

# MINUTES

## REGULAR CITY COUNCIL MEETING

### MONDAY, NOVEMBER 14, 2005

Mayor Kasten called the regular meeting to order at 6:00 p.m. at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

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

**MINUTES:** The revised amended minutes of the September 12, 2005 City Council meeting and the minutes of the October 10, 2005 City Council meeting were approved.

**PROCLAMATIONS:** Mayor Kasten proclaimed November 15, 2005 “America Recycles Day” and November 2005 as “Be Sewer Smart – Backup Prevention Month”.

#### **PRESENTATIONS:**

- Ms. Angelina Ciucci and Ms. Julie Lamb of the Central County Fire Department presented the winners of the Fire Department’s Second Annual Fire Safety Poster Contest.
- The Town of Hillsborough and Finance Director Edna Masbad were recognized for receiving the Government Finance Officers Association’s Distinguished Budget Presentation Award.

#### **CONSENT CALENDAR:**

Item 4 from the Consent Calendar was removed from the agenda. On motion of Councilmember Fannon, seconded by Vice Mayor Mullooly, unanimous on voice vote, Consent Calendar Items 1, 2, 3, and 5 were approved.

1. MONTHLY CLAIMS: OCTOBER 1 THROUGH OCTOBER 31, 2005

The monthly claims for the month of October 2005 in the amount of \$2,236,166.73 were approved.

2. RESOLUTION APPROVING THE SALARY AND RESPONSIBILITIES OF THE NEWLY CREATED HUMAN RESOURCES SPECIALIST POSITION

The resolution approving the salary and organizational level of the newly created Human Resources Specialist position was adopted.

3. RESOLUTION APPROVING \$7,000 FOR THE RESTORATION OF THE NEW PLACE ROAD GATES

The resolution allocating \$7,000 from the General Fund for the restoration of the New Place Road gates was adopted.

4. RESOLUTION AUTHORIZING THE PURCHASE OF A FORKLIFT

The resolution allocating funds from the Water Fund and authorizing the purchase of one powered forklift from Crown Lift Trucks in the amount of \$21,645 was removed from the agenda.

5. RESOLUTION APPROVING THE CONTRACT WITH FARALLON COMPANY FOR THE CONSTRUCTION OF A SECOND HEADWALL AT 610 EL CERRITO AVENUE AND ALLOCATING UP TO \$10,000 FOR THE EMERGENCY REPAIR

The resolution approving the contract with Farallon Company for the construction of a second headwall at 610 El Cerrito Avenue and allocating up to \$10,000 for the emergency repair from the 2003 Water and Sewer Bond proceeds was adopted.

**PUBLIC HEARINGS:**

**6. ORDINANCE AMENDING CHAPTERS 12.04, 12.12, AND 15.16 OF THE HILLSBOROUGH MUNICIPAL CODE AND UPDATING REFERENCES**

City Planner Maureen Morton stated that this ordinance represents the latest clean-up amendment and includes several changes to the code to reflect current practice. She explained that the first change is to Chapter 12.04 to allow retaining walls 18 inches or shorter to be installed in the public right-of-way, subject to the approval of the City Engineer and with an encroachment permit, to allow for the development of parking strips.

Ms. Morton stated that the second change is to Chapter 12.12, which regulates “outdoor fixtures” such as walls, fences, columns, and light posts. The change is to add a new category called “utility boxes” and provide a process for their location and screening. Applicants must work with the utility companies and the Building Department to locate them so that they are convenient for service, yet not too intrusive to neighbors. The proposed amendment codifies the current process, where the staff, on a case-by-case basis, works with the applicant to ensure that there is as little visual impact as possible.

Ms. Morton stated that the third change is to Chapter 15.16, which adopts the Uniform Plumbing Code and the Uniform Swimming Pool, Spa and Hot Tub Code and amendments thereto. The change eliminates an unnecessary requirement and corrects a minor inconsistency in permit penalty language.

Ms. Morton stated that the final update includes changing all references from Hillsborough Fire Department to Central County Fire Department.

Mayor Kasten asked if Section 12.04 requires the larger PG&E panel boxes to be a certain color to blend in with the surrounding area. Ms. Morton replied that the Building Official could regulate that on a case-by-case basis. The homeowner and installer would work with the Building Department staff.

Mayor Kasten opened the public hearing. No comments were made. The public hearing was closed. On motion of Vice Mayor Mullooly, seconded by Councilmember Krolík, unanimous on voice vote, the ordinance amending Chapters 12.04, 12.12, and 15.16 of the Hillsborough Municipal Code and updating references was adopted.

