

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, NOVEMBER 13, 2006**

Mayor Kasten called the regular meeting to order at 6:04 p.m. at the Hillsborough Town Hall, 1600 Floribunda Avenue, Hillsborough, California.

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

**MINUTES:** The minutes of the October 9, 2006, City Council meeting were approved as submitted subject to wording changes by Associate City Planner Gina Tynan. Paragraph 2 on Page 7 of Item 17 should read, "Councilmember Fannon asked Mr. Mullins if plans for a three-car garage were approved by the ADRB. Mr. Mullins confirmed that a three-car garage was originally approved and added that an additional single car garage was proposed in the revised plan. City Planner Maureen Morton added that a total of four garage spaces were shown on the proposed plan, but now there are five garage spaces built at the site. Mr. Mullins replied that one additional garage space was included in the proposed plans, but was not approved by the ADRB. A new two-car garage area was built without the ADRB's approval in that area."

**RECOGNITION:**

Vice Mayor Mullooly announced the appointment of Deputy Fire Chief Don Dornell as the new Fire Chief of the Central County Fire Department effective December 2006. She praised the fine work he has done and welcomed the new Fire Chief.

**PRESENTATION:**

- Fire Marshal Rocque Yballa presented the winners of the Central County Fire Department's Third Annual Fire Safety Poster Contest.
- Mayor Kasten presented a Certificate of Appreciation to Ms. Lennie Gotcher and the Vista Park Design Committee of the Hillsborough Beautification Foundation for the rehabilitation of Vista Park.

**CONSENT CALENDAR:**

On motion of Councilmember Regan, seconded by Vice Mayor Mullooly, unanimous on voice vote, Consent Calendar Items 1 through 11 were approved.

1. MONTHLY CLAIMS: OCTOBER 1 THROUGH OCTOBER 31, 2006

The monthly claims for October 2006 in the amount of \$2,953,135.91 were approved.

2. RESOLUTION APPROVING THE PURCHASE OF ONE COPIER EACH FOR THE ADMINISTRATION, POLICE AND FINANCE DEPARTMENTS AND AUTHORIZING APPROPRIATION OF ADDITIONAL FUNDS TO COVER THE COST

The resolution approving the purchase of one copier each for the Administration, Police and Finance Departments and authorizing appropriation of additional funds to cover the cost was adopted.

3. INTRODUCTION OF THE ORDINANCE AMENDING HMC SECTION 2.12.070 REGARDING TEARDOWNS

The recommendation to set December 11, 2006, as the public hearing date to consider adoption of the ordinance amending HMC Section 2.12.070 regarding teardowns was approved.

4. RESOLUTION APPROVING SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) FOR FY 06/07

The resolution accepting the \$100,000 offered through the State SLESF grant and approving the use of these monies to fund the purchases of equipment, technology, salaries and program supplies, which in turn would enhance front line municipal police services and community crime prevention programs, was adopted.

5. RESOLUTION AWARDING THE BID FOR STREET IMPROVEMENTS AT SUMMIT ROAD AND SKYLINE BOULEVARD TO AGUILAR & SONS IN AN AMOUNT NOT TO EXCEED \$16,925 AND ALLOCATING FUNDS FROM THE GENERAL FUND FOR THIS PROJECT

The resolution awarding the bid for street improvements at Summit Road and Skyline Boulevard to Aguilar & Sons in an amount not to exceed \$16,925 and allocating funds from the General Fund for this project was adopted.

6. RESOLUTION CONFIRMING THE AWARD OF CONTRACT TO FERMIN CONSTRUCTION, INC. FOR THE WILLOW-WINDSOR STORM DRAIN IMPROVEMENT PROJECT

The resolution confirming the award of contract to Fermin Construction, Inc. for the Willow-Windsor Storm Drain Improvement Project was adopted.

