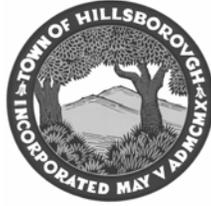


# TOWN OF HILLSBOROUGH

San Mateo County

Thomas M. Kasten, Mayor  
Catherine U. Mullooly, Vice Mayor  
D. Paul Regan  
John J. Fannon  
Christine M. Krolik

1600 Floribunda Avenue  
Hillsborough, CA 94010



## A G E N D A

*MONDAY, January 9, 2006*

*5:00 p.m. CLOSED SESSION*

*6:00 p.m. CITY COUNCIL MEETING*

*Hillsborough Town Hall*

### **CLOSED SESSION (5:00 p.m.)**

#### **A. CONFERENCE WITH LABOR NEGOTIATOR Section 54957.6**

Agency negotiator: Katharine Leroux, Assistant City Manager

Employee organization: Hillsborough Police Officers Association - Teamsters Local 856

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

#### **I. PLEDGE OF ALLEGIANCE**

#### **II. ROLL CALL**

#### **III. MINUTES:** December 12, 2005

#### **IV. PRESENTATION:** The San Mateo County Crime Lab will award the Police Department with special Automated Fingerprint Identification System (AFIS) citations for the submission of exemplary quality latent fingerprint lifts from burglary scenes.

#### **V. 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: DECEMBER 1 THROUGH DECEMBER 31, 2005

2. QUARTERLY TREASURER'S REPORT

3. RESOLUTION TERMINATING THE JOINT POWERS AGREEMENT ESTABLISHING THE CRIMINAL JUSTICE COUNCIL OF SAN MATEO COUNTY
4. RESOLUTION ACCEPTING AS COMPLETE THE PAVEMENT MAINTENANCE AND REHABILITATION PROJECT ST-405 AND ST-406
5. RESOLUTION TO ABANDON A SANITARY SEWER EASEMENT AT FAGAN DRIVE
6. RESOLUTION APPROVING THE RECLASSIFICATION OF TWO MAINTENANCE WORKER POSITIONS TO PUBLIC WORKS SUPERVISORS AND ALLOCATION OF A NEW POSITION OF SERVICE CLERK I/II IN THE PUBLIC WORKS DEPARTMENT
7. RESOLUTION APPROVING THE PURCHASE OF A TOSHIBA 351C COPIER FOR THE PUBLIC WORKS DEPARTMENT

**VI. NEW BUSINESS:**

8. PRESENTATION REGARDING PARKS FOR THE FUTURE
9. RESOLUTION ADOPTING AN INTEREST RATE RISK MITIGATION (SWAP) POLICY
10. RESOLUTION APPROPRIATING UP TO \$30,000 FOR THE EMERGENCY REPAIR OF A LANDSLIDE ADJACENT TO MACADAMIA ROAD

**VII. OLD BUSINESS:**

11. OPTIONS RELATED TO TOWN OFFICE SPACE: PRESENTATION OVERVIEW AND UPDATE REGARDING THE TOWN OF HILLSBOROUGH FACILITY REMODEL, STAFF PLACEMENT AND FURNITURE UPGRADES

**VIII. PUBLIC HEARING:**

12. FUNDRAISER EVENT PERMIT APPLICATION 06-01 FOR A KITCHEN TOUR FOR THE COMMUNITY SERVICE LEAGUE AT 1941 PARKSIDE AVENUE, 270 BRIDGE ROAD, 35 SHELDON WAY, 711 BROMFIELD ROAD
13. ORDINANCE ADDING CHAPTER 15.32 TO THE HILLSBOROUGH MUNICIPAL CODE REGARDING WIRELESS COMMUNICATIONS FACILITIES AND AMENDING SECTIONS 2.12.070 AND 17.16.010 OF THE HILLSBOROUGH MUNICIPAL CODE
14. TREE POLE AT VISTA PARK