**7. ACCEPTANCE OF THE DRAFT URBAN WATER MANAGEMENT PLAN (UWMP)**

Public Works Director Martha DeBry explained that State law requires that all urban water providers serving more than 3,000 customers must submit a plan for management of water within their system to the Department of Water Resources. The UWMP is a long-range planning document that provides data to regional water planning agencies, outlines the availability of water resources, projects water usage and describes conservation programs. UWMP’s must be updated in years that end with “0” or “5”. Ms. DeBry stated that Hillsborough’s UWMP has been updated in cooperation with the San Francisco Public Utilities Commission (SFPUC) and the Bay Area Water Supply and Conservation Agency (BAWSCA).

Councilmember Fannon asked if there is a significant difference in five years. Ms. DeBry explained that the water supply can recover quickly in one year, but a five-year span requires a longer recovery period. The SFPUC can require the Town to use water saving methods and limits could be imposed.

Mayor Kasten asked if there was a water shortage, does the SFPUC’s share go up and the Town’s share go down. Ms. DeBry replied yes. SFPUC guarantees their community a certain amount and BAWSCA agencies divide the rest.

Mayor Kasten opened the public hearing. No comments were made. The public hearing was closed. On motion of Councilmember Fannon, seconded by Vice

Mayor Mullooly, unanimous on voice vote, the draft Urban Water Management Plan was accepted and will be scheduled for a public hearing for adoption of the plan on December 12, 2005.

**NEW BUSINESS:**

8. ORDINANCE AMENDING SECTIONS 13.20.030 AND 13.20.040 OF THE HILLSBOROUGH MUNICIPAL CODE TO INCREASE WATER CONNECTION CHARGES AND SERVICE RATES EFFECTIVE FOR BILLINGS AFTER JANUARY 1, 2006 - INTRODUCTION

Finance Director Edna Masbad explained that the Town's water rates have not changed since July 2004 due to the previous periods' healthy operations and the decrease in wholesale water rates starting April 2005. However, the consumption level has changed drastically during the last 15 months. Usage has gone down 14% during fiscal year 2004-2005 and the trend continues to the first quarter of fiscal year 2005-2006.

Ms. Masbad stated that the Town's enterprise operations include fixed debt service costs to pay the debt issued to finance the extensive Capital Improvement Program (CIP) approved in 2001. Additionally, staff is seeking approval to issue additional debt in early 2006 to continue the program. Ms. Masbad stated that covenants covering these debts required a certain level of revenues to cover operating expenses and the debt service. In order to meet these legal requirements and to ensure that the Town maintains its credit ratings, it is necessary to request a water rate change to raise revenues to required level.

Ms. Masbad stated that the Town is required to have \$1.21 for every dollar to cover the debt. The Town may not meet that requirement if we do not increase water service rates. The Town must show that we have enough in revenues to cover the debt.

Ms. Masbad proposed a 10% rate increase for water connection charges and service rates to meet these legal obligations. The 10% rate increase would give the Town \$1.31 in debt service coverage. Ms. Masbad stated that residents that use 50 units of water per billing period would see a \$16 increase in their bi-monthly bill, which translates to about \$8 per month. This amount would apply to 44% of the population. Billings for those using 150 units of water would increase by \$57 or \$28.50 per month. Ms. Masbad stated that September 2005 billings for half of the Town residents, normally the highest usage for the year, show that 20% used less than 50 units and 75% used 150 units or less.

Mr. Jay Benton, Chairman of the Financial Advisory Committee (FAC), has been monitoring this issue and discussed with the FAC the recommendations presented tonight. He stated that this problem is related to the weather. There was a reduction in water usage during October and November 2004 because we had an early start to the rainy season. Mr. Benton stated that the Town must maintain the debt coverage and the Committee recommends a rate increase for January 1, 2006. This is a consumption problem and the cost of our water system is not based on consumption. The FAC considered including a fixed charge to cover the costs incurred to maintain our pumps and tanks, and to increase our revenue to maintain the strongest credit rating.

Councilmember Krolik asked if there was a problem with separating the cost for water usage from the cost of maintaining the infrastructure. Ms. Masbad explained that that was a legal question. If the Town distinguished the cost for capital improvements and water usage it could be subject to Proposition 218. Assistant City Attorney Penny Greenberg explained that usage based rate structures are not subject to Prop 218, but charging a flat fee for maintaining the infrastructure would be subject to Prop 218. Notice requirements to every household, a hearing, and an election would be required and there could be a possibility that the Town would not be able to implement the change if denied by the residents.

Councilmember Krolik asked if the Town could educate the public about the reasons for the water rate increase. Ms. Greenberg responded that we need to explain the budget problem and what is allocated for CIP and water rates. Ms. Masbad stated that she plans on sending an insert in the November and December 2005 water bills explaining the Capital Improvement Program to the homeowners.

Mayor Kasten asked if \$1.31 in debt service coverage was too low. Mr. Benton stated that the FAC was going to monitor this. The FAC does not know what next spring will bring as water usage is based on the weather. The FAC may need to come back to Council to ask for another increase when the FAC asks for a new bond. Ms. Masbad stated that with a larger increase now, she may not have to ask for an additional increase next spring.

