

**MINUTES  
REGULAR CITY COUNCIL MEETING  
MONDAY, MARCH 12, 2007**

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

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

**MINUTES:** The minutes of the February 12, 2007 City Council meeting were approved as submitted.

**CONSENT CALENDAR:**

On motion of Councilmember Fannon, seconded by Councilmember Regan, and unanimous on voice vote, Consent Calendar items 1-6 were approved.

1. MONTHLY CLAIMS: FEBRUARY 1 THROUGH FEBRUARY 28, 2007

The monthly claims for the month of February 2007 in the amount of \$2,100,973.81 were approved.

2. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF HILLSBOROUGH AND THE TEAMSTERS UNION LOCAL #856 (PUBLIC WORKS/CLERICAL UNIT)

The resolution authorizing the City Manager to execute the Memorandum of Understanding between the Town of Hillsborough and the Teamsters Union Local #856 (Public Works/Clerical Unit) was adopted.

3. RESOLUTION APPROVING THE HILLSBOROUGH LOCAL HAZARD MITIGATION PLAN

The resolution approving the ABAG Report "Taming Natural Disasters" as the Town of Hillsborough's Local Hazard Mitigation Plan was adopted.

4. DESIGN GUIDELINES CHECKLIST – REPORT ON THE FINAL ITEM TO IMPLEMENT THE RECOMMENDATIONS OF THE ZONING STUDY COMMITTEE

The report on the final item to implement the recommendations of the Zoning Study Committee was accepted.

5. RESOLUTION APPROVING THE CONTRACT WITH FERMIN SIERRA CONSTRUCTION, INC. FOR THE 2007 STORM DRAIN REHABILITATION PROJECT

The resolution awarding the contract for the 2007 Storm Drain Rehabilitation Project to Fermin Sierra Construction, Inc. in the amount of \$58,800, with a 20% contingency in the amount of \$11,760, for a total construction budget of \$70,560 to be funded by the 2006 Water and Sewer Bond, was adopted.

6. RESOLUTION APPROVING THE CSG WORK ORDERS FOR DESIGN SERVICES FOR THE 2007 WATER MAIN REPLACEMENT PROJECT, DESIGN OF VISTA PARK WALL, DESIGN MODIFICATION TO THE FIRE PUMP HOUSE BUILDING AT THE SKYFARM 3 TANK SITE, DESIGN TO ELIMINATE THE HAYNE ROAD SEWAGE PUMP STATION AND SUPPLEMENTAL DESIGN WORK AT THE EL ARROYO WATER TANK SITE

The resolution approving the CSG work orders in the total amount of \$118,040, and allocating \$15,260 in General Fund revenues and \$102,780 in funds from the 2006 Bond revenues, was adopted.

**PUBLIC HEARING:**

7. FUNDRAISING EVENT PERMIT APPLICATION 07-04 FOR THE PARCA AUXILIARY LUNCHEON AND FASHION SHOW

City Clerk Miyuki Yokoyama stated that the Parca Auxiliary submitted a fundraising application to conduct the Parca Auxiliary Luncheon and Fashion Show on Wednesday, May 23, 2007, from 8:00 a.m. to 2:30 p.m. at 121 New Place Road.

Ms. Yokoyama stated that public notices were sent to homeowners located within a 500-foot radius of the property and no comments have been received. Staff recommended approval of the application subject to the restrictions and conditions of the Police, Fire and Building Departments.

Mayor Mullooly opened the public hearing. There were no comments. The public hearing was closed. On motion of Councilmember Fannon, seconded by Vice Mayor Krolik, and unanimous on voice vote, Fundraising Event Permit Application 07-04 for the Parca Auxiliary Luncheon and Fashion Show on May 23, 2007, subject to the conditions recommended by staff, was approved.

