

MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, DECEMBER 10, 2007

Mayor Mullooly called the regular meeting to order at 6:06 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 November 13, 2007 City Council meeting were approved as submitted subject to two changes. Vice Mayor Krolik requested that the name of the woman from the Metropolitan Transportation Commission be included in the minutes. Vice Mayor Krolik also stated that on page 7, item 16, the third sentence of paragraph 2 should read "Vice Mayor Krolik requested that the hearing for the adoption of the bulletin board ordinance be deferred until December 10, 2007, for more notice to the neighbors regarding moving the bulletin boards."

ELECTION OF MAYOR: Vice Mayor Krolik nominated Catherine U. Mullooly for Mayor. The nomination was seconded by Councilmember Regan and was unanimous upon voice vote. Catherine U. Mullooly was elected Mayor for a one-year term.

ADMINISTRATION OF OATH OF OFFICE: Mayor

The oath was administered to Catherine U. Mullooly by Police Chief Matt O'Connor.

ELECTION OF VICE MAYOR: Councilmember Regan nominated Christine M. Krolik for Vice Mayor. The nomination was seconded by Councilmember Kasten and was unanimous upon voice vote. Christine M. Krolik was elected Vice Mayor for a one-year term.

ADMINISTRATION OF OATH OF OFFICE: Vice Mayor

The oath was administered to Christine M. Krolik by Police Chief Matt O'Connor.

PRESENTATIONS:

- Mayor Mullooly announced that the Holiday Giving Tree will support our Adopt-A-Unit, the H & H Company, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), nicknamed "Warriors". She stated that handout sheets with a list of suggested items and a banner for signing are located in the lobby. Mayor Mullooly announced that the first shipment was sent to the troops on December 7, 2007.
- Susie Huetteman, a board member of HIP Housing, thanked the Town of Hillsborough for its support. She stated that the Town's support contributes to HIP Housing providing a place to call home for 1,000 individuals. Ms. Huetteman presented the Town with 2008 HIP Housing calendars filled with art by kindergarten to fifth grade students.
- City Manager Tony Constantouros announced that the International City Management Association recognized the City Manager and the Town of Hillsborough with the Program Excellence Award for Community Partnership, which was presented at the 93rd ICMA Annual Conference in Pittsburgh, Pennsylvania on October 10, 2007. Of the 8,200 members of the ICMA, only twenty members received awards this year.

CONSENT CALENDAR:

Item 3 was removed for discussion. On motion of Councilmember Kasten, seconded by Councilmember Fannon, and unanimous on voice vote, Consent Calendar items 1, 2, 4, 5, 6, 7, 8 and 9 were adopted.

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

The monthly claims for the month of November 2007 in the amount of \$3,737,836.14 were approved as submitted.

2. RESOLUTION AUTHORIZING COMPENSATION ADJUSTMENTS FOR HILLSBOROUGH POLICE OFFICERS ASSOCIATION – TEAMSTERS LOCAL 856, PUBLIC WORKS/CLERICAL UNIT – TEAMSTERS LOCAL 856 AND UNREPRESENTED EMPLOYEES

The resolution authorizing compensation adjustments for Hillsborough Police Officers Association – Teamsters Local 856, Public Works/Clerical Unit – Teamsters Local 856 and unrepresented employees was adopted.

3. ACCEPTANCE OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) TOGETHER WITH THE INDEPENDENT PUBLIC ACCOUNTANT’S REPORT ON THE INTERNAL CONTROL FOR THE YEAR ENDED JUNE 30, 2007

Councilmember Regan pointed out important information from the Town’s Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2007. He stated that the report from Vavrinek, Trine, Day & Company, LLP (VTD) was the type of report that the Town wanted to receive and that in terms of Significant Accounting and Reporting Policies, the Town does not have to worry about significant and unusual transactions. Councilmember Regan stated that in terms of Audit Adjustments, none of the adjustments proposed by VTD indicate matters that could have a significant effect on the Town’s financial reporting process, which is very unusual and very good for the Town. In regards to Disagreements with Management, Councilmember Regan stated that there were no such disagreements, and that the report was very complimentary and had only good things to say.

Councilmember Regan pointed out that the VTD’s Independent Auditors’ Report on page 9 of the CAFR stated that the Town’s financial statements were “fairly presented” and that was the type of comment desired from the Certified Public Accountants’ report. He stated that on page 21 of the CAFR, the Statement of Net Assets for June 30, 2007, showed that the Town has exceeded \$100 million in total assets for the first time. Councilmember Regan stated that on page 25, the Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances reconciles the Town’s assets over the years by governmental accounting standards. Councilmember Regan stated that the report by VTD shows great success of the Town’s revenue and budget. He added that the VTD report was reviewed and accepted by the Financial Advisory Committee.

Mayor Mullooly thanked Councilmember Regan.