Mr. Benton stated that the FAC recommends a 15% increase, which guarantees a better credit rating. Mayor Kasten asked if Council approves the 15% increase would the FAC ask for an additional rate increase. Mr. Benton replied no, however there is another issue that we must deal with in the future, the rebuilding of Hetch Hetchy. In two years the SFPUC will increase Hillsborough's rates.

Ms. Masbad recommended a 10% increase in water rates. She stated that the Town has not had a rate increase in 1-1/2 years. Mayor Kasten stated he would not like to ask for another rate increase in two to three months and recommended a 15% increase and it would be in the Town's best interest to maintain the best credit rating.

A member of the public commented on charging residents for water usage from private wells. City Engineer Cyrus Kianpour responded that there is no regulation for wells in San Mateo County. Well users have little impact on Hillsborough's water consumption.

On motion of Vice Mayor Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, the ordinance amending Sections 13.20.030 and 13.20.040 of the Hillsborough Municipal Code to increase water connection charges and service rates effective for billings after January 1, 2006 was introduced and December 12, 2005 was set as the public hearing date to consider adoption of this ordinance with a 15% increase in water rates.

9. **ORDINANCE AMENDING TITLE 6 OF THE HILLSBOROUGH MUNICIPAL CODE TO CONFORM TO THE DANGEROUS ANIMAL ORDINANCE REVISIONS ADOPTED BY THE COUNTY OF SAN MATEO - INTRODUCTION**

Police Chief Matt O'Connor explained that in September 2005 San Mateo County revised the County's Dangerous Animal Ordinance and forwarded it to all the cities in San Mateo County. Chief O'Connor stated that Assistant City Attorney Penny Greenberg rewrote Hillsborough's ordinance so that it is in alignment with the County's policy.

Councilmember Fannon asked if the Police Department knows the location of any dangerous animal in the Town. Chief O'Connor responded that there are one or two records on file and the Police Department knows where the dangerous animals are located. The homeowner must abide by specific conditions, i.e., fencing, gates, locks, etc. Councilmember Fannon asked if a \$1,000,000 bond is required for a dangerous animal. Chief O'Connor answered yes; it is a very restrictive policy with a lot of rules to follow. He added that usually the owner would move the dangerous animal out of Hillsborough.

Vice Mayor Mullooly stated that the language in Section 6.04.010.I needed to be clarified. Ms. Greenberg stated it could be clarified.

On motion of Vice Mayor Mullooly, seconded by Councilmember Fannon, unanimous on voice vote, the ordinance amending Title 6 of the Hillsborough Municipal Code to conform to the Dangerous Animal Ordinance revisions adopted by the County of San Mateo was introduced and December 12, 2005 was set as the

public hearing date to consider adoption of the ordinance with the deletion of “for commercial purposes” from 6.04.010.I.

10. ORDINANCE AMENDING CHAPTER 8.32 (NOISE REGULATIONS) OF THE HILLSBOROUGH MUNICIPAL CODE FOR CLARITY AND SIMPLIFICATION - INTRODUCTION

Assistant City Attorney Penny Greenberg stated that the ordinance amending Chapter 8.32 (Noise Regulations) of the Hillsborough Municipal Code simplified the provisions to make them easier to understand and enforce.

Councilmember Krolik asked if this ordinance applied to incessant barking dogs. Police Chief Matt O'Connor stated that Penal Code 4.5 covered disturbing the peace. Councilmember Fannon stated that on Saturday he ran into gardeners using leaf blowers. He requested that the Police Department be aware of the problem.

On motion of Councilmember Krolik, seconded by Councilmember Fannon, unanimous on voice vote, the ordinance amending Chapter 8.32 (Noise Regulations) of the Hillsborough Municipal Code for clarity and simplification was introduced and December 12, 2005 was set as the public hearing date to consider adoption of this ordinance.

11. RESOLUTION AUTHORIZING \$19,729 FOR THE PURCHASE OF TWO ZAP XEBRA ELECTRIC VEHICLES AND ACCEPTING THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT'S \$2,000 REIMBURSEMENT

Public Works Director Martha DeBry stated that staff proposed in the 2005/2006 budget the acquisition of two electric vehicles for \$15,000 in the Public Works Administration budget to serve as pool cars. Electric vehicles were considered in order to reduce the noise generated by vehicles traveling in and out of the Municipal Service Center and to minimize operation costs. Employees using the vehicles would include the Public Works Director, clerical staff, and inspectors.

Ms. DeBry stated that the electric vehicle is typically used for short commutes in residential areas and is mechanically regulated to a limited speed of 25 mph. The vehicle that most closely matched the Town's budget and needs was the ZAP Xebra, which is a 3-wheeled, 4-passenger vehicle. The vehicle is manufactured in Santa Rosa, and would be serviced from that location. The average cost of operation per year is \$300.

