

MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, JULY 9, 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, Krolik, Mullooly
Absent: Regan

Mayor Mullooly announced that T-Mobile withdrew the application to move the micro cell located at 870 Longview Road to 845 Longview Road and that there was no item on the agenda regarding the application for a wireless facility on Fir Court. She also announced that agenda item 11 would be presented before agenda item 10.

MINUTES: The minutes of the June 11, 2007 City Council meeting were approved as submitted.

CONSENT CALENDAR:

Items 2 and 4 were removed for discussion. On motion of Vice Mayor Krolik, seconded by Councilmember Kasten, and unanimous on voice vote, Consent Calendar items 1, 3, 5, 6 and 7 were adopted.

1. MONTHLY CLAIMS: JUNE 1 THROUGH JUNE 30, 2007

The monthly claims for the month of June 2007 in the amount of \$3,091,518.61 were approved as submitted.

2. QUARTERLY TREASURER'S REPORT

Councilmember Kasten asked Finance Director Edna Masbad if the Time Certificate of Deposit purchased earlier this year for a one-year duration was an anomaly because the interest rate was considerably lower than another CD of the same duration purchased around the same time. Ms. Masbad replied that the Time Certificate of Deposit for \$100,000 at a rate of 3.9% was the only one available through a financial institution that the Town of Hillsborough was allowed to do business with.

On motion of Councilmember Kasten, seconded by Vice Mayor Krolik, and unanimous on voice vote, the Treasurer's Report for the quarter ending June 30, 2007, was approved.

3. QUARTERLY INTEREST RATE PRODUCTS (SWAP) REPORT

The Interest Rate Products (Swap) Report for the quarter ending June 30, 2007, was accepted.

4. RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH LR HINES CONSULTING, INC. AND OTHER RELATED AGREEMENTS FOR THE INSTALLATION, IMPLEMENTATION AND TRAINING FOR SIRE TECHNOLOGIES' ELECTRONIC DOCUMENT & AGENDA MANAGEMENT SYSTEM

Councilmember Kasten asked Finance Director Edna Masbad if the Electronic Document and Agenda Management System would be customized to the Town's needs, as customization usually increases maintenance costs and makes transitioning to new versions difficult. Ms. Masbad replied that Councilmember Kasten's comments would be duly noted and that the Town would globalize the new system.

On motion of Vice Mayor Krolik, seconded by Councilmember Fannon, and unanimous on voice vote, the resolution authorizing the Finance Director to enter into an agreement with LR Hines Consulting, Inc. and other related agreements for the

installation, implementation and training for SIRE Technologies' Electronic Document & Agenda Management System was adopted.

5. RESOLUTION AWARDING THE BID FOR THE 2007 OPEN SPACE WEED ABATEMENT PROGRAM

The resolution awarding the contract for the 2007 Open Space Weed Abatement Program in an amount not to exceed \$25,000 and allocating funds from the Sewer Fund was adopted.

6. RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING REGARDING THE TRANSFER OF POTABLE WATER BETWEEN THE CALIFORNIA WATER COMPANY AND THE TOWN OF HILLSBOROUGH WATER SYSTEMS

The resolution approving the memorandum of understanding regarding the transfer of potable water between the California Water Company and the Town of Hillsborough water systems was adopted.

7. RESOLUTION AWARDING THE CONTRACT FOR TOWN HALL LANDSCAPE MAINTENANCE

The resolution awarding the landscape maintenance contract for Town Hall to MJ Newell was adopted.

NEW BUSINESS:

8. RESOLUTION ADOPTING THE US ARMY'S H&H COMPANY, 1ST BRIGADE COMBAT TEAM, 101ST AIRBORNE DIVISION (AIR ASSAULT), UNDER THE ADOPT-A-UNIT PROGRAM OF THE ORGANIZATION "AMERICA SUPPORTING AMERICANS"

Police Captain Nick Gottuso stated that the City of San Mateo was the first in this county to adopt a unit of the United States Military in 1968 through an organization called "America Supporting Americans." The purpose of this apolitical, nonpartisan program is to provide the citizens and employees of the Town a way to show their support for members of our military through the collection of letters, magazines, books, toiletries, and other items and send them to our adopted unit, showing our concern for their well-being and boosting their morale. In 2004, the City of Burlingame joined over 100 municipalities nationwide by adopting a unit of the United States Military.

Captain Gottuso stated that the Town of Hillsborough has been granted the privilege of adopting the US Army's H&H (Headquarters & Headquarters) Company, 1st Brigade Combat Team, 101st Airborne Division (AASLT), Air Assault, based out of Fort Campbell, Kentucky.

Captain Gottuso stated that local school children and Town staff would be encouraged to write letters and assist in the collection of items to be shipped to the unit, creating a bond of mutual respect. Captain Gottuso added that there is no direct financial impact to the Town budget, as the program is funded through donations.

Captain Gottuso introduced recently hired Police Officer Trainee Geoff Chenier, a veteran of Iraq, who would be starting the Police Academy at the College of San Mateo in September 2007.

Mayor Mullooly asked how the Town of Hillsborough could help with the Adopt-A-Unit Program. Captain Gottuso replied that he would provide guidelines and a list of items needed, such as toiletries, magazines, letters, and equipment. Items collected would be shipped to the adopted unit. Mayor Mullooly suggested including an article in the Town's quarterly newsletter to residents.

