

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, SEPTEMBER 10, 2007**

Mayor Mullooly called the regular meeting to order at 6:01 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 August 13, 2007 City Council meeting were approved as submitted.

Mayor Mullooly announced that Agenda Item 20, Grand Jury Recommendations Re: Email Policies will follow Agenda Item 16, Update on Wireless Facilities.

Mayor Mullooly announced that T-Mobile formally withdrew their application to install a cellular antenna/Monopine at Vista Park.

**CONSENT CALENDAR:**

On motion of Vice Mayor Krolik, seconded by Councilmember Kasten, and unanimous on voice vote, Consent Calendar items 1 through 15 were adopted.

1. MONTHLY CLAIMS: AUGUST 1 THROUGH AUGUST 31, 2007

The monthly claims for the month of August 2007 in the amount of \$2,285,608.12 were approved as submitted.

2. RESOLUTION ADOPTING THE 2007 EMERGENCY OPERATIONS PLAN

The resolution adopting the 2007 Town of Hillsborough/City of Burlingame Emergency Operations Plan was adopted.

3. RESOLUTION APPROVING THE NATIONAL INCIDENT MANAGEMENT SYSTEM

The resolution approving the integration of the National Incident Management System along with the Standardized Emergency Management System into the Town's Emergency Operations Plan was adopted.

4. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NEAL MARTIN & ASSOCIATES TO CONTINUE CONTRACT PLANNING SERVICES AND AUTHORIZE AN APPROPRIATION OF FUNDS FROM THE SALARY EXPENSES

The resolution authorizing the City Manager to enter into an agreement with Neal Martin & Associates and authorize designation of up to \$70,000 from the Planning Department salary expenses for this contract was adopted.

5. RESOLUTION APPROVING WORK ORDERS FROM CSG CONSULTANTS, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE CROCKER LAKE EASEMENT ROAD AND DESIGN SERVICES FOR THE NEW DARRELL TANK

The resolution approving the CSG work orders in the total amount of \$46,460 to be allocated from the 2006 Water and Sewer Bond revenues was adopted.

6. RESOLUTION AWARDED THE BID TO PETERSON TRACTOR CO. FOR THE PURCHASE OF A 2007 CATERPILLAR 303C MINI EXCAVATOR AND TRAILER FOR THE PUBLIC WORKS DEPARTMENT

The resolution awarding the bid for the purchase of one new Caterpillar 303C Mini Excavator and Trailer to Peterson Tractor Co. in the amount of \$52,989 to be funded from the Water Fund was adopted.

7. RESOLUTION AWARDING THE BID TO PETERSON TRACTOR CO. FOR THE PURCHASE OF AN NPK 4X HYDRAULIC BREAKER HAMMER FOR THE PUBLIC WORKS DEPARTMENT

The resolution awarding the bid for the purchase of one new NPK 4X Hydraulic Breaker Hammer to Peterson Tractor Co. in the amount of \$17,862 to be funded from the General Fund was adopted.

8. RESOLUTION AWARDING THE BID TO TURF & INDUSTRIAL EQUIPMENT FOR THE PURCHASE OF A 2007 JOHN DEERE 6X4 GATOR UTILITY VEHICLE AND UTILITY TRAILER FOR THE PUBLIC WORKS DEPARTMENT

The resolution awarding the bid for the purchase of one new 2007 John Deere 6X4 Gator Utility Vehicle and Utility Trailer to Turf and Industrial Equipment in the amount of \$13,477 was adopted.

9. RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH AGUILAR & SONS FOR THE FOREST VIEW AND SHARON AVENUES TRAFFIC CIRCLE PROJECT

The resolution accepting as complete the Forest View Avenue and Sharon Avenue Traffic Circle Project installed by Aguilar & Sons in the amount of \$37,586 was adopted.

10. RESOLUTION AWARDING THE CONTRACT FOR THE CROCKER LAKE EASEMENT ROAD REPAIR PROJECT TO FARALLON COMPANY

The resolution awarding the contract for the Crocker Lake Easement Road Repair Project to Farallon Company in the amount of \$89,517, with a contingency in the amount of \$50,000, for a total construction budget of \$139,510 was adopted.

