

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, AUGUST 10, 2009**

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

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

**MINUTES:** The minutes of the July 13, 2009 City Council meeting were approved as submitted.

**CONSENT CALENDAR:**

Mayor Krolik announced that the second paragraph of the Agenda Staff Report for item 6 was revised to read "Since that time, the interest rate on the loan has been reduced to 1%. The Town has the opportunity to borrow more and reapply for the loan with the lower interest rate and adjust the total loan amount to \$908,700 over *thirteen years.*"

On motion of Councilmember Regan, seconded by Vice Mayor Kasten, and unanimous on voice vote, Consent Calendar items 1 - 9 were approved with item 6 amended.

1. MONTHLY CLAIMS: JULY 1 THROUGH JULY 31, 2009

The monthly claims for the month of July 2009, in the amount of \$2,232,067.12 were approved as submitted.

2. RESOLUTION ADOPTING THE PENINSULA PARTNERSHIP LEADERSHIP COUNCIL'S BILL OF RIGHTS FOR CHILDREN AND YOUTH IN SAN MATEO COUNTY

The resolution supporting the Peninsula Partnership Leadership Council's Bill of Rights for the Children and Youth in San Mateo County was adopted.

3. RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE CHIEF TO SIGN THE MEMORANDUM OF UNDERSTANDING (MOU) ENABLING THE HILLSBOROUGH POLICE DEPARTMENT TO BECOME A MEMBER AGENCY OF THE WEST BAY INFORMATION SHARING SYSTEM (WBISS)

The resolution approving the Memorandum of Understanding between the Town of Hillsborough and law enforcement agencies in San Mateo and San Francisco Counties for records data sharing within the West Bay Information Sharing System and authorizing the City Manager and Chief of Police to sign it on behalf of the City was adopted.

4. RESOLUTION CONFIRMING THE REPORT OF WEED ABATEMENT CHARGES AND ORDERING COLLECTION

The resolution confirming the report of weed abatement charges and ordering collection was adopted.

5. RESOLUTION AWARDING A CONTRACT TO G. BORTOLOTTI COMPANY, INC. FOR THE 2009 ASPHALT OVERLAY PROJECT ST-411 & ESPL-5191(004)

The resolution awarding the contract to G. Bortolotto Company, Inc. for the 2009 Asphalt Overlay Project ST-411 and ESPL-5191, in the amount of \$431,679 with a contingency of \$29,238 for a total project cost of \$460,917, and allocating \$392,000 from the Federal ARRA fund and the remaining \$68,917 from Measure A and Gas Tax funds was adopted.

6. RESOLUTION ALLOWING SUBMISSION OF A NEW APPLICATION TO THE CALIFORNIA ENERGY COMMISSION LOW INTEREST RATE LOAN PROGRAM

The resolution allowing submission of a new application to the California Energy Commission Low Interest Rate Loan Program was adopted.

7. RESOLUTION ALLOCATING \$79,917 FOR THE PURCHASE OF A 2005 CATERPILLAR 100KW AND A 2006 CATERPILLAR 230KW STAND-BY EMERGENCY GENERATOR FOR THE PUBLIC WORKS DEPARTMENT

The resolution allocating \$75,000 from the Water Fund to Peterson Power Systems, Inc. for the purchase of a 2005 Caterpillar 100kw and a 2006 Caterpillar 230kw portable stand-by emergency generator for the Public Works Department was adopted.

8. RESOLUTION AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE THE FINANCIAL ASSISTANCE AGREEMENT FOR THE CLEAN WATER STATE REVOLVING FUND FORGIVABLE LOAN FINANCING APPLICATION

The resolution authorizing the Public Works Director to execute the financial assistance agreement for the Clean Water State Revolving Fund Forgivable Loan Financing Application was adopted.

9. RESOLUTION APPROVING CSG WORK ORDERS FOR ENGINEERING SERVICES FOR THE UPGRADE OF THE SKYFARM III AND TOURNAMENT PUMP STATIONS PROJECT, 2008-2009 STREET REHABILITATION PROJECT AND THE 2009 ASPHALT OVERLAY PROJECT (ESPL-5191 004)

The resolution approving the CSG work orders for engineering services for the Upgrade of the Skyfarm III and Tournament Pump Stations Project, 2008-2009 Street Rehabilitation Project and the 2009 Asphalt Overlay Project in the amount of \$97,370 and allocating \$31,210 from the Water Enterprise Fund and \$66,160 from the Measure A and Gas Tax revenues was adopted.