Councilmember Kasten asked if the school district would be contacted. Captain Gottuso replied that he would contact the school district once the resolution was

adopted. Captain Gottuso stated that he would also include information about the Adopt-A-Unit program in the Town Hall lobby.

Captain Gottuso stated that Fire Chief Don Dornell spearheaded the Adopt-A-Unit program for the City of Burlingame and would provide guidance for the Town of Hillsborough. Chief Dornell remarked that he looked forward to working with Hillsborough on this program. Captain Gottuso added that Police Officer Steve Tharp served in the US Navy and that Officer Tharp would also be assisting in the Adopt-A-Unit program.

Mayor Mullooly thanked Captain Gottuso for getting involved in such a wonderful program.

On motion of Councilmember Fannon, seconded by Councilmember Kasten, and unanimous on voice vote, the resolution approving the adoption of the H&H Company, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), through the America Supporting Americans program was adopted.

PUBLIC HEARING:

9. RESOLUTION AUTHORIZING THE PLACEMENT OF SEWER SERVICE, STORM DRAINAGE CHARGES AND THE SPECIAL TAX FOR POLICE PROTECTION AND FIRE PROTECTION AND PREVENTION ON THE 2007/2008 COUNTY TAX ROLL AND AUTHORIZING THE COUNTY TAX COLLECTOR TO COLLECT SUCH CHARGES

Finance Director Edna Masbad stated that this agenda item was the request to conduct a public hearing and thereafter approve the resolution authorizing the placement of three charges on the 2007/2008 County tax roll and authorizing the County Tax Collector to collect the charges. The charges include the sewer service charge which was increased to \$1,517 effective July 1, 2007, and approved by the City Council at the May 14, 2007 City Council meeting, the storm drainage charge in the amount of \$7.34 which has remained unchanged since its original passage in fiscal year 1994/1995 and the public safety tax of \$570 per improved parcel and \$218 per unimproved parcel. The maximum public safety tax allowed by law occurred in fiscal year 2005/2006 and, therefore, the tax is unchanged from the previous year.

Ms. Masbad stated that staff recommended opening the public hearing and receiving comments, close the public hearing, and adopt the resolution to authorize the placement of sewer service and storm drainage charges and of the special tax for police protection and fire protection and prevention on the 2007/2008 County tax roll and to authorize the County Tax Collector to collect such charges.

Mayor Mullooly asked the Councilmembers if they had any questions. There were no questions.

Mayor Mullooly opened the public hearing. There were no comments. Mayor Mullooly closed the public hearing.

On motion of Councilmember Kasten, seconded by Vice Mayor Krolik, and unanimous on voice vote, the resolution authorizing the placement of sewer service and storm drainage charges and of the special tax for police protection and fire protection and prevention on the 2007/2008 County tax roll and authorizing the County Tax Collector to collect such charges was adopted.

Mayor Mullooly restated that T-Mobile withdrew the application to move the micro cell located at 870 Longview Road to 845 Longview Road and that there was no item on the agenda regarding the application for a wireless facility on Fir Court. She also announced that agenda item 11 would be presented before agenda item 10.

11. APPEAL OF THE APPROVED APPLICATION BY T-MOBILE FOR A WIRELESS FACILITY PERMIT AT VISTA PARK

Public Works Director Martha DeBry provided a review of the wireless permit appeal of the approved application by T-Mobile for a wireless facility permit at Vista Park. She stated that an encroachment permit for 870 Longview Road was approved in Fall 2005 for a wireless facility. Neighbors expressed concern about the antenna near residential structures. T-Mobile agreed to work with the Town on relocating the cellular antenna. The Town drafted an ordinance that was adopted in December 2005, which required wireless facility permits, encouraged placement away from residences, and minimized the number of cell sites. A public meeting regarding tree poles was held on January 4, 2006. The Town and T-Mobile began the process of evaluating alternative sites, including 19 private and 5 public sites. The alternative sites were limited by geography and elevation. T-Mobile was ready to give leases to private property owners, but was refused by the property owners. The application for Vista Park was submitted in May 2007. A public notice was sent to residents within a 500-foot radius of Vista Park with a ten-day comment period. A public information meeting regarding the proposed installation of a cellular antenna/Monopine was held on June 25, 2007.

Ms. DeBry provided a Power Point presentation and reviewed the proposed location, Monopine, and cabinet simulation at Vista Park.

Ms. DeBry reviewed the comments received, including concern about the radio frequency (RF) emissions, objection to the location at Vista Park, concern about the appearance of the Monopine, concern about diminished property values, general opposition to the antenna, concern about the ordinance/administration process, some support for smaller micro cell sites, unfairness to neighbors of Vista Park, concern about the noise from the ancillary equipment, ability to refuse other cell providers space, desire for collocation of antenna, timing of the application, lease terms, and some support for the installation at Vista Park.

Ms. DeBry stated that T-Mobile has six sites in Town. The purpose of the wireless facility at Vista Park was to expand coverage in the southwest portion of the Town and eliminate the micro cell at Longview Road. With the collocation option presented in the application, the Town could avoid proposals for another three to nine antenna sites. Ms. DeBry added that the State of California does not limit antenna sites at schools or parks. Micro cells which are closer to residential structures share the same radio frequency issues as Monopines. The Town cannot prohibit micro cells in right-of-ways.