Ms. DeBry stated that the bid price for the two ZAP Xebbras is \$19,729 including tax, license, and delivery fees. Staff applied for and received grant vouchers from the Bay Area Air Quality Management District to reimburse the Town \$1,000 per vehicle (\$2,000 total), which would reduce the Town's total cost to \$17,729.

Councilmember Fannon asked if the electric vehicle could go up the hills. Ms. DeBry responded that if the electric vehicles do not work well on the hills we could return them to ZAP.

Vice Mayor Mullooly asked if the color of the vehicle was chosen. Ms. DeBry stated that she would probably choose green.

A member of the public was concerned about the cost of ownership and longevity of the electric vehicles. Ms. DeBry replied that ZAP has been around since 1993, the vehicles would be serviced out of Santa Rosa, and that the electric cars have fewer parts to be replaced.

On motion of Councilmember Fannon, seconded by Vice Mayor Mullooly, unanimous on voice vote, the resolution authorizing \$19,729 for the purchase of two ZAP Xebra electric vehicles and accepting the Bay Area Air Quality Management District's \$2,000 reimbursement vouchers was adopted.

12. RESOLUTION REGARDING THE DISPOSITION OF THE BOWHILL RESERVOIR SITE (115 RESERVOIR ROAD)

Public Works Director Martha DeBry explained that the Town owns a one-acre parcel at 115 Reservoir Road, which has been declared as surplus property. Approximately thirty-two years ago the Town abandoned an in-ground concrete water reservoir at the site. The parcel was appraised in 2003 at \$1.9 million. Ms. DeBry stated that a new appraisal should be done.

Councilmember Fannon asked if the property was a buildable lot. Ms. DeBry responded that because of the reservoir size, a substantial amount of demolition and grading must be performed before the site is suitable for construction. The soil compaction must be adequate to support a building structure. The task of filling the reservoir could be performed more efficiently when the footprint of the proposed structure was known. Ms. DeBry suggested selling the property without demolishing the reservoir.

Councilmember Krolik asked if \$15,000 was high for the appraisal cost. Ms. DeBry responded that the last appraisal was \$5,000. City Attorney Norm Book recommended using the same appraiser we used in 2003 to do an update to our previous appraisal of the property. City Manager Constantouros stated that this type of real estate appraisal is complicated and the previous appraisal was a cursory appraisal.

Mayor Kasten stated that Councilmember Regan (who was absent) suggested considering a provision to invest and reserve the sale proceeds of 115 Reservoir Road for property and equipment acquisition.

Vice Mayor Mullooly requested that Item 6 not be included in the resolution. Mayor Kasten directed staff to get Council's approval of the appraisal of 115 Reservoir Road before proceeding with the sale of the property.

On motion of Vice Mayor Mullooly, seconded by Councilmember Krolik, unanimous on voice vote, the resolution directing that the 115 Reservoir Road property be appraised, at an appraisal fee not to exceed \$15,000, was adopted with the removal of Item 6 from the resolution.

13. REQUEST FOR TREE REMOVAL, NORTH SIDE OF RALSTON AVENUE, HILLSBOROUGH CITY SCHOOL DISTRICT; CONSIDERATION OF A DRAFT COMMENT LETTER TO THE MITIGATED NEGATIVE DECLARATION

Assistant Superintendent Larry Raffo of the Hillsborough City School District updated Council on the progress of the School District's Tree Removal Project. He stated that last month he reviewed the steps the School District planned to undertake to implement their Master Plan, including removal of the Eucalyptus trees from Crocker Middle School along the north side of Ralston Avenue between Eucalyptus Avenue and Chateau Drive. Mr. Raffo stated that he spoke to multiple contractors about the Tree Removal Project. He explained that some of the trees are on the School's property, some on the Town's property, and some trees straddle the property line.

Mr. Raffo stated that at the October 10, 2005 City Council meeting, there was concern about road delays. He stated that one lane would remain open at all other times, road delays would not exceed five minutes, and no more than fifteen cars can line up at any one time. He explained that to increase safety when removing the top part of the trees, there might be some delays when the road is closed in both directions. There would also be detours around the area, which he hopes would minimize delays on Ralston.

Mr. Raffo stated that the contractor expects the Tree Removal Project to take 45-60 days with additional days for weather delays. He said that the road delays would occur only when the tops of the trees were coming down. The project would start

during winter break (December 22, 2005 through January 9, 2006) with the trees in front of Crocker School and the gym. The contractor would then continue with the removal of the remainder of the trees on January 10, 2006.

Mr. Raffo stated that the nine contractors he spoke to said that the project could be completed. The contractors could stage their equipment on the school property. Defoliating would start on January 10, 2006.

Mr. Raffo stated that the contractor's work hours would be Monday through Friday from 8:00 a.m. to 5:00 p.m., Saturdays from 10:00 a.m. to 4:00 p.m., and during the school session from 9:00 a.m. to 2:30 p.m., which allows for more time for pick up and drop off of students. When there is a late start on Wednesdays, the project would start at 10:00 a.m.

