

# TOWN OF HILLSBOROUGH

San Mateo County

Thomas M. Kasten, Mayor  
Catherine U. Mullooly, Vice Mayor  
D. Paul Regan  
John J. Fannon  
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1600 Floribunda Avenue  
Hillsborough, CA 94010



## A G E N D A

*MONDAY, April 11, 2005*

*6:00 p.m. CITY COUNCIL MEETING  
Hillsborough Town Hall*

- I. **PLEDGE OF ALLEGIANCE**
- II. **ROLL CALL**
- III. **MINUTES:** March 14, 2005
- IV. **RECOGNITION:** Jefferson Award Winner: William Schwartz M.D., co-founder of Samaritan House Free Medical Clinic in San Mateo
- V. **ADMINISTRATION OF OATH OF OFFICE:** Chief Bill Reilly of Central County Fire Department will administer the oath of office to Division Chief, Mark Ladas
- VI. **PROCLAMATION:** "West Nile Virus and Mosquito and Vector Control Awareness Week" the week of April 25, 2005

**VII. CONSENT CALENDAR:**

*The Consent Calendar includes routine items, which do not require discussion. A Councilmember may remove an item for discussion, and any member of the audience may request a Councilmember to remove an item for discussion. The items are approved in one motion.*

- 1. MONTHLY CLAIMS: MARCH 1 THROUGH MARCH 31, 2005
- 2. QUARTERLY TREASURER'S REPORT
- 3. RESOLUTION OF INTENTION TO APPROVE 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
- 4. ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) AND THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH

5. RESOLUTION APPROVING AMENDMENT TO AGREEMENT REGARDING CROCKER LAKE OPEN SPACE AREA: AGREEMENT TO CONVEY PARTIAL RIGHTS IN REVERSIONARY INTEREST
6. APPROVAL OF SERVICE ORDER FOR ENGINEERING CONSTRUCTION MANAGEMENT AND GEOTECHNICAL SERVICES FOR THE RALSTON / PINEHILL SANITARY SEWER RELOCATION PROJECT
7. RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO PURCHASE NECESSARY EQUIPMENT AND SOFTWARE FOR THE TOWN'S GIS SYSTEM AND ENTER INTO A CONSULTING AGREEMENT WITH FARALLON GEOGRAPHICS, INC.

**VIII. OLD BUSINESS:**

8. REVIEW, WITH CITY ENGINEER, ALTERNATE DRIVEWAY DESIGNS FOR 2768 AND 2778 RALSTON AVENUE

**IX. PUBLIC HEARINGS:**

9. FUNDRAISER EVENT PERMIT APPLICATION NO. 05-04, SAN MATEO ARBORETUM SOCIETY
10. CONTINUED PUBLIC HEARING, APPEAL OF THE ARCHITECTURE AND DESIGN REVIEW BOARD'S DENIAL OF THE DESIGN OF A NEW HOUSE AND LANDSCAPE PLAN AT 2778 RALSTON AVENUE; Crocker Woods, LLC., Mr. Kevin White; property owner, applicant and appellant

**X. NEW BUSINESS:**

11. NOTICE OF INTENT TO ABANDON THE RIGHT-OF-WAY AT OAKDALE COURT
12. FIRE HYDRANT LOCATION AT ROEHAMPTON ROAD
13. OVERVIEW AND DISCUSSION OF PROPOSED BUDGET FOR FISCAL YEAR 2005 - 2006
14. RESOLUTION AUTHORIZING PURCHASE OF TASER ELECTRONIC RESTRAINT DEVICES FOR POLICE PERSONNEL USING SLESF GRAND FUNDS

**XI. PUBLIC COMMENT:**

*Under Government Code 54954.3, members of the public have the right to address the City Council on any matter within the Council's jurisdiction. However, the Council may not take action on any non-agenda item (except in emergency circumstances). Before addressing the Council, speakers are requested to complete a yellow speaker's card and submit it to the City Clerk. Please come to the podium, state your name and address, limit remarks to 3 minutes, and do not repeat comments by other speakers.*

**XII. CITY COUNCIL ITEMS:**

*This section of the agenda provides the City Council an opportunity to ask questions on any project of interest. No action can be taken on any item not on the agenda.*

**XIII. ADJOURN**

**SPECIAL ACCOMMODATIONS:**

*If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the City Council meeting, or if you need an agenda in an alternate form, please contact the City Clerk's Office at 375-7412 at least 24 hours before the scheduled City Council meeting.*