Mayor Mullooly introduced the Town's wireless facility consultant, Jonathan Kramer. She stated that he has over 30 years of wireless and cable television telecommunications technology engineering and management experience. He is a member of the State Bar of California and the United States District Court, as well as the Federal Communications Bar Association and the International Municipal Lawyers Association. He is a wireless technology advisor to and testifying expert before the Federal Communications Commission's (FCC) State & Local Government Advisory Committee. He is the co-author and editor of wireless technology advisory to local governments based on OET Bulletin 65 published by the FCC. He has Right-of-Way engineering and management expertise related to telecommunications networks and radio communications siting. He is also a testifying expert witness in federal and state court cases regarding wireless technology. Mayor Mullooly added that Mr. Kramer presented information on wireless facility permits at the Study Session that was held prior to the City Council meeting.

Mr. Kramer reviewed the federal and state laws regarding RF emissions and RF safety evaluations of wireless sites. He stated that Congress has delegated national authority to the FCC to set federal standards for RF emissions. No state or local government is permitted to set its own standards in this area. State and local governments are only permitted to determine whether a proposed wireless facility would comply with the federal standards. State law permits local governments to

evaluate wireless projects for compliance with the federal standards. If the proposed facility complies with the federal standards, a state or local government is not allowed to deny the project solely based on RF safety concerns.

Mr. Kramer provided a Power Point presentation for the safety evaluation of T-Mobile's proposed Monopine at Vista Park at Culebra and Chiltern Roads with an antenna at 98 feet above ground and with a two degree down tilt. He stated that the site, as proposed, complied with the federal standards for radio frequency emissions. The controlled RF zone, extending outwards to 18.375 feet directly in front of the transmitting antennas, did not require any conditioning or signs since the airspace was not accessible to the general population. He stated that at any point at ground level, the maximum power levels are 3.7% or less than the maximum permitted by the FCC. He added that based on the planned compliance, the Town does not have a legal basis to deny the proposed tower based on RF safety concerns.

Ms. DeBry stated that the wireless permit grants permission to build a Monopine within conditions set in the building permit process, requires FCC safety compliance studies before and after construction, requires a ten-year term per State law, and the denial of a permit can be appealed to the FCC.

Ms. DeBry stated that under the Telecommunications Act of 1996, the Town cannot consider health effects if the FCC safety guidelines are met, the demonstrated need and aesthetic compatibility have a low threshold, property values must be specific to the property and demonstrated through appraisals, and the appeal could be made directly to the FCC.

Ms. DeBry provided the City Council options for the wireless permit. If the City Council upheld the appeal, the City Council must make findings. Ms. DeBry stated that findings would identify a deficiency in the administrative approval; state that Vista Park is the wrong site, which may be based upon aesthetics, property value concerns; and/or existing coverage was adequate. The City Council's decision could be appealed to the FCC. The City Council could deny the appeal and T-Mobile would have permission to build the Monopine, subject to approval of the lease and building permit.

Ms. DeBry reviewed the Town's ordinance regarding wireless communications facilities. The ordinance was passed after community concerns were expressed about the proximity of the cellular antenna to houses, encourages the fewest number of antenna sites, and provides limited control as to the appearance and location of the facilities. Ms. DeBry reiterated that in general, the Town cannot deny installation in right-of-ways on JPA poles.

Ms. DeBry recommended that the City Council deny the appeal of the approved application by T-Mobile for a wireless facility permit at Vista Park based on the finding that numerous alternatives have been evaluated, the application was complete, the placements in Vista Park was consistent with the ordinance (public property, single site served large area, provided collocation), and as an ancillary benefit there is enhanced RF safety communitywide, as there would be fewer antenna sites in the long-term, the nearest residence is 80 feet away as compared to 40 feet on Longview Road, and the taller height reduces RF exposure as compared to JPA poles. T-Mobile has agreed to remove the 870 Longview Road site if it is granted permission and constructs the Monopine in Vista Park.

Councilmember Fannon asked T-Mobile how many complaints have been received about the coverage in the area. Rod De La Rosa, T-Mobile's Zoning and Compliance Manager, stated that he did not have the raw data. Councilmember Fannon replied that he would like to know the number of complaints.

Councilmember Regan arrived at the City Council meeting at 7:15 p.m.

Mayor Mullooly stated that the City Council received copies of all the letters and emails regarding the proposed installation of the cellular antenna/Monopine.

Mayor Mullooly opened the public hearing. She asked T-Mobile to make a brief presentation.

Mr. De La Rosa stated that he has been working with the Town for the past 18 months towards a win-win solution. He stated that T-Mobile needed to install the wireless facility to provide additional new coverage in the areas surrounding Vista Park. Mr. De La Rosa provided a diagram showing the current coverage and the improved coverage with the proposed wireless facility in Vista Park. He stated that additional sites would be needed if the wireless facility is not installed at Vista Park.

Councilmember Regan pointed out that in the diagram there appeared to be significantly weak areas even with the proposed wireless facility installed at Vista Park and asked if T-Mobile would be installing more wireless facilities in Hillsborough. Mr. De La Rosa replied that T-Mobile does not have plans for additional wireless facilities in their three-year plan, and as a consequence, Hillsborough would not have seamless cellular coverage.