Mr. Raffo stated that the emergency plan with the Police and Fire Departments would allow a police motorcycle to pass through North School and into the Crocker parking lot. He stated that radiomen would be on-site to allow the Fire Department to pass in emergencies. There would be a foreman at the location at all times for emergencies.

Mr. Raffo stated that the School District would abide by the recycling ordinances. The trees would be chipped and taken to the recycling stations. Most parts of the trees would be burned as fuel. He stated that the Town's recycling needs would be met.

Mr. Raffo stated that the contract manager and foreman would do daily checks for road damage. Any damage to the road would be repaired with a cold patch. Cracks would be repaired on a weekly basis. He stated that the contractors do not expect a lot of damage to the street, but there may be more damage in the springtime. Trees would be cut in sections, and would not be felled, as that would cause more damage and would be more problematic. The chipping of branches and cutting of logs would be done at the Crocker School site. Mr. Raffo stated he plans on working with members of the Town to mitigate as best he can.

Mr. Raffo stated that the job is out to bid. The original plan was to start in mid-May 2006, but the initial environmental study determined that the bird-nesting season begins in February, and so the project was moved up to December 2005. He stated that nine tree contractors are interested in the project, but the contract would not be awarded until the Mitigated Negative Declaration is approved on December 7, 2005.

Councilmember Fannon asked if a full Environmental Impact Report (EIR) is required. Mr. Raffo replied that Environmental Science Associates did an exhaustive study, investigated the site, and recommended that using mitigation measures would mitigate the environmental impact to less than significant, and therefore the School District would not need the EIR.

A member of the public asked why the School District was doing this project. Mr. Raffo stated that the Eucalyptus trees are going to be removed because of safety issues. The trees drop limbs and there have been near misses on the field. It is also needed for future street improvements to alleviate congestion.

City Manager Constantouros stated that the public could provide comments or suggestions on the Mitigated Negative Declaration to the Hillsborough City School District by November 19, 2005. The School District will hold a meeting on November 16, 2005 at 7:00 p.m. at Crocker Middle School. An informational meeting will be held on November 29, 2005 at Town Hall to go over specifics. Mr. Raffo stated that the proposed Mitigated Negative Declaration is available at the HCSD's office at 300 El Cerrito Avenue and on their website.

Councilmember Fannon asked Mr. Raffo if he has communicated to the public about the Tree Removal Project. Mr. Raffo replied that all guidelines have been followed for the entire project, including advertisements in the newspaper, 500' notifications to neighbors and to State agencies (Clearing House, Department of

Fish and Game), postings on bulletin boards, and a notice on Hillsborough's cable channel. Mayor Kasten stated that there is a lot of interest beyond the 500' notification area.

Ms. DeBry then reviewed the Draft Comments on the proposed Mitigated Negative Declaration. Ms. DeBry stated that the School District is the lead agency and that the Town is the responsible agency. The HCSD must be in compliance with the Town's policies only for work within the rights-of-way. She noted that the Town has asked why an EIR is not being performed. This project includes a 350-seat Performing Arts Center.

Ms. DeBry stated that the HCSD is obligated to respond in writing about the Mitigated Negative Declaration, as the Tree Removal Project will affect traffic, parking, and utilities (water, sewer, and storm drain). The Town has jurisdiction on improvements and work in the rights-of-way.

Ms. DeBry stated that the draft Mitigated Negative Declaration had reference to Hillsborough's Zoning Ordinance Section 10.8, which does not exist. For work in the public rights-of-way, the Town will be issuing encroachment permits, not building permits. The Town has no jurisdiction to issue building permits for School construction projects such as the Performing Arts Center on School District property.

Ms. DeBry stated that the tree removals proposed in the public rights-of-way are subject to the issuance of an encroachment permit, approved by the City Council, which may include conditions of approval and special mitigation measures, and require compliance with Town ordinances and policies. She stated that the Town is responsible for ensuring compliance with erosion control requirements, storm water pollution prevention plans and best management practices within the rights-of-way.

Ms. DeBry stated that a single point of contact with a supervising contractor would be required for emergencies.

Mayor Kasten asked Ms. DeBry if the Town has any input on the School District's property. Ms. DeBry responded that the Town only has jurisdiction in the rights-of-way.

Mayor Kasten asked if the workers would carpool from a different location. Ms. DeBry replied that a condition of the permit would be that the contractor would be required to organize and plan for offsite parking.

Mayor Kasten asked what the height of the Performing Arts Center would be. Mr. Raffo replied three stories, and that it would be no higher than the current structure.

A member of the public commented about the number of trees being removed.

Mayor Kasten complimented Ms. DeBry on doing a really good job and stated that he will sign the comment letter to the HCSD's Mitigated Negative Declaration.