8. RESOLUTION APPROVING A 15.5% RATE INCREASE FOR RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION

Public Works Director Martha DeBry stated that under the franchise agreement with Allied Waste, costs for the coming year were projected and rate increases were proposed to bridge anticipated funding gaps. The Town's rate consultant, Hilton, Farnkopf and Hobson, recommended a 19.5% rate increase to collect enough revenue to eliminate the deficits by the end of 2007. Ms. DeBry explained that a 15.5% increase would be sufficient. Ms. DeBry asked the City Council if they had any questions.

Councilmember Fannon stated that a 15.5% increase sounded high, but that increase would amount to only \$2.56 more per month for most homeowners. Ms. DeBry replied that most homeowners with one garbage can would see a \$2.56 rate increase for refuse collection, and those with two garbage cans would pay approximately \$5.00 more a month.

Councilmember Kasten asked for an explanation why the Town of Hillsborough's per can rate is higher than that of the Town of Atherton. Ms. DeBry responded that Atherton is a smaller community, they are closer to the San Carlos Transfer Station, and the green waste program is very successful and processing for such material is less costly.

Councilmember Kasten asked Ms. DeBry if Allied Waste knows there is a procedure to follow regarding changes in the cost structure. Ms. DeBry replied that the South Bayside Waste Management Authority is working with Allied Waste and has clarified the noticing requirements.

Mayor Mullooly stated that a notice was sent to all residents advising them of their right to protest the refuse rate increase by submitting written protests to the City Clerk. She added that the Assessor's parcel number must be included in the protest to be counted.

Mayor Mullooly opened the public hearing.

Gwendolyn Mitchell of 3220 Ralston Avenue stated that she protested the refuse rate increase. She has a long driveway. For many years, Browning Ferris Industries would have a little truck drive up her driveway and take away her garbage. However, since Allied Waste took over the garbage collection service, she has had trouble getting her garbage collected, especially the newspapers for recycling. She found out that the garbage collectors were no longer using the little truck, and were instead pushing their large metal can up her long, steep driveway, which required more time for the garbage

collectors. She stated that the garbage collectors told her that due to layoffs and longer hours the morale was very poor at Allied Waste.

Joe Haggerty of 2265 Summit Drive stated that he is disabled. Since Allied Waste took over garbage collection services he has had to call Allied Waste almost every other week to make a second trip to pick up the yard waste. The yard waste is too heavy for him and his wife to bring out to the street. No matter whom he has spoken to at Allied Waste, he has not received satisfaction. He stated that the rate increase would be for less service. He added that his second concern was the extreme hazard that has been occurring on his street. The garbage collectors have been putting the yard waste containers in the street. He lives near a sharp curve and people in the area like to take walks. A driver would have to choose between hitting a yard waste container or a pedestrian.

Ms. DeBry stated that Mrs. Mitchell's letter has been referred to the Town's consultant, Kathleen Gallagher, who discussed the pup truck issue with Allied Waste. Ms. DeBry stated that in regards to Mr. Haggerty's missed pick up service, there are still a number of problems with which Allied Waste is dealing.

Councilmember Fannon asked Ms. DeBry how complaints are being handled. Ms. DeBry responded that due to a high turnover in the Call Center at Allied Waste and the lack of a responsible Customer Service Manager, there have been on-going issues at Allied Waste. Councilmember Fannon asked if these problems were being resolved. Ms. DeBry responded that Customer Service has been improving. With 4,000 Hillsborough households, she receives a complaint one or two times a week, but that any number of complaints is too high.

Councilmember Kasten asked what happens if a homeowner is physically unable to bring out the garbage can. Ms. DeBry replied that Allied Waste would make special arrangements with the homeowner.

Councilmember Fannon stated that Allied Waste should stress quality control. Often garbage is thrown into the streets. Councilmember Kasten added that with the rate increase, Allied Waste needs to address the complaints of Hillsborough residents and provide better service. Ms. DeBry stated that Allied Waste is hearing the message and has realized that things need to change. The complaints have been passed along to Allied Waste.