## **AGENDA – REPORTS**

### **HILLSBOROUGH CITY COUNCIL**

Monday, April 11, 2005  
6:00 p.m.  
Hillsborough Town Hall  
1600 Floribunda Avenue, Hillsborough

#### **CONSENT CALENDAR:**

1. MONTHLY CLAIMS: MARCH 1 THROUGH MARCH 31, 2005 (Finance Director)

**Summary:** The monthly claims for the month of March 2005 in the amount of \$2,342,638.59 are submitted for approval.

**Recommendation:** Approve the monthly claims for March 2005 as submitted.

2. QUARTERLY TREASURER'S REPORT (Finance Director)

**Summary:** Government Code Section 53646(b) requires that the Quarterly Investment Report be rendered to the City Council during public session within 30 days of the quarter's end.

**Recommendation:** Approve the Quarterly Treasurer's Report ending March 31, 2005.

3. RESOLUTION OF INTENTION TO APPROVE 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  
(Assistant to the City Manager)

**Summary:** The current Memorandum of Understanding (contract) with the Public Works/Clerical unit states that the Town shall implement the Public Employees' Retirement System (PERS) 3% @ 60 retirement plan effective July 1, 2003. (This change affects all miscellaneous (non-sworn) employees). In an effort to reduce costs the Unit employees agreed to postpone the implementation for one year, until July 1, 2004 and in the interim implement the 2.7% @ 55 plan.

When the Town requested to amend the contract in 2004 after the one year extension period, PERS had placed a "freeze" on contract amendments to the 3% @ 60 plan due to language issues that changed the intent of the plan. Legislation has now been passed and agencies may now request the amendment. This plan, once approved, will be effective June 27, 2005.

Government Code Section 7507 requires that the future annual costs of the proposed contract amendment be made public at a public meeting at least 2 weeks before the adoption of the final ordinance. The actuarial valuation for the adoption of this plan amendment is as follows:

1) Change in the Present Value of Benefits	\$868,029
2) Change in the Accrued Liability	\$637,353
3) Change in the Total Employer Rate	2.6%

The Town's annual cost for the 3% @ 60 plan will be approximately \$102,000, based on current salaries and rates.

Implementation of the retirement plan requires the adoption of a resolution of intention to approve an amendment to the contract, and an ordinance authorizing the amendment.  
(The next item is the introduction of the ordinance).

**Recommendation:** Adopt the resolution of intention approving an amendment to the contract between the California Public Employees' Retirement System and the Town of Hillsborough.

4. INTRODUCE ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT  
BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM (PERS) AND THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH  
(Assistant to the City Manager)

**Summary:** In order to implement a 3% @ 60 retirement plan for miscellaneous employees, PERS requires that the Town adopt an ordinance authorizing the mayor to execute the contract amendment.

**Recommendation:**

1. Introduce and waive reading of the ordinance; and
2. Set May 9, 2005 as the public hearing date to consider adoption of the ordinance amending a contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the Town of Hillsborough.

5. RESOLUTION APPROVING AMENDMENT TO AGREEMENT REGARDING CROCKER  
LAKE OPEN SPACE AREA: AGREEMENT TO CONVEY PARTIAL RIGHTS IN  
REVERSIONARY INTEREST (Public Works Director)

**Summary:** In September 2004 the Agreement to Convey Partial Rights in Reversionary Interest was approved by the City Council, which expanded the Town's authority to use the Crocker open space area for certain activities. After further discussions with legal counsel, an error was discovered in the legal descriptions. The amendment better defined the locations affected by the change in the reversionary interests.

**Recommendation:** Adopt the resolution approving the amendment to the Agreement to Convey Partial Rights in Reversionary Interest.

6. APPROVAL OF SERVICE ORDER FOR ENGINEERING CONSTRUCTION MANAGEMENT  
AND GEOTECHNICAL SERVICES FOR THE RALSTON / PINEHILL SANITARY SEWER  
RELOCATION PROJECT (Public Works Director)

**Summary:** The project will install approximately 3,200 linear feet of 8-inch sewer mains on Ralston Avenue and Pinehill Road. The project is scheduled to start on April 25, 2005, and should be completed by July 2005.

This authorization will include construction management services and geotechnical services for the project. This project is exempt from the California Environmental Quality Act (CEQA) per section 15301 (b), of the State Public Resources Code.