7. RESOLUTION APPROVING THE CONTRACT WITH PACIFIC TRENCHLESS, INC. FOR THE REPLACEMENT OF A SEVERELY DAMAGED STORM DRAIN PIPE LOCATED ADJACENT TO 245 DARRELL ROAD AND ALLOCATING UP TO \$27,000 FOR THE EMERGENCY REPAIR

The resolution approving the contract with Pacific Trenchless, Inc. for the replacement of a severely damaged storm drain pipe located adjacent to 245 Darrell Road and allocating up to \$27,000 for the emergency repair of the damaged pipe was adopted.

8. RESOLUTION APPROVING THE CSG CONSULTANTS WORK ORDERS FOR DESIGN SERVICES FOR THE VISTA AND DARRELL TANK SITES

The resolution approving the CSG Consultants work orders for design services for the Vista and Darrell tank sites in the total amount of \$94,640 with funding provided through the 2006 Bond was adopted.

9. RESOLUTION APPROVING THE CONTRACT WITH DU-ALL SAFETY COMPANY FOR MUNICIPALITY SAFETY SUPPORT SERVICES AND RISK MANAGEMENT FOR THE PUBLIC WORKS DEPARTMENT

The resolution approving the contract with Du-All Safety Company for Municipality Safety Support Services and Risk Management for the Public Works Department for a term of one year to develop and implement safety programs, employee safety training, and safety maintenance in the amount of \$29,400 was adopted.

10. RESOLUTION APPROVING THE PROCUREMENT OF SERVICES PROVIDED BY KATHLEEN GALLAGHER RELATED TO THE REFUSE CONTRACTOR SELECTION PROCESS AND OTHER ENVIRONMENTAL MANAGEMENT ACTIVITIES AND ALLOWING THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY TO PAY SUCH COSTS

The resolution approving procurement of services provided by Kathleen Gallagher related to the refuse contractor selection process and other environmental management activities and allowing the South Bayside Waste Management Authority to pay such costs was adopted.

11. RESOLUTION ACCEPTING THE AMENDED BYLAWS OF THE SAN MATEO COUNTY COUNCIL OF CITIES

The resolution accepting the amended Bylaws of the San Mateo County Council of Cities was adopted.

**NEW BUSINESS:**

12. RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE AN AGREEMENT FOR THE COUNCIL CHAMBERS AUDIO/VIDEO UPGRADE AND AUTHORIZING APPROPRIATION OF ADDITIONAL FUNDS TO COVER

Police Chief Matt O'Connor reported that the Council Chambers needs an audio/video upgrade to make it more efficient for its current uses. A committee consisting of the Police Chief, City Planner and the Finance Director undertook the project, and a Request for Proposal was sent to five vendors; three responded, of which two were determined to be responsive to the Town's specifications.

Chief O'Connor explained that the proposal included improving the audio system with new microphones and functional speakers. The placement of the new speakers would maximize the audio system in the Council Chambers. A new 8' wide by 6' high screen would be situated in the middle of the front wall for easy viewing by the audience. A new video system, including new projection equipment and operating stations, would also be included in the Council Chambers upgrade. The proposal did not include certain electrical jobs and millwork needed to construct the new dais. The new dais would be configured to accept the new audio/video technology and would include 15" computer monitors and new microphones.

Chief O'Connor stated that two elements that the Town might want to consider postponing are the document camera and the audio conferencing features. Staff believes that they are not absolutely essential now, but that it would be ideal and more cost-effective to install all components of the audio/video upgrade now. The document camera would be mounted on the ceiling and would zoom-in down onto a table, displaying the image on the screens. The audio conferencing feature would allow Councilmembers to participate in meetings offsite via the telephone.

Chief O'Connor stated that Ceitronics has been in business since 1954 and has done similar projects for the San Jose City Hall, Franklin Templeton, Safeway Corporate Headquarters, San Francisco City Hall, San Francisco War Memorial Opera House and the City of Cupertino. He added that Ceitronics has been sensitive to the Town's aesthetic and budget requirements.

Chief O'Connor stated that Mr. Jim Thielemann of Ceitronics was present to answer any technical questions that the Councilmembers might have. Mayor Kasten thanked Chief O'Connor and his committee for addressing the Council Chambers audio/video needs.

