kianpour indicated the average is 30 to 50 years.

On motion of Councilmember Fannon, and seconded by Vice Mayor Kasten, unanimous on voice vote, the resolution awarding the contract for the 2004 Sanitary Sewer Mains Cleaning and Inspection Phase II Project, to Nation Plant Services, Inc. in the amount of \$222,077.40, with a contingency in the amount of \$44,415 for a total construction budget of \$266,492.40 was adopted.

12. RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH LONEY ASSOCIATES FOR THE SHADY CREEK RETAINING WALL REPLACEMENT PROJECT

City Engineer Cyrus Kianpour explained that the Shady Creek retaining walls were installed in 1999 as part of the Sanitary Sewer Replacement Project. Most of the retaining walls along the creek are performing satisfactory. Mr. Kianpour indicated that a fifty-foot section of the retaining wall failed about 600 feet north of Marlborough Road. It is believed that the wall failed due to poor drainage, landslide movements, or a combination of both. Mr. Kianpour said staff inspected the new sanitary sewer pipeline and it has not yet been damaged by this failure. However, there is the potential of significant damage to the new sewer pipe if further erosion and movement occurs. Mr. Kianpour added that if the section of wall is replaced and the drainage issues are improved, the movement of the earth could be controlled.

Councilmember Mullooly asked if the retaining wall was constructed correctly back in 1999. Mr. Kianpour indicated that the section failing did not have the proper depth of holes drilled nor was the drilling properly inspected. Mr. Kianpour said this is an issue that needs to be looked into.

Councilmember Fannon felt \$10,000 did not seem like much money for this type of work. Mr. Kianpour stated that this money was only for the geo-technical investigation.

Mayor Regan said it seemed as though the Town was unsure if it was the design of the work that failed, or the construction of the work. Mayor Regan stated that he would like to make sure this is done the right way.

On motion of Councilmember Mullooly, seconded by Councilmember Adams, unanimous on voice vote, the resolution awarding a Professional Services Agreement to Loney Associates for the Shady Creek Retaining Wall Replacement Project on a fixed fee basis for an amount not to exceed \$10,560 was adopted.

**DISCUSSION:**

13. CORPORATION YARD GARAGE – STATUS REPORT

Public Works Director Martha DeBry stated that at the March 8, 2004 meeting the City Council deferred the project for further study regarding issues presented by Town residents and new location of the yard. Mrs. DeBry explained that contracting with a consultant to evaluate Corporation Yard issues is the most feasible approach at this time. Mrs. DeBry added that a committee should be appointed to meet with the consultant and help evaluate the results of the study.

Mayor Regan said that a new committee should be appointed for this purpose, or the Financial Advisory Committee (FAC) may be interested in taking this in as a special project.

Councilmember Mullooly asked why the FAC would be involved. Mayor Regan felt many of the issues in question are financial, and the FAC along with one or two persons from the area would be a good start. Councilmember Fannon thought this was a good idea. Councilmember Adams said that this is not fully a financial issue.

Mayor Regan asked if the consultants could prepare an estimated figure as to what cost the Town is looking at to relocate the yard. Depending on the answer Town will be in a better position to decide what direction to take. The committee must identify a critical path in order to proceed. There is a variety of things that need to be reviewed, not just the financial. Vice Mayor Kasten asked to keep in mind service and response time provided to Town residents.

City Manager Anthony Constantouros said he didn't want a consultant to determine the scope of work. The purpose of this study should be defined narrowly.

Mayor Regan asked who would make the determination as to what areas need to be studied. Mr. Constantouros said the Town doesn't want a broadening of issues, beyond what has been discussed with the neighbors. The Town needs a consultant that really understands the function of the Corporation Yard.

Councilmember Adams indicated that we should have a report as to how far this study will go. Mr. Constantouros said the committee could review that information if given a general directive. Also two Councilmembers should be included on this committee.