These programs are included in the CIP program, and funding will come from the 2003 Water and Sanitary Sewer bond issue.

**Recommendation:** Approve the CSG service order in the amount of \$35,000 for engineering construction management services and geotechnical services for the project.

7. RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO PURCHASE NECESSARY EQUIPMENT AND SOFTWARE FOR THE TOWN'S GIS SYSTEM AND ENTER INTO A CONSULTING AGREEMENT WITH FARALLON GEOGRAPHICS, INC.

(City Engineer)

**Summary:** The Town requested a proposal from Farallon Geographics, Inc. to assist staff in evaluation and enhancement of the Geographic Information System (GIS). The goal of this project is to make the GIS information available to all departments within the Town including Public Works, Building, Planning, Finance, Fire, and Police. The authorization will allow for the purchase of two new computer servers and software needed to optimize the performance of the program.

The consultant will develop the enterprise geodatabase for the new servers. This includes installation and testing of the ESRI software, development and loading of a preliminary data model, development of metadata for GIS layers, preparation and loading of orthophotography into ArcSDE, and technical documentation of the data model. Farallon can complete the work within 60 days.

Total project cost is below:

	<u>Cost</u>
1. Two (2) new computer servers and software	\$17,520
2. Arc IMS (ESRI) program	\$10,009
3. License updates to existing ESRI programs*	\$ 609
4. Farallon Consultants	\$11,600
TOTAL	\$39,738

*(\*Original software suite was obtained through an ICMA grant several years ago.)*

After the hardware and software is updated, staff will be trained by Farallon and a user interface will be designed. These costs have been incorporated into the operating budget.

**Recommendation:** Adopt the resolution authorizing the Public Works Director to purchase hardware and software for the GIS system and execute a consulting agreement with Farallon Geographics, Inc. for a total cost of \$39,738.

**OLD BUSINESS:**

8. REVIEW, WITH CITY ENGINEER, ALTERNATE DRIVEWAY DESIGNS FOR 2768 AND  
2778 RALSTON AVENUE (City Engineer)

**Summary:** The City Engineer has met with neighboring property owners, reviewed the traffic study which was commissioned by the neighbors, and met with the property owners regarding the design of the driveways and/or entranceway for the properties at 2778 Ralston Avenue and 2768 Ralston Avenue. The City Engineer will review with the City Council alternative designs and seek input from the Council. Previously, the City Council authorized the City Engineer to make the final decision.

**Recommendation:** No action required; for information only.

**PUBLIC HEARINGS:**

9. FUNDRAISER EVENT PERMIT APPLICATION NO. 05-04, SAN MATEO ARBORETUM  
SOCIETY (Deputy City Clerk)

**Summary:** The San Mateo Arboretum Society submitted an application to conduct the Annual Garden Tour and Fundraising Event at 2821 Easton Avenue, 1600 Marlborough Road and 125 Redwood Drive in Hillsborough. This event is proposed to take place Saturday, May 7, 2005 from 10:00 a.m. to 4:00 p.m.

The Hillsborough Municipal Code Section 5.16.080 requires a public hearing for a fundraising event permit where more than 200 people will be in attendance during any one day at any one property. Public Notices have been sent to owners of the properties located within a 500-foot radius of the property listed above.

The Police, Fire and Building Departments have reviewed the application and submitted recommended conditions, which are included in the City Council's packet.

**Recommendation:**

1. Open the public hearing and receive comments;
2. Close the public hearing; and
3. Approve the Fundraising Event Permit Application 05-04 for the San Mateo Arboretum Society Saturday May 7, 2005, subject to the conditions recommended by staff.

10. CONTINUED PUBLIC HEARING, APPEAL OF THE ARCHITECTURE AND DESIGN REVIEW BOARD'S DENIAL OF THE DESIGN OF A NEW HOUSE AND LANDSCAPE PLAN AT 2778 RALSTON AVENUE; Crocker Woods, LLC., Mr. Kevin White; property owner, applicant and appellant (City Planner)

**Summary:** At its meeting of February 14, 2005, the City Council conducted a public hearing, closed the hearing and remanded this item to a joint meeting with the ADRB. A copy of the February 14, 2005 agenda report is included in the City Council's agenda packets for reference. The City Council may accept or reject, wholly or in part, or may modify, the recommendation of the ADRB. The City Council may also remand the application to the ADRB for further consideration with such instructions as the City Council deems appropriate.