11. RESOLUTION AWARDING THE BID FOR THE VISTA PARK CMU WALL PROJECT TO FARALLON COMPANY IN AN AMOUNT NOT TO EXCEED \$113,106 AND ALLOCATING FUNDS FROM THE GENERAL FUND FOR THE SAME

The resolution awarding the bid for the Vista Park CMU Wall Project to Farallon Company in an amount not to exceed \$113,106 and allocating \$56,553 in funds from the General Fund for the same was adopted.

12. RESOLUTION APPROVING CHANGE ORDER #4, ACCEPTING AS COMPLETE THE CONTRACT WITH ROBERT A. BOTHMAN AND CONFIRMING ALL EXPENSES FOR THE VISTA PARK IMPROVEMENT PROJECT

The resolution approving Change Order #4 and accepting as complete the contract with Robert A. Bothman for the Vista Park Improvement Project in the amount of \$862,711 was adopted. The resolution confirming all expenses related to the Vista Park Renovation Project and allocating an additional \$64,686 in funds from the General Fund was adopted.

13. RESOLUTION APPROVING FUNDING FOR THE PARROTT DRIVE INTER-TIE WITH CALWATER

The resolution approving funding for the inter-tie with CalWater on Parrott Drive and authorizing \$38,801 from the Water Fund to complete the project and allocate funds from the 2006 Water and Sewer Bond was adopted.

14. RESOLUTION AWARDING THE CONTRACT TO CYBERNET CONSULTING, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR SCADA IMPROVEMENTS, DESIGN AND IMPLEMENTATION ASSISTANCE

The resolution awarding the contract to Cybernet Consulting Inc. for professional engineering services for SCADA improvements, design and implementation assistance, and allocating 2006 Water and Sewer Bond funding for the same was adopted.

15. RESOLUTION APPROVING THE ALLOCATION OF ONE ADDITIONAL MAINTENANCE WORKER I/II IN THE PUBLIC WORKS DEPARTMENT (SEWER)

The resolution approving the allocation of one additional Maintenance Worker I/II position in the Public Works Department for up to one year was adopted.

**OLD BUSINESS:**

16. UPDATE ON WIRELESS FACILITIES

Assistant City Manager Kathy Leroux stated that at the July 9, 2007 City Council meeting, staff received direction from the City Council to gather more definitive cellular information on the wireless vendors' interest in Hillsborough. Ms. Leroux added that Public Works Director Martha DeBry scheduled a Wireless Carriers meeting on August 22, 2007, to determine future wireless plans of potential cellular vendors for Hillsborough for the next three to five years. Ms. Leroux stated that multiple site acquisition representatives from AT&T, Sprint/Nextel, Metro PCS, Verizon, T-Mobile, and Next-G, and Mayor Mullooly and Town staff, including the City Manager and City Attorney, attended the August 22, 2007 Wireless Carriers meeting. Ms. Leroux reported that during the meeting on August 22, 2007, there was open discussion and cooperative conversation among the vendors, a statement of intention was requested by Ms. DeBry, and a call for future action items and a proposed list of deliverables was proposed by Jonathan Kramer, the Town's wireless facility consultant. Ms. Leroux added that most carriers expressed an interest in improving coverage in Hillsborough and that all carriers indicated a willingness to collocate.

Police Chief Matt O'Connor stated that at the Wireless Carriers meeting on August 22, 2007, staff was directed to provide information on the number of 911 and e911 calls that the Police Department received. Chief O'Connor provided a Power Point presentation with an update on California Public Safety Answering Point (PSAP) e911 calls, the number of California PSAP e911 deployments from 2002 to 2007, e911 call volume, San Mateo County Agency e911 calls received for August 2007, and the number of 911 calls received by the Hillsborough Police Department.