Mayor Mullooly asked Ms. DeBry if anyone filed an appeal of the approved application. Ms. DeBry replied that because of the concerns expressed by multiple parties, no one person was named as the appellant.

Mayor Mullooly asked the City Council if they had any other questions. There were no further questions.

Mayor Mullooly invited the public to speak.

James Conn of 949 Chiltern Road stated that the wireless facility at Vista Park would have a negative impact on the Town. He added that a number of questions have been raised. He stated that at the January 2006 public hearing, staff described the tree pole as having a height of 40-65 feet, not 100 feet. He stated that the Engineering Department approved the application prior to receiving the required comments. He stated that there has been no mention of the shade tree canopy over the proposed site. He added that a huge amount of branches would be cut from the shade trees for T-Mobile's Monopine site. He added that there would be a liability to the Town and an earthquake risk for the 100-foot Monopine. He stated that \$1,000,000 was spent to renovate Vista Park. He endured a number of sacrifices for changes that ultimately benefited the children and made the park far more attractive and useful. The equipment enclosure for the Monopine at Vista Park would ruin the park and nearby property values. He stated that some residents would no longer use the park because of the Monopine. Residents in the area would need to be warned about the RF danger in Vista Park. He asked if it was necessary to install the Monopine in a park where we bring children to play. He has been a resident of Hillsborough for 30 years and stated that he has a grave concern that it was not in the best interest of the Town to install the Monopine at Vista Park. He expressed concern about the ordinance developed by staff and that the Town has a duty to protect the residents. He asked the City Council to not allow the tree pole at Vista Park.

Daniel Cooperman of 930 Culebra Road stated that Vista Park was donated to the Town for the benefit of the children. Vista Park was the most attractive play space in the area. The renovated park has been a grand success, but there has been a price for the aesthetics of the park, such as additional noise, congestion, and parking problems. The cost of \$1,000,000 was a very generous gift from the citizens and government grants. He asked why, after less than a year of the reopening of Vista Park, the Town would want to erect a 100-foot pole, which was equal to a ten-story structure, in an area of one and two-story homes. The Monopine was not suitable to the site. A Monopine would be suitable to a site near a highway, church, or commercial structure, but not a pocket-sized park. It would be a monumentally unsightly structure in Vista Park. He stated that he was concerned about the constant hum from the Monopine. He asked if a warning sign would be installed on the fence about the health risks from RF emissions. He asked what impact the Monopine would have on the attractiveness and use of the park. He stated that the Town should be

concerned because of the investment in the park. The Monopine would make it less appealing and would diminish the visual appeal. He stated that the City Council should avoid installing the cell site at Vista Park.

Seth Fearey of 1755 Oak Avenue in Menlo Park stated that he was with the Joint Venture of Silicon Valley Network. He stated that he was in favor of the application of the wireless facility in Vista Park. He stated that last year a joint committee of business and city leaders identified cell phone coverage was not up to world class standards. The committee determined that improving the availability and reliability of cell service was an issue of public safety and economic development. He reported that in 2004, 90,000,000 cell phone calls were made to 911. He stated that cell phones are becoming useful for many purposes, including downloading music, text messaging, email, websites, videos, and music. He added that cell phones are being used for more than what they had originally been designed for and, therefore, there has been a need for increased coverage.

Phyllis Tankel of 870 Longview Road stated that she and her husband voiced concern about the cell site located near her driveway at 870 Longview Road. They hired an attorney, people wrote letters, but nevertheless the micro cell was installed at 870 Longview Road. They were asked to be patient and the Town worked in good faith. She stated that cell phone towers should not be installed where residents live. There would be a problem wherever a micro cell or Monopine would be installed by those that live the closest. She stated that the location at Vista Park meets the requirements of the Town's ordinance. She stated that the City Council should vote in favor of installing the Monopine at Vista Park. Ms. Tankel added that she could have filled the room with people in favor of the Monopine at Vista Park and has faith that the tree pole would be approved for Vista Park. She asked that the City Council's decision not be based on those that speak the loudest.

Geoff Dean-Turner of 2505 Skyfarm Drive stated he had two questions. He asked where the dead zones were with no signal strength or dropped calls, and if there was truly a need for these wireless facilities. He stated that he came across an interesting website at www.wirelessestimator.com that had an article dated March 5, 2007, which reported that T-Mobile indicated that it was interested in selling up to 5,500 of its United States cell sites to the remaining cellular providers. He stated that the City Council should not consider the profit from the lease at Vista Park, but should rather have a master plan with the goals of the community and collocation of the cell sites.

Bob Rahebi of 10 Fir Court stated that T-Mobile has six cell sites in Hillsborough, and that was more than any other carrier. He stated that Verizon worked just fine.

Dorothy Fletcher of 845 Longview Road stated that she was not in favor of cellular antennas in general. She added that she agreed with Phyllis Tankel that the Monopine should be installed at Vista Park. There would be the least objection for a Monopine at Vista Park because of the need to have cell phone coverage in the area and there would be equal contamination as no one lived in Vista Park. A person could control how much time was spent in the park. She stated that she was in favor of the Vista Park site if a cell phone facility needed to be placed in the Town of Hillsborough.

Eric Zimits of 1055 Vista Road stated that it was very hard to predict the needs of the cellular providers as there could be a technological evolution in the cellular industry. The trend should be for facilities with small footprints rather than massive or intrusive facilities, as each collocation required a facility on the ground, and each contributed to the eyesore.