**IX. 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.*

**X. 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.*

**XI. 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.*

**MINUTES:**

*A copy of the unapproved minutes will be made available the Friday before the next regularly scheduled City Council meeting. Once minutes are approved by the City Council they will be made available the following day. City Council Agendas and approved minutes are available at the Town's website, [www.hillsborough.net](http://www.hillsborough.net).*



## **AGENDA – REPORTS**

### **HILLSBOROUGH CITY COUNCIL**

Monday, January 9, 2006  
6:00 p.m.  
Hillsborough Town Hall  
1600 Floribunda Avenue, Hillsborough

#### **CONSENT CALENDAR:**

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

**Summary:** The monthly claims for the month of December 2005 in the amount of \$3,413,318.82 are submitted for approval.

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

2. QUARTERLY TREASURER'S REPORT (Finance Director)

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

**Recommendation:** Approve the quarter ending December 31, 2005 Treasurer's Report.

3. RESOLUTION TERMINATING THE JOINT POWERS AGREEMENT ESTABLISHING THE CRIMINAL JUSTICE COUNCIL OF SAN MATEO COUNTY (Police Chief)

**Summary:** In 1971, the County and the cities entered into a Joint Powers Agreement (JPA) to establish the Criminal Justice Council of San Mateo County, the purpose of which was to administer programs and funding issued by the State Office of Criminal Justice Planning under the Federal Crime Control Act of 1973. The Council has functioned effectively for more than thirty years. However, the funding for said programs no longer exists, and there are no programs to be administered by the Criminal Justice Council. Therefore, the governing body of the Criminal Justice Council has recommended that the JPA should be terminated and the Criminal Justice Council of San Mateo County should be disbanded.

The JPA provides that upon termination of the Council, property and surplus money of the Criminal Justice Council shall, subject to the provisions of any federal or state grant agreement, be returned to the parties in the same proportions in which such parties made contributions to the Council. The JPA provides that the agreement may be amended at any time by the written agreement by and between the County and those signatory city governments representing collectively fifty percent (50%) of the total population within the County.

The parties have agreed that the best course of action is to terminate the Joint Powers Agreement that established the Criminal Justice Council, to disband the Council, and to return the surplus funds pursuant to the formula set forth in the agreement.

Disbanding the Criminal Justice Council of San Mateo County is an efficient use of resources, in light of the changed circumstances that have transpired in the thirty-five years since the Council was established.

**Recommendation:** Adopt the resolution authorizing the execution of an amendment to the Joint Powers Agreement Establishing the Criminal Justice Council of San Mateo County, which amendment would disband the Criminal Justice Council.

4. RESOLUTION ACCEPTING AS COMPLETE THE PAVEMENT MAINTENANCE AND REHABILITATION PROJECT ST-405 AND ST-406 (City Engineer)

**Summary:** The work performed under this contract consisted of dig out repairs, conform grinding, 0.15' asphalt overlay, crack sealing, adjusting utility covers to grades, striping and pavement markers. The project completed approximately 13.7 miles of crack sealing, 77,000 square feet of dig outs, application of 3,000 tons of asphalt, adjustment of 17 manholes, 66 valves and monuments to grade, and repair of 386 feet of curb and gutter. The slurry seal portion of the project was eliminated due to weather constraints.

The contractor exceeded the time of completion for the project by 21 calendar days and was assessed liquidated damages in the amount of \$10,500.

The project was awarded to Interstate Grading and Paving, Inc. in September 2004 with an original budget of \$712,834, which included a 15% contingency. The project was completed for \$533,133.

The work is complete and staff is requesting City Council acceptance of this project in order to file the Notice of Completion with the County Recorder.

**Recommendation:** Adopt the resolution accepting as complete the Pavement Maintenance and Rehabilitation Project ST-405 and ST-406 and authorize staff to file a Notice of Completion for the project.