Vice Mayor Mullooly asked if architects' drawings could be seen with the new document camera. Chief O'Connor stated that architects' drawings could be seen with the new document camera.

Mayor Kasten asked if the new screen would be framed like the one photographed in the agenda packet. Chief O'Connor stated that the screen would be framed.

Mayor Kasten asked about the audio conferencing capability. Chief O'Connor replied that this additional feature would allow Councilmembers to audio conference in emergencies as well as in routine meetings as needed.

Councilmember Fannon asked what the timeframe for completion of this project would be. Finance Director Edna Masbad replied that Ceitronics could finish the project by mid-January 2007.

Ms. Masbad reported that as of distribution time of the agenda packets, she had not received the final figures from Ceitronics for the upgrade. She stated that she received the final figures from Ceitronics today and that the first component of the project which includes the materials, engineering, installation and tax would be approximately \$100,000, the second component which includes the equipment and installation of the document camera would cost approximately \$17,000, and the third component which includes the equipment and installation of the audio conferencing feature would be approximately \$5,800. An additional \$35,000 would be set aside for electrical work, construction of the dais, and additional phone lines for audio conferencing. The not-to-exceed amount would be \$159,000.

Ms. Masbad stated that the General Fund has budgeted \$50,000 in FY 06/07 and another \$25,000 in FY 07/08 for this project. Staff recommends that the project be done all at once to be more cost-effective, thereby establishing the need to spend the \$75,000 in FY 06/07. The cost would be allocated from the General, Water, and Sewer Funds. If the document camera and the audio conferencing elements are to be approved, an additional \$28,000 in appropriation is needed from the General Fund. There are enough funds from the Capital Project Fund reserve to cover the additional \$28,000. The proportionate shares of the Water and Sewer Funds are \$32,000 and \$24,000, respectively, for the whole project or less for the partial project.

Ms. Masbad recommended including the document camera as she felt that it is a necessary feature, but did not feel that the audio conferencing feature was needed, and that option would need approval by the City Attorney. Assistant City Attorney Penny Greenberg stated that the Brown Act allows audio conferencing. The agenda must be posted where the Councilmember is staying, for example, on the front door or in the hotel lobby. The audio conferencing meeting must be accessible to the public, so the front door to a home or vacation home, or the hotel room door must be left ajar during the audio conferencing meeting. The public must be able to participate in the audio conferencing.

Councilmember Regan asked what the difference was between the Ceitronics R1 and R2 bids. Chief O'Connor replied that unnecessary speakers were not included in the R2 bid and that the R2 bid includes a smaller camera lens for the document camera.

Mayor Kasten asked if there would be an improvement in the microphones. Chief O'Connor replied that the new microphones have a greater sensitivity to sound and would have less feedback.

City Manager Tony Constantouros asked if the quality of the audio conferencing would be like a regular telephone speaker system. Mr. Thielemann replied that there would be a difference in the sound quality, as there would be a speaker and a microphone in the Council Chambers for audio conferencing.

Mayor Kasten opened the public hearing. Mr. Constantouros asked if the Town could trade up from the 5" by 7" lens to the 8.5" by 11" lens for a higher resolution and just pay the incremental cost. Mr. Thielemann replied that the Town could not trade up, as a new lens would need to be purchased.

Vice Mayor Mullooly asked if there would always be someone present to run the new equipment. Chief O'Connor replied that LeAnn Thornton, Marie Bernardo, Kathy Leroux, and Gina Tynan usually attend the City Council meetings and, therefore, someone would be able to operate the new equipment.

Vice Mayor Mullooly stated that the audio conferencing feature would not be needed very often, but the Town would regret not having this feature, if it was needed in the future. She recommended approving the complete project for \$159,000.

Mayor Kasten asked if there were any further questions. There being no further questions or comments, Mayor Kasten closed the public hearing.

On motion of Vice Mayor Mullooly, seconded by Councilmember Regan, and unanimous on voice vote, the award of the contract to Cietronics was approved. The resolution authorizing the City Manager to execute an agreement for the Council Chambers audio/video upgrade, not to exceed \$159,000 for the whole project, and authorizing appropriations for additional funds to cover the cost, was adopted.