Philip Bernstein of 915 Link Road stated that he visited a San Bruno cellular site facility in San Bruno and took photos of a sign stating that "Beyond this point you are entering an area where RF Emissions *may exceed* the FCC General Exposure Limits." He stated that a child could scale the structure and there have been no long-term studies on RF emissions from cellular sites.

Mayor Mullooly asked Mr. Kramer about the warning sign. Mr. Kramer replied that the signage in San Bruno was at ground level, but that no signage at the site in San Bruno was required under FCC rules.

Councilmember Regan asked if T-Mobile's site at Vista Park would require signage. Mr. De La Rosa of T-Mobile stated that no sign would be required at Vista Park and no sign would be installed on the Monopine.

Councilmember Fannon asked what if an attorney said to install a sign. Mr. De La Rosa replied that a sign would be installed if required by the FCC. Bill Hammett, a Professional Engineer with Hammett & Edison and hired by T-Mobile, stated that no signage was required on the Monopine or ancillary equipment at Vista Park.

Arlene Bernstein of 915 Link Road stated that she visited the Monopine in San Bruno and found the site unsightly. She was concerned about the ancillary equipment. She described an 8' x 15' structure surrounded by masonry, which looked like a bunker. Ms. DeBry stated that the ancillary equipment at Vista Park would be landscaped. Ms. Bernstein stated that the existing ivy was attractive. She stated that she frequently walked her dog in that area and that she could hear a pin drop, and asked if the enclosed ancillary equipment would emit a hum.

Councilmember Regan asked what the hum would sound like coming from the ancillary equipment. Mr. De La Rosa replied that it sounded like an appliance. He stated that he looked at the site in Palo Alto and that the gas line noise was more noticeable than the ancillary equipment noise. Mr. Kramer stated that there would be very little noise coming from the cabinet. The concrete masonry wall would send most of the noise upwards. Ms. DeBry stated that the noise from the equipment was substantially lower than the ambient noise level in Hillsborough and would only be audible to persons standing immediately in front of the cabinet. City Attorney Norm Book added that if a permit was granted, a condition could be added that the Monopine and ancillary equipment comply with the Town's noise ordinance.

Councilmember Regan asked that if another provider collocated on the Vista Park Monopine, would another 8' x 15' structure be needed. Ms. DeBry replied that another 8' x 15' structure would be required. Mr. De La Rosa added that the size of the structure needed to be large enough for clearance for the workers and for future capacity.

Councilmember Regan stated that the Monopine in San Bruno looked like a smoke stack in the photo. Ms. DeBry replied that the Monopine in the photo was not a particularly good design and appeared to be a 30-35' Monopine. Mr. De La Rosa stated that the coax cables would stay underground at Vista Park, so that the proposed Monopine would not have the cable transition at the trunk and added that he would not consider installing the San Bruno Monopine depicted in the photo at Vista Park.

Linda Cooperman of 930 Culebra Road stated that the Town's wireless communications facilities ordinance does allow for aesthetics. The proposed pole was 100 feet, and that according to the staff report an 80' pole would work, and that each collocated antenna on the tree pole at Vista Park would create more noise.

Sonya Knudsen stated that cellular service technology does not work well with the trees in the Town of Hillsborough. She recommended that a master plan be developed for other carriers that want to improve cellular coverage in Hillsborough. She stated that technology is quickly outdated. In terms of the T-Mobile tree pole, it was not a tree. She asked what would happen when the utility poles are underground. She stated that the public was not involved in the wireless communications facilities ordinance. She stated that she felt placing a tree pole in Vista Park would set a precedent for the Town.

Martha Berry Dannis of Lancaster Road stated that Vista Park was a small neighborhood park. She moved to Hillsborough for the schools and the Town's

beauty. She stated that she would always know that the tree pole was a plastic tree. She added that tree poles are not in Atherton, Portola Valley, Los Altos, and Woodside. She stated that freeway noise increased with the sound walls along the freeway. She was concerned that she would hear the noise from the ancillary equipment because she lived 100 feet from Vista Park.

Don Texeira of 935 Vista Road stated that he was the “Duke of the Park” and that he cannot consider how the City Council can put the tree pole in Vista Park. If the concrete masonry wall around the ancillary equipment does not have a roof on the enclosure, balls would fall in there and kids would be climbing in there every day.

Rohit Bhagat of 925 Culebra Road stated that his prior home was located at 881 Vista Road. He stated T-Mobile has made generic comments about the safety and coverage of the tree pole. The questions asked previously have not been addressed and T-Mobile has not provided a compelling reason for the tree pole at Vista Park.

Lawrence Friedberg of 870 Longview Road stated that he was genuinely sympathetic for residents’ concerns of the tree pole at Vista Park. He stated that the Town diligently created the wireless communications facilities ordinance that required wireless facilities to be located as far as possible from homes. He asked what if the cellular facility was in your backyard. He stated that the Town operated in good faith and that the City Council should allow the cell tower in Vista Park.

Enzo Gasparini of 1025 Vista Road stated that he has lived in Hillsborough for over 50 years. He stated that everything was changing and that the City Council should not allow the cell tower to spoil Vista Park. He asked what would be next – a hamburger stand? He stated that T-Mobile does not need to install a tree pole at Vista Park. All the negative points have already been brought up tonight.