Councilmember Fannon asked if the problems have been resolved for the two residents who spoke during the public hearing. Mrs. Mitchell replied that her problem has not been resolved. Evan Boyd of Allied Waste stated that he was aware of the problem. Mrs. Mitchell should be back on the pup truck route and that should resolve her problem with collection services.

Councilmember Fannon asked Mr. Boyd to give Mr. Haggerty his business card to resolve his problem. Mr. Boyd stated that there has been some mismanagement at the Allied Waste organization, and that he would make changes and fix inadequacies in their Customer Service Department.

Vice Mayor Krolik asked Ms. DeBry how the Town was noticing homeowners if they are having problems with Allied Waste. Ms. DeBry replied that the Town's phone number is on the Allied Waste bill and that residents are encouraged to call with complaints. The Town needs to know about problems in order to collect liquidated damages if the problems cannot be resolved.

Mayor Mullooly asked if there was any further public comment. There was no further public comment. Mayor Mullooly closed the public hearing.

Mayor Mullooly asked City Clerk Miyuki Yokoyama to present the protests received against the proposed refuse rate increase. Ms. Yokoyama stated that pursuant to Proposition 218, the proposed refuse rates would not be adopted if more than 50% of the affected property owners submitted written requests protesting the proposed rate

changes. Written requests could be mailed, faxed or hand-delivered through the conclusion of the public hearing. She added that since there were 4,011 property owners within the Town's refuse collection service area, 50% of this number plus 1, or 2,006 valid protests, would prevent the Town from adopting the proposed refuse rates. The Town received only 39 protests filed following the requirements of Proposition 218. Since only 39 protests were received, the Town would be able to adopt the proposed refuse rates.

On motion of Vice Mayor Krolik, seconded by Councilmember Regan, and unanimous on voice vote, the resolution approving a 15.5% rate increase for residential and commercial refuse collection was adopted.

#### 9. ORDINANCE REGARDING PUBLIC PARKS – ADOPTION

Public Works Director Martha DeBry stated that at the February 12, 2007 City Council meeting the proposed parks ordinance was introduced. Several minor amendments to the draft ordinance requested by the City Council, including the exclusion of motorized scooters, the banning of cigars and cigarettes, and the adjustment of park hours, had been made in the ordinance. Ms. DeBry asked if the City Council had any questions.

Councilmember Kasten asked if Section 9.54.050 Prohibited Conduct could mention motorized skateboards as one of the items listed in Section 9.54.050.Q. Assistant City Attorney Mark Hudak replied that motorized skateboards would be included in Section 9.54.050.Q as a minor correction.

Vice Mayor Krolik recommended that "which are not fundraisers" be added in the first sentence of Section 9.54.060. Mr. Hudak stated that this correction could be made.

Mayor Mullooly opened the public hearing. There were no comments. The public hearing was closed. On motion of Councilmember Kasten, seconded by Councilmember Regan, and unanimous on voice vote, the second reading was waived and the ordinance regarding public parks was adopted with the two corrections discussed.

#### **NEW BUSINESS:**

#### 10. RESOLUTION AWARDED A CONTRACT TO JF PACIFIC LINERS, INC. FOR THE SANITARY SEWER MAINS CLEANING AND VIDEO INSPECTION PROJECT – PHASE V

City Engineer Cyrus Kianpour stated that this project would clean, repair, remove roots, and videotape approximately seven miles of sanitary sewer mains identified as top priorities for rehabilitation in the Northwest quadrant of Town, and includes Summit, Skyfarm and Butternut. The Town held a mandatory pre-bid meeting on January 18, 2007, to familiarize all potential contractors with the difficult nature of this work. Four contractors attended this pre-bid meeting, but only one bid was received. Mr. Kianpour asked if there were any questions.

Councilmember Regan asked Mr. Kianpour why only one bid was received. Mr. Kianpour explained that only one bid was received because of the difficulty accessing the area and much of the work would need to be done manually.