13. RESOLUTIONS SUPPORTING THE APPLICATION BY THE CITY OF SAN MATEO REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE MINOR SPHERE OF INFLUENCE AMENDMENT AND THE ANNEXATION OF A PORTION OF WOODLAND DRIVE AND MAKING A DETERMINATION OF PROPERTY TAX EXCHANGE PURSUANT TO THE CALIFORNIA CONSTITUTION (REVENUE AND TAXATION CODE)

Public Works Director Martha DeBry explained that the City of San Mateo initiated discussions in 2004 with the Town of Hillsborough regarding Woodland Drive. A homeowners association was requesting additional lighting near a pedestrian access point and some landscaping along Woodland Drive. Due to an odd annexation proceeding in the 1950's, the property that is now Aragon High School was annexed into San Mateo without Woodland Drive. Thus, the two sides of the street are in San Mateo, but the street itself is in Hillsborough.

Ms. DeBry added that the Town had not invested a lot into the maintenance of Woodland Drive prior to 2004 when Woodland Drive received a scrub seal treatment. The City of San Mateo is requesting that the Town participate in the cost of several base failures that are directly in front of Aragon High School, which recently underwent a major renovation. The estimated cost to Hillsborough for the repairs is \$8,000.

Ms. DeBry stated that the City Council of the City of San Mateo recently took action to make an application for a minor change in the Sphere of Influence as determined by the Local Agency Formation Commission (LAFCO). San Mateo also made a determination regarding the zero tax transfer, as is required by the California Constitution. The City of San Mateo has prepared all the documents and proposed sharing the LAFCO fees associated with the annexation on an equal basis with Hillsborough, which is approximately \$1,500. Staff recommends adopting the two resolutions supporting the City of San Mateo's application to LAFCO and the zero tax exchange.

Ms. DeBry asked if there were any questions. Vice Mayor Mullooly asked if there were any other streets like this in Hillsborough. Ms. DeBry replied that there were no other streets similar to Woodland Drive that stick out of the city limits. Chief O'Connor added that this is a very odd situation, as the street would usually end at the Town's border.

Mayor Kasten opened the public hearing. Councilmember Regan asked if a streetlight would be installed on Woodland Drive. Ms. DeBry replied that a streetlight would be installed on Woodland Drive. Mayor Kasten closed the public hearing.

On motion of Councilmember Fannon, seconded by Vice Mayor Mullooly, and unanimous on voice vote, the resolution supporting the application by the City of San Mateo requesting the Local Agency Formation Commission to take proceedings for the minor sphere of influence amendment and the annexation of a portion of Woodland Drive from the Town of Hillsborough, and authorizing the Director of Public Works to sign all necessary applications or other documents associated with the proposed amendment and annexation was adopted. The resolution making a determination of zero property tax exchange pursuant to the California Constitution (Revenue and Taxation Code) was also adopted. Up to \$9,500 was allocated from the General Fund for repairs to the street and application fees.

**DISCUSSION:**

14. ORDINANCE TO IMPLEMENT THE GENERAL PLAN POLICY REGARDING PARK-IN-LIEU FEES

City Planner Maureen Morton stated that staff from the City Attorney's Office and the Planning Department has been looking into ways in which an ordinance might be developed to require dedication of parkland or payment of in-lieu fees for new or existing park facilities when new subdivisions are developed. The goal of the Quimby Act is to require developers to help mitigate the impacts of property improvements. The Quimby Act applies only to the development of subdivisions, not to the construction of new houses on individual lots.

Ms. Morton stated that the Open Space and Conservation Element of the General Plan states that the Town would adopt an ordinance in compliance with the Quimby Act to require new development to provide land dedication and/or in-lieu fees in the amount equal to three acres of parkland per 1,000 new residents.