**Recommendation:** It is recommended that the City Council consider the information received at the joint meeting with the ADRB and:

1. Re-open the public hearing and receive additional comments;
2. Close the public hearing; and,
3. Uphold without prejudice the ADRB's denial, based on findings; or, approve the design of the new house and landscape plan at 2778 Ralston Avenue subject to compliance with the Standard Conditions of Approval and final approval by the City Engineer and Police Chief of the driveway design.

## **NEW BUSINESS:**

### 11. NOTICE OF INTENT TO ABANDON THE RIGHT-OF-WAY AT OAKDALE COURT (Public Works Director)

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**Summary:** Oakdale Court was created in 1914 as part of a subdivision. The portion of the street to be abandoned was never constructed or used as a street. A later subdivision altered the direction and turned Oakdale into the current roadway.

For many years the court has been used as a dirt road access to an adjacent residence and to the Town's sanitary sewer line. Mr. Bo Thorenfeld has constructed a home next to the court, and he has requested abandonment so that he may use it as a driveway. At his own expense, Mr. Thorenfeld has replaced the sanitary sewer line and paved the driveway.

In September 2004, the Town approved an agreement that states if Mr. Thorenfeld obtains title to the court, the Town will abandon the right-of-way, and Mr. Thorenfeld will subsequently provide a 15-foot easement for the sanitary sewer line, and shall maintain the driveway in such a way that the Public Works Jet Truck can easily access manholes on and near his property.

The Notice of Intent is the first step to abandon the property. A public notice will be published 15 days prior to a public hearing on the abandonment, and notices will be posted on Oakdale Court.

**Recommendation:** Approve the Notice of Intent and schedule a public hearing for the May 9, 2005 City Council meeting.



12. FIRE HYDRANT LOCATION AT ROEHAMPTON ROAD (City Engineer)

**Summary:** At the March Council meetings Mr. and Mrs. Hollingsworth requested that the City Council agendaize the placement of a hydrant on Roehampton, which is part of the water infrastructure improvements being completed by Shaw Pipeline.

Since November 2004, staff has been in discussions with two neighbors on Roehampton regarding the placement of a fire hydrant. Typically, the Town attempts to place hydrants within the right-of-way at the property line. In this case, the first location of the hydrant was selected in the field per the engineering specification, approximately 12-16 feet from the property line. (The neighbors dispute the exact location of the property line.)

At the request of homeowners who have the hydrant in front of their property (Mr. and Mrs. Benz), the Town agreed to move the hydrant closer to the property line. Unfortunately, the adjoining neighbors (Mr. and Mrs. Hollingsworth) are dissatisfied with new proposed location, as it would preclude parking near the property line (parking is not permitted within 15 feet of the hydrant.) Both the Benzs and Hollingsworths will have one less functional parking space in front of their residences. Staff consulted with both neighbors and the Mayor and selected the site closest to the property.

The Hollingsworths' attorney Kent Mitchell and the Benzs have agreed to a presentation format, wherein staff will make its comments, and then the Hollingsworths' representative will speak for up to 10 minutes, and the Benzs will speak for up to 10 minutes. Each side will have up to 3 minutes as a rebuttal period. At the end of the discussion Council will be asked to consider the appropriate location for the hydrant.

The following parameters should be considered about the placement of the hydrant:

- The City Attorney's office has advised staff that the Town has the legal right to place the hydrant in any location within the right-of-way.
- A hydrant is needed for fire suppression in the general area (thus a no hydrant option is not available.)
- The hydrant is being placed within 300 feet of the next hydrant, which is the desirable standard for fire suppression.
- Hydrants are typically not placed at the end of a cul-de-sac as they are more prone to being damaged by large trucks, such as refuse vehicles. When it is necessary to install the hydrant in such a location 2 bollards are installed to protect the hydrant. (Both of the property owners in the cul-de-sac (Hollingsworths and Pandos) have opposed relocation of the hydrant in the bulb.)
- Hydrants are generally placed on the same side of the street. (Technically, the Town can move the hydrant to the opposite side of the street; however, Council should be advised the residence across the street was greatly impacted by the installation of 10" water main their property and they have stated adamant opposition to the concept. The location of an old oak tree also makes locating the hydrant across the street difficult for future maintenance.)

- The Benzs have agreed to the placement of the hydrant in the frontage of their property.