Chief O'Connor stated that several questions were asked at the August 13, 2007 City Council meeting regarding wireless facilities. He stated that he was asked if there were any security issues regarding wireless facilities. He stated that he did not think that there would be any security issues with wireless facilities located at Town sites. As far as the going rental rate for sites in other communities, Chief O'Connor stated that the going rental rate is \$1,500 to \$2,500 per month. He stated that staff is currently researching what other cities are doing regarding wireless antenna placement guidelines and would provide the information at a future City Council meeting. Chief O'Connor stated that Los Altos Hills has three tree poles located in their city and that the Hillsborough City Council can visit the Los Altos Hills' tree poles. Chief O'Connor stated that staff is currently researching the number of wireless facility locations that would be needed in the next three to five years and would have that information at the October 8, 2007 City Council meeting. As far as the placement of Monopines, Chief O'Connor stated that would depend on the topography of the area and site alignment and would defer that question to Mr. Kramer. Chief O'Connor stated that using the Vista Tank Site in lieu of the Vista Park site would need to be evaluated.

The Town's wireless facility consultant, Jonathan Kramer, stated that at the August 22, 2007 Wireless Carriers meeting, the carriers were openly cooperative. He stated that the carriers want to provide better service throughout the Town of Hillsborough and are willing to work with the Town regarding location and collocation.

Mr. Kramer stated that a very detailed and future specific list of questions was provided to potential vendors to respond to. The wireless deployment questionnaire included address mapping, network coverage, subscriber bases, dropped call frequency, and future expansion plan. He stated that the questionnaire is due on September 17, and so far he has received the responses to the questionnaire only from Nextel.

Councilmember Fannon asked if the future wireless facility sites would be compatible with the community. Mr. Kramer responded that the wireless carriers are sensitive to the needs of the community.

Councilmember Regan asked what a wireless facility would cost to build. Mr. Kramer responded that the cost can be as much as \$100,000 or more to build a wireless facility. He added that it is up to the wireless carrier to decide how much to spend on the wireless facility, but that it was important for a carrier to design the wireless facility correctly.

Councilmember Fannon asked if the Monopine would be obsolete soon. Mr. Kramer stated that the wireless carriers would not be converting to a satellite base, as that system would not work well for the wireless industry. He added that he does not see any changes in the wireless industry for the next seven to nine years.

Mayor Mullooly asked if there was any public comment. Angelina Laubsch of 2290 Forest View Avenue stated that she was a resident of Hillsborough for over twenty years. She stated that one hundred physicians have stated that there is radiation hazard from the wireless facilities and that it is important for the residents to have that information.

Maryellie Johnson of 37 New Place Road stated that the Town of Hillsborough has not conducted research on cell phone coverage in Hillsborough and that the Town has not polled residents on how they feel about cell phone coverage in Hillsborough. She recommended that the Town send a carefully worded questionnaire to residents about their cell phone coverage.

Mayor Mullooly asked if there were any further comments from the public. There were no further comments. Mayor Mullooly thanked Mr. Kramer.

#### **DISCUSSION ITEM:**

#### **20. GRAND JURY RECOMMENDATIONS RE: EMAIL POLICIES**

Assistant City Attorney Mark Hudak stated that the San Mateo County Grand Jury has issued a series of recommendations to all cities within San Mateo County regarding email policies. He stated that the Grand Jury is recommending that the cities issue official email accounts to City Council and Planning Commission members and that these accounts be the exclusive accounts for municipal business. He added that the purposes of this policy are to prevent serial meetings that would violate the Brown Act and, to some extent, to facilitate compliance with Public Records Act requests. Mr. Hudak stated that currently, the Town provides email accounts for Councilmembers, but each Councilmember is free to use his or her private home or business email. He added that the response to the San Mateo County Grand Jury is due on September 19, 2007.

Mr. Hudak stated that adopting an email policy that requires Councilmembers to use the Town's email accounts to avoid serial meetings is unnecessary. He stated that Councilmembers are well aware that the Brown Act prohibits serial meetings, which would encompass any attempt to use email to obtain a consensus. Mr. Hudak added that since State law is clear, a local policy is not required.

Mr. Hudak explained that the Town maintains a City Council Handbook that describes legal duties of the Councilmembers, including the requirements for ethics training under AB 1234. He stated that this handbook is provided to all Councilmembers and

is updated regularly to reflect changes in the law. He added that the handbook specifically addresses compliance with the Brown Act, AB 1234, and relevant sections of the Political Reform Act. At present, all Councilmembers have completed their training under AB 1234.