5. RESOLUTION TO ABANDON A SANITARY SEWER EASEMENT AT FAGAN DRIVE (City Engineer)

**Summary:** The owners, trustees of the McPherson Family Trust (Ms. Ann McPherson and Mr. Richard Maltzman), of 85 Fagan Drive (2.5 acres – the current house location) and 90 Fagan Drive (.578 acre – a vacant lot) wish to merge the two lots. The owners are asking the Town to abandon two 5-foot wide public utility easements that are parallel to the common line that divides the properties. The easements are not used to serve public utilities and the Town has no planned use for the easement in the future for water or sewer facilities.

Per Section 8333 of the Streets and Highways Code the legislative body of a local agency may summarily vacate a public service easement when there are no public facilities located within the easement.

This request is exempt from the California Environmental Quality Act (CEQA).

**Recommendation:** Adopt the resolution of abandonment for the public utility easements along the common line between 85 Fagan and 90 Fagan Drive as indicated in Exhibit A.

6. RESOLUTION APPROVING THE RECLASSIFICATION OF TWO MAINTENANCE WORKER POSITIONS TO PUBLIC WORKS SUPERVISORS AND ALLOCATION OF A NEW POSITION OF SERVICE CLERK I/II IN THE PUBLIC WORKS DEPARTMENT (Public Works Director)

**Summary:** As discussed at the September 2005 meeting, the Public Works Department has evaluated staffing needs in light of the ongoing capital improvement program. Since that time the Financial Advisory Committee has made a recommendation that a less active capital improvement program be funded through a \$12,000,000 bond issue. Because the capital improvement program will not create a huge burden on staff time, the department is not recommending the addition of any Public Works Inspectors. To address operation issues, the department is requesting:

1. Two Maintenance Worker positions to be reclassified as Supervisor positions, in order to provide a more appropriate ratio of Supervisors to subordinate workers.
2. A new clerical position of Service Clerk I/II to be created. Temporary clerical help has performed similar work for the past year.

The reclassifications would be funded through the water fund and cost approximately \$29,300 including salary and benefits. The Service Clerk I/II position would be funded through the general (20%), sewer (40%) and water funds (40%) for approximately an additional \$30,300 annually including salary and benefits.

A report detailing the changes in staffing is included in the Council report.

**Recommendation:** Adopt the resolution approving the reclassification of two Maintenance Worker positions to Public Works Supervisors and allocation of the new position of Service Clerk I/II in the Public Works Department, and appropriation of funds for the same.

7. RESOLUTION APPROVING THE PURCHASE OF A TOSHIBA 351C COPIER FOR THE PUBLIC WORKS DEPARTMENT (Public Works Director)

**Summary:** The 2005/2006 Budget includes funds for leasing a color copier for the Public Works Department. The new copier would serve as a network printer capable of printing map graphics and larger documents. Staff contacted six vendors and determined that the proposal from American Business Equipment, Inc. was the most cost effective when both purchase price and long-term maintenance are evaluated. (Lease options were less attractive.) American Business Equipment, Inc. services the copier currently used by Public Works and has provided satisfactory maintenance response.

The total cost for the Toshiba 351c copier is \$9,953.58, which includes network installation and training. The existing copy machine would be traded in as a credit toward the new copier. A monthly maintenance fee of approximately \$117 would provide parts, toner and labor. Remaining funds allocated for the lease of a copier in the Water and Sewer enterprise budgets can be applied towards the purchase of the copier.

**Recommendation:** Adopt the resolution approving the purchase of the Toshiba 351c Color Copier from American Business Equipment, Inc. in the amount of \$9,953.58 with funds allocated from the water and sewer funds.

## **NEW BUSINESS:**

### 8. PRESENTATION REGARDING PARKS FOR THE FUTURE (Public Works Director)

**Summary:** Parks for the Future is an effort to secure dedicated tax-based revenues to support the parks and recreation related activities of San Mateo County, the cities located within the County, the Ladera and Highlands recreation districts, and the Midpeninsula Regional Open Space District by placing a measure to increase sales tax by 1/8<sup>th</sup> cent on a future ballot. The legislative permission required to place a 1/8<sup>th</sup> cent increment on the ballot was secured in 2005 with the approval of SB 203. The revenue, projected to raise between \$13-16 million per year, would be allocated to jurisdictions per a formula and may be used for park and recreation related functions such as maintenance, operations, activities and programs, capital improvements and acquisition. Hillsborough is projected to receive the minimum funding of \$205,000 annually.