Councilmember Fannon asked Mr. Kianpour if the Town has used JF Pacific Liners in the past. Mr. Kianpour replied that JF Pacific Liners worked on the Hayne Project, which had similar conditions, and that staff was satisfied with their work.

Mayor Mullooly pointed out that the City Engineer was able to save the Town \$370,121 by combining the projects for 2007, 2008 and 2009. Mr. Kianpour stated that Public Works Inspector Craig West and Assistant City Engineer Dave Bishop also should get the credit for saving the Town \$370,121 by combining the three-year project into one bid.

On motion of Councilmember Regan, seconded by Councilmember Fannon, and unanimous on voice vote, the resolution awarding the contract for the Sanitary Sewer Mains Cleaning and Video Inspection Project - Phase V to JF Pacific Liners, Inc. in the amount of \$1,573,863, with a contingency in the amount of \$314,772, for a total construction budget of \$1,888,635, was adopted.

11. RESOLUTION AWARDING A CONTRACT TO DUKE'S ROOT CONTROL, INC. FOR CHEMICAL ROOT CONTROL SERVICES

Public Works Director Martha DeBry stated that the proposed two-year contract would be for root control services to manage the Town's sanitary sewer mains. Three companies provided proposals to supply root foaming services for the next two fiscal years. The bid from Dukes Root Control, Inc. presented the lowest cost per unit.

Councilmember Fannon asked if the Town had previous experience working with Dukes Root Control. Ms. DeBry responded that the Town has been pleased with the services that Dukes Root Control has provided for the past eight years.

On motion of Councilmember Kasten, seconded by Vice Mayor Krolik, and unanimous on voice vote, the resolution awarding the contract for chemical root control services to Duke's Root Control, Inc. was adopted.

12. PROPOSED CHANGES TO THE TOWN HALL PARKING LOT TO IMPROVE ACCESS TO THE NEW FINANCE OFFICES

Public Works Director Martha DeBry stated that following the move of the Finance Department from Town Hall to the administrative offices formerly occupied by the Fire Department, some consideration has been given as to how residents and employees would access these offices. A design concept was developed that would minimize residents' exposure to traffic by building a ramp in the place of an existing parking space, removing the stop sign and creating a marked walking path. To minimize traffic near the front door of the Finance Department, the U.S. Post Office was contacted to discuss the possible relocation of the mailbox to the Water Conservation Garden. The drop-off box for water payments would also be moved to this location. Ms. DeBry asked the City Council if they had any questions. There were no questions.

On motion of Councilmember Fannon, seconded by Councilmember Kasten, and unanimous on voice vote, the recommendation to improve access to the new Finance Offices was accepted.

**DISCUSSION:**

13. REVIEW OF CURRENT FUNDRAISING EVENT PERMIT PROCESS

City Clerk Miyuki Yokoyama stated that some issues have arisen regarding the Town's fundraising event permit process. She stated that the purpose of the Municipal Code regulation for fundraising events is to avoid or minimize traffic, parking and public safety problems; disturbance or inconvenience to the neighbors and neighborhoods; and any adverse consequences to the public health, safety or welfare.

Ms. Yokoyama reviewed the current requirements and current procedures for fundraising event permits. The issues with the current procedures include the fact that non-fundraising events, such as weddings, birthday parties, anniversaries, and other private parties, can have the same impacts to the Town; non-profit organizations are required to pay a \$500 application fee to cover Police and Fire staff time; few cities have this permit process; not everyone applies for the permit; an organization can understate the attendance to avoid the permit; and it is difficult to enforce the fundraising event permit process. She added that there have been few public complaints, no major incidents, and no claims against the Town in the past ten years.

Ms. Yokoyama stated that staff recommended amending the fundraising event permit process to only apply to events occurring on two or more consecutive days; events occurring at multiple addresses; and to allow the City Manager to authorize administrative approval if there are minimal safety impacts.

Councilmember Fannon asked how many fundraising events are held each year. Ms. Yokoyama replied that five applications have been received so far for this year and eight applications were received last year.