14. UPDATE ON T-MOBILE FACILITIES: CONSIDERATION OF A "TREE POLE" AT VISTA PARK

Public Works Director Martha DeBry stated that a microcell facility was installed at 870 Longview Road. At the September 12, 2005 City Council meeting, Council requested that T-Mobile work with staff to determine if alternative locations could be found. T-Mobile evaluated several sites in the Town's open spaces including Crossroads Park, the Vista Water Tank site, and Vista Park. Ms. DeBry stated that Crossroads Park has frequency issues. The Vista Water Tank site has large Eucalyptus trees along the perimeter, the site is visible from rear yards of four neighbors, and the tanks are to be replaced.

Ms. DeBry stated that T-Mobile proposes to install a tower, not a microcell facility, as a tower has a broader reach than microcell installations, which would reduce the number of microcells needed and provides the opportunity for co-location of



antennae. The three types of towers include the traditional tower, the flagpole, and the tree pole (stealth pole). The traditional tower is similar to the Summit Tank Site facilities. The wires within the pole determine the width of the flagpole. The distance of the flagpole from a utility box is an issue. The tree pole is typically taller than surrounding trees and the quality of the installation varies. Some tree poles have a normal canopy and look like trees from a distance. While they do not have the variance in color as real trees, tree poles can still be aesthetically pleasing.

Ms. DeBry stated that T-Mobile proposes to install the tree pole at the eastern edge of the field tucked between trees at Vista Park. The location requires providing space for the ancillary equipment and requires a lease agreement between the Town and wireless provider. Ms. DeBry requested authorization to provide notification to residents within 500' from Vista Park about a public meeting regarding the potential installation of the tree pole.

Vice Mayor Mullooly asked what the height of the tree pole would be at Vista Park. Ms. DeBry replied 40-50'. Vice Mayor Mullooly asked what happens when the surrounding trees get taller. Ms. DeBry replied that the adjacent trees would need to be trimmed.

Mayor Kasten asked if the tree pole could accommodate other antennae. Ms. DeBry replied yes. She stated that the Town could make it part of the agreement to provide for different providers on a tree pole.

Mayor Kasten asked if there were any other sites available. Ms. DeBry replied that it appears there are no other alternative sites. The Reservoir Road location, police tower, Municipal Service Center, and other sites were ruled out. Mayor Kasten asked if Town Hall was ruled out. Ms. DeBry replied yes.

Mayor Kasten asked if the cell site at 870 Longview Road was active. Ms. DeBry stated that it was electrified two weeks ago. Mayor Kasten asked if T-Mobile would pay for the construction of the tree pole. Ms. DeBry replied yes. Councilmember Krolik asked what the timeline was. Ms. DeBry stated that the process would take approximately 120 days.

Councilmember Krolik asked if the cell site on Longview could be turned off if Council approved the tree tower. Ms. DeBry stated she has not asked T-Mobile that question yet. Mayor Kasten asked if the fire station locations were looked at. Ms. DeBry stated that it would not be an easy task to install the tree pole at the fire stations, as it was a labor issue in the past at Station 32.

City Attorney Book asked since the tree tower would be 20 feet higher than the cell site on Longview any impact of the emissions at ground level would be lessened. Ms. DeBry stated that would be the case and added the tree pole antenna would be compliant to the FCC's standards and that the antenna would be 20 to 30 feet higher.

Mr. Larry Friedberg of 870 Longview Road stated that he was concerned about Vista Park being voted down and that the Town should have other options. Vice Mayor Mullooly stated that she did not want to see the Town move the problem from one site to another. Ms. DeBry stated that T-Mobile has a site at the Darrell Tank Site and needed coverage at another part of Town. City Planner Maureen Morton stated that PG&E installed a large tower on Skyline.

Ms. DeBry stated that T-Mobile is confident that the Vista Park site would be a suitable location for the tree pole, which could accommodate three to four carriers, and that T-Mobile is sincere in agreeing to remove the cell site at 870 Longview Road if Council approves its installation on a tree pole at Vista Park. Ms. DeBry added that the removal of the cell site at 870 Longview Road could be a condition of approval of the tree pole. Ms. DeBry stated she has discussed the tree pole with board members of the Hillsborough Beautification Foundation.

On motion of Councilmember Krolik, seconded by Councilmember Fannon, unanimous on voice vote, Council authorized a public meeting to discuss the proposed installation of a tree pole and send a 500 foot notice to residents adjacent to Vista Park, and Council added that T-Mobile must look at installing their cell site on the PG&E tower on Skyline Boulevard and T-Mobile must remove the cell site from 870 Longview should an acceptable alternative plan be approved by T Mobile and the Town.

## **DISCUSSION:**

### **15. ORDINANCE REGARDING THE APPROVAL AND PLACEMENT OF WIRELESS FACILITIES WITHIN THE TOWN OF HILLSBOROUGH**

Public Works Director Martha DeBry stated that the Town of Hillsborough does not have an ordinance that specifically addresses the approval and placement of wireless facilities. Staff reviewed the ordinances adopted by the cities of Torrance and Walnut Creek and drafted an ordinance to create a process for the installation of wireless cell sites. Staff tried to address the issue of moving facilities out of residential areas and into less populated areas. Ms. DeBry stated that overly concentrated installations would not be allowed, as new wireless facilities must be 3,000 feet from existing poles.