**NEW BUSINESS:**

10. INFORMATIONAL OVERVIEW OF HILLSBOROUGH SCHOOLS FOUNDATION'S FUNDRAISING PLANS

Mayor Krolik introduced Margi Power and Kelly Scandalios, Co-Presidents of Hillsborough Schools Foundation (HSF) and Anthony Ranii, Superintendent of the Hillsborough City School District (HCS D).

Ms. Power stated that the goals for the presentation were to inform the City Council about HSF, where they are today and where they want to be, to inspire the City Council to spread the word about their New Fundraising Ventures, and to answer any questions the City Council may have.

Ms. Scandalios stated that HSF was founded in 1980 to secure private financing for public schools when public financing fell short and that their mission was to raise funds to support the tradition of excellence in the schools while fostering volunteerism and community support. She stated that HSF helps to provide small class sizes (beyond the state mandate), reading, math, and science specialists, music, art, drama and foreign language classes, school counselors and librarians, ongoing professional development for teachers, and the integration of state-of-the-art technology into all classrooms.

Ms. Scandalios explained the beneficial impact that HSF currently has on the schools, including providing 17% of the HCS D budget, which is \$2,300 per student above what the school district receives from local, state and federal sources. She stated that HSF supports every area of the school curriculum. She reviewed the expenditures per pupil, HCS D revenues/expenditures, and the new equation for revenue resources.

Ms. Power explained the HSF Five-Year Strategic Plan, which included creating a stable, consistent governing body, providing funds required to maintain the high standards of educational excellence in HCSD, reducing the number of annual events and ensuring they are monetarily successful, community-building events, inspiring the Hillsborough community to “Opt for Excellence” in education, improving and enhancing the volunteer experience, and optimizing the HSF infrastructure and resources for staff.

Ms. Scandalios stated that the Annual Giving Campaign generates approximately \$3M each year and represents about 80% of their funding. She reviewed the various fundraising events held annually, which generates approximately \$400K - \$500K each year, and includes the Tennis Classic, Dinner Dance and Family Fun Day.

Ms. Power explained that HSF’s mission was to host prosperous, community-building events that use volunteers efficiently and effectively. She added that part of Strategic Plan Goal 3 required that HSF conduct an ongoing analysis of how the events were achieving their mission and make changes as necessary to increase their revenue to bring the community together and satisfy volunteers. She explained that each event was evaluated for profitability, volunteer efficiency, and community-building at the Events Criteria Meeting on June 1, 2009, and that recommendations were made to the Board on June 2, 2009.

Ms. Power reported that the Concours d’Elegance event has had declining revenue and HSF took a loss this year. She stated that HSF is moving away from “Mandatory Volunteering” and since there is a crowded, competitive fundraising landscape (PARCA, Hillsborough Beautification Foundation, Community Service League, etc.), the Concours event will be better served by an independent board, as other HSF fundraising initiatives are generating more interest and income.

Ms. Power stated that New Ventures was formed in 2008-2009 as part of the Strategic Plan and that their mission is to seed and grow new business ventures that are low on volunteer time, sustainable and can be a major contributor to the HSF annual budget within five years. She reviewed the current initiatives, which included HSF Garage, a national online resale business recycling high-end goods, Hillsborough Together (HT), a community website with potential for advertising, and Town support to spread the word.

Ms. Scandalios stated that the vision of the Foundation Partners was to build strong “partner” relationships in the business community in support of HSF goals, extending beyond sponsorship of individual events.

Ms. Scandalios stated that the message that she wanted to convey about HSF was to PAVE (Pledge, Attend, Volunteer, Enroll) the way for the children’s future success by getting online and wired into the community, enrolling in Hillsborough Together, eScript, and HSF Garage, and by going to the new HSF website.

Mayor Krolik announced that there will be a Concours Community Meeting on Wednesday, September 2, 2009, at 7:00 p.m. at Town Hall. City Manager Tony Constantouros stated that the Town is trying to assist the Hillsborough community in saving the Concours event.

Mayor Krolik thanked Ms. Power, Ms. Scandalios and Mr. Ranii. Mr. Ranii thanked HSF.

#### **OLD BUSINESS:**

#### **11. RESPONSE TO THE SAN MATEO COUNTY GRAND JURY REPORT REGARDING WAGES, SALARIES AND BENEFITS**

Assistant City Manager Kathy Leroux reported that the Grand Jury Report, “The Upward Trajectory of Employee Costs,” was received in June 2009. She added that a

presentation was given at the July 13, 2009 City Council meeting to give an update on the cost of wages and benefits and the Grand Jury Report. She stated that staff also reviewed what the Town has accomplished and what staff is currently working on with regards to employee costs.