14. UPDATE ON SAN MATEO COUNTY FIRE SERVICE CUTBACKS

Burlingame Fire Chief Bill Reilly explained that due to budgetary shortfalls, many of San Mateo County's cities and fire districts are anticipating or have already enacted temporary closure of engine companies. Chief Reilly indicated that the San Mateo City Manager's Association has commissioned a consulting firm to study the overall effects of these closures and to make pertinent recommendations for a long-term solution.

Councilmember Fannon asked if Hillsborough and Burlingame are called to other cities like Millbrae to provide service. Chief Reilly said yes, both cities provide back-up response for storms, fire and medical situations. There is a mutual aid program so a high level of service can be maintained even with reduced cost.

Vice Mayor Kasten asked if this included an impact on Emergency Medical Services (EMS) as well. Chief Reilly said EMS could be maintained more easily than fire services.

City Manager Anthony Constantouros indicated that the City Managers Association did a complete study of these issues. The association is currently discussing the responses of other cities.

15. REVIEW OF DRAFT JOINT POWERS AGREEMENT; PLANNED MERGER OF HILLSBOROUGH / BURLINGAME FIRE DEPARTMENTS; SCHEDULING OF JOINT MEETING WITH THE BURLINGAME CITY COUNCIL

Burlingame Fire Chief Reilly indicated that a meeting with the Burlingame City Council has been set for Tuesday, April 20, 2004 at 4:30 p.m. to adopt the Joint Powers Agreement and proceed with merging the Fire Departments.

City Attorney Norm Book discussed some minor changes he had made to the draft Joint Powers Agreement.

City Manager Anthony Constantouros thanked Hillsborough Fire Chief Dave Milanese and Burlingame Fire Chief Bill Reilly for all their accommodations throughout the merger process.

16. TOWN OF HILLSBOROUGH: UPDATE ON FISCAL YEAR 2004/2005 BUDGET;  
THREE-YEAR BUDGET DRAFT

Finance Director Edna Masbad reported the Town employs multiple-year budgeting, specifically a three-year budget. Due to the fiscal uncertainties at this time including legislation, pending initiative, retirement rates and the economic condition, staff is proposing to submit a draft of a two-year budget instead of attempting to submitting a three year budget that could drastically change.

Mrs. Masbad indicated that the revenues incorporated the Governor's proposed additional shift of property taxes to the Educational Revenue Augmentation Fund dubbed as ERAF II, which translates to approximately \$300,000 for the Town.

Mrs. Masbad explained that one of the potential revenue enhancements was to implement a new fee call the 911 Emergency Communication System Response fee that could bring additional revenues for \$350,000. Mrs. Masbad's report contained a summary showing the increase in the General Fund retirement cost along with a CALPERS cost increase. Mrs. Masbad added that the CALPERS investment return climbed from 3.9% as of year ending June 30, 2003 to 23.3% as of calendar year ending December 31, 2003. This improvement will have a positive effect on the Town's rates for fiscal years 2006/07.

Mrs. Masbad said the Finance Department will be submitting the proposed budget to the Financial Advisory Committee at its April 26, 2004 meeting, whose recommendations would be submitted to the May 10, 2004 City Council meeting.

**PUBLIC COMMENT:**

None

**CITY COUNCIL ITEMS:**

Councilmember Adams indicated at the undergrounding meeting the committee authorized a survey designed to ascertain whether homeowners would be will to bare the cost of undergrounding.

Councilmember Mullooly commented on the Police Chief's January presentation pertaining to the Floribunda / El Camino Real traffic signal and hoped a solution is in the works for this dangerous intersection.

Public Works Director Martha DeBry indicated that the City Engineer was in the process of applying for grant money and City Engineer, Mr. Kianpour will be guiding this project to change the traffic light timing, but it seems Burlingame will also help carry this project through.

Mayor Regan said he wanted to start appointing people to the General Plan Committee to begin meet in the first week of June.

**ADJOURN:**

Mayor Regan adjourned the meeting at 7:55 p.m. In Memory of –  
Carl Harian Auer, "Ty"