

**MINUTES  
REGULAR CITY COUNCIL MEETING  
MONDAY, SEPTEMBER 13, 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, Adams, Regan  
Absent: Fannon, Kasten

**MINUTES:** The minutes of the August 9, 2004 City Council meeting were approved subject to one wording change under City Council Items; adding the words "Central County Fire Department" before "board of directors".

The minutes of the August 17, 2004 City Council meeting were approved as submitted.

**CONSENT CALENDAR:**

On motion of Councilmember Adams and seconded by Councilmember Mullooly, unanimous on voice vote, Consent Calendar items 1 – 7 were approved.

1. MONTHLY CLAIMS AUGUST 1 THROUGH AUGUST 31, 2004

The monthly claims for the month of August 2004 in the amount of \$3,018,206.27 were approved.

2. RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA EMPLOYEES' RETIREMENT SYSTEM (PERS) AND THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH

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

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

The ordinance authorizing an amendment to contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the Town of Hillsborough was introduced and set for public hearing at the October 11, 2004 City Council meeting.

4. RESOLUTION APPROVING FUNDS TO PREVENT EROSION NEAR CRYSTAL SPRINGS ROAD AND TARTAN TRAIL ROAD

The resolution approving funds to prevent erosion near Crystal Springs Road and Tartan Trail Road in an amount not to exceed \$11,124 and allocate funds from the 2003 Bond Proceeds was adopted.

5. RESOLUTION AWARDED A CONTRACT TO D'ARCY AND HARTY CONSTRUCTION INC. FOR THE PINEHILL ROAD EASEMENT SANITARY SEWER REPLACEMENT PROJECT

The resolution awarding the contract for the Pinehill Road Easement Sanitary Sewer Replacement Project to D'Arcy and Harty Construction Inc. in the amount of \$49,450, with a 15% contingency in the amount of \$7,400, for a total construction budget of \$56,850 was adopted.

6. RESOLUTION AMENDING AND RESTATING THE APPENDIX OF DESIGNATED POSITIONS FOR THE TOWN OF HILLSBOROUGH CONFLICT OF INTEREST CODE

The resolution amending and restating the appendix of designated positions for the Town of Hillsborough's conflict of interest code was adopted.

7. APPROVAL OF AGREEMENT REGARDING THE RIGHT-OF-WAY IN FRONT OF 2335 OAKDALE DRIVE

The City Council approved and authorized the Public Works Director to sign the agreement regarding the right-of-way in front of 2335 Oakdale Drive.

**PUBLIC HEARING:**

8. ORDINANCE AMENDING VARIOUS SECTIONS AND CHAPTERS OF TITLES 1, 2, 5, 8, 9, 10, 12, 13, 14, 15 AND 17 OF THE HILLSBOROUGH MUNICIPAL CODE

City Attorney Norm Book indicated that the clean-up ordinance of the Code Update Project was unchanged from what was discussed at the May 10, 2004 City Council meeting and introduced at the August 9, 2004 City Council meeting.

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

On motion of Councilmember Mullooly, seconded by Councilmember Adams, unanimous on vice vote, the ordinance amending sections and chapters of Titles 1, 2, 5, 8, 9, 10, 12, 13, 14, 15, and 17 of the Hillsborough Municipal Code was adopted.

**NEW BUSINESS:**

9. RESOLUTION SUPPORTING PROPOSITION 1A, "PROTECTION OF LOCAL GOVERNMENT REVENUES": A BALLOT INITIATIVE ON THE NOVEMBER 2, 2004 STATEWIDE BALLOT TO RESTRICT THE STATE LEGISLATURE'S ABILITY TO TAKE LOCAL GOVERNMENT FUNDING

City Manager Anthony Constantouros explained that Proposition 1A will prevent the State legislature from taking local government funds to pay for state responsibilities. Since 1991 the Town has had a total of \$10.7 million diverted to the State. This year, the Town will have \$1.3 million diverted to the State. Mr. Constantouros indicated that the measure provides flexibility during a state budget emergency by allowing the State to borrow local government revenues. If approved by the electorate, Proposition 1A will constitutionally prevent the State legislature from taking local government funds to pay for state responsibilities.

On motion of Councilmember Adams, seconded by Councilmember Mullooly, unanimous on voice vote, the resolution supporting Proposition 1A on the November 2, 2004 statewide Ballot was adopted.

10. CROCKER LAKE OPEN SPACE AREA: AGREEMENT TO CONVEY PARTIAL RIGHTS IN REVERSIONARY INTEREST

City Attorney Norm Book stated that the agreement to convey partial rights in reversionary interest at Crocker Lake open space area will make the use of the area more clear and specific. Mr. Book proposed a few changes to the agreement. Mr. Book indicated that the legal description will need to be confirmed. The agreement now provides notice to the Town before the reversionary clause can be exercised.

Councilmember Adams asked if the Agreement contemplated that the owners of the reversionary interest would be claiming a contribution to the Town. Mr. Book said no.