Ms. Leroux stated that Human Resources Specialist Kristin Armbruster worked individually with Mayor Krolik and Councilmember Benton on the draft response to the Grand Jury Report and that their comments have been incorporated into the response. She added that the Town must submit its comments no later than September 3, 2009, and it must be approved by the City Council at a public meeting.

Ms. Leroux stated that staffs' recommendation is to accept the response to the Grand Jury Report.

Vice Mayor Kasten asked if Table 8 on page 127 of the agenda packet that shows the number of full-time equivalent employees includes consultants. Finance Director Edna Masbad replied that the number of full-time equivalent employees in Table 8 did not include consultants. Vice Mayor Kasten asked if the number of full-time consultants in other cities was included in the table, such as San Mateo that contracts for water services, so that he could compare the ratio of full-time equivalent employees to the Town's population with the ratio of other cities. Ms. Leroux stated that she did not know whether other cities included the number of consultants in with the number of full-time equivalent employees, but that she could provide the number of full-time consultants for the Town to him.

Councilmember Regan asked why the Hillsborough health expenditure per retiree was so high in Table 5 on page 118. Ms. Masbad replied that it was due to the level of benefits extended to Hillsborough retirees, whereas other cities share the cost of health expenditures with retirees.

The City Council reviewed the response to the Grand Jury Report and amended the response to 1.b. of the Action Plan to read "The Town *agrees in concept; however, under state law, we are prohibited from reducing retirement benefits for current employees.*"

The response to 2.a. was amended to read "The Town *agrees with the finding.*"

The response to 2.b. was amended to read "The Town *agrees with the finding.*"

The response to 3.a. was amended to read "The Town *agrees with the finding; however, it recognizes that many of the public sector job descriptions don't exist in the private sector, and the available salary and benefit data from the private sector is not typically relevant.*"

The response to 5.a. was amended to read "*The City Council does not believe that these facts and circumstances are applicable to it.*"

The response to 6.a. was amended to read "The Hillsborough Council *is not reluctant to create a two-tier wage and compensation system.*" The second sentence to the response to 6.a. was deleted.

On motion of Councilmember Fannon, seconded by Vice Mayor Kasten, and unanimous on voice vote, the amended response to the San Mateo County Grand Jury Report regarding wages, salaries and benefits was accepted.

12. RESOLUTION ADOPTING THE VERY HIGH FIRE HAZARD SEVERITY ZONE MAP OF THE TOWN OF HILLSBOROUGH AS RELEASED BY CAL FIRE IN 2009 AND DESIGNATING AREAS SURROUNDING THE TOWN'S OPEN SPACE IN THE NORTHERN PART OF TOWN AS WILDLAND-URBAN INTERFACE AREAS

Fire Chief Don Dornell turned the presentation over to Fire Marshal Rocque Yballa. Mr. Yballa stated that at the November 13, 2007 City Council meeting, the Fire Department brought the topic of Fire Hazard Severity Zone mapping, as developed by the State of California, up for discussion, but at that time, the State had not finalized the maps.

Mr. Yballa reported that since then, Cal Fire has provided formal recommendations designating Very High Fire Hazard Severity Zones (Zones) in most of the southwestern portion of the Town. He stated that California state law requires local jurisdictions to recognize and adopt the recommendations for the Zones. He added that state law further permits local jurisdictions to adopt Wildland-Urban Interface Areas (WUIA's) for the application of wildland building, fire, and life safety standards in areas not designated as such a Zone. Mr. Yballa stated that Fire staff worked with the Town's Planning, Building and Public Works Departments to bring recommendations to the City Council for consideration and action that will help to protect the Town from possible wildland fire disasters.

Mr. Yballa stated that at the July 13, 2009 City Council meeting, the Fire Department recommended the adoption of the Cal Fire maps and further recommended that the City Council designate northern portions of the Town surrounding open space as Wildland-Urban Interface Areas for the purpose of enforcing the 2006 International Wildland-Urban Interface Code, as amended.

Councilmember Fannon asked what the Town will do differently after adopting the Very High Fire Hazard Severity Zone Map and Wildland-Urban Interface Areas. Mr. Yballa replied that the Town would be able to enforce the use of fire resistant construction materials and manage and regulate landscaping and clearances in the northern and southwestern portions of the Town.

Vice Mayor Kasten asked if residents are not rebuilding or remodeling their homes, would they need to do anything to comply with the new regulations. Mr. Yballa replied that only homeowners that are rebuilding or remodeling would have to comply with the new regulations and they would be required to maintain a defensible space around the structures by removing weeds, debris, shrubs, and trees, and to use fire resistant construction materials.