Joelle Conn of 949 Chiltern Road stated that the Town owns 259 acres in Hillsborough and asked if they have all been explored as potential sites for the cell tower. Crystal Springs Road has steep terrain and asked if that site has been an option. She added that the Town should look in its own backyard and explore those areas first. Ms. DeBry replied that she has considered Town-owned parcels, but found none suitable due to very steep slopes or no accessibility. Mrs. Conn demanded a written report of the Town-owned parcels and reasons why they are not suitable for the cell tower.

Patrick Richardson, an attorney retained by the Conns, asked if procedural matters have been addressed. He stated that 1) the CEQA issue needed to be addressed, 2) other issues besides FCC regulations can be addressed, 3) Section 15.32.020.E regarding installation of a new wireless facility within 3,000 feet of an existing wireless facility should be collocated on the same site has not been addressed before the approval of the application, 4) Section 15.32.020.B.1 regarding locating the wireless facility on an existing collocation structure has not been addressed and has been disregarded, and 5) Section 15.32.070.B.1 required the City Engineer to consider whether T-Mobile has demonstrated a significant gap in coverage and that the wireless facility would close that significant gap. He stated that Mr. De La Rosa has not been able to give substantial evidence that there was a gap in coverage. He urged the City Council to delay their decision for more consideration rather than making a rash decision.

City Attorney Book stated that the wireless facility at Vista Park was categorically exempt under the California Environmental Quality Act (CEQA). The notice would be filed when and if the application for the wireless facility at Vista Park is approved.

Ms. DeBry stated that collocation of a new wireless facility would not be practical on a telephone pole. She stated that there has been a significant gap in coverage and that the wireless facility at Vista Park would close that significant gap. Mr. Kramer added that “significant gap” has never been clearly defined, and gave the example of one court case in the ninth circuit that identified one cell user without coverage within his home as a significant gap.

Gordon Siebert, the Town's acting City Engineer, stated that the placement of more than one wireless facility on a telephone pole would not be feasible as a telephone pole could not take an infinite amount of weight.

Councilmember Regan asked for an update on the Next-G application that was submitted several months ago. Ms. DeBry stated that the Town approved Next-G Communications' application.

Paul Rochester stated that there has been no data available regarding the noise level with two to four cell sites in the same location. He stated that many residents are quite unhappy with the proposed wireless facility in Vista Park. He asked if there were any T-Mobile customers in the room. He asked if the donors to the renovation of Vista Park would have the opportunity to get their donations back if the wireless facility was installed at Vista Park. He asked if \$30,000 a year for the lease revenue for the wireless facilities was too low.

Lewis Wiseman of 873 Culebra Road stated that he has never heard anyone say that they needed better T-Mobile service in Hillsborough. He stated that he believed this to be a commercial activity. He added that unfortunately, some things are not within the Town's power. He stated that the 100-foot height of the tree pole exceeds anything else in Hillsborough. He added that Wurlitzer Park was given to the Town as a playground for the kids and that the Wurlitzer Park CC&Rs does not allow for this type of park use.

Zachary Hulseley of 950 Vista Road stated that he came to the City Council meeting open-minded and was not concerned about the aesthetic issue, but that a single tree pole for a single corporation surrounded by an 8' x 15' unit filled with ancillary equipment undercuts what the Town had been trying to attain for Vista Park.

Elton Pang of 1050 Vista Road stated that he moved from Southdown Road in late February 2007 because of the close location of his new home to Vista Park. He stated that T-Mobile users have no problem at Southdown Road or Vista Road. He stated that he has a problem with the tree pole and that every other cellular carrier could potentially want to place a tree pole in Vista Park. He also questioned the ethics of T-Mobile which offered him a lease at \$1,500 to host a Monopine.

Bob Chase of 1029 Vista Road stated that he learned a lot tonight about the proposed wireless facility at Vista Park. He learned that the application cannot be appealed for health or safety reasons or that the Town cannot discriminate against cellular providers, but there must be conversation for a solution to the problem. T-Mobile must demonstrate a need for the wireless facility at Vista Park. He stated that in his view T-Mobile has not brought together a compelling case.

Mr. Wiseman asked what signage was required by the FCC. He asked what signage T-Mobile would put on the wireless facility at Vista Park. Mr. Hammett responded that no signage was required on the pole or cabinets and that T-Mobile would not put up signage on the tree pole at Vista Park.

BeBe Trinkner of 735 Bowhill Road asked how many residents subscribe to T-Mobile and asked if residents would get advertising that T-Mobile's cellular service has improved in Hillsborough.

Mr. De La Rosa of T-Mobile stated that he would answer questions that were brought up by the public. He stated that in response to the last question asked that he could not disclose how many T-Mobile subscribers are located in Hillsborough. As far as the unsightliness of the Monopine, the coax cable would not be going up at such a great angle. No trees would be removed in Vista Park, but some branches would be trimmed and the Monopine branches would combine with the natural surrounding branches. The Town would be getting the market rate for the lease at Vista Park. As far as the article regarding T-Mobile selling their cell sites, that was just speculation.

Mr. Hammett stated that a 100-foot Monopine was required for the coverage needed. There would be some obstruction and a decrease in coverage with an 80-foot Monopine. T-Mobile did look at additional sites and found Vista Park the most suitable.

Mayor Mullooly closed the public hearing.