On motion of Vice Mayor Krolik, seconded by Councilmember Fannon, and unanimous on voice vote, the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2007, was accepted.

4. RESOLUTION AUTHORIZING WATER SERVICE RATES AND METER SERVICE CHARGES EFFECTIVE JANUARY 1, 2008

The resolution authorizing water service rates and meter service charges effective January 1, 2008, was adopted.

5. RESOLUTION APPROVING THE SECOND AMENDMENT TO THE AGREEMENT FOR ANIMAL CONTROL SERVICES BETWEEN THE PENINSULA CITIES AND THE COUNTY OF SAN MATEO

The resolution approving the Second Amendment to the agreement for Animal Control Services between the Peninsula cities and the County of San Mateo was adopted.

6. RESOLUTION APPROVING THE CSG WORK ORDER FOR DESIGN SERVICES FOR THE 2008 GUARD RAIL REPLACEMENT PROJECT

The resolution approving the CSG work order in the total amount of \$38,902 and allocating the same from Measure A and Gas Tax revenues was adopted.

7. RESOLUTION APPROVING THE PURCHASE OF TWO PAX MIXING SYSTEMS FOR THE TOURNAMENT TANKS

The resolution approving the purchase of two PAX mixing systems and four temperature strings for the Tournament tanks and allocating \$70,600 from the Water Fund and 2006 Bond proceeds was adopted.

8. RESOLUTION ACCEPTING AS COMPLETE THE CONTRACT WITH AGUILAR & SONS FOR THE DRAINAGE IMPROVEMENTS ALONG CRYSTAL SPRINGS ROAD

The resolution accepting as complete the drainage improvements along Crystal Springs Road installed by Aguilar & Sons in the amount of \$15,052 was adopted.

9. RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE CONTRACT WITH ROBERT A. BOTHMAN FOR THE VISTA PARK IMPROVEMENT PROJECT

The resolution approving a change to the previously approved contract with Robert A. Bothman for the Vista Park Improvement Project in the amount of \$20,500 for a total project cost of \$883,211 was adopted.

NEW BUSINESS:

10. RESOLUTION AUTHORIZING THE DEVELOPMENT OF A SUSTAINABLE HILLSBOROUGH TASK FORCE, GREEN BUILDING PROGRAM AND APPROPRIATION OF FUNDS FOR CONSULTING SERVICES AND EDUCATION EXPENSES

Assistant City Manager Kathy Leroux stated that this item was presented at the November 13, 2007 City Council meeting. She added that to promote moving forward with the Sustainability Plan, adoption of the resolution will authorize the Mayor to appoint a Sustainable Hillsborough Task Force, authorize the appropriation of \$30,000 from the budget contingency fund for consulting services and education expenses, and will include a green building program that promotes voluntary green building measures to building professionals and residents.

Ms. Leroux introduced CSG consultant Kathleen Gallagher. Ms. Gallagher stated that she will look at the current conditions in the Town of Hillsborough in regards to environmental programs that promote sustainability, such as the construction and demolition recycling policy, the environmental preferable purchasing policy, energy efficient building/code requirements, water conservation programs and energy efficiency audits for Town facilities. She stated that a comprehensive sustainability plan can provide a roadmap for the Town to identify and prioritize sustainability programs that the Town and community can undertake to further sustainable practices. She stated that the task force will get the assessment of the Town's greenhouse gas inventory and an executive summary of the findings would be provided. She added that the task force would establish an emission reduction target of approximately 15-20% and would review programs and policies designed to get Hillsborough to that goal.

Mayor Mullooly thanked Ms. Gallagher and Ms. Leroux.

On motion of Councilmember Fannon, seconded by Councilmember Kasten, and unanimous on voice vote, the resolution authorizing the Mayor to appoint a Sustainable Hillsborough Task Force and authorize the appropriation of \$30,000 for consulting services and education expenses was adopted.

PUBLIC HEARING:

11. ORDINANCE ADOPTING THE 2007 CALIFORNIA FIRE CODE AND AMENDING CHAPTER 15.20 OF THE HILLSBOROUGH MUNICIPAL CODE – ADOPTION

Fire Chief Don Dornell stated that this item was introduced at the November 13, 2007 City Council meeting. He stated that questions asked by the City Council at that meeting have been addressed in the updated submittal, specifically regarding the use of the terms “Fire Chief” and “fire code official”.

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 ordinance adopting the 2007 California Fire Code and amending Chapter 15.20 of the Hillsborough Municipal Code was adopted.

12. ORDINANCE AMENDING TITLE 15 OF THE HILLSBOROUGH MUNICIPAL CODE REGULATING BUILDING AND CONSTRUCTION – ADOPTION

Chief Building Official John Mullins stated that this item was introduced at the November 13, 2007 City Council meeting and questions asked by the City Council at that meeting have been addressed in the updated submittal, specifically regarding the use and capitalization of the title of “Chief Building Official” and “Building Official”. The title “Building Official” would replace the current title “Chief Building Official” throughout these Municipal Code amendments in order to be consistent.