Ms. DeBry stated that the ordinance would create a new permit strictly for the wireless facility, which would give the Town more control such as when and where the wireless facility could be installed. An encroachment permit would allow antennae on private residences. Currently, cell sites are not allowed on private properties. Wireless facility providers must explain the objective of the new location, provide calculations on wind load, simulations of the wireless facility, and provide a photo survey of the general area. The wireless facilities must meet a certain design standard, which requires them to be as visually pleasing as possible. The permit would be subject to renewal every five years. Non-active wireless facilities would be removed.

Councilmember Krolik asked if the new ordinance required the revocation of the permit if there were new health findings. Assistant City Attorney Penny Greenberg stated that current federal regulations do not allow the Town denial of installations as long as FCC regulations are met.

Councilmember Krolik asked how the Town would know if a wireless facility was not in use for a period of 180 days. Ms. DeBry replied we could check the power consumption, but it is not in the provider's best interest to leave it inoperable as the providers have a lot invested in the wireless facilities. Ms. DeBry stated that the renewal process will help. San Mateo has a two-year renewal term.

Mayor Kasten stated as new technology advances, could the Town require the wireless provider to install the newest technology. Ms. Greenberg stated that the five-year renewal process asks the provider to explain any new technology available and asks why they have not installed it at their current location. The Town has the option not to renew.

Mayor Kasten asked how people would know if the City Engineer has approved a facility if they only have fifteen days. Ms. Greenberg stated that everyone within the notification area would be informed of the process, but fifteen days may not be long enough.

Mayor Kasten asked if the City Engineer would get involved in the aesthetics of the wireless facilities, or if the Architecture, Design Review Board (ADRB) should be involved. Ms. DeBry responded that approval from the ADRB is an option. The wireless facility provider would need to provide specifics of the installation including pictures. Ms. DeBry stated that her experience with the ADRB is that they look at houses and not poles, and she was not sure if it would be practical. Councilmember Fannon stated that the ADRB is involved in design. City Manager Constantouros stated that the ADRB would have to also review PG&E and cable boxes throughout the Town.

Mr. Ray Smith of 1615 Floribunda stated that the ADRB does a great job with houses and landscapes, and that the ADRB should be involved in the approval of the wireless facilities.

Ms. Phyllis Tankel of 870 Longview Road asked why the cell site could not be put underground. Ms. DeBry replied that the cell site has to be aboveground, but some equipment can be underground, and the new ordinance covers this issue.

Mr. Larry Friedberg of 870 Longview asked if the new ordinance would be retroactive to the installation of the cell site at 870 Longview Road. City Attorney Norm Book stated that since the permit was issued in August 2005 and T Mobile has expended monies in reliance thereon a new ordinance likely would not apply; however, if T Mobile applies for an alternate location, T-Mobile would have to comply with the new ordinance. Mr. Friedberg asked if T-Mobile abandons the cell site at 870 Longview could T-Mobile transfer the rights to another carrier. Ms. Greenberg stated that Section 120 of the new ordinance covers removal of facilities and the Town may need to address this. Mr. Friedberg stated that his key issue is to have the cell site at 870 Longview Road removed, but not installed near other residents. Ms. DeBry stated that the proposed ordinance will address this issue.

Councilmember Krolik asked what happens if a wireless facility is on a private residence and the homeowner sells the property. Mr. Book replied that it would be subject to the lease agreement with the wireless provider. The buyer would need to be informed of the wireless lease agreement. Ms. Greenberg stated that homeowners should negotiate an agreement with the wireless facility company.

Mayor Kasten thanked Ms. DeBry, Ms. Greenberg, and Mr. Book for their work. Ms. Greenberg asked if the Council wanted to bring this agenda item to the December 2005 City Council meeting. City Manager Constantouros stated that the Town needs to proceed quickly. Ms. Greenberg added that the Town could always change an ordinance.

Council directed staff to place the ordinance regarding the approval and placement of wireless facilities within the Town of Hillsborough at the December 12, 2005 City Council meeting for introduction.

## 16. GREEN BUILDING METHODS

Chief Building Official John Milke stated that he researched various green building methods and had several discussions with the State Energy Commission, and concluded that an amendment to Hillsborough Municipal Code upgrading the minimum standards required by the state energy code to increase insulation and window values will significantly help increase energy efficiency. Mr. Milke discussed various energy saving methods such as solar panels, insulation, water heaters, and windows with several building contractors. He proposes to increase the insulation value of windows in new homes and additions from a rating of .67 to .50 and floor insulation to R-19 to decrease energy consumption.