Baily Meyer, Hillsborough Beautification Member, indicated that City Attorney Norm Book and Harry Hanson, president of HBF, have been sensational during this process. The HBF would like to bring in a landscape architect to assist with considering future potential use of the area.

Walter Heyman explained his concern is the danger of a canyon fire. The canyon is a heavily wooded dense forest, it is also filled with trees taken down by winter storms and in addition, the canyon rim is filled with tree debris because when the houses surrounding the canyon were built, common practice was to bulldoze trees into the canyon to clear the land. Mr. Heyman felt should the canyon go up in flames, it would create an inferno of incredible dimensions and one which would be difficult to bring under control. Mr. Heyman urged the City Council to assess the fire danger as well as the risks and liabilities involved for the Town. Mr. Heyman added that the eighty two residents that back directly onto Crocker Canyon are vulnerable to what ever changes are brought upon this area.

Councilmember Mullooly clarified that this document before Council does not allow any development to begin in this area; it is strictly an agreement of reversionary interest to the open space. Councilmember Mullooly stated that she has the same concerns as Mr. Heyman's regarding fire danger and liability.

Mayor Regan stated that HBF should take into consideration concerns and thoughts of the potentially affected neighbors.

On motion of Councilmember Adams, seconded by Councilmember Mullooly, unanimous on voice vote, the City Council approved the Agreement to Convey Partial Rights in Reversionary Interest to Crocker Lake open space area.

11. RESOLUTION APPROVING AGREEMENT BETWEEN THE TOWN OF HILLSBOROUGH AND THE CITY OF BURLINGAME FOR SANITARY COLLECTION, TREATMENT, AND DISCHARGE

Public Works Director Martha DeBry explained that renewal of the agreement between the Town of Hillsborough and the City of Burlingame to provide sewage treatment services explains the formula and billing methodology. After validating the numbers and formulas used to estimate Hillsborough's proportional cost share for wastewater treatment, staff is recommending the continued use of the current cost calculation method. Mrs. DeBry added that a new feature of the agreement is a clause requiring binding arbitration to resolve disputes. If adopted, the agreement will remain in effect until terminated by either party with 180 days notice.

On motion of Councilmember Mullooly, seconded by Councilmember Adams, unanimous on voice vote, the resolution approving the Agreement between the Town of Hillsborough and the City of Burlingame for Sanitary Sewage Collection, Treatment, and Discharge was adopted.

12. RESOLUTION APPROVING MUTUAL AID AGREEMENT FOR TRANSFERS OF POTABLE WATER BETWEEN THE TOWN OF HILLSBOROUGH AND THE CITY OF BURLINGAME

Public Works Director Martha DeBry indicated that this mutual aid Agreement for Transfer of Potable Water between the City of Burlingame and the Town of Hillsborough. Mrs. DeBry explained that the water systems of Hillsborough and Burlingame are connected at four points, which allows the agencies to exchange water in the time of emergencies or when water tanks or mains must be removed from service for repairs or replacement. In practice, the transfers have only occurred for maintenance purposes for a few days.

Mayor Regan asked when the Town used this transfer, was it an emergency. Mrs. DeBry said it was not an emergency, and Hillsborough supplied Burlingame with water when their main was replaced.

Councilmember Mullooly asked if an emergency reimbursement request was received by the Town of Hillsborough how much would the Town be compensated.

Mrs. DeBry said that in this type of event, the Town would be reimbursed 100%, to the extent it is reimbursed by FEMA and the State.

Mayor Regan asked if the Town has had any experience with FEMA. Mrs. DeBry said yes, the experience was good, when a state of emergency is declared.

Councilmember Adams asked why if one party borrows water during an emergency, why is the other party not reimbursed at an appropriate rate.

Mrs. DeBry said for most emergencies a state of emergency is declared, and local emergencies are most likely fire related, and since the fire departments are merged it would be a rare circumstance.

Subsequent to the City Council holding a discussion regarding the reimbursement clause, the resolution approving the Mutual Aid Agreement for transfers of potable water between the Town of Hillsborough and the City of Burlingame was continued to a future City Council meeting. Staff will clarify how reimbursement will be received in any emergency without regards to FEMA or State reimbursement.

13. RESOLUTION AWARDING A CONTRACT TO INTERSTATE GRADING & PAVING, INC. FOR THE 2004 PAVEMENT MAINTENANCE AND REHABILITATION PROJECT, ST – 405 & 406

City Engineer Cyrus Kianpour requested that the contract for the 2004 pavement project be awarded to Interstate Grading & Paving, Inc. Mr. Kianpour indicated that a number of streets in Town are in need of re-asphalt. Staff has included a list of those streets in the City Council packet, along with listing them on the Town's website.

On motion of Councilmember Adams, seconded by Councilmember Mullooly, unanimous on voice vote, the resolution awarding Interstate Grading & Paving, Inc. the contract for the 2004 Pavement Maintenance and Rehabilitation Project, ST – 405 & 406, in the amount of \$619,834 with a 15% contingency in the amount of \$93,000 for a total construction budget of \$712,834 was adopted.