Councilmember Benton asked Mr. Yballa how he planned on communicating the new ordinance to homeowners to protect their homes. Mr. Yballa replied that articles have been included in the Town newsletter a couple of times a year regarding defensible space and pamphlets are available at Concours d'Elegance and distributed to Crocker Middle School students to take home. He added that he will make available at Town Hall copies of the guide for homeowners by the end of the week.

Vice Mayor Kasten stated that an article should be included in the Town's newsletter regarding the Wildland-Urban Interface Area. Councilmember Fannon requested that a color coded map be included with the article in the Town newsletter. Chief Building Official John Mullins stated that he would include the color coded map with the article.

Councilmember Benton asked if there was a potential Town liability, if a homeowner clears 50 feet of defensible space, but the Town does not clear 50 feet from the Town's open space. Chief Dornell replied that the Town is not under any mandate to clear defensible space in the Town's open space. City Attorney Norm Book added that the Wildland-Urban Interface Code does not require that the Town clear defensible space in the Town's open space, but stated that he would check the Government Code regarding the Town's potential liability.

Mr. Mullins stated that staff started adoption of the Very High Fire Hazard Severity Zone mapping two years ago and that the new regulations will be nothing new to the architects, as components of the new regulations have already been implemented for roofs, windows, siding, decks, and damper and ventilation systems on some architectural projects in Hillsborough.

Councilmember Regan asked if homeowners' insurance rates would increase if the home was in the Very High Fire Hazard Severity Zone or Wildland-Urban Interface Area. Mr. Yballa replied that homeowners' insurance rates are not supposed to be affected by the designation.

Vice Mayor Kasten asked if homeowners would need to disclose that their property was designated as being in the Very High Fire Hazard Severity Zone or Wildland-Urban Interface Area. Mr. Yballa replied that he believed that the homeowners would need to disclose that their property was designated as being in the Very High Fire Hazard Severity Zone or Wildland-Urban Interface Area.

Mayor Krolik asked if homeowners with properties designated as being located in the Very High Fire Hazard Severity Zone or Wildland-Urban Interface Area have been notified. Mr. Yballa replied that the homeowners have not been notified. Mr. Mullins stated that only new homes or substantially remodeled homes would be subject to these new requirements and currently there are approximately ten vacant parcels located in the Very High Fire Hazard Severity Zone and only ten to twelve vacant parcels located in the Wildland-Urban Interface Area.

Mayor Krolik thanked Mr. Yballa, Mr. Mullins and Chief Dornell.

On motion of Councilmember Benton, seconded by Vice Mayor Kasten, and unanimous on voice vote, the resolution adopting the Very High Fire Hazard Severity Zone Map of the Town of Hillsborough, as released by Cal Fire in 2009, and designating areas surrounding the Town's Open Space in the northern part of Town as Wildland-Urban Interface Areas, was adopted.

#### **PUBLIC HEARING:**

13. ORDINANCE ADDING CHAPTER 15.21 TO THE HILLSBOROUGH MUNICIPAL CODE ADOPTING THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, 2006 EDITION, AS AMENDED – ADOPTION

Fire Marshal Rocque Yballa stated that this proposed ordinance was first introduced at the July 13, 2009 City Council meeting and that adoption of the ordinance will allow the Town to enforce regulations intended to limit landscaping and building materials installed in or on properties in areas designated as Very High Fire Hazard Severity Zones and Wildland-Urban Interface Areas within the city limits of the Town of Hillsborough. He added that these requirements will help to protect the Town from possible wildland fire disasters.

Mayor Krolik thanked Mr. Yballa.

Councilmember Benton asked if this building code would apply equally to houses in the Very High Fire Hazard Severity Zone and Wildland-Urban Interface Area. Mr. Yballa replied that the new building code would apply to new construction and major remodeling projects in the Very High Fire Hazard Severity Zone and Wildland-Urban Interface Area.

Mayor Krolik opened the public hearing. There were no comments. The public hearing was closed. On motion of Vice Mayor Kasten, seconded by Councilmember Benton, and unanimous on voice vote, the ordinance adding Chapter 15.21 to the Hillsborough Municipal Code adopting the International Wildland-Urban Interface Code, 2006 Edition, as amended, with an effective date of September 10, 2009, was adopted.