Councilmember Kasten stated that the Town is not being reimbursed for Police and Fire Department staff time for non-fundraising events, which could have the same impacts on the Town, but these events do not require a permit or fee. The Municipal Code should be updated to more accurately follow the Town's process for fundraising events.

Councilmember Fannon stated that it sounded like the fundraising event permit process has worked for the last ten years. Mayor Mullooly responded that there is a problem with organizations that are not complying with our fundraising event permit process and are not paying the required fee.

Vice Mayor Krolik stated that there is a lack of awareness of the fundraising event permit process for Hillsborough. Organizations must be made aware that the Police and Fire Department's staff time is a cost to the Town, but that it is unfair to charge someone raising money for a charity and not charge someone that is throwing a private party, such as a wedding. She added that there should also be provisions for large properties that have adequate on-site parking that routinely have events.

Councilmember Kasten asked how and when the City Manager would be able to authorize a fundraising event. Ms. Yokoyama replied that the City Manager would authorize a fundraising event when there would be minimal traffic and parking problems.

Councilmember Regan stated that the revision to the fundraising event permit process should also include a certain number of attendees. The Councilmembers discussed various numbers of attendees which would require a permit, and Mayor Mullooly recommended that the number of attendees requiring a permit should be 250. She added that the fundraising permit process would still require the \$500 charge for fundraising events with 250 or more guests, occurring on two or more consecutive days, and/or events occurring at multiple addresses.

#### **PUBLIC COMMENT:**

Maryellie Johnson of 37 New Place Road stated that it is timely for the City Council to address imposing term limits for service on the Town Council. She stated that the Town needs a rotation of interested citizens on the City Council. She proposed a limit of two four-year terms of service on the Hillsborough City Council.

#### **CITY COUNCIL ITEMS:**

Vice Mayor Krolik stated that at the March 2007 San Francisco International Airport/Community Roundtable meeting it was announced that Jet Blue and Southwest Airlines applied to fly out of San Francisco International Airport (SFO). She reported that the Federal Aviation Administration has not yet given Virgin America regulatory approval to fly out of SFO.

Mayor Mullooly thanked City Clerk Miyuki Yokoyama for the new employee newsletter.

Councilmember Regan thanked Finance Director Edna Masbad for the overtime analysis.

Councilmember Fannon asked Police Chief Matt O'Connor about the intersection at El Camino Real and Floribunda Avenue. Chief O'Connor replied that getting CalTrans to make any major systemic changes to the intersection, like larger signal lights, left turn arrows or additional left turn light indicators, is very difficult. CalTrans did, however, delay the signal timing between Oak Grove and Floribunda, which has helped facilitate left turns at the Floribunda intersection to some degree. In reviewing accident causality from the collision recordings, it was still revealed that motorists need to change their driving habits. The Police Department continues to formulate strategies to address vehicle code violations which cause or contribute to the collisions.

Councilmember Kasten reported that the Regional Housing Needs Assessment is close to developing a formula to determine the initial housing requirements for San Mateo County.

Mayor Mullooly stated that at the February 2007 Council of Cities Dinner/Meeting Karyl Matsumoto of South San Francisco received the 11 required votes to be elected the new SamTrans representative.

Mayor Mullooly and Vice Mayor Krolik announced that they would be attending the Council of Cities Dinner/Meeting on Friday, March 23, 2007, in South San Francisco.

Police Chief Matt O'Connor announced that a collection box for old pharmaceuticals would be permanently affixed in the Police Department lobby by late March 2007. Hillsborough will be participating in a countywide effort to collect unwanted prescription drugs during Earth Week, which begins on April 22, 2007. On Monday, April 23, 2007, at 11:00 a.m., San Mateo County Supervisor Adrienne Tissier will hold a press conference in Redwood City announcing the departments that are participating in this venture. An article will be included in the next Town newsletter to advise residents of the pharmaceutical collection box.

**ADJOURN:**

Mayor Mullooly adjourned the meeting at 7:39 p.m.