**OLD BUSINESS:**

14. APPROVAL OF CONCEPTUAL DESIGN OF VISTA PARK

Public Works Director Martha DeBry indicated that in June 2004 the Hillsborough Beautification Foundation received the City Council's permission to undertake the rehabilitation of Vista Park as a project. Meetings were held in July and August 2004 to gather public comments regarding the project. Mrs. DeBry showed a brief presentation of the parks reconfiguration.

Mayor Regan asked when the Town would find out the amount of grant money received. Mrs. DeBry said the Town has already been granted \$280,000.

Councilmember Adams asked what the estimated cost of the park is. Mrs. DeBry said \$600,000.

Mayor Regan added that the park would be funded by grants and the Hillsborough Beautification Foundation.

Michael Fitzpatrick Regional Commissioner of AYSO indicated to the City Council that additional field space for the soccer games would be better for AYSO. Mr. Fitzpatrick suggested relocating the basketball court.

Linda Cooperman lives adjacent to the park, and signed a letter prepared by neighbors thanking the Hillsborough staff for addressing their concerns. Mrs. Cooperman said the basketball court is a highly used area, and she asked that the court remain in the lower area.

Sam Morsi lives across the street from the park and said that any change to the park at this time would affect everyone in the area. Mr. Morsi indicated that soccer games are held three months out of the year, and during those three months, traffic on Culebra is very heavy. Mr. Morsi added that when cars park on both sides of the street, it would make it impossible for a fire truck to get by on a soccer day. Mr. Morsi suggested that the Town require permit usage for the park to help reduce traffic and congestion.

Mayor Regan asked that the Police Department and AYSO work together to keep the parking area safe.

Michael Fitzpatrick Regional Commissioner of AYSO said that the Police Department strongly enforces the parking at Vista Park and AYSO does comply. Mr. Fitzpatrick also added that a larger field at the park would allow for all ages of children to make use of the field and allow for alternate hours of game time.

Councilmember Mullooly said she was excited to see HBF working with staff and neighbors on this project. Mrs. Mullooly felt keeping the basketball court as planned is a better use of the park, as the court is used constantly year round, rather than trying to enlarge the soccer field.

Mayor Regan commended everyone for their hard work put into the park plan and feels this park can now be used as it should.

On motion of Councilmember Mullooly, seconded by Councilmember Adams, unanimous on voice vote, the City Council approved the final conceptual design of Vista Park.

#### 15. TOWN OF HILLSBOROUGH'S NEW WEBSITE

Assistant Finance Director Marie Bernardo shared with the City Council that the new and improved Town Website has been developed. Included in the City Council's agenda packet was the Website Policy which provides the Website's objectives and guidelines to the responsible parties.

Mrs. Bernardo indicated that CIVICA Software and 13 other members, representing all the departments have been working hard in the design and development of our new website. This system allows multiple departments to create content, update the text and graphic and post directly to the website with no technical skills. Mrs. Bernardo added that the training was so easy it took one training session to start building the content. Councilmember Mullooly and Diana Witzel of the Communications Advisory Committee are our volunteer website editors.

On motion of Councilmember Adams, seconded by Councilmember Mullooly, unanimous on voice vote, the City Council approved launching the new Website and approved Policy No. 213 – Website.

#### 16. AUTHORITY TO INVEST IN TREASURY BILLS AND NOTES

Assistant Finance Director Marie Bernardo indicated that the Finance Director Edna Masbad reviewed this item in detail at the August 9, 2004 City Council meeting. Mrs. Bernardo asked if there were any questions.

Mayor Regan mentioned that it might be more appropriate to go through a broker rather than buy treasury bills and notes directly. Mayor Regan believes it would be more efficient to speak to a broker than go direct.

Councilmember Adams said buying through a broker is more common.

On motion of Councilmember Adams, seconded by Councilmember Mullooly, unanimous on voice vote, the City Council concurred with the Financial Advisory Committee's action to allow investment of the Town's funds in treasury bills and notes pursuant to the Town's investment policy.

17. REPORT ON TOWN SEWER RISKS

Public Works Director Martha DeBry presented to the City Council what the Town is doing to minimize sewer risks. Mr. DeBry indicated that the primary cause of sewer claims against the Town is root intrusion, along with grease clogging the main.

18. DEMONSTRATION OF GEOGRAPHIC INFORMATION SYSTEM

The demonstration of the Geographic Information System (GIS) will be given at the October 11, 2004 City Council meeting.

**PUBLIC COMMENT:**

None

**CITY COUNCIL ITEMS:**

Councilmember Mullooly announced the San Mateo County Pre Hospital Medical Group approved a contract with The Abaris Group, to conduct a Study to determine the feasibility of our Joint Powers Authority being responsible for ambulance services.

Mayor Regan announced that the Burlingame / Hillsborough Newcomers Club will be held Wednesday, November 3, 2004 if anyone would like to attend.

Mayor Regan reminded the Council that City of Burlingame would be hosting the next Council of Cities dinner, Friday September 24, 2004.

**ADJOURN:**

Mayor Regan adjourned the meeting at 8:05 p.m.