#### **DISCUSSION ITEM:**

14. UPDATE ON THE STATUS OF THE INTERSECTION OF EL CAMINO REAL AND FLORIBUNDA AVENUE

City Engineer Cyrus Kianpour stated that the jurisdiction of the intersection of El Camino Real and Floribunda Avenue is divided between CalTrans (50%), Burlingame (25%) and Hillsborough (25%). He reported that CalTrans approached Hillsborough and Burlingame a year ago about improvements to the intersection. He stated that during discussions last week with the City of Burlingame, Burlingame staff was concerned about the required removal of trees on El Camino Real for widening the road for the intersection improvements. Mr. Kianpour stated that he acknowledged and desired to mitigate their concerns by replanting trees to compensate for the removal of the existing Eucalyptus trees, but that he advised them that he was more concerned about public safety given the history of accidents at that intersection. He added that he would be meeting again with Burlingame staff soon.

Mayor Krolik agreed that it is a tree replanting project and not a tree removal project, but more importantly a public safety project. Chief O'Connor stated that 75% of the accidents at the intersection of El Camino Real and Floribunda Avenue occur on the Hillsborough side and 25% on the Burlingame side.

Mayor Krolik asked if crash statistics for accidents that occurred on El Camino Real with turn lanes in Millbrae and San Mateo compared to Burlingame were available. Police Chief Matt O'Connor replied that he will provide that information to the City Council.

Mr. Kianpour stated that he will discuss funding strategies with the City/County Association of Governments (C/CAG) and the Grand Boulevard Project, but must first get the City of Burlingame to agree with the improvements to the intersection.

Councilmember Benton stated that Burlingame's concern about the tree removal should not be underestimated, as it would change the character of the street.

Councilmember Regan commented that Hillsborough has only 25% jurisdiction over the intersection, but 75% of the accidents. Chief O'Connor stated that he will soon have the statistics for accidents at the El Camino Real and Floribunda Avenue intersection for the past 16 years.

Mayor Krolik thanked Mr. Kianpour and Chief O'Connor.

#### **PUBLIC COMMENT:**

There were no public comments.

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

Councilmember Fannon announced that he attended the Hetch Hetchy tour and that it was very well done.

Mayor Krolik announced that ABC News reported on the Central County Fire Department labor negotiations and that Fire Chief Don Dornell was our star.

Councilmember Benton asked about the two five-alarm fires that Central County Fire responded to. Chief Dornell reported that one fire occurred at a hotel in San Mateo and the other five-alarm fire occurred at the Columbus Salame factory in South San Francisco. Councilmember Benton asked how many Central County firefighters were involved in fighting the two fires. Chief Dornell replied that 14 or 15 firefighters fought the San Mateo fire and 12 firefighters fought the South San Francisco fire.

Mayor Krolik announced that she received a thank you note from retired Hillsborough City School District Superintendent Marilyn Loushin-Miller for her retirement presentation at the May 11, 2009 City Council meeting.

Mayor Krolik announced that yoga and bridge classes will begin on Tuesday, September 8, 2009, in the Community Room at Town Hall. She added that Hillsborough resident, Heather Weir, a movie buff, is arranging for Wednesday movie matinees beginning in September 2009. Mayor Krolik stated that residents will be notified of the recreation classes and movie matinees through a postcard and through the Town's newsletter.

Mayor Krolik tentatively set the employee appreciation event for Friday, December 18, 2009.

Mayor Krolik announced that there is no Council of Cities Dinner/Meeting scheduled for August 2009, and that the Council of Cities "As Fresh as It Gets" Farm and Dock Tour scheduled for Friday, July 31, 2009, was cancelled.

Mayor Krolik wished City Clerk Miyuki Yokoyama, Public Works Director Martha DeBry and Finance Director Edna Masbad a happy birthday.

Mayor Krolik asked City Engineer Cyrus Kianpour for an update on the Gatehouse Project. Mr. Kianpour reported that staff has negotiated with the contractor for the Gatehouse Project to reduce the contract cost. He stated that the asbestos was removed, items were salvaged, and that he anticipates the foundation will be poured within the next couple of weeks. He added that the project should be completed by the end of October 2009.

Councilmember Regan asked Mr. Kianpour for an update on the intersection of the Black Mountain Road and Skyline Boulevard Project. Mr. Kianpour reported that he anticipates that the traffic control plan will be completed in September 2009. He added that the Hillsborough Beautification Foundation (HBF) held the bid opening earlier today for the landscaping and that he anticipates HBF will approve the bid, which was substantially lower than expected.

Vice Mayor Kasten stated that he saw a sign on Wedgewood Road for no parking on the street on Tuesday, August 11, 2009, and asked Mr. Kianpour if contractors were redoing the street surface. Mr. Kianpour replied that he would look into what type of work was planned for Wedgewood Road.

**ADJOURN:**

Mayor Krolik adjourned the meeting at 8:14 p.m.