Mayor Mullooly opened the public hearing. There were no comments. Mayor Mullooly closed the public hearing. On motion of Councilmember Kasten, seconded by Councilmember Regan, and unanimous on voice vote, the ordinance amending Title 15 of the Hillsborough Municipal Code regulating building and construction was adopted.

13. ORDINANCE AMENDING CHAPTER 1.20.015 OF THE HILLSBOROUGH MUNICIPAL CODE REGARDING BULLETIN BOARDS – ADOPTION

City Engineer Cyrus Kianpour stated that this item was introduced at the October 8, 2007 City Council meeting. He added that per City Council’s request, the public hearing was delayed until December 10, 2007, in order to allow time for a posting explaining the proposed action on the bulletin boards. He stated that the Town’s bulletin boards would be moved from their present locations at Brentwood Drive and West Santa Inez Avenue and Baileyana Road at Jackling Drive to Fire Stations 32 and 33.

Mayor Mullooly opened the public hearing. There were no comments. Mayor Mullooly closed the public hearing. On motion of Vice Mayor Krolik, seconded by Councilmember Kasten, and unanimous on voice vote, the ordinance amending Chapter 1.20.015 of the Hillsborough Municipal Code regarding bulletin boards was adopted.

DISCUSSION:

14. CRYSTAL SPRINGS SEWER MAIN AND POTENTIAL FOR A CEASE AND DESIST ORDER FROM THE REGIONAL WATER QUALITY CONTROL BOARD

Public Works Director Martha DeBry stated that the Crystal Springs/EI Cerrito Sewer Trunk main’s capacity was exceeded in February 2005 and that there was a sanitary sewer overflow. She added that the Regional Water Quality Control Board (RWQCB) is pursuing issuance of a Cease and Desist to all parties involved because of the sanitary sewer overflow. She stated that she has been working with the City of San Mateo, San Mateo County, and the Crystal Springs County Sanitary District (CSCSD) to replace the sewer line to increase capacity. She added that the Crystal Springs/EI Cerrito sewer line has been problematic. \$3,000,000 has already been spent upgrading the line and \$8,000,000 worth of work still needs to be done on the sewer line. She reported that the Crystal Springs County Sanitary District has stated that they do not have the money to fund capital projects.

Ms. DeBry reported that the RWQCB has scheduled a meeting on December 20, 2007, with the City of San Mateo, City of Foster City, City of Belmont, Town of Hillsborough and County of San Mateo, which discharge to the City of San Mateo Water Quality Control Plant. She added that the City of Burlingame has also been invited to this meeting even though the City of Burlingame owns and operates a separate treatment plant.

Councilmember Regan asked what proportion of the cost the Town is responsible for. Ms. DeBry replied that Hillsborough is responsible for 40% of the cost of the trunk. Ms. DeBry added that more and more homes are being discovered that use Hillsborough's sewer line and that it would be a good idea to hire a consultant to define what homes are going into the trunk.

Councilmember Regan asked if there were any jurisdictions that could force the Crystal Springs County Sanitary District to pay their share of the cost for a new sewer line. Ms. DeBry replied that the Town has a contract with the CSCSD that requires repayment. It is likely a matter to be resolved in either civil or bankruptcy court.

City Attorney Norm Book asked which residents are served by the Crystal Springs County Sanitary District. Ms. DeBry replied the San Mateo Highlands and other properties east of Polhemus are served by the Crystal Springs County Sanitary District.

Councilmember Fannon asked what the Cease and Desist order means for the parties involved. Ms. DeBry replied that the Cease and Desist order forces the Town and other agencies into compliance and the RWQCB could impose penalties.

Councilmember Kasten asked what happens if an agency does not have the funds for the sewer line replacement. Ms. DeBry replied that according to the contract with the other agencies, everyone must pay their share, or a civil suit can be filed.

Mr. Book asked if an agency does not pay, could they be denied sewer service. Ms. DeBry responded that it would be a public health issue and that it was a complicated issue, but that all agencies were cooperating. She added that the improvements to the sewer line would be a series of projects with a 20-year plan.

Mayor Mullooly thanked Ms. DeBry.

PUBLIC COMMENT:

There were no comments.

CITY COUNCIL ITEMS:

Mayor Mullooly announced that she would attend the Council of Cities Dinner/Meeting on December 14, 2007.

Mayor Mullooly announced that the San Mateo Times ran an article on Hillsborough's Adopt-A-Unit. She stated that the first shipment was shipped off to the troops of Hillsborough's adopted unit on December 7, 2007.

Councilmember Kasten announced that Associate Planner Gina Tynan would be moving to Memphis, Tennessee and that her last day was December 21, 2007.

ADJOURN:

Mayor Mullooly adjourned the meeting at 7:19 p.m.