Ms. Julia Bott of the San Mateo County Parks and Recreation Foundation (SupportParks.org) will make a presentation regarding the need for the ballot measure, provide an update on the process, and discuss recommendations regarding the distribution of funds and the next steps.

**Recommendation:** No recommendation; for information only.

### 9. RESOLUTION ADOPTING AN INTEREST RATE RISK MITIGATION (SWAP) POLICY (Finance Director)

**Summary:** The Town, as part of its capital financing program, had entered into swap agreements as an opportunity for interest rate savings. The policy seeks to formalize the criteria the Town had used in entering into these contracts.

The adoption of this swap policy is also intended to enhance the Town's credit standing and help the Town maintain its credit for the upcoming bond issue.

In the Council's agenda packet is a draft policy subject to discussion and changes, if desired. Also included is a table that illustrates the various swap agreements the Town entered into.

**Recommendation:** Approve the resolution adopting the Town of Hillsborough's interest rate risk mitigation (swap) policy.

10. RESOLUTION APPROPRIATING UP TO \$30,000 FOR THE EMERGENCY REPAIR OF A LANDSLIDE ADJACENT TO MACADAMIA ROAD (Public Works Director)

**Summary:** In the last weeks of December 2005 staff was advised of a minor landslide adjacent to Macadamia Road immediately across from Spencer Lake. The landslide has been temporarily covered to prevent further saturation of the ground, but the slide continues to show signs of movement. As a result new cracks are appearing in the asphalt pavement that is Macadamia Road and barricades are limiting travel in the lane adjacent to the slide. (This slide is in a different area than the Macadamia Slide repaired by Interstate Paving in 2004.)

The City Engineer is developing a plan to implement temporary repairs to ensure the roadway does not sustain further damage and preserve a storm drain inlet.

Because the need for repairs is immediate, staff is requesting authority to engage a contractor on an emergency basis for an amount not to exceed \$30,000. Funds would be appropriated from the 2003 Bond funding.

**Recommendation:** Adopt the resolution appropriating up to \$30,000 for the emergency repair of the Spencer/Macadamia landslide on an emergency basis.

**OLD BUSINESS:**

11. OPTIONS RELATED TO TOWN OFFICE SPACE: PRESENTATION OVERVIEW AND UPDATE REGARDING THE TOWN OF HILLSBOROUGH FACILITY REMODEL, STAFF PLACEMENT AND FURNITURE UPGRADES (Police Captain)

**Summary:** On May 10, 2004, the City Council was presented with a plan to move the Finance Department staff to the current Fire Administrative office area and move the Fire Administrative staff to a centralized office complex at Central County Fire Administration on Rollins Road in Burlingame. The timing of the move will be related to the City of Burlingame's office relocation.

In order to prepare the current office for the Finance Department staff members, some remodeling and furniture upgrades will be made to the new Finance office area, as well as the Administrative and Building and Planning office areas at Town Hall. An informational summary will be presented at the Council meeting.

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

**PUBLIC HEARING:**

12. FUNDRAISER EVENT PERMIT APPLICATION 06-01 FOR A KITCHEN TOUR FOR THE COMMUNITY SERVICE LEAGUE AT 1941 PARKSIDE AVENUE, 270 BRIDGE ROAD, 35 SHELDON WAY, AND 711 BROMFIELD ROAD (Deputy City Clerk)

**Summary:** The Community Service League submitted an application to conduct its Kitchen Tour at 1941 Parkside Avenue, 270 Bridge Road, 35 Sheldon Way, and 711 Bromfield Road in Hillsborough. This event is proposed to take place on Friday, May 19, 2006 from 10:00 a.m. to 4:00 p.m.