Mr. Hudak stated that the Town encourages applicants and other interested parties to submit all materials to the Planning Department for collation into a packet for ADRB members on each project. He explained that this helps to ensure uniformity of information and allows staff to maintain an accurate record in case of legal challenges. He stated that in view of this policy, the Town discourages the use of emails and other forms of direct communication with ADRB members. He explained that for this reason, the Town prefers to not issue municipal accounts to ADRB members.

Mr. Hudak stated that the Town has appropriate record retention policies in place. He explained that in particular, the Town's email policies provide a procedure for printing and filing emails when necessary and for regular purging of stale emails.

Mr. Hudak stated that he would put the formal response to the Civil Grand Jury in time of the due date of September 19, 2007. Mr. Hudak asked if the Councilmembers had any comments. Mayor Mullooly stated that she had no comments and thanked Mr. Hudak.

Due to an audio/visual technical problem, Mayor Mullooly directed staff to present Agenda Item 18 before Agenda Item 17.

#### **NEW BUSINESS:**

18. RESOLUTION APPROVING FUNDING FOR A CONSULTANT'S STUDY ON THE FEASIBILITY OF ADDING MILLBRAE FIRE TO THE CENTRAL COUNTY FIRE DEPARTMENT PARTNERSHIP

Fire Chief Don Dornell stated that at the May 1, 2007 Central County Fire Board meeting, the City Manager, Fire Chief, and a City Councilmember from the City of Millbrae attended the meeting to discuss a possible study concerning shared services between the two fire agencies. He added that after discussion by the Board Members, staff was directed to meet with representatives of Millbrae to further investigate.

Chief Dornell stated that staff met with representatives of two consulting firms to discuss options regarding shared services among the fire agencies, with the option of also including the San Bruno Fire Department. He added that both consulting firms submitted proposals, which have been reviewed by the Fire Chiefs and City Managers. He stated that the consensus was that a two-phase study by Matrix Consulting Group would be the best approach.

Chief Dornell reported that the cost of the first phase of a consolidation study would be \$25,500. He explained that a per agency cost formula was recommended by the City Managers; Hillsborough's share would be an estimated \$8,500. He added that there are potential savings depending on the outcome of the consultant's study.

Chief Dornell stated that one of the benefits of the consultant's study would be a comprehensive report on the three year history on the Hillsborough Fire Department. Councilmember Kasten stated that he would like information on the funding of the retirement plan and also information on the locations of the fire stations. Chief Dornell replied that the study would look at the existing station locations and would identify holes in coverage at each fire station. Councilmember Kasten stated that San Bruno should be included in the study.

On motion of Councilmember Fannon, seconded by Councilmember Kasten, and unanimous on voice vote, the resolution authorizing the use of up to \$9,000 from the contingency operating reserve to fund Phase I of a study considering the feasibility of realizing significant savings from the possibility of adding Millbrae Fire to the Central County Fire Department partnership was adopted.

**OLD BUSINESS:**

17. UPDATE ON SBWMA AND REFUSE COLLECTION SERVICE PROVIDER SELECTION PROCESS DOCUMENTS AS PREPARED BY THE SBWMA

City Engineer Cyrus Kianpour introduced Kevin McCarthy, the Executive Director of the South Bayside Waste Management Authority (SBWMA). Mr. McCarthy recognized Public Works Director Martha DeBry for doing a tremendous job and having the highest diversion rate for SBWMA members.

Mr. McCarthy reviewed the proposed upgrades at the Shoreway Recycling and Disposal Facility (transfer station) in San Carlos and the refuse collection contractor process and provided a Power Point presentation that outlined the core services, highlighted the contents of the Request for Proposals (RFP) documents and agreements, and explained how refuse rates would be impacted by the proposed changes.

Mr. McCarthy stated that the SBWMA would release the final RFP documents on November 1, 2007. Councilmember Regan asked if the RFP would be made available to the Councilmembers. Mr. McCarthy replied that he would make sure that the Councilmembers receive the RFP.