Ms. Morton stated that the required dedication must be based on Hillsborough's residential density, which is 2.93 persons/household. For subdivisions of 50 parcels or fewer, only the payment of in-lieu fees, rather than land dedication, may be required.

Ms. Morton explained that the park-in-lieu fees must be used only for the purpose of developing new or rehabilitating existing neighborhood or community parks or recreational facilities to serve the subdivision. Staff has determined that, since Hillsborough is relatively small, the development of new or rehabilitation of existing parks or recreational facilities would serve the population of any new subdivision in Town. These fees can be used for capital rehabilitation, but not routine maintenance, of projects in existing parks, open space, or recreational areas.

Ms. Morton added that there must be a schedule specifying how, when and where the Town would use the fees. Any fees collected must be committed within five years after the payment of the fees or the issuance of building permits on one-half of the lots created by the subdivision. In determining fees, the fee structure should be based on an acceptable value of land. Ms. Morton stated that Assistant City Attorneys Penny Greenberg and Seagrurn Gilbert proposed that the in-lieu fee would be based on a land value determined by calculating the average of the per-acre cost of land associated with all sales of unimproved property and property related to teardowns or new houses which were approved in the previous two years. Ms. Morton estimated that there would eventually be two or three new subdivisions.

Vice Mayor Mullooly asked for clarification in Section 1(d) of the draft ordinance, which states the in-lieu fees may be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities, located anywhere in the Town, to serve the subdivision. Ms. Greenberg replied that the Town is so small that it is logical to say that anything, such as soccer fields, in the Town is used by everyone in Town.

Mayor Kasten asked if a developer purchased a large subdivision, would there be anything precluding the Town from asking for land instead of the park-in-lieu fee. Ms. Greenberg replied that there would be no harm in asking for land; however, it cannot be required. Ms. Morton added that that is something that could be negotiated with the developer.

Mayor Kasten thanked Ms. Morton and stated that he looked forward to the introduction of the ordinance at the December 11, 2006 City Council meeting.

**PUBLIC COMMENT:**

There were no comments.

**CITY COUNCIL ITEMS:**

Vice Mayor Mullooly reported that at the Central County Fire Board meeting held on November 7, 2006, the position of Administrative Secretary was reclassified as Administrative Support Officer.

Councilmembers Regan and Fannon, Vice Mayor Mullooly, and Mayor Kasten announced that they would be attending the Council of Cities Dinner/Meeting in Half Moon Bay on November 17, 2006.

Councilmember Regan reported that San Mateo County Measure A regarding a parks tax did not pass during the November 7, 2006 election.

Mayor Kasten announced that he attended the Housing Leadership Day on October 20, 2006. The event covered affordable housing in San Mateo County.

Mayor Kasten reported that he attended the Aragon High School Ribbon Cutting Ceremony on October 28, 2006.

Mayor Kasten also reported that he attended the Bay Area Air Quality Management District's Climate Protection Summit on November 10, 2006. The keynote speaker was Vice President Al Gore.

Mayor Kasten recognized Police Sergeant Caroline Serrato for her great service and quick response to a resident's concern.

Councilmember Regan complimented Mayor Kasten for doing a great job in his interview on Channel 27. Mayor Kasten also complimented City Manager Tony Constantouros for his interview on Channel 27.

Public Works Director Martha DeBry reported that the bid estimates for removal of the cut trees in the Forest View area near Spencer Lake were at \$140,000 and \$250,000. The project would need to go out for public bid. Councilmember Regan asked if the Town knows who had the trees cut. Police Chief Matt O'Connor replied that after a thorough investigation, which included the gathering of evidence and interviewing several people, the Police Department submitted a report to the San Mateo County District Attorney's office for possible criminal prosecution against the suspects. Councilmember Regan asked if there would be a civil case filed also in the illegal tree cutting. Chief O'Connor replied that Assistant City Attorney Mark Hudak would file a civil case. Ms. DeBry added that Ms. Ada Regan who sustained damage to her property from the tree cutting should join the Town in the lawsuit.

**ADJOURN:**

Mayor Kasten adjourned the meeting at 7:46 p.m.