**Recommendation:** City Council direct staff regarding the placement of the hydrant.

13. OVERVIEW AND DISCUSSION OF PROPOSED BUDGET FOR FISCAL YEAR 2005 - 2006  
(Finance Director)

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**Summary:** The Town of Hillsborough's Proposed Budget for FY 2005-2006 with preliminary budgets for FY 2006-2007 and 2007-2008, is presented to the City Council at this time for preliminary discussion.

The proposed budget was presented to the Financial Advisory Committee (FAC) at its April 5, 2005 meeting. The budget presented to the Committee included a balanced General Fund budget and the Water and Sewer Fund budgets that included 5% and 2% increases of the water and sewer rates, respectively. The Committee raised several areas of discussion:

- The General Fund budget included assumptions on the continuing receipts of various state subventions that are subject to the adoption of the State's budget. The Committee also noted the optimistic projections of the Town's major revenues. The consensus is to recommend the General Fund budget as presented with the stipulation that staff closely monitor revenue trends and the budget be reopened around October if adjustments are required.
- Although the Town expects a 9.7% rate of reduction in its wholesale water – an unexpected and sudden action resulting from a special audit of the SFPUC - the Water Fund budget included a 5% rate increase in line with conceptually approved annual rate increases to address the system's long-term capital improvement plan. Town staff took a long-term view to manage rate increases in the future when the SF Public Utilities Commission begins to allocate the Town's share of the improvement costs to Hetch Hetchy. The proposed budget included a recommendation that the difference between what was budgeted and the actual cost be placed in a special reserve. This special reserve would be applied toward future cost, thereby mitigating the potential for drastic rate increases.

While some committee members agreed with the long-term view of managing rate increases, some members expressed concern about the public perception of changes to the rates. This latter group recommended that the Town forego the 5% rate increase this budget year.

- The Committee felt that the Town should increase the Sewer Fund's current debt service coverage of \$1.23. Bond covenant requirement is \$1.20 (\$1.20 net revenues for every \$1 of debt service.) The consensus was that the Town should not be so close to the minimum requirement and that any excess funds could be used for much needed capital improvements. Hence, the Committee recommended consideration of a 4% increase in the sewer rate instead of the originally proposed 2%.

After a lengthy discussion, the Committee decided to agendaize final approval of the budget at its next meeting. The Committee directed staff to forward the budget as a draft to the City Council with the stipulation that the FAC has spent several hours reviewing the budget and has the above comments. The FAC will meet prior to the May Council meeting to approve a budget for submission to the Council.

**Recommendation:** Schedule the proposed budget for FY 2005-2006 for public hearing and adoption at the May 9, 2005 City Council meeting.

14. RESOLUTION AUTHORIZING PURCHASE OF TASER ELECTRONIC RESTRAINT DEVICES FOR POLICE PERSONNEL USING SLESF GRAND FUNDS (Police Captain)

**Summary:** One of the fastest growing areas of Police technology is the development and deployment of more advanced, less-lethal force options as viable alternatives to deadly force in certain hostile encounters with suspects. The Hillsborough Police Department has always taken advantage of these technologies to provide officers with all possible means of safely controlling violent suspects.

The Taser X26 electronic restraint device is a small tool resembling a pistol that each officer can wear on their duty belt on the opposite side from their service weapon. When deployed, the device fires 2 small darts connected by thin wires. Upon contact with the suspect, an electric charge temporarily renders the person's neuromuscular system incapable of fleeing or resisting, thereby enabling the officer to safely subdue and handcuff the suspect without causing permanent injury. Unlike the stun gun or baton, this tool can be deployed from up to 20 feet away, eliminating the need for going "hands-on" with a person who may be armed with a bladed weapon, club, hammer, or other kinds of potentially deadly implements. Safety of the officer and the suspect is greatly enhanced.

The Taser International, Inc. Model X26 is the industry standard, currently in use by over 5,500 police agencies throughout the United States and 75% of the departments in San Mateo County. This device is sold exclusively through one distributor in Nevada, and as such is a single-source item for which competitive bids are not available.

The price to purchase 26 Taser X26 devices, including spare cartridges, training cartridges, holsters, practice targets and USB dataport download software is \$28,148.50, and will be paid with SLESF grant funds.

**Recommendation:** Adopt the resolution authorizing the Police Department to purchase 26 Taser X26 Electronic Restraint Devices and associated accessories for \$28,148.50, plus a contingency of \$1851.50, for a total cost not to exceed \$30,000, to be paid for with SLESF grant funds.