Mayor Mullooly stated that she needed to disclose a number of things, including the date of the appeal; receipt of emails; meetings with representatives of T-Mobile's office, Congressman Tom Lantos' office, and Assemblymember Gene Mullin's office; attendance at the public informational meeting on June 25, 2007; attendance at a Citizens Communication Advisory Committee meeting regarding a cell tower at Vista Park on June 12, 2007; and also a site visit to Vista Park at the request of one of the neighbors.

Vice Mayor Krolik stated that she also did the same as Mayor Mullooly, except that she did not meet neighbors on her site visit to Vista Park.

Councilmember Fannon stated that he received the emails and attended the informational meeting on June 25, 2007.

Councilmember Kasten stated that he received the letters and emails, attended the informational meeting on June 25, 2007, had conversations with residents, visited Vista Park and various websites, and viewed videos on YouTube.

Councilmember Regan stated that he received the emails and correspondence, was in St. Louis so he did not attend the informational meeting on June 25, 2007, visited Vista Park, and had no discussions with residents about the tree pole at Vista Park.

Councilmember Kasten asked how many cellular providers there were. Mr. Kramer replied that there are six cellular providers, which included Metro PCS, Sprint, Nextel, Cingular, Verizon, and T-Mobile.

Councilmember Fannon stated that he felt that the City Council needed to study this further and gather more details, such as how many T-Mobile customers are complaining about the coverage and the CC&Rs for Vista Park.

Councilmember Kasten stated that T-Mobile was the first through the door for this particular area regarding cell towers. He would like to step back and look at Hillsborough as a whole and choose the best solution for the Town and reduce the number of cell sites to the extent possible by examining all Town-owned sites first.

Councilmember Regan stated that the Town should have a discussion with the other cellular providers and develop a plan for wireless cellular facilities. Councilmember Regan stated that in his perspective, the \$2,500 a month lease was inconsequential and that other issues were more important. Councilmember Regan added that T-Mobile has not yet shown the need for additional coverage.

Vice Mayor Krolik stated that the applicant met the requirements for the wireless facility and added that the lease needed to be discussed further.

Councilmember Kasten asked City Attorney Book what the best procedure would be in order to provide staff with additional time to arrive at the optimum solution. Mr. Fannon inquired as to whether the lease should be considered before the wireless facility permit. In response to Mr. Fannon, Mr. Book replied that the City Council should consider the appeal of the permit approval based on the ordinance first, and then make a decision about approving or refusing the lease. Councilmember Fannon stated that if the lease was denied, the appeal of the permit would be moot.

In response to Mr. Kasten's questions, Mr. Kramer stated that there may be other carriers interested in this project and that the Town could continue this matter for a

short period of time. Councilmember Regan asked if any other carriers were interested in Vista Park. Ms. DeBry replied that Verizon was also interested in Vista Park.

Mr. Kramer stated that the City Council could request more information to make a decision. Mayor Mullooly asked for a motion from the City Council. Ms. DeBry stated that she would be out of the office for most of the month of August 2007. Councilmember Regan requested that additional information be provided to the City Council, including what Atherton, Woodside and Los Altos Hills are doing regarding wireless communications facilities. Councilmember Kasten requested information on the Town of Monte Sereno also. Mr. Siebert commented that he was also the Consulting City Engineer for the Town of Monte Sereno and that no application for a wireless facility has been received in the last three years.

Mr. De La Rosa stated that T-Mobile would be willing to work with the Town in regards to the design aspect of the Monopine and the size of the ancillary equipment. Mr. Kramer asked Mr. De La Rosa if he would be willing to allow the Town two more months to make a decision. Mr. De La Rosa stated that he would be willing to cooperate with the Town and provide the information needed. Councilmember Kasten asked Mr. De La Rosa to graphically show where the current coverage exists and where the incremental improvements would occur if the Monopine at Vista Park was installed.

On motion of Vice Mayor Krolik, seconded by Councilmember Fannon, and unanimous on voice vote, the City Council voted to continue the appeal of the approved application by T-Mobile for a wireless facility permit at Vista Park, and requested that staff provide an update at the September 10, 2007 City Council meeting, which may be preceded by a study session.

10. RESOLUTION AUTHORIZING STAFF TO ENTER INTO THE LEASE AGREEMENT WITH T-MOBILE FOR A CELLULAR ANTENNA AT VISTA PARK

Public Works Director Martha DeBry stated that both the Town of Hillsborough and T-Mobile agreed that there were a few minor issues that must be addressed before the lease agreement document with T-Mobile for Vista Park would be in its final form.

On motion of Vice Mayor Krolik, seconded by Councilmember Regan, and unanimous on voice vote, the City Council voted to continue the agenda item regarding authorization of staff to enter into the lease agreement with T-Mobile for a cellular antenna at Vista Park, subject to the City Attorney's final review.

DISCUSSION:

12. PROPOSED MOVEMENT OF THE TOWN BULLETIN BOARDS

Public Works Director Martha DeBry stated that the Town was recently contacted by a resident who asked that the bulletin boards be made accessible to persons in wheelchairs. There are three bulletin boards as required by State law, and they are located at Town Hall, the corner of Jackling Drive and Baileyana Road, and the median at West Santa Inez Avenue, Ascot Road and Brentwood Drive. The Town Hall bulletin board is accessible by wheelchair.