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 properties 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 06-01 for a Kitchen Tour for the Community Service League, May 19, 2006, subject to the conditions recommended by staff.
13. ORDINANCE ADDING CHAPTER 15.32 TO THE HILLSBOROUGH MUNICIPAL CODE REGARDING WIRELESS COMMUNICATIONS FACILITIES AND AMENDING SECTIONS 2.12.070 AND 17.16.010 OF THE HILLSBOROUGH MUNICIPAL CODE
- 
- (Public Works Director)

**Summary:** This ordinance creates an application and permit process for the installation of wireless communications facilities in the Town. Recent experience with the location of a micro cell facility on Longview Drive demonstrated that the Town's informal procedure is not adequate to deal with the issues and that an ordinance setting forth the process with specificity will benefit everyone. The ordinance also amends two other sections of the municipal code to clarify that wireless communications facilities are a permitted use within the residence district and that ADRB review will be required for wireless communication facilities that are proposed for installation on private property.

The proposed Chapter 15.32 is carefully drawn to comply with federal law while taking into account the Town's unusual characteristics. Undergrounding of ancillary equipment is preferred and encouraged because of the rural nature of the Town, which the residents and the municipal government have assiduously maintained and which is a valued part of the Town's ambiance. As part of the rural character, the Town has virtually no sidewalks or street lights, is heavily wooded and extensively landscaped, with native plants encouraged, and is almost exclusively residential, the only exceptions being school and governmental structures. All streets in Town are residential and no wider than two lanes. There is no commercial area.

The contents of the permit application, as set forth in the ordinance, are designed to encourage collocation and to avoid unnecessary duplication of facilities, which detracts from the rural ambiance. The semi-annual application schedule is designed to smooth the process for applicants, to encourage long range, effective planning of service needs by applicants, to minimize disruption to Town residents and Town staff, and to encourage effective and accurate exchange of information so that residents understand the extent of the Town's discretion under the law and so that applicants understand the concerns of residents and can take positive steps

to accommodate those concerns where possible. The permit application fee and permit renewal fee are required by law to cover only the Town's administrative costs of processing the application or renewal. Staff is aware of this requirement and fee amounts presented to the City Council for adoption by resolution adhere to that requirement.

The changed circumstances requiring revocation or modification of the permit, as set forth in the ordinance, are those changes that will potentially adversely affect the Town's rural aspect or impinge upon aesthetic factors, which the Architecture and Design Review Board or staff have carefully considered. The natural beauty of the Town is one of its greatest assets and a major factor in the maintenance of property values and property taxation that supports governmental services. Unregulated change in previously approved wireless communications facilities could have a deleterious effect on the Town's aesthetic environment, which could prove damaging to the Town's character and financial situation.

This ordinance is crafted to protect the Town's historical beauty and livability while at the same time accommodating the installation of wireless communications facilities in compliance with law and in a manner that will help wireless communications providers and the Town and its residents work successfully together. Features of the proposed ordinance include:

1. A detailed review process that includes third party review of plans for FCC conformance both in project design and installation.
2. Noticing requirements and comment opportunity.
3. A hierarchy of preferred sites, including collocation requirements and the option to locate on private property.
4. Design standards.
5. Permit requirement and provisions for renewal, modification, and revocation.

The ordinance was introduced with amendments at the December 12, 2005 Council meeting. If adopted at the January 2006 meeting the ordinance will become effective in 30 days.

The ordinance is categorically exempt from the California Environmental Quality Act.

**Recommendation:**

1. Open the public hearing and accept comments;
2. Close the public hearing; and
3. Adopt the ordinance adding Chapter 15.32 to the Hillsborough Municipal Code regarding wireless communications facilities and amending Sections 2.12.070 and 17.16.010 of the Hillsborough Municipal Code.

14. TREE POLE AT VISTA PARK (Public Works Director)

**Summary:** As discussed at the November 14, 2005 Council meeting, T-Mobile has made a proposal to locate a tree pole at Vista Park. Council authorized staff to notice residents within a 500 foot radius of the park to solicit their comments on the proposed wireless antenna site. A meeting was held on January 4, 2006 and the comments will be consolidated and presented to Council.

**Recommendation:** Item is for information only; no action required.