Vice Mayor Krolik asked for clarification on Section 14.10 Assurance of Performance of Article 14 Default and Remedies of the SBWMA franchise agreement. Mr. McCarthy replied that there is a default structure whereby the SBWMA does not have to go through a series of steps in order to settle before a strike occurs.

Councilmember Kasten asked if there would be a limit to the number of items allowed at the e-waste events as part of Section 5.05 Single-Family On-Call Collection Service, B.4. Acceptable Materials – E-Waste on page 18 of the SBWMA franchise agreement. Mr. McCarthy replied that there would be no limit to the number of items dropped off at the e-waste events.

Vice Mayor Krolik asked if collection service could start later in the mornings. Mr. McCarthy stated that it could cost the residents more, but that a later collection service is possible.

Mayor Mullooly thanked Mr. McCarthy.

**DISCUSSION ITEM:**

19. JUSTIFICATION FOR INSTALLATION OF STOP SIGNS

City Engineer Cyrus Kianpour stated that at the August 13, 2007 City Council meeting, a presentation was made outlining the justifications required by the Manual of Uniform Traffic Control Devices for the installation of new stop signs. He added that the Police and Engineering Departments have agreed to develop a more comprehensive warrant analysis and potentially include other possible warrants for adoption by the City Council, which would be presented at the November 13, 2007 City Council meeting. He added that this agenda item was for discussion only and that no action was required.

Vice Mayor Krolik stated that the situation at the corner of Barbara Way and Ralston Avenue was handled very efficiently and thoroughly. Mr. Kianpour replied that it was a team effort between the Police and Engineering Departments.

**PUBLIC COMMENT:**

Mayor Mullooly asked if there was any public comment.

Joelle Conn of 948 Chiltern Road asked City Manager Tony Constantouros the number of Town employees. Mr. Constantouros replied that there were 80 Town employees, not including the Fire Department. Assistant City Manager Kathy Leroux added that there were currently two part-time employees and also contract employees, which include the City Attorney, Assistant City Attorney, Director of Planning and Building, and City Engineer.

Sonya Knutson of 2320 Skyfarm Drive stated that the Hillsborough Beautification Foundation (HBF) should be more transparent when involved in projects with the Town of Hillsborough. She reported that the landscaping was ripped out of the island at Willow Road and Eucalyptus Avenue. She asked about HBF's use of the Hillsborough Public Works Department for maintenance of HBF's projects. Mayor Mullooly replied that HBF receives support from the Town for projects in the Town's right-of-ways. Mr. Constantouros recommended that Ms. Knutson attend an HBF meeting and make her suggestions there. Mayor Mullooly added that the HBF meets on the third Tuesday of the month at 4:30 p.m. in the City Council Chambers and that the next meeting is scheduled for September 18, 2007. Councilmember Regan stated that the HBF does not receive any funding from the Town. City Engineer Cyrus Kianpour stated that there was a site distance problem at the intersection of Willow Road and Eucalyptus Avenue and that the Public Works Department cleared the vegetation and HBF would fund the landscaping of the island. He added that the Town owns the island and is responsible for traffic safety.

Ms. Knutson asked if residents were notified about the HBF project at Willow Road and Eucalyptus Avenue. Mr. Kianpour replied that two meetings were held with neighbors in the immediate area of Willow Road and Eucalyptus Avenue.

Mayor Mullooly asked if there were any further public comments. There were no further comments.

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

Mayor Mullooly announced that she attended the ribbon cutting for Nueva School's new LEED-certified Hillside Learning Complex on Tuesday, September 4, 2007. Vice Mayor Krolik, City Manager Tony Constantouros, Police Chief Matt O'Connor, Police Captain Nicholas Gottuso and Director of Planning and Building Liz Cullinan also were in attendance.

Vice Mayor Krolik announced that she would attend the Council of Cities Dinner/Meeting on September 28, 2007, in the City of San Mateo.

Vice Mayor Krolik announced that Disaster Preparedness Day would be held on Saturday, September 29, 2007, from 10:00 a.m. – 2:00 p.m. at the San Mateo County Event Center in San Mateo.

Councilmember Kasten commented on how well written the water bill insert regarding water hydrant flushing was.

#### **ADJOURN:**

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