Ms. DeBry added that the West Santa Inez bulletin board was on a traffic median without curb cuts to allow for wheelchair access. The City Engineer determined that it would be more appropriate to discourage pedestrian traffic of any type to the median rather than add curb cuts at this location. The Jackling bulletin board was more accessible to pedestrians, but was not accessible to a wheelchair. Curb cuts could be installed; however, persons in wheelchairs would be forced to enter the street, which was not desirable. Because the location of the bulletin boards was specified in the Municipal Code, the ordinance must be amended to relocate the boards.

Ms. DeBry proposed that the City Council consider the relocation of the West Santa Inez and Jackling bulletin boards to sites that provide both parking and accessibility. Possible alternative locations included Fire Station 32, Fire Station 33, Vista Park, and Crossroads Park. Because the existing bulletin boards require frequent maintenance, new pre-manufactured bulletin boards, similar to the one in front of Town Hall, would be installed at the alternative locations.

Mayor Mullooly stated that it would make a lot of sense to move the West Santa Inez bulletin board to Station 32 at 330 Ascot Road. Councilmember Regan recommended a bulletin board at Station 33 located at 835 Chateau Drive.

Ms. DeBry stated that she would have the ordinance revised with the recommendations of the City Council and would present the revised ordinance at a future City Council meeting.

13. REVISION OF PARKING STRIP STANDARDS

Public Works Director Martha DeBry stated that the Public Works and Community Service Departments have been evaluating the Parking Strip Requirements to reflect best management practices for storm water management and to provide more flexibility in design.

Ms. DeBry stated that approximately 50% of Hillsborough's streets have parking strips. A parking strip consists of the installation of a hard surface suitable for parking a vehicle and is at least five feet in width at the edge of the right-of-way. Residents are required to install parking strips whenever a building permit is issued for a new building or a project that involves remodeling 50% of an existing structure, or when work is performed in the right-of-way (typically for major landscaping).

Ms. DeBry stated that the code is written narrowly to require parking strips along all frontages of a property, without regard to the appearance, length or use of properties. The City Engineer provides exceptions for large trees and safety. Some properties have very large frontages and, as a result, when parking strips are constructed they have the look of monolithic sidewalks, which may be an unintended consequence of the rigid specification. Public Works attempts to accommodate requests to preserve mature trees and allow short walking paths when practical to enhance the aesthetic appearance of a property. The Public Works Department would like to have broader discretion to approve frontage improvements in any configuration provided that there is an opportunity for on-street parking in the area, adequate emergency vehicle access and reasonable allowances for pedestrian safety.

Ms. DeBry reported that currently, the list of materials approved for parking strips includes asphalt, textured asphalt, interlocking pavers set in sand, and brick. Most residents opt for asphalt because it costs significantly less than interlocking pavers. The use of impervious materials such as asphalt increases storm water run-off into the streets and ultimately the San Francisco Bay, affecting water quality. Upon reviewing the standard specification, it became clear that other environmentally friendly building materials were available locally. The use of these materials would reduce the volume of storm water run-off and reduce contaminants that reach the storm drain. Materials proposed to be included in a revised standard would be porous asphalt, porous concrete, grass or turf block, and interlocking pavers or brick set in sand.

Ms. DeBry explained that the difference between conventional and porous asphalt and concrete is the construction process which creates voids within the material without compromising strength. Porous asphalt is more expensive than non-porous asphalt.

Mr. DeBry stated that a draft of a revised parking strip specification was presented to the Architecture and Design Review Board (ADRB) for comment and, generally, the ADRB was supportive of the changes to provide more diversity in the appearance of parking strips. ADRB members commented that they would like to see decomposed granite/gold fine materials as an alternative as well. Public Works has some concerns about the movement of small rocks from parking strips into the streets and storm

drains during storm events, which is a maintenance issue. It may be possible to allow such materials on parking strips that are not on steep slopes or that include a binder material that prevents loose materials.

Ms. DeBry added that this item is presented for discussion only and comments would be incorporated into draft standards, guidelines, and codes, if appropriate, for a future presentation to the City Council.

Councilmember Kasten asked what type of periodic maintenance is required for decomposed granite/gold fine materials. Ms. DeBry replied that decomposed granite/gold fine materials must be tamped down periodically. Homeowners might be required to agree to maintain their parking strips when using this type of material.

Councilmember Regan remarked that the alternative parking strip materials would enhance the look of the streets.

Councilmember Fannon recommended incorporating the additional parking strip materials into the draft standards, guidelines, and codes.

PUBLIC COMMENT:

Sonya Knudsen stated that the City Council should put aside the issue regarding the Vista Park cellular antenna/tree pole permit and lease. She recommended that the City Council look at Fir Court. She also recommended that the Town improve the public notice process for residents of Hillsborough.

CITY COUNCIL ITEMS:

Mayor Mullooly announced that David Steirman had been appointed to the Financial Advisory Committee.

Mayor Mullooly reported that she and Vice Mayor Krolik attended HIP Housing's 35th Anniversary Celebration Luncheon on June 21, 2007.

Mayor Mullooly asked if any of the Councilmembers would be attending the July 27, 2007 Council of Cities Dinner/Meeting in Pacifica. None of the Councilmembers responded that they would be attending the dinner/meeting.

ADJOURN:

Mayor Mullooly adjourned the meeting at 11:01 p.m.