Councilmember Fannon asked if the architects would agree to these changes. Mr. Milke said he met with several architects and they approved of the plan. Mayor Kasten asked if double paned windows are required in the Town. Mr. Milke replied that windows that are rated .50 are double paned. Councilmember Krolik asked how long it would take the homeowner to get their money back by implementing these energy savings methods. Mr. Milke responded that the homeowner would see an approximate 15% savings and that homeowners are extremely pleased with these numbers.

Mayor Kasten thanked Mr. Milke on doing a terrific job. Mr. Milke stated that an ordinance amendment regarding the insulation standards would be introduced at a future City Council meeting.

## 17. REPORT ON DISPOSITION OF GATE HOUSE

Public Works Director Martha DeBry stated that the Gate House is a small one-bedroom residence that was constructed around 1930 at the corner of Ralston and Eucalyptus. The gates and Gate House were the entryway to the Carolands Subdivision. The Town used the Gate House as employee housing in the late 1950's.

Ms. DeBry stated that the interior of the building has substantially deteriorated over the past year as the Gate House has been neglected for some time. The interior walls are gone, the flat roof over the garage area has collapsed, and a section of the gabled roof in the center of the building is exposed, and consequently rain and debris are damaging the interior of the structure. The damage is extensive as the ceiling beams and floor joists have rotted away.

Ms. DeBry stated that upon inspection signs of vandalism inside the Gate House were evident. Chief Building Official John Milke deemed the building unsafe, had it boarded up, and posted signs that it is an unsafe building.

Ms. DeBry stated that the Eucalyptus trees near the Gate House are an issue because a lot of debris is dropping from the trees, the roots are lifting the foundation, and a trunk bows against the building.

Ms. DeBry stated that the Hillsborough Beautification Foundation and other groups are interested in the restoration and rebuilding of the Gate House. It is not a historical building, but Hillsborough residents are attached to it. Ms. DeBry stated that the Town needs to decide what happens to this site, and she will coordinate with volunteers interested in the restoration and renovation of the Gate House to come up with a plan, and will present the plan to Council by summer 2006.

Councilmember Fannon asked if HBF as a group was interested in restoring the building. Ms. DeBry replied that certain members want to take this on. Councilmember Krolik added that HBF does not intend to do another fundraiser so soon after the Vista Park Renovation Project, and that HBF was thinking of a community-wide fundraiser, but the purpose of the building will need to be determined first. Councilmember Krolik stated that a lot of people are interested in keeping the building.

City Attorney Norm Book stated that the Town needs to take steps to secure the building to prevent the roof from falling on someone inside. Mr. Book asked how the vandals are getting into the Gate House. Ms. DeBry stated from a back window and door. She will ask the Police Department for assistance in checking the building on a regular basis for vandals.

Vice Mayor Mullooly stated that there was no parking available at the Gate House so if meetings were held in the Gate House, it could only accommodate a few people.

City Manager Constantouros stated that it may be better to rebuild the Gate House. He stated that the exterior of the Gate House gives a false impression that it could be renovated. It would be cost effective to include the removal of the Eucalyptus trees as part of the School District Tree Removal Project.

Mayor Kasten directed Ms. DeBry to seek alternatives for the Gate House and to take immediate steps to secure the unsafe building. Ms. DeBry stated that she would place an article in the next Town newsletter with photos of the Gate House and will notify residents about the condition of the building and future options.

### **PUBLIC COMMENT:**

There were no comments.

**CITY COUNCIL ITEMS:**

Vice Mayor Mullooly and Councilmember Krolik announced that they would attend the Council of Cities Dinner/Meeting on Friday, November 18, 2005.

Vice Mayor Mullooly attended the Central County Fire Department Joint Powers Authority (JPA) meeting where the board passed the 2006 budget. At the Central County JPA meeting Chairman Joe Galligan retired and Vice Mayor Mullooly will take over as Chairman. The merit pay plan for the Fire Chief and Assistant Fire Chief will be going to the Burlingame City Council for approval.

Mayor Kasten, Vice Mayor Mullooly and Councilmember Krolik attended the Disaster Preparedness Day at the San Mateo County Expo Center on Saturday, December 12, 2005. 5,000 people were in attendance and the event was a great success.

Councilmember Krolik also discussed with Mr. Constantouros and Mr. Milke the need for better communication to residents about the importance of a building permit as it ensures safety and quality of work. Councilmember Krolik suggested having an open house for residents to meet the Building and Planning Departments like the Police Department does with kids.

Mayor Kasten attended the Housing Leadership Day in October where affordable housing was discussed.

Mayor Kasten recognized City Planner Maureen Morton, Assistant City Planner Gina Tynan, Building Department Secretary Sally Rumsey, Building Inspector John Mullins, and Building Inspector Ray Yniguez for receiving notes and words of appreciation.

**ADJOURN:**

Mayor Kasten adjourned the meeting at 10:10 p.m.